



Overview of Serious Misconduct

	2015 / 2016	2016 / 2017 ¹
NOTIFICATIONS RECEIVED	2,244	1,113
ALLEGATIONS RECEIVED	4,024	2,472

¹figures listed throughout the report are for Q1 and Q2 of 2016-2017 financial year unless otherwise mentioned

Key Points

- Western Australia Police continue to represent the majority of allegations received by the Commission, accounting for 56% received. Local Government, Department of Health, Department of Education and Department of Corrective Services represent the next highest subjects of allegations (Table 2 & Figure 1).
- The primary source of allegations continues to be notifications from public authorities, representing approximately 75% of information notifications during the current 2016/2017 reporting period. Through an increased social media presence, and other initiatives aimed at improving the Commissions online accessibility to the public, the Commission is seeking to increase the number of reports of misconduct from members of the public (Table 1).
- While the Commission is currently tracking at an 11% increase in the number of allegations received in the first six months of this year compared to last, we assess this is likely due to the rise in reports of Unlawful Use of Computer breaches, as a result of increased audit activity by several authorities, subsequent to previous Commission investigations and engagement (Table 3).
- The Commission continues to take no further action in relation to half of all allegations; with the second most common action taken to refer matters to an appropriate authority. In this reporting period, the Commission has been increasing the number of co-operative investigations to achieve greater collaboration between agencies (Table 4).
- The Commission received an increased number of criminal allegations from the public sector (50%) and Western Australia Police (63%) during the first six months of 2016/17. This is due in large part to an increase in reports of Unlawful use of a computer (see above), which is categorised as an allegation of criminal behaviour (Figure 2).
- During the reporting period, a total of 1,070 active notifications were closed, with ninety five per cent closed within three months of being received.
- Investigations are taking on average 166 days to complete for preliminary investigations, 283 days for co-operative investigations and 295 days for Commission investigations.
- The number of investigations undertaken by the Commission during the first eight months of the 2016/2017 reporting period indicates an increase of approximately 75% in the number of overall investigations undertaken for 2016/2017 year, when compared to 2015/2016. Of significance is around a 15% increase in the number of cooperative investigations completed by the Commission in partnership with external agencies. An examination of the number of investigations undertaken shows a number of them are aligned to the strategic priorities such as procurement and financial gain (Figure 4).

Challenges and Opportunities

- The devolution of the Department of Health into five separate reporting authorities has resulted in a positive cultural change within their integrity space. Responsibility for compliance with legislative requirements now lies with the CEOs of each of the five individual Health Service Providers, resulting in a higher level of accountability.
- The assessment of allegations pertaining to regional local governments requires significant Commission and responsible authority resources due to continued failures to adhere to legislative responsibilities and geographical constraints.
- Members of the public continue to be a valuable source of information for the Commission, however focused complainants, particularly those suffering from mental health conditions, remain a resourcing challenge for the assessment directorate.

Graphical Analysis

Table 1: Allegation source as at 31 December 2016

Allegation Source	CCM Act	2015 - 2016		2016 - 2017 YTD	
		No.	%	No.	%
1. Notifications of alleged serious misconduct from notifying authorities (public authorities)	s.28	2,499	62.1%	1,846	74.7%
2. Reports of alleged serious misconduct from individuals (the public)	s. 25	973	24.2%	475	19.2%
3. Public Sector Commission	s.45M(d)	75	1.9%	94	3.8%
4. Notifications of reviewable police action (Western Australia Police)	s.21A	466	11.6%	42	1.7%
5. Commission's own propositions of alleged serious misconduct	s.26	7	0.2%	7	0.3%
6. Allegations initiated	s.22	4	0.1%	8	0.3%
Total		4,024	100%	2,472	100%

Table 2: Allegations by subject authority as at 31 December 2016

Subject Authority	Number of allegations	
	2015 - 2016	2016 - 2017 YTD
Western Australia Police	2,284	1,392
Independent agencies and other authorities*	532	416
Local Government	325	198
Department of Corrective Services	247	184
Department of Health	305	179
Department of Education	289	68
Not in jurisdiction	42	35
Total	4,024	2,472

*This refers to all other Subject Agencies within the Public Sector with reporting requirements to the Commission.

