LECC
Law Enforcement
Conduct Commission

1.9 Agency Information Guide

June 2026

Table of Contents

Agency Information Guide	3
Open access information (mandatory release)	8
Authorised proactive release	8
Informal release	8
Access application (formal release)	8

Agency Information Guide

1. Introduction

This Agency Information Guide (AIG) has been produced in accordance with section 20 of the *Government Information (Public Access) Act* (GIPA Act) 2009, which requires Government agencies to make certain Government information publicly available.

The Law Enforcement Conduct Commission (the Commission) has produced this AIG with a view to providing the public with information about the Commission, in particular its functions, structure, legislative power and opportunities for community participation with the Commission.

This information guide (the Guide) outlines:

- the structure and functions of the Commission
- the ways in which the functions of the Commission affect members of the public
- the ways in which members of the public can participate in the formulation of the Commission's policies and the exercise of its functions
- the types of information the Commission will make publicly available
- the secrecy provisions that apply to the Commission as a law enforcement agency.

2. Structure and Functions of the Law Enforcement Conduct Commission

Functions of the Law Enforcement Conduct Commission

The Commission is constituted under the *Law Enforcement Conduct Commission Act* 2016 (the LECC Act) and commenced operation in 2017.

The Commission was established as an independent investigative body to oversight the NSW Police Force (NSWPF) and NSW Crime Commission (NSWCC), with the primary purpose of detecting and investigating misconduct and corruption in these agencies and oversighting their own investigation into officer misconduct. This Commission also oversights the investigation by NSWPF of critical incidents which occur during police operations.

The Commission also has a prevention and education function which involves assessing the effectiveness and appropriateness of misconduct and maladministration initiatives by the NSWPF and NSWCC and making recommendations accordingly.

As part of its oversight function, the LECC Act also empowers the Commission to audit the systems and records in relation to misconduct matters of the NSWPF and NSWCC.

Structure of the Commission

The senior executive team of the Commission consists of the Chief Commissioner, Commissioner, Chief Executive Officer (CEO) and the Executive Director Operations (EDO).

The Commissioners are appointed by the Governor for a maximum period of 5 years and are responsible for determining when the Commission should exercise its investigative powers in relation to NSWPF or NSWCC officer misconduct or maladministration. Investigation powers include conducting hearings in public or private, executing search warrants and requiring the production of documents or information.

The Commission's CEO is responsible for the delivery of all the necessary corporate services to enable the Commission to undertake its functions lawfully and efficiently. As the head of the Office of the Law Enforcement Conduct Commission[1], the CEO carries out the employer functions of the NSW Government and is responsible for the governance necessary to comply with risk management and accounting standards applicable to NSW agencies.

The EDO is responsible for the performance and conduct of the Oversight and Integrity Divisions of the Commission.

Oversight of the Commission

The LECC Act creates the position of Inspector who is an independent office holder appointed by the Governor to oversight the functions and operations of the Commission. Specifically, functions of the Inspector include:

- auditing the operations of the Commission for the purpose of monitoring compliance with the law of the State; and
- dealing with conduct amounting to agency maladministration on the part of the Commission and conduct amounting to officer misconduct or officer maladministration on the part of officers of the Commission; and
- assessing the effectiveness and appropriateness of the policies and procedures of the Commission relating to the legality or propriety of its activities.

These functions can be exercised on the Inspector's own initiative or at the request of the Minister, in response to a complaint made to the Inspector about the Commission, or in response to a reference by the Parliamentary Joint Committee (see below) or any other Government agency.

The powers of the Inspector are broad and enable the Inspector to (among other things):

- investigate any aspect of the Commission's operations or any conduct of officers of the Commission

[1] *Government Sector Employment Act 2013,* Schedule 1, Part 3.

- require officers of the Commission to supply information or produce documents or other things about any matter, or any kind of matter, relating to the Commission's operations or any conduct of officers of the Commission
- require officers of the Commission to attend before the Inspector to answer questions or produce documents or other things relating to the Commission's operations or any conduct of officers of the Commission
- investigate and assess Commission misconduct matters
- refer matters relating to the Commission or officers of the Commission to other agencies for consideration or action; and
- recommend disciplinary action or criminal prosecution against officers of the Commission.

The Commission also reports to the Joint Parliamentary Committee (Joint Committee) on the Ombudsman, the Law Enforcement Conduct Commission, and the Crime Commission.

The Joint Committee reviews the performance of the Commission and Inspector, examines their annual and other reports, and reports to Parliament on matters relating to their functions.

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

The Committee does not have the power to investigate particular conduct, or to reconsider the Commission's decisions, findings or recommendations about particular complaints or investigations.

Legislative power

In undertaking its operations, the following legislation has application to the Commission in exercising its functions:

- *Law Enforcement Conduct Commission Act 2016* (NSW)
- *Surveillance Devices Act 2007* (NSW)
- *Surveillance Devices Act 2004 (*Cth)
- *Law Enforcement (Controlled Operations) Act 1997* (NSW)
- *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW)
- *Law Enforcement and National Security (Assumed Identities) Act 2010* (NSW)
- *Telecommunications (Interception and Access) Act 1987* (NSW)
- *Telecommunications (Interception and Access) Act 1979* (Cth)

3. How Commission functions affect members of the public

The Commission was established to strengthen the integrity of the NSWPF and the NSWCC.

The public can be confident that the Commission is an independent and separate agency from the NSWPF and the NSWCC, with the responsibility of preventing, detecting, and investigating misconduct and maladministration within those bodies. Members of the public are encouraged to report NSWPF officer or NSWCC officer misconduct or maladministration to the Commission.

