

Legal and Constitutional Legislation Committee  
Department of the Senate  
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### **Submission: Law Enforcement Integrity Commissioner**

I make this submission in response to the invitation for such in *The Australian* of 4 April 2006 with reference to the provisions of the Law Enforcement Integrity Commissioner Bill 2006.

I commence by saying how pleasing it is to see the development of this legislation and I wish you well in your on-going deliberations concerning it. There are however several points that I would like to have considered:

#### **1. Over Emphasis on Investigations and Prosecutions**

In terms of corruption of officers in the public sector, I believe that here is broad acceptance of the principal that prevention is better than cure, and that money spent on prevention activities provides a greater return than money spent on prosecutions. This is however tempered by the knowledge that it is prosecutions that serve to focus the minds of officials and which create an environment in which corruption prevention activities can take place. It is disappointing to see that the Bill has an overwhelming focus on investigations and prosecutions and places little attention on the role of prevention. I believe this to be a fundamental flaw in the Bill.

#### **2. Consequence of Over Emphasis**

This over emphasis has a number of consequences including:

- Prosecutions in the area of official corruption are notoriously difficult to investigate and prosecute and are often lengthy in duration and undertaken in a secretive manner. Unless the new agency is providing regular high profile results, which it may struggle to do, particularly in its early years, its opponents will regard it as a failure and the value of the agency and its future viability will be called into question. Having a broader focus involving corruption prevention would enable the agency to meet external expectations as to activity by being seen to be doing something.

- The relationship between the ACLEI and the agencies it oversees will largely be determined by the nature of the legislation. Having this over emphasis on prosecutions will likely result in the individual agencies forming a less than positive relationship with the ACLEI due to the embarrassment, etc that the agencies will experience when their shortcomings are invariably exposed.
- There will be instances where it is not possible to identify a particular offender

The inclusion of a corruption prevention function would be advantageous in those circumstances where it is not possible to identify a particular offender or where the same errant behaviours are repeated, either within an agency or across agencies. The prevention function would enable the development of education and awareness programs and the review of existing systems and procedures to identify integrity improvements.

### **3. Focus on LEAs**

The Bill, by its very name and contents, concerns itself with Law Enforcement Agencies – to wit, the AFP and ACC. Whilst other agencies that have some law enforcement capacity can be included through regulation, the broader public sector is excluded from the benefits of such an agency. This has two drawbacks:

- This excludes other government departments that may have corruptogenic aspects to their operations. Activities involving such things as issuing of grants, issuing licenses (i.e. to operate expensive medical equipment), administering policy that provides benefits (i.e. social security, immigration), awarding of contracts, etc, are areas that are at least as open to misconduct and corruption.
- A concentration on law enforcement does not place corruption within those LEAs within the broader environment and context of political and public sector corruption. This promotes a narrowness of response that does not recognise the potential interrelationship between police, politicians and public servants in misconduct and corruption.

### **4. Qualifications of the Writer**

I appreciate that in give weight to submissions received, there may be some value in providing the Committee with the background and experience of the submission writer. In this context, I advise as follows:

- I am an Adjunct Associate Professor in the School of Law and Justice at Edith Cowan University.
- I am currently the Manager Corruption Prevention, Education and Research with the Corruption and Crime Commission, WA.
- I was previously – Manager of the Research, Policy and Reform Unit with the Kennedy Royal Commission into police corruption in WA.
- I was a member of the Palmer Inquiry into the Cornelia Rau matter.

This submission is not however made on behalf of any of these entities, and is made as a private citizen.

### **5. Contact Details**

Address:                   ATWELL WA

A handwritten signature in blue ink, appearing to read 'Glenn Ross', written in a cursive style.

Glenn Ross

08 April 2006