



Office of the Inspector of the
Law Enforcement Conduct Commission

ANNUAL REPORT

**INSPECTOR OF THE LAW
ENFORCEMENT CONDUCT
COMMISSION**

FOR THE PERIOD

ENDING 30 JUNE 2018

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PART 1: THE OFFICE OF THE INSPECTOR OF LECC

1.1 PRELIMINARY OBSERVATIONS

On 30 June 2017 the Police Integrity Commission ceased to exist as an agency. It was replaced by the Law Enforcement Conduct Commission (“LECC”) which became fully operational on 1 July 2017. At the same time the position of Inspector of the Police Integrity Commission also ceased to exist. It has been replaced by the position of Inspector of the Law Enforcement Conduct Commission (“Inspector of LECC”).

Pursuant to s120 of the *Law Enforcement Conduct Commission Act 2016* (LECC Act) the Inspector is appointed by the Governor on the advice of the Executive Council. The Joint Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission (the Joint Committee) is empowered to veto the proposed appointment (schedule 2 to the *LECC Act* and s31BA of the *Ombudsman Act 1974*). Schedule 2 to the LECC Act provides that the Office of Inspector can be either a full time or a part time position. My term as the inaugural Inspector of LECC commenced on 1 July 2017. I have been appointed on a part-time basis for a term of 5 years.

In addition to creating the position of the Inspector of LECC, Part 9 of the LECC Act also provides for the employment of staff. The Inspector of LECC, together with support staff, constitute the Office of the Inspector of LECC (OILECC). Responsibility for the administration of Part 9 and Schedule 2 to the LECC Act is allocated to the Premier by virtue of the *Administrative Arrangements (Administration of Acts – General) Order 2017* (NSW), whilst the responsibility for the administration of the remainder of the LECC Act is allocated to the Minister for Police.

I am pleased to present this Annual Report pursuant to s141 of the LECC Act and recommend that this Report be made public immediately pursuant to s145(4) of the Act. This Report relates to the year ending 30 June 2018 which was my first year as the Inspector.

During the year considerable time and effort was spent establishing the Office and its operations which was achieved with only minimal administrative support. In that respect, I would like to acknowledge my indebtedness to Susan Raice who had occupied the position of Principal Legal Advisor in the previous Inspectorate and who had been appointed to a similar position at LECC during its transition phase but prior to my own appointment. Ms Raice very graciously agreed, with the blessing of the senior executive team at LECC, to delay her start date at LECC for a period of 3 months to enable the new Inspectorate to navigate the initial period of its existence. It is not immediately apparent how the Office would have coped without her organisational skills, guidance and calming influence. Moreover, Ms Raice was instrumental in preparing the final annual report of the Office of the Inspector of the Police Integrity Commission which was furnished to Parliament in October 2017.

Following her departure the Office was fortunate to acquire the services of Angela Zekanovic as its Principal Legal Advisor. A particular challenge arose for Ms Zekanovic because in her first week the part-time personal assistant suddenly resigned and could not be immediately replaced. Ms Zekanovic thereafter took on additional administrative functions. I wish to acknowledge her very significant contribution to the Office's work.

Following the resignation of the part-time personal assistant, the position of Business Coordinator was created. That position was initially occupied by Renee Armstrong and then by David Simpson both of whom came on secondment from the Office of the Director of Public Prosecutions. Each of them has performed their services at a very high level, a matter for which I am most grateful. Ms Zekanovic and Mr Simpson also work in the Office of the Inspector of the Independent Commission Against Corruption (OIICAC).

At the time that the Office was established on 1 July 2017, two full-time staff from the Secure Monitoring Unit (SMU) within the Office of the NSW Ombudsman were transferred to OILECC in order to enable them to continue performing their pre-existing functions concerning the inspection of covert

warrants that are issued to duly authorised investigative agencies. They had been performing those functions pursuant to a delegation from the Ombudsman. Regrettably however, no power of delegation was conferred upon OILECC at the time of that transfer to enable those two members of staff to continue performing that aspect of their work. To rectify this situation, a great deal of time and effort was spent liaising with the Acting Ombudsman and members of his staff as well as members of the Office of General Counsel of the Department of Premier and Cabinet, to ensure that appropriate powers of delegation were conferred upon OILECC.

These efforts led to the introduction of 128A of the LECC Act which came into effect on 25 September 2017. That provision enabled the Inspector to delegate his inspection functions to nominated members of staff. Appropriate delegations are now in existence and the responsibility for ensuring that those obligations are adhered to is performed by the two SMU staff who were previously employed in those roles in the Ombudsman's office.

A further substantial amount of time was devoted to relocating OILECC to its new premises. That was necessary to ensure that the two SMU staff members could be accommodated alongside existing staff. That period also proved to be an opportune time within which to archive material that remained after the Office of the Inspector of the Police Integrity Commission was disbanded.

Given the important statutory role that is conferred upon OILECC in its oversight of LECC, a primary focus during the year was upon gaining an understanding of LECC and its operations, a matter which will be referred to in greater detail later in this Report.

1.2 ADMINISTRATION

1.2.1 PREMISES

OILECC shares premises with OIICAC. Both Offices relocated to new premises in August 2018 in order to accommodate the SMU staff as well as existing staff.

The contact details for the Office are:

Postal address: GPO Box 5341, Sydney, NSW, 2001
Telephone: (02) 9228 3023
E-mail: oilecc_executive@oiicac.nsw.gov.au

1.2.2 STAFF

The two SMU staff members report to the Inspector. As was indicated earlier, the Inspector also shares two staff, the Principal Legal Advisor and the Business Coordinator, with the Inspector of ICAC.

1.2.3 BUDGET AND FINANCE

The Office of the Inspector is a cost centre within the NSW Department of Premier and Cabinet (DPC).

Information provided by the finance section of DPC reveals that the actual expenditure for the period from 1 July 2017 to 30 June 2018 was \$695, 244 as against the projected budget for the 2017-2018 financial year which was \$745, 506. The projected budget for 2018-2019 is \$909, 903.

The Inspector is paid a daily rate of \$1910 and also receives an annual retainer of \$10, 000.

1.2.4 WEBSITE

The website of the Office of the Inspector of LECC is updated periodically by the Office and contains all relevant statutory and other information including information about its complaint handling processes for the benefit of members of the public.

As will become apparent there are various Acts of Parliament which require the Inspector to provide reports concerning the monitoring of the use of covert powers by various investigative agencies. Those reports appear on the website after they have been tabled in Parliament.

