

Annual Report 2022-23

Office of the Inspector of the Law Enforcement Conduct
Commission

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



30 October 2023

The Hon. Ben Franklin, MLC
President
Legislative Council
Parliament House
Sydney NSW 2000

The Hon. Greg Piper, MP
Speaker
Legislative Assembly
Parliament House
Sydney NSW 2000

Annual Report 2022-23

Dear Mr President and Mr Speaker,

As required by section 141 of the *Law Enforcement Conduct Commission Act 2016* (LECC Act), I furnish to each of you my Annual Report as the Inspector of the Law Enforcement Conduct Commission for the year ended 30 June 2023.

Pursuant to sections 142(2) and 145(4) of the LECC Act, I recommend that the Report be made public immediately.

Yours sincerely,

Bruce McClintock SC
Inspector, Law Enforcement Conduct Commission

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1

Introduction to this Annual Report under the LECC Act

1.1 Introduction

This is my Annual Report as Inspector of the Law Enforcement Conduct Commission (the LECC or the Commission) for the year ending 30 June 2023 as required by section 141 of the *Law Enforcement Conduct Commission Act 2016* (LECC Act). Pursuant to sections 142(2) and 145(4) of that Act, I recommend that it be made public immediately.

On 1 July 2017 the LECC commenced operation. It was established to replace the Police Integrity Commission (PIC), the Police Compliance Branch of the NSW Ombudsman and the Inspector of the Crime Commission which ceased operation on 30 June 2017. At the same time, the Office of the Inspector of the PIC also ceased to exist and the Office of the Inspector of the LECC came into existence.

Under section 120 of the LECC Act the Governor, on the advice of the Executive Council, appoints the Inspector. The legislation empowers the Parliamentary Joint Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission (the Joint Committee) to veto the proposed appointment.

As well as creating the Office of the Inspector of the LECC, section 128 of the LECC Act provides for the employment of staff who may be referred to as members of staff of the Inspector. The Inspector, together with such staff constitute the Office of the Inspector of the LECC (OILECC).

The period to which this Report relates was the first of my term as the Inspector of the LECC. My 5-year term commenced on 1 July 2022, and so will end no later than 30 June 2027. It is on a part-time basis.

2

The Office of the Inspector of the LECC

2.1 Office administration

2.1.1 Premises

The OILECC shares premises with the Office of the Inspector of the Independent Commission Against Corruption (OIICAC).

The contact details for the Office are set out below.

Postal address: GPO Box 5341, Sydney NSW 2001

Telephone: (02) 9228 3023

Email: oilcexecutive@oilc.nsw.gov.au

2.1.2 Staff

The Inspector has two staff who work in the Secure Monitoring Unit (SMU). The Inspector also shares two support staff with the Inspector of the ICAC (a Principal Legal Advisor and a Business Coordinator).

During the reporting period the Inspector's staff were employed by the Department of Premier and Cabinet (DPC). On 1 July 2023 those staff became employed by the Premier's Department due to Machinery of Government changes.

2.1.3 Budget and finance

During the reporting period, the OILECC was a cost centre within DPC.

Its budgeted expenditure for the financial year from 1 July 2022 to 30 June 2023 was \$985,047. Its actual expenditure for that period was \$679,769, which compares with an actual expenditure of \$884,009 in the previous financial year.

During the reporting period the Inspector was paid a daily rate of \$5065.00, with an annual salary cap at 60% of the annual remuneration of the Chief Commissioner of the LECC.

2.1.4 Website

OILECC manages its own website with the support of DPC (now Premier's Department). Its website address is www.oilecc.nsw.gov.au

The website is reviewed and updated on a continuing basis and contains the Inspector's Reports tabled in Parliament, the Office's policies, information about the Inspector's functions and powers and contact information for the Office.

3

The role of the Inspector of the LECC

3.1 Functions of the Inspector

Section 122(2) of the LECC Act, sets out 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 the State, and
- 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), and
- c. assess the effectiveness and appropriateness of the policies and procedures of the Commission relating to the legality or propriety of its activities.

Section 123(1) of the LECC Act permits the functions of the Inspector to 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 the LECC in any respect (section 123(2)).

Section 122(1) of the LECC Act provides that the Inspector has the functions conferred or imposed on the Inspector by or under the LECC Act or any other Act. Various items of NSW legislation which deal with the use of covert investigative powers that are exercised by certain investigative and law enforcement agencies confer functions on the Inspector, including the:

- *Telecommunications (Interception and Access) (New South Wales) Act 1987*
- *Surveillance Devices Act 2007*
- *Law Enforcement (Controlled Operations) Act 1997*
- *Law Enforcement (Powers and Responsibilities) Act 2002* (limited to Criminal Organisation Search Warrants and Covert Search Warrants issued under Part 5).

The Inspector performs the functions of an inspecting officer under the legislation referred to. Until 1 July 2017 the NSW Ombudsman performed those functions. I deal with the performance of these functions during the reporting period in chapter 4 of this Report.

3.2 Powers of the Inspector

Section 124(1) of the LECC Act empowers the Inspector to:

- 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 agencies for consideration or action,*
- f. *recommend disciplinary action or criminal prosecution against officers of the Commission.*

The Inspector is entitled to full access to the records of the Commission and to take or have copies made of them (section 124(2)).

