

# Overview of serious misconduct

Quarter one 2021/22

5  
Indicator 2



94%

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## Summary

In quarter one of 2021/22, the Corruption and Crime Commission received 696 reports and notifications of serious misconduct relating to 45 agencies, 28 Local Government Authorities (LGAs), and 1,826 allegations were identified.

- Just over half (947) of these allegations were created from reports from members of the public.
- Notifications by authorities accounted for just under half (850) of the overall allegations.
- The Public Sector Commission's notifications and the Commission's own propositions representing the remainder (29).
- The count of allegations created continues to remain high with an average of 2.6 allegations created per report or notification.
- Reports and notifications about LGAs, Department of Education and the health sector show slight increases in total numbers reported.
- 'Out of Jurisdiction' or 'No agency specified' allegations include agencies which do not fall within the Commission's jurisdiction (eg Federal agencies, private contractors) in the case of the former. With the latter, this includes reports which specify alleged corrupt conduct by a person or persons, but do not specify the particular agency involved.

## WA Police Force

- Fifty-five per cent of all allegations of police misconduct relate to notifications sent by the WA Police Force to the Commission with the remainder arising from reports from members of the public.
- The top three allegation categories relating to WA Police Force are generally the same for each quarter though the order they are in sometimes changes across quarters.
- The top three allegation categories account for just under three-fifths of all police misconduct allegations received.

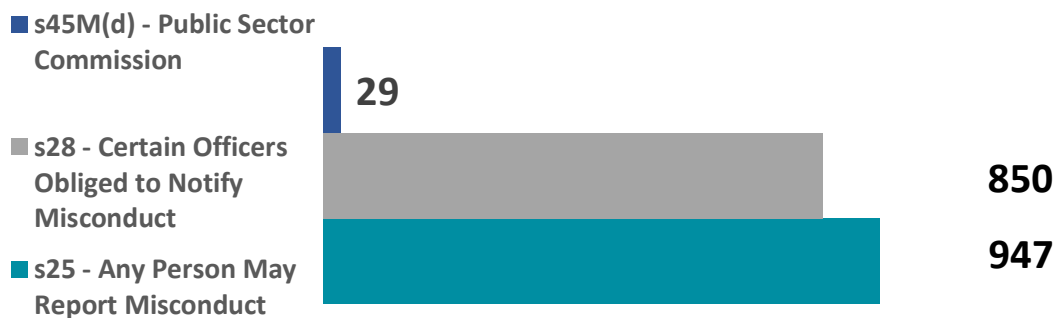
## WA Public Sector (excluding WA Police Force)

- The top three allegation categories account for seventy per cent (544) of all allegations received for the wider public sector (780).
- Allegations assessed as 'Out of jurisdiction' can include those where the relevant agency is within the Commission's jurisdiction, but the person involved is either not a public officer, or engaging in conduct that does not meet the definition of serious misconduct within the meaning of the [Corruption, Crime And Misconduct Act 2003](#).
- Allegations relating to public officers corruptly using their positions for benefit or detriment feature consistently across the sector and consistently account for around one quarter of allegation categories.
- Assault allegations include excessive use of force, physical and sexual/indecent assault. Agencies subject to excessive use of force allegations include the Department of Justice and Public Transport Authority. Allegations of assaults of a physical nature include those referencing teachers with the Department of Education where matters reach the threshold for reporting to the Commission.

