



LECC

Law Enforcement
Conduct Commission

Annual Report
2023-24



Level 3, 111 Elizabeth Street
Sydney NSW 2000

Postal address:
GPO Box 3880
Sydney NSW 2001

Email: contactus@lecc.nsw.gov.au
Phone: (02) 9321 6700
Toll free: 1800 657 079
Fax: (02) 9321 6799

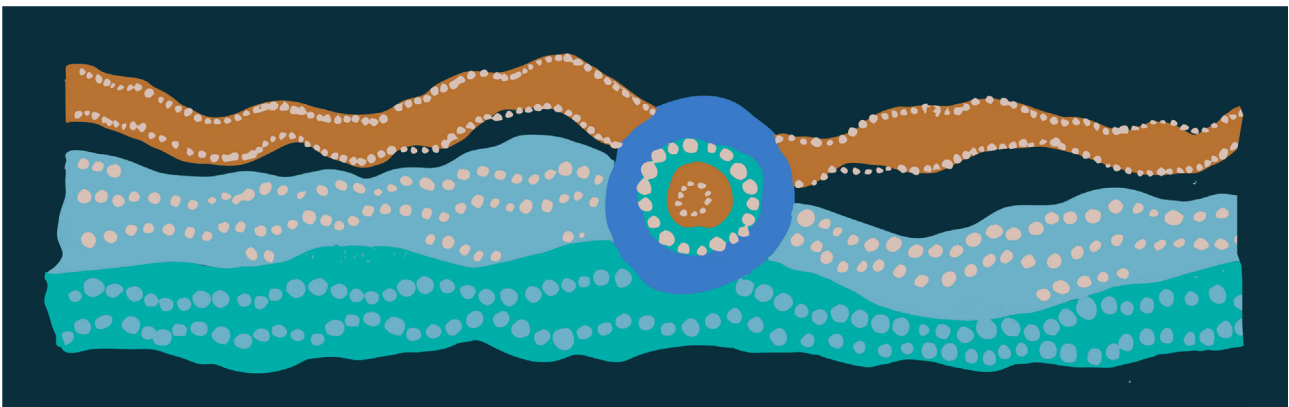
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Acknowledgement of Country

The Law Enforcement Conduct Commission acknowledges and pays respect to the Traditional Owners and Custodians of the lands on which we work. We recognise the continuing connection of First Nations people to the lands and waters of NSW and pay our respects to the First Nations Elders, past and present.



Sand Dunes (1991, licensed reproduction, ink on canvas)
John and Ros Moriarty, Balarinji design studio, Jumbana Group

An excerpted graphical element of the *Sand Dunes* artwork has formed part of the Commission's Acknowledgement of Country graphic device since 2021.

The artwork tells the story of clan people's journey to a camping place on sun-bleached sands along weathered shores. Food is prepared and stories are shared around the fire near their shell middens.

The original *Sand Dunes* artwork is gouache on paper and part of the Balarinji art collection acquired by the National Museum of Australia in 2009. The collection comprises 409 individual artworks, predominantly gouache on paper, created by the Balarinji design studio. The works were created by John and Ros Moriarty and various artists, both Indigenous and non-Indigenous, who were part of the Balarinji team.

This artwork features in the Commission's first Reconciliation Action Plan, which was launched in October 2023.

31 October 2024

The Hon Benjamin Franklin MLC
President
Legislative Council
Parliament House
SYDNEY NSW 2000

The Hon Greg Piper MP
Speaker
Legislative Assembly
Parliament House
SYDNEY NSW 2000

Dear Mr President and Mr Speaker

Law Enforcement Conduct Commission Annual Report

In accordance with Division 7.3 of the *Government Sector Finance Act 2018* (NSW) and section 139 of the *Law Enforcement Conduct Commission Act 2016* (NSW), the Commission provides you with a copy of the Law Enforcement Conduct Commission Annual Report for the year ended 30 June 2024.

The Annual Report has been prepared in accordance with the requirements of the *Government Sector Finance Act 2018* (NSW), the *Law Enforcement Conduct Commission Act 2016* (NSW), and the NSW Government Annual Reporting Framework.

Under section 142(2) of the *Law Enforcement Conduct Commission Act 2016* (NSW), we recommend that this Annual Report be made public immediately.

Yours sincerely



The Hon Peter Johnson SC
Chief Commissioner



Anina Johnson
Commissioner

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From our Commissioners

The community of NSW wants law enforcement agencies that they trust to act with integrity. This goal is shared by the Law Enforcement Conduct Commission (the Commission), as well as staff and leaders of the NSW Police Force and the NSW Crime Commission. For the Commission, that means lifting our community profile to be recognised and trusted by the public as an effective law enforcement oversight body. We also aspire to have the trust of police and Crime Commission staff as an agency working towards a shared goal of integrity in law enforcement.

Equitable treatment is important to maintaining trust in law enforcement. This was a common theme in the Commission's work over the past year:

- Operation Mantus started as a complaint about the arrest of a 14-year-old Aboriginal boy in Northern NSW. As it progressed, the Commission became concerned about the way that some vulnerable people, particularly young Aboriginal people, were interviewed in custody. We took evidence from lawyers and non-government organisations who work with vulnerable people in custody and concluded that the problem was widespread.
- For 5 years, the Commission had been investigating the use of Suspect Targeting Management Plans (STMPs) for young people in Operation Tepito. That work identified that Aboriginal and Torres Strait Islander young people and people with complex needs were consistently over-represented as targets. The Commission found police were unclear on whether they were acting under law or the policy, and there was a lack of robust evaluation of the effectiveness of the program.
- Operation Harrisdale focused on the treatment of a senior police officer who held a prestigious position and crashed his work car after a night out. The Commission used a variety of statutory powers to table a prompt public report that highlighted the importance of equitable and transparent treatment of all police, no matter their rank or position.

- The Commission looked at its own processes by reviewing the way in which complaints made by Aboriginal and Torres Strait Islander peoples are handled by the Commission and the NSW Police Force.

A relationship of trust requires both collaboration and robust engagement. The Commission has certainly had both in the past year, as we:

- collaborated with the NSW Police Force to audit a sample of strip search records from searches at music festivals
- disputed with the NSW Police Force about the Commission's access to documents used in critical incident investigations. This dispute was litigated in the Court of Appeal in *Commissioner of Police v Attorney General for New South Wales* [2024] NSWCA 150. A practical resolution was reached in August 2024, by agreeing on a Joint Protocol that recognises police concerns about information security, but gives the Commission full access to critical incident investigation materials
- returned to the country where Operation Mantus started to talk to community and met with the local police. We talked about the Commission's findings in Operation Mantus and about the impact it had on all involved
- engaged with police about the problems with the STMP and welcomed the NSW Police Force's decision to discontinue the program.

To be trusted as an effective oversight body, we must continually refine our approach to our work. This year we:

- undertook a wholesale review of our complaint assessment process, with the aim of improving service delivery and timeliness. The new process will be rolled out next financial year
- recruited 2 new Aboriginal community engagement officers. These staff are now influencing decisions across the Commission, as well as building connections with the Aboriginal and Torres Strait Islander communities.



The Hon Peter Johnson SC
Chief Commissioner

As noted in last year's report, the Commission also needs to be proactive in identifying issues of concern before complaints arise. This is the role of the Commission's new strategic intelligence team, which started this financial year.

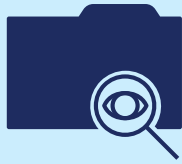
None of these achievements would be possible without the diligence and innovation of our staff. We are fortunate to work alongside them.



Anina Johnson
Commissioner



2023–24 at a glance



5,755

assessments
completed



2,027

investigations
oversighted



128

critical incidents
monitored



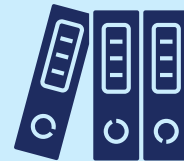
46

investigations
conducted



29

examination
days



8

public reports
tabled

1. Overview

This section details what we set out to do, our purpose and our values. It also summarises our key functions, the legislation that governs our work, and our organisational structure.

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1.1 Aims and objectives

Our purpose

The Law Enforcement Conduct Commission (the Commission) improves community trust in law enforcement by maintaining and enhancing the accountability and integrity of NSW law enforcement agencies.

The Commission does this by detecting, oversighting, investigating and exposing misconduct and maladministration within the NSW Police Force and the NSW Crime Commission.

Our key functions

The following pages provide a summary of the Commission's key functions.

Assessment

- The Commission directly receives and assesses complaints about the NSW Police Force and the NSW Crime Commission.
- The Commission also assesses how the NSW Police Force and the NSW Crime Commission handle notifiable complaints that these agencies receive directly.

Investigation

- The Commission detects, investigates and exposes serious misconduct and maladministration within the NSW Police Force and the NSW Crime Commission.
- The Commission has wide investigative powers and can hold public or private examinations as part of an investigation.

Our key functions

Oversight

- The Commission provides independent oversight by reviewing or monitoring NSW Police Force and NSW Crime Commission misconduct investigations.
- The Commission conducts real-time monitoring of NSW Police Force critical incident investigations to ensure they are conducted thoroughly and objectively.

Prevention

- The Commission works collaboratively with the NSW Police Force and the NSW Crime Commission to promote the prevention and elimination of officer misconduct.
- The Commission undertakes research activities to identify systemic issues that might lead to misconduct or maladministration.

Assessing complaints

The assessment of complaints is a core function of the Commission.

Complaints come to the Commission in several ways, including from:

- members of the public
- the NSW Police Force complaints management database
- NSW Crime Commission complaints
- Public Interest Disclosures (PIDs).

Our Assessments team assesses all complaints, and then refers the complaints and recommendations to the internal Complaint Action Panel (CAP).

The CAP consists of the Chief Commissioner, the Commissioner and other senior staff.

The CAP may decide that the Commission ought to investigate a complaint independently of police if the complaint indicates employees of the NSW Police Force or NSW Crime Commission have engaged in serious misconduct or serious maladministration.

Complaints that are not investigated by the Commission are referred to the police or the Crime Commission. The Commission may exercise its oversight monitoring function (where Commission investigators monitor the NSW Police Force's investigation of a complaint in real time) or oversight review function (where Commission investigators review the NSW Police Force's investigation of a complaint when the investigation is complete).

Further information about the assessment process can be found in [chapter 3.1](#) of this report.

Oversight of complaint handling

The NSW Police Force and the NSW Crime Commission have primary responsibility for dealing with complaints about misconduct relating to their employees. However, the Commission is responsible for overseeing these agencies' handling of misconduct investigations.

We may monitor, in real time, the progress of serious or significant misconduct matters. However, we usually consider the adequacy of the investigation once investigation reports are completed by the relevant law enforcement agency.

If we are not satisfied with the way the relevant agency has investigated the complaint, or with the management action taken, we advise the NSW Police Force or NSW Crime Commission of our concerns and the reason for these concerns, and may request:

- further information or advice about the reasons for a decision
- further investigation of the misconduct matter
- reconsideration of the findings made or the management action to be taken.

In response, the NSW Police Force and NSW Crime Commission must:

- provide the information or advice requested
- notify the Commission of their decision in relation to a request for further inquiries or investigation
- notify the Commission of their decision in relation to a request for reconsideration of the findings or management action to be taken.

If the NSW Police Force and the NSW Crime Commission decide not to conduct further inquiries, reconsider findings or reconsider management action to be taken, they must provide the Commission with reasons for their decision. If we are not satisfied with the decision, we may provide a report to the relevant Minister or a special report to Parliament.

If the complaint concerns serious misconduct or maladministration, the Commission may also decide to conduct its own investigation.

Further information about the Commission's oversight functions can be found in [chapter 3.3](#) of this report.

Monitoring critical incident investigations

The Commission has the power to independently monitor the NSW Police Force's investigation of critical incidents if it is in the public interest to do so.

We monitor all declared critical incidents. We may cease monitoring if it is no longer in the public interest.

A critical incident is an incident involving a police operation that results in death or serious injury to a person. The Commission's monitoring of critical incident investigations reassures the public and the next of kin that police investigations into critical incidents are conducted in a competent, thorough and objective manner. We consider whether the NSW Police Force has adequately addressed:

- the lawfulness and reasonableness of the actions of NSW Police Force officers involved in the critical incident
- the extent to which the actions of the NSW Police Force officers complied with relevant law and NSW Police Force policies and procedures
- any complaint about the conduct of involved NSW Police Force officers and any evidence of misconduct
- the need for changes to relevant policies, practices and procedures of the NSW Police Force
- any systemic, safety or procedural issues arising from the actions of NSW Police Force officers.

If we form the view that the investigation is not being conducted in an appropriate manner, we can advise the NSW Police Force and the Coroner of our concerns and make recommendations.

The NSW Police Force must consider and respond to the Commission's concerns and recommendations. We may make public the advice that we gave to the NSW Police Force or the Coroner after the conclusion of the critical incident investigation if we consider it to be in the public interest to do so.

Further information about critical incident investigation monitoring can be found in [chapter 3.3](#) of this report.

Investigating serious officer misconduct

Another of the Commission's primary functions is to detect, investigate and expose serious misconduct and serious maladministration in the NSW Police Force and NSW Crime Commission.

Serious misconduct or serious maladministration may:

- result in a prosecution for a serious offence
- result in serious disciplinary action
- demonstrate a pattern of misconduct or maladministration
- be deemed corrupt conduct
- be oppressive or improperly discriminatory
- arise wholly or in part from improper motives.

These investigations are conducted by multi-disciplinary teams drawn from the Investigations and Intelligence units in the Commission's Integrity Division, and work in collaboration with the other units of the Commission.

The Commission's investigation powers include the power to:

- obtain statements of information
- obtain documents or other things
- summons witnesses to appear at public and/or private examinations.

Further information about the Commission's Integrity Division can be found in [chapter 3.2](#) of this report.

Preventing misconduct

The Commission assists the state's law enforcement agencies to improve the way they identify, prevent and minimise misconduct, unlawful actions and unreasonable practices.

We do this by conducting research into the way the NSW Police Force and NSW Crime Commission work so we can identify any unlawful or unreasonable practices, processes and policies. This can include:

- reading police records
- analysing police databases
- speaking with police officers
- meeting with members of the community.

Our work identifies systemic issues that may be conducive to officer misconduct, officer maladministration and agency maladministration. We aim to work collaboratively with the NSW Police Force and the NSW Crime Commission to promote strategies to prevent officer misconduct and maladministration.

Further information about the Commission's prevention function can be found in [chapter 3.6](#) of this report.

Our values



Accountability

- We take responsibility for our decisions and actions.
- We are transparent about our decision-making.
- We provide a timely and quality service to the public and the agencies we work with.



Fairness

- Our decisions are impartial.
- We use our powers and resources proportionately.
- We build community trust by making fair and equitable decisions.



Integrity

- We are independent and act in the public interest.
- We act honestly and ethically.
- We approach challenges with courage.



Respect

- We value diversity of skills, experience and ideas.
- We work collaboratively across the Commission and consult with stakeholders.
- We listen to others' point of view.

1.2 Our charter

The Commission was set up to strengthen law enforcement integrity in NSW. We do this by reviewing and monitoring the way the NSW Police and NSW Crime Commission handle misconduct, conducting our own investigations into allegations of serious misconduct, and identifying systemic issues to help prevent misconduct, unlawful actions and unreasonable practices.

The Commission was established in 2017 following recommendations of Andrew Tink AM for a single civilian oversight body for the NSW Police Force and NSW Crime Commission.

We are a permanent independent investigative commission that provides oversight of the NSW Police Force and NSW Crime Commission to help maintain public trust and confidence in the integrity of these agencies.

The *Law Enforcement Conduct Commission Act 2016* (NSW) (LECC Act) outlines our functions, our powers and how we work with other public sector agencies.

We operate completely independently of the agencies we oversee and are not subject to the control or direction of the Premier or any Minister in the exercise of our functions.

We are accountable to the people of NSW and are subject to scrutiny by the Inspector of the Law Enforcement Conduct Commission and the Parliamentary Joint Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission.

We are also subject to the *Privacy and Personal Information Protection Act 1998* (NSW) and the *Public Interest Disclosures Act 2022* (NSW) in terms of how we handle complaints and misconduct information provided to us.

The LECC Act guides our work and objectives, including to:

- promote the integrity and good repute of the NSW Police Force and the NSW Crime Commission by ensuring that they properly carry out their functions and responsibilities in relation to the handling of complaints
- independently detect, investigate and expose serious misconduct and serious maladministration within the NSW Police Force and the NSW Crime Commission that may have occurred, be occurring, be about to occur or that is likely to occur

- provide independent oversight and review of the investigation of misconduct by the NSW Police Force and the NSW Crime Commission
- prevent officer misconduct, officer maladministration and agency maladministration within the NSW Police Force and the NSW Crime Commission by:
 - identifying systemic issues that may lead to the occurrence of officer misconduct, officer maladministration and agency maladministration
 - assessing the effectiveness and appropriateness of their procedures relating to the legality and propriety of their members' activities
 - encouraging collaborative evaluation of opportunities for, and implementation of, desirable changes in such procedures
 - making recommendations with respect to education and training about prevention of officer misconduct, officer maladministration and agency maladministration
- ensure that agencies work collaboratively to support and promote the prevention of officer misconduct, officer maladministration and agency maladministration; and to improve their processes and systems
- recognise the primary responsibilities of the NSW Police Force and NSW Crime Commission to investigate and prevent officer misconduct and officer maladministration within those agencies, and agency maladministration, while providing oversight of those functions
- foster an atmosphere in which complaints, provision of other information about misconduct, and independent oversight are viewed positively as ways of preventing officer misconduct, officer maladministration and agency maladministration
- provide independent oversight and real-time monitoring of critical incident investigations undertaken by the NSW Police Force.

1.3 Our management and structure

Our people

The Commission employs a variety of experienced people with professional and specialised skills.

To avoid conflicts of interest, the Commission has a policy of not employing serving or former sworn NSW Police Force or NSW Crime Commission officers. Our staff include former police officers from other jurisdictions in Australia and overseas.

Our organisational structure

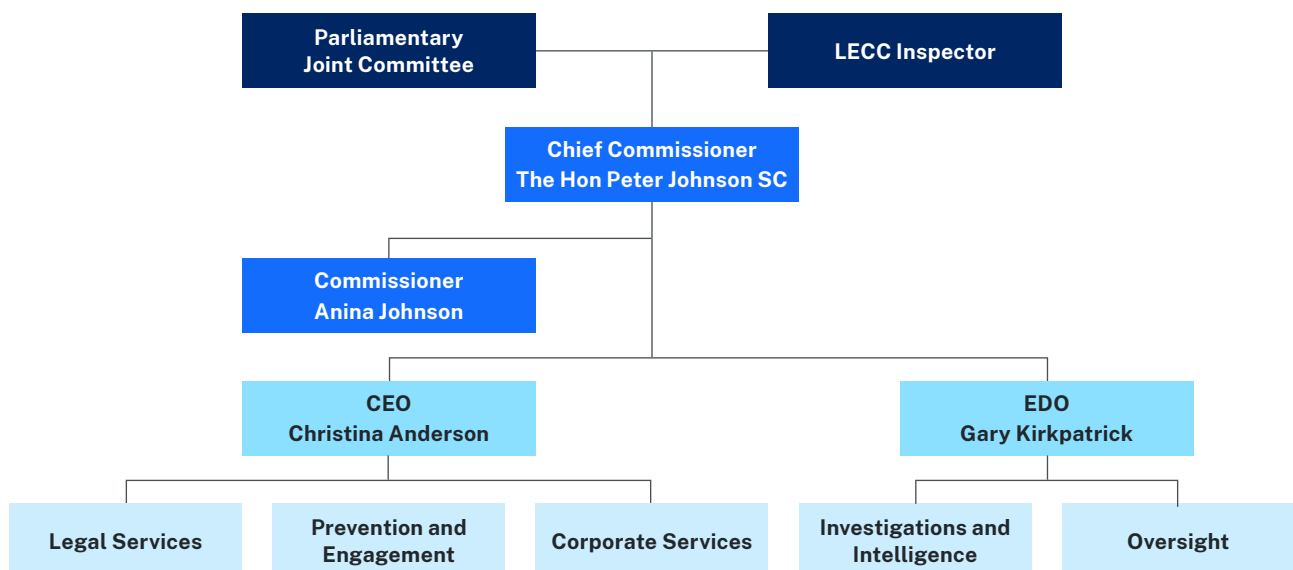
The Commission’s structure consists of a Chief Commissioner and Commissioner appointed by the Governor, a CEO, and an Executive Director Operations.

The 2-Commissioner structure provides a robust decision-making process in relation to the use of the Commission’s coercive powers. As the holders of independent statutory positions, the Chief Commissioner and Commissioner are accountable to Parliament for the performance of their functions.

The CEO of the Commission, as the head of the staff agency, employs the staff undertaking the work of the Commission and is responsible for the management and governance of the Commission and other public sector-related obligations. The Executive Director Operations is accountable for the investigations and functions of the Oversight and Integrity divisions.

The CEO and Executive Director Operations work with the Commissioners to ensure there is appropriate resourcing and support for Commission operations.

Our organisational chart



Our senior executive team



Chief Commissioner: The Hon Peter Johnson SC

The Hon Peter Johnson SC was appointed as the Chief Commissioner of the Law Enforcement Conduct Commission in July 2022.

Chief Commissioner Johnson graduated with a Bachelor of Arts in 1972, a Bachelor of Laws in 1975, and a Master of Laws in 1982, all from the University of Sydney. He was admitted as a solicitor in 1976 and worked from 1976 to 1982 in the Public Solicitor's Office (now Legal Aid NSW), appearing in criminal proceedings in Courts of Petty Sessions, the District Court and the Supreme Court. He was admitted as a barrister in 1982 and appointed as Senior Counsel in 1997. He practised at the private bar in a range of matters including criminal trials and appeals, administrative law and health disciplinary proceedings. He also has extensive experience as Counsel Assisting (or Counsel for an interested party) before Royal Commissions, Special Commissions of Inquiry, the Police Integrity Commission, the Independent Commission Against Corruption (ICAC), coronial inquests, and inquiries under s 475 of the *Crimes Act 1900* (NSW).

Chief Commissioner Johnson appeared in various inquiries with a policing context, including the Blackburn Royal Commission in 1988 and 1989 (as junior Counsel Assisting), the inquest concerning the suspected death of Christopher Dale Flannery in 1994–1996 (as Counsel Assisting), the Royal Commission into the NSW Police Service in 1995–1996 (as Counsel for the Police Board of NSW), and the Police Integrity Commission Phase II and Phase III Operation Saigon hearings in 1999–2001 concerning the fatal shooting by police officers of Roni Levi (as Senior Counsel Assisting).

In 1998 and 1999, Chief Commissioner Johnson occasionally sat as an Acting Judge of the District Court of NSW, hearing and determining civil proceedings.

In 2003 and 2004, Chief Commissioner Johnson was an Assistant Commissioner at an inquiry by ICAC. The inquiry recommended prosecuting a member of Parliament for having made deliberately false and misleading statements to ICAC about using his official staff to help establish a private gaming consultancy, which he proposed to operate after his retirement from Parliament.

In 2005, Chief Commissioner Johnson was appointed as a Judge of the Supreme Court, where he sat in the Common Law Division. He served as Possession List Judge (2005–2009) and Criminal List Judge (2013–2017). He presided at a wide range of criminal and civil trials and sat frequently as an appellate judge in the Court of Criminal Appeal. He has also served as a part-time Commissioner of the NSW Law Reform Commission, contributing to criminal law reform in the areas of sentencing and criminal appeals.

As a trial and sentencing Judge, Chief Commissioner Johnson presided in a wide range of proceedings including charges of murder, manslaughter, terrorism, female genital mutilation, tax fraud, and money laundering.

Since 1986, Chief Commissioner Johnson has been a joint author of *Criminal Practice and Procedure (NSW)*, LexisNexis.



Commissioner: Anina Johnson

Anina Johnson has degrees in law and sociology from Murdoch University and a Master of Laws (Research) from the Australian National University, which she completed with the help of a Lionel Murphy Scholarship.

She was appointed as Commissioner of the Law Enforcement Conduct Commission in May 2022.

From 2012 to 2022, Ms Johnson held the position of Deputy President (Forensic) at the NSW Mental Health Review Tribunal, where she sat in both the Forensic and Civil divisions of the Tribunal. She was also involved in strategic issues in relation to forensic mental health, including significant legislative reform.

Prior to her Tribunal appointment, Ms Johnson worked as a Senior Solicitor and Solicitor Advocate in the NSW Crown Solicitor's Office for 12 years, where she appeared in complex matters, including as Counsel Assisting the Coroner in coronial inquests relating to policing matters.

Ms Johnson is an Adjunct Associate Professor with the University of New South Wales and has published and presented in the areas of mental health, criminal law and administrative law.



Chief Executive Officer: Christina Anderson

Christina Anderson was appointed CEO in May 2021.

Ms Anderson is a member of CPA Australia and has extensive public sector experience within finance and corporate governance, having worked in agencies including the Royal Commission into the NSW Police Service, Sydney Opera House Trust and the Department of Environment.

As CEO, Ms Anderson provides advice to assist the Commissioners in their decision-making and provides leadership and guidance to the executive management team.

Ms Anderson is responsible for leading and directing day-to-day management of the Commission to ensure compliance with statutory and budgetary frameworks.



Executive Director Operations: Gary Kirkpatrick

Gary Kirkpatrick holds the position of Executive Director Operations and is responsible for the performance and conduct of the Oversight and Integrity divisions of the Commission.

Mr Kirkpatrick was a Federal Agent in the Australian Federal Police before being appointed as Manager, and later the Director Operations, within the Police Integrity Commission.

At the commencement of the Law Enforcement Conduct Commission he was appointed as Director Integrity, and was later appointed the Executive Director Operations.

2. Strategy

This section outlines the activities we undertook throughout the reporting period to support our strategic priorities.

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2.1 Strategy overview

On 19 July 2023, the Commission issued its strategic plan for 2023–2026. The plan sets out our aims, how we hope to achieve them, and how we will report on the success of our efforts. It acknowledges that the Commission is independent of the NSW Police Force and the NSW Crime Commission but must exercise its considerable powers in a manner that is understood and respected by the individuals that are impacted by them. In this way, the Commission will earn the support of its most important stakeholder, the people of NSW.

Purpose

Improving community trust in law enforcement by maintaining and enhancing the accountability and integrity of NSW law enforcement agencies.

Strategic vision

A highly effective, independent oversight body that works constructively with the NSW Police Force and the NSW Crime Commission to prevent, detect and investigate serious and systemic corruption, misconduct and maladministration.

2023–2026 strategic priorities

Striving for systemic change

Our ambition is to proactively address growing areas of concern in law enforcement practice across NSW. The Commission will embrace a strategic analytics approach, characterised by proactive measures and leadership, informed by data-driven forecasting, and supported by system-wide education and impact initiatives. We will foster greater collaboration, championing knowledge and skills sharing, to ensure that the Commission is a cohesive organisation that can optimally oversight the NSW Police Force and Crime Commission.

Demonstrating our value

It is essential to actively work to increase public awareness of the Commission's role and purpose, to enable stronger awareness and recognition of the Commission's public value in upholding the standards of law enforcement in NSW. Greater community and partner engagement will bolster public confidence in our independence and objectivity. This will ensure our services are accessible, and we can maximise our impact, so we can gain greater recognition and trust as an organisation.

Connecting through our culture

Our aim is for a Commission with a unified vision and purpose, and with a culture that can attract and retain the greatest talent in increasingly competitive markets. We will actively strive to foster cohesion and innovation across our teams, and nurture an ethos of 'One Commission, One Culture'. Our internal standards of best practice and integrity will foster cultural safety, and ensure we can lead by example, setting a firm standard for others to follow.

We will foster genuine inclusion and celebrate diversity, to best support and champion our staff.

Our key achievements are outlined in the following pages. Further details of the work the Commission has undertaken towards each focus area are included throughout this report.

The 2023–2026 Strategic Plan recognises our core functions while building and strengthening our capabilities to deliver these functions effectively and efficiently for the State of NSW.

The plan recognises the independence of the Commission and the importance of our role in promoting the integrity of law enforcement in NSW. All Commission functions are exercised independently and include the investigation and oversight of law enforcement agencies and cooperation with them in a range of areas.

2.2 Strategic Plan 2023–2026

Strategic priority 1: Striving for systemic change

Our aim is to build a strategic analytics capability to enable us to proactively address issues affecting law enforcement standards across NSW. We will use data-driven analysis to address emerging issues in law enforcement before they result in complaints, leading to improved knowledge, training and standards.

We will build our strategic intelligence function to improve executive decision-making and identify key areas for information sharing and resource allocation.

Throughout the reporting period, we conducted a comprehensive review of what strategic intelligence looks like for the Commission, including:

- establishing a project team, steering committee and working group
- securing additional ongoing funding for 2 full-time strategic intel analysts
- identifying changes required to key operational systems
- increasing the use of Power BI to develop bespoke real-time data reporting
- establishing an AI pilot program to assess the application of Microsoft Azure and future AI capabilities
- participating in cross-jurisdictional working groups and communities of practice, leading to greater collaboration, knowledge and skill sharing.

Strategic priority 2: Demonstrating our value

A key focus for the Commission is to increase public awareness by actively communicating the work of the Commission as a foundation for quality law enforcement across NSW. By building greater awareness of the role and independence of the Commission, we will increase public trust and recognition.

We aim to build greater public awareness by taking a more strategic and proactive approach to communication and community engagement.

We will achieve this by highlighting the impact of our work through expert reports. Where appropriate, our reports will be produced publicly and be easily accessible to ensure greater awareness and transparency.

We will increase our utilisation of technology and social media to communicate proactively and consistently with the public.

We will proactively engage with core community groups to raise awareness and trust.