The Commission provides independent oversight of misconduct investigations undertaken by the NSWPF and the NSWCC, to ensure they are reasonable and appropriate.

The Commission is also responsible for oversighting NSWPF investigations of critical incidents and has the power to make recommendations to the NSWPF about its investigation of a critical incident.

The Commission undertakes its oversight functions in an impartial and fair manner and conducts itself in line with its values of accountability, fairness, integrity, and respect.

Furthermore, as outlined in this AIG, the public can be assured that the Commission itself is subject to a comprehensive accountability framework to ensure it adheres to its statutory functions and responsibilities and exercises its powers in a lawful and proportionate manner.

4. How the public can participate in the Commission's policy development and in the exercise of its functions

While the Commission's functions are regulated by legislation, community members are encouraged to contact the Commission if they have any suggestions concerning how the Commission can improve the way it fulfils its statutory functions and obligations. The Commission can be contacted in the following ways:

Phone: 9321 6700

Email: contactus@lecc.nsw.gov.au

Website: www.lecc.nsw.gov.au

Mail: GPO Box 3880, Sydney NSW 2001

In person: Level 3, 111 Elizabeth Street, Sydney NSW

Complaints

A core function of the Commission is to receive and investigate complaints about NSWPF officers and NSWCC officers concerning misconduct and maladministration. Members of the public can make a complaint via one of the contact methods listed above.

The NSWPF and the NSWCC have primary responsibility under the legislation to deal with misconduct by their staff. As such, most complaints are referred to the NSWPF or NSWCC for their handling. The Commission, however, has

responsibility for reviewing the NSWPF and NSWCC decisions to investigate or decline to investigate those complaints, and can require the NSWPF or NSWCC to investigate a complaint if it is not satisfied.

Following our investigation of a complaint, the Commission may make findings and recommendations and will, at times, make such findings and recommendations publicly available, for example, if the Commission has held public hearings for the purpose of an investigation and presents a report to Parliament. This further provides an opportunity for the community to become aware of and provide feedback about the Commission's work.

Community Engagement

The Commission has a community outreach program which aims to ensure all citizens of NSW, regardless of race, gender, age, religion, and culture, are aware of and able to contact the Commission and report misconduct and maladministration in the NSWPF and NSWCC without fear or favour.

It is anticipated that through the Commission's community engagement work, groups in the community will be given the opportunity to provide input that enhances the Commission's knowledge and decision-making processes on issues that may impact on matters they have raised.

Community engagement strengthens the trust between the community and government by providing a platform for interested parties to have their voices heard and their views considered and acknowledged.

5. Information the Commission holds

The Commission holds information relating to its core functions as an independent oversight body. We also hold a small amount of information dealing with administrative matters.

Because much of the Commission's work is confidential and treated as "exempt" from disclosure under clause 2, Schedule 2 of the GIPA Act, it is not required to disclose information relating to its corruption prevention, complaint handling, investigative and reporting functions or information which is subject to the secrecy provisions within the LECC Act.

The Commission will endeavour to make information available that is not exempt and is appropriate for public release, this will include:

- corporate policy documents
- documents that are tabled in Parliament such as the LECC Annual Report
- disclosure log (a record containing details of government information released under formal access provisions of the GIPA Act)
- records of information not publicly available
- contracts register
- strategic planning documents
- findings of Commission investigations or reviews, if it is in the public interest

to release it publicly
- the Commission's code of conduct and ethics; and
- the policy for handling complaints.

6. How to access the Commission's information

Under the GIPA Act, information may be released to the public in four ways:

- Open access information
- Proactive release of information
- Informal release
- Formal access applications.

Open access information (mandatory release)

The GIPA Act, encourages NSW Government agencies to proactively release Government information, ensuring that members of the public have access to that information unless there is an overriding public interest against disclosure.

An agency's open access information is information that an agency is required to make publicly available. Such information includes (among other things), the Agency Information Guide, information about the agency contained in any document tabled in Parliament by or on behalf of the agency and agency policy documents.

Authorised proactive release.

In addition to the mandatory release requirements, the Commission will proactively release other information that might be of interest to the public, for instance, where appropriate, reports of investigations or research projects.

The Commission will aim to identify Government information within its holdings that can be made publicly available and appropriate for authorised proactive release.

Informal release

The Commission may provide information on request where there is no overriding public interest against disclosure.

Access application (formal release)

The GIPA Act provides members of the public with a legally enforceable right to formally apply for access to specific information held by the Commission. However, much of the Commission's sensitive information is exempt from the disclosure obligations of the GIPA Act, as stated above. While the Commission will make every effort to honour a request for information, if it is in the public interest to do so, this will be assessed on a case-by-case basis and will consider the exemptions and the secrecy provisions of the LECC Act.

The GIPA Act requires that formal access applications meet the following requirements. The application must:

- be in writing
- clearly state that you are seeking the information under the GIPA Act
- include your name and a postal or email address for a response
- be clear and specific about the information you seek, so that we can identify it; and
- be addressed to:

  Right to Information Officer

  GPO Box 3880

  Sydney NSW 2001

Certain GIPA applications may incur processing charges. The Commission's Right to Information Officer will advise applicants if their request is likely to occur charges.

7. Disclosure under s 180 of the LECC Act

An alternate mechanism for seeking access to Commission information is by making an application pursuant to s 180(5)(d) of the LECC Act. The information sought should be described and an explanation provided as to why it is necessary in the public interest for the information to be released. See the Commission's Guidelines on Disclosure of Commission Information under the LECC Act on the Commission's website.