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NSWCC responses to Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission

Supplementary questions for witnesses

Question	Answer
1. How was the Case Prioritisation process developed, and what impact has it had on the Commission's work? (Annual Report 2023-24, p 1)	<p>There is more organised crime occurring than the Commission can effectively deal with. Therefore, delivery of its mission necessitated a policy to govern case referral and prioritisation.</p> <p>A review of case selection and prioritisation models used by Australian law enforcement agencies revealed similar approaches based on considerations such as:</p> <ol style="list-style-type: none"><li>The seriousness of the offending</li><li>The risk or impact on the community</li><li>Resource availability</li><li>Operational priorities.</li></ol> <p>The NSWCC case selection processes were developed with consideration to key issues including:</p> <ol style="list-style-type: none"><li>The exercises of its unique powers</li><li>Working in partnership with other agencies</li><li>Being comparatively smaller in size than our partners</li><li>Demand by partners for capabilities exceeding resources.</li></ol> <p>The selection and prioritisation of investigations is weighted based on two broad considerations.</p> <ol style="list-style-type: none"><li>The impact of the crime on the community –considerations include (but not limited to):<ol style="list-style-type: none"><li>Risk</li><li>Public safety</li><li>Community fear</li><li>Crime complexity and organisation levels</li><li>Operational priorities.</li></ol></li><li>The value the NSWCC powers and capabilities could bring to an investigation. That is, the extent to which the NSWCC involvement is necessary to achieve desired outcomes (including but not limited to):<ol style="list-style-type: none"><li>The extent of NSWCC hearing and evidence production powers are required</li><li>The extent of NSWCC criminal assets recovery powers required</li></ol></li></ol>

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	<p>iii. The extent to which the integrated application of NSWCC intelligence, technical, legal and financial capabilities are required.</p> <p>The policy was trialled in 2024 and finalised in early 2025. As such, its impact is under still under assessment.</p> <p>However, early signs of positive impact already evident include:</p> <ul style="list-style-type: none"> <li>iv. Increased diversity of agencies partnered with</li> <li>v. Increased use of confiscation powers where there are no criminal charges</li> <li>vi. Increase in value of suspected criminal assets restrained and confiscated.</li> <li>vii. Increased diversity in violent crime investigations including regional areas, familial violence and child homicides.</li> <li>viii. Significant positive impact in enabling murder related charges against organised crime figures.</li> <li>ix. Publication of an Organised Crime Report directly addressing public and familial safety around criminal use of surveillance devices – Project Hakea report.</li> </ul>
<p>2. Do you have sufficient resources to manage the number of referrals the Commission receives relating to confiscation proceedings? (Annual Report 2023-24, p 17)</p>	<p>The Commission prioritises the referrals it accepts having regard to numerous factors, including the Commission's vision and purpose, the objects of the legislation it administers, the disruptive impact of progressing the referral and the likely value of confiscated assets.</p> <p>There are sometimes matters where there is the potential for the recovery of proceeds of crime or unexplained wealth, but which are not progressed, because the Commission is unable to accept all matters which are referred to it. In such cases, increased resources would likely enable the Commission to have greater impact through increased capacity to progress more matters.</p> <p>With more legal and forensic accounting resources, the Commission could confiscate more proceeds of crime more quickly. Matters referred to the Commission can take 3-6 months to be assessed and then commenced as confiscations proceedings. More complex matters can take longer. Greater numbers of financial analysts would reduce backlogs and ensure that referred matters are assessed and, as appropriate, commenced as confiscations litigation matters. Once commenced, confiscations litigation has historically taken years to complete because of high workloads on forensic accountants and lawyers. Greater numbers of accountants and lawyers</p>

