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The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Law Enforcement Integrity
Commissioner (Consequential
Amendments) Bill 2006**

No. , 2006

(Attorney-General)

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

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1 **A Bill for an Act to amend laws in connection with**
2 **the *Law Enforcement Integrity Commissioner Act***
3 **2006, and for related purposes**

4 The Parliament of Australia enacts:

5 **1 Short title**

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

8 **2 Commencement**

9 (1) Each provision of this Act specified in column 1 of the table
10 commences, or is taken to have commenced, in accordance with
11 column 2 of the table. Any other statement in column 2 has effect
12 according to its terms.
13

Commencement information

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
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.	
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.	
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.	
7. Schedule 1, item 96	Immediately after the commencement of Schedule 1 to the <i>Telecommunications (Interception) Amendment Act 2006</i> .	
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.

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

4 **3 Schedule(s)**

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6 repealed as set out in the applicable items in the Schedule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

1
2 **Schedule 1—Consequential amendments**
3

4 *Administrative Decisions (Judicial Review) Act 1977*

5 **1 After paragraph (e) of Schedule 2**

6 Insert:

7 (ea) decisions under the *Law Enforcement Integrity*
8 *Commissioner Act 2006* being:

- 9 (i) decisions in connection with a corruption investigation
10 (within the meaning of that Act); or
11 (ii) decisions in connection with a public inquiry (within the
12 meaning of that Act);

13 *Archives Act 1983*

14 **2 After paragraph 33(1A)(b)**

15 Insert:

16 (ba) a person who is providing, or has provided, confidential
17 information to:

- 18 (i) the Integrity Commissioner (within the meaning of the
19 *Law Enforcement Integrity Commissioner Act 2006*); or
20 (ii) a staff member of ACLEI (within the meaning of that
21 Act); or
22 (iii) a special investigator for the purposes of Division 4 of
23 Part 12 of that Act;
24 in relation to such a matter; or

25 *Australian Crime Commission Act 2002*

26 **3 Subsection 51(4) (at the end of the definition of *relevant***
27 **Act)**

28 Add:

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

31 *Australian Federal Police Act 1979*

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:

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

12 **7 After subparagraph 18(3)(b)(v)**

13 Insert:

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

16 **8 Subsection 18(6)**

17 Insert:

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

20 **9 Subsection 18(6)**

21 Insert:

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

24 **10 Subsection 18(6)**

25 Insert:

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

28 ***Crimes Act 1914***

29 **11 Subsection 3(1)**

30 Insert:

1 *ACLEI authorising officer* has the meaning given in subsection
2 15J(3A).

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

5 Insert:

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

8 **13 Subsection 3(1)**

9 Insert:

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

12 **14 Subsection 3(1) (after paragraph (b) of the definition of *law***
13 ***enforcement officer*)**

14 Insert:

15 (ba) a staff member of ACLEI;

16 **15 Subsection 3(1)**

17 Insert:

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

20 **16 Subparagraph 15G(1)(b)(i)**

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

22 **17 After paragraph 15J(2)(b)**

23 Insert:

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

30 **18 After subsection 15J(3)**

31 Insert:

1 (3A) The following are *ACLEI authorising officers*:

2 (a) the Integrity Commissioner;

3 (b) an Assistant Integrity Commissioner;

4 (c) a staff member of ACLEI who is an SES employee and who
5 is authorised in writing by the Integrity Commissioner for the
6 purposes of this paragraph.

7 **19 After paragraph 15N(2A)(a)**

8 Insert:

9 (aa) the Integrity Commissioner; or

10 **20 After subsection 15OA(1)**

11 Insert:

12 (1A) Any ACLEI authorising officer may terminate a certificate given
13 under section 15M by that or any other ACLEI authorising officer.

