



WESTERN AUSTRALIA

**CCC** | Corruption and  
Crime Commission

## Overview of Serious Misconduct

Quarter 3 - 2016/17



|                                       | Q2 2016 / 2017 | Q3 2016 / 2017 |
|---------------------------------------|----------------|----------------|
| <b>NUMBER OF ALLEGATIONS RECEIVED</b> | 1,382          | 1,231          |

## Key Points

- The Commission experienced a decrease in allegations this quarter, with an 11% reduction on the previous quarter.
- Western Australia Police Force (WAPOL), Department of Education (DoE), the combined WA Health portfolio and Department of Corrective Services (DCS) continue to represent the majority of allegations (86%) which correlates strongly with staffing numbers- these agencies represent approximately 79% of the overall WA public sector workforce.
- WAPOL continue to represent the majority of allegations recorded in this quarter (51%), which is consistent with previous reporting periods. WAPOL shares similar corruption and misconduct risks as the broader public sector in the area of 'Breach of Code of Conduct/Policies/Procedures', however 'Unprofessional Conduct' and 'Assault - Physical/Excessive Use of Force' continue to be areas of risk for operational staff, as highlighted in Tables 1 and 2.
- There has been a significant increase in the number of Assault - Physical/Excessive Use of Force allegations across the Public Sector (excluding WAPOL) this quarter, from 2% to 21%. This can be attributed to DoE's reporting of 92 of these matters on a bi-annual basis under existing s.30 reporting guidelines. When extrapolating these numbers over an annual period, they do not indicate cause for concern.
- The preliminary success of community engagement is evident in the increase of s.25 notifications. In Quarter 2, the Commission sought to increase its social media presence, as well as launching a number of initiatives aimed at encouraging members of the public to report serious misconduct directly to the Commission. Quarter 3 saw an increase in the number of s.25 notifications received, from 19% in the previous two quarters to 30%; the highest it has been in three years (Table 3). It is further envisaged that the dissemination of additional reports on the Commission's re-developed website in the near future will also contribute to increased reporting levels from members of the public.

## Challenges and Opportunities

- The effect that the devolution of WA Health has had on the number of serious misconduct allegations and the management of serious misconduct investigations is the subject of ongoing consideration by the Commission, but early signs are positive. The Commission continues its close engagement with WA Health's five separate reporting authorities. Proactive case discussions, clarification regarding reporting obligations and a general desire to meet the Commission's overall expectations indicate a sound paradigm in developing a strong integrity framework.

### Contact the Corruption and Crime Commission

- Due to its prominence in allegations received in previous quarters, the Commission will continue to monitor the number of 'Unlawful Use of a Computer' allegations, particular in those agencies with highly sensitive information. While breaches have been detected and investigated through audits, the Commission is interested in how those agencies affected are strengthening policies, procedures and improved audit capabilities to deter unauthorised access.

## Graphical Analysis

**Table 1: Top Five Western Australia Police Allegation Categories**

| Allegation Category                         | Q2 2016/2017 |            | Q3 2016/2017 |            |
|---|--------------|------------|--------------|------------|
|   | No.          | %          | No.          | %          |
| Breach of Code of Conduct/Policy/Procedures | 53           | 6%         | 136          | 22%        |
| Unprofessional Conduct                      | 92           | 11%        | 116          | 19%        |
| Assault - Physical/Excessive Use of Force   | 51           | 6%         | 73           | 12%        |
| Neglect of Duty                             | 65           | 8%         | 65           | 10%        |
| Corrupt Conduct                             | 41           | 5%         | 63           | 10%        |
| <b>Total</b>                                | <b>302</b>   | <b>88%</b> | <b>453</b>   | <b>78%</b> |

