

Criminal conduct inside your organisation

Legal information for NSW community organisations

This fact sheet covers:

- what to do if you suspect that criminal conduct has occurred in your organisation
- a step-by-step process if you suspect criminal conduct has occurred or is occurring

This fact sheet aims to provide New South Wales not-for-profit community organisations with a step by step process to follow if you suspect that criminal conduct is occurring within your organisation.

Criminal conduct is very serious - if there is an emergency, call 000. Otherwise, these are the steps we recommend.

1. Check your facts

First, try to make sure your suspicions are correct.

TIP

- Avoid making accusations or putting anyone at risk. Go straight to the police if you think anyone is in danger.
- Document your concerns. Make file notes of conversations or incidents. Write down in your own words what has happened and what you think that means.
- Do the organisation's records support your suspicions? For example, do the financial statements indicate that there are funds missing without authorisation?
- If you saw what you thought was someone being harassed or threatened, has that person confirmed that's what happened and that they want to take it further?

2. Call the police

If there is an emergency, call 000. Otherwise, call the New South Wales Police Force Assistance Line on: 131 444 or to report criminal activity anonymously, call Crime Stoppers on 1800 333 000.

You can go to www.police.nsw.gov.au and follow the links under "contact us" to reach to your local police station).

3. Call your insurer

Your organisation may have fidelity or fraud insurance, or a directors and officers policy which covers your organisation in your situation.

If this is the case, read the policy carefully and notify your insurer immediately if you think it applies.

If you try to make a claim later and didn't notify the insurer when the incident occurred, you may not be covered.

Often, insurance companies have a panel of lawyers to assist with specific legal issues and you will be referred to one of these.

4. Seek legal advice

Making sure your organisation approaches serious situations in the right way is fairer to everyone involved.

If your insurer is unable to offer legal advice or you don't have insurance, you may need to contact a lawyer.

5. Make sure the right people know - but be careful who you tell

Your board or committee of management should be informed of concerning conduct, depending on the expert advice you receive.

CAUTION

There may be reasons that you should not inform all staff or volunteers, eg:

- you could open yourself to a defamation claim, or
- you might be in breach of your legal obligations with respect to privacy.



Check this with your lawyer.

Resources

Related Not-for-profit Law Resources

▀ [Disputes and Conflict](#)

This resource provides information on internal and external conflicts, mediation and going to court.

▀ [Risk and Insurance](#)

This resource provides information on background checks, OHS, negligence and incidents and accidents.

Related Resources

▀ [NSW police](#)

This website contains information on who is appropriate to contact in the event of criminal activity or suspected criminal activity. Under 'contact us' you can follow the links to your local police station.

A Not-for-profit Law Information Hub resource. Access more resources at www.nfplaw.org.au

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