During the reporting period, we increased awareness of our work by:

- developing a new public website, which allows greater accessibility and provides a better experience for complainants and those who want to interact with the Commission
- developing a recommendations database, which is currently only available for internal use. The database includes the recommendations we make to the NSW Police Force and NSW Crime Commission, together with their responses. A public-facing version is in the final stage of development for placement on our external website
- updating our infographic videos to include closed caption translation in Arabic, Chinese, Greek, Nepalese and Vietnamese
- launching our *2024–2026 Community Engagement Strategy*
- successfully recruiting 2 Aboriginal Community Engagement Officers
- attending several community engagement events including a shared outreach program in southern NSW and the COOEE Festival in Western Sydney.

Strategic priority 3: Connecting through our culture

Our aim is to build a strong collaborative culture where all teams engage in knowledge and skills sharing, and our people have a feeling that we are one organisation.

We will strengthen our employee experience to ensure all staff feel valued, respected and connected.

During the reporting period, the Commission:

- designed and commenced development of a new online induction program. The program will include integrated workflows, a welcome message and key information, as well as Commission- and team-specific learning modules. The program has been designed to be interactive and increase engagement for new staff
- provided all staff with cultural awareness training to increase our understanding and appreciation of Aboriginal and Torres Strait Islander culture and history
- held Commission-wide events celebrating significant cultural days, and the contribution and skills of our female workforce; and took part in, and encouraged, whole-of-Commission fundraising initiatives
- held regular all-staff information sessions covering general updates, as well as bespoke presentations on topics of interest and relevance to the Commission, with internal and external presenters
- launched our inaugural *Reflect Reconciliation Action Plan (RAP)*, providing a framework for engagement, learning and growth.

3. Operations and performance

This section details the Commission's operational activities and achievements during the reporting period.

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3.1 Assessing complaints

In 2023–24, we completed 5,755 assessments



32

directions to investigate under s 99(3)



15

sustained findings following direction to investigate



220

requests for information under s 102



99

recommendations about handling of complaints under s 131(4)



4,671

additional items of correspondence received



798+

hours of videos received (104% increase from last year)

Overview

The Assessments function plays a vital role in fulfilling the Commission’s statutory responsibilities. Firstly, the Assessments team assesses all complaints made directly to the Commission to identify whether we will exercise our investigative functions or refer the complaint to the NSW Police Force to action.

In many instances, the Commission must conduct 2 assessments of the same complaint. We will conduct a second assessment of any notifiable complaints that we have referred to the NSW Police Force. This second assessment allows the Commission to determine whether the NSW Police Force has dealt with the complaint appropriately and provides an opportunity to decide whether the Commission will monitor that NSW Police Force investigation.

Secondly, the Assessments team assesses all complaints made directly to the NSW Police Force that are classified as notifiable to determine whether:

- we will take over the investigation of the complaint
- we will monitor the NSW Police Force investigation
- the NSW Police Force has identified all relevant issues
- we agree with the NSW Police Force decision to investigate, or otherwise deal with, the misconduct matter.

If we disagree with the NSW Police decision to decline to investigate a notifiable misconduct matter, we will require it to investigate the matter and notify the complainant of that fact.

Assessment of complaints

During the reporting period, we completed 5,755 assessments, which is around 1,000 more assessments than last year (21% increase). In the last 3 years, the Commission has had an increase in complaints by more than 50% (see table 1).¹

During the reporting period, the Commission took an average 54 days from receipt of a complaint to assessment decision. This is a significant increase in the time taken to assess each complaint compared with previous years.

Table 1: Total number of assessments of complaints completed by the Commission

	2020–21	2021–22	2022–23	2023–24
Total assessments completed	3,276	5,095	4,703	5,755

¹ Excluding the previously unreported secondary assessments undertaken by the Commission.

Table 2: Total complaints assessed that were made directly to the Commission compared with complaints assessed from NSW Police Force databases

	2020-21	2021-22	2022-23	2023-24
Total direct complaints assessed	1,611 ² (49%)	1,811 (35%)	1,599 (34%)	2,192 (38%)
Total complaints re-assessed following referral to the NSW Police Force ³	Not reported	794 (16%)	653 (14%)	721 (13%)
Total complaints assessed from NSW Police Force databases (non-referred)	1,665 (51%)	2,490 (49%)	2,451 (52%)	2,842 (49%)

Table 3: Breakdown of complaints made directly to the Commission by police officers compared with members of the public

	2020-21	2021-22	2022-23	2023-24
Complainants who identified themselves as employees of the NSW Police Force ⁴	110 (7%)	142 (8%)	162 (10%)	127 (6%)
Members of the public	1,501 (93%)	1,669 (92%)	1,437 (90%)	2,065 (94%)

Mandatory reporting

Section 33 of the LECC Act requires various public officials to report to the Commission any matter they suspect on reasonable grounds may concern officer misconduct or serious maladministration within the NSW Police Force. These public officials include the NSW Ombudsman, the ICAC, and the Commissioner of the NSW Crime Commission.

Table 4: Reports of misconduct matters by other agencies under s 33 of the LECC Act

	2020-21	2021-22	2022-23	2023-24
NSW Crime Commission	5	2	5	14
Independent Commission Against Corruption	70	97	80	68
Fire and Rescue NSW	0	1	2	1
Office of the Director of Public Prosecutions	0	0	2	0
Office of the Children's Guardian	0	0	1	0

² Two complaints were self-generated by the Commission.

³ Prior to the implementation of the new case management system, the Commission was unable to track the additional assessment undertaken on a complaint once it was referred to the NSW Police Force. This assessment is required to determine whether the Commission is satisfied with the NSW Police Force decision to deal with the complaint (i.e. investigate or decline)

⁴ Complainants who identified themselves as or were reasonably suspected of being employees of the NSW Police Force. It was also strongly suspected, based on the contents of the complaints, that several other anonymous complaints to the Commission were made by NSW Police Force employees, but this could not be confirmed.

Notifiable misconduct matters

The Commission and the NSW Police Force have an agreement and guidelines under s 14 of the LECC Act. The s 14 Guidelines indicate the categories of complaints required to be notified to the Commission and upon which it primarily focuses its oversight functions. These guidelines are published on the Commission's [website](#).

The types of misconduct frequently notified to the Commission include allegations of:

- failing to comply with the *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW)
- protection of person(s) involved in drugs or other criminal activity
- unreasonable use of force
- failure to investigate.

We also receive matters related to Statements of Claim that raise serious misconduct issues.

Requests for information

The Commission does not have direct electronic access to some material that the NSW Police Force uses to determine misconduct matters, including body-worn video (BWV), in-car video, and other electronic media.

Historically, where a complaint has been made directly to the Commission, we requested further information of this kind under s 41(1) of the LECC Act. If a complaint is already on the NSW Police Force's complaints database, the request is made under s 102 of the LECC Act.

In November 2022, the NSW Police Force raised doubts about the scope of the Commission's power to request information under s 41. The Commission moved to rely solely on s 102, which delayed the Commission's ability to access information until after the NSW Police Force had registered a referred complaint.

In June 2024, the Commission and the NSW Police Force revisited the question of access to materials under s 41. An agreement has been reached, which will allow the Commission to use s 41 to request further information in the future. This agreement was not relied on during the reporting period, but is expected to be helpful to the Commission and the NSW Police Force in the next reporting period.

All requests for information in this reporting period were made under s 102 of the LECC Act.

Table 5: Requests for information under s 41 of the LECC Act

	2021-22	2022-23	2023-24
Requests for information (s 41)	15	16	0

Table 6: Requests for information (at assessment)⁵ under s 102 of the LECC Act

	2020-21	2021-22	2022-23	2023-24
Requests for information (s 102)	122	108	226 (+109%)	220 (-3%)

⁵ The Misconduct Review and Monitoring team reports separately on requests it makes under s 102 of the LECC Act.

We are required to review video footage to decide, under s 99 of the LECC Act, whether we are satisfied with the NSW Police Force's handling of a complaint.

In September 2023, the Commission and NSW Police Force agreed on a new process to proactively provide electronic material to the Commission without the need to make individual requests. The material is now provided to the Commission for all notifiable misconduct matters shortly after it is used by the NSW Police Force in their triage. This process has expedited the Commission's ability to finalise matters.

During the reporting year, the Commission's Assessments team received over 798 hours of video footage relating to complaints. This is an increase of more than 100% from the previous year. The use of video footage in triaging complaints is expected to continue to increase in the coming years.

Disagreement with the NSW Police Force's decision to decline to investigate

Under s 99 of the LECC Act, the Commission must review the NSW Police Force's handling of notifiable misconduct and its decision to investigate (or decline to investigate) that complaint. Following our review, we must tell police whether we are satisfied with its decision.

If we are not satisfied with the NSW Police Force's decision to decline to investigate a complaint, we must notify the NSW Police Force of that disagreement and the NSW Police Force must investigate the misconduct matter (s 99(3) of the LECC Act).

Table 7: Disagree with the decision to deal with misconduct matter under s 99(3) of the LECC Act

	2020-21	2021-22	2022-23	2023-24
Requirement to investigate	17	16	24	32

Table 8: Outcomes from s 99(3) of the LECC Act

	2023-24
Matters resulting in at least one sustained finding	9
Total sustained findings	15
Officers with sustained findings	10
Matters resulting in no sustained findings	10
Requirement withdrawn by the Commission	5

The Commission's decision to require an investigation under s 99(3) of the LECC Act can have a significant impact. In 9 matters, at least one sustained finding was made. In total, the NSW Police Force made 15 sustained findings against 10 officers after being required to investigate. There were 10 matters where no sustained findings were made after the required investigation.

At the time of reporting, there were still 8 matters (25%) in which the required investigation had not been finalised by the NSW Police Force.

Case study: Requirement to investigate (EXT2019-3463)

In 2019, a Statement of Claim (SoC) was lodged in the Supreme Court. This SoC alleged malicious prosecution, false imprisonment, and misfeasance in public office by officers of the NSW Police Force. The NSW Police Force triaged the issues arising from the SoC as complaints but declined to investigate as there was an alternative and satisfactory means of redress, being the original court proceedings.

Following finalisation of the SoC in 2023, the Commission directed the NSW Police Force to investigate the misconduct matters. The Commission's reasons included:

- the tort of malicious prosecution, misfeasance in public office and collateral abuse of process was successful and a significant financial judgment had been awarded
- an appeal against the decision was dismissed
- adverse comments about police were made by the Supreme Court and Court of Appeal
- the grant of civil remedy is not an alternative and satisfactory means of redress to potential misconduct.

The NSW Police Force is currently investigating the matter, which includes allegations of a systemic nature. The Commission is monitoring the NSW Police Force's investigation under s 101 of the LECC Act.

Case study: Requirement to investigate (EXT2024-2026)

In October 2022, several complaints were made in relation to NSW Police Force officers' dealings with a number of young people in a rural shopping centre when responding to an affray incident. This included complaints of unreasonable use of force.

The NSW Police Force triaged the complaints and identified 4 complaint issues:

- unreasonable use of force
- 2 allegations of unprofessional conduct – incivility/rudeness
- deficient/inadequate investigation.

The NSW Police Force declined to investigate all complaint issues but for one allegation of unprofessional conduct – incivility/rudeness. In making that decision, the NSW Police Force reviewed readily available evidence, including the Computerised Operational Policing System (COPS) and BWV footage.⁶

The Commission reviewed the decisions on all 4 complaint issues, as well as the available material, and was satisfied with the NSW Police Force decision to decline the 3 complaint issues. The Commission notified the NSW Police Force as required by s 99 of the LECC Act. The Commission reviewed the NSW Police Force's handling of the one investigated complaint issue and requested a further investigation under s 104 of the LECC Act. In March 2024, the Commission received a complaint relating to this matter from the Aboriginal Legal Service. This complaint included CCTV from the shopping centre. As a result, the Commission viewed the CCTV as well as all other material relating to this matter and determined that the NSW Police Force should now be required to investigate the unreasonable use of force allegation. The CCTV provided significant additional evidence that was not available at the time of the original triage.

This complaint is still under investigation by the NSW Police Force.

⁶ In accordance with s 131(7) of the *Police Act 1990* (NSW), the NSW Police Force can make a decision at triage on readily available existing information.

Recommendations

The Commission can make recommendations to the NSW Police Force about how to investigate or deal with a misconduct matter. These recommendations are made under s 131(4) of the *Police Act 1990* (NSW) (Police Act). While the NSW Police Force does not have to follow the recommendations, it is required to take those recommendations into account when considering the misconduct matter.⁷

The Commission's recommendations to the NSW Police Force can include requesting that additional complaint issues be triaged, that a complaint should be handled by the Professional Standards Command, or that a complaint should be investigated at a higher level, such as an evidence-based investigation.

Table 9: Recommendations on dealing with misconduct matters under s 131(4) of the Police Act

	2021–22	2022–23	2023–24
Section 131(4) recommendations	62	114	99

Requests for information regarding investigation timeliness

If the Commission is satisfied that a NSW Police Force investigation of a misconduct matter is not being conducted in a timely manner, it may request information that demonstrates how the matter is being investigated or explains why it is not being investigated in a timely manner.

Table 10: Requests for information on timeliness under s 103 of the LECC Act

	2020–21	2021–22	2022–23	2023–24
Requests for information on investigation timeliness	1	1	5	0

⁷ *Police Act 1990* (NSW) s 131(4).

3.2 Investigating serious officer misconduct

In 2023–24, we conducted 63 preliminary enquiries and investigations



32

full investigations
conducted



14

preliminary investigations
conducted



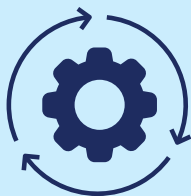
43

private
examinations held



28

matters
completed



35

matters
ongoing



3

public reports
(s 132)

Overview

Another core function of the Commission is to detect and investigate allegations that members of the NSW Police Force and NSW Crime Commission are engaged in serious misconduct.

The Investigations Unit in the Integrity Division of the Commission consists of multi-disciplinary teams.

Investigations and Intelligence functions within the Integrity Division operate in collaboration with the Oversight Division, Legal Services, Assessments, Prevention and Engagement, Electronic Collection and Covert Services Units.

A profile of significant Integrity investigations can be found at the end of this chapter.

The process

Complaints are first assessed by the Commission's Assessments team (see chapter 3.1) and then referred to the CAP. The CAP determines which matters are appropriate for the Commission to investigate.

The Commission may choose to initiate an investigation, conduct a preliminary investigation, or make further enquiries before any decision is made. This may include contacting the complainant (if one is identified), another person or another agency to seek further information and clarification.

The Commission then conducts an investigation using a range of covert and overt investigative techniques. The Commission may speak with witnesses, including officers of the NSW Police Force or NSW Crime Commission, and gather and assess information and evidence. The Commission can issue notices to obtain statements of information and/or require the production of documents or other things. If coercive powers are appropriate, the Commission can conduct examinations.

On completion of an investigation, we may table a s 132 report in Parliament, provide a s 135 report to the Minister for Police and the Commissioner of Police, or provide a s 136 report to the Minister administering the *Crime Commission Act 2012* (NSW) and the Crime Commissioner.

These reports may contain statements and reasons as to the findings, opinions and recommendations of the Commission. The Commissioner of Police or Crime Commissioner must notify the Commission of the nature of action taken or to be taken as a result of a s 132, s 135 or s 136 report.

Commission examinations

The Commission may hold examinations as part of its investigation process. The decision to hold an examination in private or public is made under s 63 of the LECC Act.

The Commission can summon a person to appear at examinations and compel witnesses to produce documents or answer questions.

During 2023–24, the Commission conducted 43 private examinations and no public examinations.

Profile of investigations during 2023–24

During 2023–24, the Commission undertook 17 preliminary enquiries and 46 investigations, comprising 14 preliminary investigations and 32 full investigations. Of these, 28 matters were completed and 35 were ongoing at 30 June 2024.

The average time taken to complete a misconduct investigation varies significantly, depending on the circumstances of each case. For example, if an investigation results in a criminal prosecution, the Commission will not close its file until the conclusion of the proceedings. This process may take a number of years.

A description of the types of allegations we investigated during the reporting year is presented in the following table.

Table 11: Profile of 2023–24 investigations (INV), preliminary investigations (PI) and preliminary enquiries (PE)

Allegation	INV	PI	PE
Administration – Fail to create records	2	1	0
Assault (on/off duty) – Actual bodily harm	2	0	0
Assault (on/off duty) – Common	2	0	0
Bribery	1	0	0
Common law	1	1	0
Corruption – Bribery	1	1	0
Corruption – Misuse of authority	5	3	11
Corruption – Protection of person involved in criminal activity	7	1	4
Custody – Fail to caution/give information/communicate rights	0	1	0
Custody – Fail to meet requirements for vulnerable persons	3	0	0
Custody – Fail to provide medical treatment	2	0	0
Custody – Improper treatment/failure to provide necessities	1	0	0
Dealing or supply	2	0	0
Driving offences – Drink driving	1	0	0
Driving offences – Unnecessary speeding	0	0	1
Duty of care – Fail to provide	0	1	0
Evidence – Fabricate evidence (other than perjury)	1	0	0
Evidence – False statement/perjury	3	0	0
Evidence – Pervert the course of justice	4	0	2
Evidence – Tamper with evidence	1	0	0
Evidence – Withhold or suppress evidence	1	0	0
Fabrication of evidence (other than perjury or verballing)	1	0	0
Fail to comply with the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> (LEPRA) – Arrest	3	0	0
Fail to comply with LEPRA – Other	6	0	0
Fail to comply with LEPRA – Searching	0	1	0
Fail to comply with other statutory legislation	1	0	0
Fail to comply with policy/procedures – Conflict of Interest Policy and Procedure	1	0	0
Fail to comply with policy/procedures – Declarable Associations Policy	3	0	3
Fail to comply with policy/procedures – Other	3	1	0
Fail to comply with policy/procedures – Secondary Employment Policy	0	0	1

Allegation	INV	PI	PE
Fail to keep informed – Fail to contact	1	0	0
Fail to report misconduct	0	0	1
Falsifying – Falsify official records	2	0	0
Falsifying – Fraud	0	1	0
Illicit drug use	1	0	0
Improper association	2	3	0
Improper use of discretion	1	0	0
Indictable offence	3	2	1
Intoxication – Alcohol	1	0	1
Loss of property and exhibits	0	1	0
Maladministration (as described in the LECC Act) – Improper motives	1	0	0
Maladministration (as described in the LECC Act) – Unreasonable, unjust, oppressive or improperly discriminatory	3	0	0
Misuse authority for personal benefit or the benefit of an associate (including obtaining sexual favours)	1	0	0
Neglect of duty	0	0	1
Outcome – Deficient/inadequate investigation – other	2	1	0
Possess – Prohibited drug	1	0	0
Process – Fail to investigate – other	1	0	0
Process– Improper interference in an investigation by another police officer	2	0	0
Prosecution – Adverse comment	2	0	0
Prosecution – Fail to charge/prosecute/initiate proceedings	1	0	0
Prosecution – False/improper/malicious proceedings	1	0	0
Protection of person(s) involved in drugs	1	1	0
Sexual offences – Child sexual abuse or paedophilia	0	0	1
Supply – Prohibited drug	1	0	5
Tampering with or destroying – Property and exhibits	0	1	0
Unauthorised/improper disclosure of information – Complaints	1	0	0
Unauthorised/improper disclosure of information – COPS	2	0	0
Unauthorised/improper disclosure of information – Other NSWPF information	10	1	0
Unauthorised/unlawful access – For financial gain	1	0	1
Unauthorised/unlawful access – For personal gain/use	1	0	0
Unauthorised/unlawful access – On behalf of another	2	0	0
Unprofessional conduct – Disrespectful behaviour	1	0	0
Unprofessional conduct – Inappropriate behaviour	1	0	1

Allegation	INV	PI	PE
Unprofessional conduct – Incivility/rudeness	1	0	0
Unprofessional conduct – Inconsiderate/insensitive behaviour	1	0	0
Unreasonable/unprofessional behaviour (not customer-service related)	2	0	1
Unreasonable use of force (on duty) – Weaponless force	4	1	0
Unreasonable use of force (on duty) – With arms/appointments	3	0	0
Untruthfulness – Lie during enquiries	0	0	1
Untruthfulness – Other	0	2	0
Use – Prohibited drug	0	0	2
Withholding or suppression of evidence	0	1	0

Investigation outcomes

The following tables report on the Commission’s investigation outcomes for all investigations finalised during 2023–24.

Table 12: Finalised full investigation outcomes⁸

Investigation outcome	Investigations
Full investigations referred to the Office of the Director of Public Prosecutions for consideration of prosecution action	1
Full investigations that resulted in a dissemination of information to the NSW Police Force	4
Full investigations that resulted in information being disseminated to other law enforcement agencies	0
No further action	6

Table 13: Preliminary investigation outcomes

Preliminary investigation outcome	Preliminary investigations
Preliminary investigations that progressed to become full investigations	0
Matter referred to current full investigation	0
Preliminary investigations that resulted in a dissemination of information to the NSW Police Force	2
Preliminary investigations that resulted in information being disseminated to other law enforcement agencies	0
No further action	8

⁸ An investigation may have more than one outcome.

Table 14: Preliminary enquiry outcomes

Preliminary enquiry outcome	Preliminary enquiries
Preliminary enquiries that progressed to become full investigations	0
Preliminary enquiries that progressed to become preliminary investigations	0
Preliminary enquiries that were referred to current full investigations	0
Preliminary enquiries that were referred to current preliminary investigations	0
Preliminary enquiries that resulted in dissemination of information to the NSW Police Force	3
Preliminary enquiries that resulted in information being disseminated to other law enforcement agencies	0
No further action	12

Table 15: Referrals from ongoing investigations

Operation	Number of proposed offences	Number of individuals
Operation Potosi	2	1

Court Attendance Notices or charges served

The Commission did not serve any Court Attendance Notices (CANs) or charges during the reporting period.

Timeliness to investigate

On average, the Commission commenced a preliminary investigation or investigation of a misconduct matter within 20 business days from receipt of the matter. Following assessment, the Commission may also conduct a preliminary enquiry prior to commencing an investigation.

The time interval between the Commission's receipt of each misconduct matter and the Commission deciding to investigate the misconduct matter is outlined in the table below.

Table 16: Time interval between the Commission's receipt of a misconduct matter and decision to investigate

Time interval	Preliminary investigation	Investigation
0-5 days	3	2
6-10 days	0	0
11-15 days	1	3
16-20 days	0	0
21-30 days	0	2
31-60 days	2	1
61+ days	0	2

Timeliness of furnishing a report

Under s 139(2)(f)(vi) of the LECC Act, the Commission is required to report on the time interval between the completion of each public examination conducted during the year and the furnishing of a report on the matter. The Commission conducted public examinations under Operation Mantus. The Commission tabled a s 132 Report in Parliament on 11 December 2023.

Table 17: Time taken between the completion of a public examination and the furnishing of a report

Investigation	Number of days
Operation Mantus	199

Table 18: Actual time taken to investigate any matter in respect of which a report is made

Investigation	Number of days
Operation Venti	847
Operation Potosi	896
Operation Morta	778

Significant Commission investigations

Operation Venti

Operation Venti was an investigation into allegations of NSW Police Force officers' use of force against and unlawful detention of a young Aboriginal person in the Hunter region. We conducted several private examinations. The Commission found that the officer's throwing of a torch at the young Aboriginal person in the early hours of 21 November 2020 was an unlawful use of force amounting to serious misconduct. The Commission also found that the officer's failure to record this use of force (which caused injury) amounted to serious misconduct.

The Commission recommended that the NSW Police Force act against the officer under s 181D or s 173 of the Police Act. The Commission also found that there is a powerful case for making the use of BWV mandatory and that there should be disciplinary consequences for officers who do not use BWV in the course of their duties in accordance with the BWV Standard Operating Procedures (SOPs). The Commission tabled a [s 132 Report](#) in Parliament on 13 July 2023.

Operation Potosi

Operation Potosi is an investigation into allegations that a NSW Police Force officer used unreasonable force against a 17-year-old Aboriginal person in November 2020. At the time, the young Aboriginal person was in police custody, and a patient in a Western Sydney Local Health District hospital. Nursing staff at the hospital alleged that they witnessed the officer tackle, repeatedly punch, and drag the young person on the hospital floor. We held private examinations of witnesses and NSW Police Force staff.

A [s 132 Report](#) was tabled in Parliament on 25 September 2023. The Commission found that the officer's actions amounted to serious misconduct and recommended that the NSW Police Force act against the officer under s 181D or s 173 of the Police Act. In line with our recommendations, the Commission has provided an advisory brief of evidence to the Director of Public Prosecutions (DPP) seeking their advice on whether a prosecution should be initiated on 2 charges of common assault, under s 61 of the *Crimes Act 1900* (NSW).

Operation Harrisdale

Operation Harrisdale was an investigation into allegations that senior police were attempting to interfere with the police investigation of a motor vehicle crash involving a senior police officer (Officer AB) in a NSW Police Force motor vehicle. There were also allegations of irregularities in the police response to the insurance claim relating to the motor vehicle crash.

The Commission decided to simultaneously monitor this matter under Part 7 of the LECC Act and investigate it under Part 6 of the LECC Act. The Commission conducted a number of private examinations. Our [report](#) to Parliament on 18 July 2024 made 2 findings of serious misconduct against Officer AB. One finding of serious misconduct related to deliberately leaving the scene of his crash in Sydney's NorthConnex to avoid being breath tested. The second serious misconduct finding related to Officer AB being deliberately dishonest in his answers on the insurance claim form for the car he crashed.

The Commission recommended the Commissioner of Police consider taking action to terminate Officer AB's employment under s 181D of the Police Act.

The Commission's report found that Officer AB was treated more leniently in the way in which he was managed by his Commander and in the police review of his driving, and that this favourable treatment led to other police officers losing confidence in the integrity of the NSW Police Force.

Operation Harrisdale also identified concerns about the practice of NSW Police Force officers automatically deleting work-related electronic messages and raised the question of whether this practice was consistent with statutory regimes dealing with record retention.

The report made a recommendation to the NSW Police Force to amend its insurance forms to place a positive requirement on officers to disclose alcohol use when making an insurance claim and to consider issuing guidance to officers on the use of encrypted applications and the deletion of messages from police-issued phones.

Operation Morta

Operation Morta was an investigation into allegations that a member of the NSW Police Force in a specialist unit disclosed confidential

police information and failed to declare their declarable associations with persons who have significant criminal histories. The Commission conducted a private examination. While the investigation did not identify evidence of serious misconduct, it did identify that the subject officer failed to submit a declarable association regarding an individual with significant criminal history. A private report pursuant to s 135 of the LECC Act was provided to the NSW Police Force and the Minister for Police and Counter-terrorism. The Commission made recommendations that the subject officer submit a declarable association.

Operation Askern

Operation Askern was an investigation into an anonymous complaint that NSW Police Force Commissioner Karen Webb failed to declare a conflict of interest in relation to the purchase of the 'Commissioner's Gin'.

The Commission utilised statutory powers pursuant to ss 54 and 55 of the LECC Act to obtain relevant information to inform the investigation.

On 6 August 2024, the Commission issued a report under s 135 of the LECC Act to the Premier, Minister for Police and Counter-terrorism, and the Commissioner of Police. The report made the following findings:

1. The Commission is of the view the evidence does not support a finding of serious misconduct against Commissioner Webb or any other police officer in relation to the purchase of the Commissioner's Gin and presentation boxes.
2. The Commission is satisfied that the purchase was in accordance with policies and procedures.
3. The Commission found that Commissioner Webb should have disclosed her association with the supplier when she became aware of the purchase of Commissioner's Gin.
4. The Commission recommended that all NSW Police Force employees, including the Senior Executive and the Commissioner of Police, are regularly reminded of their duty to declare any conflict of interest, including a perceived conflict of interest.

The Commission's report is subject to a non-publication order, except for the information contained in a [media release](#) dated 7 August 2024.

Operation Dartmoor

Operation Dartmoor is an investigation into an allegation that a NSW Police Force officer was involved in money laundering offences, involving the sale of gold bullion in excess of \$1,000,000. The Commission utilised a range of specialist capabilities to investigate the matter. The Commission applied for and was granted 2 search warrants. While executing the warrants, the Commission seized gold bullion to the value of \$250,000 and a number of electronic devices. The officer has resigned from the NSW Police Force. The Commission conducted a number of private examinations and is currently drafting a report that will contain a number of recommendations.

Operation Woden

Operation Woden is an investigation into allegations that members of the NSW Police Force engaged in serious misconduct in their handling of a registered human source. We have utilised a range of investigation strategies and the statutory powers of the Commission, including private examinations. The Commission was granted and executed 2 search warrants, seizing material and evidence relevant to the investigation. The investigation reviewed human source management, training, supervision and record keeping. The Commission is currently drafting a final report.

Operation Feronia

Operation Feronia was an investigation into allegations that a NSW Police Force officer attached to Highway Patrol Division was unlawfully accessing and releasing sensitive information to criminal associates for personal gain. The investigation utilised its statutory powers, including the private examinations of the subject officer and a civilian. The Commission engaged with the NSW Police Force Professional Standards Command to assist with its investigation. The NSW Police Force has suspended and charged the subject officer with numerous offences. These matters are currently before the courts. The Commission is currently drafting a final report.

Operation Maddington

Operation Maddington is an investigation into allegations of serious misconduct, involving NSW Police Force officers in a regional area being

involved in importing prohibited tier 2 goods, conducting unauthorised access and disclosure of information, and breaching 'declarable associations' and 'failing to report' policies. The Commission utilised its investigative powers and executed search warrants at 2 locations, which led to the seizure of material and evidence relevant to the investigation. The matter is ongoing.

Operation Dunwich

Operation Dunwich is an investigation into multiple allegations of serious misconduct and/or maladministration involving members of the NSW Police Force attached to a regional command. The investigation is ongoing.

