

**Inspector of the
Law Enforcement Conduct Commission**

Ref: C82-2526/A8579640

19 May 2026

Mr Anthony Smith**Email: als1969@me.com****BY EMAIL**

Re: Your complaint dated 5 May 2026

Dear Mr Smith

I refer to your complaint received by my Office on 5 May 2026 regarding the Law Enforcement Conduct Commission (LECC or the Commission) and its handling of your complaints CASE2022261, CASE20235274, CASE20237645, CASE20248756, CASE202411928 and CASE 202512717.

After reviewing your material and the Commission's material, I am of the view that the Commission has not engaged in 'agency maladministration' and that no LECC staff member has engaged in 'officer misconduct' or 'officer maladministration'. I will take no further action on your complaint and will close my file. Below are the reasons for my decision.

My functions

As the Inspector of the LECC, I am empowered by the *Law Enforcement Conduct Commission Act 2016* (NSW) (LECC Act) to address complaints of maladministration and misconduct by the LECC and its staff. I cannot deal with complaints about any other agency including issues regarding the NSW Police Force (NSWPF).

I cannot review the LECC's decision either to investigate or not investigate a complaint unless the decision is affected by conduct amounting to agency maladministration, officer maladministration or officer misconduct. If there is evidence that a LECC decision is affected by such conduct, I may examine the decision and the context in which it was made to consider whether that kind of conduct has occurred.

Your complaint

You assert that each of your complaints to the LECC have been assessed and *closed 'without substantive investigation by the Commission'* and that such conduct amounts to agency maladministration because:

1. The Commission gave you inconsistent instructions for providing consent in relation to CASE202411928. Specifically, the Commission's outcome letter of 28 February 2025 contained an 'opt out instruction', 'If we do not hear from you by 14 March 2025, we will send your

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complaint to the police. The email dated 8 April 2025 contained an 'opt in instruction', 'As you have not provided your consent for referral by 14 March 2025, we have retained your complaint on our file'.

You assert that the inconsistent instructions were applied by the Commission to your detriment and constitute unreasonable conduct.

2. The Commission referred your complaint CASE20237645 to the Kings Cross Police Area Command which you had complained about. You state that:

'Directing a complainant to seek further assistance from the agency and command that is the subject of the complaint is, on its face, oppressive and improperly discriminatory in its effect.'

3. The Commission consolidated your complaint files even though each of the files concern a different set of facts, material and information including subject officers. You say that:

'Treating these matters as "the same concerns" required the Commission to take into account an irrelevant matter — the volume of correspondence — in order to dismiss substantively distinct allegations.'

4. The Commission failed to assess your Queensland Health RTI release as new evidence:

'The release is dated after every prior LECC assessment of my matters. By any reasonable application of the Commission's own stated "significant new and cogent information" threshold, it qualifies. The Commission has issued only automated acknowledgements in response. Failing to substantively assess this material is unreasonable conduct.'

5. The Commission in its letters dated 20 September 2024 and 28 February 2025 stated that your future correspondence must raise 'significant new and cogent information that would require further action by the Commission' before it would be assessed. You say that:

'This formulation requires a complainant to perform investigative judgment — to assess the novelty and probative weight of their own evidence — as a precondition to being heard. That inverts the function of an oversight body. The Commission's role is to assess significance; the complainant's role is to report what is occurring. Applied to a complainant with a documented disability that affects their capacity to compile, organise and present evidence in the form the Commission prefers, this threshold operates as a barrier to equal access. In its effect, it is improperly discriminatory.'

6. The Commission did not provide reasonable adjustments given the disclosure of your mental health conditions including post-traumatic stress disorder. You say that the closure of CASE20237634 on 25 June 2024, followed by a communication restriction warning dated 20 September 2024, does not reflect 'any consideration of reasonable adjustment in response to the disclosure'.

7. The Commission did not engage with the issues regarding documented record destruction by the NSWPF. You say that in a letter dated 16 September 2025 a subject officer named in CASE20237645 confirmed that the records you sought were deleted upon finalisation of your Local Court matter. You state that this may breach section 21 of the *State Records Act 1998*.

8. You assert that the Commission's decisions regarding proposed communication restrictions have not been confined to LECC itself. You state that this is evidenced by an email dated 26 June 2025 from a NSWPF officer to the Redcliffe-Caboolture Crisis Assessment & Treatment Community Mental Health Service containing the following statement: 'He has emailed LECC who have told him he will soon be blocked from their server so too has the ministers office.'

You state that, 'They have demonstrably been used by the agency that is the subject of my complaints to characterise me to a third agency in another jurisdiction. This is direct evidence

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that the procedural conduct described in sections 3.1 to 3.7 has had effect that is unreasonable, oppressive and improperly discriminatory in the meaning of the Act.'

