



Guidelines for the  
the New South Wales Crime Commission  
Pursuant to s33(5) of the  
*Law Enforcement Conduct Commission Act 2016*  
(NSW)

## 1. Guidelines

### *Duty to notify officer misconduct and serious maladministration.*

Pursuant to s 33 of the *Law Enforcement Conduct Commission Act 2016* (NSW), the Crime Commissioner has a duty to report any matter or conduct the Crime Commissioner suspects on reasonable grounds concerns or may concern officer misconduct or serious maladministration. Guidelines may be issued by the LECC as to what matters need or not need be reported.

The duty to report covers conduct by a Crime Commission officer, police officer, and administrative employee as well as agency maladministration by the NSW Police Force and the Crime Commission.

These guidelines, issued pursuant to s 33(5) of the *Law Enforcement Conduct Commission Act 2016* set out the kinds of matters, involving allegations against employees of the NSW Police Force, which are required to be reported to the LECC.

Conduct or allegations of a serious nature that include:

- a) criminal conduct,
- b) corrupt conduct<sup>1</sup>,
- c) unlawful conduct,
- d) allegations of improper association,
- e) conduct of a serious nature that is:
  - (i) unreasonable, unjust, oppressive or improperly discriminatory in its effect, or
  - (ii) arises, wholly or in part, from improper motives
- f) officer or agency misconduct or maladministration carried out on more than one occasion, or that involves more than one participant, that is indicative of systemic issues that could reflect on the integrity and good repute of the NSW Police Force.

All other allegations against a police officer are not required to be reported to the LECC, unless the Crime Commissioner considers it necessary or to be in the public interest.

The circumstances and the facts surrounding a reportable matter will determine whether the matter will be investigated or oversighted by the LECC or referred to the NSW Police for appropriate action.

Guidelines issued pursuant to s 14 of the LECC Act already provide guidance as to which matters relating to alleged misconduct by a Crime Commission employee, need or need not to be reported to the LECC.

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<sup>1</sup> As defined in s 7 of the *Independent Commission Against Corruption Act 1988*