Operation Calayo

Operation Calayo is an investigation into allegations that a NSW Police Force officer attached to a specialist unit released confidential information. In addition to utilising the Commission's specialist capabilities, we have engaged with the NSW Police Force Professional Standards Command to assist with our investigation. The investigation is ongoing.

Operation Cadwal

Operation Cadwal is an investigation concerning allegations that an officer in a specialist command is involved in the supply of prohibited substances. The Commission executed 2 search warrants, which resulted in the NSW Police Force taking management action and suspending a serving NSW Police Force officer. The officer has since resigned from the NSW Police Force. We have utilised specialist capabilities of the Commission during the investigation, which is ongoing.

Responses to the Commission's recommendations

Operation Tambre

Operation Tambre was a Commission investigation into allegations that Constable Daniel Keneally fabricated evidence in a police investigation, which led to the arrest and charging of an individual for serious offences.

In January 2022, the Commission conducted a private examination. We provided a private report to the Commissioner of Police and the Minister for Police under s 135 of the LECC Act

in April 2022. The Commission was satisfied to the requisite standard that the nature and extent of the inaccuracies contained in Constable Keneally's information report and statement was intentional, and amounted to a false accusation, which could result in the prosecution of the officer for a serious criminal offence. Accordingly, the Commission was satisfied the conduct of Constable Keneally amounted to serious misconduct.

The Commission recommended that consideration should be given to obtaining advice from the DPP concerning the prosecution of Constable Daniel Keneally.

The Commission determined that a 'private' report under s 135 of the LECC Act rather than a 'public' report under s 132 was appropriate given the prospect of criminal proceedings being instituted. This was done to guard against any potential interference with criminal proceedings.

On advice from the DPP, a Commission officer commenced criminal proceedings against Constable Keneally alleging an offence of fabricating false evidence with the intent to mislead any judicial tribunal contrary to s 317(b) of the *Crimes Act 1900* (NSW). Following the usual practice, the Office of the DPP took over the prosecution under s 9 of the *Director of Public Prosecutions Act 1986* (NSW).

The matter was heard at the Downing Centre Local Court on 18 and 19 September 2023 before Magistrate Brender. On 21 November 2023, Magistrate Brender found the offence proven and Constable Keneally guilty.

On 21 December 2023, the DPP and Defence made submissions relating to sentencing and on 1 February 2024, Constable Keneally was sentenced as follows:

- 15-month intensive correction order, a term of imprisonment to be served in the community, and
- 200 hours of Community Service, and
- \$2,000 fine.

Constable Keneally lodged an appeal to the NSW District Court against the Magistrate's findings.

On 20 and 21 June 2024 before His Honour Judge Pickering SC, the appeal was heard and dismissed, and the original sentence remained.

On 21 June 2024, following the dismissal of his appeal, Constable Keneally resigned from the NSW Police Force. The Commissioner of Police accepted the resignation on 26 June 2024.

On 2 August 2024, the Commission provided a [s 132 Report](#) to Parliament with a recommendation that the NSW Police Force introduce into telephone systems in police stations, a capacity to record conversations with members of the public.

In its 2022 report, the Commission recommended that consideration be given to:

- commencing a prosecution against Constable Keneally. A referral was made to DPP by the Commission for that purpose and the prosecution is now concluded
- dismissing Constable Keneally from the NSW Police Force under s 181D of the Police Act. In June 2024, Constable Keneally resigned from the NSW Police Force, so that this recommendation was no longer necessary.

Operation Mantus

Operation Mantus was a Commission investigation into allegations that members of the NSW Police Force used excessive force during the apprehension and arrest of a young Aboriginal person in northern NSW in September 2022. The investigation included other issues arising from the young person's detention in custody following that arrest.

The Commission conducted public and private examinations, beginning in February 2023. Those called to appear at the examinations included:

- the NSW Police officers who were part of the arrest on 11 September 2022
- senior NSW Police officers from within that Command
- the young Aboriginal person
- a member of the community who was an eyewitness to the arrest
- 2 NSW Police Force Assistant Commissioners who gave evidence about the use of BWV, police interviewing and custody management practices
- NSW Police officers involved in delivering training
- solicitors from Legal Aid NSW
- solicitors from the Aboriginal Legal Service (ALS).

The Commission received submissions from Legal Aid NSW, the ALS, and the Justice Advocacy Service. The evidence and submissions addressed systemic issues which saw the rights of vulnerable persons in custody being compromised in various respects by police officers.

The Commission found that the young person's arrest was lawful and that the force used was not excessive. The young person was not punched but sustained injuries when he hit his head on the gravel while being tackled by the police. The Commission was critical of the police officers' failure to use BWV, as this could have avoided the need for the investigation of this issue.

The Commission noted that the custody manager did not seem to be aware of some of her legal obligations, nor were the 2 officers who interviewed the young person. However, the Commission concluded that the NSW Police Force had not provided sufficient guidance to these officers and that responsibility for these failures lay with the NSW Police Force and not the individual officers.

The Commission found there was a systemic problem of police officers interviewing vulnerable people (including Aboriginal people and young people) after they had received legal advice and said they did not wish to be interviewed. The Commission found that the investigating officer and the custody manager should have recorded that the young person had declined an interview, and the person should not have been interviewed.

The Commission made 19 recommendations, including that:

- the BWV SOPs should also apply to plain clothes officers
- police should urgently advise custody managers to make a record in the custody management record when a young person declines to be interviewed either directly or through a lawyer. A young person should not be asked to confirm this decision in an interview. If the young person says that they have changed their mind about the interview, they should be offered further legal advice before any interview proceeds

- the custody management SOPs should be amended so that only custody managers, and not investigating officers, can discuss bail with a suspect in custody
- the NSW Police Force should urgently develop a system so that court decisions concerning policing are brought promptly to the attention of the Executive of the NSW Police Force to ensure appropriate steps are taken to assist operational police and for training purposes
- training for custody managers should be improved and should cover the rights of suspects in custody to refuse an interview
- documents provided to individuals performing the function of a support person for suspects in custody should be rewritten using plain English
- the Law Enforcement (Powers and Responsibilities) Regulation 2016 should be amended so that the responsibilities of a custody manager are clear.

The NSW Police Force [response](#) to the Commission's 19 recommendations can be found on the Commission's website. Eleven of the recommendations were either supported or supported in principle, 4 recommendations were not supported, and 4 recommendations remain under consideration by the NSW Police Force. The Commission is considering the notification of proposed action in accordance with s 146 of the LECC Act.

3.3 Oversight and critical incident monitoring

In 2023–24, we finalised the review of 2,027 NSW Police Force misconduct investigations



32

misconduct investigations monitored



188

requests for information (s 102)



22

requests for further investigation (s 104)



14

requests for review of investigation outcome (s 105)



128

NSW Police Force critical incident investigations monitored



64%

of critical incident locations attended

Overview

The LECC Act places primary responsibility on the NSW Police Force and the NSW Crime Commission to investigate allegations of misconduct against their employees. A core function of the Commission is to ensure those misconduct matters are dealt with – and where necessary, investigated – in an appropriate manner by the relevant agency.

The Commission's Misconduct Review and Monitoring team reviews the finalised misconduct matter investigations conducted by the NSW Police Force under Part 8A of the Police Act. These reviews ensure that the NSW Police Force conducted those investigations reasonably and satisfactorily, with appropriate outcomes.

The Misconduct Review and Monitoring team also monitors ongoing investigations conducted by the NSW Police Force or the NSW Crime Commission under s 101 of the LECC Act. This may include the investigation of new complaints, or where the Commission considers an investigation to be deficient and the NSW Police Force conducts a further investigation following a statutory request.

The team also supports the Commission’s objective of identifying opportunities to address systemic issues in complaint handling by the NSW Police Force and in the exercise of police powers.

To determine the level of oversight required, the Misconduct Review and Monitoring team triages all notifiable misconduct matters to assess their level of risk and priority. This risk assessment determines whether we finalise a matter at triage, conduct a preliminary review, or conduct a full review.

During the reporting period, the Misconduct Review and Monitoring team received 1,926 NSW Police Force misconduct matter investigations for oversight under Part 7 of the LECC Act. The Commission finalised the review of 2,027 notifiable misconduct matter investigations during the reporting year, which included matters brought forward from the previous year.

Requests for information

The Police Act requires the Commission to have unrestricted access to the NSW Police Force misconduct database. However, the NSW Police Force does not use this database to store electronic evidence relating to misconduct matters. This includes BWV, Taser footage, in-car video, CCTV, or footage provided by complainants.

The Commission does not have direct electronic access to the systems used by the NSW Police Force to store this material. Therefore, we need to request this material from the NSW Police Force to complete our oversight function under Part 7 of the LECC Act. This electronic evidence may have already been provided to the Commission as part of the Assessment phase of the Commission’s work. However, any material obtained at the police investigation stage must still be requested by the Commission.

As well as electronic evidence, we can request other information from the NSW Police Force, such as:

- an explanation of policies, procedures and practices relating to the conduct
- documentary and other information in respect of inquiries made by the NSW Police Force into the misconduct matter
- explanation, comment or information in connection with the misconduct matter.

Table 19: Requests for information (Oversight) under s 102 of the LECC Act

	2020–21	2021–22	2022–23	2023–24
Requests for information (s 102)	128	142	263	188

Section 102 of the LECC Act requires the NSW Police Force or the NSW Crime Commission to provide the information requested. The Commission can withdraw the request if the NSW Police Force or NSW Crime Commission objects and the Commission is satisfied that the grounds of the objection are well-founded.

Misconduct investigations and critical incident investigations subject to oversight

The Police Act and the LECC Act set out the statutory framework for the Commission's oversight of misconduct matter investigations by the NSW Police Force. The Commission can oversee any misconduct matter investigation. However, the focus is on oversight of matters classified as notifiable misconduct under the s 14 Guidelines. The table below only includes matters classified as notifiable misconduct.

Table 20: Matters received

	2020-21	2021-22	2022-23	2023-24
Completed NSW Police Force notifiable misconduct matter investigations received	1,511	2,385	2,104	1,926
Completed NSW Crime Commission notifiable misconduct matter investigations	0	1	1	1
New NSW Police Force critical incident investigations declared and received	27	36	45	36
Total	1,538	2,422	2,150	1,963

Table 21: Matters finalised

	2020-21	2021-22	2022-23	2023-24
NSW Police Force notifiable misconduct matter investigations where oversight was finalised by the Commission	1,984	2,402	2,129	2,027
NSW Police Force critical incident investigations where monitoring was finalised by the Commission	21	22	20	27
Total	2,005	2,424⁹	2,149	2,054

Correspondence under ss 104 and 105 of the LECC Act

If the Commission considers that the NSW Police Force or the NSW Crime Commission have not fully or properly investigated a misconduct matter, we can request that they conduct a further investigation under s 104 of the LECC Act.

If the Commission is not satisfied with action proposed by the NSW Police Force or the NSW Crime Commission after a misconduct investigation, we may request that they review that decision under s 105 of the LECC Act.

The NSW Police Force and the NSW Crime Commission do not have to comply with these requests. However, they must provide an explanation for their decision. The Commission always has the option of taking over any matter that involves serious misconduct and commencing its own investigation under Part 6 of the LECC Act.

⁹ This includes misconduct matter investigations and critical incident investigations that were received by the Commission and for which oversight was not finalised as of 30 June 2021.

Sometimes, we ask the NSW Police Force to conduct a further investigation and it declines. However, it does review the matter to decide whether a further investigation is needed. As a result of that review, the NSW Police Force may then make a different finding on the investigation.

During the reporting period, we made the following requests under ss 104 and 105 of the LECC Act.

Table 22: Requests under ss 104 and 105 of the LECC Act

	2021-22	2022-23	2023-24
Section 104 requests issued	10	31	22
Total number of reinvestigations following s 104 notices	4	11	8
Total number of reinvestigations that resulted in a different finding	2	6	3
Total number of declined further investigations that resulted in new or amended findings	1	5	5
Section 105 requests issued	3	5	14
Total number of different findings following a s 105 notice for review of decision	0	2	2

Case study: Section 104 – request for further investigation (EXT2023-2464)

In late 2022, a family member of a police officer (the subject officer) alleged that inappropriate comments had been made to her by a male. Two days later, the daughter of the male alleged that the subject officer had made comments to her that their father had previously been charged with an offence and had ‘gotten off’. It was further alleged that the same officer made similar comments to the male at a local pool.

Later negative social media posts about the male, including his photo, were posted. A NSW Police Force misconduct investigation identified the posts as having come from a social media account controlled by the subject officer.

The NSW Police Force misconduct investigation resulted in a sustained finding for ‘misuse of social media – circulate material created contrary to the interests of the NSW Police Force’. In making that finding, the Commander considered the ‘hypothesis’ provided by the subject officer around the origin of the posts was ‘neither reasonable nor believable’.

A not sustained finding was made for the allegation ‘Information/telecommunication – unauthorised/unlawful – for personal gain/use’.

The Commission’s review of the NSW Police Force investigation did not agree with the reasons for the not sustained finding and requested a further investigation pursuant to s 104 of the LECC Act.

Additionally, the Commission recommended that additional issues also be included in that investigation. The issues being:

1. Untruthfulness – Lie during enquiries
 - a. In relation to evidence given by the subject officer during the misconduct investigation.
2. Failure to comply with policy and procedure – Conflicts of Interest Policy and Procedure
 - a. In relation to the subject officer’s involvement of the investigation into the male and failure to declare a conflict of interest.

The NSW Police Force Commander responded to the Commission stating that they agreed with the Commission in relation to the initial not sustained finding and indicated that he would amend this finding to become a sustained finding.

The Commander declined to conduct a further investigation into the other identified issues, as they considered there was insufficient evidence to conclude the subject officer had lied or had breached the conflicts of interest policy and procedure.

Case study: Section 104 – request for further investigation (MIR2023-1284)

Following a police pursuit, a review by the NSW Police Force identified a misconduct issue of ‘Fail to follow operational procedures – Safe Driving Policy’. The NSW Police Force investigated the misconduct issues and made a sustained finding.

On review of the misconduct matter investigation, the Commission was not satisfied with the original investigation outcome and requested a further investigation.

On the evidence available, the Commission considered there was sufficient evidence to prove that the subject officer had lied to the Police Radio Control Room Operator following the pursuit to cover up his own breaches of the Safe Driving Policy and attempt to reinitiate the pursuit. The subject officer’s actions included travelling for 43 minutes at an average speed of 139 km/h (in a 100 km/h zone) and near the offending vehicle. He also told the Radio Room that the vehicle was driving towards him to attempt to reinitiate the pursuit, when in fact he was only continuing to follow the vehicle at speed.

During the misconduct interview, the subject officer admitted to not telling the truth to the Radio Room Operator.

The NSW Police Force did not conduct a further investigation but sustained an additional allegation of ‘Dishonesty – Untruthfulness’ on the available evidence.

Second requests for further investigation

As the NSW Police Force has a decentralised model for dealing with misconduct matters, the Commander for the subject officer makes the decision on investigation outcomes, findings and any management action.

This means that if the Commission considers the first misconduct investigation was deficient and requests a further investigation, that request is also usually dealt with by the same Commander.

If the Commander decides not to further investigate a misconduct matter, the Commission can issue a second request for further investigation under s 104 of the LECC Act. If a s 104 request is made, the Commission will usually ask that the request be considered by a different delegate. Whether this occurs is a decision for the NSW Police Force.

We did not issue any second requests under s 104 of the LECC Act during the reporting period.

Section 134 reports

Under s 134 of the LECC Act, the Commission may prepare a report about a NSW Police Force misconduct investigation. The final report is to be provided to the Minister for Police and Counterterrorism, the Commissioner of Police, and the complainant.

During the reporting period we provided one draft s 134 report to the NSW Police Force for comment. That report has not been finalised due to related criminal proceedings.

Monitoring

Under s 101 of the LECC Act, the Commission may choose to monitor the progress of NSW Police Force or NSW Crime Commission misconduct investigations if it is of the opinion that it is in the public interest to do so. That monitoring provides real-time oversight of misconduct investigations.

When monitoring a misconduct investigation, the LECC Act allows the Commission to:

1. be present as an observer during interviews
2. confer with police officers about the conduct of the investigation
3. request the provision of reports on the progress of the investigation.

The LECC Act also allows for the Commission to exercise its other functions under Part 7 of the LECC Act while monitoring the investigation.

As of 30 June 2024, the Commission was actively monitoring 20 NSW Police Force misconduct matter investigations under s 101 of the LECC Act.

Table 23: Status of matters monitored

	2020–21	2021–22	2022–23	2023–24
On hand monitoring matters at commencement of reporting year	11	11	11	13
New monitoring matters commenced during reporting year	23	20	23	19
Total monitored by the Commission during reporting year	34	31	34	32
Finalised monitoring matters during the reporting year	23	20	21	12
On hand monitoring matters as of end of reporting year	11	11	13	20

When we monitor a matter, we encourage the NSW Police Force command to promptly provide us with the misconduct investigation report. This allows the Commission to review the report and raise any concerns before the subject officers and complainants are notified of the outcome. This process is fairer to the subject officers and the complainants. It should also avoid the need for the Commission to formally request a further investigation under s 104 of the LECC Act.

The misconduct investigations we monitored during the reporting period included allegations of:

- false statement/perjury in relation to a sexual assault investigation (EXT2022-4764)
- inadequate search, after 2 syringes and a syringe box were located in a cell (MIR2024-0195)
- use of force following a pursuit (MIR2023-1688, MIR2023-0947 and MIR2022-0836)
- false accusations (MIR2024-0069)
- improper disclosure of NSW Police Force information and protection of persons involved in criminal activity (EXT2023-2811)
- false evidence provided in criminal proceedings (EXT2021-2471)
- racial discrimination, driving offences, excessive force and other complaint issues (MIR2022-1639)
- assault (MIR2022-1434)

- police misconduct arising from finalised Commission investigation, Venti (EXT2022-2555)
- use of force following arrest (EXT2023-3280)
- arrest and use of force against 78-year-old male (MIR2022-1582)
- use of force against a young Aboriginal male already handcuffed and seated on the ground (MIR2022-1299)
- inappropriate use of investigative strategies in investigation of a serious crime (EXT20193463).

Case study: Monitoring misconduct matter investigation (Harrisdale)

As discussed earlier in this report, in May 2023, a NSW Police Force officer crashed a police vehicle into a safety barrier in the NorthConnex tunnel. This matter was simultaneously monitored and investigated by the Commission.

Following anonymous complaints to the Commission alleging that senior police were attempting to interfere with the criminal investigation, the Commission commenced oversight monitoring of the NSW Police investigation under s 101 of the LECC Act in July 2023.

During the Commission's monitoring of that NSW Police Force investigation, the Commission had numerous communications with the NSW Police Force investigator and others.

The criminal investigation of the subject officer appeared to have been appropriately investigated. The Commission's requests made as part of its monitoring appeared to have prompted additional actions by the NSW Police Force (separate to the criminal investigation), including:

- convening of a Safe Driving Panel
- reviewing the accuracy of the safe driving system entry
- reviewing the accuracy of the driver's insurance claim.

Evidence taken during the investigation stage was that the Commission's earlier monitoring was used by investigating police to urge action by the NSW Police Force when there were concerns that proper processes may not have been followed.

The evidence of one of the witnesses examined by the Commission was that the Safe Driving Panel was unlikely to have been convened without the Commission's involvement.

Referrals to the Integrity Division

The Integrity Division receives referrals from a number of sources, including:

- the CAP, where it decides that a complaint made directly to the Commission should be investigated by the Commission
- the CAP, where it decides that a complaint made to the NSW Police Force or NSW Crime Commission should be investigated by the Commission
- the Oversight Division, where it has concerns about how the NSW Police Force or NSW Crime Commission are investigating a misconduct matter, and the Chief Commissioner may decide that the Commission should assume responsibility for the investigation.

The Integrity Division may conduct preliminary enquiries into the referred information and may commence an investigation under Part 6 of the LECC Act.

The Oversight Division can, where it has concerns about how the NSW Police Force or NSW Crime Commission are investigating a misconduct matter, recommend the Commission take over the investigation.

During the reporting period, there was one matter that the Commission decided to investigate itself after the Oversight Division identified issues of concern with the NSW Police Force investigation.

Witness protection

The NSW Police Force administers the Witness Protection program, which is governed by the *Witness Protection Act 1995* (NSW) (Witness Protection Act). The aim of the program is to protect the safety and welfare of significant crown witnesses and others who give information about criminal activities.

The Commission has 3 primary areas of responsibility under the Witness Protection Act. These responsibilities relate to appeals by the witness protection applicant or participant against a decision of the Commissioner of Police relating to:

1. non-inclusion onto the Witness Protection program
2. suspension from the Witness Protection program
3. termination from the Witness Protection program.

During the reporting period, the Commission did not consider any appeals under the Witness Protection Act.

Inspection

The Commission has responsibility under s 32 of the LECC Act for scrutinising the misconduct management systems established by the NSW Police Force and the NSW Crime Commission. The Commission is required to undertake 2 inspections.

During the reporting period, the Commission undertook an onsite inspection of the NSW Crime Commission and a desktop inspection of the NSW Police Force handling of reportable conduct under the *Children's Guardian Act 2019* (NSW).

The Commission also had continuing communications with the NSW Police Force in relation to last year's inspection of the declination of complaints they considered to be frivolous, vexatious or not made in good faith under s 132(b) of the Police Act.

Critical incidents

The Commission has the power to independently oversight and monitor the NSW Police Force's investigation of critical incidents if it decides that it is in the public interest to do so. The Commission's policy is to monitor all declared critical incidents from the time we are notified of the declaration.

The Commission's role in monitoring is important and ensures public confidence that the NSW Police Force investigates critical incidents in a competent, thorough and objective manner.

The Commission's critical incident monitoring team provides 24-hour on-call coverage for notification and attendance every day of the year.

What is a critical incident?

A critical incident is an incident involving a police officer or NSW Police Force employee that results in death or serious injury to a person. It must also be declared to be a critical incident by the Commissioner of Police or her delegate. The LECC Act provides guidance about the features of a critical incident. These include incidents where death or serious injury arises:

- from the discharge of a firearm by a police officer
- from the use of force or defensive equipment by a police officer
- from the use of a police vehicle by a police officer
- while in police custody or while attempting to escape police custody
- during any police operation where the injury or death is likely to have resulted from the police operation.

There is no requirement for the Commissioner of Police or her delegate to declare an incident that contains these features to be a critical incident. The Commission has no jurisdiction to monitor a police investigation of a critical incident unless a declaration is made.

When an incident exhibits the features of a critical incident, the Region Commander decides whether the incident should be declared a critical incident and completes a form detailing this decision. The Commission is aware of some incidents that seem to have the features of a critical incident but have not been declared as such. The Commission has asked for a copy of the form setting out the Region Commander's reasons why the incident was not declared a critical incident. However, the NSW Police Force declined to provide the form or its reasons as there is no legal requirement to do so. This means there is no independent oversight of whether the NSW Police Force decision to declare, or not declare, a critical incident is reasonable or consistent.

Where a critical incident results in the death of a person, the Coroner is required to hold an inquest into the manner and cause of death. In contrast, critical incidents that result in serious injury to a person are not subject to the Coroner's jurisdiction.

The Commission has formal arrangements with the NSW Police Force and the NSW State Coroner in relation to monitoring critical incident investigations that are also subject to the coronial jurisdiction.

Critical incidents during the reporting period

During 2023–24, the Commission monitored the NSW Police Force investigation of 128 critical incidents. Of these, 36 were newly declared critical incident investigations, with the remainder carried over from the previous reporting period. We finalised monitoring of 30 critical incident investigations during the year, and 98 were still ongoing at 30 June 2024.

During 2023–24, the NSW Police Force ceased 6 critical incident investigations shortly after declaration as the injuries were either less serious than first considered or preliminary investigations indicated that there was no relationship between the injury to the person and the actions of police. The Commission then ceased monitoring these 6 investigations as required under the LECC Act.

Table 24: Critical incidents declared by the NSW Police Force

	2020–21	2021–22	2022–23	2023–24
Declared by the NSW Police Force	27	36	45	36
Monitoring commenced by the Commission	27	36	45	36
Attended location	13	23	34	23
Ceased being classified as a critical incident by the NSW Police Force	2	4	8	6
Ceased being monitored by the Commission	Not reported	Not reported	Not reported	2
Finalised investigation by the NSW Police Force	21	13	10	20
Finalised by the Commission	21	22	10	22

Of the 36 critical incidents declared in the reporting period, 20 (56%) resulted in a death and 16 (44%) resulted in a serious injury. Most critical incidents arose from a police operation (n=20 or 56%), followed by the use of a police vehicle (n=7 or 19%), and then the discharge of a police firearm (n=6 or 17%).

Table 25: Features of critical incidents

	2019–20	2020–21	2021–22	2022–23	2023–24
Death	22	16	18	32	20 (56%)
Serious injury	5	11	18	13	16 (44%)
Total	27	27	36	45	36

Table 26: Categories of critical incidents (drawn from ss 110 and 111 of the LECC Act)

	2019–20	2020–21	2021–22	2022–23	2023–24
Death or serious injury arises from a discharge of a firearm	5	6	6	12	6
Death or serious injury arises from the use of defensive equipment	0	1	0	1	1
Death or serious injury arises from the application of physical force	0	0	3	1	0
Death or serious injury arises from the use of a police vehicle	4	7	11	10	7
Death or serious injury arises while the person is in custody or while escaping or attempting to escape from custody	0	1	1	5	2
Death or serious injury appears likely to have resulted from any police operation	17	12	15	16	20
Declared under s 111(b) of the LECC Act – the Commissioner of Police has other grounds for considering it is in the public interest to do so	0	0	0	0	0
Total	26	27	36	45	36

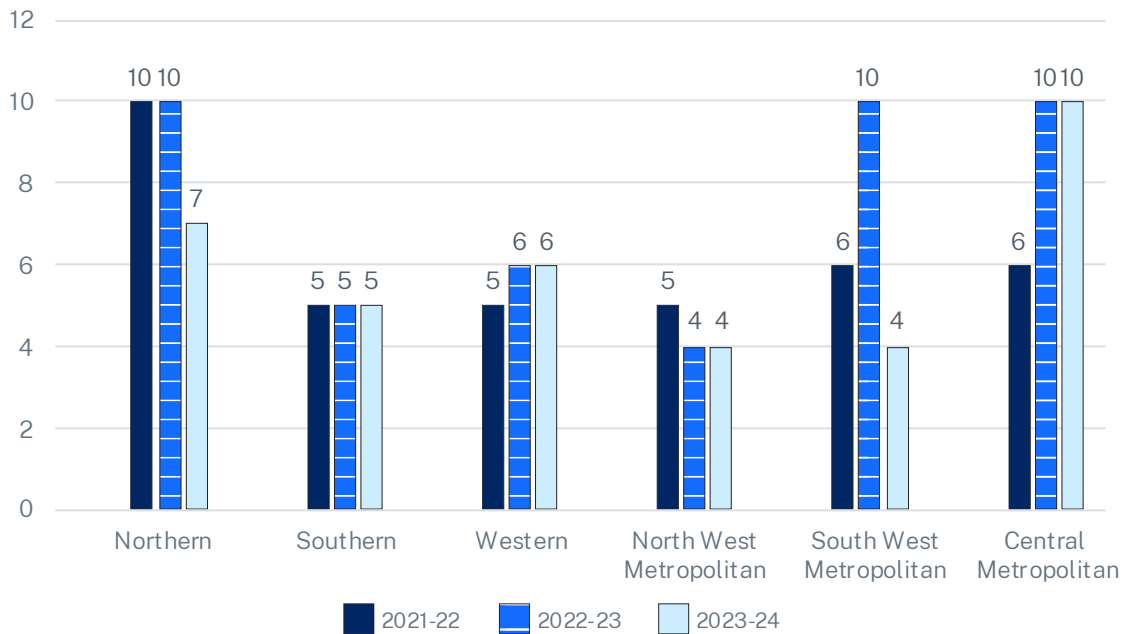
Other features of critical incidents

Based on the material available to the Commission at the time of reporting, other features of the 36 declared critical incidents in 2023–24 are included below:¹⁰

- 19 (49%) involved a person suffering a mental health crisis.
- 13 (35%) involved Aboriginal or Torres Strait Islander persons.
- 10 (28%) involved a domestic violence incident.
- 4 (11%) involved alleged misconduct.
- 3 (8%) involved issues with job prioritisation resulting in delayed attendance.

¹⁰ Multiple features may exist in a single critical incident.

Graph 1: Critical incidents by NSW Police Force region



Notification to the Commission

The NSW Police Force is required to notify the Commission immediately after the declaration of a critical incident.

The average time between the declaration of a critical incident and the Commission being notified of the critical incident was around 82 minutes, with a median time of 66 minutes, during the reporting year. The earliest notification to the Commission was approximately 14 minutes after declaration.

The time taken to notify the Commission of the critical incident declaration has not had a material impact on the Commission’s ability to monitor the investigation.

Critical incident investigations

Critical incident investigations are lengthy and often complex investigations. Once declared, critical incidents are investigated by the homicide squad or a criminal investigation team from a police area command or district that is independent from the command in which the incident occurred. In addition, the NSW Police Force Professional Standards Command reviews every critical incident investigation.

A critical incident investigation is broader in scope than a standard criminal investigation. The Senior Critical Incident Investigator (SCII) is required to consider the actions of police officers leading up to the incident as well as at the time of the incident. Investigating police must also consider the need for any changes to policies, practices or procedures that arise during the critical incident investigation, to reduce the risks of a similar incident occurring in the future.

The NSW Police Force keeps critical incident investigations open until all related coronial and criminal proceedings have been finalised. Nearly all critical incident investigations have either related coronial or criminal proceedings, or both, attached. Some of these criminal proceedings involve the most serious of criminal charges such as murder and take several years to be finalised by the courts.