## Overview: Q1 2021/22

Reports/Notifications received	About Agencies	LGAs	Allegations created
696	45	28	1,826

### Allegation Source



Public Sector Agency/Sector	WA Police Force	1,046	57.3%
	Local Government Authorities	137	7.5%
	Department of Education	132	7.2%
	Department of Justice	118	6.5%
	Out of Jurisdiction/No Agency Specified	117	6.4%
	Health Sector	99	5.4%
	Other public sector agencies	89	4.9%
	Department of Communities	46	2.5%
	Parliament <sup>1</sup>	17	0.9%
	Tertiary Education	13	0.7%
	Department of Planning, Lands & Heritage	12	0.7%
	Total	1,826	100.0%

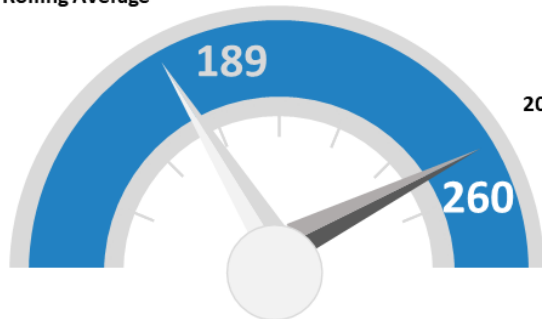
<sup>1</sup> This category includes matters that relate to Members of Parliament and electorate office staff.

## WA Police Force - top three allegation categories

The **four quarter rolling average** is the average allegation category count for the preceding four quarters for FY 2020/21

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Four Quarter  
Rolling Average



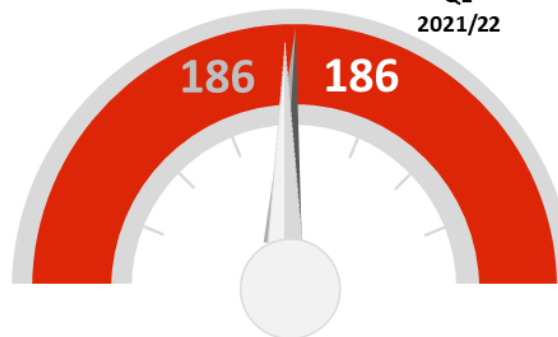
Q1  
2021/22

### Neglect of Duty

- Neglected their duty by failing to investigate
- Failed to record details on computer system
- Neglected to prepare legal brief

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Four Quarter  
Rolling Average



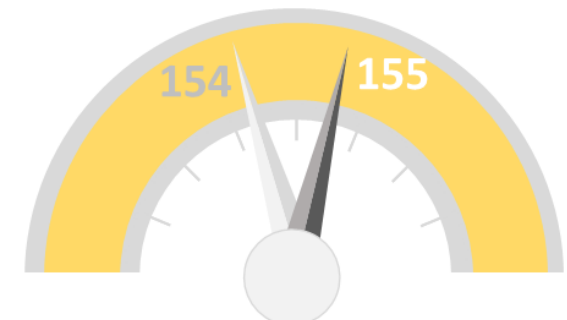
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2021/22

### Unprofessional Conduct

- Made offensive comments
- Posted inappropriate material online
- Acted in an intimidating and threatening manner

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Four Quarter  
Rolling Average



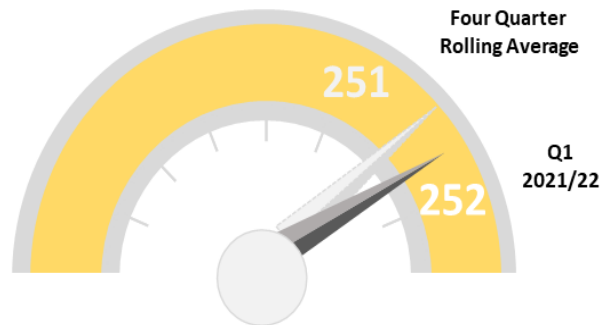
Q1  
2021/22

### Breach of Procedure or Policy

- Failed to activate Body Worn Camera
- Failed to contact the Custody Notification Service
- Failed to complete a use of force report