Figure 1: Allegations by subject authority as at 31 December 2016

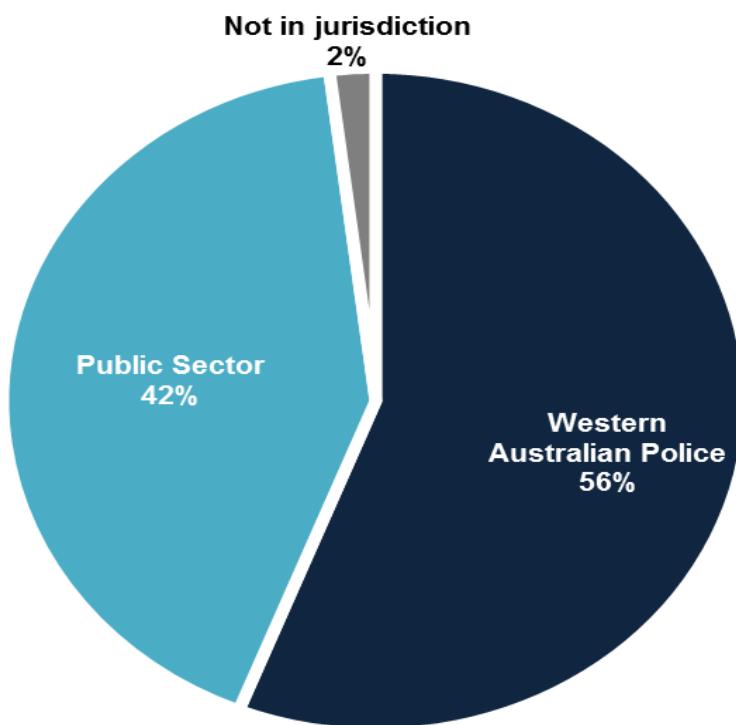


Table 3: Top six allegation categories as at 31 December 2016

Allegation Category	2015 - 2016		2016 - 2017 YTD	
	No.	%	No.	%
1. Unlawful use of a computer (Criminal)**	-	-	706	28.5%
2. All other categories	1,573	39.1%	660	26.7%
3. Breach of code of conduct/policy/procedures (Neglect/Procedural)	688	17.1%	265	10.7%
4. Unprofessional conduct - demeanour/attitude/language (Personal)	346	8.6%	232	9.3%
5. Neglect of duty (Procedural)	318	7.9%	183	7.4%
6. Assault - physical/excessive use of force (Criminal)	542	13.5%	182	7.3%
7. Corrupt Conduct (Criminal)	225	5.6%	152	6.1%
8. Misuse of a computer (Neglect/Procedural)**	332	8.2%	92	3.7%
Total	4,024	100%	2,472	100%

**In July 2016 the allegation category 'Unlawful Use of a Computer' was created to capture instances of serious misconduct relating to computer usage. These instances were previously captured under the allegation category 'Misuse of a Computer System / Email / Internet etc.', which was later changed to capture instances of minor misconduct relating to computer usage. As such the allegation categories are not represented across all years in the above table.

