



***JOINT STANDING COMMITTEE ON
THE ANTI-CORRUPTION
COMMISSION***

**REPORT ON THE HEARING WITH
THE ANTI-CORRUPTION
COMMISSION ON 25 AUGUST 2003**

Report No. 6

2003

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Joint Standing Committee on the Anti-Corruption Commission

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Report No. 6

Presented by:

Hon Derrick Tomlinson, MLC

Mr John Hyde, MLA

Laid on the Table of the Legislative Council and the Legislative Assembly
on 23 October 2003

COMMITTEE MEMBERS

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Hon Barbara Scott, MLC
Member for South Metropolitan

COMMITTEE STAFF

Principal Research Officer

Ms Katherine Galvin, BSW

COMMITTEE ADDRESS

Joint Standing Committee on the Anti-Corruption Commission
Legislative Assembly
Parliament House
Harvest Terrace
PERTH WA 6000

Tel: (08) 9222 7494
Fax: (08) 9222 7804
Email: jscacc@parliament.wa.gov.au
Website: www.parliament.wa.gov.au

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COMMITTEE'S FUNCTIONS AND POWERS

On 28 June 2001 the Legislative Assembly and the Legislative Council agreed to establish the Joint Standing Committee on the Anti-Corruption Commission. The Joint Standing Committee's functions and powers are set out in the Legislative Assembly Standing Orders 289, 290 and 264.

- 290 (1) It is the function of the Committee:
- (a) to monitor and review the performance of the functions of the Anti-Corruption Commission established under the *Anti-Corruption Commission Act 1988*;
 - (b) to consider and report to Parliament on issues affecting the prevention and detection of "corrupt conduct", "criminal conduct", "criminal involvement" and "serious improper conduct" as defined in section 3 of the *Anti-Corruption Commission Act 1988*. Conduct of any of these kinds is referred to in this Standing Order as "official corruption";
 - (c) to monitor the effectiveness or otherwise of official corruption prevention programs;
 - (d) to examine such annual and other reports as the Joint Standing Committee thinks fit of the Anti-Corruption Commission and all public sector offices, agencies and authorities for any matter which appears in, or arises out of, any such report and is relevant to the other functions of the Joint Standing Committee;
 - (e) in connection with the activities of the Anti-Corruption Commission and the official corruption prevention programs of all public sector offices, agencies and authorities, to consider and report to Parliament on means by which duplication of effort may be avoided and mutually beneficial co-operation between the Anti-Corruption Commission and those agencies and authorities may be encouraged;
 - (f) to assess the framework for public sector accountability from time to time in order to make recommendations to Parliament for the improvement of that framework for the purpose of reducing the likelihood of official corruption; and
 - (g) to report to Parliament as to whether any changes should be made to relevant legislation.

- (2) The Joint Standing Committee will not:
- (h) investigate a matter relating to particular information received by the Anti-Corruption Commission or particular conduct or involvement considered by the Anti-Corruption Commission;
 - (i) reconsider a decision made or action taken by the Anti-Corruption Commission in the performance of its functions in relation to particular information received or particular conduct or involvement considered by the Anti-Corruption Commission; or
 - (j) have access to detailed operational information or become involved in operational matters.

The Legislative Council has agreed to a resolution which has the same functions and powers as set out in the above Standing Orders of the Legislative Assembly.

The Standing Orders of the Assembly relating to standing and select committees are also followed as far as they can be applied.

CHAIRMAN'S SIGNATURE

HON DERRICK TOMLINSON, MLC
CHAIRMAN

ABBREVIATIONS AND ACRONYMS

“ACC”	Anti-Corruption Commission (WA)
“CCC”	Corruption and Crime Commission (WA)
“DPC”	Department of Premier and Cabinet (WA)
“DPP”	Department of Public Prosecutions (WA)
“JSCACC”	Joint Standing Committee on the Anti-Corruption Commission (WA)
“TI”	Telecommunication Interception (Warrants)

CHAPTER 1 INTRODUCTION

1.1 Background

Under its Terms of Reference, the Joint Standing Committee on the Anti-Corruption Commission (JSCACC) is required to monitor and review the performance of the Anti-Corruption Commission (ACC) and report to Parliament on issues affecting the prevention and detection of corruption. To ensure effective oversight, the Committee holds regular, usually quarterly hearings with the Commissioners and the Chief Executive Officer of the Anti-Corruption Commission.