9. You state that it has not been explained to you how the NSWPF officer obtained the information about the LECC's proposed communication restrictions and the minister's office decision regarding your communications
10. The Commission did not identify the contradiction of the NSWPF preparing ministerial advice directing complaints back to the Kings Cross PAC, while a communication restriction was imposed on you by the same PAC.
11. The Commission treated your reports as a private dispute between two individuals, *'rather than as reports concerning a person of investigative interest with a documented pattern of victims, fails to engage the public interest dimension that the Commission has discretion to consider'*.

Assessment

I reviewed your material and the Commission's records. Having done so, I am satisfied that there has been neither agency maladministration nor officer misconduct or maladministration on the part of any officer of the LECC.

Complaint 1

The issue regarding the *'inconsistent instructions'* was addressed in the Commission's letter dated 2 December 2025:

We refer to your correspondence dated 13 November 2025, regarding your request for CASE202411928 to be referred to the NSW Police Force.

We appreciate there may have been a misunderstanding regarding the referral of your complaint.

On 8 April 2025, we advised that your complaint would remain on our files and that no further action would be taken, as we had not received your consent for referral by 14 March 2025.

At that time, we advised that if you wished for the Commission to forward your complaint documents to the NSW Police Force for their information, to please let us know in writing.

The Commission notes that eight months have passed since that advice was provided. We have identified that the additional concerns you raised on 28 February 2025 have already been directed to the NSW Police within this period.

The Commission acknowledged the misunderstanding regarding the referral of your complaint and indicated that it had already directed your concerns to the NSWPF.

I do not consider that the inconsistency has been to your detriment as your concerns were referred to the NSWPF. Therefore, I am of the view that the Commission has not engaged in agency maladministration or officer misconduct or maladministration.

Complaint 2

The law states that the NSWPF have the primary responsibility of handling issues about its agency. This is why most matters which the Commission receives are referred to the NSWPF for consideration and action. Although the Commission refers matters to the NSWPF, it overlooks the police handling of the complaint.

I do not consider that the Commission engaged in agency maladministration or officer misconduct or maladministration in referring your complaint to the NSWPF.

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Complaint 3 and 11

I have reviewed the Commission's holdings in relation to CASE2022261, CASE20235274, CASE20237645, CASE20248756, CASE202411928 and CASE202512717.

All your complaints appear to arise out of the same incident in 2022. Upon reviewing the files, it appears that the Commission has combined related correspondence under one of your six complaint files.

The Commission decided to not investigate your complaints because it assessed your material and determined that they were not matters justifying investigation by the Commission and deemed that they were appropriate for the NSWPF to deal with. Or otherwise, it decided it did not have enough information to determine misconduct.

I do not consider that the Commission engaged in agency maladministration or officer misconduct or maladministration in deciding not to investigate your complaints.

Complaint 4

As indicated under my functions, I cannot review the LECC's decision to not investigate your complaint, this includes the conclusion the Commission reaches upon assessment of the material.

Complaint 5

Each of your six complaints arose out of the same incident and contained similar material and information. It appears that the Commission has assessed the same or similar material on multiple occasions. It is not surprising that the Commission now requires information that raises '*significant new and actionable information that would require further action*'.

I do not consider that the Commission's response as discriminatory, and therefore of the view that there has been neither agency maladministration nor officer misconduct or maladministration by any officer of the LECC.

Complaint 6

Having examined your complaints to the Commission and I am satisfied that it did not discriminate against you or treat you less favourably due to your disability. There is no evidence that the Commission did not follow its procedures and practices in assessing and handling your complaint.

I find that there has been neither agency maladministration nor officer misconduct or maladministration by any officer of the LECC in the handling of your complaint.

Complaint 7

Issues regarding the State Records Act 1998 should be directed to the Information and Privacy Commission NSW.

Complaints 8 and 9

It appears that the LECC communications with the NSWPF extend to referral of your complaint to the police. However, there is no evidence before me to suggest that the LECC told the NSWPF that they would block you from their servers.

I note that communication restrictions have not been imposed on your communications with LECC.

I find that there has been neither agency maladministration nor officer misconduct or maladministration by any officer of the LECC.

Complaint 10

It is a matter for the NSWPF to deal with their administrative decisions such as dealing with communication restrictions.

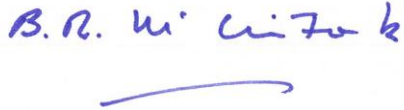
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Conclusion

For the above reasons I am not satisfied that there has been agency maladministration, or officer misconduct, or officer maladministration, and I will not take any further action concerning your complaint.

Sincerely,



Bruce McClintock SC

Inspector, Law Enforcement Conduct Commission

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