Monitoring critical incident investigations

The LECC Act provides that Commission investigators may:

- be present as observers at interviews conducted in relation to the critical incident
- attend the location of critical incidents
- be provided access to all documents (including interview recordings and transcripts) obtained during the investigation when monitoring critical incidents.

Commission investigators monitored the investigation of all critical incidents declared in 2023–24. We attended around 64% of critical incident locations.

During its monitoring of critical incident investigations, the Commission will raise questions or potential concerns with the NSW Police Force at an early stage. These are normally dealt with by the NSW Police Force prior to finalisation of the investigation.

In a critical incident investigation, the person being interviewed and the SCII must consent to Commission investigators being present as an observer during an interview, either in person or by audio visual link. In the reporting period, involved police officers have refused to consent to the Commission investigator being present or to remotely observe their interviews. This has been a consistent and statewide position taken by police officers involved in critical incidents since the Commission's monitoring functions began.

Access to material – public interest immunity

Prior to September 2023, the Commission was generally provided access to, or copies of, all material related to the NSW Police Force investigation of critical incidents in a timely manner. In August 2023, for the first time, the Commission was refused access to material relevant to a critical incident. The NSW Police Force claimed this material was subject to the common law principle of public interest immunity (PII). This claim was repeated in relation to documents related to other critical incident investigations. From September 2023 until August 2024, the NSW Police Force claimed PII on documents in 8 critical incidents.

In February 2024, the Chief Commissioner decided that the LECC Act required those documents to be produced. The Commissioner of Police appealed the decision to the Court of Appeal. The Attorney General agreed to act as contradictor.

On 19 June 2024, in the matter of *Commissioner of Police v Attorney General for New South Wales* [2024] NSWCA 150, the Court of Appeal dismissed the Commissioner of Police's summons. The court held that the Commission's role under the LECC Act in overseeing and monitoring critical incident investigations means that the Commission should be provided with all relevant materials, and that public interest immunity did not apply.

The NSW Police Force sought special leave to appeal to the High Court.

The High Court proceedings were withdrawn in August 2024 after the Commissioner of Police and the Commission agreed on a Joint Protocol, outlining the way in which critical incident investigation materials will be provided to the Commission. That Joint Protocol can be found on the Commission's [website](#).

Finalisation of critical incident investigations and advice under s 117 of the LECC Act

Under the LECC Act, a critical incident investigation is concluded once the NSW Police Force has completed a report and provided it to the Commission. This will usually not occur until all criminal or coronial proceedings arising out of the critical incident have concluded.

At the conclusion of a NSW Police Force critical incident investigation, the Commission is required, under s 117 of the LECC Act, to notify the NSW Police Force (and Coroner where relevant) either that it considers the investigation to have been fully and properly conducted, or, that it considers an aspect of the investigation was inappropriate.

Any advice under s 117 of the LECC Act can include recommendations to the NSW Police Force. The Commission can also make any advice public. Even where the Commission is satisfied that a critical incident investigation has been fully and properly conducted, it may still make recommendations around future actions by police arising from the investigation.

As of 30 June 2024, there were 18 critical incidents being actively investigated by the NSW Police Force, and 53 critical incidents that had been substantially investigated by the NSW Police Force but required the coronial or criminal court processes to be finalised. There were also 20 critical incidents that had been finalised by the courts and required Critical Incident Investigation Reports (CIIRs) to be completed by the NSW Police Force. The range of time since these were finalised by the courts was between 1 month and 30 months. The average time since finalisation by the court was 10 months as of 30 June 2024. The Commission is waiting for the NSW Police Force to produce the CIIRs for these matters so it can finalise its monitoring of them.

Table 27: Status of critical incident investigations monitored by the Commission as of 30 June 2024

Reporting year	Number of critical incidents declared	Monitoring of active investigations	Monitoring awaiting court outcome	Monitoring awaiting NSW Police Force CIIR	Time awaiting NSW Police Force CIIR after court process
2017-18	34	0	0	0	-
2018-19	36	0	1	0	-
2019-20	27	0	1	2	3-20 months
2020-21	27	0	5	5	3-20 months
2021-22	26	0	10	6	4-15 months
2022-23	45	0	24	7	1-10 months
2023-24	36	18	12	0	-
Total	231	18	53	20	

In the 2023-24 reporting period, the Commission received 22 CIIRs from the NSW Police Force. From the time of the incident, it took between 7 to 58 months, or an average of 2 years and 3 months, for these critical incident investigations to be finalised. It took between 1 and 18 months, and an average of 7 months after court processes were finalised, for police investigators to finalise the CIIR.

In the Commission's report, *Five Years (2017-2022) of Independent Monitoring of NSW Police Force Critical Incident Investigations*, the Commission raised concerns about the timeliness of the NSW Police Force CIIRs, and made recommendations 3, 4, and 6 to address the issues:¹¹

- Recommendation 3: The NSW Police Force amend the NSW Police Force Critical Incident Guidelines to specify that CIIRs (including SCII Report, Review Officer Report and Region Report) should be finalised by police within 3 months of the end of court proceedings, or within 6 months of the incident being declared if there are no court proceedings. In circumstances where it is not possible for a CIIR to be finalised within set timeframes, the reasons for the delay should be recorded on the e@gle.i case, and assessed and managed by the Region Commander responsible for the critical incident investigation.¹²
- Recommendation 4: The NSW Police Force Critical Incident Guidelines instruct officers to complete an interim CIIR with recommendations prior to criminal or coronial proceedings, for the consideration of the NSW Police Force Executive.¹³

11 The Commission's report, *Five Years (2017-2022) of Independent Monitoring of NSW Police Force Critical Incident Investigations*, can be found on our [website](#).

12 Law Enforcement Conduct Commission, *Five Years (2017-2022) of Independent Monitoring of NSW Police Force Critical Incident Investigations* (Report to Parliament, May 2023) 51.

13 Law Enforcement Conduct Commission, *Five Years (2017-2022) of Independent Monitoring of NSW Police Force Critical Incident Investigations* 53.

- Recommendation 6: The NSW Police Force amend the NSW Police Force Critical Incident Guidelines to include robust procedures to notify the Commission within 7 days of ratification that a critical incident investigation has been finalised, and provide a copy of the CIIR to the Commission. The procedures should indicate the person responsible for instructing the SCII to upload the report and state that the report should be uploaded as a product so the document is visible to the Commission.¹⁴

Although the NSW Police Force agreed to recommendations 3 and 6, the recommendations have not yet been implemented.¹⁵

We continue to experience delays in the NSW Police Force's provision of final CIIRs to the Commission. This delay impacts our ability to identify issues that have not been fully addressed in the CIIR or make timely recommendations to mitigate future risks. It is in the interests of those directly involved in the critical incident and the public generally that these investigations are finalised without unreasonable delay.

In June 2024, the Commission advised the NSW Police Force that in the future it intends to provide advice under s 117(1)(b) of the LECC Act where:

- the CIIR is not finalised by police within 3 months of the end of court proceedings, or within 6 months of the incident being declared if there are no court proceedings, and there have been no reasons, or inadequate reasons, provided to explain the delay
- the Commission is not notified of the completed CIIR and provided access to a copy of that report within 7 days of the report being finalised by the NSW Police Force.

Case study: Daintrey

On 10 October 2022, the Coroner made findings following the inquest into the death of male in a metropolitan command. The CIIR was completed by the SCII on 2 January 2024. The final process of review was completed by police on 12 February 2024. Overall, the CIIR took 16 months to finalise after the inquest findings were handed down. The NSW Police Force said that the delay was because of competing operational priorities and other personal circumstances.

Section 113 of the LECC Act

When the Commission receives the NSW Police Force CIIR, we review it to form a view as to whether the investigation has been fully and properly conducted as required under s 117 of the LECC Act. In forming this view, the Commission considers whether the factors in s 113(2) of the LECC Act have been considered and appropriately addressed.

Of the 22 CIIRs finalised in the reporting year, the Commission sought further information and/or made a recommendation in 6 investigations. After considering the NSW Police Force response, the Commission advised that it was satisfied that all 22 investigations had been fully and properly investigated.

¹⁴ Law Enforcement Conduct Commission, *Five Years (2017–2022) of Independent Monitoring of NSW Police Force Critical Incident Investigations* 55.

¹⁵ The NSW Police Force's response to the Commission's recommendations can be found on our [website](#).

Table 28: Advice under s 117 of the LECC Act

	2021–22	2022–23	2023–24
Advice after finalisation of critical incident investigation that it was fully and properly conducted (s 117(1)(a) of the LECC Act)	12	7	22
Advice upon the Commission’s cessation of monitoring that the critical incident investigation was being fully and properly conducted (s 117(1)(a) of the LECC Act)	5	1	0
Advice that an aspect of the critical incident investigation was inappropriate (s 117(1)(b) of the LECC Act)	1	0	0

Case study: Strike Force Brigatine

Police attended an address in Western NSW after family members reported that a person was in possession of a firearm and was threatening to take their own life. When police attended the address, the officers had trouble attaching BWV cameras to their ballistic vests. This was an issue that had arisen in 2 previous critical incident investigations (SF Echuca and SF Talbragar), and the Commission had been previously advised that a police-wide email had been sent and the relevant police intranet page was to be updated to resolve the issue.

Following this incident, the Commission was concerned that police officers were still unaware of how to attach a BWV camera to a ballistic vest. The Commission recommended:

- the NSW Police Force amends the BWV intranet page to make clear what clamp could be used to attach a BWV camera to a ballistic vest, and how the clamp could be ordered
- commands ensure that the clamp is attached or stored with every ballistic vest
- police consider reinforcing the use of the clamp in the mandatory annual training.

In response, the NSW Police Force advised that it had implemented or was in the process of implementing all of the Commission’s recommendations.

Case study: Strike Force Auras

Officer A, Officer B and Officer C attended a busy metropolitan hotel to arrest Person X for a series of alleged sexual assaults. At the time, Person X was drinking in the beer garden of the hotel with Person Y and Person Z. When Officer A approached Person X, they produced a knife and stabbed Officer A in the abdomen. Officer B and Officer C discharged their firearms at Person X, who died at the scene. The Commission monitored the investigation of this critical incident and raised several concerns with police investigators.

The first concern was that witnesses, Person Y and Person Z, were escorted to a police station and unlawfully strip searched, and that no record of the strip search had been made. Although police conceded that Person Y and Person Z were unlawfully strip searched, police attributed the error to a mistaken belief that Person Y and Person Z were suspects rather than witnesses. Police were of the view that the error was understandable given the chaotic nature of the critical incident scene and therefore made no findings against the officers involved in the strip searching. Police made findings against the officer who failed to create a record of the strip searches and provided advice and guidance to the officer.

The second concern was that Officer B and Officer C changed the plan for the arrest of Person X without notifying their senior officer, Officer A. Officer B and Officer C approached Person X with guns drawn, alerting Person X to the intentions of police and removing the element of surprise, which put Officer A at risk. The NSW Police Force commenced a misconduct investigation into the actions of Officer B and Officer C. The NSW Police Force did not consider that the actions of Officer B and Officer C in changing the plan constituted misconduct and, contrary to usual practice, closed the misconduct matter before the coronial inquest. The Coroner raised concerns about the failure of Officer B and Officer C to communicate the change in the original arrest plan, and in evidence police conceded that devising ‘a separate plan without full acknowledgement of all involved’ was dangerous and ‘generally considered an unsound operational practice’. Her Honour also found that when Officer B and Officer C drew their firearms, they acted without reasonable justification, and it was ‘not an appropriate use of force’.

In the CIIR, the SCII made a number of referrals for the consideration of NSW Police Force decision makers as a consequence of issues arising in the investigation and comments made by the Coroner. It was unclear to the Commission what action, if any, had been taken in relation to the referrals, and the Commission sought advice from the NSW Police Force about this.

Despite comments made by the Coroner, the NSW Police Force declined to reconsider the misconduct matter findings made in relation to the actions of Officer B and Officer C and the arrest plan as outlined above. The NSW Police Force considered the actions of Officer B and Officer C were matters relating to training and not misconduct. Although the Commission does not agree, it is satisfied that the NSW Police Force has taken other organisation-wide action to mitigate the risk that similar issues could arise in the future.

The NSW Police Force advised that the CREWS system is now used to assess possible use of force like that arising in this matter and ensure the appropriate carrying of arms and appointments prior to executing a warrant/arrest. CREWS is a system used by the NSW Police Force to improve search warrant and operational risk assessments. Officers have also been reminded to carry all defensive equipment appropriate for their duties.

The NSW Police Force also advised that steps have been taken to communicate that the recording or sending of confidential information obtained in the course of duty on non-authorized applications or on any mobile device, like Officer B and Officer C in this matter, is a breach of policy and legislation and constitutes misconduct.

Misconduct allegations relating to critical incidents

Throughout the course of critical incident investigations, the monitoring team and/or the NSW Police Force may identify issues not directly related to the critical incident being investigated, which could be considered to amount to officer misconduct. Where these issues have been raised, they are generally dealt with by the NSW Police Force as separate misconduct matter investigations under Part 8A of the Police Act. The Commission oversees these investigations in accordance with its oversight function under Parts 7 and 8 of the LECC Act.

Website content

In 2022–23, we published a table of critical incidents on our website. In 2023–24, we updated this to an [interactive dashboard](#) that allows searches by year, police region, critical incident type, and status.

The Commission also published an [explanatory video](#) about the function of critical incident monitoring.

3.4 NSW Crime Commission

In November 2017, the Commission entered into an agreement and guidelines with the NSW Crime Commission in accordance with s 14 of the LECC Act. These guidelines outline the categories of misconduct matters that are required to be notified to the Commission, and upon which the Commission primarily focuses its oversight functions. The guidelines were updated in June 2019 and again in November 2022.

The Commission issued guidelines under s 33 of the LECC Act to indicate the types of complaints about the NSW Police Force that the NSW Crime Commission must report to the Commission.

During the reporting period, we assessed 6 misconduct matters involving members of the NSW Crime Commission referred by the NSW Crime Commission under the s 14 guidelines and 8 misconduct matters involving members of the NSW Police Force referred by the NSW Crime Commission under the s 33 guidelines. There was one misconduct matter involving members of the NSW Crime Commission made directly to the Commission and one received from ICAC.

The Commission reviewed one finalised misconduct matter investigation conducted by the NSW Crime Commission. The NSW Crime Commission proactively provided the Commission with a draft of the investigation report, which facilitated review by the Commission at an early stage, and before finalisation. The Commission was satisfied with the investigation and the action taken by the NSW Crime Commission.

Inspection

Under s 32(1) of the LECC Act, the Commission must scrutinise the systems established within the NSW Crime Commission for dealing with misconduct matters. To do so, the Commission exercises its powers under s 32(3)(a) to inspect the records of the NSW Crime Commission at least every 12 months.

As mentioned in chapter 3.3, we conducted an onsite inspection of the NSW Crime Commission. We also reviewed the NSW Crime Commission's:

- policies and procedures that relate to the handling of complaints
- Misconduct and Unsatisfactory Performance Policy and Procedure
- Workplace Bullying and Unreasonable Behaviour Policy and Procedure
- Public Interest Disclosure Policy
- Work-Related Grievance Handling Policy and Procedure
- misconduct management records for complaints received between 1 July 2023 and 30 December 2023.

The Commission considers the NSW Crime Commission operates a satisfactory complaint handling system in compliance with its statutory obligations. The Commission made 11 recommendations for policy and process improvements. All recommendations have been accepted by the NSW Crime Commission and many have already been implemented.

Investigations

During the reporting period, the Commission discontinued one full investigation under Operation Nizam.

3.5 Legal matters

Overview

This section contains information about important statutory provisions and developments of significance in 2023–24.

Prosecution outcomes

Operation Tambre

As noted above, Operation Tambre was an investigation into allegations of serious misconduct by Daniel Keneally, while he was a Constable of the NSW Police Force.

The Commission commenced the investigation in late 2021. In April 2022, the Commission reported under s 135 of the LECC Act, including a recommendation that consideration should be given to obtaining advice from the DPP concerning the prosecution of Mr Keneally.

Following receipt of advice from the DPP, on 17 November 2022, Mr Keneally was charged with one offence of fabricate false evidence with intent to mislead judicial tribunal (s 317(b) of the *Crimes Act 1900* (NSW)). The matter proceeded to a defended hearing on 18 and 19 September 2023, and on 21 November 2023 a judgment was delivered finding the offence proven.

On 1 February 2024, the court sentenced Mr Keneally to a term of imprisonment of 15 months to be served by way of intensive correction in the community, with a condition that 200 hours of community service work also be performed. He also received a fine of \$2,000.

An appeal was lodged by Mr Keneally's legal representatives, which was heard on 20 June 2024 and dismissed on 21 June 2024.

A public report under s 132 of the LECC Act was furnished to Parliament on 2 August 2024.

Response to subpoenas

From time to time, the Commission is served with subpoenas requiring the production (in court) of documents, or other information acquired during the exercise of its functions.

Officers of the Commission cannot be required to produce documents or divulge information that has been obtained in the exercise of functions under the LECC Act.

This is subject to certain limited exceptions. These exceptions are for the purposes of a prosecution, disciplinary proceedings, or proceedings under Division 1A or 1C of Part 9 of the Police Act arising out of an investigation conducted by the Commission in the exercise of its functions.

Where the Commission is served with a subpoena falling outside these limited exceptions, the issuing party is invited instead to make an application to the Commission to exercise its discretion to release information pursuant to s 180(5)(d) of the LECC Act. Under that section, the Commission has broad discretion to authorise the release of documents or information held by the Commission, if satisfied that it is necessary to do so in the public interest.

Disseminations under s 180(5) of the LECC Act

The LECC Act imposes strict obligations of secrecy upon Commission officers in relation to information acquired in the exercise of their functions under the Act.

Section 180(5)(d) of the LECC Act deals with disclosures of information except for disclosures made for:

- the purposes of the LECC Act
- purposes connected with prosecution or disciplinary proceedings arising from a Commission investigation
- law enforcement and investigative purposes.

The Commission can direct that confidential information held by the Commission be released, but only if it is considered necessary in the public interest to do so.

During 2023–24, the Commission disseminated information under s 180(5)(d) of the LECC Act on 4 occasions.

Integrity checks

One of the Commission’s responsibilities is to respond to requests from the NSW Police Force, or other law enforcement agencies, to conduct integrity checks for integrity information relating to current or former NSW Police Force officers. Most requests come from the NSW Police Force, specifically Police Promotions within the Workforce Capability Branch of the Human Resources Command.

The NSW Police Force requests integrity checks on all appointments and promotions to the rank of Sergeant and above, as well as any transfers that may be particularly sensitive. During 2023–24, we conducted 429 integrity checks on NSW Police Force officers. This represents a 25% decrease from the previous reporting period.

This decrease can be attributed to amendments in the NSW promotion schedule, which reduced the number of promotion rounds for Sergeant and Inspector vacancies. The Commission now receives a greater number of requests per round in the months of March, June, September and December.

Relevantly, the Commission received 109 requests from the NSW Police Force in June 2024 for appointments and promotion to the rank of Sergeant and Inspector. While some of these reports were completed in June, the majority were actioned in July 2024 and will be included in the completed checks for the next reporting period.

Legislative reform

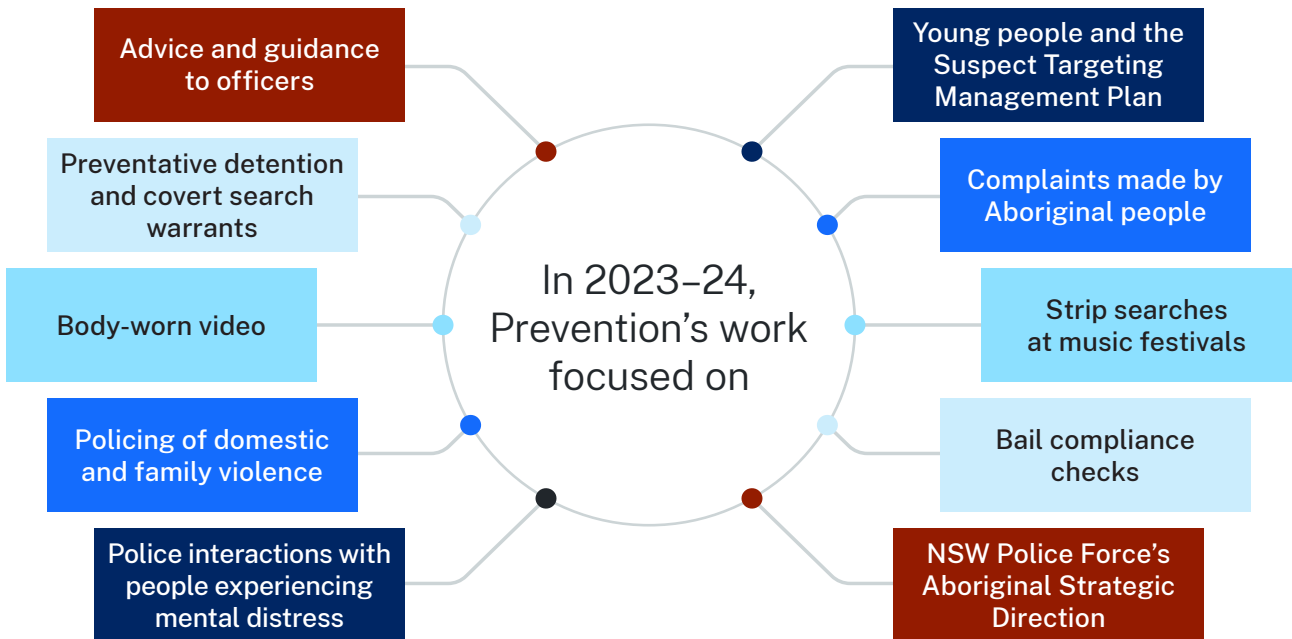
In April 2024, the Department of Communities and Justice (DCJ) conducted a public consultation on behalf of the Attorney General on whether changes should be made to the offences in ss 11, 12 and 14 of the *Surveillance Devices Act 2007* (NSW) (SD Act) to introduce public interest exceptions. This would allow information, records and reports obtained while using a surveillance device in breach of the SD Act to be communicated, published or possessed if it is in the public interest.

DCJ invited the Commission to make submissions on:

- whether public interest exceptions should be inserted into ss 11, 12 and 14 of the SD Act, and
- if so, what the content of those exceptions should be.

The Commission provided a submission in response. The Commission supported the addition of public interest exceptions to ss 11, 12 and 14 of the SD Act and noted that those exceptions would likely support the Commission’s legislative function of detecting, investigating and exposing misconduct and maladministration within the NSW Police Force and the NSW Crime Commission.

3.6 Prevention and engagement



Overview

The Prevention and Engagement team undertakes research projects and investigations that focus on systemic misconduct and maladministration issues. Our work primarily focuses on issues relating to police. It includes looking at conduct or practices that might be unreasonable or unlawful, with a view to assisting the NSW Police Force to address and prevent such misconduct.

In 2023-24, the Commission published 4 public reports arising from the team's work, as well as an Issues Paper on bail compliance checks in NSW. We also created fact sheets and short videos about our systemic-focused projects to help make our work accessible to diverse audiences.

In addition to these published works, we progressed a number of other projects that were already underway, including our legislative review of preventative detention and covert search warrants under the *Terrorism (Police Powers) Act 2002* (NSW) and our review of the way BWV is used by police in NSW.

In 2023-24, we also started work exploring systemic issues in the following areas:

- Unauthorised access and disclosure of police information: this project looks at the ways the NSW Police Force prevents, detects and manages the unauthorised access and improper disclosure of confidential information by employees.
- Police responses to adverse comments by judicial officers identified in failed prosecutions: drawing from matters where prosecutions have failed, this project is exploring the way the NSW Police Force responds to judicial critiques of its police officers, including what strategies the NSW Police Force puts in place to prevent similar issues from occurring again.

- Mental health: the team has been monitoring the work the NSW Police Force is doing to adjust its response to mental health-related incidents. We have been tracking Parliamentary discussions about potential reforms to models for responding to mental health-related incidents, including changes to police involvement. We are monitoring how any system changes will impact NSW Police Force practices and procedures.

We will continue with these projects into the next year.

Projects and investigations

The Prevention and Engagement team exercises the Commission's statutory functions under s 27 and Part 6 of the LECC Act to undertake projects and investigations relating to:

- officer misconduct, officer maladministration, and agency maladministration education and prevention programs within the NSW Police Force or the NSW Crime Commission
- the effectiveness and appropriateness of the procedures of those agencies for ascertaining whether there is officer misconduct, officer maladministration or agency maladministration, or any circumstances that may be conducive to such misconduct or maladministration
- ways in which officer misconduct, officer maladministration and agency maladministration may be prevented
- systemic problems involving the NSW Police Force or NSW Crime Commission.

During the reporting period, we continued and finalised a number of projects and investigations.

Operation Tepito – investigation into the application of the STMP to young people

On 30 October 2023, the Commission publicly released its [Final Report](#) in Operation Tepito – an investigation into the use of the NSW Police Force STMP on children and young people.

This report contained a detailed analysis of how the NSW Police Force had applied its Suspect Targeting Management Plan (STMP) III policy between November 2020 and February 2022, covering all 133 young people under the age of 18 who were selected for targeting in the first 6 months of that policy's operation.

Unfortunately, our longstanding concerns about the NSW Police Force's use of the STMP on children and young people, previously reported about in our January 2020 [Interim Report](#), had not been overcome.

We identified and reported on a range of concerns about the use of the STMP on young people, notably:

- the gross over-representation of young Aboriginal people selected for STMP targeting
- a failure of the NSW Police Force to apply diversionary approaches underpinning the established common law and statutory framework for dealing with young offenders
- the overuse of overt and intrusive policing tactics resulting in unreasonable surveillance and monitoring of young people, including the risk of policing interactions based on a young person's STMP status in lieu of legislation
- inadequate record keeping that prevented police from undertaking an overall assessment of the utility of, and ongoing critical analysis about the effects of, the STMP.

The Commission did not make formal findings or recommendations as the NSW Police Force responded to the concerns we expressed throughout our review of STMP III by stopping the use of the policy on young people in late 2023.

First introduced in 2000, the STMP was a proactive policing policy created by the NSW Police Force that sought to reduce serious crime in the community by targeting repeat offenders known to local police.

Our 2023 report was the culmination of a 5-year investigation, which started in 2018. Throughout that time, we completed ongoing analysis about the way police managed young people under STMP II and the subsequent STMP III policies. We shared our analysis with the NSW Police Force to help inform its responses to the issues we identified.

In mid-2024, the NSW Police Force informed the Commission that it will not be replacing the STMP. It indicated that it would manage crime issues, including those relating to recidivism by young people, under a revised Prevention Disruption Response (PDR) approach. The PDR approach has been in place since 2022 and aims to inform the development of strategies to identify and address local crime issues. In July 2024, the NSW Police Force implemented statewide revisions to the PDR. These include drawing on specialist resources to inform strategies focused on young people and linking local strategies to various other NSW Police Force policies such as the NSW *Police Force Youth Strategy* and its Aboriginal Strategic Direction.

We have requested information from the NSW Police Force about the revised PDR approach to help us assess whether the issues of concern that we identified throughout Operation Tepito are adequately addressed under the PDR approach.

Aboriginal Strategic Direction

Our [review](#) of the *NSW Police Force Aboriginal Strategic Direction 2018–2023* was tabled in Parliament in October 2023. The Aboriginal Strategic Direction (ASD) sets out the NSW Police Force’s strategy for engaging with Aboriginal communities throughout NSW. Under that strategy, the NSW Police Force nominated the Commission to monitor its progress against the ASD.

We compared the intended aims, activities and outcomes of the ASD with what occurred in practice over the period. We spoke with stakeholders within the NSW Police Force as well as to government and third sector organisations about the way police engaged with Aboriginal communities under the ASD.

Our review recognised a range of great work by police, including local responses to COVID-19 and natural disasters, as well as the goodwill and hard work of many local commands in trying to set up ongoing dialogue with communities. We also noted there was room for improvement in setting up future approaches for engaging with Aboriginal communities, including:

- clarifying the measures for each of the priorities under the ASD to make it easier to evaluate whether activities achieved their intended objectives
- improving how data is captured to assist in evaluating success against the measures in the ASD
- more systematically analysing the overall impact of NSW Police Force activities and reporting requirements on the ASD priorities, from funding programs via grants through to the impact of proactive policing strategies.

We also suggested that the NSW Police Force’s approach to engaging with Aboriginal communities should be closely aligned with the *NSW Closing the Gap Implementation Plan*.

Our review made 11 recommendations to the NSW Police Force. We also recommended the NSW Government amend its Closing the Gap Implementation Plan to list the NSW Police Force as a responsible agency. The NSW Police Force’s [response](#) to the recommendations is available on our website.

Since we reported, the NSW Police Force has said it will take a range of actions, including:

- mandatory biennial foundational cultural awareness training for all employees
- additional mandatory training at a higher level of cultural awareness for all commands with high populations of Aboriginal people
- locally led, specific Aboriginal awareness training for all new staff in commands with high Aboriginal populations, focusing on local cultural protocols, history and previous local police practices
- a review of the Aboriginal Community Liaison Officer program.

We will continue to seek updates from the NSW Police Force as these actions are implemented.

The NSW Police Force did not support recommendations to:

- review guidance contained in its Bail Law Reform Standard Operating Procedures about Aboriginal people (despite having previously agreed to do this)
- review its training relating to proactive policing to consider practical strategies to reduce over-representation of Aboriginal people in interactions
- publish a Closing the Gap delivery plan stating how it will implement the 4 priority reform areas and how it will help NSW achieve targets 10 and 11 to reduce Aboriginal over-representation in the criminal justice system.