The website address is www.oilecc.nsw.gov.au.

PART 2: THE ROLE OF THE OFFICE OF THE INSPECTOR OF LECC

2.1 FUNCTIONS OF THE INSPECTOR

Pursuant to s122(1) of the LECC Act, the Inspector is required to perform the functions of an inspecting officer. Those functions are conferred under various NSW Acts which deal with the use of covert powers that are issued to duly authorised investigative agencies. As has already been observed those functions were previously performed by the Ombudsman prior to the creation of the position of Inspector of LECC.

Pursuant to s122(2) of the LECC Act, the Inspector also has what are described as the principal functions of the Inspector which are to:

- a) audit the operations of the Commission for the purpose of monitoring compliance with the law of (New South Wales)
- b) 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 (this function also extends to former Officers of the Commission).
- c) assess the effectiveness and appropriateness of the policies and procedures of the Commission relating to the legality or propriety of its activities.

Pursuant to s123(1) of the LECC Act, the functions of the Inspector in relation to the matters set out above may be exercised on the Inspector's own initiative, at the request of the Minister, in response to a complaint made to the Inspector or misconduct information of which the Inspector becomes aware, or in response to a reference by the Joint Committee or by the Ombudsman, the ICAC, the Crime Commission, or any other government agency or member of a government agency.

The Inspector is not subject to LECC in any respect (s123(2)).

2.2 POWERS OF THE INSPECTOR

Pursuant to s124 of the LECC Act, the Inspector is able to investigate any aspect of the Commission's operations or any conduct of its officers. The Inspector is entitled to full access to the records of the Commission and to take or have copies made of them. The Inspector is able to require officers of the Commission to supply information or to produce documents or other things about any matter, or any kind of matter, relating to the Commission's operations or any conduct of its officers. The Inspector is able to require officers of the Commission to attend before the Inspector to answer questions or to produce documents or other things relating to the Commission's operations or any conduct of its officers.

The Inspector is able to investigate and assess complaints about the Commission or its officers and is able to refer matters relating to the Commission or its officers to other agencies for consideration or action. The Inspector may also recommend disciplinary action or criminal prosecution against officers of the Commission.

Pursuant to s126 of the LECC Act, the Inspector is empowered to make or hold inquiries. The powers, authorities, protections and immunities conferred on a Commissioner by the *Royal Commission Act of 1923* are conferred on the Inspector when holding an inquiry. Any witness summoned by or appearing before the Inspector also has the benefit of the protection and immunities under the Royal Commission Act.

2.3 OTHER RELEVANT LEGISLATION

2.3.1 GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009 NO. 52 (GIPA ACT)

The *Government Information (Public Access) Act 2009* (“GIPA Act” or “GIPA”) came into force on 1 July 2010 replacing the *Freedom of Information Act 1989*. Section 43 of the GIPA Act prevents an access application from being made to an agency for ‘excluded information’ of the agency.

Schedule 2 of the GIPA Act provides that so far as OILECC is concerned, the ‘excluded information’ is information relating to its operational auditing, handling of misconduct matters (within the meaning of the LECC Act) investigative and reporting functions.

Schedule 1 of the GIPA Act provides that it is to be conclusively presumed that there is an overriding public interest against disclosure of information held by OILECC, the disclosure of which is prohibited by the LECC Act. Section 180(2) of the LECC Act provides that the Inspector or an officer of the Inspector must not, except for the purposes of carrying out their functions under the LECC Act, make a record of or divulge any information acquired in the exercise of the person’s functions under the Act. Section 180(5) provides that such information may however be disclosed in certain circumstances which are identified.

In compliance with s125 of the GIPA Act and clause 7(b) of the Regulation, OILECC advises that there were no access applications made under the GIPA Act to OILECC during the current reporting period.

Section 20 of the GIPA Act requires each agency to have an agency information guide. OILECC is currently in the process of preparing such a guide which will be available on its website at www.oilecc.nsw.gov.au.

In compliance with s7(3) of the GIPA Act, OILECC advises that it has conducted a review of its program to proactively release information which is in the public interest. All such information appears on the Office website.

In compliance with s7(a) of the *GIPA Regulation*, OILECC also reviewed the web site content to assess what, if any, further information could be proactively released. During the reporting period, OILECC made available on its website a number of reports concerning inspections conducted by the SMU.

2.3.2 THE PUBLIC INTEREST DISCLOSURES ACT 1994 (PID ACT)

The *Public Interest Disclosures Act 1994* (“the PID Act”) provides for public servants and other public officials to report serious wrong doing in public sector agencies on a confidential basis. Under the PID Act complaints or allegations made by public servants and public officials are called disclosures. The PID Act provides for public servants and public officials making disclosures to be protected against actual or potential reprisals. Pursuant to s4 of the PID Act the Inspector is an investigating authority to whom a public disclosure can be made under the Act.

Pursuant to s125(1) of the LECC Act a public official within the meaning of the PID Act may complain to the Inspector about the conduct of LECC, an officer of LECC or an officer of the Inspector. No such complaint was made to the Inspector during the reporting period.

Pursuant to s12A(2) of the PID Act, to be protected by the Act, a disclosure by a public official to the Inspector must:

- (a) be made in accordance with the LECC Act and
- (b) be a disclosure of information that the person making the disclosure honestly believes, on reasonable grounds, shows or tends to show corrupt conduct, maladministration or serious and substantial waste of public money by the LECC, a LECC officer or an officer of the LECC Inspector.

Section 31(1) of the PID Act requires each public authority within 4 months after the end of each reporting year to prepare an annual report on the public authority's obligations under the PID Act.

The following information is provided pursuant to s31(1) of the PID Act and clause 4(2) of the PID regulation which specifies the information to be included in reports by public authorities:

- a) The number of public officials who made a public interest disclosure to the Inspector – 0

- b) The number of public interest disclosures received by the Inspector:
 - i. Corrupt conduct – 0
 - ii. Maladministration – 0
 - iii. Serious and substantial waste of public money – 0
 - iv. Government information contraventions - 0

Section 6D(1) of the PID Act requires each public authority to have a policy that provides for its procedures for receiving, assessing and dealing with public interest disclosures. OILECC is currently in the process of developing such a policy which will be available on its website at www.oilecc.nsw.gov.au.

