

LECC

Law Enforcement
Conduct Commission

OPERATION TAUPO

REPORT PURSUANT TO SECTION 132 LAW
ENFORCEMENT CONDUCT COMMISSION ACT 2016

OCTOBER 2019

LECC

Law Enforcement
Conduct Commission

Office of Commissioner for Integrity

46411/581

31 October 2019

The Hon John Ajaka MLC
President
Legislative Council
Parliament House
SYDNEY NSW 2000

The Hon Jonathan O'Dea MP
Speaker
Legislative Assembly
Parliament House
SYDNEY NSW 2000

Dear Mr President and Mr Speaker

In accordance with section 132(3) of the *Law Enforcement Conduct Commission Act 2016* (the Act), the Commission hereby furnishes to you a Report in relation to its investigation in Operation Taupo.

Pursuant to section 142(2) of the Act, I recommend that this Report be made public immediately.

Yours sincerely



The Hon Lea Drake
Commissioner for Integrity

Encl.

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1. Introduction

- 1.1 The Commission's investigation in Operation Taupo arose from information received in September 2018 alleging that Civilian 1, President of an outlaw motorcycle gang (OMCG) was receiving confidential information, including criminal history checks, from a NSW police officer. It was also alleged that this NSW police officer was receiving payments for providing such information. A member of an OMCG identified Senior Constable A (S/C A) as that NSW police officer.

2. The Commission's Report

- 2.1 This report is made pursuant to Part 11 of the *Law Enforcement Conduct Commission Act 2016* (LECC Act). Section 132(1) provides that the Commission may prepare reports "*in relation to any matter that has been or is the subject of investigation under Part 6*".

- 2.2 Section 133 (Content of reports to Parliament) provides that:

(1) The Commission is authorised to include in a report under section 132:

(a) statements as to any of the findings, opinions and recommendations of the Commission, and

(b) statements as to the Commission's reasons for any of the Commission's findings, opinions and recommendations.

(2) The report must include, in respect of each affected person, a statement as to whether or not in all the circumstances the Commission is of the opinion that consideration should be given to the following:

(a) obtaining the advice of the Director of Public Prosecutions with respect to the prosecution of the person for a specified criminal offence,

(b) the taking of action against the person for a specified disciplinary infringement,

(c) the taking of action (including the making of an order under section 181D of the Police Act 1990) against the person as a police officer on specified grounds, with a view to dismissing, dispensing with the services of or otherwise terminating the services of the police officer,

(d) the taking of reviewable action within the meaning of section 173 of the Police Act 1990 against the person as a police officer,

(e) the taking of action against the person as a Crime Commission officer or an administrative employee on specified grounds, with a view to dismissing, dispensing with the services of or otherwise terminating the services of the Crime Commission officer or administrative employee.

Note. See section 29(4) in relation to the Commission's opinion.

(3) An "affected person" is a person against whom, in the Commission's opinion, substantial allegations have been made in the course of or in connection with the investigation (including examination) concerned.

(4) Subsection (2) does not limit the kind of statement that a report can contain concerning any affected person and does not prevent a report from containing a statement described in that subsection in respect of any other person.

2.3 Part 4 of the LECC Act sets out the functions of the Commission. Pursuant to section 29 the Commission may, *inter alia*, make findings and form opinions on the basis of its investigations as to whether officer misconduct occurred and to make recommendations as to whether the advice of the Director of Public Prosecutions should be sought in relation to the commencement of proceedings against particular persons for criminal offences or whether consideration should be given to the taking of action under Part 9 of the *Police Act 1990*. However, the Commission cannot include in a report under Part 11 of the LECC Act a finding or opinion that any conduct of a specified person is officer misconduct unless the conduct is serious misconduct.

2.4 Serious misconduct is defined in section 10 of the LECC Act as:

(1) For the purposes of this Act, "serious misconduct" means any one of the following:

(a) conduct of a police officer, administrative employee or Crime Commission officer that could result in prosecution of the officer or employee for a serious offence or serious disciplinary action against the officer or employee for a disciplinary infringement,

(b) a pattern of officer misconduct, officer maladministration or agency maladministration carried out on more than one occasion, or that involves more than one participant, that is indicative of systemic issues that could adversely reflect on the integrity and good repute of the NSW Police Force or the Crime Commission,

(c) corrupt conduct of a police officer, administrative employee or Crime Commission officer.

