

# Overview of serious misconduct

Quarter one FY 2022/23

5  
Indicator 2



94%

ent 3

## Summary

### Overall

- In quarter one of Financial Year 2022/23, the number of reports from the public and notifications by appropriate authorities remained consistent with previous reporting levels.

### Reports from the public

- The majority of reports from members of the public about public officers (excluding police officers) related to allegations involving corrupt conduct, benefit/detriment and fraud.
- Just under half of all reports from members of the public about police officers related to allegations of neglect of duty and unprofessional conduct. This is consistent with notifications to the Commission by WA Police. WA Police allegation categories are also consistent with previous reporting periods.

### Notifications from Public Authorities

- Two thirds of all notifications to the Commission by public authorities (excluding WA Police) related to allegations about benefit/detriment, assault and unauthorised computer access. The allegations related to workplace functions involving official capacity, information management and human resources, and involved the following human behaviours: manhandling of students by teachers (mandatory reporting), accessing systems when unauthorised, fabricating records (such as timesheets), showing preferential treatment during recruitment and failing to follow instructions/policies.

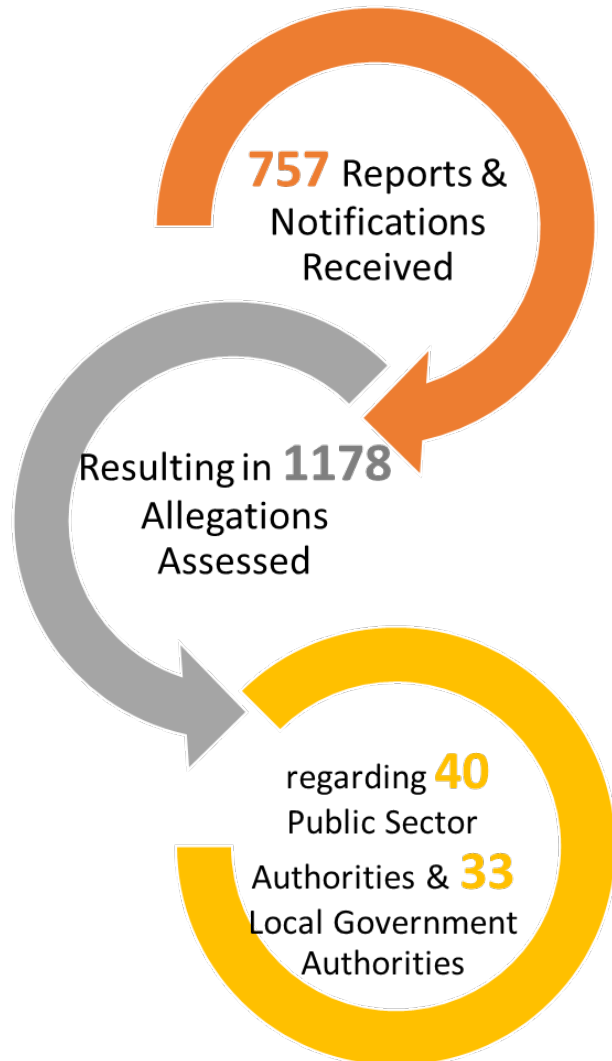
### Outcomes Reported by Public Authorities and WA Police Force

- The outcomes for 209 allegations, previously referred by the Commission to appropriate authorities for action, were received during the quarter. Of those, 101 allegations were sustained and 10 public sector employees were dismissed. The dismissals involved serious misconduct relating to unprofessional conduct, stealing, fraud, unauthorised computer access and unauthorised disclosure of information.
- The WA Police outcome for 160 allegations, previously referred by the Commission for action, were received during the quarter. Of those, 58 allegations had findings of sustained and two police officers were dismissed. These dismissals involved serious misconduct relating to unprofessional conduct.

