





# **Law Enforcement Integrity Commissioner (Consequential Amendments) Act 2006**

**No. 86, 2006**

**An Act to amend laws in connection with the *Law  
Enforcement Integrity Commissioner Act 2006*, and  
for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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# **Law Enforcement Integrity Commissioner (Consequential Amendments) Act 2006**

**No. 86, 2006**

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**An Act to amend laws in connection with the *Law Enforcement Integrity Commissioner Act 2006*, and for related purposes**

[Assented to 30 June 2006]

The Parliament of Australia enacts:

## **1 Short title**

This Act may be cited as the *Law Enforcement Integrity Commissioner (Consequential Amendments) Act 2006*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	30 June 2006
2. Schedule 1, items 1 to 85	At the same time as section 3 of the <i>Law Enforcement Integrity Commissioner Act 2006</i> commences.	
3. Schedule 1, item 86	At the same time as section 3 of the <i>Law Enforcement Integrity Commissioner Act 2006</i> commences.  However, if the provision(s) do not commence before 1 July 2006, the provision(s) do not commence at all.	Does not commence
4. Schedule 1, item 87	Immediately after the commencement of Schedule 4 to the <i>Telecommunications (Interception) Amendment Act 2006</i> .	1 July 2006
5. Schedule 1, items 88 to 92	At the same time as section 3 of the <i>Law Enforcement Integrity Commissioner Act 2006</i> commences.	
6. Schedule 1, items 93 to 95	At the same time as section 3 of the <i>Law Enforcement Integrity Commissioner Act 2006</i> commences.  However, if Schedule 5 to the <i>Telecommunications (Interception) Amendment Act 2006</i> commences before that time, the provision(s) do not commence at all.	

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
7. Schedule 1, item 96	Immediately after the commencement of Schedule 1 to the <i>Telecommunications (Interception) Amendment Act 2006</i> .	13 June 2006
8. Schedule 1, item 97	At the same time as section 3 of the <i>Law Enforcement Integrity Commissioner Act 2006</i> commences.	

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

### **3 Schedule(s)**

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## Schedule 1—Consequential amendments

### *Administrative Decisions (Judicial Review) Act 1977*

#### **1 After paragraph (e) of Schedule 2**

Insert:

- (eaa) decisions under the *Law Enforcement Integrity Commissioner Act 2006* being:
  - (i) decisions in connection with a corruption investigation (within the meaning of that Act); or
  - (ii) decisions in connection with a public inquiry (within the meaning of that Act);

### *Archives Act 1983*

#### **2 After paragraph 33(1A)(b)**

Insert:

- (ba) a person who is providing, or has provided, confidential information to:
  - (i) the Integrity Commissioner (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*); or
  - (ii) a staff member of ACLEI (within the meaning of that Act); or
  - (iii) a special investigator for the purposes of Division 4 of Part 12 of that Act;in relation to such a matter; or

### *Australian Crime Commission Act 2002*

#### **3 Subsection 51(4) (at the end of the definition of *relevant Act*)**

Add:

- ; or (c) the *Law Enforcement Integrity Commissioner Act 2006* or regulations under that Act.

### *Australian Federal Police Act 1979*

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**4 Subsection 60A(2)**

Repeal the subsection, substitute:

- (2) A person to whom this section applies must not, directly or indirectly:
- (a) make a record of any prescribed information; or
  - (b) divulge or communicate any prescribed information to any other person;
- except for:
- (c) the purposes of this Act or the regulations; or
  - (d) the purposes of the *Law Enforcement Integrity Commissioner Act 2006* or regulations under that Act; or
  - (e) the purposes of the *Witness Protection Act 1994* or regulations under that Act; or
  - (f) the carrying out, performance or exercise of any of the person's duties, functions or powers under Acts or regulations mentioned in paragraphs (c), (d) and (e).

**5 Subsection 60A(3) (definition of *prescribed information*)**

Repeal the definition (not including the note), substitute:

***prescribed information*** means information obtained by a person to whom this section applies:

- (a) in the course of carrying out, performing or exercising any of the person's duties, functions or powers under:
  - (i) this Act or the regulations; or
  - (ii) the *Law Enforcement Integrity Commissioner Act 2006* or regulations under that Act; or
  - (iii) the *Witness Protection Act 1994* or regulations under that Act; or
- (b) otherwise in the course of the person's service, employment or engagement under Acts or regulations mentioned in paragraph (a).

