



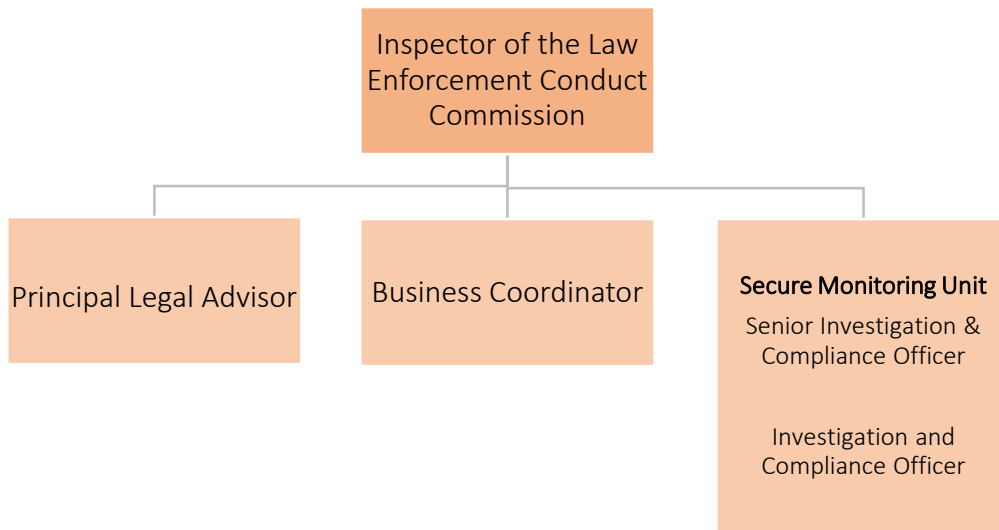
## **Agency Information Guide**

Section 20 of the *Government Information (Public Access) Act 2009* (“the GIPA Act”) requires an agency to have an information guide. This is the Office of the Inspector of the Law Enforcement Conduct Commission’s (OILECC) Information Guide. As required by the GIPA Act, this Guide:

- (a) describes the structure and functions of the agency, and
- (b) describes the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public, and
- (c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the agency’s policy and the exercise of the agency’s functions, and
- (d) identifies the various kinds of government information held by the agency, and
- (e) identifies the kinds of government information held by the agency that the agency makes (or will make) publicly available, and
- (f) specifies the manner in which the agency makes (or will make) government information publicly available, and
- (g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.



***OILECC's Structure***





### ***OILECC's Functions***

The Inspector of the Law Enforcement Conduct Commission (LECC) is an independent statutory officer whose primary role is to provide oversight of LECC and its officers in the manner in which their functions are carried out. The Inspector's functions and powers are set out in Part 9 of the *Law Enforcement Conduct Commission Act 2016* ("the LECC Act").

Pursuant to section 122 of the LECC Act, the Inspector has the following functions:

- an inspecting officer under the *Telecommunications (Interception and Access) (New South Wales) Act 1987*; and the Inspector under the *Surveillance Devices Act 2007* and the *Law Enforcement (Controlled Operations) Act 1997*
- to audit the operations of LECC for the purpose of monitoring compliance with the law of the State, and
- to deal with (by reports and recommendations) conduct amounting to agency maladministration on the part of the Commission and conduct amounting to officer misconduct or officer maladministration on the part of officers of the Commission, whether or not the subject of a complaint (*Commission misconduct matters*), and
- to assess the effectiveness and appropriateness of the policies and procedures of the Commission relating to the legality or propriety of its activities.

### ***How OILECC's functions affect the public***

As the Inspector is responsible for overseeing LECC, members of the public may complain to the Inspector about the conduct of LECC and/or its officers. His function in that respect is set out in section 122(2)(b) of the LECC Act which states that:

*to deal with (by reports and recommendations) conduct amounting to agency maladministration on the part of the Commission and conduct amounting to officer misconduct or officer maladministration on the part of officers of the Commission, whether or not the subject of a complaint (Commission misconduct matters),*

Members of the public may be asked to assist the Inspector in investigating misconduct on the part of LECC and/or its officers by providing information. In carrying out his functions, the Inspector may make or hold inquiries and in doing so the Inspector has the powers, authorities, protections and immunities conferred on a commissioner by the *Royal Commissions Act 1923*.

### ***Types of Government information held by OILECC***

OILECC holds information relating to its inspection, auditing and complaint handling functions. However, such information is "excluded information" for the purposes of the GIPA Act. This means that an access application under the GIPA Act seeking any of this information is not a valid application. There may however be occasions where such information is made publicly



## Office of the Inspector of the Law Enforcement Conduct Commission

available on the OILECC website. For instance, an OILECC report that is tabled in Parliament is usually made available on the OILECC website ([oilecc.nsw.gov.au](http://oilecc.nsw.gov.au)) under “Reports”.

Under the GIPA Act information can be made available to the public in the following ways:

- Open access information:
  - Section 6(1) of the Act provides that an agency must make government information that is its *open access information* publicly available unless there is an overriding public interest against disclosure of the information (as to what constitutes “open access information” see paragraph 4 below.)
- Proactive release of Government information:
  - Section 7(1) of the Act provides that an agency is authorised to make any government information held by the agency publicly available unless there is an overriding public interest against disclosure of the information.
- Informal release of Government information:
  - Section 8(1) of the Act provides that agency is authorised to release government information held by it to a person in response to an informal request by the person (that is, a request that is not an access application) unless there is an overriding public interest against disclosure of the information.
- Access application
  - Section 9(1) of the Act provides that a person who makes an access application for government information has a legally enforceable right to be provided with access to the information in accordance with Part 4 (Access applications) unless there is an overriding public interest against disclosure of the information.

### ***Publicly available OILECC Government Information***

The GIPA Act requires “open access information” to be made publicly available. This information is identified under the “Reports” section of the OILECC website ([www.oilecc.nsw.gov.au](http://www.oilecc.nsw.gov.au) ). OILECC information that is publicly available free of charge includes Annual Reports and statutory reports prepared in accordance with various NSW Acts which deal with the use of covert powers that are issued to duly authorised investigative agencies.

### ***Public Participation***

As indicated earlier, members of the public can make a complaint to OILECC if they believe that the conduct of LECC and/or its officers amounts to agency and/or officer maladministration or officer misconduct. Other than that, OILECC does not directly involve members of the public in its work, particularly its inspection and auditing functions which involve handling information which is highly confidential and sensitive.



***Manner in which OILECC government information is made available***

Formal applications for information under GIPA (Access applications) can be found on the OILECC website ([www.oilecc.nsw.gov.au](http://www.oilecc.nsw.gov.au)) under the *Access to Information* tab.

All information contained on OILECC's website can be downloaded free of charge. Alternatively, you may write to the Office to request hard copies of the information that is available on its website:

Office of the Inspector of LECC  
GPO Box 5341  
Sydney NSW 2001

***Further information about the GIPA Act***

Further information on the operation of the GIPA Act and your rights under the GIPA Act can be obtained from the Information and Privacy Commission NSW (the Commission). Further information is available on the Commission's website at [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au), or by contacting them:

- By telephone on 1800 472 679,
- By emailing [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)
- By mail at GPO Box 7011 Sydney NSW 2001
- In person by visiting the Privacy Commission at Level 17, 201 Elizabeth Street, Sydney