**Table 2: Top Five Public Sector Allegation Categories (Minus Western Australia Police)**

| Allegation Category                         | Q2 2016/2017 |            | Q3 2016/2017 |            |
|---|--------------|------------|--------------|------------|
|   | No.          | %          | No.          | %          |
| Assault - Physical/Excessive Use of Force   | 11           | 2%         | 128          | 21%        |
| Breach of Code of Conduct/Policy/Procedures | 54           | 11%        | 96           | 16%        |
| Corrupt Conduct                             | 42           | 8%         | 72           | 12%        |
| Using Position for Benefit or Detriment     | 46           | 9%         | 57           | 9%         |
| Fraud/Falsification/Fabrication             | 54           | 11%        | 51           | 8%         |
| <b>Total</b>                                | <b>207</b>   | <b>41%</b> | <b>404</b>   | <b>66%</b> |

**Table 3: Allegation Source**

| Allegation Source   | CCM Act  | Q2 2016/2017 |             | Q3 2016/2017 |             |
|---|----------|--------------|-------------|--------------|-------------|
|   |          | No.          | %           | No.          | %           |
| Notifications of alleged serious misconduct from notifying authorities (public authorities) | s.28     | 1,038        | 75%         | 803          | 65%         |
| Reports of alleged serious misconduct from individuals (the public)                         | s. 25    | 263          | 19%         | 375          | 30%         |
| Public Sector Commission  | s.45M(d) | 61           | 4%          | 39           | 3%          |
| Commission's own propositions of alleged serious misconduct                                 | s.26     | 1            | 0%          | 12           | 1%          |
| Notifications of reviewable police action (Western Australia Police)                        | s.21A    | 11           | 1%          | 2            | .3%         |
| Allegations initiated   | s.22     | 8            | 1%          | 0            | 0%          |
| <b>Total</b>  |          | <b>1,382</b> | <b>100%</b> | <b>1,231</b> | <b>100%</b> |

**Table 4: Unlawful Use of a Computer Allegation by Agency**

| Allegation Category               | Q2 2016/2017 |                                   | Q3 2016/2017 |                                   |
|-----------------------------------|--------------|-----------------------------------|--------------|-----------------------------------|
|                                   | No.          | % of agency's overall allegations | No.          | % of agency's overall allegations |
| Department of Corrective Services | 8            | 11%                               | 7            | 8%                                |
| WA Health                         | 16           | 17%                               | 6            | 6%                                |
| Western Australia Police          | 427          | 52%                               | 34           | 5%                                |
| Public Transport Authority        | 66           | 71%                               | 0            | 0%                                |
| Main Roads Western Australia      | 36           | 95%                               | 0            | 0%                                |
| <b>Total</b>                      | <b>553</b>   | -                                 | <b>47</b>    | -                                 |

**Table 5: Action Taken In Relation to an Allegation**

| Action taken in relation to allegations  | Q2 2016/2017 |             | Q3 2016/2017 |             |
|--|--------------|-------------|--------------|-------------|
|  | No.          | %           | No.          | %           |
| s33(1)(d) - Take no action   | 372          | 27%         | 524          | 43%         |
| s33(1)(c) - Refer to Appropriate Authority (Monitor for Outcome)                               | 491          | 36%         | 371          | 30%         |
| s33(1)(d) - Take no action (Record AA Outcome)   | 441          | 32%         | 208          | 17%         |
| s33(1)(d) - Take no action (Disclose to Public Sector Commission s.152(4))                     | 24           | 2%          | 47           | 4%          |
| Refer to Operations Committee  | 4            | 0%          | 26           | 2%          |
| s33(1)(b) - CCC to investigate in cooperation with independent agency or appropriate authority | 10           | 1%          | 19           | 2%          |
| s33(1)(c) - Refer to Appropriate Authority (Monitor for Review)                                | 24           | 2%          | 26           | 2%          |
| s32(2) - CCC to conduct preliminary investigation  | 13           | 1%          | 14           | 1%          |
| s33(1)(a) - CCC to investigate   | 0            | 0%          | 3            | 0.3%        |
| s33(1)(d) - Take no action (Disclose to other Agency)  | 3            | 0%          | 5            | 0.4%        |
| <b>Total</b>   | <b>1,382</b> | <b>100%</b> | <b>1,231</b> | <b>100%</b> |

**Contact the Corruption and Crime Commission**