The NSW Police Force published a new ASD in March 2024. While the new ASD does not nominate the Commission to monitor the new strategy, we will continue to consider the way the NSW Police Force engages with Aboriginal communities through the exercise of our functions.

Aboriginal complainants

In June 2024, we published an [Observations Paper](#) of complaints made by or on behalf of Aboriginal and Torres Strait Islander people between 1 January 2021 and 30 June 2022. The paper looked at the way the NSW Police Force and the Commission dealt with these complaints, from triage to outcome through the police complaints system.

In the period we looked at, we received 279 complaints. We referred 245 of these complaints to the NSW Police Force for triage. The 245 complaints contained 707 separate allegations.

The most common complaint allegations in the 245 complaints were:

- police use of force (34%)
- improper use of police powers (26%)
- breach of service standards, ethical standards and/or guidelines (16%).

The Observations Paper forms part of our work to increase Aboriginal and Torres Strait Islander people's knowledge, access and capability to use available data and information to set priorities and drive their own development. This is in line with the National Agreement on Closing the Gap Priority Reform 4.

The Commission hopes that the Observations Paper will be the starting point for discussions with Aboriginal Community Controlled Organisations and Aboriginal and Torres Strait Islander communities about opportunities to improve the Commission's collection, access, management and use of data about Aboriginal and Torres Strait Islander peoples.

Bail compliance checks

Bail serves an important function in our criminal justice system. It allows a person who has been charged with a criminal offence to remain at liberty in the community while they wait for court to hear the charges. In NSW in the year to June 2023, 25% (38,859) of all bailed adults, and 46% (4,107) of bailed people under the age of 18 were granted bail with conditions.

In May 2024, the Commission tabled an [Issues Paper](#) that considered police practices for conducting bail compliance checks in NSW. The Issues Paper sought submissions from interested parties about the way the legislative framework for bail monitoring works, and whether the existing legislative framework provides sufficient clarity about when and how bail monitoring can be conducted by police. We hope the submissions will help us consider police practice against the legislative framework, and whether changes to either may be needed.

In particular, the Issues Paper explores the way enforcement conditions are used in the bail monitoring process. Enforcement conditions can only be imposed by the court, upon application from prosecutors. Enforcement can require the bailed person to comply with specified police directions so that police can check the bailed person is complying with the bail condition – for example, appearing at the door when police check bail compliance within specified time periods.

The NSW Police Force commonly relies on the common law principle of implied licence to conduct bail compliance checks in circumstances where no enforcement condition exists.

Our submissions process closed on 25 July 2024. We anticipate reporting publicly on the issues we have considered in 2024–25.

Body-worn video

In July 2023, the Commission provided the NSW Police Force with an Observations Paper about the way BWV is used by police officers in NSW. The Observations Paper was informed by work across a range of the Commission's functions under the LECC Act, including:

- onsite audits of BWV storage and filing processes at NSW Police stations
- monitoring and review of NSW Police Force misconduct investigations
- research including reviewing the Commission's complaints database for BWV-related complaints and misconduct matters
- monitoring of NSW Police Force critical incident investigations.

The Observations Paper highlighted 34 issues for the NSW Police Force to consider and answer, and invited updates from the NSW Police Force about BWV practices, training and risk management.

In October 2023, the NSW Police Force responded to the 34 issues. The Commission has been working with police to address some of the issues we identified. We are planning to report publicly in relation to our work in 2024–25.

Advice and Guidance – a common management action

In 2023–24, we significantly progressed our review of the way the NSW Police Force uses Advice and Guidance to remediate or correct employees' conduct and unsatisfactory performance.

Our preliminary research found the NSW Police Force regularly uses Advice and Guidance as a form of management action for sustained findings of misconduct. Officers also often receive Advice and Guidance when the NSW Police Force decides to decline to investigate an allegation of misconduct under s 132(a) of the Police Act. Under that provision, police may choose not to investigate a misconduct matter on the basis that action has been, is being, or will be taken to remedy the issue without an investigation.

While Advice and Guidance is a common form of management action, it is unclear how it fits within the legislative and policy frameworks that govern how the NSW Police Force manages misconduct. We analysed 403 misconduct allegations that resulted in the 'action taken' of Advice and Guidance between 1 January 2022 to 30 June 2022. We presented our findings to the NSW Police Force in December 2023 and, following further consultation in April 2024, we received its response to our preliminary research in July 2024.

We anticipate reporting publicly about our results and the NSW Police Force's response in the second half of 2024.

Following up on the implementation of our recommendations

Operation Tusket

In our *Operation Tusket: Final Report*, published 31 October 2019, the Commission identified manifest problems with the *Child Protection (Offenders Registration) Act 2000* (CPOR Act) and its operation.

Following the publication of that report and our 2021 Supplementary Report on Operation Tusket, the NSW Police Force undertook considerable work, in consultation with the Commission, to devise appropriate amendments to the CPOR Act.

The Commission was concerned to ensure that the proposed amendments adequately addressed the significant problems that were identified in Operation Tusket and which were having a negative impact upon the administration of justice in the area. Child protection is of fundamental importance and the law should be clear and operate well to serve the public interest.

The Child Protection (Offenders Registration) Amendment Bill 2024 passed Parliament on 20 September and was assented to on 30 September 2024.

The changes will clarify and improve the operation of the Act and its practical operation.

Domestic and family violence

As reported last year, the Commission published its *Review of NSW Police Force responses to domestic and family violence incidents* in June 2023.

The Commission made 13 recommendations that focused on strengthening and improving NSW Police Force responses to and investigations of domestic and family violence incidents. The NSW Police Force agreed in principle to 10 recommendations, 6 of which relate to changes to the NSW Police Force Domestic and Family Violence Standard Operating Procedures.

Since our report, the NSW Police Force has been progressing a major overhaul of the way in which it addresses domestic and family violence incidents. It introduced a Domestic and Family Violence Registry team in September 2023 and is reviewing all policy guidance about how police should respond to domestic and family violence incidents. The NSW Police Force is considering our recommendations as part of this review. The new Registry team has been significantly involved in rolling out training and information to police about new legislation introduced in July 2024, which criminalises coercive control.

Over 2023–24, Commission staff have met with members of the NSW Police Force to keep informed about the changes to the way it manages domestic and family violence incidents and how it will address the recommendations of our report. We will continue this work over 2024–25.

Use of force reporting

In September 2023, we published the NSW Police Force's response to the recommendations made in our February 2023 *Review of NSW Police Force Use of Force Reporting*. The details of the report and the NSW Police Force's [response](#) to our recommendations were covered in our last annual report.

Audit of NSW Police Force strip search records from music festivals

Our 2022–23 Annual Report detailed our review of a sample of over 300 NSW Police Force records (COPS events and Field Processing Forms) relating to strip search operations at 5 music festivals that were held between May 2021 and June 2022.

We published a [report](#) about our review in September 2023. In response to our report, the NSW Police Force re-circulated the relevant policy, training information and expectations to all officers throughout the state.

Legislative reviews

Review of Parts 2A and 3 of the *Terrorism (Police Powers) Act 2002 (NSW)*

The Commission has an ongoing responsibility to scrutinise the NSW Police Force's use of covert search powers and preventative detention powers under the *Terrorism (Police Powers) Act 2002 (NSW)* (TPP Act). We are required to review the use of those powers and report publicly to the Attorney General and Minister for Police every 3 years.

Our report for the period 1 July 2020 to 30 June 2023 will be finalised in 2024. During the reporting period, the NSW Police Force did not use the Part 2A preventative detention orders, nor did it apply for any covert search warrants under Part 3.

In 2023, amendments were made to the TPP Act which included amendments recommended by the Commission in our last review report:

- Section 26ZF now allows a person detained under a preventative detention order to contact the NSW Ombudsman.
- Sections 26Y and 26Z now make clear that a nominated senior officer must inform the person detained of their right to make a complaint to the NSW Ombudsman.

The amendments also extended the preventative detention powers in Part 2A until 2026.

Our next report on the Part 2A and 3 powers under the TPP Act will consider the use of those powers for the period 1 July 2023 to 30 June 2026.

Report under s 870 of the Law Enforcement (Powers and Responsibilities) Act 2002 (NSW)

Under s 870 of the *Law Enforcement (Powers and Responsibilities) Act 2002* (LEPRA), the Commission is required to keep under scrutiny the NSW Police Force's exercise of powers under Part 6A of LEPRA.

Part 6A allows the NSW Police Force to use special powers to prevent or control large-scale public disorder. These powers were given to police in response to the Cronulla riots in 2005. The powers allow the NSW Police Force to establish a cordon around a specified target area or a roadblock in a specified target road. Part 6A also gives the police special powers to do things within the target area that would ordinarily require a warrant or the formation of reasonable suspicion of criminal activity. For example, officers may stop and search vehicles and people, seize and detain things, and disperse groups.

In 2023–24, the NSW Police Force did not use the powers available to it under Part 6A of LEPRA. The NSW Police Force has not used these powers since March 2011.

Amendments to consorting powers used by the NSW Police Force

In 2023–24, we followed up with the NSW Police Force about its implementation of the recommendations we made in our February 2023 [report](#) about the operation of the amendments to the consorting law under Part 3A Division 7 of the *Crimes Act 1900* (NSW).

The NSW Police Force supported 8 of the Commission's recommendations and has taken steps to implement many of these, for example, by updating its Consorting Standard Operating Procedures and consorting warning templates.

One of the concerns we identified in the 2023 report was that many of the consorting warnings general duty police officers issued related to comparatively less serious potential offending. As a response to this, the NSW Police Force has elevated the use of consorting to a 'serious and organised crime' targeted strategy. It is hoped that this, along with information in the Standard Operating Procedures that emphasises that consorting powers are designed to disrupt future serious crime, should help to see these powers used for the purposes intended by Parliament.

Further information on the NSW Police Force's implementation of the supported recommendations can be found on our website. We have published the NSW Police Force's [response](#) to all our recommendations in full.

3.7 Community and stakeholder engagement

This year has been a significant one for the Commission's community engagement activities. We have expanded our engagement team, embarked on regional outreach activities, and embraced the use of short videos to help make our larger systemic-focused reports accessible to diverse audiences.

The Commission's engagement with community groups, stakeholders and the public increased in 2023–24 with new engagement activities in regional NSW, engagement with the legal fraternity and universities, as well as engagement with Aboriginal communities.

Our Community Engagement Strategy

In February 2024, we published our *Community Engagement Strategy 2024–2026*. The strategy captures the way we engage with the public, community stakeholder organisations and experts, and advocate organisations. Community engagement is important to the Commission because it helps us to:

- keep informed about the issues that stakeholder organisations and community groups consider important in relation to law enforcement integrity
- understand the experiences of different groups and individuals in their interactions with law enforcement agencies in NSW
- decide how we should prioritise our limited resources so we can respond to the issues that are important to the community
- demonstrate our impact and build public trust in law enforcement integrity by the work we are doing and the outcomes we have achieved
- be informed by the expertise, knowledge and lived experience of others in the community.

The Community Engagement Strategy is available on our [website](#).

Expanded engagement team

The Commission welcomed 2 Aboriginal community engagement officers into our team this year. Our Aboriginal community engagement team participated in outreach activities with Aboriginal communities, helping us to increase awareness about what we do and how the police complaints system works.

This included participating in events across greater Sydney in Reconciliation Week, and events in the Central Coast, Western Sydney and the Central Tablelands regions during NAIDOC week. The team attended a meeting of the Mount Druitt Police Aboriginal Consultative Committee and delivered presentations to organisations that provide services to Aboriginal people.

The Commission participated in the COOEE Festival in Western Sydney as Bronze sponsors. Commission staff joined our Aboriginal community engagement team to meet with festival-goers and to provide the community with information about the Commission.

Our Aboriginal community engagement officers also helped us to provide culturally informed assistance to Aboriginal and Torres Strait complainants.

Regional outreach

While our offices are in Sydney, the Commission's jurisdiction extends across the whole state of NSW. With the help of our expanded engagement team, we reinvigorated our regional outreach program. In 2023–24, the Commission participated in regional engagement activities in the Lower Hunter, Riverina and Richmond Valley regions.

In November 2023, we participated in a joint Community Leader's Forum with the ICAC and the NSW Ombudsman, held in Newcastle. The event aimed to engage with prominent local leaders and individuals, including those working in government and third sector organisations, local council and local business, to help inform them about the work of the integrity bodies and prominent integrity issues.

While in Newcastle, the Chief Commissioner gave a presentation to staff from Newcastle University's School for Law and Justice, while our Executive Director Operations, along with the Director Oversight Investigations and Director Integrity Investigations, met with the NSW Police Force Northern Region Command.

In May 2024, the Chief Commissioner presented at a second Community Leader's Forum in Wagga Wagga, alongside the Commissioners of the ICAC and the National Anti-Corruption Commission, as well as the NSW Ombudsman.

While in Wagga Wagga, we held our first forum for the local Aboriginal community. This event allowed us to share information about who we are and explain our work, as well as give community the chance to ask questions and raise ideas.

We also held a Q&A event for legal practitioners in the region, giving them the opportunity to meet our Chief Commissioner and hear about the Commission and our systemic work. Staff from Legal Aid, the Office of the DPP, the District Court, ALS, and the Hume Riverina Community Legal Service attended this event.

In June, our Aboriginal community engagement officers visited the town of Coraki with our Executive Director Operations and Director Integrity Investigations. During this visit we engaged with the community connected to some of the issues canvassed in our Operation Mantus [report](#).

Seeking public submissions to inform our work

From time to time, the Commission may call for submissions from the public or from particular stakeholder organisations that have expertise in areas relevant to our work.

As outlined in chapter 3.6, this year the Commission opened a public submissions process to help inform our analysis of issues relating to police bail compliance checks.

This type of engagement helps us to understand misconduct and integrity issues within law enforcement from a range of different perspectives.

Website refresh

Over 2023–24, the Commission worked with an external design team to help give our website a new look and reorganise the way we present our publicly available information. We sought user feedback as part of the redesign process to help us to create a site that is easy to navigate and clearly explains our work. We will continue to add to the website to bring more transparency to the work we do.

The new website went live on 31 July 2024.

Engagement with government organisations, community and stakeholder groups

The Commissioners and Commission staff engaged with a wide variety of government and nongovernment organisations during the year. These meetings were either for knowledge sharing or to allow the Commission to hear about the law enforcement and anti-corruption issues these organisations identify as important.

The Commission continued quarterly meetings with an external legal sector reference called the Legal Stakeholders Group. The group has representatives from:

- Aboriginal Legal Service (NSW/ACT) Limited
- Legal Aid NSW
- Redfern Legal Centre
- the Justice and Equity Centre (formerly known as the Public Interest Advocacy Centre).

The meetings help us capture insights into public trust and confidence in NSW law enforcement from stakeholders that represent clients who interact with the NSW Police Force.

Participation in programs and events

Throughout the year, Commission staff delivered presentations or facilitated sessions at a range of different events. These allow the Commission to demonstrate the impact of our work to different audiences. In 2023–24, we gave presentations at:

- the Applied Research in Crime and Justice Conference (August 2023)
- the Asia Pacific Coroners Conference (November 2023)
- the NSW Bar Association Continuing Professional Development session (March 2024)
- the National Anti-Corruption and Integrity Agency Commissioners and CEOs Meeting (March 2024)
- the ICAC's Corruption Resilience Program
- the Corruption Prevention Practitioners' Forum (online forum) (May 2024).

Engagement with senior NSW Police Force and NSW Crime Commission officers

The Commissioners regularly meet with the heads of the agencies we oversight, the NSW Crime Commission Commissioner Michael Barnes and NSW Police Force Commissioner of Police Karen Webb APM.

Senior Commission staff regularly meet with Deputy and Assistant Commissioners of the NSW Police Force to obtain information about ongoing projects and to liaise about how we share information. Senior officers of the Commission routinely participate in scheduled meetings with senior officers of the Professional Standards Command to discuss investigations activity, operational deployments, and issues concerning critical incident monitoring functions of the Commission.

As well as developing our knowledge about current police practice and policy, these meetings are an important way of building trust within the NSW Police Force.

Our Commissioners spoke at the Professional Standards Managers Forum held in Kiama in November 2023. Our Executive Director

Operations presented in the NSW Police Force Mastery Program – a leadership program for the development of senior police destined to become superintendents.

Commission staff also engaged with a range of NSW Police Force committees, such as the Internal Review Panel, and the Influencers Program, which is a development program conducted by the NSW Police Force to enhance the capability and understanding of officers moving to the inspector level.

Information sessions

The Commission runs regular information sessions for Commission staff. From time to time, we host external speakers. This gives our staff an opportunity to learn from their expertise as well as to build connections with other experts and organisations.

Over the year we heard from a range of external speakers, including:

- Magistrate Teresa O'Sullivan, NSW State Coroner
- Inspector Rochelle Burgess, NSW Police Force Professional Standards Command speaking about the Respectful Workplace Behaviour Model
- Superintendent Rebecca Wyse speaking about the NSW Police Force PULSE program, which addresses health, safety and wellbeing for police officers
- Judy Harper, Program Director with the Justice Advocacy Service, speaking about cognitive impairment and the criminal justice system
- Jason Timor from Two Point Co, speaking about our shared histories, cultures and achievements, and how each of us can contribute to achieving reconciliation in Australia
- Dr Yolisha Singh, NSW Clinical Director of Adolescent Mental Health for Justice Health & the Forensic Mental Health Network
- Tom Millett, NSW Ombudsman's Office, on the new *Public Interest Disclosure Act 2022*
- Anthony Morgan, Research Manager for the Australian Institute of Criminology's Serious and Organised Crime, Cybercrime and Radicalisation Research Program

- the Hon James Wood AO KC, about the Royal Commission into the NSW Police Service
- Inspector Chris Nicholson and Assistant Commissioner Peter McKenna, briefing on NSW Police Force mental health responses
- Assistant Commissioner Lauren Callaway, Victoria Police, on the Victoria Police response to domestic and family violence.

Media engagement

The Commission takes a considered approach to media relations. We publicise our work when it is in the public interest to do so. We aim to inform the public and the media when we table a report publicly in Parliament, monitor critical incidents and hold public hearings. We welcome media enquiries from the wide range of broadcast, print and digital media outlets we inform about our work.

Our engagement with the media has facilitated and supported wider recognition of our work. In 2023–24, this included disseminating:

- 19 media releases and statements about reports, complaints, investigations, or oversight monitoring notices
- 20 critical incident media advisories
- 7 media alerts
- 6 fact sheets
- 5 sets of pre-recorded audio grabs
- 4 sets of video summaries to accompany reports
- considered email responses to 97 separate media enquiries
- interviews with our Commissioners.

3.8 Management and activities

Major assets

During the reporting period, the Commission spent a total of \$936,121 on specialised IT infrastructure, equipment and software including upgrading storage and security systems, as well as routine replacement of laptops, monitors and printers.

To allow greater flexibility and meet operational requirements, the Commission has a policy of purchasing vehicles. During the reporting period, we replaced 2 operational vehicles at a cost of \$106,412. Purchases of other plant and equipment totalled \$34,164.

Land disposal

The Commission did not dispose of land during the reporting period.

Research and development

The Commission did not undertake research and development during the reporting period.

Overseas visits

No overseas travel was taken during the reporting period.

Performance information

Information about the Commission's performance, including performance against strategic objectives, can be found in chapter 2.2 and throughout the report.

Cost of operations of the Commission

The following table outlines the Commission's cost of operations under Parts 6, 7 and 8 of the LECC Act (s 139(5)).

Table 29: Cost of operations

	Employee related	Other	Total
Integrity	\$7,428,792	\$2,061,605	\$9,490,397
Oversight	\$1,800,912	\$68,312	\$1,869,224
Critical incidents	\$602,565	\$32,623	\$635,188

Performance reviews

No performance reviews were conducted during the reporting period.

Measuring employee engagement through the People Matter Employee Survey

The annual employee engagement survey, the People Matter Employee Survey (PMES), provides important insight into the experiences of our workforce.

Our response rate for the 2023 survey was 87%, which is significantly higher than the sector average, and our engagement score remained at 66%, one point above the sector average.

The Commission scored well in the areas of Flexible Working (86%), Ethics and Values (83%) and Job Satisfaction (80%).

We have taken action to address our lowest scoring areas of Recruitment, Feedback and Grievance Handling.

These actions include:

- continuing the CEO weekly email and committing to providing timely communication that includes the why, how and when
- using employee feedback to inform training
- expanding the mentoring program
- providing clear communication around recruitment processes and decisions, and increasing the use of external panel members
- allowing each team ownership of initiatives arising from the PMES results that relate to their work.

Our 2023 PMES results showed a general improvement when compared with the 2022 PMES results.

PMES results for 2023 included:



4. Management and accountability

This section summarises the Commission's management and accountability structure, as well as industrial relations matters. It also details the frameworks we have in place to identify and manage risks.

4.1	Human resources	72
4.2	Public Interest Disclosures	75
4.3	<i>Government Information (Public Access) Act 2009 (NSW)</i>	76
4.4	<i>Privacy and Personal Information Protection Act 1998 (NSW)</i>	78
4.5	Information and communications technology	79
4.6	Governance	81
4.7	Audits and risk management	83



4.1 Human resources

Personnel policies

The Commission reviewed and updated several existing personnel (HR) policies throughout the reporting period, including:

- the Code of Ethics and Conduct
- the Disciplinary Action Policy
- the Disciplinary Action – Managing Unsatisfactory Behaviour or Misconduct procedure
- the Grievance Management Policy
- the LECC Induction Procedure.

Training and development

The Commission continued to provide a broad range of training and development opportunities to staff throughout the 2023–24 reporting period. All staff have access to Affiliate Membership to the NSW Institute of Public Administration Australia and LinkedIn Learning, allowing a variety of training and development opportunities.

Specialised training and development opportunities offered to staff during 2023-24 included:

- the Australian Public Sector Anti-Corruption Conference
- Certificate IV in Government Investigations
- First Nations Cultural Capability
- Unconscious Bias training
- Public Interest Disclosure training
- Recruitment training for panel members
- Writing Briefs
- Training for Mentors
- Training for Mentees

- Cyber Security Essentials
- Cyber Security for Senior Executives
- Managing unreasonable conduct by a complainant
- NAIDOC Week cultural experiences and education
- Reconciliation Week cultural experiences and education.

Generic training and development opportunities provided to staff during 2023–24 included:

- Certified Practising Accounting Conference and events
- Legalwise Conference and events
- First Aid and CPR training
- NSW Government Community of Financial Professionals
- NSW Government Community of HR Practice
- NSW Government Community of Policy Professionals.

The Commission's Study Assistance Policy provides leave and monetary support to staff members undertaking approved tertiary level studies in several specialist areas including:

- Executive Master of Public Administration
- Master of Investigations
- Bachelor of Laws
- Juris Doctor.

The Commission's employees

The terms and conditions of employment for non-executive officers of the Commission are governed by the *Crown Employees (Law Enforcement Conduct Commission) Award 2018* and the *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009*. Senior Executive Officers of the Commission are employed under the provisions of the *Government Sector Employment Act 2013* (NSW).

Table 30: Number of officers and employees by category

	2021	2022	2023	2024
Statutory appointments	2	2	2	2
Male executive appointments	5	4	5	5
Female executive appointments	1	1	1	1
Operational staff	57	68	68	82
Support staff	44	32	36	35
Total	109	107	112	125

Table 31: Staff movements during 2023–24

Number of staff who commenced employment in 2023–24	Number of staff who ceased employment in 2023–24
27	14

Senior executive numbers, remuneration and expenditure

The Commissioners for the Law Enforcement Conduct Commission are appointed by the Governor under s 18 of the LECC Act, and in accordance with clause 9 of Schedule 1 of the Act, are not subject to the *Government Sector Employment Act 2013* (NSW).

The Hon Peter Johnson SC was appointed as the Chief Commissioner of the Law Enforcement Conduct Commission in July 2022. His remuneration is set annually by the Statutory and Other Offices Remuneration Tribunal. For this reporting period, the Chief Commissioner's salary was \$529,940 per annum.

Anina Johnson was appointed as Commissioner effective from 16 May 2022. Her remuneration is set annually by the Statutory and Other Offices Remuneration Tribunal. For this reporting period, the Commissioner's salary was \$397,455 per annum.

As holders of independent public offices, the Commissioners are responsible to Parliament in the performance of the functions of their respective offices.

In the Commission's current executive level structure, 2 staff members are employed in Public Sector Senior Executive Service roles within Executive Band 2, and 4 staff members within Executive Band 1, of the *Government Sector Employment Act 2013* (NSW). All staff members occupying Public Service Senior Executive Service roles at the Commission are employed under individual Public Sector Senior Executive employment contracts, the terms of which provide for regular performance assessment.

Table 32: Senior executives – remuneration band determination, number of officers and gender breakdown comparison

Band	Female 2023–24	Male 2023–24
Band 4 (Secretary)	0	0
Band 3 (Deputy Secretary)	0	0
Band 2 (Executive Director)	1	1
Band 1 (Director)	0	4

Table 33: Senior executives – remuneration range comparison

Band	Remuneration range for 2023–24	Average remuneration for 2023–24
Band 4 (Secretary)	\$487,051 pa to \$562,650 pa	n/a
Band 3 (Deputy Secretary)	\$345,511 pa to \$487,050 pa	n/a
Band 2 (Executive Director)	\$274,701 pa to \$345,550 pa	\$333,000 pa
Band 1 (Director)	\$192,600 pa to \$274,700 pa	\$239,000 pa

The percentage of the Commission’s total employee-related expenditure in the reporting year that relates to senior executives compared with the percentage at the end of the previous reporting year is shown below.

Table 34: Comparison of percentage of expenditure that relates to senior executives

	2022–23	2023–24
	16.35%	15.60%

Consultants

The Commission did not engage consulting services during the reporting period.

Requirements arising from employment arrangements

The Commission is a statutory corporation established under the LECC Act. The Commission is a NSW Government entity and is controlled by the State of New South Wales, which is the ultimate parent. The Commission is a not-for-profit entity (as profit is not its principal objective) and it has no cash-generating units. The Commission, as a reporting entity, comprises all the entities under its control, namely: the Office of the Law Enforcement Conduct Commission (the Office).

The Office provides the Commission with personnel services in that it employs the Commission’s staff, except for the statutory office holders (namely, the Commissioners), who are employed directly by the Commission. Therefore, the Office is a special purpose entity – its only function is to provide personnel services to the Commission.

4.2 Public Interest Disclosures

A Public Interest Disclosure (PID) is a report, complaint or other information from a person working in, or for, the NSW public service. The disclosure must be about other public officials engaging in certain types of conduct.

The requirements for a PID were previously set out in the *Public Interest Disclosures Act 1994 (NSW)* (PID Act). From 1 October 2023, the new PID Act (the *Public Interest Disclosures Act 2022 (NSW)*) came into effect. The PID Act provides legal protection to public officials who make a disclosure that meets these requirements. To educate staff about the requirements under the new PID Act, the Commission has held a number of information sessions, updated internal and external policies, and disseminated e-learning modules and training resources.

As an integrity agency, the Commission can receive PIDs from all public sector employees. The Commission finalised 40 PID matters during the reporting period.

Under the PID Act, the Commission is required to collect and report on information about PIDs. This information is outlined in the following tables.

Table 35: Public Interest Disclosures received

	Made by public officials performing day-to-day functions	Made under a statutory or other legal obligation	All other PIDs
Number of public officials who made PIDs directly	43	3	1
Number of PIDs received	43	3	1

Table 36: Number of PIDs received by type

	Made by public officials performing day-to-day functions	Made under a statutory or other legal obligation	All other PIDs
Corrupt conduct	35	3	1
Maladministration	8	0	0
Serious and substantial waste	0	0	0
Government information contravention	0	0	0
Local government pecuniary interest	0	0	0
Total	43	3	1

4.3 Government Information (Public Access) Act 2009 (NSW)

Overview

Under the *Government Information (Public Access) Act 2009* (NSW) (GIPA Act), there are 4 ways that the Commission can make information available to the public:

1. the mandatory release of 'Open Access Information'
2. the proactive release of information for which there is no overriding public interest against disclosure
3. the informal release of information in response to an informal request where there is no overriding public interest against the disclosure of that information
4. the formal release of information in response to an access application where there is no overriding public interest against disclosure.

Schedule 2 of the GIPA Act provides that information which relates to the Commission's 'corruption prevention, handling of misconduct matters, investigative and reporting functions' is 'excluded information' of the Commission and cannot be made the subject of an access application.

It is also conclusively presumed under Schedule 1 of the GIPA Act that there is an overriding public interest against disclosing information, the disclosure of which would be prohibited by the LECC Act. Section 180(2) of the LECC Act provides that a person who is or was an officer of the Commission must not, except in connection with the person's functions under the Act, make a record of or divulge any information acquired in the exercise of the person's functions under the Act. Section 180(5)(d) provides that such information may be divulged if the Commissioner or Inspector certifies that it is necessary to do so in the public interest.

Information which falls within the above 2 categories was not publicly disclosed by the Commission except under limited circumstances.

The impact on the Commission of fulfilling its requirements under the GIPA Act during 2023–24 was negligible.

No major issues arose during 2023–24 in connection with the Commission's compliance with GIPA requirements.

Proactive release program

Under s 7 of the GIPA Act, the Commission was authorised to proactively release any government information that it holds, so long as there is no overriding public interest against disclosure of that information. Under s 7(3) of the GIPA Act, the Commission must review its program for the release of Government information to identify the kinds of information that can be made publicly available under s 7. This review must be undertaken at least once every 12 months.

The Commission's proactive release program involves identifying for release information for which:

- there exists a public interest in being made publicly available (noting the general public interest in favour of the disclosure of government information established by s 12 of the GIPA Act)
- there is no overriding public interest against disclosure (by virtue of the operation of Schedules 1 and/or 2 of the GIPA Act or otherwise).

