

**JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION**

*Twelfth Report — Going rogue: Serious misconduct by a commission officer:  
Parliamentary inspector's report — Tabling*

**MR M. HUGHES (Kalamunda)** [10.10 am]: I present for tabling the twelfth report of the Joint Standing Committee on the Corruption and Crime Commission, *Going rogue: Serious misconduct by a commission officer: Parliamentary inspector's report*.

[See paper [2721](#).]

**Mr M. HUGHES:** The Parliamentary Inspector of the Corruption and Crime Commission, Matthew Zilko, SC, has found that, between early 2020 and 2023, an officer of the Corruption and Crime Commission, its human source coordinator and manager of the human source team, engaged in serious misconduct. The parliamentary inspector's report *Going Rogue: Serious misconduct by a commission officer* is attached to the committee's report at appendix 1, and a letter from the commission to the committee responding to the report is attached at appendix 2.

The Acting Speaker (Ms M.M. Quirk) is very familiar with the role of our committee, and it is evident that the Corruption and Crime Commission, the state's peak integrity agency responsible for exposing and oversighting corruption by public officers, should set the example on how public officers should carry out their duties. The commission should also set an example on how public agencies actively manage their misconduct risks. Parliament has conferred extraordinary powers on the commission to undertake its important work. The Parliament and the public generally have the right to expect the highest standard of behaviour from officers entrusted with these extraordinary powers.

As part of its work, the Corruption and Crime Commission may enter into formal arrangements with people who want to provide ongoing intelligence regarding crime or corruption for the purposes of obtaining or facilitating the obtaining of evidence. These persons are described as "human sources", and, more generally, we might use the term "informants". Commission officers may be given assumed identities to undertake their work. As the report states, due to the nature of the officer's role and human source risks, publicly revealing misconduct in this area involves a degree of discretion. Our report to Parliament recognises that need.

The human source coordinator is meant to supervise, guide and oversee human source handlers and manage the relationship between the handler and a human source. From the commencement of the commission's engagement of a particular human source in November 2018, the officer was both the human source coordinator and sole handler of the human source, contrary to policies and procedures governing the work of the human source team. As the parliamentary inspector has said, the need for delineation between the role of coordinator and that of handler "should not be understated". This basic failure of protocol was evidently not identified or acted upon by the commission for over four years. The officer then repeatedly and wilfully breached the commission's policies, procedures and code of conduct in how she dealt with the human source. Subsequently, the commission has dismissed the officer. The officer deceived the commission and exposed others to potential harm by revealing official information obtained through her work. The parliamentary inspector cites many examples of the officer's misconduct and calculated deception. I do not intend to revisit them as part of my tabling statement. However, her misconduct included the officer giving the human source the name of a person believed to have made an anonymous report of corruption, despite the complainant having stressed that they wanted to remain anonymous and made the complaint "at great risk" to themselves. The officer gave the human source the first names of three commission officers, including a member of the human source team with an assumed identity. The officer had an "extreme" level of concealed contact with the human source. For example, in 2022 the officer spoke to the human source for 437 hours, but recorded only 28 hours, when she was required to record all contact.

The parliamentary inspector made five findings against the officer, namely —

1. Between early 2021 and early 2023 the officer corruptly used her position as Human Source Coordinator with the commission, and the resources provided to her in carrying out this role, to obtain a personal benefit: an extensive and intimate relationship with one of the commission's human sources.
2. In pursuing this relationship, the officer took multiple steps to deceive the commission, including adopting a pseudonym and failing to record all her interactions with the human source.
3. On or before 8 May 2021, the officer provided the first names of 3 commission officers to a human source without their consent in circumstances where this knowledge had the propensity to fully identify them.
4. On 1 July 2021, 18 August 2021 and 20 December 2022, the officer disclosed official information to a human source without seeking authorisation to do so.

5. On one of these occasions, on 18 August 2021, the officer also informed the human source of the name and location of a person who had made an anonymous allegation to the commission, again without obtaining authorisation to do so.

It is evident that the officer's conduct was extremely serious and potentially dangerous, and involved a gross breach of trust. The officer abused both her position as human source coordinator and the manager of the team and the extraordinary powers given to the commission to undertake its work. It is also evident that the officer wilfully betrayed committed and dedicated officers at the commission. The officer's "strong feelings" and expressed love for the source do not excuse her conduct. The parliamentary inspector has not formally recommended the bringing of criminal proceedings, as in his view this is a matter for the police. However, given the seriousness of the misconduct, the committee would expect the Western Australia Police Force to consider whether to prosecute the officer on appropriate charges. Therefore, the committee has taken the unusual step of recommending that the Western Australia Police Force consider whether to prosecute the former officer of the commission. Of course, whether to prefer charges is entirely the decision of a prosecuting authority.

While it could be said that the officer did "go rogue" and her line manager's supervision was inadequate, the investigation exposed serious weaknesses in how the commission managed its misconduct risks and the human source team, and raised questions regarding the effectiveness of that team. The many questions raised include how the officer's "obviously deficient" supervision, to use the words of the parliamentary inspector, by her manager, the human source registrar, "does not appear to have become apparent to other senior commission officers until early 2023".

What happens next following the finding of serious misconduct is important. Lessons must be learned from misconduct events. This is a crucial aspect of any serious misconduct finding. The commission has unreservedly accepted that system failures contributed to the climate in which the officer's deception was possible and continued over a long time. It has initiated an independent review that commenced on 26 February 2024 to identify the circumstances that led to the conduct occurring and how it took place without being detected for a significant time. This review will focus on governance and reporting mechanisms, capability management and leadership and culture.

