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10 November 2021

Dr Sean Turner
Committee Secretary
Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity
Parliament House
Canberra ACT 2600

By email: ACLEI.Committee@aph.gov.au

Dear Dr Turner

The inquiry into the expansion of the Australian Commission for Law Enforcement Integrity's jurisdiction and the corruption vulnerabilities of law enforcement agencies' contracted services

Thank you for your correspondence of 19 October 2021 inviting the Australian Competition and Consumer Commission (ACCC) to make a written submission to the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (the Committee) inquiry into the expansion of the Australian Commission for Law Enforcement Integrity's (ACLEI) jurisdiction and the corruption vulnerabilities of law enforcement agencies' contracted services.

Early engagement and regular, open dialogue with the ACLEI

The ACCC has been included in the ACLEI's jurisdiction since 1 January 2021 when its jurisdiction expanded to include a total of nine law enforcement agencies. The ACCC has been working closely with the ACLEI since before it came within the ACLEI's jurisdiction and throughout the ensuing period.

The ACCC takes corruption very seriously and recognises that no department or agency is immune from such conduct. As the ACCC's statutory framework, decision-making processes and integrity risks are somewhat different to those of other entities overseen by the ACLEI, we have proactively given the ACLEI detailed information about our operations and processes, and worked collaboratively with the ACLEI to seek to prevent and detect corruption by our staff and office-holders.

The ACLEI's powers can be exercised in relation to conduct of ACCC staff members that relates to the performance of a law enforcement function of the agency. The ACCC has an effective relationship with the ACLEI at both Commissioner and staff level. I am a key contact for the ACLEI, along with the ACCC's Deputy General Counsel Corporate Law Unit. Since the ACCC came within the ACLEI's jurisdiction, the ACCC Chair Rod Sims has

scheduled initial and regular update meetings with the Integrity Commissioner Jaala Hinchcliffe, to discuss the role and program of the ACLEI and issues relevant to the ACCC.

The ACCC adopts a transparent, accessible, and open stance in its dealings with the ACLEI, as it does with other oversight bodies, such as the Commonwealth Ombudsman, Australian National Audit Office and Office of the Australian Information Commissioner. Our dealings with the ACLEI include:

- A briefing from the ACLEI to senior ACCC enforcement staff (including members of the Senior Executive Service).
- Attending the ACLEI's quarterly community of practice meetings with other agencies within the ACLEI's jurisdiction.
- The ACCC providing a detailed briefing to the ACLEI in relation to how the ACCC is structured, makes decisions and seeks to prevent and detect corruption.
- Providing the ACLEI with access to numerous ACCC integrity related policies.
- Attending fortnightly liaison meetings between the ACCC's Deputy General Counsel of the Corporate Law Unit and ACLEI's contact point for the ACCC.
- Adopting an open approach by sharing issues with the ACLEI, even where they appear unlikely to fall within the ACLEI's remit.

The ACCC's integrity framework and opportunities to strengthen those measures

The ACCC has benefitted from coming within the remit of the ACLEI and it welcomes this further, positive accountability measure. The ACCC has gained useful insights into corruption prevention which have helped shape the ACCC's efforts to enhance its integrity framework.

While the ACCC has a broad range of integrity-related policies and procedures in place, there are always opportunities for improvement. At the time the ACCC came within ACLEI's jurisdiction it already had several projects underway to enhance its integrity framework. Since coming within ACLEI's remit, the ACCC has conducted a stocktake of its integrity-related policies, procedures and practices, and will continue to enhance its integrity-related governance. The ACCC is also implementing various strategies to raise employee and office-holder awareness of matters relevant to corruption prevention, and it is seeking to strengthen its culture of speaking-up when a person sees or hears something that might raise concerns.

The ACCC has established processes to identify, consider and investigate potential corruption issues where they do arise. We have an extensive range of formal policies and guidelines that are relevant to integrity matters, including a code of conduct for Commissioners, a gifts and hospitality policy, conflicts of interest policy, paid and unpaid other employment policy, an approach to tenders and contracts policy, an acceptable use policy in relation to information technology and a Fraud Control Action Plan.

Our employee induction and on-boarding processes also contain various requirements in relation to integrity-related matters, such as conflicts of interest and confidentiality.

The ACCC is acutely conscious of the risks that findings of lack of integrity or impropriety, whether intentional or inadvertent, would have on the agency's reputation and has a range of controls in place to mitigate such an event occurring.

Several of the ACCC's governance and structure arrangements mitigate the risk of corruption occurring in relation to its operational decision-making. While individuals can influence decisions, and some are solely responsible for making certain decisions, the majority of decisions made within the ACCC, including the most significant decisions, are made by multiple individuals sitting as the Commission, committees or other formal decision-making bodies. For example, all key decisions about 'in-depth enforcement investigations' are made by the Enforcement Committee and the Commission rather than any individual, and those decisions are informed by the ACCC's Compliance and Enforcement Policy.

The ACCC looks forward to continuing to work closely with the ACLEI and we are willing to assist the Committee further should it have any questions of the ACCC.

Yours sincerely



Scott Gregson
Chief Operating Officer