14 **21 Subsection 15OA(4)**

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

16 **22 Paragraph 15OA(5)(b)**

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

18 **23 Paragraph 15Q(1)(a)**

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

21 **24 After subsection 15R(1)**

22 Insert:

23 (1A) The Integrity Commissioner must, within 2 weeks after the end of
24 each quarter, give to the Minister a report informing the Minister of
25 the following that occurred during the quarter:

26 (a) each decision by an ACLEI authorising officer to grant or
27 refuse an application for a controlled operation;

28 (b) each variation of a certificate under section 15NA by such a
29 person;

30 (c) each review of a certificate under subsection 15OB(3) that
31 had initially been given by such a person under section 15M;

- 1 (d) each occasion on which a certificate, given by such a person,
2 is surrendered under section 15O or terminated under
3 section 15OA;
4 (e) each certificate, given by such a person, that is still in force at
5 the end of the quarter.

6 **25 Subsection 15T(4)**

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

8 **26 Subsection 15U(2)**

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

10 **27 After paragraph 15UA(1)(a)**

11 Insert:

12 (aa) the Integrity Commissioner; and

13 **28 Subsection 15UA(2)**

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

15 **29 Subsection 15UB(1)**

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

18 **30 Subsection 15XA(1) (after paragraph (b) of the definition
19 of *Commonwealth participating agency*)**

20 Insert:

21 (ba) the Australian Commission for Law Enforcement Integrity;

22 **31 Section 85ZL (after paragraph (ba) of the definition of *law
23 enforcement agency*)**

24 Insert:

25 (bb) the Australian Commission for Law Enforcement Integrity;

26 ***Criminal Code Act 1995***

27 **32 Section 146.1 of the *Criminal Code* (after paragraph (a) of
28 the definition of *Commonwealth law enforcement
29 officer*)**

- 1 Insert:
2 (aa) the Integrity Commissioner (within the meaning of the *Law*
3 *Enforcement Integrity Commissioner Act 2006*); or
4 (ab) a staff member of ACLEI (within the meaning of the *Law*
5 *Enforcement Integrity Commissioner Act 2006*); or

6 ***Financial Transaction Reports Act 1988***

7 **33 Subsection 3(1)**

- 8 Insert:
9 *Integrity Commissioner* has the same meaning as in the *Law*
10 *Enforcement Integrity Commissioner Act 2006*.

11 **34 Subsection 3(1)**

- 12 Insert:
13 *staff member of ACLEI* has the same meaning as in the *Law*
14 *Enforcement Integrity Commissioner Act 2006*.

15 **35 Subsection 16(6) (definition of *investigating officer*)**

- 16 Repeal the definition, substitute:
17 *investigating officer* means:
18 (a) a taxation officer; or
19 (b) an AFP member; or
20 (c) a customs officer (other than the Chief Executive Officer of
21 Customs); or
22 (d) a staff member of ACLEI; or
23 (e) an examiner or member of the staff of the ACC.

24 **36 Subsection 16(6) (after paragraph (a) of the definition of**
25 ***relevant authority*)**

- 26 Insert:
27 (aa) the Integrity Commissioner; or

28 **37 After paragraph 26(1)(b)**

- 29 Insert:

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

3 **38 After subsection 27(5)**

4 Insert:

5 (5A) Subject to subsections (7), (9) and (10), if the Integrity
6 Commissioner or a staff member of ACLEI obtains FTR
7 information:

- 8 (a) the Integrity Commissioner may, in a manner that does not
9 identify, and is not reasonably capable of being used to
10 identify, a person to whom the information relates,
11 communicate the information to the Parliamentary Joint
12 Committee on the Australian Commission for Law
13 Enforcement Integrity under section 216 of the *Law*
14 *Enforcement Integrity Commissioner Act 2006*; and
15 (b) the Integrity Commissioner may communicate the
16 information to a staff member of ACLEI who is conducting a
17 hearing under Division 2 of Part 9 of that Act; and
18 (c) a staff member of ACLEI who is conducting a hearing under
19 Division 2 of Part 9 of that Act may divulge the information
20 in the course of the hearing; and
21 (d) a staff member of ACLEI may communicate the information
22 to a law enforcement officer for the purposes of, or in
23 connection with, the performance of the officer’s duties; and
24 (e) subject to paragraphs (a), (b), (c) and (d), a staff member of
25 ACLEI must not divulge or communicate the information;
26 and
27 (f) a person (not being a law enforcement officer) to whom
28 information has been communicated in accordance with
29 paragraph (c) must not make a record of the information, or
30 divulge or communicate the information, in any
31 circumstances.