***Australian Security Intelligence Organisation Act 1979*****6 Paragraph 18(3)(a)**

Repeal the paragraph, substitute:

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- (a) where the information relates, or appears to relate, to the commission, or intended commission, of an indictable offence against the law of the Commonwealth or of a State or Territory—the information may be communicated to:
- (i) an officer of the Police Force of a State or Territory; or
  - (ii) a member or special member of the Australian Federal Police; or
  - (iii) the Integrity Commissioner, a staff member of ACLEI or a special investigator; or
  - (iv) the Chief Executive Officer of the Australian Crime Commission or a member of the staff of the ACC; or

**7 After subparagraph 18(3)(b)(v)**

Insert:

- (via) the Integrity Commissioner, a staff member of ACLEI or a special investigator; or

**8 Subsection 18(6)**

Insert:

*Integrity Commissioner* has the same meaning as in the *Law Enforcement Integrity Commissioner Act 2006*.

**9 Subsection 18(6)**

Insert:

*special investigator* has the same meaning as in the *Law Enforcement Integrity Commissioner Act 2006*.

**10 Subsection 18(6)**

Insert:

*staff member of ACLEI* has the same meaning as in the *Law Enforcement Integrity Commissioner Act 2006*.

***Crimes Act 1914***

**11 Subsection 3(1)**

Insert:

*ACLEI authorising officer* has the meaning given in subsection 15J(3A).

**12 Subsection 3(1) (after paragraph (a) of the definition of *appropriate authorising officer*)**

Insert:

(aa) if the certificate is given by an ACLEI authorising officer—any ACLEI authorising officer; or

**13 Subsection 3(1)**

Insert:

*Integrity Commissioner* has the same meaning as in the *Law Enforcement Integrity Commissioner Act 2006*.

**14 Subsection 3(1) (after paragraph (b) of the definition of *law enforcement officer*)**

Insert:

(ba) a staff member of ACLEI;

**15 Subsection 3(1)**

Insert:

*staff member of ACLEI* has the same meaning as in the *Law Enforcement Integrity Commissioner Act 2006*.

**16 Subparagraph 15G(1)(b)(i)**

After “the Commissioner”, insert “, the Integrity Commissioner”.

**17 After paragraph 15J(2)(b)**

Insert:

(ba) if the operation relates to the investigation of a corruption issue (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*) concerning conduct that involves a serious Commonwealth offence or possible conduct that would involve a serious Commonwealth offence—any ACLEI authorising officer;

**18 After subsection 15J(3)**

Insert:

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(3A) The following are *ACLEI authorising officers*:

- (a) the Integrity Commissioner;
- (b) an Assistant Integrity Commissioner;
- (c) a staff member of ACLEI who is an SES employee and who is authorised in writing by the Integrity Commissioner for the purposes of this paragraph.

**19 After paragraph 15N(2A)(a)**

Insert:

- (aa) the Integrity Commissioner; or

**20 After subsection 15OA(1)**

Insert:

- (1A) Any ACLEI authorising officer may terminate a certificate given under section 15M by that or any other ACLEI authorising officer.

**21 Subsection 15OA(4)**

After “AFP authorising officer”, insert “, ACLEI authorising officer”.

**22 Paragraph 15OA(5)(b)**

After “AFP authorising officer”, insert “, ACLEI authorising officer”.

**23 Paragraph 15Q(1)(a)**

After “an AFP authorising officer”, insert “, an ACLEI authorising officer”.

**24 After subsection 15R(1)**

Insert:

- (1A) The Integrity Commissioner must, within 2 weeks after the end of each quarter, give to the Minister a report informing the Minister of the following that occurred during the quarter:
- (a) each decision by an ACLEI authorising officer to grant or refuse an application for a controlled operation;
  - (b) each variation of a certificate under section 15NA by such a person;
  - (c) each review of a certificate under subsection 15OB(3) that had initially been given by such a person under section 15M;

(d) each occasion on which a certificate, given by such a person, is surrendered under section 15O or terminated under section 15OA;

(e) each certificate, given by such a person, that is still in force at the end of the quarter.

