

**Agreement between the Law Enforcement Conduct Commission and the
Commissioner of Police pursuant to the s 14 of the Law Enforcement Conduct
Commission Act 2016**

Recording and reporting misconduct information concerning alleged breaches of the
NSW Police Force Respectful Workplace Behaviours Policy and Guidelines

1. Title

This agreement is created pursuant to s 14(2) of the *Law Enforcement Conduct Commission Act (2016)* (the **LECC Act**) and relates to the management and reporting of misconduct matters concerning allegations of or information relating to hostile workplace behaviour as defined in this Agreement, and/or by the NSW Police Force (**NSWPF**) policy (the **Agreement**).

2. Background

- 2.1 The NSWPF is established and has responsibilities pursuant to the *Police Act 1990* (**Police Act**), including the investigation of allegations of police and administrative employee misconduct.
- 2.2 The Law Enforcement Conduct Commission (**the Commission**) is established and has responsibilities pursuant to the LECC Act including the investigation of allegations of NSWPF police and administrative employee serious misconduct and related oversight functions of investigations conducted by the NSWPF in relation to those misconduct matters.
- 2.3 Section 14(1) of the LECC Act allows the NSWPF and the Commission to enter into written agreements concerning the manner in which misconduct matters are managed. The Commission is also permitted under s 14(2) to issue guidelines reflecting agreements reached with the NSWPF in relation to those matters, as well as under s 33(5) to issue guidelines relating to the reporting of misconduct matters to the Commission.
- 2.4 This Agreement is created under s 14 of the LECC Act. This Agreement will not replace, but will operate in addition to, the Agreement and Guidelines issued by the Commission, pursuant to s 14 of the LECC Act, that took effect on 11 December 2017, as amended or replaced from time to time.
- 2.5 This Agreement commences on the date signed by both parties and continues until terminated by the parties.

3. Definitions

- 3.1 All definitions in the LECC Act and the s 14 Agreement apply to this Agreement. To the extent of any inconsistencies, the LECC Act prevails.
- 3.2 The following definitions apply to this Agreement:

NSWPF members means executive and non-executive police officers and administrative employees (including special constables) and temporary employees.

Workplace means any physical location in which a NSWPF member is discharging their duties as a member of the NSWPF, and includes any place where a NSWPF member goes, or is likely to be, while at work. Given the nature of police work, this can mean not only official buildings or police stations, but includes police vehicles, public patrol areas and field locations. Work-related activities may include conferences, training, business or field trips and in certain circumstances may include work social functions and/or off duty communications which may impact on a NSWPF member and/or a Workplace.

Hostile workplace behaviour is conduct that is, or could be, in breach of the behavioural standards set by the NSW Police Force Code of Conduct and Ethics, the NSW Police Force Statement of Values and any policies, procedures and/or guidelines that the NSWPF may have in place from time to time, relating to Respectful Workplace Behaviour.

4. **NSW Police Force Respectful Workplace Behaviour Management Model for Hostile or Inappropriate Workplace Behaviour**
- 4.1 Under the NSWPF Respectful Workplace Behaviour Framework (the **Framework**) any misconduct information that raises an allegation that falls under the definition of '*hostile workplace behaviour*' is dealt with under the Respectful Workplace Behaviour Management Model (the **Management Model**).
- 4.2 The Commission understands that the NSWPF has introduced this Management Model with the intent to address breaches of NSWPF policy and guidelines setting out NSWPF member obligations with respect to respectful workplace behaviour (**Respectful Workplace Behaviours Guidelines**) promptly and efficiently, to prevent avoidable disruption and harm to NSWPF members and workplaces, to educate NSWPF members about respectful workplace behaviour, and to deter future breaches.
- 4.3 The Management Model will be subject to review six months from the date of implementation.
- 4.4 Where a misconduct matter relates only to an alleged breach of the Respectful Workplace Behaviours Guidelines, it will be a matter of a kind that will not be the subject of oversight or investigation by the Commission, unless it is referred for investigation under Tier 1 of the Management Model.
- 4.5 Any disagreement with a decision to refer a matter for resolution under Tier 2 of the Management Model is to be escalated to the Executive Director, Operations of the Commission and the NSWPF Commander with responsibility for the matter. Where the issue cannot be resolved at this level, it will be escalated to a Commissioner of the Commission and the Assistant Commissioner, Professional Standards Command, NSWPF.
- 4.6 Under the Management Model Tier 4 matters are not misconduct information as they do not meet the definition of police or administrative officer misconduct under s 9 of LECC Act, because they do not constitute grounds for disciplinary action.

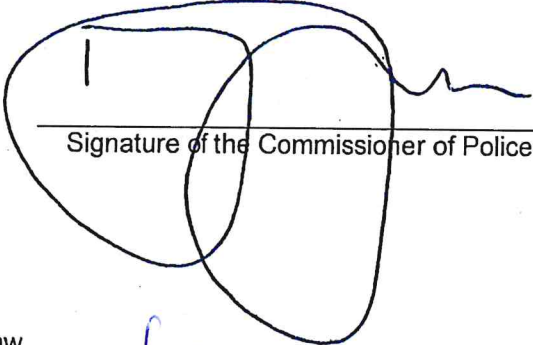
- 4.7 In dealing with misconduct matters under the Management Model, the NSWPF must comply with its own policy and guidelines relating to the Management Model.
- 4.8 The Commission will have unrestricted access to all records that relate to these matters, so that the Commission can continue to exercise its auditing and reporting functions under s 32 of the LECC Act.

Execution

This agreement is executed on :

4 February 2021

Signed by Michael Fuller APM
the Commissioner of the
New South Wales Police Force



Signature of the Commissioner of Police

Signed by Hon. R O Blanche AM QC
Chief Commissioner of the Law
Enforcement Conduct Commission:



Signature of Chief Commissioner
of the Commission