32 **39 After paragraph 27(14)(b)**

33 Insert:

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

36 **40 After paragraph 27(15)(g)**

1 Insert:
2 (ga) a staff member of ACLEI;

3 ***Ombudsman Act 1976***

4 **41 After subsection 5(3A)**

5 Insert:
6 (3B) Paragraph (2)(b) does not prevent the Ombudsman from
7 investigating action taken by the Integrity Commissioner, or an
8 Assistant Integrity Commissioner, who happens to be a Justice or
9 Judge of a court created by the Parliament.

10 **42 At the end of section 6**

11 Add:
12 (16) If the Ombudsman forms the opinion:
13 (a) that a complaint involves an allegation, or information, that
14 raises a corruption issue (other than a significant corruption
15 issue); and
16 (b) that the allegation or information could have been referred to
17 the Integrity Commissioner under Part 4 of the *Law*
18 *Enforcement Integrity Commissioner Act 2006* and could be
19 more conveniently or effectively dealt with by the Integrity
20 Commissioner;
21 the Ombudsman may decide not to investigate the complaint, or
22 not to investigate the complaint further, as the case may be, and to
23 refer the allegation or information to the Integrity Commissioner.
24 (17) If the Ombudsman forms the opinion:
25 (a) that a complaint involves an allegation, or information, that
26 raises a significant corruption issue; and
27 (b) that the allegation or information could have been referred to
28 the Integrity Commissioner under Part 4 of the *Law*
29 *Enforcement Integrity Commissioner Act 2006* and could be
30 more conveniently or effectively dealt with by the Integrity
31 Commissioner;
32 the Ombudsman must not investigate the complaint, or must not
33 investigate the complaint further, as the case may be, and must
34 refer the allegation or information to the Integrity Commissioner.

- 1 (18) If:
 2 (a) the Ombudsman makes a decision under subsection (16); or
 3 (b) subsection (17) applies;
 4 the Ombudsman must:
 5 (c) refer the allegation, or information, that raises the corruption
 6 issue or significant corruption issue to the Integrity
 7 Commissioner as soon as is reasonably practicable; and
 8 (d) give the Integrity Commissioner any information or
 9 documents relating to the complaint that are in the
 10 possession, or under the control, of the Ombudsman; and
 11 (e) as soon as is reasonably practicable, give the complainant
 12 written notice that the complaint has been transferred to the
 13 Integrity Commissioner.

- 14 (19) In subsections (16) to (18):
 15 *corruption issue* has the same meaning as in the *Law Enforcement*
 16 *Integrity Commissioner Act 2006*.
 17 *Integrity Commissioner* has the same meaning as in the *Law*
 18 *Enforcement Integrity Commissioner Act 2006*.
 19 *significant corruption issue* has the same meaning as in the *Law*
 20 *Enforcement Integrity Commissioner Act 2006*.

21 **43 After section 6A**

22 Insert:

23 **6B Transfer of complaints about Integrity Commissioner**

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

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

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

13 **44 After section 8B**

14 Insert:

15 **8C Investigations by other authorities of ACLEI actions**

16 (1) If an authority established under a law of the Commonwealth, or of
17 a State or Territory, has power to investigate action taken by the
18 Integrity Commissioner or a staff member of ACLEI, the
19 Ombudsman may arrange with the head of the authority for the
20 authority to investigate the action.

21 (2) If the Ombudsman enters into such an arrangement, the authority
22 may investigate the action to the full extent of its powers under any
23 laws of the Commonwealth or of a State or Territory.

24 (3) The Integrity Commissioner may arrange with the head of the
25 authority for the variation or revocation of the arrangement.

26 (4) The arrangement, or the variation or revocation of the arrangement,
27 must be in writing.

28 (5) The regulations may make provision for and in relation to the
29 participation by the Ombudsman in the carrying out of an
30 investigation in accordance with an arrangement under this section.

31 (6) Nothing in this section affects the powers and duties of the
32 Ombudsman under any other provision of this Act.

