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**Australian Government**  
**Australian Commission for  
Law Enforcement Integrity**

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Ref: 22#18619

28 April 2022

The Hon Tony Fitzgerald AC QC  
Chairperson and Commissioner  
State Law Building  
50 Ann Street  
BRISBANE QLD 4001

By email, c/o: [submissions@cccinqury.qld.gov.au](mailto:submissions@cccinqury.qld.gov.au)

Dear Mr Fitzgerald

**Commission of Inquiry into specific matters relating to the Crime and Corruption Commission**

Thank you for the invitation to contribute to the Commission of Inquiry which has been established by the Queensland Government to examine matters relating to the Crime and Corruption Commission.

Attached for your consideration is a submission in response to the questions raised in your letter to me of 25 March 2022.

I would be happy to provide further information if that is of assistance. Please do not hesitate to contact me on [REDACTED] or via email to [REDACTED]

Yours sincerely,

[REDACTED]  
Jaala Hinchcliffe  
Integrity Commissioner

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Law Enforcement Integrity

# Commission of Inquiry into specific matters concerning the Crime and Corruption Commission

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Submission by the Australian Commission for Law Enforcement  
Integrity

## 1. Introduction

- 1.1 The Australian Commission for Law Enforcement Integrity (ACLEI) welcomes the opportunity to make a submission to the Commission of Inquiry established by the Queensland Government into specific matters concerning the Crime and Corruption Commission. On 25 March 2022, the Commissioners wrote to the Integrity Commissioner seeking information on a number of issues relevant to the Commission of Inquiry. The following submission deals with those issues.

### **Background: The Australian Commission for Law Enforcement Integrity (ACLEI)**

- 1.2 The office of the Integrity Commissioner and the Australian Commission for Law Enforcement Integrity (ACLEI) are established by the *Law Enforcement Integrity Commissioner Act 2006* (Cth) (LEIC Act). The LEIC Act provides a framework for ACLEI to investigate allegations of corrupt conduct (defined under the LEIC Act as abuse of office, perverting the course of justice and corruption of any other kind) relating to the conduct of staff members of ten Commonwealth law enforcement agencies.<sup>1</sup>
- 1.3 ACLEI receives notifications of allegations of corrupt conduct from the heads of agencies under its jurisdiction and can also receive information (called referrals) from members of the public.
- 1.4 The LEIC Act outlines how such notifications and referrals of corruption issues can be dealt with including through ACLEI investigations, the use of coercive powers by the Integrity Commissioner, and ACLEI's reporting obligations.
- 1.5 ACLEI investigations examine allegations of corrupt conduct in order to establish the relevant facts and determine whether there is evidence of criminal wrongdoing or sufficient evidence to support findings of corruption to an administrative standard. At the conclusion of each investigation, the Integrity Commissioner prepares a report to the Attorney-General.

## 2. The use of seconded police officers in ACLEI investigations and processes connected to decisions to commence prosecutions

- 2.1 ACLEI commonly hosts a number of secondees from police agencies who form part of ACLEI's team of investigators. There are currently 3 members of the Australian Federal Police and one member of the New South Wales Police Force seconded to ACLEI. These secondments are underpinned by Memoranda of Understanding with the relevant home agency.
- 2.2 The role of all ACLEI investigators, irrespective of whether they are employees or secondees, is to conduct investigations into allegations of corrupt conduct as defined under the LEIC Act. ACLEI's investigators include both police officers (currently serving and previously employed) and investigators from non-policing backgrounds (such as investigative, regulatory and compliance roles in public

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<sup>1</sup> For a list of the agencies over which ACLEI has jurisdiction, please visit our website: <https://www.aclei.gov.au/acleis-role>

sector agencies). This ensures a balance of experience and expertise in the investigation team.