The following are some of the ways in which, under its proactive release program, the Commission has identified information that could be proactively released:

- The Right to Information Officer consulted with managers of business units of the Commission to ascertain whether those units held information that could be proactively released.
- The Right to Information Officer liaised with staff employed in areas of the Commission that deal with information of a kind that may be proactively released to ensure they are aware of the Commission's proactive release program.
- The Right to Information Officer monitored both informal and formal requests for information received by the Commission under the GIPA Act to identify any trends in the types of information sought and considered whether the Commission held information relevant to those trends that could be proactively released.

Access applications received in 2023–24

During the reporting period, the Commission received 4 access applications.

All access applications were refused wholly or in part because the information requested was information referred to in Schedule 1 or Schedule 2 of the GIPA Act.

There was one internal review, one review by the Information Commissioner, and a National Civil and Administrative Tribunal (NCAT) hearing. NCAT found that the access application was invalid and affirmed the Commission's decision.

Statistical data on GIPA applications to the Commission can be found at Appendix 4 of this report.

Obtaining access to and seeking amendments of the Commission's records

In the first instance, the contact person for obtaining access to documents is as follows:

Right to Information Officer
Law Enforcement Conduct Commission
GPO Box 3880
SYDNEY NSW 2001

Telephone inquiries may be made between 8.30 am and 4:30 pm on (02) 9321 6700.

Further information can be obtained on our [website](#).

4.4 *Privacy and Personal Information Protection Act 1998 (NSW)*

The Commission takes its responsibility to comply with the requirements of the *Privacy and Personal Information Protection Act 1998 (NSW)* (PPIP Act) and *Health Records and Information Privacy Act 2002 (NSW)* (HRIP Act) seriously.

Section 27 of the PPIP Act and s 17 of the HRIP Act provide that the Commission is not required to comply with the privacy principles except in connection with the Commission's exercise of its administrative and educative functions.

Our Privacy Management Plan sets out how the Commission complies with the principles and requirements of the PPIP Act and, where applicable, the HRIP Act. The plan demonstrates our commitment to respecting the privacy rights of the Commission's employees and members of the public.

The plan includes information on the type of personal information held by the Commission and how personal information can be accessed, as well as providing a reference tool for Commission staff dealing with personal information. Our Privacy Management Plan was reviewed for accuracy and currency in November 2023 and is accessible on our [website](#).

The Commission did not receive any complaints relating to privacy during the reporting period.

4.5 Information and communications technology

The Commission is continuing a program of technology improvement. The modernisation of systems and the implementation of contemporary technology is being conducted under a cloud-ready principle.

In March 2024, the Commission's IT department successfully renewed its compliance and certification for *ISO 27001:2013 – Information Security Management Systems*, a status first achieved in 2019. This ongoing certification ensures compliance with the NSW Government Cyber Security Policy. The Commission is also reviewing the updated controls published in the ISO/IEC 27001:2022 standard to comply with the latest requirements in Q2 2025.

The Commission's primary complaints and investigations case management system continues to operate smoothly, with ongoing enhancements and a planned upgrade early in the 2024–25 financial year. In line with its data-driven strategy, the enhancement of the Commission's statistical analysis and data collection capability is continuing. This is being developed through the application of Microsoft Power BI and the enhancement of other systems.

Between March and June 2024, the IT department rolled out Zscaler ZPA, enabling zero trust policy-based access across the Commission. With this deployment, the Commission can provide seamless connectivity to privately

hosted applications regardless of the physical location of the staff member. With the Zscaler implementation replacing our traditional VPN architecture, we can provide remote access without compromising network security.

Throughout the reporting period, the IT department continuously undertook work to ensure the Commission maintained effective and efficient technology support for its operations. This included:

- upgrading business continuity and disaster recovery capability, completed in November 2023. This included the replacement of offsite data storage and integration with backup infrastructure
- commencing meeting room modernisation through the use of Microsoft Teams technology in January 2024
- uplifting information security resources
- undertaking preliminary work for the migration of SharePoint On-Premises holdings to SharePoint Online.

During 2023–24, the Commission's public website attracted more than 39,000 visitors, at an average of 106 visitors per day.

Digital information security policy

The Commission is required to annually attest to the adequacy of its digital information and information systems security. The attestation statement can be found below.

Digital Information Security Annual Attestation Statement for the 2023–24 Financial Year for Law Enforcement Conduct Commission

I, Christina Anderson, believe the Law Enforcement Conduct Commission (LECC) had an Information Security Management System (ISMS) in place during the 2023–24 financial year that is consistent with the Core Requirements set out in the NSW Government Cyber Security Policy. Furthermore, the LECC achieved compliance with ISO 27001 'Information technology – Security techniques-information security management systems-Requirements' as independently assessed and reviewed by SAI Global during the 2023–24 financial year.

The controls in place to mitigate identified risks to the digital information and digital information systems of the LECC are adequate. This regime is monitored by an appropriate cyber security governance forum at the LECC which also ensures that the agency is making continuous improvements to the management of cyber security governance and resilience.

The LECC has a cyber incident response plan, it is integrated with the security components of business continuity arrangements and has been tested over the previous 12 months with senior business executives. Regular cyber risk reporting is also provided to the agency's independent Audit and Risk Committee.

There is no agency under the control of the LECC which is required to develop an independent ISMS in accordance with the NSW Government Cyber Security Policy.



Christina Anderson
Chief Executive Officer

4.6 Governance

Overview

'Governance' refers to the ways in which the Commission is held to account both internally and externally.

The LECC Act provides the Commission with extensive statutory powers. A compliance framework is in place to ensure the Commission does not abuse these powers and complies with relevant legislative requirements.

Internal governance is achieved through the Commission's internal structure and committees, delegations and authorisations, policies and procedures, risk and compliance management and planning.

External governance includes the roles and relationships between the Commission and Parliament, the Inspector of the Law Enforcement Conduct Commission, the Audit and Risk Committee, and other NSW public sector agencies.

Internal governance

The Commission has a number of internal governance committees to monitor its day-to-day functions, including the Executive Committee, Strategic Operations Committee, and the Audit and Risk Committee.

Executive Committee

The Executive Committee meets fortnightly to discuss matters concerning the management and functioning of the Commission. Members of the Committee include:

- Chief Commissioner
- Commissioner
- Chief Executive Officer
- Executive Director Operations

- Director, Investigations (Integrity)
- Director, Investigations (Oversight)
- Director, Electronic Collections and IT
- Director, Covert Services
- Manager, HR
- Manager, IT
- Manager, Prevention & Engagement
- Manager, Legal.

Audit and Risk Committee

The Commission's Audit and Risk Committee works to a charter aligning with the NSW Treasury's Internal Audit and Risk Management Policy for the General Government. The Committee comprises 3 external independent members.

The Committee's role is to provide independent assistance to the CEO by monitoring, reviewing and advising on the Commission's governance processes, risk management and control frameworks, and external accountability obligations. Remuneration for the external members during the reporting period totalled \$22,591 (excluding GST).

The Audit and Risk Committee met quarterly on 21 July 2023, 22 September 2023, 13 December 2023 and 22 April 2024.

Strategic Operations Committee

The Strategic Operations Committee meets monthly to ensure the effective administration of operational resources, provides strategic direction to investigations, and acts as a consultative forum for investigative research and prevention reports, as well as auditing proposals.

The Inspector of the Law Enforcement Conduct Commission

The Inspector is an independent statutory officer whose function is to provide oversight of the Commission and its officers.

Bruce McClintock SC commenced his appointment as the Inspector of the Law Enforcement Conduct Commission on 1 July 2022.

The Inspector's functions are set out in Part 9 of the LECC Act. The Inspector has the following principal functions:

- Audit the operations of the Commission for the purpose of monitoring compliance with the law of the state.
- 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 an officer of the Commission, whether or not the subject of a complaint.
- Assess the effectiveness and appropriateness of the Commission's policies and procedures.

The Commissioners meet regularly with the Inspector to discuss any issues of mutual interest.

The Parliamentary Joint Committee

The functions of the Parliamentary Joint Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission (the Committee), as they relate to the Commission, are set out in s 131 of the LECC Act.

The Committee reviews the Commission's performance, examines its annual and other reports, and reports to Parliament on matters relating to the Commission's functions.

The Committee can examine trends and changes concerning police or Crime Commission officer misconduct, practices and methods relating to such conduct, and report on changes needed to the Commission and the Commission Inspector's functions, structures and procedures.

The Committee met on 7 September 2023.

At the time of writing, members who serve on the Committee include:

- Chair: Philip Donato (IND, LA Member)
- Deputy Chair: Cameron Murphy (ALP, LC Member)
- Members: Sue Higginson (GRNS, LC Member); Karen McKeown (ALP, LA Member); Rachel Merton (LIB, LC Member); Mark Taylor (LIB, LA Member); Tri Vo (ALP, LA Member).

4.7 Audits and risk management

Audits

Our financial statements are prepared in accordance with legislative provisions and accounting standards. They are audited by the NSW Auditor General, who is required to express an opinion as to whether the statements fairly represent the financial position of the Commission. The audited report and our financial statements are included in chapter 6.

We prepared and submitted the Financial Statements for 2023–24 to the Audit Office of NSW within the required timeframe.

Insurance

Major insurance risks for the Commission are the security of its employees, property and equipment, and the risk of work-related injuries, which may result in workers compensation insurance claims. The Commission's insurance coverage is provided by the NSW Treasury Managed Fund, through icare self-insurance.

Insurance premiums are determined based on a combination of benchmarks and actual claims made by the Commission in previous years. For the reporting period, the general insurance premium increased by \$11,100 or 21%, and the workers compensation premium decreased by \$29,938 or 23%.

Credit card certification

To ensure operational requirements are met in an efficient manner, eligible staff are issued with corporate credit cards allowing for minor purchases and emergency travel as needed. The Commission monitors the use of all cards issued. Staff are required to adhere to the Commission's policy, which meets NSW Treasury guidelines, Premier's Memoranda and Treasurer's Directions.

It is certified that credit card usage by Commission officers has been in accordance with the appropriate government policies, Premier's Memoranda and Treasurer's Directions, and meets best-practice guidelines. There were no known instances of misuse of credit cards during the year.

Risk management and internal control

Internal Audit and Risk Management Attestation Statement for the 2023–24 Financial Year for the Law Enforcement Conduct Commission

I, Christina Anderson, am of the opinion that the Commission has internal audit and risk management processes in operation that are compliant with the 8 core requirements set out in the Internal and Audit Risk Management Policy for the NSW Public Sector, specifically:

Core requirement	Compliant, non-compliant or in transition
1 Risk Management Framework	
1.1 The agency head is ultimately responsible and accountable for risk management in the agency.	Compliant
1.2 A risk management framework that is appropriate to the agency has been established and maintained and the framework is consistent with AS/NZS ISO 31000:2018.	Compliant
2 Internal Audit Function	
2.1 An internal audit function has been established and maintained.	Compliant
2.2 The operation of the internal audit function is consistent with the International Standards for the Professional Practice of Internal Auditing.	Compliant
2.3 The agency has an Internal Audit Charter that is consistent with the content of the 'model charter'.	Compliant
3 Audit and Risk Committee	
3.1 An independent audit and risk committee with appropriate expertise has been established.	Compliant
3.2 The audit and risk committee is an advisory committee providing assistance to the agency head on the agency's governance processes, risk management and control frameworks, and its external accountability obligations.	Compliant
3.3 The audit and risk committee has a Charter that is consistent with the content of the 'model charter'.	Compliant

Membership

The Chair and members of the Audit and Risk Committee are:

- Independent Chair – Marcia Doheny, appointed 2 October 2022, for a 4-year term ending 1 April 2026.
- Independent Member – Peter Scarlett, appointed 2 October 2022, for a 3-year term ending 1 July 2025.
- Independent Member – Ian Gillespie, appointed 2 October 2022, for a 5-year term ending 2 October 2027.



Christina Anderson
Chief Executive Officer

Staff vetting

Commission staff occupy positions of trust and work with sensitive and confidential material. Prior to employment, all staff and contractors undergo a suitability assessment including background checks.

All staff employed by the Commission are required to comply with the Commission's Employment Suitability Check and Australian Government Security Vetting Agency (AGSVA) security clearance process. Staff are required to provide an annual update as well as update significant information as reportable changes occur.

The Commission's Security and Vetting Policy ensures staff are aware of their responsibilities regarding the integrity of Commission information and systems.

The Commission has a policy of not employing current or former NSW Police Force or NSW Crime Commission officers.

5. Sustainability

This section outlines the measures we have in place to identify and address the Commission's key sustainability risks and opportunities, including those related to social and environmental matters.

5.1	<i>Modern Slavery Act 2018 (NSW)</i>	87
5.2	Work health and safety	88
5.3	Workforce diversity	89
5.4	Energy Management Plan	91
5.5	Waste management	92



5.1 Modern Slavery Act 2018 (NSW)

The Commission is committed to respecting human rights and is taking action to identify and address the risks of modern slavery in its operations and procurement.

Slavery breaches the most fundamental freedoms and human rights of individuals and is never acceptable in any of its forms.

From 1 January 2022, the *Modern Slavery Act 2018* (NSW) requires reasonable steps to be taken to ensure that goods and services procured by and for government are not the product of modern slavery.

The Commission's discretionary spend on goods and services is a small percentage of its total spend. Regardless, the Commission is committed to ensuring that all procurement is undertaken ethically to reduce the risk of modern slavery.

This year we continued our efforts to address core requirements of the *Modern Slavery Act 2018* (NSW), such as increasing our understanding of modern slavery risks and developing processes for identifying and addressing modern slavery. This included:

- conducting ongoing risk assessments across our supply chain
- engaging with our suppliers to identify and confirm their commitment to ending modern slavery practices
- having key staff complete online training through buy.nsw to assist with the identification and mitigation of supplier-related risks

- embedding ethical buying practices in business processes and organisational culture
- updating policies, procedures and systems to reflect the agency's commitment to addressing modern slavery risks.

Procurement considered to have a higher risk of modern slavery for the Commission includes minor equipment and cleaning contractors.

The Commission aims to reduce the likelihood of contributing to modern slavery issues by implementing recommended sustainable supply chain practices such as:

- paying suppliers within fair timeframes
- avoiding undue delays to payments
- avoiding unreasonable contract variations
- where possible, using pre-approved government suppliers
- only contracting with reputable suppliers.

No modern slavery concerns were raised by the Anti-Slavery Commissioner during the reporting period.

5.2 Work health and safety

The Commission is committed to the health, safety and wellbeing of all staff and visitors.

We have effective procedures in place to ensure adherence to the requirements of workplace health and safety (WHS) legislation. The Commission Executive is informed of all relevant workplace health and safety matters through the receipt of WHS Committee meeting minutes every 4 months.

There were no workplace health and safety-related prosecutions under the *Work Health and Safety Act 2011* (NSW) during this reporting period.

As part of meeting its WHS commitments during 2023–24, the Commission:

- continued to develop, support and maintain safe working practices and principles
- promoted the Employee Assistance Program (EAP), which is available to all staff to enhance the emotional and psychological wellbeing of employees and their families
- provided the opportunity for all staff to attend regular 1:1 counselling around prevention of vicarious trauma
- refreshed our Work, Health and Safety Committee membership to ensure representation across all groups within the Commission
- provided adjustments to workstations where requested or identified by staff
- provided adjustments for staff with both temporary and permanent disability
- encouraged all staff to be vaccinated against the flu and provided an opportunity to be vaccinated at the office.

5.3 Workforce diversity

Overview

The Commission understands the value people with diverse life and work experiences bring to the workplace. The Commission is committed to building a talented, responsive and inclusive workforce, reflective of the diversity of the people of NSW.

We recognise that by embracing the different contributions, perspectives and talents that make up our organisation, we not only create a culture of participation, contribution and respect, but also increase innovation, creativity and organisational performance.

The Commission aims to enhance our employee experience through supporting staff to balance their work and personal life commitments and encourage overall wellness and ongoing learning opportunities.

This included:

- providing support for flexible working arrangements, including providing tools to enable hybrid working
- supporting and acknowledging key events and culturally significant days, including NAIDOC Week, International Women's Day, Pride Month and Harmony Day
- ensuring all staff are included in the operations of the Commission through weekly CEO catch ups and regular whole-of-staff information sessions, delivered in person and virtually
- encouraging and enabling women to participate and have a voice at all levels and functions of the Commission
- continuing with the Commission's initial Reconciliation Action Plan
- providing reasonable adjustments for staff with disability.

In the 2024–25 reporting period, we will continue to look for ways to instil positive change that will lead to a more inclusive workplace, including by:

- revising and updating our diversity and inclusion framework
- continuing to recognise and celebrate key multicultural events.

Diversity statistics

Table 37: Trends in the representation of workforce diversity groups in the Commission

Workforce diversity group	Benchmark	2021	2022	2023	2024
Women	50%	55.1%	58.4%	58.3%	58%
Aboriginal and/or Torres Strait Islander people	3.3%	1.0%	0.9%	0.9%	2.5%
People whose first language spoken as a child was not English	23.2%	10.6%	13.7%	16.2%	13%
People with disability	5.6%	2.9%	4.6%	6.2%	7%
People with disability requiring work-related adjustment	N/A	0.0%	0.0%	2.7%	4%

Note 1: The benchmark of 50% for representation of women across the sector is intended to reflect the gender composition of the NSW community.

Note 2: The *NSW Public Sector Aboriginal Employment Strategy 2019–2025* takes a career pathway approach in that it sets an ambitious target of 3% Aboriginal employment at each non-executive grade of the public sector by 2025.

Note 3: A benchmark from the Australian Bureau of Statistics (ABS) Census of Population and Housing has been included for 'People whose first language spoken as a child was not English'. The ABS Census does not provide information about first language, but does provide information about country of birth. The benchmark of 23.2% is the percentage of the NSW general population born in a country where English is not the predominant language.

Note 4: In December 2017, the NSW Government announced the target of doubling the representation of people with disability in the NSW public sector from an estimated 2.7% to 5.6% by 2027. More information can be found at: *Jobs for People with Disability: A plan for the NSW public sector*. The benchmark for 'People with Disability Requiring Work-Related Adjustment' was not updated.

Table 38: Trends in the distribution index for workforce diversity groups in the Commission

Workforce diversity group	Benchmark	2021	2022	2023	2024
Women	100	93	92	92	94
Aboriginal and/or Torres Strait Islander people	100	N/A	N/A	N/A	N/A
People whose first language spoken as a child was not English	100	N/A	N/A	N/A	N/A
People with disability	100	N/A	N/A	N/A	N/A
People with disability requiring work-related adjustment	100	N/A	N/A	N/A	N/A

Note 1: A Distribution Index score of 100 indicates that the distribution of members of the workforce diversity group across salary bands is equivalent to that of the rest of the workforce. A score less than 100 means that members of the Workforce Diversity group tend to be more concentrated at lower salary bands than is the case for other staff. The more pronounced this tendency is, the lower the score will be. In some cases, the index may be more than 100, indicating that members of the workforce diversity group tend to be more concentrated at higher salary bands than is the case for other staff.

Note 2: The Distribution Index is not calculated when the number of employees in the Workforce Diversity group is less than 20 or when the number of other employees is less than 20.

5.4 Energy Management Plan

The Commission is committed to sustainable energy management principles. We regularly review our energy, water consumption and purchasing practices to minimise the impact of the Commission's operations on the environment.

All Commission air-conditioning and UPS units have now been replaced with more efficient units. In addition, most of our servers have been replaced, reducing the heat load in the data centre. This project continues to see ongoing reductions in energy costs and usage, which is reflected on the NSW Government CASPER website as a high score rating based on year-on-year reductions. Of the Commission's overall energy use, 25% is sourced as green power, which is well above the government minimum requirement of 6%.

The scheduling of our automatic air-conditioning and lighting is monitored regularly and is programmed to minimal hours of use. Regular energy audits are also conducted to look for any improvements in energy use.

The Commission promotes initiatives to reduce overall energy consumption, including:

- carrying out regular maintenance and monitoring of energy use
- enabling energy-saving features on office equipment, placing a high emphasis on energy ratings when purchasing new office and ICT equipment, and educating staff
- incorporating lighting and air-conditioning within the Building Management System to allow time management of use with the ability to switch to manual controlling as required.

Table 39: Electricity usage

Reporting year	Energy use in kWh	Remarks
2022-23	461952.21	Partial area shutdowns for limited periods
2023-24	492022.80	All areas back in operation

Table 40: Paper usage

Reporting year	Number of reams purchased/used
2022-23	410
2023-24	604

Table 41: Vehicle fleet

Reporting year	Number of hybrid vehicles	Number of electric vehicles	Total number of vehicles in fleet	Total KMs travelled – all vehicles	Remarks
2022-23	3	0	4	47,423	Nil
2023-24	3	0	4	55,355	Nil

5.5 Waste management

In accordance with the NSW Government's resource efficiency policy, the Commission continues to implement measures to increase the use of recycled material and reduce waste.

Measures we currently have in place include:

- ensuring all purchased white copy paper contains 100% recycled content
- sourcing all corporate printed paper products using recycled content
- reducing the number of public reports printed by making these available online
- encouraging staff to minimise printing, print double-sided and use online forms/templates where available
- placing recycling bins on all floors, allowing staff to recycle products including paper, plastic, glass, toner cartridges and mobile phones
- collecting and recycling all e-waste, comprising computer and electrical equipment, at an endorsed recycling centre.

Table 42: Waste stream reporting

Reporting year	Type of waste	Total volume in tonnes
2022-23	General	8.1
2023-24	General	8.8
2022-23	Electronic (e-waste)	1.4
2023-24	Electronic (e-waste)	1.1
2022-23	Paper and cardboard	2.8
2023-24	Paper and cardboard	3.3

6. Financial performance

This section includes the Commission's financial statements for the reporting period and the Auditor General's independent report.

6.1	Auditor General's report	94
6.2	Audited financial statements	96



6.1 Auditor General's report



INDEPENDENT AUDITOR'S REPORT Law Enforcement Conduct Commission

To Members of the New South Wales Parliament

Opinion

I have audited the accompanying financial statements of Law Enforcement Conduct Commission (the Commission), which comprise the Statement by the Chief Commissioner, the Statement of Comprehensive Income for the year ended 30 June 2024, the Statement of Financial Position as at 30 June 2024, the Statement of Changes in Equity and the Statement of Cash Flows, for the year then ended, and notes to the financial statements, including a Statement of Material Accounting Policy Information, and other explanatory information of the Commission and the consolidated entity. The consolidated entity comprises the Commission and the entities it controlled at the year's end or from time to time during the financial year.

In my opinion, the financial statements:

- have been prepared in accordance with Australian Accounting Standards and the applicable financial reporting requirements of the *Government Sector Finance Act 2018* (GSF Act), the *Government Sector Finance Regulation 2024* (GSF Regulation) and the Treasurer's Directions
- presents fairly the Commission's financial position, financial performance and cash flows of the Commission and the consolidated entity.

My opinion should be read in conjunction with the rest of this report.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Statements' section of my report.

I am independent of the Commission and the consolidated entity in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants (including Independence Standards)' (APES 110).

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of public sector agencies
- precluding the Auditor-General from providing non-audit services.

I have fulfilled my other ethical responsibilities in accordance with APES 110.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Chief Executive Officer's Responsibilities for the Financial Statements

The Chief Executive Officer is responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards, the GSF Act, GSF Regulation and Treasurer's Directions. The Chief Executive Officer's responsibility also includes such internal control as the Chief Executive Officer determines is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Chief Executive Officer is responsible for assessing the Commission's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting.

Auditor's Responsibilities for the Audit of the Financial Statements

My objectives are to:

- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar3.pdf. The description forms part of my auditor's report.

The scope of my audit does not include, nor provide assurance:

- that the Commission and the consolidated entity carried out its activities effectively, efficiently and economically
- about the assumptions used in formulating the budget figures disclosed in the financial statements
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about any other information which may have been hyperlinked to/from the financial statements.



Nirupama Mani
Director, Financial Audit

Delegate of the Auditor-General for New South Wales

25 September 2024
SYDNEY

6.2 Audited financial statements

Law Enforcement Conduct Commission

Statement by Chief Commissioner

Pursuant to Section 7.6(4) of the *Government Sector Finance Act 2018* ('the Act'), I state that;

- these financial statements have been prepared in accordance with the provisions of the *Government Sector Finance Act 2018*, the *Government Sector Finance Regulation 2024*, Australian Accounting Standards, which includes Australian Accounting Interpretations and the Treasurer's Directions
- these financial statements present fairly the Commission's financial position, financial performance and cash flows as at 30 June 2024
- there are no circumstances which would render any particulars included in the financial statements to be misleading or inaccurate.



The Hon Peter Johnson SC
Chief Commissioner



C Anderson
Chief Executive Officer

Law Enforcement Conduct Commission

Statement of Comprehensive Income for the year ended 30 June 2024

	Notes	Parent Entity (Law Enforcement Conduct Commission)		Economic Entity (Consolidated)		
		Actual 2024 \$'000	Actual 2023 \$'000	Budget 2024 \$'000	Actual 2024 \$'000	Actual 2023 \$'000
Continuing Operations						
Expenses excluding losses						
Employee related expenses	2(a)	1,012	995	20,670	18,444	17,516
Operating expenses	2(b)	3,726	3,401	2,903	3,726	3,401
Personnel services	2(c)	17,356	16,516	--	--	--
Depreciation and amortisation	2(d)	3,058	3,079	2,904	3,058	3,079
Finance costs	2(e)	19	51	17	19	51
Total expenses excluding losses		25,171	24,042	26,494	25,247	24,047
Revenue						
Appropriation	3(a)	24,800	23,100	26,130	24,800	23,100
Sale of goods and services from contracts with customers	3(b)	30	--	--	30	--
Grants and other contributions	3(c)	--	90	70	--	90
Acceptance by the Crown Entity of employee benefits and other liabilities	3(d)	640	807	734	641	809
Other income	3(e)	2	97	54	77	100
Total revenue		25,472	24,094	26,988	25,548	24,099
Operating result		301	52	494	301	52
Gain/(loss) on disposal	4	1	66	15	1	66
Other gains/(loss) - Unwinding/change in discount rate	5	(86)	(11)	--	(86)	(11)
Net result from continuing operations		216	107	509	216	107
Total other comprehensive income		--	--	--	--	--
TOTAL COMPREHENSIVE INCOME		216	107	509	216	107

The accompanying notes form part of these financial statements

Law Enforcement Conduct Commission

Statement of Financial Position as at 30 June 2024

	Notes	Parent Entity (Law Enforcement Conduct Commission)		Economic Entity (Consolidated)		
		Actual 2024 \$'000	Actual 2023 \$'000	Budget 2024 \$'000	Actual 2024 \$'000	Actual 2023 \$'000
ASSETS						
Current Assets						
Cash and cash equivalents	7	349	345	362	353	347
Receivables	8	1,456	1,254	1,208	1,528	1,254
Total Current Assets		1,805	1,599	1,570	1,881	1,601
Non-Current Assets						
Receivables	8	47	47	--	47	47
Property, plant and equipment	9					
- Land & buildings		80	292	231	80	292
- Plant & equipment		2,242	2,243	1,972	2,242	2,243
Total property, plant and equipment		2,322	2,535	2,203	2,322	2,535
Right-of-use assets	10	10,202	1,976	210	10,202	1,976
Intangible assets	11	1,176	1,064	1,359	1,176	1,064
Total Non-Current Assets		13,747	5,622	3,772	13,747	5,622
Total Assets		15,552	7,221	5,342	15,628	7,223
LIABILITIES						
Current Liabilities						
Payables	12	542	480	506	542	507
Borrowings	13	1,763	2,321	66	1,763	2,321
Provisions	14	2,186	2,019	1,928	2,181	1,928
Total Current Liabilities		4,491	4,820	2,500	4,486	4,756
Non-Current Liabilities						
Borrowings	13	8,435	77	(59)	8,435	77
Provisions	14	681	595	661	762	661
Total Non-Current Liabilities		9,116	672	602	9,197	738
Total Liabilities		13,607	5,492	3,102	13,683	5,494
Net Assets		1,945	1,729	2,240	1,945	1,729
EQUITY						
Accumulated funds		1,945	1,729	2,240	1,945	1,729
Total Equity		1,945	1,729	2,240	1,945	1,729

The accompanying notes form part of these financial statements

Law Enforcement Conduct Commission

Statement of Changes in Equity for the year ended 30 June 2024

	Parent Entity (Law Enforcement Conduct Commission)	Economic Entity (Consolidated)
Notes	Accumulated Funds \$'000	Accumulated Funds \$'000
Balance at 1 July 2023	1,729	1,729
Net result for the year	216	216
Other comprehensive income:		
	--	--
Total other comprehensive income	--	--
Total comprehensive income for the year	216	216
Transactions with owners in their capacity as owners	--	--
Balance at 30 June 2024	<u>1,945</u>	<u>1,945</u>
Balance at 1 July 2022	1,622	1,622
Net result for the year	107	107
Other comprehensive income:		
	--	--
Total other comprehensive income	--	--
Total comprehensive income for the year	107	107
Transactions with owners in their capacity as owners	--	--
Balance at 30 June 2023	<u>1,729</u>	<u>1,729</u>

The accompanying notes form part of these financial statements

Law Enforcement Conduct Commission

Statement of Cash Flows for the year ended 30 June 2024

	Parent Entity (Law Enforcement Conduct Commission)		Economic Entity (Consolidated)			
	Notes	Actual 2024 \$'000	Actual 2023 \$'000	Budget 2024 \$'000	Actual 2024 \$'000	Actual 2023 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES						
Payments						
Employee related		(1,012)	(995)	(19,936)	(17,398)	(16,836)
Suppliers for goods & services		(4,555)	(4,295)	(2,810)	(4,634)	(4,298)
Personnel services		(16,464)	(15,806)	--	--	--
Finance costs		(105)	(62)	(17)	(105)	(62)
Total Payments		(22,136)	(21,158)	(22,763)	(22,137)	(21,196)
Receipts						
Appropriation		24,800	23,100	26,130	24,800	23,100
Sale of goods and services		30	--	--	30	16
Grants and other contributions		--	90	70	--	90
Other		691	795	54	694	797
Total Receipts		25,521	23,985	26,254	25,524	24,003
NET CASH FLOWS FROM OPERATING ACTIVITIES	19	3,385	2,827	3,491	3,387	2,807
CASH FLOWS FROM INVESTING ACTIVITIES						
Proceeds from sale of plant & equipment		17	69	15	17	69
Purchases of plant & equipment		(651)	(910)	(700)	(651)	(910)
Purchases of intangible assets		(426)	(108)	(400)	(426)	(108)
NET CASH FLOWS FROM INVESTING ACTIVITIES		(1,060)	(949)	(1,085)	(1,060)	(949)
CASH FLOWS FROM FINANCING ACTIVITIES						
Payment of principal portion of lease liabilities		(2,321)	(2,200)	(2,391)	(2,321)	(2,200)
NET CASH FLOWS FROM FINANCING ACTIVITIES		(2,321)	(2,200)	(2,391)	(2,321)	(2,200)
NET INCREASE / (DECREASE) IN CASH AND CASH EQUIVALENTS		4	(322)	15	6	(342)
Opening cash and cash equivalents		345	667	347	347	689
CLOSING CASH AND CASH EQUIVALENTS	7	349	345	362	353	347

The accompanying notes form part of these financial statements

Law Enforcement Conduct Commission

Notes to and forming part of the Financial Statements for the year ended 30 June 2024

1. STATEMENT OF MATERIAL ACCOUNTING POLICY INFORMATION

(a) Reporting entity

The Law Enforcement Conduct Commission (the Commission) is a statutory corporation established under the *Law Enforcement Conduct Commission Act 2016* (NSW).

