



# Law Enforcement Integrity Commissioner Regulations 2006<sup>1</sup>

**Select Legislative Instrument 2006 No. 291**

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I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Law Enforcement Integrity Commissioner Act 2006*.

Dated 16 November 2006

P. M. JEFFERY  
Governor-General

By His Excellency's Command

CHRISTOPHER MARTIN ELLISON  
Minister for Justice and Customs

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**1 Name of Regulations**

These Regulations are the *Law Enforcement Integrity Commissioner Regulations 2006*.

**2 Commencement**

These Regulations commence on the commencement of sections 3 to 224 of the *Law Enforcement Integrity Commissioner Act 2006*.

**3 Definition**

In these Regulations:

*Act* means the *Law Enforcement Integrity Commissioner Act 2006*.

**5 Integrity agency**

For the definition of *integrity agency* in subsection 5 (1) of the Act, the following agencies are prescribed:

- (a) for New South Wales — the Police Integrity Commission constituted by the *Police Integrity Commission Act 1996* (NSW);
- (b) for Victoria — the Office of Police Integrity established by subsection 102A (1) of the **Police Regulation Act 1958** (Vic);
- (c) for Queensland — the Crime and Misconduct Commission established under section 220 of the *Crime and Misconduct Act 2001* (Qld);
- (d) for Western Australia — the Corruption and Crime Commission established by subsection 8 (1) of the *Corruption and Crime Commission Act 2003* (WA);
- (e) for South Australia — the Police Complaints Authority appointed under Part 2 of the *Police (Complaints and Disciplinary Proceedings) Act 1985* (SA);

- (f) for Tasmania — the person appointed to be known as the Ombudsman under section 5 of the *Ombudsman Act 1978* (Tas);
- (g) for the Northern Territory — the person appointed to hold the office of the Ombudsman under section 4 of the *Ombudsman (Northern Territory) Act* (NT).

**11 Allowances for travelling and other expenses to be paid to witnesses**

For subsection 83 (6) of the Act, the allowances set out in Schedule 1 are prescribed.

**12 Identity cards — prescribed form**

For paragraph 141 (2) (a) of the Act, the prescribed form is Form 1 of Schedule 2.

**17 Annual report — prescribed particulars of corruption issues notified**

For paragraph 201 (2) (a) of the Act, the prescribed particulars of corruption issues mentioned in subparagraph 201 (2) (a) (i) of the Act, for each law enforcement agency in relation to which 1 or more corruption issues of that kind were notified, are the following:

- (a) the number of corruption issues of that kind that were notified in relation to the agency (the *agency's notified corruption issues*);
- (b) a description of the kinds of corrupt conduct to which the agency's notified corruption issues relate;
- (c) the number of the agency's notified corruption issues that relate to each kind of corrupt conduct;
- (d) the number of the agency's notified corruption issues in relation to which the Integrity Commissioner decided to take no further action;
- (e) the Integrity Commissioner's reasons for deciding to take no further action for each corruption issue mentioned in paragraph (d);

- (f) the number of the agency's notified corruption issues for which the agency conducted an investigation that is being, or was, managed by the Integrity Commissioner;
- (g) the number of the agency's notified corruption issues for which the agency conducted an investigation that is being, or was, overseen by the Integrity Commissioner.

**18      Annual report — prescribed particulars of corruption issues referred**

For paragraph 201 (2) (a) of the Act, the prescribed particulars of corruption issues mentioned in subparagraph 201 (2) (a) (ii) of the Act, for each law enforcement agency in relation to which 1 or more corruption issues of that kind were referred, are the following:

- (a) the number of corruption issues of that kind that were referred in relation to the agency (the *agency's referred corruption issues*);
- (b) a description of the kinds of corrupt conduct to which the agency's referred corruption issues relate;
- (c) the number of the agency's referred corruption issues that relate to each kind of corrupt conduct;
- (d) the number of the agency's referred corruption issues in relation to which the Integrity Commissioner decided to take no further action;
- (e) the Integrity Commissioner's reasons for deciding to take no further action for each corruption issue mentioned in paragraph (d).

**19      Annual report — prescribed particulars of corruption issues dealt with by the Integrity Commissioner**

For paragraph 201 (2) (a) of the Act, the prescribed particulars of corruption issues mentioned in subparagraph 201 (2) (a) (iii) of the Act, for each law enforcement agency in relation to which the Integrity Commissioner dealt with 1 or more corruption issues of that kind on his or her own initiative, are the following:

- (a) the number of corruption issues of that kind dealt with by the Integrity Commissioner in relation to the agency (the *agency's Integrity Commissioner initiated corruption issues*);
- (b) a description of the kinds of corrupt conduct to which the agency's Integrity Commissioner initiated corruption issues relate;
- (c) the number of the agency's Integrity Commissioner initiated corruption issues that relate to each kind of corrupt conduct.