The Inspector has the power to make a special report to the Presiding Officer of each House of Parliament on any matters affecting the Commission, including, for example, its operational effectiveness or needs, any administrative or general policy matter relating to the functions of the Inspector, any other matter relating to the exercise of a function to audit, deal with or assess any matter under section 122 (Functions of Inspector) that the Inspector considers warrants the making, in the public interest, of a special report (section 140 which appears in Part 11 of the LECC Act).

Sub-section 124(4) provides that 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.*

Sub-sections 124(5)-(6) grant further powers to the Inspector in respect of such reports and recommendations, including power to 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.

Section 126 of the LECC Act empowers the Inspector to make or hold inquiries. Sub-section 126(2) confers the same powers, authorities, protections and immunities as are conferred on a Commissioner by the *Royal Commissions Act of 1923* are conferred on the Inspector when holding an inquiry under section 126(1). Any witness summoned by or appearing before the Inspector also has the benefit of the protection and immunities under the Royal Commissions Act.

The Inspector has incidental powers under section 127 of the LECC Act to do all things necessary to be done for or in connection with, or reasonably incidental to, the exercise of the Inspector's functions.

3.3 Other relevant legislation

3.3.1 **Government Information (Public Access) Act 2009**

The object of the *Government Information (Public Access) Act 2009* (GIPA Act), as set out in section 3 is, in general terms, to:

- authorise and encourage the proactive public release of government information by agencies
- give members of the public an enforceable right to access government information, and
- provide that access to government information is restricted only when there is an overriding public interest against disclosure.

The GIPA 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. The OILECC's open access information is available on its website www.oilecc.nsw.gov.au

As required by section 20 of the GIPA Act, OILECC has an Agency Information Guide available on its website. It provides information about the Inspector's functions and the structure of the Office.

The GIPA Act entitles members of the public to make access applications for information held by an agency. However, in respect of information held by the Inspector, it provides that a valid access application cannot be made for "excluded information" of the Inspector relating to operational auditing, handling of misconduct matters (within the meaning of the LECC Act), investigative and reporting functions. It also provides that there is a conclusive presumption that there is an overriding

public interest against disclosure of information held, the disclosure of which is prohibited by the LECC Act (unless the Inspector has consented to the disclosure).

Section 125 of the GIPA Act requires an agency, which includes the Inspector, to prepare an Annual Report on performance of its obligations under the Act. The Inspector's Report is set out in Appendix A.

3.3.2 Public Interest Disclosures Act 1994

The *Public Interest Disclosures Act 1994* (PID Act) provides certain protections to public officials who report serious wrongdoing in the public sector. It encourages and facilitates the disclosure of:

- corrupt conduct
- maladministration
- serious and substantial waste
- government information contraventions, and
- local government pecuniary interest contraventions.

The Inspector is an investigating authority pursuant to section 4 of the PID Act. To receive protection under the PID 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 of the PID Act requires each public authority, including the Inspector, to prepare an Annual Report on its obligations under the Act. The Inspector's PID Report is set out in Appendix B.

On 13 April 2022 the *Public Interest Disclosures Act 2022* received assent. It commenced on 1 October 2023.

However, during the period subject of this Annual Report, the *Public Interest Disclosures Act 1994* remained in force.

The Inspector will be required to comply with the 2022 Act and will report further on this in the 2023-24 Annual Report.

3.3.3 Telecommunications (Interception and Access) Act 1979 (Cth)

The Inspector is an "eligible authority" for the purposes of the *Telecommunications (Interception and Access) Act 1979* (Cth) (TIA Act). The Office provided an Annual Report to the Attorney-General under section 96 of the TIA Act, which indicated that the Inspector did not carry out any relevant activity and therefore had no information to disclose.

4

The Inspection Functions

4.1 Preliminary observations

As already indicated the Inspector has various inspection functions in respect of the use of controlled operations, criminal organisation search warrants, covert search warrants, surveillance devices and telecommunications interceptions by certain investigative agencies. Such powers involve significant intrusions into the privacy of individuals and, to provide the community with some degree of assurance that those powers are being used lawfully, the agencies are subject to legislative controls designed to ensure a measure of accountability through reporting and record keeping obligations.

The Inspector has delegated inspection functions to his support staff who work in the SMU. Those staff also assist the Inspector to prepare statutory reports to the Minister or to Parliament, although the reporting function itself has not been delegated.

During inspections, the SMU staff examine the records of each agency to determine if there has been compliance with the relevant record keeping requirements. The SMU staff consider such other aspects of compliance as can be determined from examining those records and questioning the relevant officers. Exceptions or deficiencies identified by the inspection and monitoring process are brought to the attention of the head of the relevant agency prior to the furnishing of the reports required under the respective legislation.

In the Annual Reports for 2020-21 and 2021-22, there was reference to the *Report of the Comprehensive Review of the Legal Framework of the National Intelligence Community* (the Comprehensive Review) led by Dennis Richardson AC and the Commonwealth Government's acceptance of a recommendation made in it that the Commonwealth Ombudsman should have oversight responsibility for the use of Commonwealth electronic surveillance powers by all agencies other than ASIO. The review also recommended the repeal of the *Telecommunications (Interception and Access) Act 1979 (Cth)*, *Surveillance Devices Act 2004 (Cth)*, and parts of the *Australian Security Intelligence Organisation Act 1979 (Cth)* to be replaced by one consolidated Act.