**25 Subsection 15T(4)**

After “the Commissioner”, insert “, the Integrity Commissioner”.

**26 Subsection 15U(2)**

After “the Commissioner”, insert “, the Integrity Commissioner”.

**27 After paragraph 15UA(1)(a)**

Insert:

(aa) the Integrity Commissioner; and

**28 Subsection 15UA(2)**

After “the Commissioner”, insert “, the Integrity Commissioner”.

**29 Subsection 15UB(1)**

After “the Australian Federal Police” (wherever occurring), insert “, the Australian Commission for Law Enforcement Integrity”.

**30 Subsection 15XA(1) (after paragraph (b) of the definition of *Commonwealth participating agency*)**

Insert:

(ba) the Australian Commission for Law Enforcement Integrity;

**31 Section 85ZL (after paragraph (ba) of the definition of *law enforcement agency*)**

Insert:

(bb) the Australian Commission for Law Enforcement Integrity;

***Criminal Code Act 1995***

**32 Section 146.1 of the *Criminal Code* (after paragraph (a) of the definition of *Commonwealth law enforcement officer*)**

Insert:

- (aa) the Integrity Commissioner (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*); or
- (ab) a staff member of ACLEI (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*); or

### ***Financial Transaction Reports Act 1988***

#### **33 Subsection 3(1)**

Insert:

*Integrity Commissioner* has the same meaning as in the *Law Enforcement Integrity Commissioner Act 2006*.

#### **34 Subsection 3(1)**

Insert:

*staff member of ACLEI* has the same meaning as in the *Law Enforcement Integrity Commissioner Act 2006*.

#### **35 Subsection 16(6) (definition of *investigating officer*)**

Repeal the definition, substitute:

*investigating officer* means:

- (a) a taxation officer; or
- (b) an AFP member; or
- (c) a customs officer (other than the Chief Executive Officer of Customs); or
- (d) a staff member of ACLEI; or
- (e) an examiner or member of the staff of the ACC.

#### **36 Subsection 16(6) (after paragraph (a) of the definition of *relevant authority*)**

Insert:

- (aa) the Integrity Commissioner; or

#### **37 After paragraph 26(1)(b)**

Insert:

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- (ba) where the officer is a staff member of ACLEI—the Integrity Commissioner; or

**38 After subsection 27(5)**

Insert:

- (5A) Subject to subsections (7), (9) and (10), if the Integrity Commissioner or a staff member of ACLEI obtains FTR information:
- (a) the Integrity Commissioner may, in a manner that does not identify, and is not reasonably capable of being used to identify, a person to whom the information relates, communicate the information to the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity under section 216 of the *Law Enforcement Integrity Commissioner Act 2006*; and
  - (b) the Integrity Commissioner may communicate the information to a staff member of ACLEI who is conducting a hearing under Division 2 of Part 9 of that Act; and
  - (c) a staff member of ACLEI who is conducting a hearing under Division 2 of Part 9 of that Act may divulge the information in the course of the hearing; and
  - (d) a staff member of ACLEI may communicate the information to a law enforcement officer for the purposes of, or in connection with, the performance of the officer's duties; and
  - (e) subject to paragraphs (a), (b), (c) and (d), a staff member of ACLEI must not divulge or communicate the information; and
  - (f) a person (not being a law enforcement officer) to whom information has been communicated in accordance with paragraph (c) must not make a record of the information, or divulge or communicate the information, in any circumstances.

**39 After paragraph 27(14)(b)**

Insert:

- (ba) the Australian Commission for Law Enforcement Integrity; and

**40 After paragraph 27(15)(g)**

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Insert:

- (ga) a staff member of ACLEI;

## ***Ombudsman Act 1976***

### **41 After subsection 5(3A)**

Insert:

- (3B) Paragraph (2)(b) does not prevent the Ombudsman from investigating action taken by the Integrity Commissioner, or an Assistant Integrity Commissioner, who happens to be a Justice or Judge of a court created by the Parliament.