**20      Annual report — prescribed particulars of corruption issues investigated by Integrity Commissioner**

For paragraph 201 (2) (a) of the Act, the prescribed particulars of corruption issues mentioned in subparagraph 201 (2) (a) (iv) of the Act, for each law enforcement agency in relation to which corruption issues of that kind were investigated by the Integrity Commissioner, are the following:

- (a) the number of corruption issues of that kind relating to the agency that were investigated by the Integrity Commissioner (the *agency's Integrity Commissioner investigations*);
- (b) the number of the agency's Integrity Commissioner investigations that were completed;
- (c) a description of the kinds of corrupt conduct to which the agency's Integrity Commissioner investigations relate;
- (d) the number of the agency's Integrity Commissioner investigations that relate to each kind of corrupt conduct;

- (e) for the agency's Integrity Commissioner investigations that were completed — a summary of the outcomes of the investigations, including the following:
  - (i) any recommendations made by the Integrity Commissioner;
  - (ii) any action taken as a result of the investigations;
  - (iii) if any disciplinary proceedings, criminal proceedings or civil penalty proceedings resulting from the investigations were commenced — the outcomes of the proceedings.

**21      Annual report — prescribed particulars of corruption issues referred to government agency for investigation**

For paragraph 201 (2) (a) of the Act, the prescribed particulars of a corruption issue of a kind mentioned in subparagraph 201 (2) (a) (v) of the Act, for each law enforcement agency in relation to which corruption issues of that kind were referred to a government agency for investigation, are the following:

- (a) the number of corruption issues of that kind relating to the agency that were referred to a government agency for investigation (the *agency's government agency investigations*);
- (b) the number of the agency's government agency investigations that were completed;
- (c) a description of the kinds of corrupt conduct to which the agency's government agency investigations relate;
- (d) the number of the agency's government agency investigations that relate to each kind of corrupt conduct;
- (e) the number of the agency's government agency investigations that are being, or were, managed by the Integrity Commissioner;
- (f) the number of the agency's government agency investigations that are being, or were, overseen by the Integrity Commissioner;

- (g) for the agency's government agency investigations that were completed — a summary of the outcomes of the investigations, including the following:
  - (i) any recommendations made by the government agency;
  - (ii) any action taken as a result of the investigations;
  - (iii) if any disciplinary proceedings, criminal proceedings or civil penalty proceedings resulting from the investigations were commenced — the outcomes of the proceedings.

**22      Annual report — prescribed particulars of ACLEI corruption issues investigated**

For paragraph 201 (2) (a) of the Act, the prescribed particulars of ACLEI corruption issues mentioned in subparagraph 201 (2) (a) (vi) of the Act are the following:

- (a) the number of ACLEI corruption issues of that kind investigated by each of the following persons (***ACLEI investigators***):
  - (i) the Integrity Commissioner;
  - (ii) a special investigator;
- (b) the number of investigations of ACLEI corruption issues that were completed by each ACLEI investigator;
- (c) a description of the kinds of corrupt conduct to which the investigations of ACLEI corruption issues by each ACLEI investigator relate; and
- (d) the number of investigations of ACLEI corruption issues conducted by each ACLEI investigator that relate to each kind of corrupt conduct;
- (e) for investigations of ACLEI corruption issues that were completed by each ACLEI investigator — a summary of the outcomes of the investigations, including the following:
  - (i) any recommendations made by the ACLEI investigator;
  - (ii) any action taken as a result of the investigations;



- (iii) if any disciplinary proceedings, criminal proceedings or civil penalty proceedings resulting from the investigations were commenced — the outcomes of the proceedings.

## **23      Annual report — prescribed particulars of certificates issued under section 149 of the Act**

For paragraph 201 (2) (a) of the Act, the prescribed particulars of certificates mentioned in subparagraph 201 (2) (a) (vii) of the Act, for each Commonwealth government agency in relation to which 1 or more certificates of that kind were issued under section 149 of the Act (*section 149 certificates*), are the following:

- (a) the total number of section 149 certificates issued in relation to the agency;
- (b) the number of section 149 certificates issued in relation to the agency on each ground set out in subsection 149 (2) of the Act;
- (c) the kinds of disclosure that were specified in the section 149 certificates issued in relation to the agency for the purposes of subsection 149 (3) of the Act;
- (d) the number of section 149 certificates issued in relation to the agency for each kind of disclosure mentioned in paragraph (c);
- (e) the number of section 149 certificates issued in relation to the agency that specified a kind of disclosure for the purposes of subsection 149 (3) of the Act that included, or had the effect of including, disclosure to the Integrity Commissioner;
- (f) the number of section 149 certificates mentioned in paragraph (e) that, in the opinion of the Integrity Commissioner, prevented the effective investigation of 1 or more corruption issues.