- 2.3 In addition to their general investigative functions, Australian Federal Police (AFP) secondees also perform an important role in the execution of search warrants under section 3E of the *Crimes Act 1914* (Cth) (Crimes Act), on behalf of ACLEI investigators who cannot execute Crimes Act search warrants in their own right<sup>2</sup>.
- 2.4 As set out in more detail below, section 142 of the LEIC Act requires the Integrity Commissioner to refer certain evidence to the AFP or the Commonwealth Director of Public Prosecutions (CDPP). However, it is a matter for the CDPP, and not ACLEI, as to whether to commence a prosecution in relation to matters arising from an ACLEI investigation.

### **3. Issues relating to the use of seconded police officers at ACLEI and relevant governance processes**

- 3.1 Seconded police officers are carefully chosen and enhance ACLEI's investigative capabilities. To date, ACLEI's experience with the use of seconded police officers within the investigations team has been positive. Recent secondees have proven to be skilled investigators and have provided valuable assistance to ACLEI investigations.
- 3.2 Internal ACLEI processes exist to manage seconded police officers and ensure investigations stay on-track and remain proportionate, efficient and effective. On commencing with ACLEI, seconded police officers undergo an induction, including with respect to ACLEI organisational processes, procedures, expectations and culture. Furthermore, seconded police officers cannot make significant operational decisions in isolation. All critical decisions, applications for warrants, and briefs of evidence are peer reviewed by an ACLEI-employed investigator and/or by a Director in the investigations team (all of whom are ACLEI employees).
- 3.3 ACLEI's broader structure also provides for strong governance over investigations and seconded police officers, including through:
  - the chain of command
  - 90-day case review processes
  - internal governance boards, and
  - relevant statutory powers that can only be exercised by ACLEI's senior executive service employees and/or by the Integrity Commissioner.

### **4. Expertise, qualification and training required of ACLEI investigators and persons commencing prosecutions**

- 4.1 The investigations team at ACLEI is comprised of investigators, senior investigators, and directors.<sup>3</sup>

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<sup>2</sup> ACLEI investigators can execute search warrants under the LEIC Act.

<sup>3</sup> For position descriptions of these roles, please see Appendix A to this submission.

- 4.2 Investigators are recruited as APS 6 level officers. At the APS 6 level, employees are required to have, as the minimum qualification, a Certificate IV in government investigations (or equivalent).
- 4.3 Senior investigators are recruited as EL1 level officers. In practice, senior investigators at the EL1 level generally have extensive prior experience and are equipped to conduct corruption investigations.
- 4.4 Directors, who are responsible for overseeing operational teams comprising both investigators and intelligence analysts, are recruited as EL2 level officers.
- 4.5 As set out in more detail below, the CDPP is responsible for prosecuting offences arising from ACLEI investigations. However, during the course of complex investigations, ACLEI may engage with the CDPP to discuss relevant matters.

## 5. Relevant laws, policies, procedures and practices affecting the decision to commence a prosecution arising out of an ACLEI investigation

- 5.1 The *Prosecution Policy of the Commonwealth*<sup>4</sup> (the Prosecution Policy) sets out the criteria for commencing prosecutions in the federal jurisdiction, including with respect to prosecutions arising as a result of an ACLEI investigation.
- 5.2 Under the Prosecution Policy, a two-limbed test must be satisfied before a Commonwealth prosecution is commenced:
  - there must be sufficient evidence to prosecute the matter (meaning a *prima facie* case with reasonable prospects of conviction), and
  - the prosecution must be in the public interest.
- 5.3 Pursuant to section 139 of the LEIC Act, authorised officers under the Act may exercise powers of arrest. Where an authorised officer under the LEIC Act makes an arrest, a brief of evidence is then prepared and referred to the CDPP for assessment in accordance with the Prosecution Policy.<sup>5</sup>
- 5.4 Relevantly, however, ACLEI does not commence or conduct its own prosecutions. Any prosecution arising from an ACLEI investigation is initiated and conducted by the CDPP. This reflects paragraph 3.6 of the Prosecution Policy, which states:

*Most Commonwealth prosecutions are conducted by the DPP. However, there are a few areas where Commonwealth agencies conduct summary prosecutions for straight-forward regulatory offences by arrangement with the DPP.*

- 5.5 Currently there is no such arrangement in place between ACLEI and the CDPP. Accordingly, both summary and indictable Commonwealth prosecutions flowing from ACLEI investigations are conducted by the CDPP.
- 5.6 Alternatively, in circumstances where a joint investigation has been conducted by ACLEI and a state or territory agency and it is appropriate for the matter to be

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<sup>4</sup> Please see: [Prosecution Policy of the Commonwealth as updated 19 July 2021.pdf \(cdpp.gov.au\)](https://cdpp.gov.au/publications/prosecution-policy-of-the-commonwealth-as-updated-19-july-2021.pdf)

<sup>5</sup> See Prosecution Policy, part 4.

prosecuted jointly, prosecutions may be conducted by a State or Territory Director of Public Prosecutions under a joint trial arrangement.<sup>6</sup>

## 6. Relevant laws, policies and procedures affecting the referral of matters to prosecuting authorities

- 6.1 In addition to the matters set out above, pursuant to section 142 of the LEIC Act, the Integrity Commissioner must assemble and refer admissible evidence<sup>7</sup> of an offence against a law of the Commonwealth to the AFP or the CDPP.<sup>8</sup>
- 6.2 Where the Integrity Commissioner makes a referral pursuant to section 142(1) of the LEIC Act, that referral will also be made in accordance with the
- *Guidelines for Dealings between Investigators and the Commonwealth Director of Public Prosecutions*,<sup>9</sup> and
  - CDPP's e-Brief Referral Guidelines.
- 6.3 Notably, section 142 of the LEIC Act places the Integrity Commissioner in a substantially different position to other Commonwealth investigative agencies.
- 6.4 Under section 142(1), the Integrity Commissioner has a mandatory obligation to refer matters to the CDPP in the circumstances prescribed in that provision. In comparison, other Commonwealth investigative agencies retain a discretionary power to determine whether a matter be referred to the CDPP.<sup>10</sup>
- 6.5 Section 142 of the LEIC Act also establishes a comparable process to be undertaken by the Integrity Commissioner in circumstances where the Integrity Commissioner obtains admissible evidence:
- of a contravention of a civil penalty provision of a Commonwealth law<sup>11</sup>
  - of an offence against a law of a State or Territory<sup>12</sup>
  - of a contravention of a civil penalty provision of a State or Territory law,<sup>13</sup> and
  - for the purposes of confiscation proceedings under Commonwealth or State or Territory law.<sup>14</sup>

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<sup>6</sup> Prosecution Policy, paragraph 3.11.

<sup>7</sup> Noting that certain hearing material will usually not be admissible. See: LEIC Act, ss 80(3)-(4A), 96(3)-(4A).

<sup>8</sup> LEIC Act, s 142(1)(a), (c)-(d).

<sup>9</sup> Please see: [Guidelines for dealings between Commonwealth Investigators and the Commonwealth Director of Public Prosecutions \(cdpp.gov.au\)](https://www.cdpp.gov.au/guidelines-for-dealings-between-commonwealth-investigators-and-the-commonwealth-director-of-public-prosecutions)

<sup>10</sup> Prosecution Policy, paragraph 3.7.

<sup>11</sup> LEIC Act, s 142(1)(b)-(d).

<sup>12</sup> LEIC Act, s 142(2).

<sup>13</sup> LEIC Act, s 142(2).

<sup>14</sup> LEIC Act, s 143.

