

Recommendation	Agree/Agree in principle/ Do not Agree	Comment/ rationale to inform NSWPF response to LECC
<p><u>Recommendation 10.1, 10.2, 10.3 and 10.7</u></p> <p>It will be apparent from the analysis contained in this Supplementary Report that there is some tension, if not disconnect, between the NSWPF Secondary Employment Policy and the NSWPF 2016 Policy and 2019 Policy concerning conflicts of interest. The Secondary Employment Policy makes express provision for “high risk industries” (including gaming and racing) for reasons explained as long ago as the Final Report of the Royal Commission in 1997. Those reasons continue to have relevance at the present time.</p> <p>There is a clear connection between issues of secondary employment and conflict of interest with respect to the NSWPF, with secondary employment constituting an area where assessment of actual, perceived or potential conflicts of interest arise squarely.</p> <p>The NSWPF 2016 Policy and 2019 Policy provide examples of “high risk situations”. However, reference is not made to “high risk industries” specified for the purpose of the Secondary Employment Policy including, in particular, gaming and racing. It is, at least, highly desirable that there be express reference to these “high risk industries” in the 2019 Policy on conflict of interest as well.</p> <p>The Commission recommends, for the purpose of s 133(2) of the LECC Act, that the Commissioner of Police consider amendment of the NSWPF policy concerning conflict of interests by inserting a reference to gaming and racing as a “high risk industry” and addressing the circumstances (if any) in which ownership of racehorses by NSWPF officers is to be permitted, and the controls and requirements to be put in place if racehorse ownership is to be permitted.</p>	Agree in principle	<p>The Commissioner’s Executive Team (CET) has endorsed the recommendation from Professional Standards Command to review the Conflicts of Interest policy. The updated policy, once completed, will state the requirement to consider both conflicts of interests and declarable associations for all secondary employment and financial interests, regardless of whether they are high risk industries or not.</p> <p>Financial interests relating to high risk industries will be removed from the Secondary Employment Policy and inserted into the Conflicts of Interest Policy. When this is implemented, the process of approval for financial interests will include consideration by the Commander as to whether there is an actual, potential or perceived conflict of interest. Where such a conflict is identified it will need to be resolved/managed in favour of the public interest.</p> <p>The Secondary Employment Policy is also under review currently, and the updated policy will refer to the consideration conflicts of interest with regard to secondary employment applications.</p>
<p><u>Recommendation 10.4 and 10.6</u></p> <p>It is, of course, a matter for the Commissioner of Police to determine the content of the NSWPF conflict of interest policy. If reference is made to gaming and racing as a “high risk situation” in that policy, it will be a matter for the Commissioner of Police to consider what prohibitions or requirements may be appropriate, in particular (in the present context) with respect to ownership of racehorses by serving members of the NSWPF of any rank.</p>	Agree in principle	<p>The Commissioner of Police, in conjunction with the Commissioner’s Executive Team (CET) has determined to not prohibit racing animal ownership. The controls and requirements which will be put into place are outlined below:</p> <ol style="list-style-type: none"> 1. The listing of requirements and controls relating to ownership of racing animals will be moved from the Secondary Employment Policy to the Conflicts of Interest Policy 2. Approval of Financial Interests relating to racing animals (racehorses, greyhounds and harness racing) will not be considered as a secondary employment approval but rather, will be required to be declared and managed as a

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<p>It would be open to the Commissioner of Police to consider prohibition of racehorse ownership by NSWPF officers of any rank. There may be an advantage in clarity in this regard. However, it remains a matter for the Commissioner of Police to consider those issues as part of the Commissioner's duty to manage and control the NSWPF under s 8 <i>Police Act 1990</i>.</p>		<p>conflict of interest. Any controls determined necessary will be documented as per current conflict of interest process and require consideration of any declarable associations.</p>
<p>Recommendation 10.5 The perceived or potential categories of conflict of interest are triggered readily by ownership of racehorses by NSWPF officers for reasons explained in this Supplementary Report. There is a risk (at least) of reputational damage to the NSWPF through such ownership. The risk of reputational damage to the NSWPF is elevated when senior officers of the NSWPF are involved in ownership of racehorses. It may be difficult to fashion conditions or limits upon racehorse ownership which allow that risk to be mitigated appropriately.</p>	<p>Agree in principle</p>	<p>Senior officers will also be subject to the requirements under the COI Policy including the proposed new provisions re financial interests and existing provisions relating to Declarations of Private Interests See response to Recommendation 10.4.</p>