

2.10 LECC Employees: Prior Employment Restrictions Policy

Section 21(4) of the *Law Enforcement Conduct Commission Act 2016* (the Act), precludes current and former NSW Police Force officers from employment by the LECC that would result in their exercise of power under Part 6 of the Act (integrity matters).

In addition, to ensure the LECC can provide independent oversight and assurance to the community of the integrity of its actions in relation to overseeing law enforcement agencies, the *LECC Employees: Prior Restrictions Policy* also extends to preclude current and former NSW Police Force officers from all roles within the Commission, unless the existence of special factors or exceptional circumstances is determined by the Chief Commissioner.

The *LECC Employees: Prior Employment Restrictions* policy applies similar restrictions upon current and former NSW Crime Commission officers seeking employment at the LECC in roles that would result in their exercise of power under Part 6 of the Act (integrity matters).

Document Control

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Responsible team	Human Resources
Sponsor	Chief Executive Officer
Approval	Executive
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Version	Date	Reason for amendment
V 0.1	8 March 2017	Draft document
V1.0	18 March 2017	Approved for publication
V1.1	7 August 2019	Minor update adjustments made
V1.1	19 August 2019	Approved by the Executive with minor changes
V 1.2	15 March 2021	Approved by the Executive with amendments to the restrictions placed on current and former NSW Crime Commission officers from being employed at the LECC.

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1. Definitions

CEO	Chief Executive Officer
Commission	Law Enforcement Conduct Commission
LECC	Law Enforcement Conduct Commission
LECC employees / employee	Persons working with or on behalf of the LECC, including ongoing, temporary, casual or term-basis employees and senior executives

2. LECC Values

The LECC values of trust, integrity, accountability, service, and teamwork are the basis of a values-led workplace culture. The Commission requires your behaviour and conduct to comply with the LECC Code of Ethics and Conduct.

3. Know your responsibilities

3.1 Chief Executive Officer

The Chief Executive Officer is responsible for all employment within the LECC with the exception of statutory appointments.

3.2 Manager Human Resources

The Manager Human Resources is responsible for the day to day administration of employment of LECC staff and the review of this policy.

3.3 All employees

Every employee is responsible for disclosing to the LECC all previous employment with the NSW Police Force and NSW Crime Commission.

4. LECC Employees: Prior Employment Restrictions Policy

Section 21(4) of the *Law Enforcement Conduct Commission Act 2016* (the Act), precludes current and former NSW Police Force officers from employment by the LECC that would result in their exercise of power under Part 6 of the Act (integrity investigations).

In addition, to ensure the LECC can provide independent oversight and assurance to the community of the integrity of LECC activities, the LECC Employees: Prior Employment Restrictions policy also extends to preclude current and former NSW Police Force officers from all roles within the Commission, unless special factors or exceptional circumstances exist as determined by the Chief Commissioner.

This policy also precludes current and former NSW Crime Commission officers from employment by the LECC in a role within the Integrity Division, unless special factors or

exceptional circumstances exist as determined by the Chief Commissioner.

It is the responsibility of applicants to bring any such special factors or exceptional circumstances that they wish to have considered in order to mitigate the application of this policy to the attention of the LECC at the time that they submit their application.

A current or former NSW Police officer or NSW Crime Commission officer may not be offered employment at the LECC until such time as the Chief Commissioner has considered the special factors or exceptional circumstances submitted by the applicant and the results of the LECC Security Clearance Assessment. An offer of employment to a former NSW Police officer or a former NSW Crime Commission officer may only be made upon the written authorisation of the Chief Commissioner.

By restricting employment of former or current NSW Police Force officers and NSW Crime Commission officers, the LECC is mitigating all actual or potential conflict of interest risks by ensuring the agency is fully independent from the NSW Police Force and NSW Crime Commission, as well as assuring the public's confidence that the agency is separate from the NSW Police Force and NSW Crime Commission in every respect, including the staff that it employs.

In addition to the restrictions outlined above, applicants with close associations or family relationships with current or former members of the NSW Police Force or the NSW Crime Commission will be subject to a thorough risk assessment prior to any offers of employment being made. This risk assessment is an integral part of the LECC's security vetting process and will, within the context of all of the available information, determine whether and individual is suitable for employment at the LECC in the role that they have applied for.

It is at the sole discretion of the LECC to approve the employment of individuals following the security vetting process.

Applicants who have held administrative roles with the NSW Police Force or the NSW Crime Commission are eligible to apply for roles with the LECC, but are still required to disclose their former employment and relationships with persons that have associations with the NSW Police Force or the NSW Crime Commission and will be subject to a thorough risk assessment prior to any offer of employment.

5. Application of this policy

This policy is an extension of the *Law Enforcement Conduct Commission Act 2016* s 21 statutory prohibition on the employment of serving or former NSW Police Force officers in the Integrity Division of the LECC.

The risk of disclosure of sensitive information, or covert investigative techniques, to NSW Police Force or NSW Crime Commission officers under investigation is too great in the LECC to allow for the employment of current or former officers from these organisations

unless special factors or exceptional circumstances are deemed to exist by the Chief Commissioner.

It is standard procedure for these restrictions to be published on any externally advertised roles to ensure transparency of this policy.

External advertisements for roles outside of the LECC's Integrity Division will contain the following wording:

It is LECC policy not to employ current or former NSW Police officers or NSW Crime Commission officers, to mitigate actual or potential conflicts of interest. Such applicants wishing to apply for roles at the LECC are required to submit with their applications details of any special factors or exceptional circumstances that they believe should be considered to mitigate against the application of this policy.

In addition to the above external advertisements for roles within the LECC's Integrity Division will contain the following wording:

This role falls within the Integrity Division as such current or former NSW Police Force officers are ineligible to apply (Section 21(4) of the Law Enforcement Conduct Commission Act 2016).

6. Resources

Further information can be found in the:

- *LECC Code of Ethics and Conduct*
- [Law Enforcement Conduct Commission Act 2016](#)

7. Monitoring and review

This Policy will be reviewed in accordance with the policy review schedule specified in the document control metadata and at other times if new information or organisational change warrants an amendment. Scheduled and other revisions of this Policy will be completed in consultation with interested parties to ensure relevance and effectiveness.