### **42 At the end of section 6**

Add:

- (16) If the Ombudsman forms the opinion:
- (a) that a complaint involves an allegation, or information, that raises a corruption issue (other than a significant corruption issue); and
  - (b) that the allegation or information could have been referred to the Integrity Commissioner under Part 4 of the *Law Enforcement Integrity Commissioner Act 2006* and could be more conveniently or effectively dealt with by the Integrity Commissioner;
- the Ombudsman may decide not to investigate the complaint, or not to investigate the complaint further, as the case may be, and to refer the allegation or information to the Integrity Commissioner.
- (17) If the Ombudsman forms the opinion:
- (a) that a complaint involves an allegation, or information, that raises a significant corruption issue; and
  - (b) that the allegation or information could have been referred to the Integrity Commissioner under Part 4 of the *Law Enforcement Integrity Commissioner Act 2006* and could be more conveniently or effectively dealt with by the Integrity Commissioner;
- the Ombudsman must not investigate the complaint, or must not investigate the complaint further, as the case may be, and must refer the allegation or information to the Integrity Commissioner.

(18) If:

- (a) the Ombudsman makes a decision under subsection (16); or
- (b) subsection (17) applies;

the Ombudsman must:

- (c) refer the allegation, or information, that raises the corruption issue or significant corruption issue to the Integrity Commissioner as soon as is reasonably practicable; and
- (d) give the Integrity Commissioner any information or documents relating to the complaint that are in the possession, or under the control, of the Ombudsman; and
- (e) as soon as is reasonably practicable, give the complainant written notice that the complaint has been transferred to the Integrity Commissioner.

(19) In subsections (16) to (18):

*corruption issue* has the same meaning as in the *Law Enforcement Integrity Commissioner Act 2006*.

*Integrity Commissioner* has the same meaning as in the *Law Enforcement Integrity Commissioner Act 2006*.

*significant corruption issue* has the same meaning as in the *Law Enforcement Integrity Commissioner Act 2006*.

#### **43 After section 6A**

Insert:

#### **6B Transfer of complaints about Integrity Commissioner**

(1) If:

- (a) the Ombudsman forms the opinion that:
  - (i) a complaint in respect of action taken by the Integrity Commissioner could have been made to another authority established under a law of the Commonwealth, a State or a Territory; and
  - (ii) the complaint could be more conveniently or effectively dealt with by the other authority; and
- (b) the other authority can deal with the complaint if the Ombudsman transfers the complaint to the other authority;

the Ombudsman may decide not to investigate the complaint, or not to investigate the complaint further, as the case may be, and to transfer the complaint to the other authority.

- (2) If the Ombudsman decides to transfer the complaint, the Ombudsman must:
  - (a) do so as soon as is reasonably practicable; and
  - (b) subject to section 35C, give the other authority any information or documents relating to the complaint that are in the possession, or under the control, of the Ombudsman; and
  - (c) as soon as is reasonably practicable, give the complainant written notice that the complaint has been transferred to the other authority.

#### **44 After section 8B**

Insert:

#### **8C Investigations by other authorities of ACLEI actions**

- (1) If an authority established under a law of the Commonwealth, or of a State or Territory, has power to investigate action taken by the Integrity Commissioner or a staff member of ACLEI, the Ombudsman may arrange with the head of the authority for the authority to investigate the action.
- (2) If the Ombudsman enters into such an arrangement, the authority may investigate the action to the full extent of its powers under any laws of the Commonwealth or of a State or Territory.
- (3) The Integrity Commissioner may arrange with the head of the authority for the variation or revocation of the arrangement.
- (4) The arrangement, or the variation or revocation of the arrangement, must be in writing.
- (5) The regulations may make provision for and in relation to the participation by the Ombudsman in the carrying out of an investigation in accordance with an arrangement under this section.
- (6) Nothing in this section affects the powers and duties of the Ombudsman under any other provision of this Act.
- (7) In this section:

**Integrity Commissioner** has the same meaning as in the *Law Enforcement Integrity Commissioner Act 2006*.

**staff member of ACLEI** has the same meaning as in the *Law Enforcement Integrity Commissioner Act 2006*.

**45 After paragraph 9(3)(e)**

Insert:

- or (f) if the information, documents or records are, or were, in the possession or under the control of the Integrity Commissioner (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*)—by reason that it would:
  - (i) endanger the life of a person; or
  - (ii) create a risk of serious injury to a person;

**46 At the end of subsection 35(6A)**

Add “or paragraph 6(18)(d)”.

