

**Guidelines between the  
Law Enforcement Conduct Commission  
and  
the New South Wales Crime Commission  
Pursuant to s14 of the  
*Law Enforcement Conduct Commission Act 2016***

## 1. Parties

This Guideline is issued pursuant to s 14(1)(b) of the *Law Enforcement Conduct Commission Act 2016* (the LECC Act) and is agreed to by:

The **NSW Crime Commissioner** for and on behalf of the New South Wales Crime Commission of, 453-463 Kent Street, Sydney NSW 2000 ('the NSWCC').

and

The **Chief Commissioner of the Law Enforcement Conduct Commission** for and on behalf of the Law Enforcement Conduct Commission of Level 3, 111 Elizabeth Street, Sydney NSW 2000 ('the Commission').

## 2. Guidelines

### ***Notifiable misconduct matters***

Pursuant to s14(1)(b) of the LECC Act, the following are the kinds of misconduct matters required to be notified to the LECC ('notifiable misconduct matters') by the NSWCC if it concerns any allegation against a Crime Commission officer of:

- a) criminal conduct,
- b) corrupt conduct<sup>1</sup>,
- c) detrimental action or reprisal (including any possible payback complaint) against a Crime Commission officer or other person making a protected disclosure or allegation about an officer,
- d) improper association,
- e) unauthorised release of Crime Commission information or improper disclosure of information,
- f) unreasonable use of the Crime Commission's powers under the *Crime Commission Act 2012*,
- g) any failure to comply with policies and procedures in regards to declarable associations, conflicts of interest or secondary employment,
- h) any significant failure to comply with policies and procedures,

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

i) conduct which is or might be serious maladministration by an officer or the NSWCC,

or

j) Letters of demand, Statements of Claim, originating process or other pleadings or particulars where the State of New South Wales, Crime Commissioner, or a Crime Commission officer is named as a defendant or proposed defendant within the body of the document, and that alleges, expressly or impliedly, an act or omission capable of constituting serious misconduct on the part of any Crime Commission officer.

The circumstances and the facts surrounding a notifiable matter will determine whether the matter will be investigated or oversighted by the LECC, or referred back to the NSWCC for appropriate action.

All other allegations of misconduct or maladministration are still required to be recorded and saved by the NSWCC in the appropriate records management system and made available to the LECC on request.

**Signed by the Crime  
Commissioner of the New  
South Wales Crime  
Commission:**

*Michael Barnes*

09/11/2022  
Date

**Signed by the Chief  
Commissioner of the Law  
Enforcement Conduct  
Commission:**



31 October 2022  
Date