It was noted in the 2021-22 report, that in late 2021 the Commonwealth Government revealed its Electronic Surveillance Reform project led by the Department of Home Affairs (DHA). In December 2021 DHA released a public discussion paper and invited public submissions. The Inspector did not make a submission in response to the paper as it was indicated that there would be further opportunity to comment on an exposure draft of the proposed electronic surveillance legislation.

Since then, the project has been transferred to the Commonwealth Attorney-General's Department. Its work on the project continues.

4.2 Performance of the Inspection Functions

4.2.1 *Telecommunications (Interception and Access) (New South Wales) Act 1987*

The *Telecommunications (Interceptions and Access) Act 1979 (Cth)* ("the Commonwealth Act") is the primary legislation covering the interception of telecommunications and access to telecommunications data. Warrants for interception and access are applied for by "agencies" under that Act. The Commonwealth Ombudsman is the relevant inspecting authority for the records of those agencies, but only in relation to the records of Commonwealth agencies. The States and Territories have complementary legislation which enables certain State and Territory authorities to be declared as agencies for the purposes of the Commonwealth Act. So far as NSW is concerned, the *Telecommunications (Interception and Access) (New South Wales) Act 1987 (NSW)* ("the NSW Act") is the relevant complementary legislation. That legislation also imposes record keeping requirements upon those authorities.

The record keeping requirements in NSW apply to all "eligible authorities" within the meaning of that term under section 3 of the NSW Act. Those authorities are the:

- NSW Police Force (NSWPF)
- NSW Crime Commission (NSWCC)
- Independent Commission Against Corruption (ICAC)
- Law Enforcement Conduct Commission (LECC)
- Inspector of the ICAC

The Inspector of the ICAC is an eligible authority of a State for the purposes of both the Commonwealth Act and the NSW Act. The Inspector is therefore subject to the inspection requirements of the NSW Act if the Inspector is ever in receipt of restricted records or lawfully obtained information.

The Inspector of the Law Enforcement Conduct Commission is an eligible authority of a State under the Commonwealth Act. However, the Inspector is not an eligible authority of a State under the NSW Act and is therefore not subject to the record keeping requirements of the NSW Act.

Part 2 of the NSW Act (sections 4 – 8) sets out the administrative responsibilities of the eligible authorities with respect to their procedures and record keeping functions in relation to the issue of telecommunications interception warrants. Sections 4 and 5 of the NSW 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 NSW Act require that certain reports be furnished to the relevant Minister (who is currently the NSW Attorney General). Section 8 makes provision for the keeping and destruction of restricted records.

Part 3 of the NSW Act confers upon the Inspector of LECC the functions of independently inspecting the records of eligible authorities required to be kept under Part 2 of that Act and then reporting about those inspections. Section 10(1) of the NSW Act provides that for inspections to occur as follows:

An inspecting officer must inspect the records of an eligible authority at least twice during each financial year in order to ascertain the extent to which the authority’s officers have complied with Part 2 since the last inspection under this Part (whether before or after the commencement of this section as substituted by the Law Enforcement Conduct Commission Act 2016). (Emphasis added.)

The inspection functions are performed under delegation by the SMU staff. An inspection officer may also, pursuant to section 12 of the NSW Act, include information concerning contraventions of the Act in the report to the Minister. Inspecting officers are also provided with specific powers, pursuant to sections 13 and 14 of the NSW Act, to enable them to obtain relevant information from an eligible authority.

Inspections were conducted at each of the eligible authorities (excluding the Inspector of the ICAC) during the 1 July 2022 to 30 June 2023 reporting period.

The requirement for the Inspector to report about those inspections is set out in section 11 of the NSW Act which is in the following terms:

(1) An inspecting officer must, as soon as practicable, and in any event within 3 months, after the end of each financial year, report to the Minister in writing, in relation to an eligible authority, about the results of the inspections under section 10 (1), during that financial year, of the authority’s records.

(2) The inspecting officer must include the following in each report under subsection (1) in relation to a financial year —

(a) a summary of the inspections conducted in the financial year under section 10,

(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.

Note —

In complying with this section, the inspecting officer remains bound by section 63 of the Commonwealth Act, which prohibits the disclosure of intercepted information or designated warrant information.

(3) The inspecting officer may report to the Minister in writing at any time about the results of an inspection under this Part and must do so if so requested by the Minister.

(4) The inspecting officer must give a copy of a report under subsection (1) or (3) to the chief officer of the eligible authority to which the report relates.

In compliance with that requirement, the NSW Attorney General was provided with a report in September 2023 detailing the results of inspections conducted of agency records for the period from 1 July 2022 to 30 June 2023. There is no provision requiring the tabling of the report in Parliament. However, section 20 of the NSW Act provides that the Attorney General shall as soon as practicable after receiving the report provide a copy of the report to the Minister administering the Commonwealth Act (currently that is the Commonwealth Attorney-General).

4.2.2 Surveillance Devices Act 2007

The *Surveillance Devices Act 2007* (SD Act) provides a comprehensive framework for law enforcement agencies to use surveillance devices in criminal investigations and covertly gather evidence for criminal prosecutions. It provides strict requirements around the installation, use and maintenance of surveillance devices, which include listening devices, optical surveillance devices, tracking devices and data surveillance devices. Law enforcement officers, within the meaning of the SD Act, may apply for surveillance device warrants and retrieval warrants.

Section 48(1) requires:

(1) The Inspector must, from time to time, inspect the records of each law enforcement agency (other than the Australian Crime Commission) to determine the extent of compliance with this Act by the agency and law enforcement officers of the agency.