I remind the Legislative Assembly that, as the committee discussed in its November 2023 report *What Happens Next? Beyond a finding of serious misconduct: Examining the responses to a finding of serious misconduct and building integrity in public agencies*, agency integrity requires more than establishing systems and processes. Committing to continually developing an integrity culture and speak-up culture is essential. As Commissioner McKechnie told this committee in his own words during the *What happens next?* inquiry —

... most of the reports that I have authored and, I think, [the Acting Commissioner] has authored, the policies and procedures of the organisation look fine. They are great on paper; they have all sorts of checks and balances and so forth. For various reasons, nobody has bothered to enforce them or anything: ...

This committee will oversight how the commission responds to this misconduct during the forty-first Parliament. Accountability and transparency in how an agency responds to misconduct is important, particularly when the agency is the commission.

This investigation and the parliamentary inspector's report also raise questions about the effectiveness of the human source team. For example, in July 2020, the human source registrar expressed concerns that the team produced few tangible outcomes. The investigation was undertaken by the commission in close cooperation with the parliamentary inspector. The parliamentary inspector vetted and approved each committee officer involved in the investigation, attended examinations and was given access to all evidence and oversight of the investigation. The parliamentary inspector had the power to take over the investigation, which he could exercise at any time if he had any concerns about its rigour and impartiality. The investigation was very resource intensive, involving extensive analysis of the data, interviews and compulsory examinations with witnesses about the conduct that occurred over a period of in excess of three years.

At the close of the investigation, the parliamentary inspector formally removed the investigation from the commission to finalise and determine the matter independently of the commission. The committee takes no issue with how this matter was investigated. However, the committee believes that this investigation raises questions about whether the parliamentary inspector should have more resources and options available to his office when deciding how to deal with sensitive and resource-intensive investigations into the commission and its officers.

Finally, the committee recommends the following: that the Western Australia Police Force considers whether to prosecute the former officer of the commission, the subject of the parliamentary inspector's report; that the Attorney General examines whether there is a need to provide the parliamentary inspector with more resources or legal or other options to deal with misconduct on the part of the commission or its officers, particularly for sensitive and resource-intensive matters, and that the Attorney General should discuss the above with the parliamentary inspector; that the Corruption and Crime Commission considers the work of the human source team and whether

this service adds value to the commission's investigative work and whether the team should be retained or the service delivered in another way; and that the Corruption and Crime Commission provides the Joint Standing Committee on the Corruption and Crime Commission a copy of its independent review identifying the circumstances that led to the misconduct of the officer occurring and a report on the commission's plan of action and the action taken to minimise misconduct risks at the commission. The committee requests the above by 30 September 2024.

The committee will report to Parliament. As the committee stated in its recent eleventh report, *What happens next? Beyond a finding of serious misconduct*, public agencies should be accountable and transparent in how they respond to misconduct events. The committee intends to apply this standard to the commission.

In closing, the committee thanks the parliamentary inspector for reporting to the committee and therefore to this Parliament on this extremely important matter. I also especially want to thank our hardworking principal research officer, Suzanne Veletta, and her associate, Jovita Hogan, for their work that has enabled the committee to respond to and table the parliamentary inspector's report in a timely fashion. My thanks go to my committee colleagues, Deputy Chair, Hon Dr Steve Thomas, MLC; Hon Mia Davies, MLA; and Hon Klara Andric, MLC, for the great care taken in responding to the parliamentary inspector's report and in framing the committee's recommendations.

**The ACTING SPEAKER (Ms M.M. Quirk):** I am so speechless I can hardly call the member for Central Wheatbelt.

**MS M.J. DAVIES (Central Wheatbelt) [10.24 am]:** I rise in support of the Chair of the Joint Standing Committee on the Corruption and Crime Commission and reiterate that the report that has just been tabled in Parliament, *Going rogue: Serious misconduct by a commission officer: Parliamentary inspector's report*, is a very serious matter. I thank my colleagues, the member for Kalamunda, Hon Dr Steve Thomas and Hon Klara Andric; committee staff, because it has been a significant matter to consider; the Corruption and Crime Commission and its staff; and the Parliamentary Inspector of the Corruption and Crime Commission. This shows why the committee's role is very important. We are talking about considerable powers that are bestowed upon the CCC. There is no doubt that everyone in this Parliament shares the view that we should be absolutely seeking to create a public system whereby the taxpayers and our community can have confidence in not only our public institutions and entities, but also those that oversight them. There is a significant role for the joint standing committee in this particular matter to make sure that every organisation within government and its aligned institutions are held to the same account.

This report goes to show that we must be vigilant at all times. The chair referenced the committee's report *What happens next? Beyond a finding of serious misconduct: Examining the responses to a finding of serious misconduct and building integrity in public agencies*. That is a considerable body of work that looked at how, within the public sector, we can all strengthen the systems by having more than just policies in place. Members would expect and think that the CCC would have some of the strongest systems and policies in place, but we are all human and therefore fallible. I am sure that people can either think of or have seen many occasions in the past when a colleague's actions may have raised questions, but if there is no culture of speaking up and processes that make people comfortable to do that or simply because it is an element of human nature that people do not like to disclose what happens when someone sitting next to us does something of that nature, we have to be constantly vigilant. On this occasion, something of that nature occurred within the CCC. There are salutary lessons for all our public sector organisations and those who are watching from outside the public service. We must continue to create not only the policies, but also the culture in which it is acceptable to speak up when people feel or consider that something is not right.

I go back to what I said at the beginning: the contents of this report reveal a very serious matter. The chair is quite right. The committee will report back to Parliament on the progress and actions that are taken as a result of this coming to light. I commend the committee's work and look forward to making sure that we have a pathway forward so that the CCC, as the main body for oversighting crime and corruption in our public service, can stand with an exemplary record.