PART 3: REVIEW OF THE WORK OF THE OFFICE OF THE INSPECTOR OF LECC

3.1 THE INSPECTION FUNCTION – GENERAL OBSERVATIONS

There are various pieces of legislation which provide duly authorised investigative agencies with the power to investigate criminal activities. Those powers can involve significant intrusion into people's lives. In order to provide the community with an assurance that those covert powers are being used lawfully, the agencies in question are subject to legislative measures that are designed to ensure a measure of accountability.

Reporting and record keeping obligations are imposed upon those agencies which are authorised to use those powers. Provision is also made for the safe keeping and destruction of information obtained from the use of those powers.

While the inspections of records include an examination of the matters which are specified in the relevant legislation, they do not examine the sufficiency or otherwise of the information provided in support of the application as that is the function of the relevant judicial officer.

Prior to 1 July 2017, the NSW Ombudsman was required to conduct inspections of the records of those investigative agencies in order to determine the extent of compliance by those agencies and their officers with the relevant legislation. As has been noted, the functions previously carried out by the NSW Ombudsman were transferred to the Inspector of LECC following its establishment on 1 July 2017. As from that date, the Inspector has taken possession of all relevant information, documents and records previously held by the Ombudsman in relation to those functions and has also taken over the Ombudsman's work in progress.

The inspection and monitoring process is not only designed to foster agency compliance with the relevant legislation but also to provide public accountability through regular reporting to the relevant Minister and/or Parliament. The records of each agency are examined in order to determine if there has been compliance with those record and document keeping requirements. There is also a focus upon such other aspects of compliance as

can be determined from those records as well as what can be gleaned from asking questions of relevant officers.

Such deficiencies as are identified as a result of the inspection and monitoring process are brought to the attention of the relevant agency prior to the furnishing of the final report. In due course, the head of each agency is provided with a copy of the section of the final report which pertains to the inspection of their particular agency.

Finally, I wish to acknowledge the professionalism that the two SMU staff members, Ian McCallan-Jamieson and Heather Brunello, have displayed in continuing to perform their functions notwithstanding the challenges associated with the transfer of those functions from the Ombudsman's Office to OILECC. That is notwithstanding the fact that they were unable to take up residence in the new premises for a lengthy period of time.

3.2 THE PARTICULAR LEGISLATIVE REQUIREMENTS

3.2.1 TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) (NSW) ACT 1987

The *Telecommunications (Interception and Access) Act 1979* (Cth) (the Commonwealth Act) covers the field in relation to the interception of telecommunications in this country. Section 83 of the Act enables the Commonwealth Ombudsman to inspect the records of commonwealth agencies. Complementary state legislation mirrors the inspection functions in the various states. In NSW those functions are provided for in the *Telecommunications (Interception and Access) Act 1987 (NSW)* (the State Act).

Sections 4 and 5 of the State Act require the 'chief officer of an eligible authority' to keep certain information which is connected with the issue of warrants or the interceptions. Sections 6 and 7 of the State Act require that certain reports be furnished to the relevant Minister. Section 8 makes provision for the keeping and destruction of restricted records.

Section 10(1) of the State Act provides that an “inspecting officer” must inspect the records of an “eligible authority” at least twice during each financial year. The purpose of the inspections is to ascertain the extent to which the authority’s officers have complied with the requirements of Part 2 of the State Act (ss4-8) which imposes certain obligations upon eligible authorities.

Section 11(1) of the State Act requires an inspecting officer to provide a written report to the Minister about the inspections as soon as practicable and no later than three months after the end of the financial year. Section 11(4) of the State Act requires that the chief officer of an eligible authority must be provided with a copy of the report. Section 11(2) of the State Act requires that the inspecting officer must include the following information in the report:

- (a) a summary of the inspections conducted in the financial year
- (b) particulars of any deficiencies identified that impact on the integrity of the telecommunications interception regime established by the Commonwealth Act,
- (c) particulars of the remedial action (if any) taken or proposed to be taken to address those deficiencies by the eligible authority.

An inspection officer may also, pursuant to s12 of the State Act, include information concerning contraventions of the Act in the report to the Minister.

Inspecting officers are also provided with specific powers to enable them to obtain relevant information from an eligible authority: s13 and s14 of the State Act.

Inspections were conducted at the NSW Police Force, NSW Crime Commission, Independent Commission Against Corruption and the Police Integrity Commission for the reporting period 1 July 2016 to 30 June 2017. Of all telecommunications interception warrants sought during the reporting period, the overwhelming majority of them were made by the New South Wales Police Force.

Since no certified records or lawfully obtained information was received by the Inspector of ICAC and PIC during the reporting period no inspections of the records of those agencies were conducted.

The report that related to the reporting period 1 July 2016 to 30 June 2017 was delivered to the Attorney General on 19 September 2017. The Inspector was authorised by the transitional provisions in Schedule 3 to the LECC Act to assume responsibility for the preparation of that report as the reporting period related to a point in time prior to his appointment.

In addition, the Inspector is included as an “eligible authority” for the purposes of the Commonwealth Act. In accordance with reporting requirements under s96(1) of that Act, the Commonwealth Attorney-General’s Department was advised by the Inspector that there was no usage of the relevant provisions of the Commonwealth Act during the reporting period.

3.2.2 SURVEILLANCE DEVICES ACT 2007

The *Surveillance Devices Act 2007* (NSW) (the Act) provides for the use of surveillance devices to investigate certain offences and to enable evidence to be obtained of the commission of such offences as well as the identity and/or the whereabouts of potential suspects. The Act covers the installation, use and maintenance of listening, optical, tracking, and data surveillance devices. It also places restrictions upon the communication and publication of private conversations, surveillance activities and other information obtained from the use of such devices.

Surveillance device warrants are issued by an ‘eligible judge’ of the Supreme Court or an ‘eligible Magistrate’ in the case of a surveillance device warrant which authorises the use of a tracking device only, or for a retrieval warrant in respect of a tracking device. Applications must include certain required information and must be accompanied by an affidavit setting out the grounds for seeking the warrant.

The investigative agencies which were the subject of inspections for the reporting periods in question were:

- NSW Police Force
- NSW Crime Commission
- Independent Commission Against Corruption
- Law Enforcement Conduct Commission
- Police Integrity Commission

However neither ICAC or LECC (or its predecessor PIC) applied for a surveillance device warrant during the reporting periods.