Note—

Under section 55 of the Surveillance Devices Act 2004 of the Commonwealth, the Commonwealth Ombudsman is required to inspect the records of the Australian Crime Commission to determine the extent of the Commission's compliance with this Act. Under section 61 of that Act, the Commonwealth Ombudsman is required to report the results of the inspection to the Commonwealth Minister, lay the report before the Commonwealth Parliament and send a copy of the report to the Minister administering this Act.

Sections 48(2) and (3) contain additional provisions that enable the Inspector to access the necessary records of the law enforcement agencies. The inspections are performed under delegation by the SMU staff.

The law enforcement agencies which were the subject of inspections during the reporting period were the:

- NSW Police Force
- NSW Crime Commission
- ICAC and
- LECC.

The majority of surveillance device warrant files for the reporting period were inspected, a process that involved an examination of the application, the warrant, the required notice to the Surveillance Devices Commissioner (as the Attorney-General's delegate) under sections 17(5A) and 25(5A) and the report to the eligible Judge who issued the warrant and to the Surveillance Devices Commissioner (as the Attorney-General's delegate) as required by section 44, together with any other information contained on the file to ensure that there had been compliance with the various statutory requirements.

The Inspector is required, pursuant to section 49(1) of the SD Act, to report to the Minister (being the Attorney General) at six monthly intervals on the results of inspections. The Attorney General is required by section 49(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 with a report in March 2023 detailing the results of inspections conducted of agency records for the period from 1 July 2022 to 31 December 2022, and a report in August 2023 detailing the results of inspections conducted of agency records for the period from 1 January 2023 to 30 June 2023. The March 2023 report¹ and the August 2023 report² are available on the OILECC website.

4.2.3 Law Enforcement (Powers and Responsibilities) Act 2002 – Covert Search Warrants

The power to seek and issue covert search warrants is contained within the *Law Enforcement (Powers and Responsibilities) Act 2002* (“LEPR Act”). Covert search warrants provide eligible law enforcement agencies, and their officers, with the authority to enter and search premises without the knowledge of the occupiers, in relation to the investigation of serious offences. Further if it is necessary to do so in order to enter the subject premises, the executing officers are also authorised to enter premises adjoining or providing access to the subject premises (adjacent premises), without the knowledge of the occupier of the adjacent premises, impersonate another person for the purposes of executing the warrant, and to do anything else that is reasonable for the purpose of concealing anything done in the execution of the warrant from the occupier of the premises.

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 a “serious offence” as defined in section 46A of the LEPR Act.

Sections 46C and 47 provide that an “eligible applicant” from within the:

- NSWPF
- NSWCC and
- LECC

may apply to an “eligible issuing officer” (that is an “eligible judge” of the Supreme Court) for “a covert search warrant”, which is defined in section 3 of the Act as being “a search warrant issued under Division 2 of Part 5 that may be executed covertly.”

While the initial searching may be done covertly, the occupier must eventually be given formal notice that it has occurred. Section 67(8) provides that the executing officer must serve the occupier’s notice as soon as practicable after the warrant is executed, unless the service of the notice is postponed by the issuing Judge under section 67A. Service may be delayed for up to six months at a time and is usually delayed for several months after the search. 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.

Section 242(1) of the LEPR Act requires the Inspector to “inspect the records of the NSW Police Force, the New South Wales Crime Commission and the Law Enforcement Conduct Commission under Part 5 in relation to covert search warrants every 12 months after the substitution of this section by the amending Act for the purpose of ascertaining whether or not the requirements of that Part (in so far as it relates to covert search warrants) are being complied with.” Section 242(2) also provides the Inspector with powers to access records in relation to the warrants that are the subject of inspection.

The inspections were performed under delegation by the SMU staff. 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

¹ <https://www.oilecc.nsw.gov.au/assets/Uploads/Reports/Inspection-Reports/Report-under-section-491-of-the-Surveillance-Devices-Act-2007-for-the-period-ending-31-December-2022.pdf>

² https://www.oilecc.nsw.gov.au/assets/Uploads/Reports/Inspection-Reports/10.Report-under-section-491-Surveillance-Devices-Act-2007-period-ending-30-June-2023_tagged2.pdf

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. Follow up inspections to confirm that occupier's notices had been served as soon as any period of postponement had expired were also conducted.

Pursuant to section 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 to the Minister for Police. The Attorney General is required by section 242(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.

In compliance with that requirement, the Attorney General and the Minister for Police were each provided with a report in September 2023 detailing the results of inspections conducted of agency records for the period from 29 May 2022 to 28 May 2023.

That report will be published on the OILECC website after it has been tabled in the NSW Parliament.

4.2.4 Law Enforcement (Powers and Responsibilities) Act 2002 – Criminal Organisation Search Warrants

The power to seek and issue criminal organisation search warrants is also contained within the *Law Enforcement (Powers and Responsibilities) Act 2002* ("LEPR Act"). Criminal organisation search warrants authorise any executing officer for the warrant to enter the subject premises, and to search the premises for things connected with a particular searchable offence in relation to the warrant.

Sections 46D and 47 of the Act provide that a NSWPF officer who is an "eligible applicant" may apply to an "eligible issuing officer" (that is an "eligible judge" of the Supreme Court) for a "criminal organisation search warrant", which is defined in section 3 of the Act as being 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 issuing Judge for a criminal organisation search warrant in respect of the premises.