(2) In this section:

"serious disciplinary action" against an officer or employee means terminating the employment, demoting or reducing the rank, classification or grade of the office or position held by the officer or employee or reducing the remuneration payable to the officer or employee.

"serious offence" means a serious indictable offence and includes an offence committed elsewhere than in New South Wales that, if committed in New South Wales, would be a serious indictable offence.

- 2.5 The Commission may hold an examination for the purpose of an investigation into conduct that it has decided is (or could be) serious misconduct or serious maladministration: section 61(a).
- 2.6 In considering any factual conclusions to be reached in a report, the Commission will apply the civil standard of proof, namely whether the relevant factual matters have been proved to the reasonable satisfaction of the Commission.¹
- 2.7 Section 143 (Persons to be Heard) requires the Commission, before including in a report under Part 11 any comment about a person that the Commission considers adverse, so far as practicable, to inform that person of the substance of the grounds of the adverse comment and give the person an opportunity to make submissions.²
- 2.8 The Commission is taken to have complied with section 143 if it has held an examination at which the person who is the subject of the adverse comment concerned was informed of the substance of the grounds of the adverse comment and given an opportunity to make submissions.³
- 2.9 The Commission provided S/C A, through his legal representative, with a copy of the Commission's draft report and invited him to make submissions in response. The Commission considers that it has complied with section 143 of the LECC Act.

¹ *Briginshaw v Briginshaw* [1938] 60 CLR 336; *Neat Holdings Pty Ltd v Karajan Holdings Pty Ltd* (1992) 67 ALJR 170

² LECC Act, section 143(1)

³ LECC Act, section 143(2)

3. The Commission Investigation

- 3.1 On 24 September 2018, the Commission decided to commence a preliminary investigation, which revealed that in the period 1 May 2018 to 5 October 2018, S/C A was in phone contact with two persons who were members of OMCGs. S/C A was also in contact with another person who had links to an OMCG but it was not known whether he was a member of one. An examination of records held on the police computerised database, known as COPS, revealed that in 2014 S/C A accessed the records of Civilian 2, a person who had links with various OMCGs. These accesses did not appear to relate to S/C A's operational duties at the time.
- 3.2 In light of the matters revealed during the preliminary investigation, the Commission decided in October 2018 to commence a full investigation, which became known as Operation Taupo. In furtherance of that investigation, the Commission applied for and was granted surveillance device and telephone intercept warrants.
- 3.3 Following the information gathered during the investigation, the Commission decided that its investigation would focus on the following matters:

1. S/C A's accesses on COPS of records relating to Civilian 2 and Civilian 2's family members

On 27 December 2013, 10 January, 2014, 15 January 2014, 12 March 2014 and 11 June 2014, S/C A accessed records on COPS relating to Civilian 2. On 30 January 2014, he also accessed the records of family members of Civilian 2. Those accesses did not appear to be authorised given S/C A's known operational duties at the time.

2. S/C A's association with persons having links to or being members of OMCGs and whether he had declared those associations in accordance with NSWPF policy and procedure.

Analysis of call charge records and intercepted communications by Commission investigators revealed that S/C A was in contact with a number of individuals, who either had a criminal history or in relation to whom there was intelligence suggesting that those individuals had links or possible links with OMCGs. This inquiry did not reveal that S/C A had declared his association with those particular individuals.

3. The decision by S/C A to not issue a traffic infringement notice for an illegal U-turn after discovering that the offender was a family friend.

On 25 November 2018, an intercepted phone call between S/C A and Civilian 3 revealed S/C A asking about a person called Civilian 4, whom S/C A, whilst

on highway patrol duty, had earlier that day stopped for making an illegal U-turn. During that phone call, the following exchange took place:

S/C A: Do you know anyone by the name of Civilian 4?

Civilian 3: Yeah.

S/C A: Who is it?

Civilian 3: Um, you know Civilian 5 brother the agent?

.....It's Civilian 6's sister. Why is she alright?

S/C A: Ah I just pulled her over and gave her a ticket.

.....She did a U-turn at the lights?

.....After I gave the ticket, I saw the name Civilian 4 and I'm thinking how, I know that name, Civilian 4.

.....Alright. I'll erase it. I wanted to make sure, you know.

.....She wasn't happy. I said look I'm, I'm just doing my job.

.....

Civilian 3: Will you erase it? Yeah, yeah.

S/C A: Do you speak to them?

Civilian 3: Yeah we don't mix but when I see her of course yeah, very talkative and that.