## 7. Practices concerning advice given by prosecuting authorities to ACLEI

- 7.1 ACLEI maintains a strong stakeholder relationship with the CDPP.
- 7.2 Responsibility for prosecution of matters arising from ACLEI investigations sits within the CDPP's International Assistance and Specialist Agencies Practice Group (IASAPG). Regular liaison meetings are scheduled between ACLEI and IASAPG staff to discuss any emerging issues, as well as future matters which may be referred by ACLEI and the progress of matters which have already been referred by ACLEI to the CDPP.
- 7.3 Where ACLEI requires advice from the CDPP prior to making a referral, ACLEI is able to seek advice in accordance with the CDPP's *National Legal Direction on Pre-Brief Advice*.<sup>15</sup>
- 7.4 In the course of assessing briefs, the CDPP may also advise ACLEI that there is a need for additional evidence in order to assess the brief. Where this occurs, ACLEI will consider whether that evidence is readily obtainable and, where it is not, may request that the CDPP assess the brief on the currently available evidence.

## 8. Practices concerning the management of evidence obtained through the use of ACLEI's coercive powers

- 8.1 Under the LEIC Act, the Integrity Commissioner has two coercive powers which remove the protection against self-incrimination.<sup>16</sup> These are:
- a power to issue a notice requiring a person to give information or produce a document or thing,<sup>17</sup> and
  - a power to require a person to give evidence at a hearing.<sup>18</sup>
- 8.2 In response to the decisions in *X7 v Australian Crime Commission* (2013) 248 CLR 92, *Lee v NSW Crime Commission* (2013) 251 CLR 196 and *Lee v The Queen* (2014) 253 CLR 45, Part 9 of the LEIC Act was amended to clearly set out the circumstances in which ACLEI can use its powers to disclose information obtained directly or indirectly from ACLEI hearings, and the uses to which such information can be put – making a clear distinction between pre-charge and post-charge hearings.
- 8.3 Part 9 of the LEIC Act imposes limitations on the way that hearing material may be used or disclosed, so as to protect the fair trial of a person being prosecuted as a result of an ACLEI investigation. For example:
- the Integrity Commissioner must issue a direction preventing the disclosure of hearing material if, amongst other things, the hearing is held in private<sup>19</sup> and the witness has been charged with an offence (or a charge is imminent) and the

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<sup>15</sup> Please see: [NLD Pre-Brief Advice May 2021.pdf \(cdpp.gov.au\)](#)

<sup>16</sup> See also: LEIC Act, ss 80(3)-(4A), 96(3)-(4A).

<sup>17</sup> LEIC Act, s 75.

<sup>18</sup> LEIC Act, s 83.

<sup>19</sup> In practice, hearings are generally held in private and the Integrity Commissioner has not, to date, conducted a public inquiry.

failure to make the direction would reasonably be expected to prejudice his or her trial,<sup>20</sup> and

- once a witness has been charged with an offence (or such a charge is imminent), hearing material cannot be disclosed to a prosecutor of the witness without an order from the court hearing the charges. The court may only order the disclosure of hearing material to a prosecutor if it would be in the interests of justice.<sup>21</sup>

8.4 Section 207 of the LEIC Act supplements the provisions in Part 9 by imposing a broad confidentiality obligation on ACLEI staff by making it an offence to record, divulge or communicate certain information.<sup>22</sup>

8.5 ACLEI is cognisant of the impact of the use of coercive powers on any potential prosecution of a person to whom a notice is given or summons is served.

## **9. Steps taken to minimise inappropriate impacts on affected persons during ACLEI investigations and hearings**

9.1 ACLEI manages the welfare of persons affected by ACLEI investigations on a case by case basis. Currently, where the person under investigation is a staff member of an agency within ACLEI's jurisdiction, the primary resource available to that person will be any employee assistance programs provided by their home agency. Typically, these programs include confidential counselling services provided by a third-party provider, as well as other in-house health and wellbeing services.

9.2 ACLEI does not provide a generic welfare program for individuals involved in ACLEI investigations, such as witnesses. However, ACLEI is actively considering whether it is appropriate to implement a witness management policy.

9.3 It is envisaged that such a policy would provide witnesses with access to an appropriately qualified support person with whom they could lawfully discuss their experiences and who would provide professional guidance on how to mitigate or deal with any health and wellbeing issues.

