

EXPLANATORY STATEMENT

Select Legislative Instrument 2010 No. 318

Issued by the authority of the Minister for Justice

Law Enforcement Integrity Commissioner Amendment Regulations 2010 (No. 1)

Section 224 of the *Law Enforcement Integrity Commissioner Act 2006* (the Act) provides, in part, that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The Act establishes the position of Integrity Commissioner to prevent, detect and investigate serious and systemic corruption issues in the Australian Federal Police, the Australian Crime Commission and the former National Crime Authority.

These Regulations amend the *Law Enforcement Integrity Commissioner Regulations 2006* to prescribe the Australian Customs and Border Protection Service (ACBPS) as a *law enforcement agency* under the Act.

This enables the Integrity Commissioner to investigate, report and refer any allegations of corrupt conduct in the ACBPS that are related to the performance of a law enforcement function.

These Regulations also prescribe the Chief Executive Officer of the ACBPS as the head of that agency, and define *staff members* and *secondee*s of the ACBPS for the purposes of the Act.

These Regulations were developed by the Attorney-General's Department in consultation with the Australian Commission for Law Enforcement Integrity and the ACBPS.

The Act specifies no conditions that needed to be satisfied before the power to make these Regulations was exercised.

These Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

These Regulations commence on 1 January 2011.

Authority: Section 224 of the *Law Enforcement Integrity Commissioner Act 2006*