33 (7) In this section:

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

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

5 **45 After paragraph 9(3)(e)**

6 Insert:

7 or (f) if the information, documents or records are, or were, in the
8 possession or under the control of the Integrity
9 Commissioner (within the meaning of the *Law Enforcement*
10 *Integrity Commissioner Act 2006*)—by reason that it would:

- 11 (i) endanger the life of a person; or
12 (ii) create a risk of serious injury to a person;

13 **46 At the end of subsection 35(6A)**

14 Add “or paragraph 6(18)(d)”.

15 **47 After section 35B**

16 Insert:

17 **35C Disclosure of ACLEI information**

18 (1) If the Attorney-General gives the Ombudsman a certificate
19 certifying that the disclosure of certain ACLEI information by one
20 or more listed disclosure methods specified in the certificate would
21 be contrary to the public interest by reason that it would prejudice:

- 22 (a) the safety of a person; or
23 (b) the fair trial of a person who has been, or may be, charged
24 with an offence; or
25 (c) the proper performance of the functions of the Integrity
26 Commissioner; or
27 (d) the operations of a law enforcement agency;
28 the Ombudsman must not so disclose the ACLEI information.

29 (2) In this section:

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

- 1 ***listed disclosure method***, in relation to information, a document or
2 a record, means:
3 (a) including the information or the contents of the document or
4 record in any report under Division 2 of Part 2; or
5 (b) giving the information, document or record to another person
6 or authority under section 6 or 6A; or
7 (c) giving the information, document or record to an
8 Ombudsman of a State; or
9 (d) giving the information, document or record to an authority
10 with which the Ombudsman has made an arrangement under
11 section 8B; or
12 (e) disclosing, or making a statement that discloses, the
13 information or the contents of the document or record under
14 subsection 35A(1); or
15 (f) disclosing information or the contents of a document or
16 record by any other specified method.

17 ***Privacy Act 1988***

18 **48 Subsection 6(1) (after paragraph (a) of the definition of**
19 ***enforcement body*)**

20 Insert:

- 21 (aa) the Integrity Commissioner; or

22 **49 Subsection 6(1)**

23 Insert:

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

26 **50 After subparagraph 7(1)(a)(iii)**

27 Insert:

- 28 (iiia) the Integrity Commissioner; or

29 **51 After paragraph 7(1)(g)**

30 Insert:

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

1 **52 Subsection 18K(5) (note)**

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

4 **53 After paragraph 70(2)(b)**

5 Insert:

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

8 ***Proceeds of Crime Act 2002***

9 **54 After paragraph 213(3)(c)**

10 Insert:

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

13 **55 Section 338 (after paragraph (a) of the definition of**
14 ***authorised officer*)**

15 Insert:

16 (aa) any of the following:

17 (i) the Integrity Commissioner (within the meaning of the
18 *Law Enforcement Integrity Commissioner Act 2006*);

19 (ii) an Assistant Integrity Commissioner (within the
20 meaning of that Act);

21 (iii) a staff member of ACLEI (within the meaning of that
22 Act) who is authorised in writing by the Integrity
23 Commissioner for the purposes of this paragraph; or

24 ***Radiocommunications Act 1992***

25 **56 After paragraph 27(1)(b)**

26 Insert:

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

30 ***Royal Commissions Act 1902***

1 **57 Subsection 6F(2)**

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

3 **58 After subsection 6P(2A)**

4 Insert:

5 (2B) If, in the course of inquiry into a matter, a Commission:

6 (a) obtains information; or

7 (b) takes evidence; or

8 (c) receives a document or thing;

9 that, in the opinion of the Commission, relates or may relate to the
10 performance of the functions of the Integrity Commissioner (within
11 the meaning of the *Law Enforcement Integrity Commissioner Act*
12 *2006*), the Commission may, if in its opinion it is appropriate so to
13 do, communicate the information or furnish the evidence,
14 document or thing, as the case may be, to the Integrity
15 Commissioner.