9.4 It is also anticipated that under this policy persons subject to adverse findings made by the Integrity Commissioner in a report concerning a corruption issue would similarly be able to access the services of a support person.

9.5 In addition to these policies, there is a suite of statutory provisions in the LEIC Act that deal with how hearings are to be conducted and with other procedural fairness requirements.

9.6 With respect to ACLEI hearings, under the LEIC Act:

- the Integrity Commissioner may decide to hold hearings in private<sup>23</sup>

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<sup>20</sup> LEIC Act, s 90(1) and (2)(b).

<sup>21</sup> LEIC Act, ss 96AB(1)(b) and 96AD(1).

<sup>22</sup> LEIC Act, s 207.

<sup>23</sup> LEIC Act, s 82(3)-(4).

- a person giving evidence at a public hearing may request that particular evidence is given in private<sup>24</sup>
  - the Integrity Commissioner may issue a direction limiting or preventing the use or disclosure of hearing material<sup>25</sup>
  - a person giving evidence (and, in special circumstances consented to by the Integrity Commissioner, other persons) may be represented by a legal practitioner<sup>26</sup> and
  - witnesses must be informed by the Integrity Commissioner of the presence of persons other than ACELI staff members or legal representatives at a hearing and be given the opportunity to comment on that person's presence at the hearing.<sup>27</sup>
- 9.7 Specifically, in determining whether to hold a hearing in public or private the Integrity Commissioner must have regard to whether:
- the evidence that may be obtained is confidential
  - the evidence may relate to the commission (or alleged commission) of an offence
  - holding a public hearing would unfairly prejudice the reputation of a person
  - it is in the public interest that the hearing takes place in public, and
  - there are any other matters relevant to making the decision.
- 9.8 Relevantly, to date ACELI has only conducted hearings in private. This means that hearings have been conducted with only the Integrity Commissioner, her counsel-assisting and relevant ACELI staff members present.
- 9.9 The private nature of ACELI hearings minimises the impact on ACELI witnesses, relative to persons subject to public examinations.
- 9.10 It should also be noted that, as ACELI typically conducts investigations covertly, ACELI hearings and investigations are not generally subject to running media commentary. Media coverage generally only occurs when matters come before courts for prosecution or when ACELI publishes investigation reports on its website.
- 9.11 Furthermore, a number of provisions under the LEIC Act deal specifically with the safety of persons affected by ACELI investigations. This includes provisions concerning the offence of victimisation,<sup>28</sup> protection of witnesses,<sup>29</sup> and protection of persons required to give information or produce documents.<sup>30</sup>

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<sup>24</sup> LEIC Act, s 89(2).

<sup>25</sup> LEIC Act, s 90(1).

<sup>26</sup> LEIC Act, s 85.

<sup>27</sup> LEIC Act, s 86(3).

<sup>28</sup> LEIC Act, s 220.

<sup>29</sup> LEIC Act, s 104A.

<sup>30</sup> LEIC Act, s 81.

- 9.12 There are also provisions that set out a person's right to apply for legal and financial assistance,<sup>31</sup> and witnesses' entitlement to be paid a travel allowance and for other expenses prescribed by regulation.<sup>32</sup>
- 9.13 The LEIC Act additionally already requires that a person with respect to whom the Integrity Commissioner intends to issue a critical opinion or make a critical finding (expressly or impliedly) in a report regarding an investigation into a corruption issue must first be given a statement setting out the opinion or finding and be given a reasonable opportunity to make submissions on the opinion or finding.<sup>33</sup>
- 9.14 The Integrity Commissioner may also only release a public version of a report regarding an investigation into a corruption issue where she is satisfied it is in the public interest to do so, having had regard to achieving an appropriate balance between the public interest in favour of releasing a public report and any prejudicial consequences which may arise from such a report being published.<sup>34</sup>