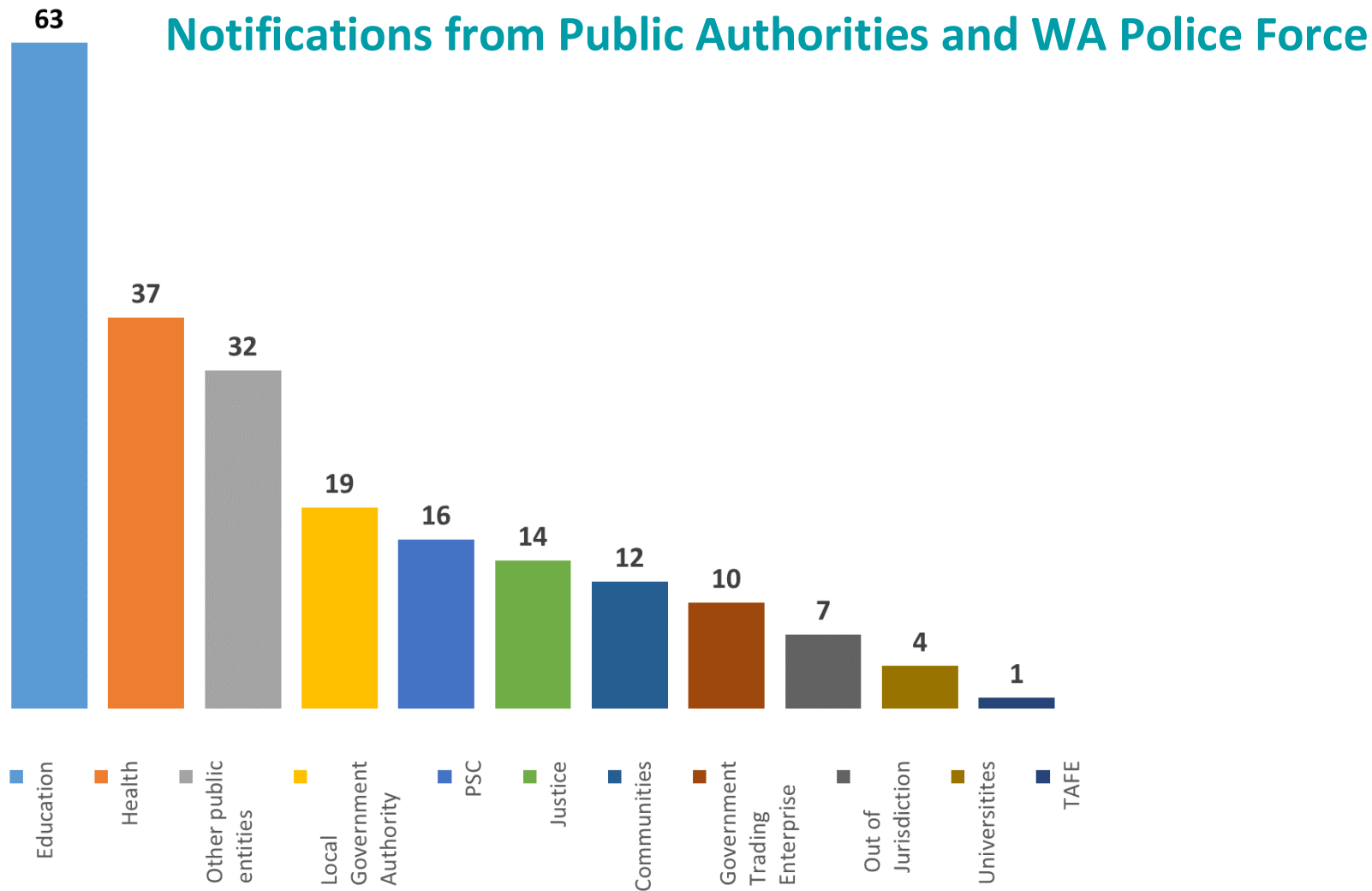
### WA Government Sector Spotlight

- The subject of this quarterly report's spotlight section is the 'dark figure of serious misconduct and corruption'. The section provides an overview regarding the elements of reported, unreported and unknown serious misconduct and corruption.