The Commission is a NSW government entity and is controlled by the State of New South Wales, which is the ultimate parent. The Commission is a not-for-profit entity (as profit is not its principal objective) and it has no cash generating units.

The Commission, as a reporting entity, comprises all of the entities under its control, namely: Office of the Law Enforcement Conduct Commission (the Office). The Office provides the Commission with personnel services.

In the process of preparing the consolidated financial statements for the economic entity, consisting of the controlling and controlled entity, all inter-entity transactions and balances have been eliminated, and like transactions and other events are accounted for using uniform accounting policies.

These financial statements for the year ended 30 June 2024, have been authorised for issue by the Chief Commissioner and Chief Executive Officer for the Law Enforcement Conduct Commission on 20 September 2024.

(b) Basis of preparation

The Commission's financial statements are general purpose financial statements which have been prepared on an accruals basis and in accordance with:

- applicable Australian Accounting Standards (AAS), which include Australian Accounting Interpretations;
- the requirements of the *Government Sector Finance Act 2018* (GSF Act); and
- the Treasurer's Directions issued under the GSF Act.

Other than property, plant and equipment which is measured at fair value, the financial statements have been prepared in accordance with the historical cost convention.

Judgements, key assumptions and estimations management has made are disclosed in the relevant notes to the financial statements.

All amounts are rounded to the nearest one thousand dollars and are expressed in Australian currency, which is the entity's presentation and functional currency.

The Commission has a single state outcome being, Investigations, Research and Complaint Management. As such, a state outcome group statement is not included as figures would be the same as those disclosed in the Statements of Comprehensive Income and Financial Position.

The financial statements have been prepared on a going concern basis as management believe this to be appropriate (Note 3a Appropriations outlines the Commission's funding source).

(c) Going concern

The Commission is a going concern public sector entity. The Commission will receive a parliamentary appropriation as outlined in the NSW Budget Papers for 2024-25. Following the successful submission of a business case for additional recurrent funding, the Commission received an increase to its funding allocation. The Government also provides for a separate integrity agency contingent fund of \$20 million. The Commission can draw down an amount from this contingency, subject to Treasurer approval, to meet unforeseen operational funding requirements.

(d) Superannuation on annual leave loading

The Commission has determined that it is not probable a liability arises to pay superannuation on annual leave loading. This position has been formed based on current inquiries, other information currently available to management, and after considering the facts from a decision in the Federal Court of Australia: *Finance Sector Union of Australia v Commonwealth Bank of Australia* [2022] FedCFamC2G 409. That decision confirmed that, in relation to the industrial agreement considered in that case, annual leave loading did not form part of ordinary time earnings and therefore, did not require superannuation

Law Enforcement Conduct Commission

Notes to and forming part of the Financial Statements for the year ended 30 June 2024

contributions to be made under superannuation guarantee legislation because the obligation to pay annual leave loading was not referable to ordinary hours of work or to ordinary rates of pay. Rather, it

was paid by reference to the period of annual leave, and for the purpose of compensating employees for their loss of opportunity to work additional hours at higher rates during this period.

This position will be re-assessed in future reporting periods as new information comes to light on this matter.

(e) Statement of Compliance

The financial statements and notes comply with Australian Accounting Standards, which include Australian Accounting Interpretations.

(f) Changes in accounting policy, including new or revised Australian Accounting Standards

(i) Effective for the first time in 2023-24

The accounting policies applied in 2023-24 are consistent with those of the previous financial year. Several amendments and interpretations apply for the first time in 2023-24, but do not have a material impact on the financial statements of the Commission:

- AASB 2021-2 Amendments to Australian Accounting Standards – Disclosure of Accounting Policies and Definition of Accounting Estimates
- AASB 2021-6 Amendments to Australian Accounting Standards – Disclosure of Accounting Policies: Tier 2 and Other Accounting Standards
- AASB 2021-7b Amendments to Australian Accounting Standards – Effective Date of Amendments to AASB 10 and AASB 128 and Editorial Corrections [AASB 17 editorials]
- ASB 2022-1 Amendments to Australian Accounting Standards – Initial Application of AASB 17 and AASB 9 – Comparative Information
- AASB 2022-7 Editorial Corrections to Australian Accounting Standards and Repeal of Superseded and Redundant Standards
- AASB 2022-8 Amendments to Australian Accounting Standards – Insurance Contracts: Consequential Amendments

(ii) Issued but not yet effective

NSW public sector entities are not permitted to early adopt new Australian Accounting Standards, unless Treasury determines otherwise. The following new Australian Accounting Standards have not been applied and are not yet effective:

- AASB 2021-7c Amendments to Australian Accounting Standards – Effective Date of Amendments to AASB 10 and AASB 128 and Editorial Corrections
- AASB 2022-9 Amendments to Australian Accounting Standards – Insurance Contracts in the Public Sector; and

The Commission is of the opinion that the possible impact of these Standards in their period of initial application to either be non-applicable or immaterial.

(g) Impact of Climate-related matters on Financial Reporting for 2023-24

The Commission's financial statements for the 2023-24 financial year has not been impacted by climate-related matters. Additional or amended disclosures may be required, once the "Australian Sustainability Reporting Standards – Disclosure of Climate-related Financial Information" is released by the Australian Accounting Standards Board.

Law Enforcement Conduct Commission

Notes to and forming part of the Financial Statements for the year ended 30 June 2024

2. EXPENSES EXCLUDING LOSSES

(a) Employee related expenses	Law Enforcement Conduct Commission		Consolidated	
	2024	2023	2024	2023
	\$'000	\$'000	\$'000	\$'000
Salaries and wages (including annual leave)*	870	850	15,046	14,053
Redundancies	--	--	--	91
Superannuation–defined benefit plans	--	--	27	43
Superannuation–defined contribution plans	74	68	1,611	1,425
Long service leave	--	--	615	766
Workers' compensation insurance	--	--	99	129
Payroll tax and fringe benefits tax	68	77	1,042	1,000
Other employee expenses	--	--	4	9
	1,012	995	18,444	17,516

* Salaries and wages shown under the Law Enforcement Conduct Commission relate to the statutory appointment of the Chief Commissioner and Commissioner.

Employee related expenditure is below budget due to the Commission carrying several vacant positions, recruitment action for which continues.

(b) Other operating expenses include the following:				
Administration charges	46	48	46	48
Books and periodicals	78	73	78	73
Auditor's remuneration–audit of the financial statements – audit review of financial information	58	55	58	55
Consultancies	--	269	--	269
Contractors	411	268	411	268
External legal counsel	84	72	84	72
Computer expenses	569	293	569	293
Maintenance	909	1,080	909	1,080
Insurance	65	55	65	55
Accommodation outgoings (utilities, cleaning)	201	182	201	182
Variable lease payments, not included in lease liabilities	191	92	191	92
Minor equipment	196	173	196	173
Motor vehicle costs (including leasing charges)	114	111	114	111
Printing and stationery	27	15	27	15
Staff development	302	215	302	215
Travelling expenses	155	149	155	149
Telephones	21	29	21	29
Fees and searches	42	50	42	50
Other*	257	172	257	172
	3,726	3,401	3,726	3,401

* Other expenses include several line items that individually are not considered material, including translator costs, staff recruitment and medical expenses, secure shredding and minor operational expenses.

Other operating expenses are above budget due to increased costs of maintenance, consultants, contractors, staff development and travel.

RECOGNITION AND MEASUREMENT

Maintenance expense

Day-to-day servicing or maintenance costs are charged as expenses when they are incurred, except where they relate to the replacement or an enhancement of a part or component of an asset, in which case the costs are capitalised and depreciated.

Law Enforcement Conduct Commission

Notes to and forming part of the Financial Statements for the year ended 30 June 2024

Lease expense

The Commission recognises the lease payments associated with the following types of leases as an expense on a straight-line basis:

- Leases that meet the definition of short-term i.e. where the lease term at commencement of the lease is 12 months or less. This excludes leases with a purchase option.
- Leases of assets that are valued at \$10,000 or under when new.

(c) Personnel Services expenses	Law Enforcement Conduct Commission		Consolidated	
	2024 \$'000	2023 \$'000	2024 \$'000	2023 \$'000
Office of the Law Enforcement Conduct Commission	17,356	16,516	--	--
(d) Depreciation and amortisation expense				
Depreciation				
Computer Equipment	310	327	310	327
Plant and Equipment	312	373	312	373
Leasehold Improvements	228	238	228	238
Right-of-Use Assets - Leasehold	1,895	1,895	1,895	1,895
Intangibles	313	246	313	246
	3,058	3,079	3,058	3,079

Refer to Notes 9, 10 and 11 for recognition and measurement policies on depreciation and amortisation.

(e) Finance costs				
Interest expense from lease liabilities	19	51	19	51
Total Interest Expense	19	51	19	51

3. REVENUE

RECOGNITION AND MEASUREMENT

Income is recognised in accordance with the requirements of AASB 15 *Revenue from Contracts with Customers* or AASB 1058 *Income of Not-for-Profit Entities*, dependent on whether there is a contract with a customer as defined by AASB 15 *Revenue from Contracts with Customers*. Comments regarding the accounting policies for the recognition of income are discussed below.

Law Enforcement Conduct Commission

Notes to and forming part of the Financial Statements for the year ended 30 June 2024

a) Appropriations and Transfers to the Crown

Summary of Compliance

	2024 \$'000	2023 \$'000
Amount appropriated per <i>Appropriation Act</i>	26,130	24,129
Variations made to the appropriations during the financial year	--	--
Total spending authority from parliamentary appropriations, other than deemed appropriations	26,130	24,129
Add:		
The spending authority from deemed appropriations during the year	741	973
The unutilised spending authority from deemed appropriations from prior years	1,821	1,132
Total	28,692	26,234
Less: total expenditure out of consolidated fund	(25,535)	(24,413)
Variance	3,157	1,821
Less:		
The spending authority from appropriations lapsed at 30 June	595	--
Deemed appropriations balance carried forward to following years	2,562	1,821
	2024 \$'000	2023 \$'000
Appropriations (per Statement of Comprehensive Income)	24,800	23,100
Total amount drawn down against Annual Appropriation	24,800	23,100

- The Summary of Compliance includes deemed appropriations. It is based on the assumption that annual appropriations monies are spent first (except where otherwise identified or prescribed).
- 'Expenditure' refers to cash payments. The term 'expenditure' has been used for payments for consistency with AASB 1058 *Income of Not-for-Profit Entities*.
- Deemed appropriations is a legal concept under the GSF Act that does not have a corresponding financial statement line item. Instead, deemed appropriations may come from various sources, such as sale of goods and services, and the corresponding revenue is disclosed in the relevant sections of these items in the financial statements.

The *Appropriation Act 2023 (Appropriations Act)* (and the subsequent variations, if applicable) appropriates the sum of \$26.130m to the Premier out of the Consolidated Fund for the services of the Law Enforcement Conduct Commission for the year 2023–24.

The lead Ministers for the Commission, being the Premier and Special Minister for State, is taken to have been given an appropriation out of the Consolidated Fund under the authority section 4.7 of the GSF Act, at the time the Commission receives or recovers any deemed appropriation money, for an amount equivalent to the money that is received or recovered by the Commission. These deemed appropriations are taken to have been given for the services of the Commission.

The spending authority of the Premier and Special Minister for State for the services of the special office, from the *Appropriations Act* and deemed appropriation money, has been delegated/sub-delegated to officers of the Commission.

Law Enforcement Conduct Commission

Notes to and forming part of the Financial Statements for the year ended 30 June 2024

The summary of compliance has been prepared by aggregating the spending authorities for the services of the Commission. It reflects the status at the point in time this disclosure statement is being made.

RECOGNITION AND MEASUREMENT

Parliamentary Appropriations other than deemed appropriations

Income from appropriations, other than deemed appropriations (of which the accounting treatment is based on the underlying transaction), does not contain enforceable and sufficiently specific performance obligations as defined by AASB 15. Therefore, except as specified below, appropriations (other than deemed appropriations) are recognised as income when the entity obtains control over the assets comprising the appropriations. Control over appropriations is normally obtained upon the receipt of cash.

(b) Sale of goods and services from contracts with customers	Law Enforcement Conduct Commission		Consolidated	
	2024 \$'000	2023 \$'000	2024 \$'000	2023 \$'000
Rendering of service – other government entities	30	--	30	--
	30	--	30	--

RECOGNITION AND MEASUREMENT

Rendering of services

Revenue from rendering of services is recognised when the Commission satisfies the performance obligation by transferring the promised service. Revenue is recognised based on reference to the stage of completion (based on labour hours incurred to date), where the Commission's standard payment terms of 14 days apply.

The revenue is measured at the transaction price agreed under the contract. No element of financing is deemed present as payments are due when service is provided.

(c) Grants and other contributions	Law Enforcement Conduct Commission		Consolidated	
	2024 \$'000	2023 \$'000	2024 \$'000	2023 \$'000
Grants without sufficiently specific performance obligations	--	90	--	90
	--	90	--	90

RECOGNITION AND MEASUREMENT

Income from grants without sufficiently specific performance obligations is recognised when the Commission obtains control over the granted assets (e.g. cash).

(d) **Acceptance by the Crown Entity of employee benefits and other liabilities**

The following liabilities and/or expenses have been assumed by the Crown:

	Law Enforcement Conduct Commission		Consolidated	
	2024 \$'000	2023 \$'000	2024 \$'000	2023 \$'000
Superannuation – defined benefit	25	41	25	41
Long service leave provision	615	766	615	766
Payroll tax	--	--	1	2
	640	807	641	809

Law Enforcement Conduct Commission

Notes to and forming part of the Financial Statements for the year ended 30 June 2024

(e) **Other Income**

	Law Enforcement Conduct Commission		Consolidated	
	2024 \$'000	2023 \$'000	2024 \$'000	2023 \$'000
Insurance claim receipts/hindsight adjustment refund	--	--	75	3
Sale of minor equipment	2	2	2	2
Seminars and Training Contributions	--	95	--	95
	2	97	77	100

4. GAIN/(LOSS) ON DISPOSAL

Proceeds from disposal	17	69	17	69
Written down value of assets disposed	(16)	(3)	(16)	(3)
Gain / (loss) on disposal	1	66	1	66

5. OTHER GAIN/(LOSS)

Unwinding/change in discount rate – Makegood provision (note 14)	(86)	(11)	(86)	(11)
	(86)	(11)	(86)	(11)

6. MAJOR ACTIVITY GROUP

The Commission comprises a single outcome group covering the detection, investigation and exposure of misconduct and maladministration in the NSW Police Force and NSW Crime Commission.

The Commission also oversees the independent monitoring and review of investigations by the NSW Police Force and NSW Crime Commission of complaints about the conduct of their Officers, and real time monitoring of NSW Police Force critical incidents.

7. CURRENT ASSETS – CASH AND CASH EQUIVALENTS

	Law Enforcement Conduct Commission		Consolidated	
	2024 \$'000	2023 \$'000	2024 \$'000	2023 \$'000
Cash at bank	349	343	353	345
Cash on hand	--	2	--	2
	349	345	353	347

For the purposes of the Statement of Cash Flows, cash and cash equivalents include cash on hand and cash at bank.

Cash and cash equivalents (per Statement of Financial Position)	349	345	353	347
--	------------	------------	------------	------------

Refer to Note 20 for details regarding credit risk, liquidity risk and market risk arising from financial instruments.

Law Enforcement Conduct Commission

Notes to and forming part of the Financial Statements for the year ended 30 June 2024

8. CURRENT/NON-CURRENT ASSETS – RECEIVABLES

	Law Enforcement Conduct Commission		Consolidated	
	2024 \$'000	2023 \$'000	2024 \$'000	2023 \$'000
Prepayments	1,319	1,142	1,319	1,142
Other receivables	137	112	209	112
Total current receivables	1,456	1,254	1,528	1,254

	Law Enforcement Conduct Commission		Consolidated	
	2024 \$'000	2023 \$'000	2024 \$'000	2023 \$'000
Other non-current receivables	47	47	47	47
Total non-current receivables	47	47	47	47

Refer Note 20 for details regarding credit risk of trade receivables that are neither past due nor impaired.

RECOGNITION AND MEASUREMENT

The Commission recognises a financial asset or a financial liability when, and only when, it becomes a party to the contractual provisions of the instrument. To determine when the Commission becomes a party to the contractual provisions of the instrument, it considers:

- Whether there is a legal right to receive cash (financial asset) or a legal obligation to pay cash (financial liability); or
- Whether at least one of the parties has performed under the agreement.

All 'regular way' purchases or sales of financial assets are recognised and derecognised on a trade date basis. Regular way purchases or sales are purchases or sales of financial assets that require delivery of assets within the time frame established by regulation or convention in the marketplace.

Receivables are initially recognised at fair value plus any directly attributable transaction costs. Trade receivables that do not contain a significant financing component are measured at the transaction price.

Law Enforcement Conduct Commission

Notes to and forming part of the Financial Statements for the year ended 30 June 2024

9. NON-CURRENT ASSETS – PLANT AND EQUIPMENT

Law Enforcement Conduct Commission and consolidated figures are shown together as the Office of the Law Enforcement Conduct Commission does not hold assets.

	Leasehold improvements \$'000	Plant & Equipment \$'000	Computer Equipment \$'000	Total \$'000
At 1 July 2022 – fair value				
Gross carrying amount	2,444	3,190	4,344	9,978
Accumulated depreciation and impairment	(1,914)	(1,998)	(3,501)	(7,413)
Net carrying amount	530	1,192	843	2,565
Year ended 30 June 2023				
Net carrying amount at beginning of year	530	1,192	843	2,565
Purchases of assets	--	267	643	910
Disposals	--	--	(2)	(2)
Depreciation expense	(238)	(373)	(327)	(938)
Net carrying amount at end of year	292	1,086	1,157	2,535
At 1 July 2023 – fair value				
Gross carrying amount	2,443	3,236	4,761	10,440
Accumulated depreciation and impairment	(2,151)	(2,150)	(3,604)	(7,905)
Net carrying amount	292	1,086	1,157	2,535
Year ended 30 June 2024				
Net carrying amount at beginning of year	292	1,086	1,157	2,535
Purchases of assets	16	125	510	651
Disposals	--	(12)	(2)	(14)
Depreciation expense	(228)	(312)	(310)	(850)
Net carrying amount at end of year	80	887	1,355	2,322
At 30 June 2024 – fair value				
Gross carrying amount	2,459	3,251	5,059	10,769
Accumulated depreciation and impairment	(2,379)	(2,364)	(3,704)	(8,447)
Net carrying amount	80	887	1,355	2,322

RECOGNITION AND MEASUREMENT

Acquisition of plant and equipment

Plant and equipment are initially recognised at cost. Cost includes the amount of cash or cash equivalents paid or the fair value of the consideration given to acquire the asset at the time of its acquisition or construction or, where applicable, the amount attributed to that asset when initially recognised in accordance with the requirements of other Australian Accounting Standards.

Fair value is the price that would be received to sell an asset in an orderly transaction between market participants at measurement date.

Where payment for an asset is deferred beyond normal credit terms its cost is the cash price equivalent, and deferred payment is effectively discounted over the period of credit.

Assets acquired at no cost, or for nominal consideration, are initially recognised at their fair value at the date of acquisition.

Capitalisation thresholds

Plant and equipment and intangible assets costing \$5,000 and above individually or forming part of a network costing more than \$5,000, are capitalised.

Restoration Costs

The present value of the expected cost for the restoration or cost of dismantling of an asset after its use is included in the cost of the respective asset if the recognition criteria for provisions are met.

Law Enforcement Conduct Commission

Notes to and forming part of the Financial Statements for the year ended 30 June 2024

Depreciation of plant and equipment

Depreciation is provided for on a straight-line basis for all depreciable assets, so as to write off the depreciable amount of each asset, as it is consumed over its useful life to the Commission.

All materially identifiable components of assets are depreciated separately over their useful lives.

The Commission has adopted the following depreciation rates for the reporting period:

Computer equipment	3 to 8 years
Intangible computer software	4 to 9 years
Plant and equipment	4 to 14 years
Leasehold improvements	the period of the lease

Right-of-use Assets acquired by lessees

The Commission has elected to present right-of-use assets separately in the Statement of Financial Position.

Further information on leases is contained at Note 10.

Impairment of plant and equipment

As a not-for-profit entity with no cash generating units, impairment under AASB 136 *Impairment of Assets* is unlikely to arise. As plant and equipment is carried at fair value or an amount that approximates fair value, impairment can only arise in rare circumstances, such as where the costs of disposal are material. Specifically, impairment is unlikely for not-for-profit entities given that AASB 136 modifies the recoverable amount test for non-cash generating assets of not-for-profit entities to the higher of fair value less costs of disposal and depreciated replacement cost, where depreciated replacement cost is also fair value.

The Commission assesses at each reporting date, whether there is an indication that an asset may be impaired. If any indication exists, or when annual impairment testing for an asset is required, the Commission estimates the asset's recoverable amount. When the carrying amount of an asset exceeds its recoverable amount, the asset is considered impaired and is written down to its recoverable amount.

As a not-for-profit entity, an impairment loss is recognised in the net result to the extent the impairment loss exceeds the amount in the revaluation surplus for the class of asset.

All of the Commission's non-current assets are considered to be non-specialised assets with short useful lives measured using the depreciated historical cost as an approximation of fair value and as such do not require fair value hierarchy disclosures under AASB 13.

10. LEASES

Entity as a lessee

The Commission leases property. The lease contracts are typically in fixed periods of three to five years, and may have extension options. Lease terms are negotiated on an individual basis and contain a wide range of different terms and conditions. The lease agreements do not impose any covenants, but leased assets may not be used as security for borrowing purposes. The Commission does not provide residual value guarantees in relation to leases.

Extension and termination options are included in several property leases. These terms are used to maximise operational flexibility in terms of managing contracts. The majority of extension and termination options held are exercisable only by the Commission and not by the respective lessor. In determining the lease term, management considers all facts and circumstances that create an economic incentive to exercise an extension, or not exercise a termination option. Extension options (or periods after termination options) are only included in the lease term if the lease is reasonably certain to be extended (or not terminated). A new 5 + 5 lease arrangement commencing 4 July 2024 was negotiated during the financial year.

AASB 16 Leases (AASB 16) requires a lessee to recognise a right-of-use asset and a corresponding lease liability for most leases.

Law Enforcement Conduct Commission

Notes to and forming part of the Financial Statements for the year ended 30 June 2024

Right-of-use assets under leases

The following table presents right-of-use assets.

	Leasehold Improvements \$'000	Total \$'000
Balance as at 1 July 2023	1,976	1,976
Addition of ROU assets	10,121	10,121
Depreciation expense	(1,895)	(1,895)
Balance at 30 June 2024	10,202	10,202
Balance as at 1 July 2022	3,871	3,871
Depreciation expense	(1,895)	(1,895)
Balance at 30 June 2023	1,976	1,976

Lease liabilities

The following table presents liabilities under leases.

	2024 \$'000	2023 \$'000
Balance as at 1 July 2023	2,398	4,598
Addition of lease liabilities	10,121	--
Interest expense	19	51
Payments	(2,340)	(2,251)
Balance at 30 June 2024	10,198	2,398

The following amounts were recognised in the Statement of Comprehensive Income during the period in respect of leases where the Commission is the lessee:

	2024 \$'000	2023 \$'000
Depreciation expense of right-of-use assets	1,895	1,895
Interest expense on lease liabilities	19	51
Variable lease payments, not included in the measurement of lease liabilities	191	92
Total amount recognised in the Statement of Comprehensive Income	2,105	2,038

The Commission had total cash outflows for leases of \$2,784,922 (GST inclusive) in FY2023-24 (FY2022-23 \$2,565,956).

RECOGNITION AND MEASUREMENT

The Commission assesses at contract inception whether a contract is, or contains, a lease. That is, if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration.

The Commission recognises lease liabilities to make lease payments and right-of-use assets representing the right to use the underlying assets, except for short-term leases and leases of low-value assets.

(i) RIGHT-OF-USE ASSETS

The Commission recognises right-of-use assets at the commencement date of the lease (i.e. the date the underlying asset is available for use). Right-of-use assets are initially measured at the amount of initial measurement of the lease liability (refer to (ii) Lease Liabilities below), adjusted by any lease payments made at or before the commencement date and lease incentives, any initial direct costs incurred, and estimated costs of dismantling and removing the asset or restoring the site.

The right-of-use assets are subsequently measured at cost. They are depreciated on a straight-line basis over the shorter of the lease term and the estimated useful lives of the assets, as below:

- Land and buildings 3 to 5 years

If ownership of the leased asset transfers to the Commission at the end of the lease term or the cost reflects the exercise of a purchase option, depreciation is calculated using the estimated useful life of the asset.

Law Enforcement Conduct Commission

Notes to and forming part of the Financial Statements for the year ended 30 June 2024

The right-of-use assets are also subject to impairment. The Commission assesses, at each reporting date, whether there is an indication that an asset may be impaired. If any indication exists, or when annual impairment testing for an asset is required, the Commission estimates the asset's recoverable amount. When the carrying amount of an asset exceeds its recoverable amount, the asset is considered impaired and is written down to its recoverable amount. After an impairment loss has been recognised, it is reversed only if there has been a change in the assumptions used to determine the asset's recoverable amount. The reversal is limited so that the carrying amount of the asset does not exceed its recoverable amount, nor exceed the carrying amount that would have been determined, net of depreciation, had no impairment loss been recognised for the asset in prior years. Such reversal is recognised in the net result.

(ii) LEASE LIABILITIES

At the commencement date of the lease, the Commission recognises lease liabilities measured at the present value of the lease payments to be made over the lease term.

Lease payments include:

- Fixed payments (including in substance fixed payments) less any lease incentives receivable;
- Variable lease payments that depend on an index or a rate;
- Amounts expected to be paid under residual value guarantees;
- Exercise price of a purchase option reasonably certain to be exercised by the Commission; and
- Payments of penalties for terminating the lease, if the lease term reflects the Commission exercising the option to terminate.

Variable lease payments that do not depend on an index or a rate are recognised as expenses (unless they are incurred to produce inventories) in the period in which the event or condition that triggers the payment occurs.

The lease payments are discounted using the interest rate implicit in the lease. If that rate cannot be readily determined, which is generally the case for the Commission's leases, the lessee's incremental borrowing rate is used, being the rate that the Commission would have to pay to borrow the funds necessary to obtain an asset of similar value to the right-of-use asset in a similar economic environment with similar terms, security and conditions. After the commencement date, the amount of lease liabilities is increased to reflect the accretion of interest and reduced for the lease payments made. In addition, the carrying amount of lease liabilities is remeasured if there is a modification, a change in the lease term, a change in the lease payments (e.g. changes to future payments resulting from a change in an index or rate used to determine such lease payments) or a change in the assessment of an option to purchase the underlying asset.

The Commission's lease liabilities are included in borrowings.

(iii) SHORT-TERM LEASES AND LEASES OF LOW-VALUE ASSETS

The Commission applies the short-term lease recognition exemption to its short-term leases of equipment (i.e. those leases that have a lease term of 12 months or less from the commencement date and do not contain a purchase option). It also applies the lease of low-value assets recognition exemption to leases of office equipment that are considered to be low value. Lease payments on short-term leases and leases of low value are recognised as expense on a straight-line basis over the lease term.

Law Enforcement Conduct Commission

Notes to and forming part of the Financial Statements for the year ended 30 June 2024

11. NON-CURRENT INTANGIBLE ASSETS – SOFTWARE

Law Enforcement Conduct Commission and consolidated figures are shown together as the Office of the Law Enforcement Conduct Commission does not hold assets.