## **10. Bodies which provide independent oversight of ACLEI**

- 10.1 There are a number of bodies which provide independent oversight over ACLEI.
- 10.2 The Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (PJCACLEI) is established under the LEIC Act.<sup>35</sup> The PJCACLEI has a range of functions,<sup>36</sup> including to:
- monitor the Integrity Commissioner's performance of his or her functions
  - examine ACLEI's annual reports
  - examine trends and changes in relation to corruption in Commonwealth law enforcement agencies, and
  - report to the Houses of Parliament on any changes it considers desirable.
- 10.3 In addition to the PJCACLEI, ACLEI is subject to a range of other external scrutiny, including by the Commonwealth Ombudsman in relation to ACLEI's use of certain coercive information gathering powers, and the Auditor-General in relation to ACLEI's performance and financial management.

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<sup>31</sup> LEIC Act, ss 103 and 221.

<sup>32</sup> LEIC Act, s 83(6).

<sup>33</sup> LEIC Act, s 51.

<sup>34</sup> LEIC Act, s 209(1).

<sup>35</sup> LEIC Act, pt 14.

<sup>36</sup> LEIC Act, s 215.

## **Appendix A – Position descriptions**



## POSITION DESCRIPTION

<b>Position title</b>	Investigator
<b>Branch</b>	Operations Northern/Operations Southern
<b>Classification</b>	APS Level 6
<b>Position number</b>	Various
<b>Hours per week</b>	37.5 hours full-time, or part-time hours as agreed
<b>Supervisor</b>	Senior Investigator
<b>Security clearance</b>	Must be able to obtain and retain a Negative Vetting 1 security clearance from the Australian Government Security Vetting Agency (AGSVA)

### About the Role

Reporting to a Senior Investigator and under broad guidance, the Investigator is responsible for the conduct of investigations into allegations of corrupt conduct, using the full range of investigative methodologies, including coercive powers available under the *Law Enforcement Integrity Commissioner Act 2006* (LEIC Act).

#### The Investigator is responsible for the following:

- Participating in investigations and related work including the gathering of evidence relating to corruption issues in law enforcement agencies.
- During the conduct of investigations, undertaking and/or assisting with relevant activities as directed by the senior investigator, including conducting interviews, taking statements, preparing applications for the use of particular powers, such as Surveillance Device Warrants and Telecommunications Interception and Stored Communications Warrants, executing search warrants, preparing affidavits, preparing briefs of evidence, and, when required, giving evidence in court.

#### Key activities of this position include:

- Contributing to the timely, efficient and effective progress of investigations.
- Assisting with, and at times leading in, conducting interviews, taking statements, executing search warrants, preparing applications for authorities, affidavits and briefs of evidence, and, when required, giving evidence in court.
- Facilitating effective working relationships within a multidisciplinary team environment, comprising investigators, analysts and other specialists responsible for providing management, input into cases and work program activities.
- Participating in joint investigations with partner law enforcement agencies.
- Representing the interests of ACLEI and helping manage ACLEI's relationships with relevant stakeholders.

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- Participating in continuous improvement activities relating to the investigative function within ACLEI, including analysis, testing and implementing improved policies, procedures, processes and tools.
- Fostering commitment to shared goals and maintaining a contemporary knowledge in investigation concepts, methods, and tools.
- Fostering a healthy and safe working environment, modelling and promoting ethical behaviour and practices consistent with the APS Code of Conduct.

## Key Requirements

### **Analytical skills and sound judgement**

- demonstrates strong research, interpretation and problem solving skills
- demonstrates the ability to think strategically and make balanced, well informed decisions in relation to own work area
- demonstrates the capacity for originality of thought

### **Ability to achieve results**

- plays an active role in setting work area goals and monitoring progress
- demonstrates organisational skills of a high order including, if appropriate, the ability to effectively manage others in the delivery of work
- responds flexibly to changing requirements
- applies and promotes workplace diversity and occupational health and safety principles in delivering the work of the area

