

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
ATTORNEY-GENERAL'S DEPARTMENT

**Output 2.1**

**Question No. 47**

**Senator Ludwig asked the following question at the hearing on 31 October 2005:**

- a) In terms of resources, how much has been put into the development of the exposure draft of ACLEI?
- b) What powers will the new body have?
- c) Will they be Royal-Commission style powers?
- d) What are going to be its general responsibilities?
- e) What agencies will fall under its aegis and what sorts of investigations will it undertake against those agencies?
  - (i) Is it correct that it will initially only cover the ACC and the AFP?
  - (ii) If so, why is that?
  - (iii) Is there a timeframe for expanding ACLEI's coverage to other agencies?
  - (iv) Is it still planned to allow the expansion of ACLEI's coverage through regulation?
  - (v) Will ACLEI be subject to the Federal Ombudsman, or any other watchdog agency?
  - (vi) If so, which ones and what power will they have over ACLEI?
  - (vii) If not, why not?
- f) Will its powers be specifically limited to issues of corruption, or will they encompass a broader spectrum of issues?
  - (i) If so, what additional issues will fall under its aegis?
- g) Will the process for investigating those issues be the same as for corruption?
  - (i) If not, how will it differ?
- h) Has any of the \$9.5million set-up fund been expended?
  - (i) If so, how much has been expended and where has it been expended?

**The answer to the honourable senator's question is as follows:**

- a) It is estimated that the cost so far of development of the draft ACLEI Bill and associated policy development work has been about \$130,000. This represents a component of the work

of a team of three to four officers, headed by a Principal Legal Officer, under the supervision of a Band 1 SES officer, over the past 18 months.

- b) The Government has previously stated that ACLEI will have Royal Commission style powers and telecommunications interception powers.
- c) Yes. See answer to question b).
- d) The investigation of corruption in Australian Government law enforcement agencies.
- e)
  - (i) Yes.
  - (ii) The decision to limit the jurisdiction of ACLEI to the AFP and the ACC reflects the key role these agencies play for law enforcement and integrity within the Australian Government. The AFP already provides an external investigation capacity for corruption offences in other Australian Government agencies.
  - (iii) No.
  - (iv) Details of any mechanism for the expansion of ACLEI's jurisdiction will be indicated when the Bill is made public. The feasibility of using regulations for this purpose remains under consideration.
  - (v) Details of accountability arrangements for ACLEI will be included in the Bill when it is made public.
  - (vi) See answer to question e)(v).
  - (vii) See answer to question e)(v).
- f) The Government has not stated at any time that ACLEI would have jurisdiction over matters other than corruption.
  - (i) N/a
- g) No answer required.
  - (i) N/a
- h) Yes. (The \$9.5 million, to be provided over four years, includes both set-up and ordinary running costs.) Of the \$2.465 million budgeted for 2005–06, \$543,000 was allocated to the Department to meet the costs incurred by it in establishing ACLEI. Part of this allocation has been expended.
  - (i) A total of about \$237,000 has been spent on the ACLEI project, including development of the policy and legislation, financial planning and planning for practical implementation issues such as staffing, accommodation and equipment, as well as overhead costs already committed for the full financial year.