A "searchable offence" is defined in section 46A 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". Section 46AA in turn, amongst other things, defines "organised criminal activity" and "serious violence offence".

Section 242(4) of the LEPR Act requires the Inspector to "inspect the records of the NSW Police Force under Part 5 in relation to criminal organisation search warrants every 2 years after the substitution of this section by the amending Act for the purpose of ascertaining whether or not the requirements of that Part (in so far as they relate to criminal organisation search warrants) are being complied with." Section 242(5) also provides the Inspector with powers to access records in relation to the warrants that are the subject of inspection.

Each criminal organisation search warrant file held by the NSWPF for the reporting period was inspected, a process that involved an examination of the application, the warrant itself, the occupier's notice, 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. Other records which were held by the NSWPF relating to the execution of criminal organisation search warrants were also examined in a further endeavour to ensure that there had been compliance.

Pursuant to section 242(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 to the Minister for Police. The Attorney General is required, pursuant to section 242(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.

In compliance with that requirement, the Attorney General was provided with a report in October 2023 detailing the results of inspections conducted of agency records for the period from 7 August 2021 to 6 August 2023. The 2023 report will be published on the OILECC website after it has been tabled in Parliament.

The next Report in respect of inspections conducted between 7 August 2023 and 6 August 2025 is due to be presented to the Attorney-General as soon as practicable after 6 August 2025.

4.2.5 Law Enforcement (Controlled Operations) Act 1997

The *Law Enforcement (Controlled Operations) Act 1997* (“LECO 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 LECO 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),*

being an operation that involves, or may involve, a controlled activity.

A “controlled activity” is defined in section 3(1) as “an activity that, but for section 16, would be unlawful.” (Section 16 will be referred to in due course.)

Section 3(1) 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 section 3(1) of the Act) of the law enforcement agency to conduct a controlled operation on behalf of the agency. Provision is made in section 5(2) for the making of an urgent application. Section 5(2A) 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 Law Enforcement (Controlled Operations) Regulation 2017 (“LECO 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.

Part 4 of the Act provides for the monitoring by the Inspector of controlled operations which are authorised by the chief executive officer of an agency. Section 21 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 LECO Regulation.

Section 22(1) 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) provides that the provisions of the *Telecommunications (Interception) (New South Wales) Act 1987* 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 under sections 13 and 14 of the NSW Act to enable them to obtain relevant information from an eligible authority.

The process of monitoring controlled operations may be contrasted with the process for monitoring other covert investigative methods, such as the use of surveillance devices and telecommunication interceptions. Furthermore, those covert investigative methods are authorised externally by means of a warrant which is issued by a judicial officer whereas controlled operations are authorised internally by the law enforcement agencies empowered to conduct operations under the LECO Act.

Accordingly, inspections are conducted in a manner that is designed to ensure that 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, are carefully scrutinised. 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.

The Inspector is required, pursuant to section 23(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) requires that the report must include, for each law enforcement agency, certain particulars including, among other things, 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.

In compliance with that requirement, a report was furnished to the Presiding Officer of each House of Parliament on 13 December 2022 detailing the results of inspections conducted of agency records for the period 1 July 2021 to 30 June 2022. The [December 2022 report](https://www.oilecc.nsw.gov.au/assets/Uploads/Reports/Inspection-Reports/Annual-Report-pursuant-to-s231-of-the-Law-Enforcement-Controlled-Operations-Act-1997-for-the-12-months-ending-30-June-2022.pdf)³ is available on the OILECC website.

³ <https://www.oilecc.nsw.gov.au/assets/Uploads/Reports/Inspection-Reports/Annual-Report-pursuant-to-s231-of-the-Law-Enforcement-Controlled-Operations-Act-1997-for-the-12-months-ending-30-June-2022.pdf>

5

The Principal Functions

5.1 Preliminary observations

The Inspector performs an oversight role in relation to the LECC. The principal functions, as stated above, are set out in section 122(2) of the LECC Act. It is important for effective performance of the oversight functions set out in that provision that there be an appropriate working relationship between the Inspector's Office and the LECC.

To that end, the present Chief Commissioner and I entered into a Memorandum of Understanding (MOU) on 27 September 2022, replacing an MOU that had been entered into by our predecessors. Both documents set out arrangements for communication and information exchange between the Inspector and the Commission concerning issues such as the referral of complaints, access to information and points of contact between both agencies. A copy of the current MOU⁴ appears on the OILECC website.

The primary point of contact is between the Inspector and the Chief Commissioner. Such contact includes the exchange of correspondence as well as meetings at which issues concerning the Inspector's functions and the conduct, operations and governance of the Commission may be discussed.

In addition to maintaining contact with members of the Executive Team, OILECC at times meets or corresponds with other members of staff who occupy significant leadership roles at LECC. There is also contact between key members of LECC's operational staff and members of OILECC staff.

5.2 Appearances before Parliament, conferences, and significant meetings

On 13 July 2022 the Inspector and Commissioners of the LECC had their first meeting.

On 27 September 2022 the Inspector and Chief Commissioner met to sign the MOU.

On 28 September 2022 the Inspector appeared before the Joint Committee for its 2022 review of annual and other reports of oversight bodies.

On 4 November 2022 the Inspector appeared before the Committee on the Independent Commission Against Corruption for its review of aspects of the *Independent Commission Against Corruption Act 1988*.