S/C A: But the thing, ah, ah, if you all one, if you tell them, I'll do the thing, I'll deal with it.

.....Tell her not to worry.

The Commission obtained the police in-car video recording of S/C A stopping Civilian 4 on 25 November 2018. The recording captures S/C A informing Civilian 4 that she would be issued with an infringement notice for making an illegal U-turn. He also informed her that the offence carried a fine of \$263 and the loss of 2 demerit points. The Commission investigation revealed that no infringement notice was ever issued to Civilian 4.

4. S/C A obtaining inspection reports for the registration of two of his motor vehicles without them being physically inspected.

Lawfully intercepted telephone calls revealed a number of conversations between S/C A and his cousin Civilian 7, who is a licensed mechanic, which suggested that S/C A obtained inspection reports for 2 of his motor vehicles, without Civilian 7 physically inspecting the motor vehicles. This would be a breach of s 69 of the *Road Transport Act 2013*.

5. Failure to declare secondary employment.

The Commission investigation revealed that S/C A registered a kebab van business in February 2019. He was seen working there on a regular basis. S/C A had an obligation under the NSW Police Force policy and procedure in relation to Secondary Employment to seek written approval from the NSW Police Force prior to engaging in such work. Specifically the policy notes that “*directorship of a company/business carrying out commercial enterprises, including unpaid roles within small family companies*” require prior written approval.

4. Evidence

- 4.1 The Commission decided to hold an examination in furtherance of the investigation and because of the nature of the allegations, and after taking into account the factors set out in s 63 of the LECC Act, decided that the examination would be held in private. The Commission determined that it would initially examine S/C A and subject to his evidence, it would then decide whether further examinations of other witnesses would be necessary. The scope and purpose of the examination was:

To investigate whether S/C A or any current or former officer of the NSWPF is, or has been, involved in serious misconduct.

- 4.2 S/C A gave the following evidence:

He was a Senior Constable and had been a police officer since 2007. Since July 2015, he had been in the Highway Patrol Command but prior to that he had been deployed in general duties. He was currently on workers' compensation, having been hurt on duty.

4.3 In relation to the specific matters the Commission was concerned with, S/C A gave the following evidence:

1. Accesses on COPS of records relating to Civilian 2 and Civilian 2's family members

S/C A was aware of Civilian 2, describing him as “a well-known criminal in the Police Area Command 1”.⁴ In late 2013, early 2014, he accessed the records of Civilian 2 and his family members as during that period he was in the intelligence unit working in Police Area Command 1. His duties included profiling people in strike forces.⁵ S/C A stated that those accesses relating to Civilian 2 and Civilian 2's family members were authorised.

2. Declarable Associations

S/C A was aware of his duty to declare associations in accordance with NSW Police Force policy and procedure.

He declared an association recently as he was asked to by his superior. This was in relation to a former police officer who lived in close proximity to his parents.⁶

S/C A was asked about his contact with a number of persons who were linked to OMCGs or had a criminal record. He gave evidence that:

- One of them he grew up with and knew through family. His father and S/C A's father went to school together.⁷ S/C A stated that he was aware that this person had links to an OMCG and that he had declared his association with that person some years ago. S/C A said that he could provide documentation confirming that he had made that declaration and that he would produce it to the Commission (which he did on 19 June through his legal representative). That produced document verified that S/C A had informed the NSWPF that he had known this particular person for about 18 years as they lived in the same area and that at that point in time, he had had contact with him about twice in the past 12 years.
- One of them he grew up with and he was a “friend of the family” and he knew him through his late uncle. He was not aware that this person had any links to an OMCG.⁸
- One was a second cousin. He had no knowledge that this person was associated with an OMCG but believed that “he had been in some trouble

⁴ Transcript of private examination of S/C A, 14 June 2019, p.12

⁵ *Ibid*, p.13

⁶ *Ibid*, p.8

⁷ *Ibid*, p.9

⁸ Transcript of private examination of S/C A, 14 June 2019, p.9

in the past, but to what extent or exactly what it was I don't know."⁹ He did not declare that association as *"it didn't even cross my mind that I had to"*.¹⁰

- One was someone he knew from growing up in Location A. He had no knowledge that this person had any association with an OMCG.
- One was a person he knew to be an asbestos removalist. He referred this person for work for the police officer previously referred to as a notifiable association by S/C A. He was aware that that person had committed traffic offences but was unaware of his criminal convictions for drug possession and driving whilst under the influence.¹¹

3. The decision to not issue a traffic infringement notice for an illegal U-turn

The lawfully intercepted telephone conversation between S/C A and Civilian 3 was played to S/C A. He confirmed that he was speaking with his cousin.