**46A After section 35**

Insert:

**35AA Disclosure of information and documents to Integrity Commissioner**

- (1) This section applies if:
  - (a) the Ombudsman, of his or her own motion, investigates any action as mentioned in paragraph 5(1)(b); and
  - (b) in the course of the investigation, the Ombudsman obtains information or a document that is, or may be, relevant to a corruption issue.
- (2) Subject to section 35B, nothing in this Act precludes the Ombudsman from:
  - (a) disclosing the information; or
  - (b) making a statement; or
  - (c) giving the document;to the Integrity Commissioner.
- (3) In this section:

*corruption issue* has the same meaning as in the *Law Enforcement Integrity Commissioner Act 2006*.

*Integrity Commissioner* has the same meaning as in the *Law Enforcement Integrity Commissioner Act 2006*.

**46B Subsection 35A(1)**

Omit “section 35B”, substitute “sections 35B and 35C”.

**47 After section 35B**

Insert:

**35C Disclosure of ACLEI information**

- (1) If the Attorney-General gives the Ombudsman a certificate certifying that the disclosure of certain ACLEI information by one or more listed disclosure methods specified in the certificate would be contrary to the public interest by reason that it would prejudice:
  - (a) the safety of a person; or
  - (b) the fair trial of a person who has been, or may be, charged with an offence; or
  - (c) the proper performance of the functions of the Integrity Commissioner; or
  - (d) the operations of a law enforcement agency;the Ombudsman must not so disclose the ACLEI information.
- (2) In this section:

*ACLEI information* means information or the contents of a document that is, or was, in the possession or under the control of the Integrity Commissioner.

*listed disclosure method*, in relation to information, a document or a record, means:

- (a) including the information or the contents of the document or record in any report under Division 2 of Part 2; or
- (b) giving the information, document or record to another person or authority under section 6 or 6A; or
- (c) giving the information, document or record to an Ombudsman of a State; or

- (d) giving the information, document or record to an authority with which the Ombudsman has made an arrangement under section 8B; or
- (e) disclosing, or making a statement that discloses, the information or the contents of the document or record under subsection 35A(1); or
- (f) disclosing information or the contents of a document or record by any other specified method.

### ***Privacy Act 1988***

#### **48 Subsection 6(1) (after paragraph (a) of the definition of enforcement body)**

Insert:

- (aa) the Integrity Commissioner; or

#### **49 Subsection 6(1)**

Insert:

*Integrity Commissioner* has the same meaning as in the *Law Enforcement Integrity Commissioner Act 2006*.

#### **50 After subparagraph 7(1)(a)(iii)**

Insert:

- (iiia) the Integrity Commissioner; or

#### **51 After paragraph 7(1)(g)**

Insert:

- (ga) the Integrity Commissioner or a staff member of ACLEI (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*); or

#### **52 Subsection 18K(5) (note)**

After “2002”, insert “and section 91 of the *Law Enforcement Integrity Commissioner Act 2006*”.

#### **53 After paragraph 70(2)(b)**

Insert:

or (c) by reason that it would prejudice the proper performance of the functions of the Integrity Commissioner;

### ***Proceeds of Crime Act 2002***

#### **54 After paragraph 213(3)(c)**

Insert:

(ca) the Integrity Commissioner (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*); or

#### **55 Section 338 (after paragraph (a) of the definition of *authorised officer*)**

Insert:

- (aa) any of the following:
- (i) the Integrity Commissioner (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*);
  - (ii) an Assistant Integrity Commissioner (within the meaning of that Act);
  - (iii) a staff member of ACLEI (within the meaning of that Act) who is authorised in writing by the Integrity Commissioner for the purposes of this paragraph; or

### ***Radiocommunications Act 1992***

#### **56 After paragraph 27(1)(b)**

Insert:

(baa) the performance of the functions of the Integrity Commissioner (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*); or

### ***Royal Commissions Act 1902***

#### **57 Subsection 6F(2)**

Omit “or (2A)”, substitute “, (2A) or (2B)”.