All surveillance device warrant files at each agency which applied for a surveillance device warrant were inspected. Inspections focussed upon the extent of compliance with the following parts of the Act:

- Part 3 which deals with warrants and emergency authorisations
- Part 5 which covers compliance and monitoring, including dealing with records obtained by the use of surveillance devices, the use, communication or publication of protected information, reporting and record keeping
- Part 6 which requires notification to the Attorney General about warrants sought, as well as notification to the subject of surveillance if so directed by the eligible judge

The inspection process included examining the application, the warrant itself, the required notice to the Attorney General under s51 of the Act, as well as the subsequent report to the issuing judicial officer and the Attorney General which is required under s44 of the Act, and any other information which was contained on the file.

The Inspector is required, pursuant to s49(1) of the Act, to report to the Minister at six monthly intervals on the results of inspections. The Minister is required by s49(2) to lay the report or cause the report to be laid before both Houses of Parliament within 15 days after receiving the report.

In compliance with that requirement the Attorney General was provided on 25 October 2017 with a report detailing the results of inspections conducted of agency records for the period from 1 January 2017 to 30 June 2017. The Inspector was authorised by the transitional provisions in Schedule 3 to the LECC Act to assume responsibility for the preparation of that report as the reporting period related to a point in time prior to his appointment.

On 5 April 2018 the Attorney General was provided with a report detailing the results of inspections conducted of agency records for the period from 1 July 2017 to 31 December 2017.

3.2.3 LAW ENFORCEMENT (POWERS AND RESPONSIBILITIES) ACT 2002 – COVERT SEARCH WARRANTS

Sections 46C and 47 of the *Law Enforcement (Powers and Responsibilities) Act 2002* (the Act) provide that duly authorised persons within the NSW Police Force, the NSW Crime Commission and, since 1 July 2017, the Law Enforcement Conduct Commission may apply to an ‘eligible judge’ of the Supreme Court for “a covert search warrant”.

Covert search warrants give eligible law enforcement agencies, and their officers, authority to enter and search premises without the knowledge of the occupiers, in relation to the investigation of serious offences. The occupier of the property does not need to be told about the search until the time specified in the warrant by the issuing Judge which will usually be several months after the search.

It is not intended that covert search warrants are to be used as a routine investigative tool as covertly entering and searching premises is a significant departure from traditional entry and search powers. Nevertheless, an application may be made to the Supreme Court for a covert search warrant in the investigation of ‘serious offences’ as defined in s46A(2) of the Act.

The Act provides that applications may be made by telephone if the issuing Judge is satisfied that a warrant is required urgently and the application cannot be made in person.

Applications are made by using a prescribed form which contains all the relevant information that s62 of the Act requires to be considered for a covert search warrant application.

Before granting a covert search warrant, the issuing Judge must also be satisfied that it is necessary for the entry and search to be conducted without the occupier's knowledge.

While the initial searching may be done covertly, the occupier must eventually be given formal notice that it has occurred. The length of time before the occupier's notice must be served is determined by the issuing Judge who may authorise delaying service of the notice for up to six months at a time. In exceptional circumstances the service of the notice may be delayed beyond 18 months, but it must not be delayed beyond three years in any circumstances. Covert search warrants expire 10 days after the date on which they are issued, unless the warrant specifies an earlier expiry date. Warrants may be granted to allow a search for a particular thing or things, or a kind of thing or things.

Within 10 days of executing the warrant, or of the warrant expiry date if the warrant is not executed, the executing officer is required under s 74A of the Act to provide a report in writing to the issuing Judge.

The Inspector is required to inspect the records of law enforcement agencies to check on their compliance, and the compliance of their officers, with Part 5 of the Act. Each covert search warrant file for the reporting period was inspected, a process that involved an examination of the application, the warrant itself, the occupier's notice, and the report to the issuing Judge, together with any other information contained on the file, to ensure that there had been compliance with the various statutory requirements.

Records about the execution of covert search warrants and those relating to entry and seizures to ascertain the accuracy of the reports to the issuing Judge were also examined. This also involves follow up inspections to confirm that occupier's notices have been served as soon as any period of postponement has expired.

Pursuant to s242(1) of the Act inspections must take place at least every 12 months. During the reporting period, only the NSW Police Force applied for covert search warrants and as such only those records were inspected for the purposes of this Act.

Pursuant to s 242(3) of the Act, the Inspector must as soon as practicable after 28 May 2017 and as soon as practicable after the expiration of each subsequent year, prepare a report of the Inspector's work and activities under subsection (1) and furnish a copy of the report to the Attorney General and the Minister for Police. The Attorney is required by s242(7) of the Act to lay the report, or cause the report to be laid, before both Houses of Parliament as soon as practicable after receiving the report.

Reports detailing the results of inspections conducted for the period between 29 May 2016 and 28 May 2017 were sent to the Attorney General and the Minister for Police respectively on 23 August 2017. The Inspector was authorised by the transitional provisions in Schedule 3 to the LECC Act to assume responsibility for the preparation of those reports as the reporting period related to a point in time prior to his appointment.

Further reports, which were sent on 25 June 2018, detailed the results of inspections conducted for the period between 29 May 2017 and 28 May 2018. It will be apparent that this included a brief period of time before the Inspector of LECC had commenced his term of office.

3.2.4 LAW ENFORCEMENT (POWERS AND RESPONSIBILITIES) ACT 2002 – CRIMINAL ORGANISATION SEARCH WARRANTS

A duly authorised police officer, may apply to an ‘eligible judge’ of the Supreme Court for a “criminal organisation search warrant”, which is defined in s3 of the Act as a “a search warrant issued under Division 2 of Part 5 in relation to an organised crime offence”.

If an eligible applicant has reasonable grounds to suspect that there is, or within 7 days there will be, in or on nominated premises a thing connected with a searchable offence, they may apply to an eligible issuing officer for a criminal organisation search warrant in respect of the premises. Under the Act an *eligible issuing officer* for the purposes of a criminal organisation search warrant means an *eligible judge*.

A “searchable offence” is defined in s46A of the Act as, in so far as it relates to a criminal organisation search warrant, an “organised crime offence”.

An "organised crime offence" is defined as “any serious indictable offence arising from, or occurring as a result of, organised criminal activity”.

The terms “organised criminal activity”, “serious violence offence” and “serious indictable offence” are defined in s46AA of the Act:

The Act also provides that applications may be made by telephone if the eligible issuing officer is satisfied that the warrant is required urgently and the application cannot be made in person.

Applications are made by using a prescribed form which contains all the relevant information that s62 of the Act requires to be considered for a search warrant application - and in particular the requirements of s62(2A) which are specifically related to criminal organisation search warrants.