## WA public sector (excluding the WA Police Force) - top three allegation categories

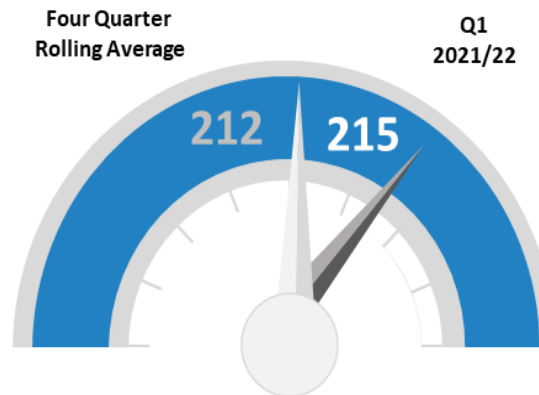
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### Out of jurisdiction (allegation assessment)

- Subject officer is not a public officer (eg contractor not performing public function).
- Alleged behaviour occurs in private life of public officer and not in performance of their function.
- Alleged behaviour is characteristic of minor misconduct.

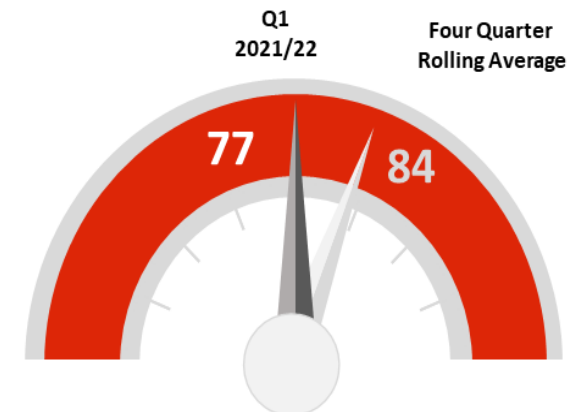
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### Benefit/Detriment

- Failed to declare financial or impartiality interest
- Used their position to benefit a friend/family member
- Used their position to circumvent procurement processes

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### Assault

- Prison officer indecently assaulted a prisoner
- Teacher physically assaulted a student
- Director sexually harassed coordinator at event

The **four quarter rolling average** is the average allegation category count for the preceding four quarters for FY 2020/21

**Table 1. Allegations: WA Police Force - Top five by category**

Allegation category	Q2 2020/21		Q3 2020/21		Q4 2020/21		Q1 2021/22	
	No.	%	No.	%	No.	%	No.	%
Neglect of Duty	202	20%	200	22%	149	16%	263	25%
Unprofessional Conduct	173	17%	188	21%	193	20%	186	18%
Breach of Procedure or Policy	152	15%	140	15%	171	18%	155	15%
Assault	120	12%	131	14%	117	12%	117	11%
Unlawful Arrest/Search	37	4%	39	4%	43	5%	59	6%
<b>Total</b>	<b>684</b>	<b>69%</b>	<b>698</b>	<b>77%</b>	<b>673</b>	<b>71%</b>	<b>780</b>	<b>75%</b>

**Table 2. Allegations: Local Government - Top five by category**

Allegation category	Q2 2020/21		Q3 2020/21		Q4 2020/21		Q1 2021/22	
	No.	%	No.	No.	%	No.	No.	%
Benefit/Detriment - 4(b)	61	28%	41	34%	26	29%	61	45%
Out of Jurisdiction	41	19%	15	13%	10	11%	27	20%
Corrupt Conduct - 4(a)	12	6%	9	8%	11	12%	16	12%
Criminal Conduct	9	4%	4	3%	6	7%	8	6%
Fraud/Falsification	29	13%	7	6%	7	8%	8	6%
<b>Total</b>	<b>218</b>	<b>70%</b>	<b>119</b>	<b>64%</b>	<b>90</b>	<b>67%</b>	<b>137</b>	<b>88%</b>