#### **58 After subsection 6P(2A)**

Insert:

(2B) If, in the course of inquiry into a matter, a Commission:

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- (a) obtains information; or
- (b) takes evidence; or
- (c) receives a document or thing;

that, in the opinion of the Commission, relates or may relate to the performance of the functions of the Integrity Commissioner (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*), the Commission may, if in its opinion it is appropriate so to do, communicate the information or furnish the evidence, document or thing, as the case may be, to the Integrity Commissioner.

**59 Subsection 6P(3)**

Omit “or (2A)”, substitute “, (2A) or (2B)”.

***Surveillance Devices Act 2004***

**60 Subsection 6(1) (after paragraph (a) of the definition of *appropriate authorising officer*)**

Insert:

- (aa) if the law enforcement officer is a law enforcement officer belonging to or seconded to the Australian Commission for Law Enforcement Integrity:
  - (i) the Integrity Commissioner (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*); or
  - (ii) an Assistant Integrity Commissioner (within the meaning of that Act); or
  - (iii) a staff member of ACLEI (within the meaning of that Act) who is an SES employee and who is authorised in writing by the Integrity Commissioner for the purposes of this paragraph; and

**61 Subsection 6(1)**

Insert:

*Assistant Integrity Commissioner* has the same meaning as in the *Law Enforcement Integrity Commissioner Act 2006*.

**62 Subsection 6(1) (after paragraph (a) of the definition of *chief officer*)**

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Insert:

- (aa) in relation to the Australian Commission for Law Enforcement Integrity—the Integrity Commissioner (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*); and

**63 Subsection 6(1)**

Insert:

*Integrity Commissioner* has the same meaning as in the *Law Enforcement Integrity Commissioner Act 2006*.

**64 Subsection 6(1) (after paragraph (a) of the definition of law enforcement agency)**

Insert:

- (aa) the Australian Commission for Law Enforcement Integrity;

**65 Subsection 6(1) (after paragraph (a) of the definition of law enforcement officer)**

Insert:

- (aa) in relation to the Australian Commission for Law Enforcement Integrity:
  - (i) the Integrity Commissioner; or
  - (ii) an Assistant Integrity Commissioner; or
  - (iii) a staff member of ACLEI who is authorised in writing by the Integrity Commissioner for the purposes of this paragraph; or

**66 Subsection 6(1)**

Insert:

*staff member of ACLEI* has the same meaning as in the *Law Enforcement Integrity Commissioner Act 2006*.

**67 At the end of subsection 6(4)**

Add:

- ; and (c) a reference to a person who belongs or is seconded to a law enforcement agency, in the case of the Australian Commission for Law Enforcement Integrity, is a reference to a person who is covered by the definition of *staff member of*
-

*ACLEI* in section 11 of the *Law Enforcement Integrity Commissioner Act 2006*; and

- (d) a reference to a person who belongs or is seconded to the Australian Commission for Law Enforcement Integrity is to be similarly construed.

**68 After paragraph 37(1)(a)**

Insert:

- (aa) if the officer belongs or is seconded to the Australian Commission for Law Enforcement Integrity—that is within the functions of the Integrity Commissioner set out in section 15 of the *Law Enforcement Integrity Commissioner Act 2006*; or

**69 After paragraph 38(1)(a)**

Insert:

- (aa) if the officer belongs or is seconded to the Australian Commission for Law Enforcement Integrity—that is within the functions of the Integrity Commissioner set out in section 15 of the *Law Enforcement Integrity Commissioner Act 2006*; or

**70 Paragraph 64(a)**

Repeal the paragraph, substitute:

- (a) a person suffers loss or injury as a result of the use of a surveillance device by any of the following:
- (i) the Australian Federal Police;
  - (ii) the Integrity Commissioner or a staff member of ACLEI;
  - (iii) the Australian Crime Commission; and