The JSCACC convened a hearing with the ACC on 25 August 2003. The ACC were required to table a report of the Commission's activities for that period and respond to a number of matters raised by the JSCACC and presented as questions on notice to the Commission.

The following members of the ACC tendered evidence at the Hearing:

Mr Terry O'Connor QC	Chairman
Mr Don Doig	Commissioner

The JSCACC presents this evidence without comment. A transcript of the hearing with the ACC is available on the Parliamentary website at www.parliament.wa.gov.au.

1.2 ACC Quarterly Report

The ACC tabled the following reports at the hearing on 25 August 2003, these have been attached as appendices:

- Operations Overview, January - March 2003; Year to Date; and 2001-02 Comparison (Appendix Two)
- ACC Operational Activity 2002-03 and a briefing paper on Covert Surveillance (Appendix Three)

The Operations Overview report at Appendix Two provides a detailed analysis of activities carried out during the March 2003 quarter, with comparisons to the 9 month period July 2002 to March 2003 and the previous year, 2001-02.

The Commission stated that the report reflects the high level of operational support provided by the ACC to the Police Royal Commission¹ in its investigations, which includes involvement in a number of joint activities. In an accompanying letter to the report, the ACC also notes its participation in “round table” conferences of the Police Royal Commission, aimed at addressing various aspects of police corruption, and its extensive commentary on the Corruption and Crime Commission Bill². The Commission details that outcomes cited in the report, which are linked to substantiated allegations, reinforce the notion that public officers engaging in serious misconduct face significant consequences and are being dealt with appropriately by Public Authorities, under the oversight of the Commission.³

The report at Appendix Three relates to Commission performance for the 2002-03 financial year.

Both appended reports aim to provide greater detail about alleged serious misconduct (beyond the categories of “corrupt”, “criminal” and serious improper conduct”) in terms of matters reported and outcomes as a result of substantiation by the ACC or other public authority. The ACC states that the new Quarterly Report format is designed to meet the reporting requirements of the JSCACC, identified during the past financial year, and provide the Committee with greater insight into the extent and significance of corruption in WA public administration⁴.

The report on Covert Surveillance has been tabled in response to queries of the JSCACC at the hearing with the ACC on 7 April 2003 regarding Telecommunications Interception powers. The report outlines “key legislative authority, processes and accountability requirements”.⁵

¹ Royal Commission Into Whether There Has Been Any Corrupt or Criminal Conduct By Western Australian Police Officers.

² Corruption and Crime Commission Bill 2003.

³ Letter from the ACC to the JSCACC, 24 June 2003.

⁴ Letter from the ACC to the JSCACC, 19 August 2003.

⁵ Ibid.

1.3 Update on employment status of staff of the Anti-Corruption Commission

As reported in the JSCACC Report Number 4 of the 36th Parliament⁶, the Commission expressed concern about the future employment of ACC staff in the impending Corruption and Crime Commission (CCC). The ACC claimed that it had transferred staff from contract to permanent tenure on the basis of a Government directive to public sector management in 2002.

The Commission was concerned that because the employment status of ACC staff had not been resolved it may result in a loss of valuable corporate knowledge.

At the hearing on 25 August 2003, Chairman O'Connor QC detailed that ACC staff had not been given permanent tenure since the release of the Interim Report of the Royal Commission.⁷ He did however acknowledge that staff hired with an offer of permanent tenure prior to the report's release had signed "fixed term" contracts after this date. The "fixed term" contracts were an administrative error.⁸

He stated that the matter had been referred to the Industrial Relations Commission for resolution but that there had already been a loss of investigative staff from the ACC.

Chairman O'Connor QC recommended the secondment of ACC staff to the CCC for a period of 12-18 months with the Commission being provided the option of recruitment on merit or subsequent placement of staff on a redeployment list⁹.

1.4 The impact of the extension of the term of the Royal Commission on the Anti-Corruption Commission

The ACC stated that there has been minimal impact on the Commission as a result of the extension of the term of the Police Royal Commission. The Police Royal Commission requested the ACC's participation in a joint operation into Argyle Diamond Mine however the ACC refused because they felt that there would be little resolution in the investigation to justify ACC staffing resources, particularly given the current level of investigations. The ACC has agreed to the secondment of

⁶ Joint Standing Committee on the Anti-Corruption Commission, Report on Hearing with the Anti-Corruption Commission on 7 April 2003, Report No. 4, 2003.