Figure 2: Allegation themes as at 31 December 2016

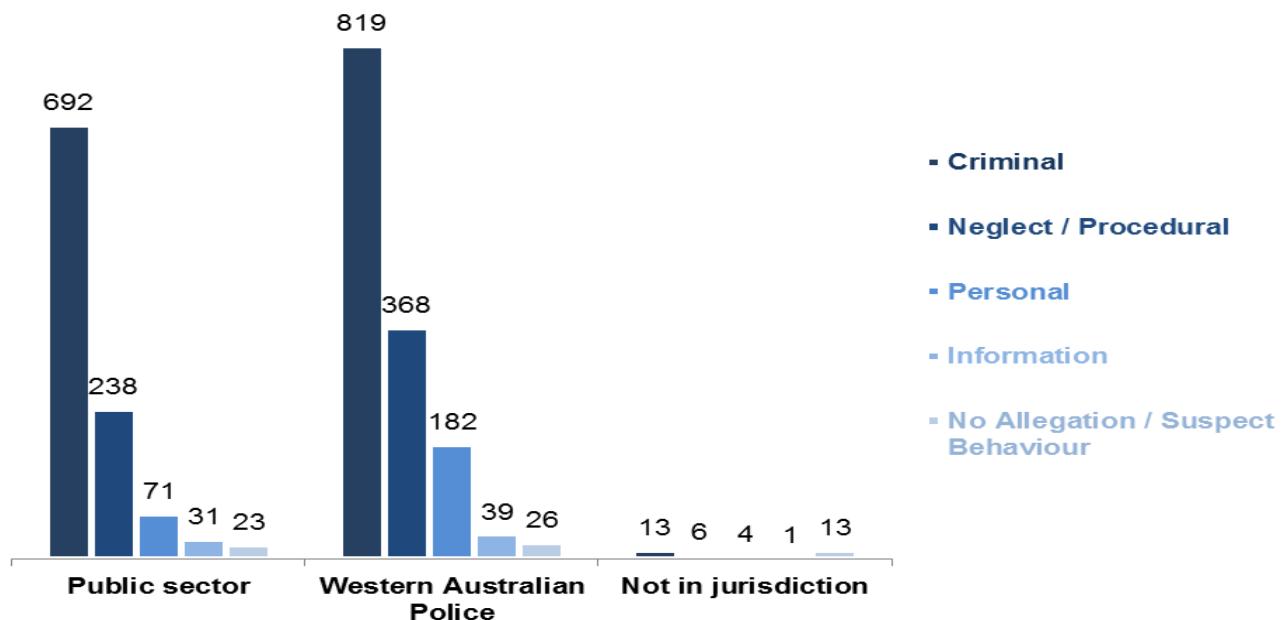
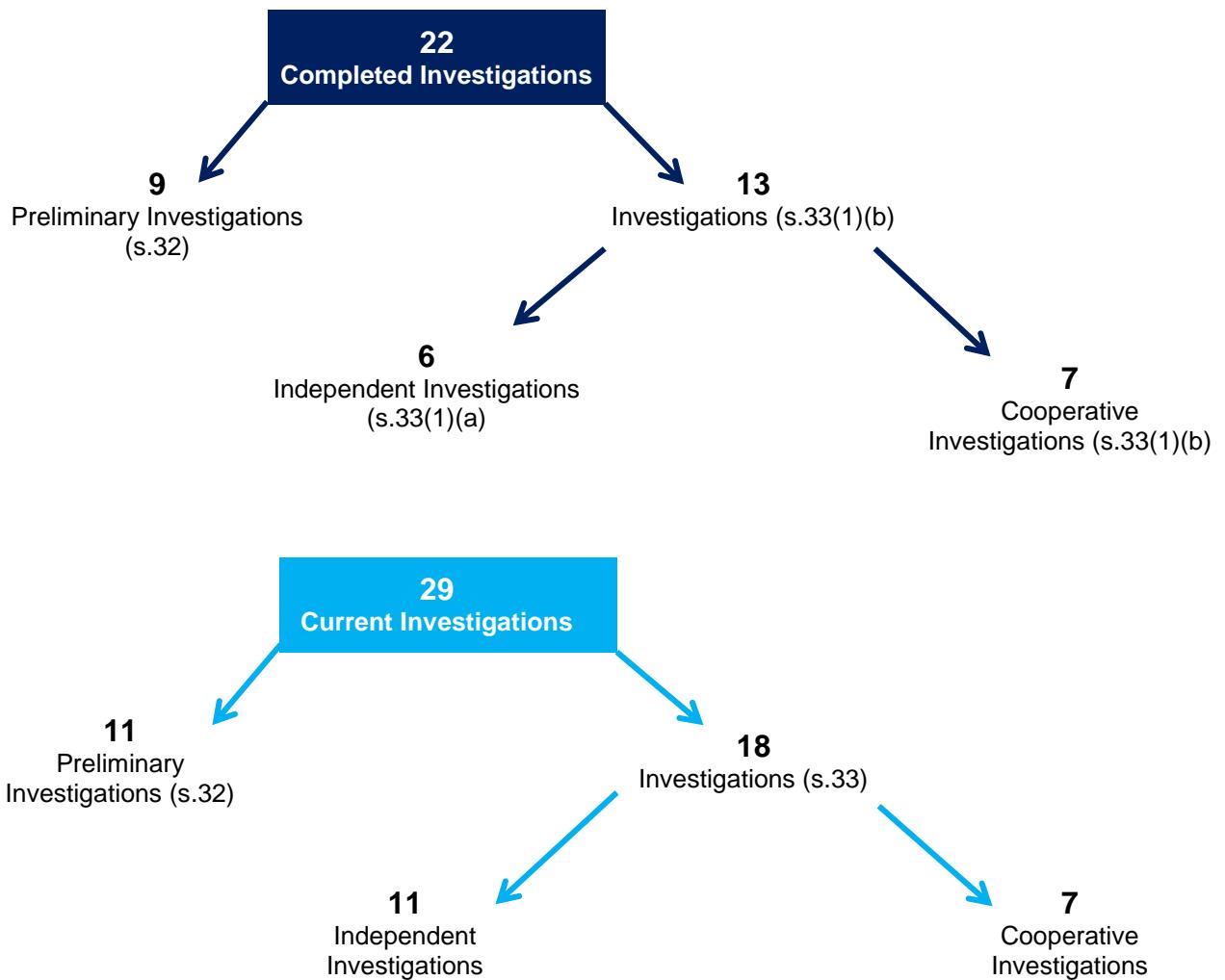