***Taxation Administration Act 1953***

**71 Subsection 2(1) (after paragraph (c) of the definition of *head*)**

Insert:

- (ca) in the case of the Australian Commission for Law Enforcement Integrity—the Integrity Commissioner (within

the meaning of the *Law Enforcement Integrity Commissioner Act 2006*);

**72 Subsection 2(1) (after paragraph (c) of the definition of *law enforcement agency*)**

Insert:

- (ca) the Australian Commission for Law Enforcement Integrity;  
or

***Telecommunications Act 1997***

**73 Section 7 (after paragraph (b) of the definition of *agency*)**

Insert:

- (ba) the Australian Commission for Law Enforcement Integrity;  
or

**74 After subsection 280(1)**

Insert:

- (1A) In applying paragraph (1)(a) to the Australian Commission for Law Enforcement Integrity, the reference in that paragraph to the operation of an enforcement agency is taken to be a reference to the performance of the functions of the Integrity Commissioner (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*).

**75 Subsection 282(10) (after paragraph (b) of the definition of *criminal law-enforcement agency*)**

Insert:

- (ba) the Australian Commission for Law Enforcement Integrity;  
or

***Telecommunications (Interception) Act 1979***

**76 Subsection 5(1)**

Insert:

*Assistant Integrity Commissioner* has the same meaning as in the *Law Enforcement Integrity Commissioner Act 2006*.

**77 Subsection 5(1) (after paragraph (a) of the definition of *certifying officer*)**

Insert:

- (aa) in the case of the Australian Commission for Law Enforcement Integrity:
  - (i) the Integrity Commissioner; or
  - (ii) an Assistant Integrity Commissioner; or
  - (iii) a staff member of ACLEI who is an SES employee and who is authorised in writing by the Integrity Commissioner for the purposes of this paragraph; or

**78 Subsection 5(1) (after paragraph (a) of the definition of *chief officer*)**

Insert:

- (aa) in the case of the Australian Commission for Law Enforcement Integrity—the Integrity Commissioner; or

**79 Subsection 5(1) (after paragraph (a) of the definition of *Commonwealth agency*)**

Insert:

- (aa) the Australian Commission for Law Enforcement Integrity; or

**80 Subsection 5(1)**

Insert:

*Integrity Commissioner* has the same meaning as in the *Law Enforcement Integrity Commissioner Act 2006*.

**81 Subsection 5(1) (after paragraph (a) of the definition of *officer*)**

Insert:

- (aa) in the case of the Australian Commission for Law Enforcement Integrity—the Integrity Commissioner or a staff member of ACLEI; or

**82 Subsection 5(1) (after paragraph (b) of the definition of *permitted purpose*)**

Insert:

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(baa) in the case of the Australian Commission for Law Enforcement Integrity:

- (i) a corruption investigation (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*); or
- (ii) a report on such an investigation; or

**83 Subsection 5(1) (before paragraph (a) of the definition of *prescribed investigation*)**

Insert:

- (aa) in the case of the Australian Commission for Law Enforcement Integrity—means a corruption investigation (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*); or

**84 Subsection 5(1) (after paragraph (a) of the definition of *relevant offence*)**

Insert:

- (aa) in the case of the Australian Commission for Law Enforcement Integrity—a prescribed investigation concerning conduct that involves a prescribed offence or possible conduct that would involve a prescribed offence; or

**85 Subsection 5(1)**

Insert:

*staff member of ACLEI* has the same meaning as in the *Law Enforcement Integrity Commissioner Act 2006*.

**86 At the end of section 5D**

Add:

- (7) An offence is also a *class 2 offence* if it is an offence against any of the following provisions:
  - (a) section 131.1, 135.1, 142.1 or 142.2, subsection 148.2(3), or section 268.112 of the *Criminal Code*;
  - (b) section 35, 36, 36A, 37, 39, 41, 42, 43, 46 or 47 of the *Crimes Act 1914*.