**Table 3. Allegations: Department of Communities - Top five by category**

Allegation category	Q2 2020/21		Q3 2020/21		Q4 2020/21		Q1 2021/22	
	No.	%	No.	No.	%	No.	No.	%
Benefit/Detriment - 4(b)	27	38%	10	14%	14	15%	15	33%
Criminal Conduct	3	4%	5	7%	12	13%	7	15%
Corrupt Conduct - 4(a)	12	17%	9	12%	10	11%	7	15%
Out of Jurisdiction	12	17%	25	34%	16	17%	6	13%
Assault	0	0%	2	3%	6	7%	4	9%
<b>Total</b>	<b>72</b>	<b>75%</b>	<b>73</b>	<b>70%</b>	<b>92</b>	<b>63%</b>	<b>46</b>	<b>85%</b>

**Table 4. Allegations: Department of Education - Top five by category**

Allegation category	Q2 2020/21		Q3 2020/21		Q4 2020/21		Q1 2021/22	
	No.	%	No.	No.	%	No.	No.	%
Assault	65	46%	41	45%	57	50%	59	45%
Benefit/Detriment - 4(b)	13	9%	6	7%	30	26%	23	17%
Out of Jurisdiction	32	23%	23	25%	20	17%	19	14%
Criminal Conduct	6	4%	4	4%	2	2%	7	5%
Fraud/Falsification	8	6%	12	13%	1	1%	7	5%
<b>Total</b>	<b>141</b>	<b>88%</b>	<b>92</b>	<b>93%</b>	<b>115</b>	<b>96%</b>	<b>132</b>	<b>87%</b>

**Table 5. Allegations: Department of Justice - Top five by category**

Allegation category	Q2 2020/21		Q3 2020/21		Q4 2020/21		Q1 2021/22	
	No.	%	No.	No.	%	No.	No.	%
Out of Jurisdiction	34	30%	49	31%	26	14%	38	32%
Benefit/Detriment - 4(b)	28	25%	33	21%	41	22%	28	24%
Unlawful Disclosure	6	5%	0	0%	0	0%	13	11%
Corrupt Conduct - 4(a)	7	6%	11	7%	10	5%	12	10%
Assault	6	5%	9	6%	15	8%	8	7%
<b>Total</b>	<b>113</b>	<b>72%</b>	<b>159</b>	<b>64%</b>	<b>187</b>	<b>49%</b>	<b>118</b>	<b>84%</b>

**Table 6. Allegations: Transport portfolio - Top five by category**

Allegation category	Q2 2020/21		Q3 2020/21		Q4 2020/21		Q1 2021/22	
	No.	%	No.	No.	%	No.	%	No.
Benefit/Detriment - 4(b)	9	14%	8	17%	8	36%	7	32%
Corrupt Conduct - 4(a)	1	2%	1	2%	6	27%	4	18%
Computer - Unlawful Use (s. 440A, Serious Misconduct)	42	64%	24	52%	6	27%	3	14%
Unlawful Disclosure	3	5%	1	2%	0	0%	3	14%
Fraud/Falsification	0	0%	2	4%	0	0%	2	9%
<b>Total</b>	<b>66</b>	<b>83%</b>	<b>46</b>	<b>78%</b>	<b>22</b>	<b>91%</b>	<b>22</b>	<b>86%</b>

**Table 7. Allegations: WA Health Sector - Top five by category**

Allegation category	Q2 2020/21		Q3 2020/21		Q4 2020/21		Q1 2021/22	
	No.	%	No.	No.	%	No.	%	No.
Benefit/Detriment 4(b)	15	15%	29	23%	37	66%	32	34%
Out of Jurisdiction	22	21%	31	25%	5	9%	25	26%
Fraud Falsification	16	16%	21	17%	30	54%	14	15%
Computer - Unlawful Use (s. 440A, Serious Misconduct)	7	7%	9	7%	12	21%	6	6%
Criminal conduct	6	6%	12	10%	7	13%	6	6%
<b>Total</b>	<b>103</b>	<b>64%</b>	<b>126</b>	<b>81%</b>	<b>56</b>	<b>163%</b>	<b>95</b>	<b>87%</b>