On 15 November 2022 the Inspector hosted the Meeting of Inspectors, Parliamentary Commissioners and Reviewers in Sydney.

On 16 and 17 November 2022 the Inspector and Principal Legal Advisor attended the Australian Public Sector Anti-Corruption Conference (APSACC) in Sydney.

On 21 November 2022 and 10 May 2023, the Inspector met with the Commissioners of the LECC pursuant to their MOU.

5.3 The complaint handling function

The Inspector's powers in respect of complaint handling under the LECC Act are very specific. They are confined by section 122(2)(b) to dealing, by way of reports or recommendations, with conduct amounting to agency maladministration on the part of the LECC and conduct amounting to officer misconduct or officer maladministration on the part of officers of the LECC, whether or not the subject of a complaint.

⁴ <https://www.oilecc.nsw.gov.au/assets/Uploads/Reports/MOU/Signed-MOU-27-September-2022.pdf>

The Inspector is not empowered to deal with complaints about any persons or agencies other than LECC and/or its officers. So far as LECC itself is concerned, the Inspector does not have power to direct its activities or operations. He cannot, for example, compel LECC to either investigate or not investigate a particular complaint. Equally there is no power to direct LECC as to the manner in which an investigation is to be conducted. Nor does the Inspector have power to alter or reverse a decision made by LECC. Finally, OILECC does not exercise an appellate function in which it engages in a “merits review” of a decision made by LECC.

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

What follows is a summary of complaints received during the reporting period:

- 107 new complaints were received, whereas during the previous reporting period 52 new complaints had been received. Of the 107 new complaints received
 - 95 were finalised during the period
 - 12 remained open at the end of the period. The then open complaints have all since been finalised and will be reported on in the 2023-24 Annual Report.
 - 55 were outside of the Inspector’s jurisdiction because they were not about the LECC or its officers. Of those, 46 were about the NSWPF and it is estimated that 38 were made to the Inspector because around May and June 2023 Google searches for the “Law Enforcement Conduct Commission” and “LECC” did not return links to the LECC’s website, but instead provided links to the Inspector’s website.
- A total of 107 complaints were finalised during this period, including 12 that had been received during the previous reporting period.

The following observations may be made about the 107 complaints that the Inspector finalised during the reporting period:

- Many were outside the Inspector’s jurisdiction, for example, because the complaint concerned agencies other than LECC. In those instances, the complainant was, where possible, provided with the contact details of the appropriate complaint handling body.
- In respect of several complaints a substantial volume of correspondence was exchanged with the complainant in order to clarify the specific conduct complained of. In some instances, the complaint lapsed or was not proceeded with in circumstances where the complainant failed to provide material in support of their complaint.
- On a few occasions, the complaint concerned a matter that was still being considered by the LECC. In those circumstances the complainant was generally informed that the appropriate time to make a complaint to the Inspector was when LECC had concluded its handling of the matter.
- Several complaints were dismissed because, upon close analysis, they expressed mere dissatisfaction with the LECC decision and in respect of which the complainant was seeking a review on the same material. Those complaints were assessed to determine whether the conduct alleged was of a kind which fell within the terms of section 122(2)(b) of the LECC Act.
- The Inspector asked the LECC to provide a response to 21 complaints. In all instances the LECC provided a satisfactory response.
- The Inspector did not make any finding that the LECC had engaged in conduct amounting to agency maladministration or that any of its officers had engaged in conduct amounting to officer misconduct or officer maladministration.

The Inspector also did not make any Special Report to Parliament pursuant to section 140 of the LECC Act in respect of a complaint.

However, there was one complaint dealt with by the Inspector, a result of which the LECC made a further public report to the Parliament in respect of an investigation it had earlier completed. A summary of that complaint and its outcome follows.

On 23 June 2022 the Inspector received a complaint from the Australian Broadcasting Corporation (ABC) regarding the LECC's investigations named Operation Kurumba and Operation Kainite.

Operation Kurumba concerned allegations about the former Commissioner of Police's interests in horse racing and involvement in the award of a catering contract. While Operation Kainite was about allegations that other NSWPF officers had engaged in serious misconduct in respect of procurement for catering contracts. The LECC commenced both investigations in response to media reports and presented reports on the investigations to Parliament pursuant to section 132 of the LECC Act in March 2022.

The ABC's principal complaints were that:

- the reports of those investigations may have been affected by maladministration (on the basis of being "unreasonable, unjust oppressive or improperly discriminatory in effect" or arrived at from a "mistake or law or fact" and
- the LECC may have breached section 143 of the LECC Act by not giving ABC journalists an opportunity to respond to adverse comments about them in the reports.

On 11 July 2022 the Inspector notified the LECC of the complaint and requested a response to it. On 27 July 2022 the LECC provided its substantive response and proposed to prepare 'an addendum to the Operation Kurumba report and the receipt of submissions for that purpose'.

By letter dated 24 August 2022 the Inspector informed the Commission that following his assessment of the complaint, he had several concerns in respect of some findings made in the Operation Kurumba report and its compliance with section 143. The Inspector supported the LECC's proposal to prepare an addendum and receive submissions and recommended that in doing so, the LECC should:

1. include a summary of the ABC complaint and the Inspector's inquiries with the LECC in respect of it
2. address each of the concerns raised by the Inspector
3. engage in a submissions process with Mr Fuller, the ABC journalists and any other persons who the Commission considered should be heard in accordance with section 143, and
4. furnish the addendum under an appropriate section of the LECC Act to Parliament and recommend that it be made public.