### **Ability to develop productive working relationships**

- works cooperatively with others and models and promotes team player behaviour
- demonstrates strong client service and client relationship management skills
- treats others with respect and courtesy and values different ideas and approaches

### **Demonstrated personal drive and integrity**

- adheres to and promotes the APS Values and Code of Conduct, and the Department's Values
- takes responsibility for outcomes of own work area and learns from mistakes
- displays a high level of initiative and shows strong commitment to continued learning

### **Ability to communicate effectively**

- demonstrates highly developed oral and written communication skills
- listens actively to others and responds appropriately
- puts forward ideas and considers and encourages the views of others
- displays strong representation skills and the ability to persuade and negotiate

### **Eligibility (Prescribed Qualifications)/Other Requirements:**

- Demonstrated experience in investigations or related fields and/or demonstrated experience in a similar role
- Certificate IV in Government Investigations (or ability to obtain within 12 months of commencement).

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## POSITION DESCRIPTION

<b>Position title</b>	Senior Investigator
<b>Branch</b>	Operations Northern/Operations Southern
<b>Classification</b>	Executive Level 1
<b>Position number</b>	Various
<b>Hours per week</b>	37.5 hours full-time, or part-time hours as agreed
<b>Supervisor</b>	Director Operations
<b>Security clearance</b>	Must be able to obtain and retain a Negative Vetting 1 security clearance from the Australian Government Security Vetting Agency (AGSVA)

### About the Role

Reporting to the Director Operations and under broad guidance, the Senior Investigator is responsible for the conduct of complex investigations into allegations of corrupt conduct, using the full range of investigative methodologies, including coercive powers available under the Law Enforcement Integrity Commissioner Act 2006 (LEIC Act).

The Senior Investigator is responsible for the following:

- Leading and/or participating in the conduct of more complex investigations into allegations of corrupt conduct and the gathering and preparation of briefs of evidence.
- During the conduct of complex investigations, undertaking all relevant activities, including conducting interviews, taking statements, preparing applications for the use of particular powers, such as Surveillance Device Warrants and Telecommunications Interception and Stored Communications Warrants, executing search warrants, preparing affidavits, briefs of evidence, and, when required, giving evidence in court.

### Key activities of this position include:

- Leading the planning and ongoing management of investigations to ensure robust and timely outcomes.
- Facilitating effective working relationships within a multidisciplinary team environment, comprising investigators, intelligence analysts, lawyers and other specialists.
- Undertake and/or assist in the preparation of investigative reports specific to the requirements of the LEIC Act, including reports communicating the outcomes of ACLEI investigations.
- Providing advice to the Integrity Commissioner and senior executives of ACLEI in relation to the carriage of complex investigations.

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- Ensuring effective working relationships and governance of investigations being jointly undertaken with partner agencies.
- Representing the interests of ACLEI and helping manage ACLEI's relationships with relevant stakeholders including other Australian Government agencies, State and Territory representatives and the private sector as necessary.
- Undertake and participate in continuous improvement activities relating to the investigative function within ACLEI, including developing, reviewing, evaluating and implementing relevant policies, procedures, processes, tools and best practices.
- Providing management and leadership support including workgroup management, allocation of work, administrative approvals, and developing, coaching and mentoring staff. This will likely include direct line management of APS 6 investigators.
- Leading and exemplifying a healthy and safe working environment, modelling and promoting ethical behaviour and practices consistent with the APS Code of Conduct.