## Reports and Notifications

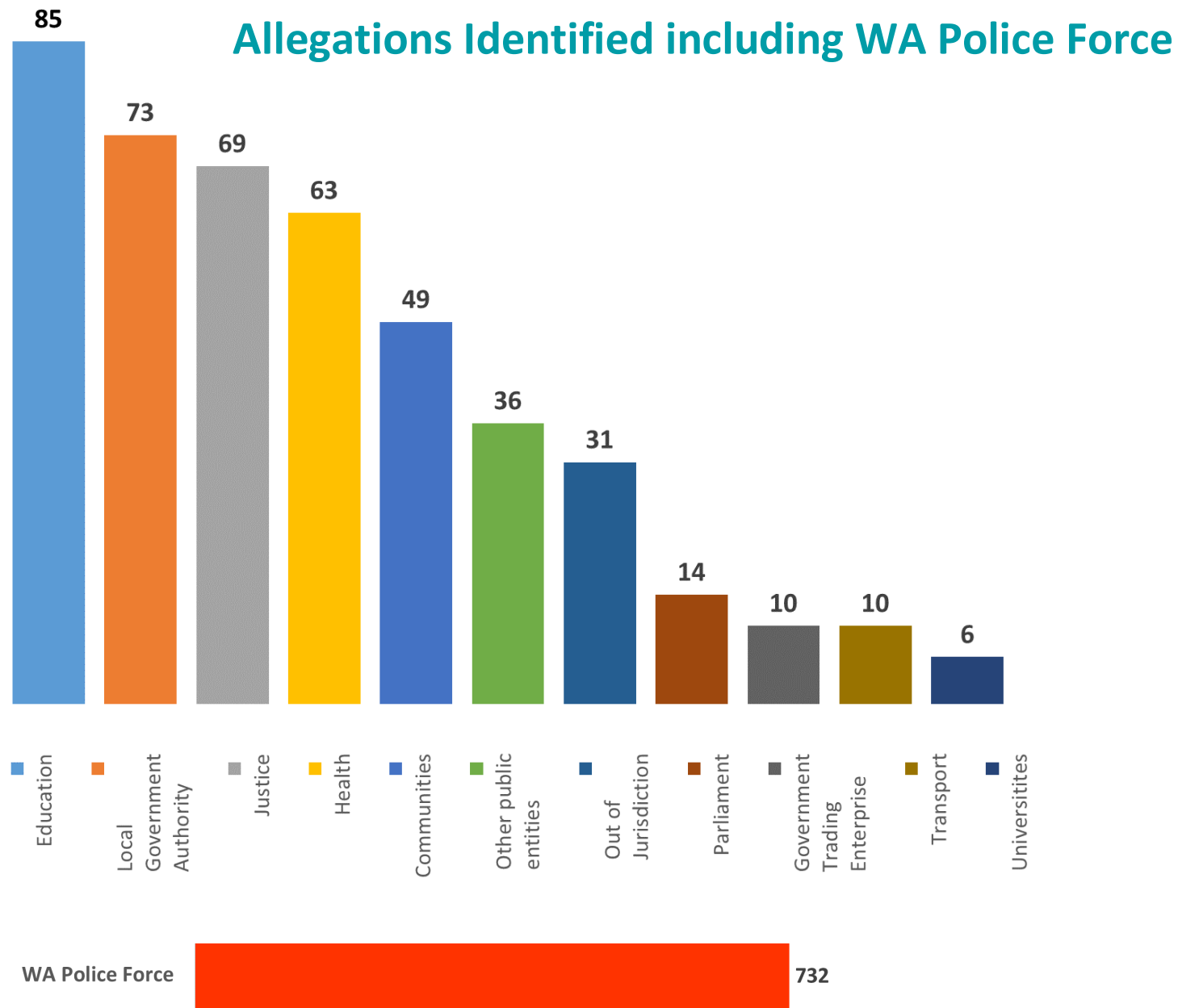


Reports from members of the public	302
Notifications from WA Police Force (WAPF)	240
Notifications from public authorities	173
Notifications from local government authorities	19
Referrals from the Public Sector Commission	16
Referrals from the ALSWA	6
Notification from the Parliamentary Inspector	1