On 6 September 2022 the LECC agreed to implement the Inspector's recommendations. It kept the Inspector informed of its progress while implementing them. Ultimately in December 2022, the LECC published a supplementary report in Operation Kurumba under section 132 of the LECC Act.

The LECC's supplementary report addressed all matters raised by the Inspector. In the course of preparing its report, the LECC received submissions from all affected parties in accordance with section 143 and revisited some findings from its first report, making recommendations to the NSWPF regarding its conflict of interest and secondary employment policies. In May 2023 the NSWPF agreed with the recommendations in-principle and in September 2023 the LECC published the NSWPF's response to its recommendations on its website.

5.4 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 section 122(2)(a) and (c) of the LECC Act therefore 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.

As indicated earlier, section 122(2)(c) requires the Inspector to assess the “effectiveness and appropriateness” of LECC’s policies and procedures “relating to the legality or propriety of its activities”. To assist the Inspector in performing that task, LECC regularly provided him with updated copies of its policies and procedures concerning all areas of its activities.

The Inspector also receives the agenda, the background papers and, in due course, the minutes from each of the meetings of LECC’s most important committees. Those committees and the frequency with which they are scheduled to meet are set out below:

- Strategic Operations Committee (monthly)
- Executive Committee (fortnightly)
- Audit and Risk Committee (quarterly)
- Complaints Action Panel (weekly).

That material was routinely read by the Inspector and occasionally additional information and/or clarification was sought about matters arising from it. For example, the Inspector corresponded with the LECC about the detail of its reviewed Disciplinary Action Policy in order to clarify what information the Commission will provide to the Inspector in the event there is a complaint that a Commission officer engaged in officer maladministration or officer misconduct.

The LECC CEO also routinely forwards to the Inspector’s Office a weekly update email that she sends to Commission staff about operational and staffing matters. That material gives insight into LECC’s workplace culture.

The Inspector also receives the minutes of the Misconduct Themes Committee (MTC) (which serves as a forum for staff across the Commission to participate in the identification and response to systemic issues, emerging trends or themes that may benefit from a coordinated, proactive or strategic response) provides a further opportunity for the Inspector to gain a different perspective about aspects of LECC’s activities.

LECC also has important audit functions of its own. For example, it is required by legislation to conduct internal audits of some of its own activities such as its use of assumed identities. Furthermore, the Audit and Risk Committee (ARC) of LECC, which includes several external members, performs a critical audit function and is required to oversee the Commission’s risk management. On other occasions, outside bodies such as Centium (the LECC’s internal auditor which operates as an adjunct to the ARC) or staff of the Auditor-General, review particular aspects of the LECC’s activities. The Inspector is particularly mindful of the audit functions performed by those different bodies when determining how OILECC will perform its own and seeks to avoid unnecessary duplication of effort. To that end, during the reporting period the Inspector and Principal Legal Advisor attended 2 of the LECC’s ARC meetings as an observer and the Inspector received all papers presented to each of the LECC’s quarterly ARC meetings.

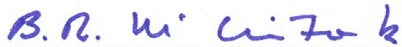
As indicated in the last Annual Report, the LECC had commenced a review of its correspondence templates for complaint handling with the aim of improving its communication with members of the public. During the reporting period the LECC completed its review and started using newly drafted templates. It has expressed a willingness to receive feedback from the Inspector on its correspondence informed by observations made during the exercise of the Inspector’s complaint handling function.

6

Conclusion

6.1 Conclusion

This Annual Report concerns the performance of the Inspector's functions during the first year of my term. In that time, I have found the Commission to be cooperative and responsive to my requests for information. When I have raised matters for the Commission's consideration, be it as a result of dealing with a complaint, auditing its operations or assessing the effectiveness of its policies and procedures, I have received fulsome responses that engage with all points made. Looking forward to next four years of my term, I am optimistic that the relationship between our agencies will continue to be productive.



Bruce McClintock SC

Inspector, Law Enforcement Conduct Commission

30 October 2023

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Appendices

Appendix A: Annual Report on the Inspector's obligations under the *Government Information (Public Access) Act 2009*

Section 125 of the GIPA Act requires an agency to prepare an annual report on its functions under the Act. Clause 8 of the Government Information (Public Access) Regulation 2018 (the Regulation) outlines what must be included in the report. The Inspector's report is set out in this appendix.

Section 7(3) of the GIPA Act provides that "an agency must, at intervals of not more than 12 months, review its program for the release of government information under this section to identify the kinds of government information held by the agency that should in the public interest be made publicly available and that can be made publicly available without imposing unreasonable additional costs on the agency."

During the reporting period, the Office's website content was reviewed to assess what, if any, further information could be pro-actively released. The Office ensures that the Inspector's reports that are tabled in the NSW Parliament are made available on its website. Other than those reports and the Annual Reports, there is limited information held by the Office that can be proactively released due to the sensitive and confidential nature of material handled by the Office. However, during the reporting period existing information on the Office website was updated.

The Inspector did not receive any access applications during the reporting period (including withdrawn applications but not including invalid applications).

The Inspector did not receive any applications during the reporting year that it refused, either wholly or partly, because the application was for the disclosure of information referred to in Schedule 1 to the Act (information for which there is conclusive presumption of overriding public interest against disclosure).