## Key Requirements

### Ability to think strategically

- objectively thinks through problems from various angles, assesses risk and identifies solutions
- demonstrates originality of thought and the capacity to develop innovative solutions
- critically evaluates information and demonstrates sound judgement in decision-making

### Ability to achieve results

- contributes actively to strategic planning processes and helps to ensure a shared understanding of strategic direction and corporate priorities
- contributes to defining, planning and scheduling work of the area and responds flexibly to changing requirements
- demonstrates strong organisational and management skills including, if appropriate, the ability to effectively manage the performance of others in the delivery of work
- models and promotes workplace diversity principles and fosters a safe and healthy working environment in delivering the work of the area

### Ability to develop productive working relationships

- consults with others and fosters a work environment where people work collaboratively
- develops and maintains effective working relationships with clients and fosters a client focussed culture
- treats others with respect and courtesy and values different ideas and approaches
- models and promotes team player behaviour and fosters a harmonious work environment

**Demonstrated personal drive and integrity**

- applies and promotes the APS Values and Code of Conduct
- takes responsibility for own work area and learns from mistakes
- demonstrates high levels of initiative and remains positive and focused on objectives even in difficult circumstances
- shows strong commitment to continued learning and takes responsibility for own development

**Ability to communicate effectively**

- demonstrates highly effective oral and written communication skills
- listens actively to others and responds appropriately
- puts forward new ideas and considers and encourages the contributions of others
- demonstrates sound negotiation skills
- demonstrates strong representation and facilitation skills

**Eligibility (Prescribed Qualifications)/Other Requirements:**

- Demonstrated experience in a similar role
- Diploma in Government Investigations (or the ability to obtain within 12 months of commencement).



## POSITION DESCRIPTION

<b>Position title</b>	Director Operations
<b>Branch</b>	Operations Northern/Operations Southern
<b>Classification</b>	Executive Level 2
<b>Position number</b>	Various
<b>Hours per week</b>	37.5 hours full-time, or part-time hours as agreed
<b>Supervisor</b>	Executive Director
<b>Security clearance</b>	Must be able to obtain and retain a Negative Vetting 2 security clearance from the Australian Government Security Vetting Agency (AGSVA)

### About the Role

Reporting to the Executive Director Operations, each Director Operations is responsible for establishing and managing one of the Commission's operations teams. The operations teams conduct complex corruption investigations, including through the use of a range of coercive or covert law enforcement powers. Each Director Operations will be responsible for:

- Leading and managing one of the Commission's operations teams.
- Managing all aspects of complex anti-corruption operations.
- Developing plans and systems that support, enable and monitor achievement of the team.
- Contributing to the effective management of the Commission.
- Developing and managing relationships with internal and external stakeholders, including representing the Commission at external forums as required.

### Key Requirements

#### Ability to think strategically

- objectively thinks through problems from various angles, assesses risk and identifies solutions
- demonstrates originality of thought and the capacity to develop innovative solutions
- critically evaluates information and demonstrates sound judgement in decision-making

#### Ability to achieve results

- contributes actively to strategic planning processes and actively promotes a shared understanding of strategic direction and corporate priorities

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- defines, plans and schedules work of the area and responds flexibly to changing requirements
- demonstrates organisational and management skills of a high order including, if appropriate, the ability to effectively manage the performance of others in the delivery of work
- adopts a leadership role in modelling and promoting workplace diversity principles and fostering a safe and healthy working environment in delivering the work of the area

### **Ability to develop productive working relationships**

- consults with others and fosters a work environment where people work collaboratively
- develops and maintains effective working relationships with clients and fosters a client focussed culture
- treats others with respect and courtesy and values different ideas and approaches
- adopts a leadership role in modelling and promoting team player behaviour and fostering a harmonious work environment

### **Demonstrated personal drive and integrity**

- adopts a leadership role in applying and promoting the APS Values and Code of Conduct
- takes responsibility for outcomes of own work area and learns from mistakes
- demonstrates high levels of initiative and remains positive and focused on objectives even in difficult circumstances
- shows strong commitment to continued learning and takes responsibility for own development

### **Ability to communicate effectively**

- demonstrates highly effective oral and written communication skills
- listens actively to others and responds appropriately
- puts forward new ideas and considers and encourages the contributions of others
- negotiates complex matters persuasively
- demonstrates representation and facilitation skills of a high order

### **Position specific requirements**

- Tertiary qualifications in investigation, intelligence or related fields and/or demonstrated experience in a similar role.