WA Police Force

240



## Allegations by Members of the Public

Public Authorities			
Rank	Allegation Category	Allegation Count	%
1	Benefit / Detriment - 4(b)	86	35.5%
2	Out of Jurisdiction	69	28.5%
3	Corrupt Conduct - 4(a)	52	21.5%
4	Fraud / Falsification	12	5.0%
5	Criminal Conduct	5	2.1%
6	Judicial Corruption	5	2.1%
7	Assault	4	1.7%
8	Neglect of Duty	3	1.2%
9	Unlawful Disclosure	3	1.2%
10	Computer - Unlawful Use (s. 440A)	1	0.4%
11	Failure to Declare	1	0.4%
12	Unprofessional Conduct	1	0.4%
	Grand Total	242	100.0%

WA Police Force			
Rank	Allegation Category	Allegation Count	%
1	Neglect of Duty	70	23.6%
2	Unprofessional Conduct	57	19.2%
3	Benefit / Detriment - 4(b)	43	14.5%
4	Assault	26	8.8%
5	Breach of Procedure or Policy	24	8.1%
6	Unlawful Arrest / Search	24	8.1%
7	Criminal Conduct	21	7.1%
8	Corrupt Conduct - 4(a)	15	5.1%
9	Unlawful Disclosure	6	2.0%
10	Out of Jurisdiction	5	1.7%
11	Fraud / Falsification	3	1.0%
12	Computer - Unlawful Use (s. 440A)	2	0.7%
13	Other	1	0.3%
	Grand Total	297	100.0%

## Allegations by Notifying Public Authorities

Public Authorities			
Rank	Allegation Category	Allegation Count	%
1	Benefit / Detriment - 4(b)	50	24.5%
2	Assault	45	22.1%
3	Computer - Unlawful Use (s. 440A)	37	18.1%
4	Out of Jurisdiction	19	9.3%
5	Fraud / Falsification	13	6.4%
6	Unlawful Disclosure	12	5.9%
7	Criminal Conduct	11	5.4%
8	Corrupt Conduct - 4(a)	6	2.9%
9	Failure to Lodge	6	2.9%
10	Failure to Declare	3	1.5%
11	Drugs (Illicit)	2	1.0%
	Grand Total	204	100.0%

WA Police Force			
Rank	Allegation Category	Allegation Count	%
1	Neglect of Duty	113	26.0%
2	Unprofessional Conduct	73	16.8%
3	Assault	68	15.6%
4	Breach of Procedure or Policy	64	14.7%
5	Out of Jurisdiction	25	5.7%
6	Computer - Unlawful Use (s. 440A)	19	4.4%
7	Unlawful Disclosure	19	4.4%
8	Benefit / Detriment - 4(b)	13	3.0%
9	Criminal Conduct	10	2.3%
10	Unlawful Arrest / Search	10	2.3%
11	Fraud / Falsification	6	1.4%
12	Improper Association - Undeclared	4	0.9%
13	Other	4	0.9%
14	Drugs (Illicit)	3	0.7%
15	Secondary Employment - Unauthorised	3	0.7%
16	Corrupt Conduct - 4(a)	1	0.2%
	Grand Total	435	100.0%

## Allegations Referred to Public Authorities: Finalised with Outcomes

Public Sector (excluding WA Police Force) Allegation Result	Grand Total
Administratively Closed	44
Exonerated	1
Not Sustained	54
<b>Sustained</b>	<b>101</b>
Unfounded	9
Grand Total	209



Public Sector (excluding WA Police Force) Sustained Allegations Disciplinary Action	Grand Total
Discretion Exercised - No Further Action	7
<b>Dismissal</b>	<b>11</b>
Financial Sanction	6
Formal Warning Letter	28
Local Management / Improvement Action	41
Other Sanction	8
Grand Total	101