Tables A to I over the page provide statistical information about access applications as required by clause 8(d) and Schedule 2 of the Regulation.

Table A: Number of applications by type of applicant and outcome*

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Media	0	0	0	0	0	0	0	0
Members of Parliament	0	0	0	0	0	0	0	0
Private sector business	0	0	0	0	0	0	0	0
Not for profit organisations or community groups	0	0	0	0	0	0	0	0
Members of the public (application by legal representatives)	0	0	0	0	0	0	0	0
Members of the public (other)	0	0	0	0	0	0	0	0

* More than one decision can be made in respect of a particular access application. If so, a recording must be made in relation to each such decision. This also applies to Table B.

Table B: Number of applications by type of application and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with information	Refuse to confirm/deny whether information is held	Application withdrawn
Personal information applications*	0	0	0	0	0	0	0	0
Access applications (other than personal information applications)	0	0	0	0	0	0	0	0
Access applications that are partly personal information applications and partly other	0	0	0	0	0	0	0	0

* A *personal information application* is an access application for personal information (as defined in clause 4 of Schedule 4 to the Act) about the applicant (the applicant being an individual).

Table C: Invalid applications

Reason for invalidity	Number of applications
Application does not comply with formal requirements (section 41 of the Act)	0
Application is for excluded information of the agency (section 43 of the Act)	0
Application contravenes restraint order (section 110 of the Act)	0
Total number of invalid applications received	0
Invalid applications that subsequently became valid applications	0

Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to Act

	Number of times consideration used*
Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	0
Excluded information	0
Documents affecting law enforcement and public safety	0
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environmental heritage	0
Information about complaints to Judicial Commission	0
Information about authorised transactions under <i>Electricity Network Assets (Authorised Transactions) Act 2015</i>	0
Information about authorised transaction under <i>Land and Property Information NSW (Authorised Transaction) Act 2016</i>	0

* More than one public interest consideration may apply in relation to a particular access application and, if so, each such consideration is to be recorded (but only once per application). This also applies in relation to Table E.

Table E: Other public interest considerations against disclosure: matters listed in table to section 14 of Act

	Number of occasions when application not successful
Responsible and effective government	0
Law enforcement and security	0
Individual rights, judicial processes and natural justice	0
Business interests of agencies and other persons	0
Environment, culture, economy and general matters	0
Secrecy provisions	0
Exempt documents under interstate Freedom of Information legislation	0

Table F: Timeliness

	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	0
Decided after 35 days (by agreement with applicant)	0
Not decided within time (deemed refusal)	0
Total	0

Table G: Number of applications reviewed under Part 5 of the Act (by type of review and outcome)

	Decision varied	Decision upheld	Total
Internal review	0	0	0
Review by Information Commissioner*	0	0	0
Internal review following recommendation under section 93 of Act	0	0	0
Review by NCAT	0	0	0
Total	0	0	0

* The Information Commissioner does not have the authority to vary decisions, but can make recommendations to the original decision-maker. The data in this case indicates that a recommendation to vary or uphold the original decision has been made by the Information Commissioner.

Table H: Applications for review under Part 5 of the Act (by type of applicant)

	Number of applications for review
Applications by access applicants	0
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	0

Table I: Applications transferred to other agencies under Division 2 of Part 4 of the Act (by type of transfer)

	Number of applications transferred
Agency-initiated transfers	0
Applicant-initiated transfers	0

Appendix B: Annual Report on the Inspector's obligations under the *Public Interest Disclosures Act 1994*

Section 31 of the PID Act requires each public authority to prepare an annual report on its obligations under the Act for the relevant reporting period. Clause 4 of the Public Interest Disclosures Regulation 2011 (PID Regulation) outlines what must be included in the report. The Inspector's report is set out in this appendix.

The Inspector has a public interest disclosures policy which is published on its website. The policy under the PID Act was superseded on 1 October 2023 by the Inspector's policy under the *Public Interest Disclosures Act 2022*.

During the reporting period the Inspector again provided staff who assist with the handling of PIDs a copy of the legislation and PID policy and drew their attention to its application. That member of staff also attended public interest disclosures training run by the NSW Ombudsman.

Tables J and K over the page provide statistical information as required by the PID Regulation. The statistics relate to public interest disclosure made to OILECC in its capacity as a public authority, not an investigating authority.

Table J: the number of public officials who made a PID during 2022-23

Type of PID	Number of PIDs	Number of public officials	PIDs finalised
PIDs made by public officials in performing their day-to-day functions as public officials	0	0	0
PIDs made under a statutory or legal obligation (other than those made by public officials performing their day-to-day functions)	0	0	0
All other PIDs	0	0	0
Total	0	0	0

Table K: Types of allegations made in PIDs during 2022-23

Type of PID	Corrupt conduct	Maladministration	Serious and substantial waste	Government information contravention	Local government pecuniary interest contraventions	Total
PIDs made by public officials in performing their day-to-day functions as public officials	0	0	0	0	0	0
PIDs made under a statutory or legal obligation (other than those made by public officials performing their day-to-day functions)	0	0	0	0	0	0
All other PIDs	0	0	0	0	0	0
Total	0	0	0	0	0	0

GPO Box 5341
Sydney NSW 2001

T: 02 9228 3023

E: oilcexecutive@oilc.nsw.gov.au

W: oilc.nsw.gov.au