The Regulation also prescribes the form of the warrant and the occupier’s notice. These forms cover the criteria set out in s66 and s67 of the Act in relation to these documents.

The time specified for the expiry of a criminal organisation search warrant is 7 days after the date on which the warrant is issued.

The reporting requirements for a criminal organisation search warrant are the same as those for standard search warrants, which are set out in s74 of the Act. The report must be furnished to the eligible issuing officer within 10 days after the execution of the warrant or the expiry of the warrant, whichever occurs first. The report must comply with the terms of the prescribed form.

The Inspector of LECC is required to inspect the records of the NSW Police Force to check for compliance with Part 5 of the Act. Pursuant to 242(4) of the Act those inspections must take place every 2 years.

Each individual criminal organisation search warrant file held at the NSW Police Force Covert Applications Unit (CAU) was inspected [the CAU is the “clearing house” for all applications for covert warrants made on behalf of the NSW Police Force]. Inspections were conducted in November 2016 and May 2017. Each inspection involved checking to ensure that the relevant statutory requirements had been complied with. The inspections involved an examination of the application, the warrant itself, the occupier’s notice, the report to the issuing judicial officer and any other information contained on the file.

Other records which were held by the NSW Police Force relating to the execution of criminal organisation search warrants were also examined in a further endeavour to ensure that the statutory requirements had been complied with.

Pursuant to s242(6) of the Act the Inspector must, as soon as practicable after 7 August 2017 and as soon as practicable after the expiration of each subsequent 2-year period, prepare a report of the Inspector’s work and activities under subsection (4) and furnish a copy of the report to the Attorney General and the Minister for Police. The Attorney General is required, pursuant to s242(7) of the Act to lay the report, or cause the report to be laid, before both Houses of Parliament as soon as practicable after receiving the report.

Reports detailing results of inspections conducted for the period between 7 August 2015 and 6 August 2017 were sent to the Attorney General and the Minister for Police respectively on 4 October 2017. The Inspector was authorised by the transitional provisions in Schedule 3 to the LECC Act to assume responsibility for the preparation of that report as the reporting period related to a point in time prior to his appointment.

3.2.5 LAW ENFORCEMENT (CONTROLLED OPERATIONS) ACT 1997

The *Law Enforcement (Controlled Operations) Act 1997* (the Act) enables a 'controlled operation' to be authorised in certain circumstances. It also regulates their use as well as providing for immunities to be granted to participants involved in them.

Section 3(1) of the Act defines a 'controlled operation' as being an operation which is conducted for the purpose of:

- (a) obtaining evidence of criminal activity or corrupt conduct, or
- (b) arresting any person involved in criminal activity or corrupt conduct, or
- (c) frustrating criminal activity or corrupt conduct, or
- (d) carrying out an activity that is reasonably necessary to facilitate the achievement of any purpose referred to in paragraph (a), (b) or (c),

That section also provides that each of the following is a 'law enforcement agency':

- (a) the NSW Police Force,
- (b) the Independent Commission Against Corruption,
- (c) the New South Wales Crime Commission,
- (d) the Law Enforcement Conduct Commission,
- (e) such of the following agencies as may be prescribed by the regulations as law enforcement agencies for the purposes of this Act:
 - (i) the Australian Federal Police,
 - (ii) the Australian Crime Commission,
 - (iii) the Commonwealth Department of Immigration and Border Protection.

Section 5(1) enables a law enforcement officer to apply to the 'chief executive officer' (which is defined in s3(1) of the Act) of the law enforcement agency to conduct a controlled operation on behalf of the agency. Provision is made in s5(2)

for the making of an urgent application. Section 5(2A) of the Act requires that every application must include certain specified particulars of the operation.

Section 6(1) provides that the chief executive officer may either authorise or refuse the application. Section 6(2) provides that an authority may not be granted unless a code of conduct is prescribed by the regulations in relation to that agency. A comprehensive code of conduct is contained in Schedule 2 to the Regulation and casts a number of obligations upon applicants. Section 6(3) states that an authority to conduct a controlled operation may not be granted unless the chief executive officer is satisfied about a number of matters which are identified, including that there are reasonable grounds to suspect that criminal activity or corrupt conduct has been, is being or is about to be conducted in relation to matters within the administrative responsibility of the agency.

Section 7 identifies situations in which an authority must not be granted.

Section 8(2) provides that an authority to conduct a controlled operation (even if it is urgent) must also identify a number of other matters which are set out.

Section 13 of the Act provides that an authority for a controlled operation authorises each law enforcement participant and civilian participant (if any) to engage in the particular controlled activities specified in the authority in respect of that participant.

Section 14 of the Act provides that the chief executive officer may grant a retrospective authority in certain limited circumstances.

Section 16 of the Act provides that an activity that is engaged in by a participant in an authorised operation in the course of, and for the purposes, of the operation is not unlawful so long as it is authorised by, and is engaged in in accordance with, the authority for the operation.

Section 19 of the Act provides that persons involved in an authorised operation are excluded from civil liability so long as their conduct was in good faith and was for the purpose of executing the Act.

Part 3A of the Act makes provision for Cross-border controlled operations.

Part 4 of the Act provides for the monitoring of controlled operations which are authorised by the chief executive officer of an agency. This is in contrast to other covert investigative methods, such as the use of surveillance devices and telecommunication interceptions, which are authorised externally by means of a warrant which is issued by a judicial officer. The public interest therefore requires adherence to the highest standards of compliance. Accordingly, inspections are designed to carefully scrutinise the documentation which is relied upon at all stages of the authorisation process as well as the reporting obligations which are placed on agency personnel. All authorities and variations to authorities granted during the reporting period are inspected as is the supporting documentation. A sample of records held by the principal law enforcement officers responsible for the conduct of the operation may also be examined in order to ascertain how those officers have accounted for the controlled activities which have been conducted.

Section 21 of the Act provides that the Inspector must be notified of each authority that is granted under the Act, of all variations to an authority, and of each report on a controlled operation that is received by the chief executive officer of an agency. Notices must be provided by the chief executive officer to the Inspector within 21 days of the event to which it relates. In the case of a retrospective authority having been granted, the required details must be provided no later than 7 days after it was granted. Requirements as to the content of those notices are set out in the Regulation to the Act.

Section 22(1) of the Act requires the Inspector to conduct inspections of the records of each of the law enforcement agencies in order to assess whether or not the requirements of the Act are being complied with. Inspections of the law enforcement agencies records must be conducted at least once every twelve months although they may be inspected at any time.