**87 At the end of section 5D**

Add:

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(8) An offence is also a *serious offence* if it is an offence against any of the following provisions:

- (a) section 131.1, 135.1, 142.1 or 142.2, subsection 148.2(3), or section 268.112 of the *Criminal Code*;
- (b) section 35, 36, 36A, 37, 39, 41, 42, 43, 46 or 47 of the *Crimes Act 1914*.

**88 Before subparagraph 6A(1)(c)(i)**

Insert:

- (ia) the Australian Commission for Law Enforcement Integrity;

**89 Paragraph 6L(2)(a)**

After “in the case of”, insert “the Australian Commission for Law Enforcement Integrity or”.

**90 After paragraph 39(2)(a)**

Insert:

- (aa) in the case of the Australian Commission for Law Enforcement Integrity:
  - (i) the Integrity Commissioner; or
  - (ii) an Assistant Integrity Commissioner; or
  - (iii) a staff member of ACLEI who is authorised in writing by the Integrity Commissioner for the purposes of this paragraph; or

**91 After paragraph 68(da)**

Insert:

- (db) if the information relates, or appears to relate, to a corruption issue or an ACLEI corruption issue (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*)—to the Integrity Commissioner; and

**92 After paragraph 71(2)(c)**

Insert:

- (ca) the Integrity Commissioner; or

**93 After subsection 80(1)**

Insert:

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- (1A) The Integrity Commissioner must cause to be kept in the records of the Australian Commission for Law Enforcement Integrity (in this subsection called the *agency*):
- (a) each warrant issued to the agency; and
  - (b) a copy of each notification under paragraph 53(1)(b) of the issue of such a warrant, being a notification given to the Commissioner of Police; and
  - (c) each instrument revoking such a warrant; and
  - (d) a copy of each certificate issued under subsection 61(4) by a certifying officer of the agency; and
  - (e) each authorisation by the Integrity Commissioner under subsection 66(2).

#### 94 After subsection 81(1)

Insert:

- (1A) The Integrity Commissioner must cause:
- (a) particulars of each telephone application for a Part VI warrant made by the Australian Commission for Law Enforcement Integrity (in this subsection called the *agency*); and
  - (b) in relation to each application by the agency for a Part VI warrant, a statement as to whether:
    - (i) the application was withdrawn or refused; or
    - (ii) a warrant was issued on the application; and
  - (c) in relation to each Part VI warrant whose authority is exercised by the agency, particulars of:
    - (i) the warrant; and
    - (ii) the day on which, and the time at which, each interception under the warrant began; and
    - (iii) the duration of each interception; and
    - (iv) the name of the person who carried out each interception; and
    - (v) in relation to a named person warrant—each service to or from which communications have been intercepted under the warrant; and
  - (d) in relation to each restricted record that has at any time been in the possession of the agency, particulars of:

- (i) if the restricted record is a record obtained by an interception under a warrant issued to the agency—that warrant; and
- (ii) each occasion when the restricted record came (whether by its making or otherwise) to be in the possession of the agency; and
- (iii) each occasion (if any) when the restricted record ceased (whether by its destruction or otherwise) to be in the possession of the agency; and
- (iv) each agency or other body (if any) from or to which, or other person (if any) from or to whom, the agency received or supplied the restricted record; and
- (e) particulars of each use made by the agency of lawfully obtained information; and
- (f) particulars of each communication of lawfully obtained information by an officer of the agency to a person or body other than such an officer; and
- (g) particulars of each occasion when, to the knowledge of an officer of the agency, lawfully obtained information was given in evidence in a relevant proceeding in relation to the agency;

to be recorded in writing or by means of a computer as soon as practicable after the happening of the events to which the particulars relate or the statement relates, as the case may be.

**95 Subsection 81(2A)**

After “(1)(c)(ii)”, insert “, (1A)(c)(ii)”.

**96 Subsection 140(1)**

After “Commissioner of Police”, insert “, the Integrity Commissioner”.

***Witness Protection Act 1994***

**97 Section 3 (after paragraph (a) of the definition of *approved authority*)**

Insert:

(aa) the Integrity Commissioner (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*); or

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*[Minister's second reading speech made in—  
House of Representatives on 29 March 2006  
Senate on 22 June 2006]*

(31/06)