*Note* See subsection 149 (4) of the Act for examples of the kinds of disclosure that may be specified in a section 149 certificate.

**24 Persons to whom information and reports are required to be given**

- (1) For subsection 224 (2) of the Act, the following provisions of the Act are prescribed:
  - (a) section 33;
  - (b) subsection 35 (4);
  - (c) subsection 36 (6);
  - (d) subsection 39 (4);
  - (e) subsection 40 (6);
  - (f) subsection 52 (1);
  - (g) paragraph 55 (1) (a);
  - (h) subsection 65 (1);
  - (i) paragraph 74 (a);
  - (j) subsection 144 (6);
  - (k) subsection 145 (6);
  - (l) subsection 147 (2).
- (2) For subsection 224 (2) of the Act, the following persons are prescribed:
  - (a) for information or reports relating to a relevant corruption issue in relation to the Australian Capital Territory — the Minister, within the meaning of the *Australian Capital Territory (Self-Government) Act 1988*, who is responsible for exercising the power of the Australian Capital Territory Executive in relation to police matters;
  - (b) for information or reports relating to a relevant corruption issue in relation to an External Territory — the Administrator of the External Territory.
- (3) For subsection 224 (2) of the Act, information or reports that are required to be given under a prescribed provision are also to be given to a prescribed person if:
  - (a) the corruption issue to which the prescribed provision relates is a relevant corruption issue in relation to the Australian Capital Territory or an External Territory; and

- (b) the Integrity Commissioner:
  - (i) is investigating the corruption issue to which the prescribed provision relates; or
  - (ii) is managing or overseeing the investigation by a law enforcement agency of the corruption issue to which the prescribed provision relates.
- (4) In this regulation:
  - relevant corruption issue*** in relation to the Australian Capital Territory or an External Territory, means:
    - (a) a corruption issue that relates to corrupt conduct of a person while the person was a staff member of the AFP whose duties included providing police services in relation to the Australian Capital Territory or an External Territory under section 8 of the *Australian Federal Police Act 1979* (***AFP Territory police services***); or
    - (b) a corruption issue that relates to corrupt conduct of a person while the person is a staff member of the AFP whose duties include AFP Territory police services; or
    - (c) a corruption issue that relates to corrupt conduct that:
      - (i) is the conduct of a person who, at the time the corruption issue is being investigated, is a staff member of the AFP whose duties include AFP Territory police services; and
      - (ii) in the opinion of the Integrity Commissioner, affects, or is likely to affect, the person's performance of the police service functions of the agency.

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## Schedule 1 Allowances for travelling and other expenses to be paid to witnesses

(regulation 11)

Item	Type of witness	Amount
1	A person summoned to appear as a witness at a hearing because of the person's professional, scientific or other special skill or knowledge	For each day on which the person attends as a witness: (a) if the person is paid in his or her occupation by wages, salary or fees — an amount equal to the amount of wages, salary or fees not paid to the person because of his or her attendance as a witness; or (b) in any other case — an amount not less than the lesser amount specified in the Federal Court Rules in relation to expenses of witnesses possessing such skill or knowledge and not more than the greater amount so specified
2	A person summoned to appear as a witness at a hearing (other than a person mentioned in item 1)	For each day on which the person attends as a witness: (a) if the person is paid in his or her occupation by wages, salary or fees — an amount equal to the amount of wages, salary or fees not paid to the person because of his or her attendance as a witness; or

Item	Type of witness	Amount
		(b) in any other case — an amount not less than the lesser amount specified in the Federal Court Rules in relation to expenses of such persons and not more than the greater amount so specified
3	A person summoned to appear as a witness at a hearing who lives more than 50 kilometres from the hearing	<p>In addition to any other allowance payable under item 1 or 2, a reasonable amount for:</p> <p>(a) the actual cost of transport between the person's usual place of residence and the place where the person attends the hearing; and</p> <p>(b) if the person is required to be absent overnight from the person's usual place of residence — meals and accommodation</p>

## Schedule 2      Forms

(regulation 12)

### Form 1      Identity card

*Law Enforcement Integrity Commissioner Act 2006*

COMMONWEALTH OF AUSTRALIA

#### **IDENTITY CARD FOR AUTHORISED OFFICER**

The person whose name, signature and photograph appear on this card is an authorised officer for the purposes of Part 9 of the *Law Enforcement Integrity Commissioner Act 2006*.

[photograph]

Name:

[signature of Integrity Commissioner  
or delegate]

[signature of authorised officer]

[date]

[serial number of identity card]

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#### **Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See [www.frli.gov.au](http://www.frli.gov.au).