⁷ Royal Commission Into Whether There Has Been Any Corrupt or Criminal Conduct By Western Australian Police Officers, Interim Report, December 2002, tabled in Parliament, Western Australia, 25 February 2003.

⁸ Ibid, p.2.

⁹ Ibid, p.5.

two senior investigators to the Police Taskforce, established to examine matters arising from the Royal Commission.

1.5 Examination of the Telecommunications Interception (TI) powers of the ACC

Under the *Criminal Code* (WA), a Telecommunications Interception (TI) Warrant can only be obtained if the offence being investigated attracts a penalty of seven years imprisonment or more¹⁰. The ACC was questioned as to why sixteen TI warrants were issued, resulting in only three prosecutions¹¹. The ACC advised that several warrants could relate to one prosecution. They also noted that prosecution could result from offences that attract less than the seven year term, provided the initial Telecommunications Interception Warrant was sought for an offence attracting the required penalty. The ACC said that some prosecution outcomes for TI warrants may not be recorded in the report given that a number of matters await decision by the Department of Public Prosecutions (DPP).

Mr Hyde MLA expressed concern at the perceived absence of an appropriate audit mechanism on TI warrants. He noted that following approval of a TI warrant by a Judge, there was no further mechanism to ensure its correct application, apart from examination by the Ombudsman¹² to verify accuracy in completion of paperwork.

However, the Committee notes that the *Anti-Corruption Commission Act 1988* precludes the JSCACC from examination of operational information and therefore prevents a direct review of the application of TI warrants by the ACC.

It was noted that the matter of TI oversight by the JSCACC may warrant further discussion with the Ombudsman and inclusion in strategic planning for the operations of the new Committee under the Corruption and Crime Commission framework.

¹⁰ Page 1 of 4, Anti-Corruption Commission, Covert Surveillance Report (See Appendix Three).

¹¹ Page 2 of 4, Anti-Corruption Commission, Covert Surveillance Report (See Appendix Three).

¹² The Parliamentary Commissioner for Administrative Investigations.

1.6 Perceived delay in criminal proceedings by the Department of Public Prosecutions (DPP)

The ACC believe that it is just as important for an investigative agency of their nature to not substantiate an allegation as it is to substantiate. However, Chairman O'Connor QC believes that the media and others usually judge the Commission by prosecution outcomes. This is a matter in which the ACC argue they are hamstrung by the DPP's failure to deal with referrals by the ACC in a timely manner. Further, the ACC cites that the DPP has the option of seeking an alternative to prosecution and that on occasion this has resulted in what the ACC perceives to be an inappropriate response to the offence¹³.

1.7 Report on the Anti-Corruption Commission by the Commissioner for Public Sector Standards

Chairman O'Connor QC criticised the report¹⁴ of the Commissioner for Public Sector Standards, which examines the ACC's compliance with certain human resource principles and codes of ethics referred to in the *Public Sector Management Act 1994*, which has been interpreted as a finding against the ACC and its staff. He states that this is despite the Commissioner's statement at the outset of the report that this was not her intention.

Chairman O'Connor QC detailed that the "genesis of the bullying allegations against the person" in charge of their "operations" related to enforcement of investigators' time lines to ensure achievement of investigation outcomes¹⁵. Although noting that staff were not always dealt with appropriately by the manager, he was viewed as complying with Commission policy in adhering to time lines.

Chairman O'Connor QC was critical of the Commissioner for Public Sector Standards' failure to provide the ACC with the opportunity to review the report before being finalised and to acknowledge the efforts of the ACC in addressing some of the human resource issues.

¹³ Transcript of Evidence taken at Perth on Monday 25 August 2003 at a closed hearing of the Joint Standing Committee on the Anti-Corruption Commission, p.11.

¹⁴ Commissioner for Public Sector Standards, A Report on the Anti-Corruption Commission.

¹⁵ Transcript of Evidence taken at Perth on Monday 25 August 2003 at a closed hearing of the Joint Standing Committee on the Anti-Corruption Commission p.12.

1.8 Management of offences of sexual or physical assault against children

Under its legislation, the ACC is not required to report an offence of child abuse to the Police, although as a matter of course they refer all criminal matters of this nature, with the Police undertaking any subsequent investigation¹⁶.

If in a matter referred to the Child Abuse Unit there is found to be insufficient information to prosecute, then the matter may be referred to the relevant agency to consider disciplinary action. If the employee resigns prior to a disciplinary hearing then this is noted on record.