Public Sector (excluding WA Police Force) Dismissal: Behaviour	Persons Dismissed
<b>Unprofessional Conduct</b>	
Sexual Relationship (Client)	1
<b>Computer - Unlawful Use</b>	
Accessing client record	1
<b>Drugs (Prescription)</b>	
Stealing	1
<b>Fraud / Falsification</b>	
Falsifying records: timesheets, work-book, medical certificates	3
Fraudulent claim: purchasing card, work- related injury, sick leave	3
<b>Unlawful Disclosure</b>	
Disclosing client record	1
Grand Total	10



## Allegations Referred to WA Police Force: Finalised with Outcomes

WA Police Force: Allegation Result	Grand Total
Administratively Closed	14
Exonerated	16
Not Sustained	49
<b>Sustained</b>	<b>58</b>
Unfounded	23
Grand Total	160



WA Police Force	Grand Total
Sustained Allegations: Disciplinary Action	
Discretion Exercised - No Further Action	4
<b>Dismissal</b>	<b>2</b>
Financial Sanction	1
Formal Warning Letter	23
Local Management / Improvement Action	21
Other Sanction	7
Grand Total	58

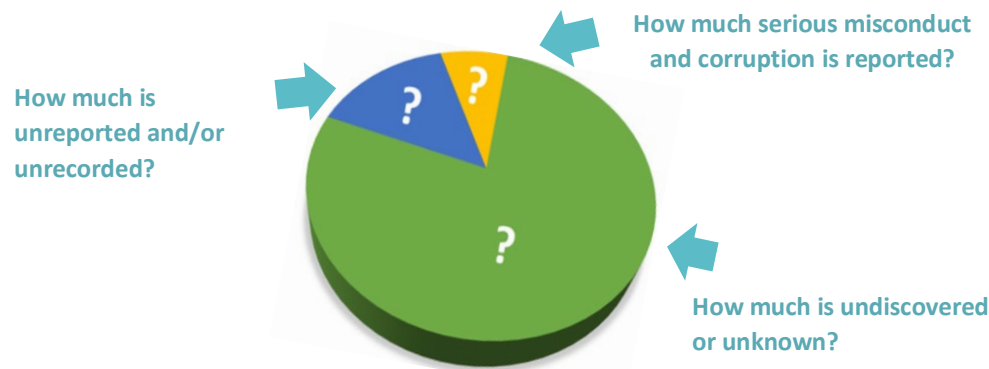


WA Police Force	Persons Dismissed
Dismissal: Behaviour	
<b>Unprofessional Conduct</b>	
Sexual Harassment (Public)	1
Sexual Harassment (Colleague)	1
Grand Total	2

## SPOTLIGHT ON THE 'DARK FIGURE OF SERIOUS MISCONDUCT AND CORRUPTION': UNRECORDED OR UNREPORTED MATTERS

The 'dark figure of crime' is a term used to describe crimes not recorded by police. This includes unrecorded, unreported or undiscovered crime.

It is the gap between official crime statistics and the amount of actual crime committed. In one sense, the same concept can be applied to matters of serious misconduct and corruption in the Western Australian government sector. A sector which employs some 220,000 persons across 287 public entities.<sup>1</sup>



There are of course many variables to consider when answering these questions. However, some related elements can be taken as given.

For example, serious misconduct and corruption occur perennially. They involve human behaviour, opportunity and incentives. The likelihood of serious misconduct and corruption occurring are mitigated chiefly through control mechanisms. These controls are designed to prevent, detect and expose any serious misconduct and corruption.

<sup>1</sup> Date retrieved 24/11/2022 from [State of the WA Government Sector Workforce \(www.wa.gov.au\)](http://www.wa.gov.au)

## Reported and Recorded Serious Misconduct and Corruption

Based on averages for the FY 2017-18 to 2021-22, per annum the Commission:

- Receives around 2,900 notifications
- Assesses approximately 6,000 allegations
- Undertakes around 80 investigations
- Refers about 1,460 allegations back to authorities for outcome
- Refers nearly 90 allegations back to authorities for review
- Obtains approximately 730 sustained allegation outcomes
- Records around 20 persons being dismissed from public sector employment for serious misconduct and/or corruption matters.