Section 22(2) of this Act provides that the provisions of the *Telecommunications (Interception) (New South Wales) Act 1987* (the State Act) apply to an inspection conducted under this section in the same way as they apply to an inspection conducted under that Act. Accordingly, inspecting officers are also provided with specific powers to enable them to obtain relevant information from an eligible authority: s13 and 14 of the State Act.

The Inspector is required, pursuant to s23(1) of the Act to report to Parliament on the Inspector's work and activities under the Act for the 12 month period ending on 30 June each year and to do so as soon as practicable after that date.

Section 23(2) of the Act requires that the report must include, for each law enforcement agency, certain particulars including the number of formal authorities that have been granted or varied by the chief executive officer of that agency, the number of urgent authorities granted and the nature of the criminal activity against which the controlled operations conducted under those authorities were directed.

The report for the 12 month period ending 30 June 2017 was presented on 18 December 2017. The Inspector was authorised by the transitional provisions in Schedule 3 to the LECC Act to assume responsibility for the preparation of that report as the reporting period related to a point in time prior to his appointment.

3.3 THE COMPLAINT HANDLING FUNCTION

Reference was made earlier to s122(2)(b) of the LECC Act which concerns the Inspector's functions to deal with complaints about the conduct of LECC and/or its officers.

It is important to observe that the Inspector's functions are very specific. For example, there is no power for the Inspector to deal with complaints against other bodies. Furthermore, the Inspector has no power to compel LECC to either investigate or not to investigate a particular complaint. Nor is there power to direct LECC as to how an investigation should be conducted.

A substantial number of complaints involve matters in which LECC has declined to take any further action. In many instances the complainant seeks to, in effect, have OILECC merely review the decision made by LECC without any apparent appreciation of the scope of the Inspector's jurisdiction. The Inspector is, of course, required when assessing such complaints to determine whether the conduct of LECC and/or its officers amounts to agency and/or officer maladministration or officer misconduct. Accordingly, the conduct of the person(s) who was the subject

of the initial complaint to LECC is considered but only in the context of whether LECC's handling of that complaint constitutes conduct of a kind which falls within the legislation.

Each complaint which is received is initially assessed to determine whether it attracts the jurisdiction of OILECC. If it does, then a decision is made as to whether there is any basis upon which further investigation of the complaint is warranted.

ANALYSIS OF COMPLAINTS RECEIVED

- 50 Complaints were received during the reporting period. Of those 43 were finalised and 7 remained outstanding as at 30 June 2018. Of the finalised matters 35 complaints were received in writing and 8 by telephone. 3 complaints were anonymous, 2 of which were in writing.
- One further matter which was outstanding from the period prior to the Office of the Inspector of OILECC commencing to operate was finalised during the reporting period.
- Of the finalised matters, a number were found not to fall within the jurisdiction of OILECC. This was due to the fact that many such complaints related solely to the conduct of civilians or members of NSW Police and not, as the legislation requires, the conduct of LECC and/or its officers. In many of those cases, complainants were advised that they may wish to direct their complaints to LECC or to some other appropriate agency.
- Of the remaining matters, in several instances the complaint has either lapsed or has not been proceeded with (often after lengthy correspondence).
- 3 further matters were addressed by LECC itself after it was notified about the nature of the complaint. In each of those instances LECC accepted responsibility for having committed what may be described as internal errors of process.

- A further matter related to an interagency issue which has also been satisfactorily resolved.

There were also a number of complaints which, on their face, attracted the jurisdiction of OILECC. Although there were no instances in which such a complaint was sustained, there were several occasions on which one or more deficiencies were revealed in the approach taken by LECC and/or its officers. Those deficiencies were highlighted in correspondence with the Chief Commissioner of LECC.

On two separate occasions during the reporting period OILECC provided the Chief Commissioner of LECC with a schedule of information concerning the outcome of complaints which it had received about the conduct of LECC and/or its officers.

3.4 THE REMAINING FUNCTIONS – AUDITING THE OPERATIONS OF THE COMMISSION AND ASSESSING ITS POLICIES AND PROCEDURES

There is considerable overlap between the two functions which are contained in s122(2)(a) and (c) of the LECC Act respectively. Accordingly, it is convenient to deal with them at the same time. Furthermore, material derived from complaints about the conduct of LECC and/or its officers which the Inspector receives pursuant to his complaint handling function also provides useful background information so far as the performance of those two functions are concerned.

The Inspector is clearly required to perform a critical role in the oversight of LECC and its operations. Accordingly, it is highly desirable that an appropriate working relationship should exist between the two agencies to enable the required monitoring function to operate at an optimum level. Considerable efforts have been made by both agencies to achieve that objective. The result, in my view, is that the relationship between the two agencies has been at all times both professional and productive.

The starting point is a mutual expectation on the part of the Inspector of LECC and the Chief Commissioner of LECC that each will comply with their statutory functions. A Memorandum of Understanding was developed between the Inspector and the Commission and formally entered into on 17 May 2018. It clearly sets out arrangements for communication and information exchange between the Inspector and the Commission concerning referral of matters such as complaints, access to information and points of contact between both agencies. A copy of the MOU which is Appendix A to this Report also appears on the OILECC website.

The primary point of liaison is between the Inspector and the Chief Commissioner. Such contact includes the exchange of formal correspondence as well as periodic meetings at which issues concerning the Inspector's functions and the conduct of the Commission are regularly discussed.

LECC, through its Chief Commissioner, has on an ongoing basis provided copies of its policies, protocols and guidelines in all areas of its operations. It has also provided copies of MOUs entered into with other agencies as well as access to its databases and information systems.

Although s124 of the LECC Act and the MOU between the two agencies require certain information to be provided, it is to be observed that LECC has nonetheless routinely either volunteered such information or provided it upon request.

LECC also continues to provide OILECC on a regular basis with the agenda, the background papers and, in due course, the minutes for a number of its most important committee meetings. Those Committees are listed below:

- Strategic Operations Committee
- Executive Committee
- Audit and Risk Committee
- Complaints Action Panel

Where additional information or clarification about matters arising from that material is sought, it is provided in a timely fashion. The Inspector and/or his duly

authorised representative has on occasions attended those meetings but only in the capacity as an observer.

