



Government of **Western Australia**  
Department of **Justice**  
Office of the Director General

All enquiries: Jim August, A/Executive Director  
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Our Ref: [REDACTED]  
Your Ref: [REDACTED]

Mr Matthew Hughes, MLA  
Chair of Joint Standing Committee on the Corruption and Crime Commission  
Parliament House  
4 Harvest Terrace  
WEST PERTH WA 6005

Dear Mr Hughes, MLA

**What Happens Next inquiry: Request for information**

I refer to your letter dated 25 August 2022 regarding the Joint Standing Committee on the Corruption and Crime Commission and the request for information to assist with the inquiry, *"What happens next? Beyond a finding of serious misconduct"*.

The People, Culture and Standards (**PCS**) currently record all allegations of serious misconduct made against public officers engaged by the Department of Justice.

Standards of data collection and maintenance have varied throughout the five years between 2017 and 2022 due to management and changes brought about firstly, by the amalgamation of the former Department of the Attorney General and Department of Corrective Services and later because of a number of recommendations implemented after the release of reports by the Corruption and Crime Commission (**CCC**).

For the purpose of this request, serious misconduct allegations reported are defined as matters that have constituted a report to the CCC pursuant to section 28 of the *Corruption and Crime Commission Act 2003*.

Records kept for the financial years up to 2019/2020 are not as diligently recorded relating particularly to the outcomes of each of the matters and whether the matters were subject to an investigation. From 2020 to current, record keeping dramatically improved allowing for more accurate data relating to matters investigated, allegations sustained and outcomes.

Sanctions imposed upon employees once allegations have been substantiated include improvement action, reprimand, fines, reclassification, transfer of employee within the Department or termination of employment.

Public officers who were under investigation retained their options to resign from employment with the Department or retire if eligible.

The following table refers to the number of serious misconduct matters reported to the CCC pursuant to section 28 of the *Corruption and Crime Commission Act 2003*.

Financial Year	s.28 Referrals	Sustained Allegations
2017/2018	102	17
2018/2019	54	14
2019/2020	42	20
2020/2021	81	53
2021/2022	59	31

The following table refers to Department employees who were charged with criminal offences by WA Police.

Financial Year	Criminal Charges	Successful Conviction
2017/2018	1	0
2018/2019	4	2
2019/2020	4	2
2020/2021	14	10
2021/2022	4	0 <sup>1</sup>

The following table refers to Department employees who resigned or retired during disciplinary process involving allegations of serious misconduct.

Financial Year	Resignations	Retirement
2017/2018	2	Nil
2018/2019	8	Nil
2019/2020	4	Nil
2020/2021	13	1
2021/2022	3	Nil

Employees with the Department have not received a redundancy payment after an allegation was made or sustained.

### Further requests for information

***At least one example of when your agency made organisation or systemic changes, including cultural change, to prevent misconduct after a particular case of serious misconduct.***

Between May 2018 and October 2018, the CCC produced several reports into the practises of the Department related to custodial settings including a report into misconduct risks in WA Prisons. As a result of October 2018 report, a number of recommendations were made to the Department by the CCC which were aimed at making systemic changes, including cultural change to put in place among other things, the prevention of misconduct overall.

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<sup>1</sup> Several matters are still before the courts and are yet to be completed.

The Management Engagement and Intervention (MEI) directorate was created to undertake a range of preventive actions including drug and alcohol testing of applicable employees, further education of employees on integrity matters, screening and vetting of new employees prior to engagement with the Department, as well as managing Public Sector integrity issues such as the receipt of gifts, conflicts of interest and secondary employment. MEI undertakes functions which specifically manage strategies to prevent misconduct and provide education and training to all employees to forge a shift in culture within the Department.

A further example is the Department has recognised there was multiple points of entry where complaints could be submitted by employees. It was identified that as a requirement to assist employees the need to consolidate the complaints mechanism into a single-entry point was needed. The Department online complaint portal will allow PCS to comprehensively case manage all matters raised by employees and ensure the appropriate area deals with their individual matter.

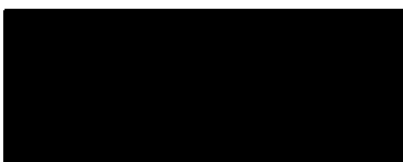
The types of complaints received include breaches of discipline, serious misconduct, grievances, harassment and bullying. PCS now have a number of different directorates within that can now appropriately manage these types of complaints.

***At least one example of the assistance the Corruption and Crime Commission and Public Sector Commissioner provided to your agency to prevent misconduct and address misconduct risks after a finding of serious misconduct, whether under the CCMA prevention of misconduct and education function, capacity development function or otherwise.***

In May 2017, a prison officer stationed at a regional prison was involved in an incident in which it was alleged that excessive use of force was used against a prisoner. The CCC conducted a serious misconduct investigation that was directed at the integrity of reporting on use of force incidents, rather than on the force used by this particular prison officer. The CCC made a number of recommendations to the Department which were implemented in order to reduce the likelihood of serious misconduct occurring in relation to reporting use of force incidents.

I hope that assists and if you require further information, please contact Jim August, A/Executive Director, PCS on [REDACTED]

Yours sincerely



Dr Adam Tomison  
**DIRECTOR GENERAL**

28 September 2022