S/C A agreed that in that conversation he was telling his cousin that he would *"fix"* the ticket he had intended to issue to Civilian 4. He confirmed that at the time he pulled Civilian 4 over, he had intended to issue her with a traffic infringement notice. He conceded that his behaviour did not reflect well upon him as a police officer. S/C A gave the following evidence during his examination:¹²

Q: *You're obviously aware of the code of conduct and ethics that you've got to abide by?*

A: *Yes.*

Q: *So essentially you've informed somebody that you're going to fix the ticket when you know that they're part of your community?*

A: *It certainly doesn't look good, no.*

Q: *The risk to you as a police officer is that that particular community would then know that you are open to doing favours?*

A: *I didn't think of it that way.*

Q: *Okay but how do you think of it now?*

A: *In hindsight, the perception would not be a good one.*

⁹ *Ibid*, p.10

¹⁰*Ibid*

¹¹ *Ibid*, p.11

¹² Transcript of private examination of S/C A, 14 June 2019, p.16

4. The obtaining of inspection reports (pink slips) for the registration of two of S/C A's motor vehicles without them being physically inspected.

S/C A was aware that in order to register a car it was necessary to obtain an inspection report (colloquially referred to as a "pink slip") and that in order to obtain such a slip, physical inspection of the car was required. S/C A agreed that his cousin had issued a pink slip for two of his motor vehicles, one which he no longer had possession of, without a physical inspection. S/C A stated that his cousin was "*familiar*" with his car and that he knew the condition of the car and what had been done to it.¹³

S/C A conceded that he was aware that it was a breach of provisions of the *Road Transport Act 2013* to obtain an inspection report without the motor vehicle being physically inspected.

5. Failure to declare secondary employment.

S/C A conceded that he had recently commenced working in a kebab business and stated that it was "*by default*". S/C A explained that he had invested in the business with the intention that his daughter would run it. He stated that he had not declared this secondary employment but that he had "*absolutely intended to*". He had downloaded the forms required to declare his involvement in the business but had not yet done so as he was intending to seek advice about what was required.¹⁴

5. Submissions in Response to the Draft Report

- 5.1 On 23 August 2019, S/C A's legal representative provided Submissions in Response to the findings in the Commission's draft Report. He noted that the submissions only addressed the issue concerning the obtaining of inspection reports (pink slips) for the registration of 2 vehicles without them having been physically inspected as it was the only issue in which an adverse finding was likely to be made. S/C A accepted that he should not have allowed Civilian 7 to issue the registration certificates without inspecting the vehicles and that he should not have registered the vehicles in the circumstances.
- 5.2 Notwithstanding this concession, he submitted that there was doubt as to whether S/C A had breached the provisions of the *Road Transport Act 2013* (the Act) given that it was Civilian 7 who had issued the pink slips and who had thus breached the relevant provision of the Act.

¹³ *Ibid*, p.17

¹⁴ Transcript of private examination of S/C A, 14 June 2019, p.19

- 5.3 In relation to the Nissan motor vehicle, it was submitted that notwithstanding S/C A texting the registration papers and odometer reading to Civilian 7, he was now “...*unsure as to whether this vehicle was inspected by the mechanic when the inspection report was issued and whether he registered the vehicle himself. If he did not register the vehicle, he could not have committed an offence under s 69*”.
- 5.4 He further submitted that even if it was the case that S/C A was in breach of s 69 of the Act, his conduct did not amount to serious misconduct as there was doubt as to whether the conduct would amount to a “...*disciplinary infringement giving rise to a ‘serious disciplinary action’ meaning terminating employment, demoting or reducing rank, classification or grade of the officer or position held by the officer or reducing the remuneration payable to the officer.*”
- 5.5 S/C A provided a statutory declaration sworn on 22 August 2019 in which he stated that in relation to his Mazda motor vehicle, he provided his cousin with photographs of the registration papers and odometer readings by text. He was surprised when he received a text from his cousin on 14 February 2019, informing him that the “...*rego was done*”. He had not expected or intended to obtain a registration check in such a manner.
- 5.6 S/C A stated that “...*to the best of my memory, both the buyer and I attended Civilian 7’s workshop...on these dates [26 and 27 March 2019]*” and that “*I do not recall whether the Nissan was driven to this location on these occasions*”.¹⁵ Upon exchanging vehicles and transferring the ownership details of the Nissan motor vehicle, S/C A was unsure whether the Nissan was inspected or reregistered by the new owner. On 27 March 2019, Civilian 7 informed him that he had issued a pink slip for the Nissan and S/C A then forwarded that information to the new owner.
- 5.7 S/C A further stated that during this period he was “...*under existing stresses and pressures due to workplace bullying and harassment within my policing office*” and that for a number of years he has been receiving medical treatment for anxiety, PTSD and depression. He accepted that he should have “...*made better decisions at the time*” and that “...*without making any excuse for my poor decision making at the time, I now realise that it may be perceived that I turned a blind eye to ‘wrong doings’ at the time and reflects poorly on my character*”.¹⁶