	<u>Consolidated</u>
	\$'000
At 1 July 2022	
Cost (gross carrying amount)	4,753
Accumulated amortisation and impairment	(3,550)
Net carrying amount	<u>1,203</u>
Year ended 30 June 2023	
Net carrying amount at beginning of year	1,203
Additions	108
Disposals	(1)
Amortisation (recognised in “depreciation and amortisation”)	(246)
Net carrying amount at end of year	<u>1,064</u>
At 1 July 2023	
Cost (gross carrying amount)	4,736
Accumulated amortisation and impairment	(3,672)
Net carrying amount	<u>1,064</u>
Year ended 30 June 2024	
Net carrying amount at beginning of year	1,064
Additions	426
Disposals	(1)
Amortisation (recognised in “depreciation and amortisation”)	(313)
Net carrying amount at end of year	<u>1,176</u>
At 30 June 2024	
Cost (gross carrying amount)	5,159
Accumulated amortisation and impairment	(3,983)
Net carrying amount	<u>1,176</u>

RECOGNITION AND MEASUREMENT

The Commission recognises intangible assets only if it is probable that future economic benefits will flow to the Commission and the cost of the asset can be measured reliably. Intangible assets are measured initially at cost. Where an asset is acquired at no or nominal cost, the cost is its fair value as at the date of acquisition. Intangible assets are subsequently measured at fair value only if there is an active market. As there is no active market for the Commission's intangible assets, the assets are carried at cost less any accumulated amortisation and impairment losses.

All research costs are expensed. Development costs are only capitalised when certain criteria are met.

The useful lives of intangible assets are assessed to be finite.

The Commission's intangible assets are amortised using the straight-line method over a period of four to nine years.

The amortisation period and the amortisation method for an intangible asset with a finite useful life are reviewed at least at the end of each reporting period.

Intangible assets are tested for impairment where an indicator of impairment exists. If the recoverable amount is less than its carrying amount, the carrying amount is reduced to recoverable amount and the reduction is recognised as an impairment loss.

Law Enforcement Conduct Commission

Notes to and forming part of the Financial Statements for the year ended 30 June 2024

12. CURRENT LIABILITIES – PAYABLES

	Law Enforcement Conduct Commission		Consolidated	
	2024 \$'000	2023 \$'000	2024 \$'000	2023 \$'000
Accrued salaries, wages and on-costs	--	--	414	362
Personnel services payable	414	362	--	--
Creditors	128	118	128	145
	542	480	542	507

Refer Note 20 for details regarding liquidity risk, including a maturity analysis of the above payables.

RECOGNITION AND MEASUREMENT

Payables represent liabilities for goods and services provided to the Commission and other amounts. Short-term payables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

Payables are financial liabilities at amortised cost, initially measured at fair value, net of directly attributable transaction costs. These are subsequently measured at amortised cost using the effective interest method. Gains and losses are recognised in the net result when the liabilities are derecognised as well as through the amortisation process.

13. CURRENT / NON-CURRENT LIABILITIES – BORROWINGS

Law Enforcement Conduct Commission and consolidated figures are shown together as the Office of the Law Enforcement Conduct Commission does not have borrowings.

Lease liabilities (see note 10)	Consolidated	
	2024 \$'000	2023 \$'000
Current Lease liabilities	1,763	2,321
Non-Current liabilities	8,435	77
	10,198	2,398

Refer Note 20 for details regarding liquidity risk, including a maturity analysis of the above payables.

RECOGNITION AND MEASUREMENT

Borrowings represents lease liabilities.

Financial liabilities at amortised cost

Borrowings classified as financial liabilities at amortised cost are initially measured at fair value, net of directly attributable transaction costs. These are subsequently measured at amortised cost using the effective interest method. Gains and losses are recognised in net result when the liabilities are derecognised as well as through the amortisation process.

Law Enforcement Conduct Commission

Notes to and forming part of the Financial Statements for the year ended 30 June 2024

14. CURRENT / NON-CURRENT LIABILITIES — PROVISIONS

	Law Enforcement Conduct Commission		Consolidated	
	2024 \$'000	2023 \$'000	2024 \$'000	2023 \$'000
Employee benefits and related on-costs				
Annual leave including on-costs	60	33	1,360	1,260
Long service leave on-costs	--	--	806	734
Provision for personnel services	2,126	1,986	--	--
Paid parental leave provision	--	--	96	--
	2,186	2,019	2,262	1,994

Current annual leave obligations expected to be settled after 12 months 136 115

Current long service leave obligations expected to be settled after 12 months 81 66

The liability is based on leave entitlements at 30 June 2024 using remuneration rates payable post 30 June 2024.

Other Provisions

Restoration costs	681	595	681	595
Total other Provisions	681	595	681	595

	Consolidated	
	2024 \$'000	2023 \$'000
Aggregate employee benefits and related on-costs		
Provisions – current	2,181	1,928
Provisions – non-current	81	66
Accrued salaries, wages and on-costs (Note 12)	414	362
	2,676	2,356

Restoration costs - the Commission is required to reinstate the leased premises to the condition they were in as at the date the premises were first leased.

	Consolidated	
	2024 \$'000	2023 \$'000
Movements in provisions (other than employee benefits)		
Restoration costs		
Carrying amount at 1 July 2023	595	584
Unwinding/change in discount rate	86	11
Carrying amount at 30 June 2024	681	595

RECOGNITION AND MEASUREMENT

Employee benefits and related on-costs

Salaries and wages, annual leave and sick leave

Salaries and wages (including non-monetary benefits) and paid sick leave that are expected to be settled wholly within 12 months after the end of the period in which the employees render the service are recognised and measured at the undiscounted amounts of the benefits.

Annual leave is not expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service. As such, it is required to be measured at present value in accordance with AASB 119 *Employee Benefits*.

Law Enforcement Conduct Commission

Notes to and forming part of the Financial Statements for the year ended 30 June 2024

Actuarial advice obtained by Treasury has confirmed that the use of a nominal approach, plus the annual leave on annual leave liability (using 8.4% of the nominal value of annual leave), can be used to approximate the present value of the annual leave liability. The Commission has assessed the actuarial advice based on the Commission's circumstances and has determined that the effect of discounting is immaterial to annual leave. All annual leave is classified as a current liability, even where the Commission does not expect to settle the liability within 12 months, as the Commission does not have an unconditional right to defer settlement.

Unused non-vesting sick leave does not give rise to a liability as it is not considered probable that sick leave taken in the future will be greater than the benefits accrued in the future.

Long Service Leave and Superannuation

The Commission's liabilities for long service leave and defined benefit superannuation are assumed by the Crown. The Commission accounts for the liability as having been extinguished, resulting in the amount assumed being shown as part of the non-monetary revenue item described as 'Acceptance by the Crown of employee benefits and other liabilities'.

Long service leave is measured at present value of expected future payments to be made in respect of services provided up to the reporting date. Consideration is given to certain factors based on actuarial review, including expected future wage and salary levels, experience of employee departures, and periods of service. Expected future payments are discounted using Commonwealth government bond rate at the reporting date.

The superannuation expense for the financial year is determined by using the formulae specified in the Treasurer's Directions. The expense for certain superannuation schemes (i.e. Basic Benefit and First State Super) is calculated as a percentage of the employees' salary. For other superannuation schemes (i.e. State Superannuation Scheme and State Authorities Superannuation Scheme), the expense is calculated as a multiple of the employees' superannuation contributions.

Consequential on-costs

Consequential costs to employment are recognised as liabilities and expenses where the employee benefits to which they relate have been recognised. This includes outstanding amounts of payroll tax, workers' compensation insurance premiums and fringe benefits tax.

Other Provisions

Provisions are recognised when; the Commission has a present legal or constructive obligation as a result of a past event; it is probable that an outflow of resources will be required to settle the obligation; and a reliable estimate can be made of the amount of the obligation. When it is expected that some or all of a provision will be reimbursed, for example, under an insurance contract, the reimbursement is recognised as a separate asset, but only when the reimbursement is virtually certain. The expense relating to a provision is presented net of any reimbursement in the Statement of Comprehensive Income.

The Commission recognises a make good provision for the anticipated costs of future restoration of leased premises as required under the terms of agreement. The provision includes future cost estimates associated with dismantling and reinstatement of the leased premises to original condition. The calculation is based on a square metre rate of \$247.50 as per the lease agreement.

15. EQUITY

RECOGNITION AND MEASUREMENT

Accumulated Funds

The category 'Accumulated Funds' includes all current and prior period retained funds.

Law Enforcement Conduct Commission

Notes to and forming part of the Financial Statements for the year ended 30 June 2024

16. COMMITMENTS

Capital Commitments

Aggregate capital expenditure for the acquisition of computer software and hardware, office equipment and leasehold improvements, contracted for at balance date and not provided for:

	Law Enforcement Conduct Commission		Consolidated	
	2024 \$'000	2023 \$'000	2024 \$'000	2023 \$'000
Within one year	18	701	18	701
Total (including GST)	18	701	18	701

Capital commitments for 2024 include input tax credits of \$1,812 (2023: \$70,078) that are expected to be recoverable from the Australian Taxation Office.

17. CONTINGENT LIABILITIES AND CONTINGENT ASSETS

As at the reporting date, the Commission is not aware of any contingent liabilities or assets that will materially affect its financial position.

18. BUDGET REVIEW

Budgeted amounts are drawn from the original budgeted financial statements presented to Parliament in respect of the reporting period. Subsequent amendments to the original budget (e.g. adjustment for transfer of functions between entities as a result of Administrative Arrangements Orders) are not reflected in the budgeted amounts. Major variances between the original budgeted amounts and the actual amounts disclosed in the financial statements are explained below.

Net result

The actual net result as of 30 June is lower than budget, primarily due to:

Employee related expenses were below budget due to vacant positions, staff on secondment or long-term leave. The Commission received additional funding for 10 new positions, recruitment action to fill most of these positions has now been finalised. Recruitment action to fill two positions will be finalised in the first quarter of the new financial year. Unspent employee related funds were redirected to other operating expenses to cover higher than expected costs in software license fees, maintenance, contractors, staff training and development and travel. Higher depreciation and finance costs related to a change in discount rates also contributed to the lower net result.

The Commission did not draw down \$1.3m of its fully approved recurrent appropriation, grant funding of \$70,000 from the Digital Restart Fund was not required or claimed.

Assets and liabilities

Assets and liabilities are both higher than budget due to the recognition of the Commission's new lease, where an ROU asset and corresponding lease liability are both recognised in FY24. Net assets are lower than budget since the increase in LECC's staff establishment has also increased employee related provisions.

Cash flows

Payments are lower than budget as the Commission carried several vacant positions in the financial year leading to an underspend in employee related payments; receipts are lower than budget as the Commission did not drawdown its full appropriation. Closing cash is very close to budget.

Law Enforcement Conduct Commission

Notes to and forming part of the Financial Statements for the year ended 30 June 2024

19. RECONCILIATION OF CASH FLOWS FROM OPERATING ACTIVITIES TO NET RESULT

	Law Enforcement Conduct Commission		Consolidated	
	2024 \$'000	2023 \$'000	2024 \$'000	2023 \$'000
Net cash generate from operating activities	3,385	2,827	3,387	2,807
Depreciation and amortisation	(3,058)	(3,079)	(3,058)	(3,079)
Decrease/(increase) in provisions	(252)	96	(353)	149
Increase/(decrease) in prepayments and other assets	202	234	274	218
Decrease/(increase) in payables	(62)	(37)	(35)	(54)
Net gain/(loss) on assets disposed	1	66	1	66
Operating result	216	107	216	107

20. FINANCIAL INSTRUMENTS

The Commission's principal financial instruments are outlined below. These financial instruments arise directly from the Commission's operations or are required to finance the Commission's operations. The Commission does not enter into or trade financial instruments, including derivative financial instruments, for speculative purposes.

The Commission's main risks arising from financial instruments are outlined below, together with the Commission's objectives, policies and processes for measuring and managing risk. Further quantitative and qualitative disclosures are included throughout these financial statements.

The Chief Commissioner has overall responsibility for the establishment and oversight of risk management and reviews and agrees policies for managing each of these risks. Risk management policies are established to identify and analyse the risks faced by the Commission, to set risk limits and controls and to monitor risk. Compliance with policies is reviewed by the Commission on a continuous basis.

a) Financial instrument categories

Parent

Financial Assets	Note	Category	Carrying Amount	Carrying Amount
			2024	2023
			\$'000	\$'000
Class:				
Cash and cash equivalents	7	Amortised cost	349	345
Receivables ¹	8	Amortised cost	55	47

Financial Liabilities	Note	Category	Carrying Amount	Carrying Amount
			2024	2023
			\$'000	\$'000
Class:				
Payables ²	12	Financial liabilities measured at amortised cost	514	460
Borrowings	13	Financial liabilities measured at amortised cost	10,198	2,398

Consolidated

Financial Assets	Note	Category	Carrying Amount	Carrying Amount
			2024	2023
			\$'000	\$'000
Class:				
Cash and cash equivalents	7	Amortised cost	353	347
Receivables ¹	8	Amortised cost	55	47

Law Enforcement Conduct Commission

Notes to and forming part of the Financial Statements for the year ended 30 June 2024

Financial Liabilities	Note	Category	Carrying Amount	Carrying Amount
Class:			2024 \$'000	2023 \$'000
Payables ²	12	Financial liabilities measured at amortised cost	514	486
Borrowings	13	Financial liabilities measured at amortised cost	10,198	2,398

¹ Excludes statutory receivables and prepayments (i.e. not within scope of AASB 7)

² Excludes statutory payables and unearned revenue (i.e. not within scope of AASB 7)

The Commission determines the classification of its financial assets and liabilities after initial recognition and, when allowed and appropriate, re-evaluates these at each financial year end.

b) Financial risks

(i) CREDIT RISK

Credit risk arises when there is a possibility of the Commission's debtors defaulting on their contractual obligations, resulting in a financial loss to the Commission. The maximum exposure to credit risk is generally represented by the carrying amount of the financial assets (net of any allowance for credit losses or allowance for impairment).

Credit risk arises from the financial assets of the Commission, including cash and receivables. No collateral is held by the Commission. The Commission has not granted any financial guarantees.

Credit risk associated with the Commission's financial assets, other than receivables is managed through the selection of counterparties and establishment of minimum credit rating standards. Authority deposits held with NSW TCorp are guaranteed by the State.

Cash and cash equivalents

Cash comprises cash on hand and bank balances within the NSW Treasury Banking System.

Accounting policy for impairment of trade receivables and other financial assets

Receivables – trade receivables

Collectability of trade receivables is reviewed on an ongoing basis. Procedures as established in the Treasurer's Directions are followed to recover outstanding amounts, including letters of demand.

The Commission applies the AASB 9 simplified approach to measuring expected credit losses which uses a lifetime expected loss allowance for all trade receivables. To measure the expected credit losses, trade receivables have been grouped based on shared credit risk characteristics and the days past due.

Trade receivables are written off when there is no reasonable expectation of recovery. Indicators that there is no reasonable expectation of recovery include, amongst others, a failure to make contractual payments for a period of greater than 90 days past due date.

The Commission is not materially exposed to concentrations of credit risk to a single trade debtor or group of debtors. The Commission's debtors are all other government entities either Commonwealth or State. No allowance for credit loss has been made as all amounts are considered to be collectable.

(ii) LIQUIDITY RISK

Liquidity risk is the risk that the Commission will be unable to meet its payment obligations when they fall due. The Commission continuously manages risk through monitoring future cash flows and planning to ensure adequate holdings of liquid assets. The Commission does not have a bank overdraft facility.

During the current year, there were no defaults of loans payable. No assets have been pledged as collateral. The Commission's exposure to liquidity risk is deemed insignificant based on prior periods' data and current assessment of risk.

Law Enforcement Conduct Commission

Notes to and forming part of the Financial Statements for the year ended 30 June 2024

The liabilities are recognised for amounts due to be paid in the future for goods or services received, whether or not invoiced. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy

set out in NSW TC 11/12. For small business suppliers, where terms are not specified, payment is made no later than 30 days from date of receipt of a correctly rendered invoice. For other suppliers, if trade terms are not specified, payment is made no later than the end of the month following the month in which an invoice or statement is received. For small business suppliers, where payment is not made within the specified time period, simple interest must be paid automatically unless an existing contract specifies otherwise. For payments to other suppliers, the Commissioner (or person appointed by the Commissioner) may automatically pay the supplier simple interest. No interest was applied during the year.

The table below summarises the maturity profile of the Commission's financial liabilities, together with the interest rate exposure.

Maturity analysis and interest rate exposure of financial liabilities

	Weighted average effective int. rate	Nominal amount	\$'000 Interest Rate Exposure			Maturity Dates		
			Fixed interest rate	Variable interest rate	Non-interest bearing	<1 year	1- 5 years	> 5 years
Parent - 2024								
Personnel services payable		414		414		414	--	--
Creditors		128		128		128	--	--
Lease liabilities		10,198		10,198		1,763	8,435	--
		10,740		10,740		2,305	8,435	--
Parent- 2023								
Personnel services payable		362		362		362	--	--
Creditors		118		118		118	--	--
Lease liabilities		2,398		2,398		2,321	77	--
		2,878		2,878		2,801	77	--
Consolidated – 2024								
Accrued salaries and wages and on-costs		414		414		414	--	--
Creditors		128		128		128	--	--
Lease liabilities		10,198		10,198		1,763	8,435	--
		10,740		10,740		2,305	8,435	--
Consolidated – 2023								
Accrued salaries and wages and on-costs		362		362		362	--	--
Creditors		145		145		145	--	--
Lease liabilities		2,398		2,398		2,321	77	--
		2,905		2,905		2,828	77	--

The amounts disclosed are the contractual undiscounted cash flows of each class of financial liabilities, therefore the amounts disclosed above may not reconcile to the Statement of Financial Position.

(iii) MARKET RISK

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. The Commission's exposure to market risk is primarily through interest rate risk. The Commission has no exposure to foreign currency risk and does not enter into commodity contracts.

Law Enforcement Conduct Commission

Notes to and forming part of the Financial Statements for the year ended 30 June 2024

(iv) INTEREST RATE RISK

The Commission does not have interest bearing liabilities and does not receive interest on cash assets held. As such there is no material exposure to interest rate risk.

21. RELATED PARTY DISCLOSURES

Compensation for the Commission's key management personnel are as follows:

	Consolidated	
	2024	2023
	\$'000	\$'000
Short term employee benefits:		
Salaries	1,584	1,606
Post-employment benefits	127	116
Total remuneration	1,711	1,722

Based on Treasury Circular TPG23-16 and AASB 124, the Commission has determined its key management personnel (KMP) to consist of; the Chief Commissioner, Commissioner, CEO and Executive Director Operations. These individuals are considered to have authority and responsibility for planning, directing and controlling the activities of the Commission, either individually or collectively. During the year, the Commission did not enter into transactions with key management personnel, their close family members and the members of its controlled entities.

The Commission entered into transactions with other entities that are controlled/jointly controlled/significantly influenced by the NSW Government. These transactions in aggregate are a significant portion of the Commission's rendering of services and receiving of services.

Major transactions with other entities that are controlled/jointly controlled/significantly influenced by NSW Government during 2023-24 were:

	Consolidated	
	2024	2023
	\$'000	\$'000
NSW Government Property (accommodation at 111 Elizabeth Street, Sydney)	2,494	2,364
	2,494	2,364

Other transactions include:

- Long Service Leave and Defined Benefit Superannuation assumed by the Crown;
- Appropriations (and subsequent adjustments in appropriations);
- Employer contributions paid to the Defined Benefit Superannuation funds; and
- Payments into the Treasury Managed Fund for workers compensation insurance and other insurances.

22. EVENTS AFTER THE REPORTING DATE

No other events have occurred between the financial reporting date and the date of these financial statements that require adjustment to, or disclosure in these financial statements.

End of audited financial statements

7. Appendices

This section includes the appendices to the Annual Report.

7.1	Appendix 1: Statutory reporting compliance	123
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7.3	Appendix 3: Prosecutions in 2023–24 arising from Commission investigations	127
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7.1 Appendix 1: Statutory reporting compliance

Section of the LECC Act	Reporting requirement	2023–24 Annual Report
Section 139(2)(a)	Description of the types of matters that were referred to the Commission	Chapter 3.1 – Assessing complaints
Section 139(2)(b)	Description of the types of matters investigated by the Commission	Chapter 3.2 – Investigating serious officer misconduct
Section 139(2)(c)	The total number of matters dealt with by the Commission during the year	Chapter 3.1 – Assessing complaints
Section 139(2)(d)	The number of police investigations, Crime Commission investigations and critical incident investigations that were the subject of oversight by the Commission under Parts 7 and 8 during the year	Chapter 3.3 – Oversight and critical incident monitoring
Section 139(2)(e)	The number of matters that were investigated by the Commission under Part 6 during the year	Chapter 3.2 – Investigating serious officer misconduct
Section 139(2)(f)(i)	The time interval between the receipt of each misconduct matter by the Commission and the Commission deciding to investigate the misconduct matter	Chapter 3.2 – Investigating serious officer misconduct
Section 139(2)(f)(ii)	The number of misconduct matters commenced to be investigated but not finally dealt with during the year	Chapter 3.2 – Investigating serious officer misconduct
Section 139(2)(f)(iii)	The average time taken to deal with misconduct matters and the actual time taken to investigate any matter in respect of which a report is made	Chapter 3.2 – Investigating serious officer misconduct
Section 139(2)(f)(iv)	The total number of examinations and private and public examinations conducted during the year	Chapter 3.2 – Investigating serious officer misconduct
Section 139(2)(f)(v)	The number of days spent during the year in conducting public examinations	Appendix 2 – Statistical data on exercise of powers
Section 139(2)(f)(vi)	The time interval between the completion of each public examination conducted during the year and the furnishing of a report on the matter	Chapter 3.2 – Investigating serious officer misconduct
Section 139(2)(g)	An evaluation of the response of the Commissioner of Police, relevant members of the Police Service Senior Executive Service and other relevant authorities to the findings and recommendations of the Commission	Chapter 3.2 – Investigating serious officer misconduct
Section 139(2)(h)	An evaluation of the response of the Crime Commissioner, relevant members of the Crime Commission Senior Executive Service and other relevant authorities to the findings and recommendations of the Commission	Chapter 3.4 – NSW Crime Commission
Section 139(2)(i)	Any recommendations for changes in the laws of the state, or for administrative action, that the Commission considers should be made as a result of the exercise of its functions	Chapter 3.5 – Legal matters

Section of the LECC Act	Reporting requirement	2023–24 Annual Report
Section 139(2)(j)	The general nature and extent of any information furnished under this Act by the Commission during the year to a law enforcement agency	Chapter 3.2 – Investigating serious officer misconduct
Section 139(2)(k)	The extent to which its investigations have resulted in prosecutions or disciplinary action in that year	Chapter 3.5 – Legal matters Appendix 3 – Prosecutions in 2023–24 arising from Commission investigations
Section 139(2)(l)	The number of search warrants issued by authorised justices and the Commissioner respectively under this Act in that year	Appendix 2 – Statistical data on exercise of powers
Section 139(2)(m)	A description of its activities during that year in relation to the exercise of its functions under ss 27 and 32	Chapter 3.3 – Oversight and critical incident monitoring Chapter 3.6 – Prevention and Engagement
Section 139(3)	Any such information that relates to investigations or other matters involving Crime Commission officers must be kept separate from other matters in the report	Chapter 3.4 – NSW Crime Commission
Section 139(5)	The financial report for the year to which the annual report relates is to set out the separate cost of the operations of the Commission under each of Parts 6, 7 and 8	Chapter 3.8 – Management and activities Chapter 6 – Financial performance

7.2 Appendix 2: Statistical data on exercise of powers

The following table indicates the frequency with which the Commission exercised its various powers under the LECC Act in 2023–24.

Powers and functions	2023–24
Under the LECC Act	
Section 24 – Establishment of task forces within the State	0
Section 54 – Requiring public authority or public official to produce a statement of information	14
Section 55 – Requiring a person to attend before an officer of the Commission and produce a specified document or other thing	95
Section 58 – Commission may authorise an officer of the Commission to enter and inspect premises etc	0
Section 63 – Examination days (public)	0
Section 63 – Examination days (private)	29
Section 69 – Commissioner may summon a person to appear before the Commission and give evidence or produce documents or other things	44
Section 79(1) – Authorised justice may issue search warrant	8
Section 79(2) – Commissioner may issue a search warrant	0
Section 84 – Number of warrants obtained under the <i>Surveillance Devices Act 2007</i> (NSW)	8
Section 99(3) – Requirement for the NSW Police Force to investigate a misconduct matter	32
Section 102 – Commission request for information relating to a misconduct matter (total from Assessments and Oversight)	408
Section 103 – Commission request for information concerning the timely investigation of misconduct matter	0
Section 104 – Commission may request further investigation of misconduct matter	22
Section 105 – Commission may request a review of the decision on action to be taken as a result of the misconduct matter	14
Section 132 – Reports on examinations	4
Section 134 – Commission may report on Commissioner of Police’s or Crime Commissioner’s decision on Commission’s request	0
Section 135 – Report following Commission’s investigation of misconduct matter relating to police	0
Section 138 – Special reports of Commission	4

Powers and functions	2023-24
Under the <i>Police Act 1990 (NSW)</i>	
Section 131(4) – Commissioner of Police is to take into account any misconduct matters management guidelines or recommendation of the LECC in deciding how to investigate or deal with the misconduct matter	99
Under the <i>Law Enforcement (Controlled Operations) Act 1997 (NSW)</i>	
Section 6 – Applications granted by the Commission for authority to conduct controlled operations	0
Under the <i>Law Enforcement and National Security (Assumed Identities) Act 2010 (NSW)</i>	
Section 6 – Approval granted by the Commissioner for acquisition and use of an assumed identity	5
Section 9 – Applications granted for variation of assumed identity	0
Section 9 – Applications granted for cancellations of assumed identity	3
Under the <i>Telecommunications (Interception and Access) Act 1979 (Cth)</i>	
Section 46 – Warrants used for the interception of communications	19
Section 116 – Warrants issued for access to stored communications	0
Under the <i>Surveillance Devices Act 2004 (Cth)</i>	
Number of surveillance device warrants obtained	16

7.3 Appendix 3: Prosecutions in 2023–24 arising from Commission investigations

Name

Daniel KENEALLY

Updates and outcomes

Following Operation Tambre, the Commission sought advice from the DPP about the sufficiency of evidence to commence criminal proceedings against Mr Keneally.

Following receipt of that advice, Mr Keneally was charged with one count of fabricating false evidence with the intent to mislead a tribunal pursuant to s 317 of the *Crimes Act 1900* (NSW).

Mr Keneally entered a plea of not guilty before the matter was heard in the Downing Centre Local Court on 18 and 19 September 2023.

On 21 November 2023, it was found that the offence of fabricate evidence with intent to mislead a tribunal was proven.

On 1 February 2024, Mr Keneally was sentenced to an Intensive Corrections Order for 15 months, 200 hours community service and a fine of \$2,000. The conviction appeal was listed for mention on 6 February 2024, where orders were made setting the appeal down for hearing in the District Court.

On 21 June 2024, Mr Keneally's appeal was dismissed.

7.4 Appendix 4: Statistical data on GIPA applications

Table A: Number of applications by type of applicant and outcome¹

	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 (by legal representative)	0	2	2	1	0	0	0	0
Members of the public (other)	0	0	0	0	0	0	0	0

¹ 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 application	Refuse to confirm/deny whether information is held	Application withdrawn
Personal information applications ²	0	2	2	1	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

Table C: Invalid applications

	Number of applications
Application does not comply with formal requirements (s 41 of the Act)	0
Application is for excluded information of the agency (s 43 of the Act)	4
Application contravenes restraint order (s 110 of the Act)	0
Total number of invalid applications received	4
Invalid applications that subsequently became valid applications	0

² A personal information application is an access application for personal information (as defined in clause 4 of Schedule 4 to the GIPA Act) about the applicant (the applicant being an individual).

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

	Number of times consideration used ³
Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	0
Excluded information	4
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
Privilege generally – Sch 1(5A)	0
Information provided to High Risk Offenders Assessment Committee	0

Table E: Other public interest considerations against disclosure – matters listed in table to s 14 of the GIPA Act

	Number of times consideration used
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

³ 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 F: Timeliness

	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	1
Decided after 35 days (by agreement with applicant)	0
Not decided within time	3

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

	Decision varied	Decision upheld
Internal review	0	1
Review by Information Commissioner ⁴	1	0
Internal review following recommendation under section 93 of Act	0	1
Review by NCAT	0	1
Total	1	3

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 s 54 of the GIPA Act)	1

Table I: Applications transferred to other agencies

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

Table J: Requests for Consultation under s 54A of the GIPA Act

	Number of requests
Request for Consultation	31

⁴ 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.

7.5 Appendix 5: Commission publications in 2023–24

Publication title	Publication type	Date published
Operation Venti – Final Report	Section 132 Report to Parliament	13 July 2023
Review of a sample of NSW Police Force strip search records 2021–2022	Section 138 Report to Parliament	25 September 2023
Operation Potosi – Final Report	Section 132 Report to Parliament	25 September 2023
NSW Police Force <i>Aboriginal Strategic Direction 2018–2023</i> monitoring report	Section 138 Report to Parliament	23 October 2023
Operation Tepito – Final Report: An investigation into the use of the NSW Police Force Suspect Targeting Management Plan on children and young people	Section 132 Report to Parliament	30 October 2023
Guidelines on the use of pseudonyms and non-publication orders in Commission reports	Guidelines	22 November 2023
Operation Mantus – Final Report	Section 132 Report to Parliament	11 December 2023
Open Decision on objection by the NSW Police Force to production of documents required by the Commission under s 114(3)(d) of the <i>Law Enforcement Conduct Commission Act 2016</i>	Open Decision	28 February 2024
Bail compliance checks in NSW – Issues Paper	Section 138 Report to Parliament	21 May 2024
Analysis of complaints made by or on behalf of Aboriginal and Torres Strait Islander people – An Observations Paper	Section 138 Report to Parliament	26 June 2024

