

**Submission
No 77**

INQUIRY INTO EMERGENCY SERVICES AGENCIES

Organisation: Law Enforcement Conduct Commission

Date received: 21 July 2017

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21 July 2017

The Director
Portfolio Committee No.4 - Legal Affairs
Parliament House, Macquarie Street
Sydney NSW 2000

Dear Committee Chair

Inquiry into emergency services agencies

I refer to your email dated 17 July 2017, inviting a submission from the Law Enforcement Conduct Commission to the inquiry into emergency services agencies.

The Law Enforcement Conduct Commission ('LECC') was established in 2017 as a permanent independent investigative commission to provide oversight of the NSW Police Force and NSW Crime Commission. In fulfilment of an election commitment, the NSW Government commissioned former NSW Shadow Attorney General, Mr Andrew Tink AM, to examine ways in which oversight of the NSW Police Force and NSW Crime Commission could be streamlined and strengthened.

In 2015, the Hon. Troy Grant MP released Mr Tink's comprehensive report, entitled Review of Police Oversight, and announced the NSW Government accepted Mr Tink's recommendations for a single civilian oversight body for the NSW Police Force and NSW Crime Commission.

The Law Enforcement Conduct Commission replaced the Police Integrity Commission ('PIC') and the Police Compliance Branch of the NSW Ombudsman with a single oversight body with two clearly defined functions: detecting and investigating misconduct and corruption, and overseeing complaints handling.

As a new Commission, operating for less than a month, the LECC is in a position to comment only on the following:

- a) the prevalence of bullying, harassment and discrimination, as well as the effectiveness of the protocols and procedures in place to manage and resolve such complaints within emergency services agencies, including:
 - iii. New South Wales Police Force

The LECC is currently in negotiations with the NSW Police Force to finalise Section 14 Misconduct Matters Management Guidelines of the *Law Enforcement Conduct Commission Act 2016* (the Act). This Agreement and Guidelines,

pursuant to Section 14 of the LECC Act, will outline:

- Misconduct matters that must be notified by the NSW Police Force (NSWPF) to the Law Enforcement Conduct Commission (LECC).
- Misconduct matters that need not be notified by the NSWPF to the LECC.
- How misconduct matters are to be notified, including required information.
- Arrangements in relation to the investigation of notifiable misconduct matters
- Arrangements in relation to LECC monitoring of NSWPF investigations into misconduct matters.
- Arrangements in relation to LECC monitoring of NSWPF complaint handling systems.

Until the Guidelines are agreed between NSWPF and LECC, the previous Class and Kind Agreement between the NSW Ombudsman, Police Integrity Commission and the NSW Police Force will remain in place. In that agreement the following matters are considered notifiable to the LECC:

- harassment, victimisation or unlawful discrimination of a member of the public;
- workplace bullying, harassment, victimisation or unlawful discrimination of a member of the NSW Police Force, but only where the police officer who is alleged to have committed the conduct has previously been the subject of similar complaints.

Whilst it is too early to provide any evidence regarding the effectiveness of future arrangements in dealing with such complaints, the LECC together with the NSWPF are confident in the new oversight regime in NSW.

The Commission also proposes to develop an audit schedule which will examine the handling of these types of matters by the NSWPF. The results of an audit such as this will assist the LECC in partnership with NSWPF, to implement practical prevention strategies in the future.

Should there be a requirement for further information, please contact me on
or

Yours sincerely,

Amber Williams
Chief Executive Officer