16 **59 Subsection 6P(3)**

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

18 ***Surveillance Devices Act 2004***

19 **60 Subsection 6(1) (after paragraph (a) of the definition of**
20 ***appropriate authorising officer*)**

21 Insert:

22 (aa) if the law enforcement officer is a law enforcement officer
23 belonging to or seconded to the Australian Commission for
24 Law Enforcement Integrity:

25 (i) the Integrity Commissioner (within the meaning of the
26 *Law Enforcement Integrity Commissioner Act 2006*); or

27 (ii) an Assistant Integrity Commissioner (within the
28 meaning of that Act); or

29 (iii) a staff member of ACLEI (within the meaning of that
30 Act) who is an SES employee and who is authorised in
31 writing by the Integrity Commissioner for the purposes
32 of this paragraph; and

33 **61 Subsection 6(1)**

1 Insert:

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

4 **62 Subsection 6(1) (after paragraph (a) of the definition of**
5 ***chief officer*)**

6 Insert:

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

11 **63 Subsection 6(1)**

12 Insert:

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

15 **64 Subsection 6(1) (after paragraph (a) of the definition of *law***
16 ***enforcement agency*)**

17 Insert:

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

19 **65 Subsection 6(1) (after paragraph (a) of the definition of *law***
20 ***enforcement officer*)**

21 Insert:

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

29 **66 Subsection 6(1)**

30 Insert:

31 *staff member of ACLEI* has the same meaning as in the *Law*
32 *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

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

3 Insert:

- 4 (ca) in the case of the Australian Commission for Law
5 Enforcement Integrity—the Integrity Commissioner (within
6 the meaning of the *Law Enforcement Integrity Commissioner*
7 *Act 2006*);

8 **72 Subsection 2(1) (after paragraph (c) of the definition of law**
9 **enforcement agency)**

10 Insert:

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

13 ***Telecommunications Act 1997***

14 **73 Section 7 (after paragraph (b) of the definition of agency)**

15 Insert:

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

18 **74 After subsection 280(1)**

19 Insert:

- 20 (1A) In applying paragraph (1)(a) to the Australian Commission for Law
21 Enforcement Integrity, the reference in that paragraph to the
22 operation of an enforcement agency is taken to be a reference to
23 the performance of the functions of the Integrity Commissioner
24 (within the meaning of the *Law Enforcement Integrity*
25 *Commissioner Act 2006*).

26 **75 Subsection 282(10) (after paragraph (b) of the definition of**
27 **criminal law-enforcement agency)**

28 Insert:

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

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

1 **76 Subsection 5(1)**

2 Insert:

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

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

7 Insert:

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

15 **78 Subsection 5(1) (after paragraph (a) of the definition of**
16 ***chief officer*)**

17 Insert:

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

20 **79 Subsection 5(1) (after paragraph (a) of the definition of**
21 ***Commonwealth agency*)**

22 Insert:

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

25 **80 Subsection 5(1)**

26 Insert:

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

29 **81 Subsection 5(1) (after paragraph (a) of the definition of**
30 ***officer*)**

31 Insert:

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

4 **82 Subsection 5(1) (after paragraph (b) of the definition of**
 5 ***permitted purpose*)**

6 Insert:
 7 (baa) in the case of the Australian Commission for Law
 8 Enforcement Integrity:
 9 (i) a corruption investigation (within the meaning of the
 10 *Law Enforcement Integrity Commissioner Act 2006*); or
 11 (ii) a report on such an investigation; or

12 **83 Subsection 5(1) (before paragraph (a) of the definition of**
 13 ***prescribed investigation*)**

14 Insert:
 15 (aa) in the case of the Australian Commission for Law
 16 Enforcement Integrity—means a corruption investigation
 17 (within the meaning of the *Law Enforcement Integrity*
 18 *Commissioner Act 2006*); or

19 **84 Subsection 5(1) (after paragraph (a) of the definition of**
 20 ***relevant offence*)**

21 Insert:
 22 (aa) in the case of the Australian Commission for Law
 23 Enforcement Integrity—a prescribed investigation
 24 concerning conduct that involves a prescribed offence or
 25 possible conduct that would involve a prescribed offence; or

26 **85 Subsection 5(1)**

27 Insert:
 28 *staff member of ACLEI* has the same meaning as in the *Law*
 29 *Enforcement Integrity Commissioner Act 2006*.