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	<p>would reduce the time taken to complete matters, bringing confiscated proceeds of crime into Treasury sooner (in some cases, years sooner).</p> <p>The Commission balances the demand upon its resources against its capacity to deliver positive outcomes by maintaining a relatively high commencement threshold.</p> <p>The Commission recognises that Government must constantly balance competing claims for public resources and accepts that its priorities cannot always take precedence.</p>
3. Can you comment on the impact of the new administrative forfeiture process under Part 3 Division 1A of the <i>Criminal Assets Recovery Act 1990</i> ?	<p>The administrative forfeiture process has provided an efficient and cost-effective process whereby interests in property suspected of being related to serious crime related activity are forfeited to the State without the need to commence resource intensive legal proceedings in the Supreme Court. This saves resources of the NSWCC and the Supreme Court.</p> <p>This has resulted in quicker realisations of proceeds of crime into Treasury and freed up Commission resources to focus on other contested matters. The Commission is tracking to achieve over \$15M being forfeited via this mechanism in the 24-25 financial year to date (as at end March 2025).</p>
4. What is the Commission doing to meet workforce diversity benchmarks for Aboriginal and Torres Strait Islander employees? (Annual Report 2023-24, p 30)	<p>We have successfully transitioned an Aboriginal intern into a permanent position while supporting them in their final year of university.</p> <p>To further support the number of applications received from Aboriginal and Torres Strait Islander (TSI) candidates, we are in the early stages of designing an internship program in collaboration with several universities. A central focus of this program will be working with these university partners to increase opportunities for Aboriginal and TSI students to participate in NSWCC internships.</p> <p>In addition, we are maintaining our partnership with Career Trackers to identify further potential summer student internship placements.</p>
5. What initiatives are you taking to meet the 'Investing in our people & culture' objective in your	<p><u>Strategic Workforce Management:</u></p> <p>We actively collaborate with business leaders to address both current and future talent requirements, shaping strategies to ensure a balanced approach to workforce development. By</p>

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<p>Strategic Plan? (2024-2029 Strategic Plan, pp 3-4, Annual Report 2023-24, p 5)</p>	<p>prioritising internal training and development alongside external recruitment, we aim to cultivate the necessary skills for long-term success while bringing fresh expertise from the market.</p> <p><u>Talent Acquisition:</u></p> <p>We have dedicated significant effort to coaching managers and selection panel participants in work-based assessments, providing comprehensive feedback, ensuring timely communication with internal candidates, and implementing development plans to support career progression following internal selection processes.</p> <p><u>Employee Development:</u></p> <p>In January 2025, we launched our new annual Learning and Development program, centred on four core pillars:</p> <ul style="list-style-type: none"> <li>• <i>Leadership Development:</i> A 12-month program designed to foster future leaders</li> <li>• <i>Mandatory Training:</i> Quarterly sessions covering essential knowledge and skills</li> <li>• <i>Division-Specific Training:</i> Tailored programs focused on role-specific expertise and practical experience</li> <li>• <i>Enterprise-Level Training:</i> Development of transferable skills that enhance cross-organisational performance.</li> </ul> <p>The rollout of the Commission's three-phased performance development framework is expected to elevate the quality of performance and development discussions. Insights from updated Performance Development Action Plans (PDAPs) will provide valuable data to inform Executive and People &amp; Culture priorities. This will also help to shape future Learning &amp; Development as well as organisational strategies. Additionally, the introduction of role-specific skills matrices for critical and high-volume positions will bring clarity to employee development, define job expectations, and refine performance assessments.</p> <p><u>Employee Engagement, Retention, and Support:</u></p> <p>In response to the 2025 PMES feedback, NSWCC implemented the Employee Engagement Action Planning (EEAP) program across all divisions. Each division identified two key focus areas to enhance employee engagement, with "Feedback and Performance Management" included as a universal priority for improvement.</p>
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	Complementing the EEAP program, we have refreshed our WHS plans and flexible workplace policies while gathering insights from exit interviews, new hire surveys, probation reviews, and anecdotal employee feedback. These findings are shared with the Executive team to identify engagement and retention challenges, ensuring that key themes are integrated into divisional strategic plans as needed.				
6. Can you comment on the actions that the Commission is taking to address the significant drops in the NSWCC People Matter Employee Survey (PMES) scores for the 'Feedback and performance management' and 'Job satisfaction' topic areas?		PMES topic area	2023 (%)	2024 (%)	Change (% points)
	Biggest percentage point decreases	Feedback and performance management	56	41	- 15
		Job satisfaction	79	73	- 6
		Job purpose and enrichment	80	76	- 4
	<p><u>Development: Project Grow</u></p> <p>Project Grow is designed to strengthen all aspects of performance development, including feedback and performance management. Key milestones include:</p> <ul style="list-style-type: none"> <li>Enhancing the Performance Development Action Plan (PDAP)</li> <li>Reviewing core role descriptions to ensure alignment with organisational strategic goals</li> <li>Developing a PD Manager Toolkit to support effective performance planning</li> <li>Completing manager training in the Corporate Enterprise Services and Operations Divisions (with LCD managers scheduled for training in May 2025)</li> <li>Delivering virtual training for all employees by the end of June 2025</li> <li>Launching the PDAP cycle on 1 July 2025, structured around three key phases: Goal Setting, Mid-Year Review, and Year-End Review.</li> </ul> <p><u>NSWCC Leadership Development Program</u></p> <p>The NSWCC Leadership Development Program has been thoughtfully designed to enhance leadership awareness and strengthen people management capabilities. By integrating performance management, job satisfaction, job purpose, and role enrichment, the program fosters impactful leadership development. The initiative is available to leaders at Grades 9-12, equipping them with the tools to lead effectively and drive meaningful progress.</p>				