¹⁵ Statutory declaration of S/C A sworn 22 August 2019

¹⁶ *Ibid*

5.8 On the information before it, specifically, the lawfully intercepted text messages between S/C A and Civilian 7, the Commission is satisfied that S/C A requested Civilian 7 to obtain the pink slips for both motor vehicles and to that end, provided him with the necessary information to do so. The Commission finds that S/C A expected to receive a pink slip without an inspection of the motor vehicles. This finding is supported by the following exchange during S/C A's private examination:¹⁷

Q: *S/C A, you've basically admitted to getting your car registered without a physical inspection?*

A: *Yes.*

Q: *That was the case in relation to the Nissan Stagea as well, wasn't it? You did a car swap with a Civilian 8?*

A: *I did have a Nissan Stagea. Yes. Yes.*

Q: *We do have phone intercepts that show you discussing it with Civilian 7.*

A: *Yeah sure, yes.*

Q: *Basically, he asked for the odometer reading and the VIN, which obviously he wouldn't need if he had a physical inspection?*

A: *Yes.*

Q: *So you admit to again getting that car registered without physical inspection of the car?*

A: *Yes.*

5.9 The Commission is satisfied that S/C A obtained the pink slip for the Nissan Stagea for the express purpose of getting it registered. He informed Civilian 7 that he gave the new owner of the car "*1.5K and 6 months rego on the wagon*". Records obtained from the Roads and Maritime Services show that the e-safety check in relation to the Nissan Stagea was submitted to it at 16.40 on 27 March 2019. Whilst the customer was recorded as "Civilian 8", the Commission is satisfied that the pink slip was issued at the request of S/C A for the purpose of obtaining registration on behalf of Civilian 8. One of the terms of the car swap was that he would give him 6 months registration on the motor vehicle. At 17.15 on 27 March 2019, S/C A informed Civilian 8 by text that the pink slip was done. Civilian 8 took possession of the Nissan Stagea motor vehicle on 26 March, the day before the pink slip was issued. There would have been no need for S/C A to text through the odometer reading and the VIN if the vehicle was physically present in Civilian 7's workshop.

5.10 S 69(1) of the Act provides that:

A person must not:

(a) by a false statement or any misrepresentation or other dishonest means, attempt to register a registrable vehicle, or renew the registration of a registrable vehicle, under this Act, or

¹⁷ Transcript of private examination of S/C A, 14 June 2019, p.18

*(b) without lawful authority or excuse possess a device, plate or document obtained using those means.
Maximum penalty: 20 penalty units.*

- 5.11 An offence under s 69 of the Act is a summary offence attracting a maximum penalty of a fine of \$2,200. However, it is an offence involving dishonesty, in this instance obtaining a pink slip without physical inspection of a car. A person relying on the pink slip, or officers of the Roads and Maritime Services, would be entitled to assume that the vehicle had been physically inspected as required by law. S/C A's conduct on the 2 separate occasions he obtained a pink slip is made more serious because he is a police officer tasked with bringing members of the public who do not comply with the law to account. Further, as a police officer he must adhere to the NSWPF Code of Conduct and Ethics, specifically to "...*behave honestly and in a way that upholds the values and the good reputation of the NSW Police Force whether on or off duty*" and to "*comply with the law whether on or off duty*". His conduct as a police officer, whether on or off duty, must be exemplary.
- 5.12 The Commission rejects the Submissions in Response provided by S/C A and finds that S/C A's conduct in obtaining pink slips for two of his motor vehicles without physical inspection amounts to serious misconduct.