Chairman O'Connor QC stated that there were a significant number of allegations arising from the Department of Education, although he considered that this did not mean there was necessarily any substance to all those allegations¹⁷.

¹⁶ Ibid, p.14.

¹⁷ Ibid, p.14.

APPENDIX ONE

HEARINGS

Date	Name	Position	Organisation
25 August 2003	Mr Terence O'Connor QC Mr Donald Doig	Chairman Commissioner	Anti-Corruption Commission

APPENDIX TWO

***ANTI-CORRUPTION COMMISSION
REPORT TO THE JOINT STANDING COMMITTEE ON
THE ANTI-CORRUPTION COMMISSION***

1. OPERATIONS OVERVIEW 2002-03: January - March 2003; Year to Date; and 2001-02 Comparison

Operations Activity/Results	Jan - March '03	July '02 – Mar '03 (a)	2001 - 02
Enquiries (a)	70	188	n/a
	Number of Cases (% in brackets)		
Matters carried over from previous period	329	334	385
New Matters Reported, according to:	96	366	499
		%	%
Source – mandatory (s.14)	85	326 (89)	403 (81)
voluntary (s.16)	11	30 (8)	86 (17)
own motion (s.13)	0	10 (3)	10 (2)
Public Office – Police Service	46	173 (47)	240 (48)
Government Department	33	119 (33)	162 (32)
Local Government	9	51 (14)	55 (11)
Other	8	23 (6)	42 (9)
Serious Misconduct – Corrupt conduct	0	13 (3)	92 (18)
Criminal conduct	46	145 (40)	184 (33)
Serious Improper conduct	43	188 (51)	162 (33)
Outside jurisdiction	5	18 (5)	61 (12)
Unclassified	2	2 (1)	
Total Matters active (b) in the period	425	700	884
Matters referred to other authorities for further action	33	160	215
Review (by ACC) of 'other authority' investigation reports	43	142	322
Audit (by ACC) of 'other authority' investigation reports	3	3	11
Preliminary Inquiries (Part III)			
Conducted by ACC during the period	51	64	75
Finalised (by the Commission) in the period	14	30	45
INVESTIGATIONS (Part IV)			
Conducted by ACC during the period	15	16	17
Finalised (by the Commission) in the period	1	2	6

(a) Enquiries from public authorities and general public regarding the reporting of possible corrupt conduct

(b) Active cases are those subject to 'further action' by the ACC or another appropriate authority – from inquiry/investigation to consideration by the DPP (Director of Public Prosecutions), to court action – which have not been 'finalised' by the Commission. n/a: Not available

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Operations Activity/Results	Jan – Mar '03	Jul '02 – Mar '03	2001 - 02			
	Number of:					
	Warrants					
Telecommunications Interception (TI) Warrants obtained and executed by ACC	9	* 41	12			
Original Warrants issued to ACC	5	* 27	n/a			
Renewed Warrants issued to ACC	4	* 14	n/a			
For Joint Operations (Police Royal Commission)	9	* 38	n/a			
For ACC specific operations	-	* 3	n/a			
	Services					
Services (lines) intercepted under TI warrants executed by ACC	6	56				
Named Person Warrants	3	29	n/a			
Service Warrants	3	27	n/a			
	Warrants					
TI Warrants obtained by other authorities executed by ACC on their behalf	2	13	n/a			
West Australian Police Service	2	9				
SAPOL	-	4				
	Calls					
Calls intercepted under TI warrants executed by ACC (Includes mis-dials, duplicate and unanswered calls)	23,267	84,866				
	assign' s	case s	assign' s	cases	assign' s	cases
Physical Surveillance Assignments	14	6	31	13	59	18
Public Office – Police service	1	1	7	4	30	7
Other Public	11	4	15	7	19	6
Administration						
Police Royal Commission	2	1	9	2	8	3
	Cases (% in brackets)					
Matters with the DPP (a) - referred by the ACC	9		9		13	
Relating to:						
Police service	4		4		7	
Other Public	5		5		6	
Administration						
Matters finalised by the DPP	2		5		6	
Matters progressed to court	-		3		5	
Matters finalised by the Commission	113		388		574	
Outcomes	%		%		%	
Unsubstantiated Allegations	26	(23)	80	(20)	201	(35)
All Other Outcomes	87	(77)	313	(80)	373	(65)
Administrative action taken	0		8	(2)	20	(3)
Disciplinary action taken	15	(13)	53	(14)	72	(12)
Criminal charges laid	3	(3)	27	(7)	47	(8)
Allegation(s) vexatious, not serious, or withdrawn	2	(2)	22	(6)	21	(4)
Allegation(s) subject of prior investigation	0		13	(3)	18	(3)
Prima Facie case exists - not able to proceed	2	(2)	8	(2)	22	(4)
Insufficient evidence	5	(4)	21	(5)	38	(7)
Matter outside Commission jurisdiction	12	(10)	37	(10)	68	(12)
Other (b)	48	(43)	119	(31)	67	(12)