Talent

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<p>7. Noting the 2024 amendments to the Crimes (Domestic and Personal Violence) Act, when will the remaining recommendations from the Project Hakea report be implemented? (Project Hakea investigation report, p 8, esp. Recommendations 2-4)</p>	<p>The Crime Commission delivered Project Hakea in June 2024 by investigating the use of tracking and other surveillance devices as an enabler of serious and organised crime in NSW.</p> <p>In the Project Hakea Report, the Crime Commission made five recommendations to government for reform, aimed at reducing access to tracking devices by criminals, strengthening criminal legislation to reflect the seriousness of this type of offending and increasing community safety.</p> <p>As noted by the Committee, recommended change by the Hakea Report is reflected in legislative amendment passed by the NSW Government, including changes to the <i>Crimes (Domestic and Personal Violence) Act 2007</i> to include the monitoring, or tracking of a person's activity using technology in the definition of stalking.</p> <p>Questions about if (and when) further recommendations from the Project Hakea report will be implemented are a matter for the NSW Government to respond.</p>
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Question taken on notice

Question		
<p><b>The Hon. CAMERON MURPHY:</b> Thank you, Commissioner, for coming along and giving evidence today. I also want to ask about the Criminal Assets Recovery Act [CARA]. You set out on page 17 of the annual report the number of applications in each category that you've made to the Supreme Court. Were there any applications that were refused by the Supreme Court, and are there any that were withdrawn?</p> <p><b>NICOLE LAWLESS:</b> Not to my knowledge, with respect to that particular reporting period. There have been times when we've discontinued over the course of the CARA legislation. If it's not appropriate, obviously, if the evidence falls away, if there's a criminal conviction that is not made out, then we reassess and we might withdraw on that basis. I'm not aware of any order not being made by the Supreme Court, particularly in the initial instance, given that the threshold is relatively low, and then we conduct our investigation subsequently.</p> <p><b>The Hon. CAMERON MURPHY:</b> The ones that were discontinued, they're not set out in the annual report are they, those figures? Or were there none in this period?</p> <p><b>NICOLE LAWLESS:</b> It's possible that there were none in that period. I would have to take that question on notice.</p> <p><b>The Hon. CAMERON MURPHY:</b> If you could do that and just let me know. If you could provide a breakdown in a similar fashion to the one in the annual report, setting out the categories, and if there were any that were discontinued or withdrawn.</p> <p><b>NICOLE LAWLESS:</b> Yes. We can do that.</p>		
Answer		
<p>There were five (5) matters that were either discontinued or dismissed during the reporting period. The difference in terminology is a consequence of a recent change in practice. The Commission's previous practice was to <b>dismiss</b> matters by way of final consent orders, whereas the Commission's current practice is to file a notice of <b>discontinuance</b>. The timings of when these occurred throughout the reporting period are as follows:</p>		
Defendant	Order	Date
1.	Confiscation orders dismissed	13/09/2023
2.	Confiscation orders dismissed	27/09/2023
3.	Discontinued	27/09/2023
4.	Discontinued	14/05/2024
5.	Discontinued	17/06/2024