6. Findings

6.1 S/C A's accesses on COPS of records relating to Civilian 2 and Civilian 2's family members

The Commission investigation was instigated after the receipt of information alleging that S/C A was providing confidential police information to members of OMCGs in return for payment. The Commission finds that there is no credible evidence to support those allegations. The Commission is satisfied that in late 2013, early 2014, S/C A made accesses on COPS of records relating to Civilian 2, a person associated with an OMCG, and Civilian 2's family members but that those accesses were authorised, and were relevant to his duties at the time. The Commission concludes that the evidence does not support a finding of serious misconduct.

6.2 Declarable Associations

The Commission is satisfied that some time ago, S/C A declared his association with a known member of the OMCG as required by NSWPF policy and procedure. His contact with the other persons he was examined have arisen because he knew them through family connections, friends or his wider community. The Commission accepts S/C A's evidence that he had no particular

knowledge that any of those persons he was examined about were associated with OMCGs. The Commission notes, in any event, that the intelligence available in relation to most of those persons was scant and vague. However, the Commission considers that it would be prudent for S/C A to confer with senior police officers as to his obligations to declare an association if he has some doubts or concerns about any of his associates. The Commission concludes that the evidence does not support a finding of serious misconduct.

6.3 The decision by S/C A to not issue a traffic infringement notice for an illegal U-turn after discovering that the offender was a family friend.

The Commission finds S/C A's decision to not issue a traffic infringement notice to Civilian 4 was a poor one. Police officers have a discretion as to whether or not to issue a notice to an offender, depending on the circumstances. In this instance, however, S/C A informed the offender that she would be issued with a notice but then changed his mind after discussing the incident with his cousin and becoming aware that Civilian 4 was related to a family friend. He asked his cousin to tell third parties to tell the offender not to worry as he would fix it. The Commission finds that this conduct could create a perception in the community that S/C A is open to doing favours. Such a perception brings both S/C A and the NSW Police Force into disrepute. This was not acceptable conduct, which S/C A acknowledged when he stated during his examination before the Commission that "*with the benefit of hindsight the perception would not be a good one*".

The Commission is satisfied that the inappropriateness of S/C A's conduct was brought to his attention during his private examination and he acknowledged that his conduct did not reflect well upon him as a police officer. Given this, and also taking into account the fact that S/C A had a discretion as to whether to issue a traffic infringement notice to Civilian 4, the Commission concludes that the evidence does not support a finding of serious misconduct.

6.4 S/C A obtaining inspection reports for the registration of 2 of his motor vehicles without them being physically inspected.

The Commission finds S/C A's conduct in obtaining inspection records for the registration of 2 of his motor vehicles without having them physically inspected as serious misconduct. S/C A was aware that this was in breach of the *Road Transport Act 2013*. This breach of the law is made more serious by the fact that S/C A is a police officer in the Highway Patrol Command.

S/C A's conduct was also in breach of the NSW Police Force Standards of Professional Conduct which states:

6. An employee of the NSW Police Force must comply with the law whether on or off duty.

The NSW Police Force is responsible for upholding the law. Unlawful and/or criminal conduct by employees of the NSW Police Force is incompatible with that role and also likely to bring the NSW Police Force into disrepute.

All employees of the NSW Police Force are expected to comply with the law at all times.

The Commission finds that S/C A's conduct amounts to serious misconduct warranting consideration by the NSWPF of disciplinary action under s 173 of the *Police Act 1990*.

6.5 S/C A's failure to declare his secondary employment

S/C A was aware of his obligation to declare his secondary employment but failed to do so. The Commission is satisfied that S/C A intended declaring this employment and had downloaded the relevant forms. The Commission concludes that the evidence does not support a finding of serious misconduct.

7. Affected Persons

7.1 In Part 2 of this report the Commission set out the provisions of section 133 of the LECC Act dealing with the content of reports to Parliament. Subsections (2), (3) and (4) relate to "*affected persons*".

7.2 The Commission is of the opinion that S/C A is an affected person within the meaning of section 133(3) of the LECC Act, being a person against whom, in the Commission's opinion, substantial allegations have been made in the course of the investigation.

8. Recommendations

8.1 The Commission recommends that consideration be given to the taking of action against S/C A pursuant to section 173 of the *Police Act 1990*.

Operation Taupo
Report pursuant to s 132
Law Enforcement Conduct Commission Act 2016
October 2019

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