

**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. 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:

- a) criminal conduct,
- b) corrupt conduct¹,
- 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) allegations of improper association,
- e) unauthorised release of Crime Commission information or improper disclosure of information,
- f) any allegations of 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,
- i) conduct which is or might be serious maladministration by an officer or the NSWCC,
- 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 oversights by the LECC or referred back to the NSWCC for appropriate action.

Matters which the LECC will not investigate or oversight

Pursuant to s14(1)(a) and (d) of the LECC Act, the LECC and the NSWCC may enter

¹ As defined in s 7 of the *Independent Commission Against Corruption Act 1988*

in to Agreements concerning NSWCC matters that the LECC will not investigate or oversight.

To that end, the LECC will not investigate or oversight matters that involve conduct or behaviour that is inconsistent with or prohibited by the terms of an officer's employment, including the Crime Commissioner's instructions or constitutes a breach of discipline or unworthy conduct that might reasonably be regarded as embarrassing the reputation of the NSWCC but which does not involve serious dishonesty or serious incompetence. Such conduct or behaviour includes but is not limited to:

- (a) allegations that a Crime Commission officer was not ill while claiming sick leave,
- (b) allegations of minor misuse of NSWCC assets,
- (c) traffic offences, unless the offence raises other notifiable issues concerning a lack of integrity,
- (d) allegations of minor misuse of email, such as forwarding emails with non-work related content and documents that take advantage of a Crime Commission officer's membership of the NSWCC but does not otherwise amount to misconduct,
- (e) complaints about Crime Commission officer incompetence that are otherwise not notifiable,
- (f) performance management matters that have not resulted in a notifiable misconduct matter, for example, lack of punctuality, unsatisfactory completion of a performance agreement or poor work output, or
- (g) any allegations of a trivial nature.

Although the matters described above are not *notifiable misconduct matters*, such complaints must be recorded by the NSWCC in the appropriate records management system and made available to the LECC on request.