LECC also provides on a confidential basis an audit schedule which sets out details about the performance of its various statutory powers during the preceding month. The schedule contains information about the following matters:

- Section 19(2) - determinations made by the Chief Commissioner and at least one other Commissioner
- Section 54 notices – power to obtain information
- Section 55 notices – power to obtain documents or other things
- Section 58 notices – power to enter public premises
- Section 63 examinations - private and public hearings conducted
- Section 69 summons – power to summon witnesses and take evidence
- Section 79 – search warrants
- Section 84 – surveillance device warrants
- Sections 114 and 115 – monitoring of critical incident investigations

Also included is information about applications granted under the *Law Enforcement (Controlled Operations) Act 1997* and warrants issued under the *Telecommunications (Interception and Access) Act 1979 (Cth)*.

It is to be observed that the issue as to what needs to be included in the audit schedule is being constantly reviewed.

In a further endeavour to gain an understanding of LECC and its activities the Inspector and the Principal Legal Advisor conducted meetings with the following senior members of LECC staff:

- Commissioner for Integrity
- Commissioner for Oversight
- Chief Executive Officer
- Solicitor to the Commission
- Manager, Community Engagement
- Director Investigations

- Director Investigation - Oversight

Meetings were also held with members of the following teams or units within LECC with a view to gaining greater insight into how those teams conducted their roles at an operational level:

- Assessment (on three occasions)
- Electronic Collections
- Prevention and Education
- Integrity Investigations

Liaison meetings were also held between members of the Inspector's staff and members of LECC's staff in order to gain a better appreciation of each other's roles.

Meetings were also conducted with the following external agencies:

Date	With Whom	Where	Purpose
July, August and September 2017	Acting Ombudsman of NSW, Professor John McMillan AO and senior staff of his Office	Various locations in Sydney	Meetings to facilitate the transfer of the SMU staff and their inspections function to OILECC
21 September 2017	The Hon. Michael Murray AM QC, Parliamentary Inspector of Corruption and Crime Commission (WA), Ms Karen Carmody, Parliamentary Crime and Corruption Commissioner (QLD) , Robin Brett QC, Victorian Inspector (VIC), Bruce McClintock SC, Inspector of the Independent Commission Against Corruption (NSW) and	Perth, WA	Meeting of Inspectors to discuss issues of mutual importance.

	members of their respective staff		
Various meetings from July - December 2017	Staff of Office of General Counsel, Department of Premier and Cabinet	Department of Premier and Cabinet	Meetings to discuss functions and powers of the Inspector. Also discussed were legislative amendments to provide the Inspector with a power of delegation to enable the staff of the SMU to perform their statutory functions
22 February 2018	Attorney General, the Hon. Mark Speakman SC	Attorney General's Office	Meeting to discuss the inspection function and powers of the Inspector
27 February 2018	Wayne Kelly, Manager, Covert Applications Unit (CAU) and other members of his staff	Covert Applications Unit, NSW Police Force	Meeting to discuss inspection function of the Inspector as performed by the SMU
12 March 2018	Joint Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission	NSW Parliament	Committee inquiry into the Inspector's 2016-17 Annual Report.
31 May 2018	NSW Commissioner of Police	Police Commissioner's Office	Meeting to discuss functions and powers of the Inspector and other matters of mutual interest

In addition to the meetings referred to above there has considerable ongoing correspondence and liaison with each of the agencies listed.

PART 4: CONCLUSION

OILECC has not, as yet, embarked upon a formal audit of any aspect of LECC's operations. Nevertheless, there is one aspect of LECC's work that remains of very considerable interest to OILECC as it involves a critical aspect of LECC's activities. It concerns the manner in which LECC conducts its complaint handling processes. To that end, there has been regular correspondence between the Inspector and the Chief Commissioner about various aspects of that issue. As LECC was still, as at 30 June 2018, in the process of reviewing its procedures in that respect, it is premature to make any further observations about the issue at this stage.

During next year's reporting period, it is proposed that there should be a continuation of the type of work upon which the Office embarked in its first year of operations. To that end, it is proposed that meetings will be conducted with those teams or units within LECC which could not be arranged during the current reporting period. It is also envisaged that there will be follow up meetings and further liaison with other teams, and in particular, the Assessment team. Indeed, the issue of the manner in which LECC conducts its complaint handling processes will remain a primary focus of the Office.

Another area which is highly likely to attract the Office's attention concerns LECC's powers to monitor critical incident investigations. A critical incident is an incident involving a police operation that results in death or serious injury to a person. It is a matter of public record that, on occasions, such a person has issues affecting their mental health. They may also be facing other challenges including drug dependency, intellectual and/or developmental disabilities, domestic abuse and/or non-compliance with medication and homelessness. A real and ongoing challenge for the criminal justice system arises when police in the course of their duty are required to interact with a person in such a condition, especially if that person is in a highly agitated state and in possession of a weapon. Needless to say, the challenge is even greater should a death or serious injury occur in those circumstances.

Clearly much useful work has been undertaken over many years, and in particular by the various agencies which have an interest in the area, in an attempt to address the challenges which I have identified. This Office will continue to watch, with considerable interest, to see how they are addressed in the future.

The Hon Terry Buddin SC
Inspector LECC
22 October 2018

APPENDIX A:

Memorandum of Understanding
between
the Law Enforcement Conduct Commission
and the Inspector of the Law Enforcement Conduct Commission

1. Parties

This Memorandum of Understanding (MOU) is made on the 17 May 2018 between the Law Enforcement Conduct Commission ("The Commission") and the Inspector of the Law Enforcement Conduct Commission ("The Inspector").