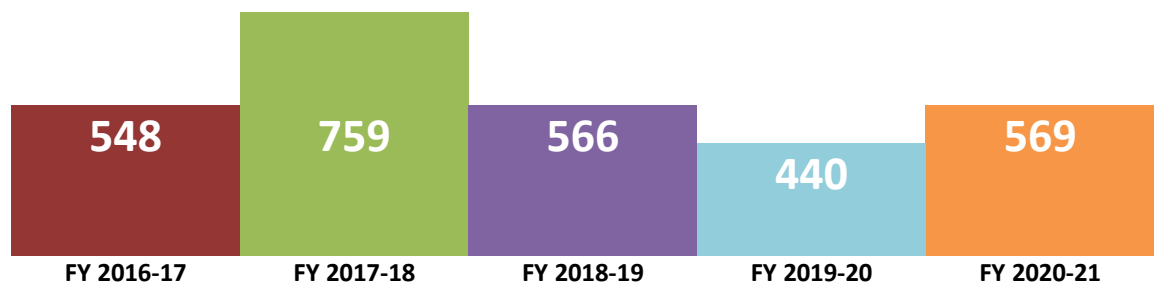


## Spotlight on Local Government

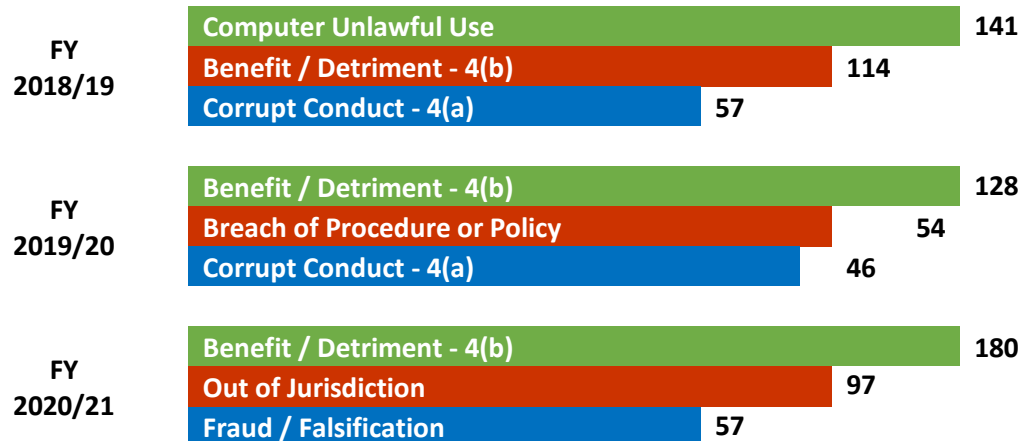
### Sector

Notifying authorities within Local Government (LG) include the 148 Local Government Authorities (LGAs) that constitute the sector. LGAs provide a range of essential and valued services to the Western Australian community. They range from large city councils to very small remote shires. Each LGA is responsible for its own governance with the Department of Local Government, Sport and Cultural Industries (DLGSCI) regulating and supporting the LG sector.

### Allegations created



### Top three allegations



### Allegation content examples

- *Computer - Unlawful use:* Used Department of Transport TRELIS (licensing) system for purpose other than authorised.
- *Benefit/Detriment:* Shire President used position to recruit friend to management position.
- *Breach of Procedure:* Failure to lodge an annual return by date prescribed in Local Government Act 1994.
- *Corrupt Conduct:* Corruptly excluded objections raised by the public when submitting report to council regarding development proposal.
- *Fraud/Falsification:* Committed fraud by falsifying timesheet.
- *Out of Jurisdiction:* Chief Executive Officer unlawfully dismissed person from employment in senior management.

### Other

The diverse functions performed by LGAs can create misconduct risks. These include regulatory functions carried out by rangers, health inspectors and building inspectors, functions relating to procurement and tendering; functions relating to planning and building approvals and the functions relating to LGA governance. The misconduct risks associated with those functions include: improper influence; conflicts of interest; abuse of power; bribery and corruption; fraud; and theft.