30 **86 At the end of section 5D**

31 Add:
 32 (7) An offence is also a *class 2 offence* if it is an offence against any
 33 of the following provisions:

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

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

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

13 **88 Before subparagraph 6A(1)(c)(i)**

- 14 Insert:
- 15 (ia) the Australian Commission for Law Enforcement
16 Integrity;

17 **89 Paragraph 6L(2)(a)**

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

20 **90 After paragraph 39(2)(a)**

- 21 Insert:
- 22 (aa) in the case of the Australian Commission for Law
23 Enforcement Integrity:
- 24 (i) the Integrity Commissioner; or
25 (ii) an Assistant Integrity Commissioner; or
26 (iii) a staff member of ACLEI who is authorised in writing
27 by the Integrity Commissioner for the purposes of this
28 paragraph; or

29 **91 After paragraph 68(da)**

- 30 Insert:
- 31 (db) if the information relates, or appears to relate, to a corruption
32 issue or an ACLEI corruption issue (within the meaning of

1 the *Law Enforcement Integrity Commissioner Act 2006*)—to
2 the Integrity Commissioner; and

3 **92 After paragraph 71(2)(c)**

4 Insert:

5 (ca) the Integrity Commissioner; or

6 **93 After subsection 80(1)**

7 Insert:

8 (1A) The Integrity Commissioner must cause to be kept in the records of
9 the Australian Commission for Law Enforcement Integrity (in this
10 subsection called the *agency*):

11 (a) each warrant issued to the agency; and

12 (b) a copy of each notification under paragraph 53(1)(b) of the
13 issue of such a warrant, being a notification given to the
14 Commissioner of Police; and

15 (c) each instrument revoking such a warrant; and

16 (d) a copy of each certificate issued under subsection 61(4) by a
17 certifying officer of the agency; and

18 (e) each authorisation by the Integrity Commissioner under
19 subsection 66(2).

20 **94 After subsection 81(1)**

21 Insert:

22 (1A) The Integrity Commissioner must cause:

23 (a) particulars of each telephone application for a Part VI
24 warrant made by the Australian Commission for Law
25 Enforcement Integrity (in this subsection called the *agency*);
26 and

27 (b) in relation to each application by the agency for a Part VI
28 warrant, a statement as to whether:

29 (i) the application was withdrawn or refused; or

30 (ii) a warrant was issued on the application; and

31 (c) in relation to each Part VI warrant whose authority is
32 exercised by the agency, particulars of:

33 (i) the warrant; and

34 (ii) the day on which, and the time at which, each
35 interception under the warrant began; and

- 1 (iii) the duration of each interception; and
2 (iv) the name of the person who carried out each
3 interception; and
4 (v) in relation to a named person warrant—each service to
5 or from which communications have been intercepted
6 under the warrant; and
7 (d) in relation to each restricted record that has at any time been
8 in the possession of the agency, particulars of:
9 (i) if the restricted record is a record obtained by an
10 interception under a warrant issued to the agency—that
11 warrant; and
12 (ii) each occasion when the restricted record came (whether
13 by its making or otherwise) to be in the possession of
14 the agency; and
15 (iii) each occasion (if any) when the restricted record ceased
16 (whether by its destruction or otherwise) to be in the
17 possession of the agency; and
18 (iv) each agency or other body (if any) from or to which, or
19 other person (if any) from or to whom, the agency
20 received or supplied the restricted record; and
21 (e) particulars of each use made by the agency of lawfully
22 obtained information; and
23 (f) particulars of each communication of lawfully obtained
24 information by an officer of the agency to a person or body
25 other than such an officer; and
26 (g) particulars of each occasion when, to the knowledge of an
27 officer of the agency, lawfully obtained information was
28 given in evidence in a relevant proceeding in relation to the
29 agency;
30 to be recorded in writing or by means of a computer as soon as
31 practicable after the happening of the events to which the
32 particulars relate or the statement relates, as the case may be.

33 **95 Subsection 81(2A)**

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

35 **96 Subsection 140(1)**

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

1 ***Witness Protection Act 1994***

2 **97 Section 3 (after paragraph (a) of the definition of *approved***
3 ***authority*)**

4 Insert:

5 (aa) the Integrity Commissioner (within the meaning of the *Law*
6 *Enforcement Integrity Commissioner Act 2006*); or
7