Table 4: Action taken in relation to allegations as at 31 December 2016

Action taken in relation to allegations	2015 - 2016		2016 - 2017 YTD	
	No.	%	No.	%
1. No further action taken (s.33(1)(d))	1,989	49.4%	1,240	50.2%
2. Allegations referred to appropriate authority or independent agency (s.33(1)(c)), without review by the Commission	1,690	42.0%	1,039	42.0%
3. No further action - disclose to the Public Sector Commission (s.152(4)(a))	144	3.6%	77	3.1%
4. Allegations referred to appropriate authority (s.33(1)(c)) with Commission oversight, with review by the Commission (s.41)	90	2.2%	60	2.4%
5. Allegations the subject of a preliminary investigation by the Commission (s.32(2))	40	1.0%	22	0.9%
6. Commission to investigate in cooperation with appropriate authority or independent agency (s.33(1)(b))	14	0.4%	22	0.9%
7. Allegations the subject of investigation by the Commission (s.33(1)(a))	25	0.6%	8	0.3%
8. Refer to Operations Committee - pending a decision on action to be taken	32	0.8%	4	0.2%
Total	4,024	100%	2,472	100%

Figure 3: Commission investigations 2016 - 2017 as at February 2017



Further detail on Commission Investigations can be found in Attachment 1.

Attachment 1: Commission Investigation Summary

Commission Investigations 2016/2017 as at 10 February 2017		
Operation	Investigation Relating to:	Current Status
1. AUBURN	Umbrella investigation for the Operational Priorities Proactive Targeting Strategy for procurement.	Active
2. AUBURN-ALPHA	First specific target under Auburn, serious misconduct in relation to contracting and procurement.	Active
3. BELLS	Alleged falsified information and fraud in relation to project funding	Active
4. CABOT	Alleged breach of tendering processes	Active
5. DAHLIA	Using position to gain a benefit	Active
6. EKINS	Allegations of conduct becoming and improper association	Active
7. FIFE	Breach of code of conduct	Active
8. GAMBIA	Conflict of interest	Active
9. HADDOCK	Using position for benefit	Active
10. JACKAL	Corrupt conduct	Active
11. JOHANNA	Public officers using position for benefit / detriment	Active
12. KEMPTON	Breach of code of conduct	Active
13. LANARK	Using position for benefit	Active
14. LONG	Allegations of misconduct in relation to procurement	Active
15. MARLOW	Using position for benefit	Active
16. MORGAN	Using position for benefit	Active
17. NEIL	Allegations of misconduct in relation to procurement and recruitment	Active
18. OAKLEY	Abuse of authority	Active
19. PARAGON	Corrupt conduct	Active
20. QUANTOCK	Perceived conflict of interest	Active
21. SARA	Allegations of a senior officer corruptly taking advantage of their employment	Active
22. SPITFIRE	Movement of drugs by a public officer	Active
23. TOWN	Abuse of power	Active
24. WRECK	Breach of policy	Active
25. DELTA	Allegations of corruption and serious misconduct in relation to the issuing of vehicle driver's licenses	Commissioner
26. CARR TWO	Corruption, disclosure of restricted matter, bribery and giving false testimony	Before The Court
27. DARLOT ONE	Excessive use of force	Before The Court
28. DINGO	Stealing and possession of a prohibited drug	Before The Court
29. KELLY	Fraud	Before The Court
30. INMAN	Corrupt conduct	Suspended

31. JACK	Allegations of corruption and serious misconduct in relation to the issuing of vehicle driver's licenses	File Closure in Progress
32. AUBURN-BRAVO	Contracting and procurement	Finalised
33. BACCHUS	Allegation of payment received in exchange of information	Finalised
34. BRAYDON	Alleged serious misconduct with respect to dismissal of Chief Executive	Finalised
35. CASSADY	Facilitation of contraband into a secure environment by a public officer	Finalised
36. DARLOT TWO	Common assault and assault causing bodily harm	Finalised
37. HENRY	Allegations of serious misconduct related to the purchase of land	Finalised
38. JASON	Allegations of serious misconduct involving improper associations, threatening subordinates and attempts to pervert the course of justice	Finalised
39. KEDRON	Allegations of corruption in relation to improper use of a lawful power	Finalised
40. LECKS	Use of position to purchase a vehicle for personal use, undeclared conflict of interest	Finalised
41. ORCHID	Trafficking contraband	Finalised
42. PEBBLY	Allegations of improper associations	Finalised
43. PRETTY	Excessive use of force	Finalised
44. ROWLEYS	Stealing by a CEO	Finalised
45. SANDON	Allegations of a senior officer corruptly using their position to gain a personal benefit	Finalised
46. SANDON TWO	Allegation of serious misconduct involving corruptly giving information that is knowingly false	Finalised
47. SOVEREIGN	Conflict of interest	Finalised
48. THREDBO	Allegation of leak of information	Finalised
49. TOBINS	Operational Priorities Proactive Strategy - improper use of industrial entitlements	Finalised
50. TOOMPANI	Unauthorised access to sensitive records and information	Finalised
51. WARDS	Allegation of leak of information	Finalised