



# **Australian Government**

Australian Government Response to:

Parliamentary Joint Committee on the Australian Commission for  
Law Enforcement Integrity

Report on the  
Inquiry into Integrity Testing

**March 2012**

## **Government Response**

### **Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (ACLEI)**

#### **Report on the Inquiry into Integrity Testing**

The Government welcomes the Committee's Report on its inquiry into integrity testing and recognises the Committee's contribution to the further development of the Commonwealth public sector integrity system.

In its report the Committee has recommended that integrity testing be introduced for certain Commonwealth law enforcement agencies. The Committee has also made a number of recommendations regarding the broad scope of integrity testing and high level governance and accountability measures.

The Government is determined to address corruption wherever it may occur. This includes appropriate prevention, detection and investigation measures. It is important to ensure that the suite of existing anti-corruption tools available to law enforcement remain current and that new tools are considered to ensure the high standards expected of law enforcement personnel can be maintained. The Government agrees with the Committee that integrity testing for certain law enforcement agencies should be available in appropriate circumstances.

Work will be done to develop a targeted integrity testing system based on consistent principles. This will also provide flexibility for law enforcement agencies to address the particular circumstances in which they operate. The scope and costs of an integrity testing system will be considered, along with consideration of specific legislative amendments required to support the scheme.

In this context, the Government is pleased to respond to the Committee's recommendations.

#### **Recommendation 1:**

The committee recommends that an integrity testing program be introduced for certain Commonwealth law enforcement agencies.

#### **Agreed**

The Government accepts the Committee's recommendation, which is supported by views expressed by ACLEI, the Australian Federal Police (AFP), the Australian Crime Commission (ACC) and the Australian Customs and Border Protection Service (Customs and Border Protection) that there would be value from introducing targeted integrity testing for certain Commonwealth law enforcement agencies within the context of the Government's broader integrity framework.

**Recommendation 2:**

The committee has received evidence about types of integrity testing and recommends that targeted integrity testing be the preferred method.

**Agreed**

The Government accepts the view that targeted integrity testing would be an appropriate form of integrity testing as it would minimise any negative impact on culture and morale and would be a more resource efficient method than random integrity testing. Targeted integrity testing could be a useful addition to the suite of tools available in investigating corruption.

**Recommendation 3:**

The committee recommends that an integrity testing program initially apply to law enforcement agencies within ACLEI's jurisdiction.

**Agreed**

The Government agrees that an integrity testing program should apply to the ACC, AFP and Customs and Border Protection, as the law enforcement agencies currently under the jurisdiction of ACLEI.

**Recommendation 4:**

The committee recommends that the Integrity Commissioner and heads of agencies under the jurisdiction of ACLEI be given the ability to authorise integrity tests in the course of their investigations into corruption issues.

**Agreed**

The Government agrees that it is appropriate that the Integrity Commissioner or an agency head within the respective agency be responsible for authorising integrity tests in the course of that agency's investigations into corruption issues. The sensitive nature of integrity tests makes it appropriate that approval be given at this high level.

**Recommendation 5:**

The committee recommends that relevant legislation be amended, or if necessary, created, so as to allow covert policing powers to be used for the purpose of targeted integrity testing of an officer or employee of an agency under the jurisdiction of ACLEI, or group thereof, where there are allegations or suspicions of corrupt behaviour.

**Agreed**

The Government will work with the relevant law enforcement authorities to develop legislative amendments that will be required to support integrity testing. As a part of this process, the Government will consider tools already available to agencies as part of their professional standards frameworks, and the extent to which these tools could

be supported or expanded through changes to administrative and/or legislative arrangements.

**Recommendation 6:**

The committee recommends that legislative amendments be made mirroring the relevant parts of controlled operations legislation so that the Commonwealth Ombudsman is enabled to provide an annual report to Parliament on the use of integrity testing and associated covert policing powers.

**Agreed in principle**

The Government agrees that any integrity testing scheme should include reasonable and proportionate accountability measures. If regulated covert policing powers are used for the purposes of integrity testing, then existing reporting and accountability mechanisms for the use of those powers would be extended appropriately. These mechanisms include the Commonwealth Ombudsman's oversight role regarding the use of covert policing powers by Commonwealth law enforcement agencies, including ACLEI.

**Recommendation 7:**

The committee recommends that:

- the Integrity Commissioner be notified of any integrity test that is to be conducted by an agency within ACLEI's jurisdiction as well as the outcome of such tests; and
- the Integrity Commissioner may at his discretion be involved in or take control of the integrity test.

**Agreed**

The Government agrees that the Integrity Commissioner should have overall oversight of the Commonwealth's integrity testing regime and should be aware of integrity tests being undertaken within agencies in his or her jurisdiction and their outcomes. It is also appropriate that the Integrity Commissioner have the discretion to be involved in or take control of an integrity test consistently with the Commissioner's powers to deal with corruption investigations within an agency under his or her jurisdiction.

**Recommendation 8:**

The committee recommends that as part of the committee's annual examination of the ACLEI annual report, ACLEI provide a private briefing to the PJC-ACLEI on the number and outcome of integrity tests conducted.

**Agreed**

The Government agrees that it would be prudent to keep the Committee updated on the number and outcome of integrity tests conducted, consistent with the Committee's role in overseeing law enforcement integrity issues. The Government also agrees that such briefings should be private.