Some public officers are also charged/convicted through the criminal justice system.

During the period FY 2017-18 to FY 2021-22, the Commission received notifications of suspected serious misconduct<sup>2</sup> from 147 out of 287 public sector entities: one half of all the public sector authorities.<sup>3</sup>

Broken down by entity type with the respective number of authorities who notified the Commission, the notifications received were as per the table below:

Entity Type	Total All Entity Types	Notifying Authorities	%
Department	25	23	92%
Government Trading Enterprise	16	8	50%
Local Government Authority	145	84	58%
Non-SES Organisation	51	16	31%
SES Organisation	43	9	21%
Schedule 1 Entities (including Universities & WAPF)	7	7	100%
Grand Total	287	147	

<sup>2</sup> Section 3 of the CCM Act provides a definition of "notifying authority" which includes a department, an organisation of the public sector, a statutory authority or a public officer.

<sup>3</sup> The government sector also includes 257 Boards and Committees.

## Unrecorded or Unreported Serious Misconduct and Corruption

During the period FY 2017-18 to FY 2021-22, half of all government sector entities notified the Commission and thus half did not. Of those authorities that did notify the Commission, a reasonably sized proportion of them also had very low notification numbers.

The table below indicates the number of authorities who notified the Commission less than five times over the five-year period. In other words, they notified on average one notification per year.

Entity Type	Count of Notifiers	Notifiers with <=5 notifications	%
Department	23	10	43%
Government Trading Enterprise	8	6	75%
Local Government Authority	84	70	83%
Non-SES Organisation	16	8	50%
SES Organisation	9	6	67%
Schedule 1 Entities (including Universities & WAPF)	7	2	29%
Grand Total	147	102	

Thus, approximately 70% of the all authorities who notified the Commission during the period did so no more than five times in total. The question of interest to the Commission is "how much serious misconduct occurs which is potentially unrecorded or not reported?"

## Undiscovered/Unknown Serious Misconduct and Corruption

An appropriate authority is only able to notify the Commission and take action into alleged serious misconduct if they are aware of it. Undiscovered and unknown serious misconduct or corruption correlates with an authority's control environment, understanding of integrity risks and organisational culture which

collectively can be viewed as its integrity posture. Increased maturity of an authority's integrity posture increases the likelihood of detecting serious misconduct, thus reducing the likelihood of any undiscovered and unreported serious misconduct.

In this manner, the Public Sector Commission continues to focus on strengthening integrity frameworks by supporting government authorities to develop and implement detection systems to stop misconduct and corruption.<sup>4</sup> Such integrity initiatives should lead to an increase in the identification/detection of previously undiscovered/unknown serious misconduct and therefore, an increase in the notifying of alleged misconduct.

## Commission Area of Focus: Unrecorded or Unreported Matters

Notwithstanding the complexities involved, the Commission is currently exploring the unrecorded or unreported element of the dark, or hidden, figure of serious misconduct and corruption.

Inevitably, serious misconduct or corrupt conduct will continue in the government sector. Our collective abilities to reduce the extent and its impacts require constant vigilance, appropriate reporting mechanisms and regular reporting.

Authorities need to ensure they have appropriate internal reporting mechanisms in place to identify and notify the Commission of any suspected serious misconduct in accordance with their legislative obligations.

The Principal Officer of a notifying authority has a duty to notify the Commission as and when s/he suspects, on reasonable grounds, that a matter concerns or may concern either serious or minor misconduct.

The Commission will be seeking to identify further opportunities to inquire into the unrecorded or unreported elements of serious misconduct through our continued engagement with government sector entities.

<sup>4</sup> Refer to PSC [Integrity Framework Template](#) and [Integrity Framework Guide](#)