* revision (compared to previous report) due to refinement of management information system. (a) Director of Public Prosecutions. (b) Includes cases that are: Inconclusive, Investigation not in public interest, Investigation not justified, Public officer deceased, and transferred. n/a: not available.

2. COMBATING CORRUPTION – January to March 2003:

Matters carried over from previous period: 329 cases
 Total matters active in the quarter: 425 cases
 New matters reported, Jan. to March 2003: 96 cases

Matters received (by ACC): 1 January to 31 March 2003					
Alleged Serious Misconduct x Public Office					
Alleged Serious Misconduct	Public Office - cases received*				
	Police	Gov. Dept.	Local Gov.	Other Public Auth.	Total
CORRUPT	0	0	0	0	0
Gifts and favours					0
Association leading to gifts and favours					0
Other					0
CRIMINAL	29	8	6	3	46
Corruption - abuse of public office for benefit	1	1	2		4
Disclosure of official secrets	4	1			5
Falsification of records by public officer		1	1		2
Fraud	2		1		3
Intent to pervert/defeat course of justice	2				2
Perjury	2	1		1	4
Stealing	5	3	1	1	10
Threats with intent to influence	2				2
Unlawful operation of a computer system	8				8
Other	3	1	1	1	6
SERIOUS IMPROPER	19	18	3	3	43
Assault	3	7			10
Conducting secondary employment					0
Disclosure of information					0
Drugs	2	1			3
Failure to disclose personal interest/information		1	2		3
Improper association	2				2
Improper conduct	8	4	1	3	16
Improper use of computers	2				2
Misuse of corp.credit card/Government funds		1			1
Misuse of leave entitlements					0
Sexual assault/harassment	1	4			5
Other					0
Threats	1				1
Matter 'outside ACC jurisdiction'					5
Matter not yet classified					2
TOTAL	48	26	9	6	96

Matters finalised by the Commission: 113 cases

Matters finalised (by Commission): 1 January to 31 March 2003					
Alleged Serious Misconduct x Public Office					
Alleged Serious Misconduct	Public Office - cases finalised*				
	Police	Gov. Dept.	Local Gov.	Other Public Auth.	Total
CORRUPT	6	1	0	0	7
Gifts and favours	1	1			2
Association leading to gifts and favours	2				2
Other	3				3
CRIMINAL	27	8	4	1	40
Corruption - abuse of public office for benefit	1	1			2
Disclosure of official secrets	1		1		2
Falsification of records by public officer			1		1
Fraud		2	1		3
Intent to pervert/defeat course of justice	3			1	4
Perjury	3				3
Stealing	6	2			8
Threats with intent to influence	1				1
Unlawful operation of a computer system	6	2			8
Other	6	1	1		8
SERIOUS IMPROPER	25	22	7	0	54
Assault	1	5			6
Conducting secondary employment	1				1
Disclosure of information	3	1			4
Drugs	2	1			3
Failure to disclose personal interest/information			6		6
Improper association	2				2
Improper conduct	15	11			26
Improper use of computers					0
Misuse of corp.credit card/Government funds		1			1
Misuse of leave entitlements		1			1
Sexual assault/harassment		1			1
Other		1	1		2
Threats	1				1
Matter 'outside ACC jurisdiction'					12
TOTAL	58	31	11	1	113

Jan –March 2003

July – Dec. 2002

Substantiated Allegations: 18 cases (16%) 70 cases (28%)

Unsubstantiated Allegations: 26 cases (23%) 54 cases (22%)

Other Outcomes: 69 cases (61%) 126 cases (50%)

Substantiated Allegations (18 cases) resulted in:

Criminal Charges being laid against public officers 3 cases

Disciplinary Action taken against public officers 15 cases

The following table provides detailed information about the outcomes of the 18 cases where allegations were substantiated, the related alleged serious misconduct and also the broad area of public administration where those public officers subject of the allegations were employed.

