

RECOMMENDATIONS

Recommendation 1

3.49 The Committee recommends that the Attorney General's Department and the Australian Crime Commission develop legislation as a matter of urgency to ensure that a person summonsed by the ACC, at a time when they are the subject of criminal or confiscation proceedings, may only be examined in relation to matters quarantined from those material to the pending proceedings.

Recommendation 2

3.72 The Committee recommends that both the summons and the memorandum be revised to ensure that as far as possible, recipients understand what is required of them, and that procedures allowing adjournments for the purpose of seeking legal advice be included in the ACC's examination practice.

Recommendation 3

3.76 The Committee recommends that the ACC develop without delay, a practice and procedure manual for the benefit of practitioners and those summoned for examination or to produce documents.

Recommendation 4

3.103 The Committee recommends that the ACC in consultation with the Attorney General's Department identify barriers to information sharing, and where regulatory or legislative remedies are necessary these be developed and implemented.

Recommendation 5

3.150 The Committee recommends that the ACC consider statutory proposals to amend the ACC Act to provide categories of ACC officers with the necessary identified powers, including such matters as the powers to apply for or execute a warrant, and the right to carry a firearm. These should replace the current system of the use of Australian Federal Police special constable provisions.

Recommendation 6

4.48 The Committee recommends that the ACC Act be amended to provide for the appointment of the Commissioner of Taxation to the ACC Board.

Recommendation 7

5.51 The Committee recommends that formal arrangements be instituted to confirm the current practice of reporting allegations of misconduct to relevant accountability organisations, including the PJC, the IGC, the Commonwealth Ombudsman, and the proposed Australian Commission for Law Enforcement Integrity.

Recommendation 8

5.52 The Committee recommends that formal arrangements be put in place to require the Commonwealth Director of Public Prosecutions to notify the Commonwealth Ombudsman, and the proposed Australian Commission for Law Enforcement Integrity of any allegations of misconduct by officers of the ACC.

Recommendation 9

5.61 The Committee recommends that the CEO of the ACC direct, in the ACC Policy and Procedures, that in any case where the ACC procedurally has a choice of regulatory regime for the use of investigatory powers, it adopts as a matter of practice, the Commonwealth protocols.

Recommendation 10

5.128 The Committee recommends that section 55AA of the Australian Crime Commission Act 2002 be amended to broaden the scope of the Commonwealth Ombudsman's briefing to the PJC to include any matter relating to the operations of the ACC.

Recommendation 11

5.136 The Committee recommends that the ACC Act 2002 be amended to provide explicit requirements to Board agencies to provide enumerated classes of information to the PJC on the ACC.

Recommendation 12

5.137 The Committee recommends that the Australian Commission for Law Enforcement Integrity Bill, when introduced, include provisions that provide for scrutiny of the agency's operations by this Committee.

Recommendation 13

5.140 The Committee recommends that the Parliament create a new Parliamentary Joint Committee on Commonwealth Law Enforcement, with jurisdiction to supervise the operations of the Australian Crime Commission, the Australian Federal Police and other Commonwealth law enforcement agencies.

Recommendation 14

5.141 The Committee recommends that the legislation for the creation of the Australian Commission for Law Enforcement Integrity includes provision for the Committee to refer matters to the Commission for investigation, with a requirement to report to the Committee on the results of such investigations. This ensures the completeness and effectiveness of arrangements for scrutinising the operations of agencies, and - were its jurisdiction expanded as recommended above - prevents the Committee's workload from becoming too great for effective Parliamentary supervision of the relevant agencies.

Recommendation 15

6.17 The Committee recommends that where priority issues involving the ACC arise, the Commonwealth continue to grant funds on a 'once-off' basis' when this occurs between budgetary cycles.

Recommendation 16

6.36 The Committee recommends that the issue surrounding the employment of secondees be addressed as a priority. Any review should address the standardisation of salary and working conditions through the development of a common secondment arrangement, as well as the implications of this system on the integrity and disciplinary framework.

Recommendation 17

6.46 The Committee recommends that Section 46B of the Australian Crime Commission Act 2002 be amended to provide that the maximum number of examiners allowed to work with the Commission at any one time be limited to three. The Committee also recommends that a further provision be inserted allowing the regulations to review and prescribe a higher number of examiners if and when the need arises.

Recommendation 18

8.9 The Committee recommends that regulatory, or if necessary legislative changes be introduced to allow persons summonsed for an Examination to be eligible for legal aid from the legal aid commissions, subject to the usual means tests.

