



Police Federation of Australia

The National Voice of Policing

ABN 31 384 184 778

Level 1, 21 Murray Crescent
GRIFFITH ACT 2603

Tel: (02) 6239 8900

Fax: (02) 6239 8999

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Committee Secretary
Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity
PO Box 6100
Parliament House
Canberra ACT 2600

INQUIRY INTO INTEGRITY TESTING

Dear Sir

The Police Federation of Australia welcomes the opportunity to make a submission to the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity inquiry into Integrity Testing.

The PFA supports the Submission made by the Australian Federal Police Association to this inquiry. Under the Inquiry Terms of Reference point (e), the PFA, representing 55, 000 police officers from all jurisdictions across Australia, expresses concerns about the impact of any Commonwealth integrity testing scheme on State and Territory police officers. The PFA considers that the appropriate model is one in which State and Territory police officers are subject to the integrity regimes of their respective jurisdictions only, and excluded from the Commonwealth regime.

The PFA seeks clarification on the implications of the Commonwealth integrity testing scheme for State and Territory officers who are seconded to, or act as a Special Member, of the Australian Federal Police. The PFA also seeks clarification on the consequences of a State or Territory police officer being implicated as an indirect result of integrity testing of an Australian Federal Police Officer or Commonwealth official. The PFA believes there should be adequate regulation and guidelines on these issues.

The PFA expresses concern about certain provisions within the *Law Enforcement Integrity Commissioner Act 2006*. Given that the Australian Commission for Law Enforcement Integrity may have an oversight role in the proposed integrity scheme, these provisions may enable ACLEI to extend the proposed integrity testing to State and Territory police;

Section 13 State offences that have a federal aspect

Section 13 sets a broad definition of what gives a State offence a federal aspect. For example:

- Investigation of the State offence is incidental to an investigation of the Integrity Commissioner - s13(2)(d)
- Affects the interests of the Commonwealth – s13(4)(a)(i)
- Involved the use of the postal service – 13(4)(d)
- Involved the use of an electronic communication – 13(4)(e)

The PFA seeks clarification on whether these provisions could allow ACLEI to subject State or Territory police officers to integrity testing. If so, the PFA expresses concern that it is inappropriate to subject State and Territory police officers to Commonwealth integrity testing, when they are already subject to their jurisdiction's integrity regimes. This concern is heightened by the broad definition of 'federal aspect' in s13.

Joint Investigations between the Integrity Commissioner and State or Territory integrity agencies

Sub-section 26(2) enables the Integrity Commissioner to investigate corruptions issues jointly with State or Territory integrity agencies. Sub-section 50(1) allows the Integrity Commissioner to share integrity information with State and Territory integrity agencies that are engaged in a joint investigation.

The PFA seeks clarification as to whether this would facilitate the circumventing of State or Territory integrity regimes, subjecting State and Territory police to the proposed Commonwealth integrity testing scheme instead. If so, the PFA expresses concern about the appropriateness of this; given that State and Territory police officers should be subject only to their own jurisdictions integrity regimes.

The PFA would be pleased to appear at any public hearings into the Inquiry.

Sincerely yours

Mark Burgess APM
Chief Executive Officer