2. Background

2.1 The Inspector's role was established by Part 9 of the *Law Enforcement Conduct Commission Act 2016* (the LECC Act).

2.2 The principal functions of the Inspector are set out in Section 122 of the LECC Act which provides that:

2) *The principal functions of the Inspector are:*

- a) *to audit the operations of the Commission for the purpose of monitoring compliance with the law of the State, and*
- b) *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*
- c) *to assess the effectiveness and appropriateness of the policies and procedures of the Commission relating to the legality or propriety of its activities.*

2.3 The exercise of the functions of the Inspector are set out in 123 of the Act which provides that:

1) *The functions of the Inspector may be exercised as follows:*

- a) *on the Inspector's own initiative,*
- b) *at the request of the Minister,*
- c) *in response to a complaint made to the Inspector or misconduct information of which the Inspector becomes aware,*
- d) *in response to a reference by the Joint Committee or by the Ombudsman, the ICAC, the Crime Commission or any other government agency or member of a government agency.*

2) *The Inspector is not subject to the Commission in any respect.*

2.4 The oversight powers of the Inspector are set out in Section 124 of the LECC Act which provides that:

1) *The Inspector may do any of the following:*

- a) *investigate any aspect of the Commission's operations or any conduct of officers of the Commission,*
- b) *require officers of the Commission to supply information or produce documents or other things about any matter, or any kind of matter, relating to the Commission's operations or any conduct of officers of the Commission,*
- c) *require officers of the Commission to attend before the Inspector to answer questions or produce documents or other things relating to the Commission's operations or any conduct of officers of the Commission,*
- d) *investigate and assess Commission misconduct matters,*
- e) *refer matters relating to the Commission or officers of the Commission to other*

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- agencies for consideration or action,*
- f) *recommend disciplinary action or criminal prosecution against officers of the Commission.*
- 2) *The Inspector is entitled to full access to the records of the Commission and to take or have copies made of any of them.*
 - 3) *A referral of a matter under this section to another agency for consideration or action must specify in writing the terms of the referral.*
 - 4) *Without affecting the power of the Inspector to make a report under Part 11, the Inspector may, at any time:*
 - a) *make a recommendation or report concerning any matter relating to the functions of the Inspector under this section that the Inspector considers may effectively be dealt with by recommendation or report under this section, and*
 - b) *provide the report or recommendation (or any relevant part of it) to the Commission or an officer of the Commission, a person who made a complaint or any other affected person.*
 - 5) *If the Inspector makes a recommendation to the Commission, the Inspector may require the Commission to provide to the Inspector, within a reasonable time specified by the Inspector, advice as to whether it intends to implement the recommendation and, if not, the reasons for not doing so.*
 - 6) *If the Inspector is not satisfied that the Commission has duly and properly taken action in connection with a report or recommendation made to the Commission by the Inspector, the Inspector must inform the Commission of the grounds of the Inspector's dissatisfaction and must give the Commission an opportunity to comment within a specified time.*
 - 7) *If, after considering any comments received from the Commission within the specified time, the Inspector is still not satisfied, the Inspector may submit a report to the Minister setting out the recommendation concerned and the grounds of dissatisfaction, together with any comments from the Commission and the Inspector.*

3. Purpose

- 3.1 To set out arrangements for liaison between the Commission and the Inspector concerning referral of matters, access to information and points of contact between both agencies.

4. Intent

- 4.1 The Commission undertakes to co-operate fully and frankly with the Inspector and his staff in order to assist the discharge of the Inspector's functions under the LECC Act.

5. Liaison

- 5.1 The primary point of liaison will be between the Inspector and the Chief Commissioner.
- 5.2 The Inspector and the Chief Commissioner agree to meet periodically to discuss relevant issues and to raise any matters concerning the Inspector's functions and the conduct of the Commission. The Inspector and the Chief Commissioner may choose to keep their own short notes of these meetings.
- 5.3 Written correspondence from the Commission to the Inspector will be marked for his attention.

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It is preferable that all such correspondence is sent to oilc executive@oilc.nsw.gov.au. Alternatively it may be sent via mail and marked as follows:

“Private and Confidential”

Office of the Inspector of the Law Enforcement Conduct Commission
PO Box 5341, Sydney NSW 2001

6. Regular Provision of Information to the Inspector

- 6.1 Background papers for, and the minutes of, the Strategic Operations Committee, Executive Committee, Audit and Risk Committee, and the Complaint Action Panel meetings will be routinely provided to the Inspector. Any other meeting minutes or papers as requested by the Inspector will be supplied to the Inspector in a timely manner.
- 6.2 The Inspector and/or his duly authorised representative(s) may attend any of the meetings referred to above as an observer.
- 6.3 The Commission will use its best endeavours to accommodate the Inspector’s requests for access to any information, including the Commission’s policies, protocols and guidelines, its databases and information technology systems and MOUs with other agencies. Such requests will be directed to the Chief Commissioner or to the CEO in the first instance.

7. Notification of complaints of misconduct and/or maladministration by the Commission to the Inspector

- 7.1 The Commission will notify the Inspector of matters which come to its attention which involves conduct of an officer of the Commission, where that conduct falls within section 122(2)(b) of the LECC Act.
- 7.2 Unless urgent and requiring immediate attention all such matters will be communicated to the Inspector by way of written notification. In urgent cases oral communication may be permitted provided that written notification is subsequently furnished as soon as is practicable.
- 7.3 Notification of matters referred to in paragraph 7.1 will also be reported upon by way of a schedule to be provided periodically to the Inspector. The schedule will briefly set out the relevant information as is available and known to the Commission at that time, including any action the Commission has taken to deal with the conduct.
- 7.4 Any request made by the Inspector or his staff for information or material regarding a complaint or any other matter concerning the conduct of any officer of the Commission is to be referred to the Chief Commissioner.
- 7.5 Where the Inspector wishes to interview a member of staff of the Commission in connection with a complaint, the Chief Commissioner will be notified wherever possible. The Commission acknowledges that there may be occasions when the Inspector may need to act unilaterally without prior notification.
- 7.6 The Commission will make information concerning the Inspector’s role and functions publicly available. That will include:
 - a) having appropriate and accurate information about the Inspector's principal functions and

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powers in overseeing the LECC as well a link to the Inspector's website on the LECC webpage;

- b) providing information to members of the public, whether in writing or orally, that clearly indicates that the Inspector's jurisdiction is limited to dealing with complaints about misconduct or maladministration on the part of LECC and/or its officers.

8. Review

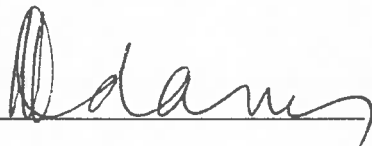
- 8.1 This MOU may be reviewed at any stage, at the request of either party but in any event shall be reviewed no later than 24 months from the date of the MOU.

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9. Signatories

The Hon M F Adams QC

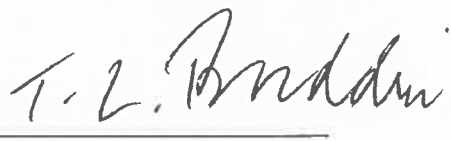
Chief Commissioner of the Law
Enforcement Conduct Commission:

Signed: 

Date: 17/5/18

The Hon T Buddin SC

Inspector of the Law Enforcement Conduct
Commission:

Signed: 

Date: 17 May 2018