1. SUBSTANTIATED ALLEGATIONS: INVESTIGATION OUTCOMES

Explanatory Notes:			
*	Cases investigated by the ACC	PO	Public Officer
GD	Government Department	CC	Corrupt Conduct
LG	Local Government	Cr C	Criminal Conduct
OPA	Other Public Authority	SIC	Serious Improper Conduct
The notations (CC; Cr C; SIC) in the column 'Alleged Serious Misconduct' identify the broad category of allegations reported.			
Case	Public Office	1.1.1. Alleged Serious Misconduct	Investigation Outcomes
1.1.2. Disciplinary Action Taken (15 cases)			
1	Police	False declarations or statements CrC	1 PO voluntarily transferred, subjected to workplace assessments 1 PO under controlled supervision – PO to undertake vocational assessment Unfavourable report about Officer in Charge of section
2	Police	Unlawful operation of computer system CrC	1 PO no longer employed (resigned) 1 PO subjected to disciplinary inquiries under PSM Act Administrative changes in relation to use of computers advised
3	Police	Unlawful operation of computer system CrC	PO informally counselled PO attended training course in computer ethics
4	Police	Stealing CrC	PO cleared of stealing charges PO's internet access privileges removed PO transferred to another position within the agency PO demoted

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Case	Public Office	Alleged Serious Misconduct	Investigation Outcomes
5	Police	Stealing CrC	PO's use of corporate credit card limited. PO charged with 'conduct unbecoming an officer' PO subject to s.8 proceedings Matter ongoing
6	Police	Corruption abuse of public office for benefit CrC	s.8 proceedings instigated Matter ongoing
7	Police	Drugs SIC (Possess prohibited substance)	PO charged with 'use of prohibited substance', 'possess a prohibited substance'. PO subject to s.8 proceedings (<i>Police Act</i>) Matter ongoing
8	Police	Improper Conduct SIC (use of offensive behaviour)	PO charged under Police Force Regulations PO apologised to victim
9	Police	Improper conduct SIC	PO subject to unfavourable report
10	GD	Fraud CrC	PO resigned PO prevented from obtaining further employment with agency
11	GD	Unlawful operation of computer system CrC	PO formally reprimanded
12	GD	Attempt to obstruct, prevent, pervert or defeat the course of justice CrC	4 PO's formally counselled 1 PO dismissed Procedures changed
13	GD	Improper conduct SIC (acting against duty regulations)	PO charged under s98 of the <i>Prisons Act</i> PO formally counselled Prison IT and telecommunications security reviewed
14	GD	Improper conduct SIC (physical contact)	PO formally reprimanded
15	GD	Misuse of leave entitlements SIC	6 charges laid under the <i>Prisons Act</i> Matter ongoing

2. CRIMINAL CHARGES LAID (3 CASES)

Case	Public Office	Alleged Serious Misconduct	Investigation Outcomes
16	Police	Improper conduct SIC (driving whilst under the influence)	PO charged 'excess 0.08%' Ongoing
17	GD	Stealing CrC (Goods)	PO charged with 'stealing as a servant' Ordered to pay restitution PO dismissed
18	GD	Drugs SIC (Possession with intent to sell or supply)	PO charged 'possession with intent to sell or supply' PO pleaded guilty, received 6 month conditional release order and spent convictions

Of the 18 cases in which allegations were substantiated, involving a total of 24 public officers, 10 cases related to police officers and 8 to public officers from government departments.

Criminal conduct was involved in 10 of the cases and the other 8 involved serious improper conduct. None of the substantiated cases involved corrupt conduct.

In summary, **in three months from January to March 2003**, significant action taken against WA public officers included:

3 had Criminal Charges brought against them;

6 were subject to Disciplinary Charges under Public Sector (including *Public Sector Management Act*) or Police Service regulations;

5 had their Employment Terminated, 3 being dismissed and 2 resigning;

4 were formally Reprimanded or Counselling;

3 Police Officers were subject to section 8 (*Police Act*) proceedings.

As appropriate, changes aimed at preventing or diminishing opportunities for corruption or other serious misconduct to occur were made to public authority policies, practices and/or systems, as a result of allegations being substantiated.

In the 9 months from July 2002 to March 2003, significant action taken against public officers, against whom allegations of serious misconduct (reported to the ACC) were substantiated, included:

33 public officers had Criminal Charges brought against them;

19 were subject to Disciplinary Charges under Public Sector or Police Service regulations;

28 had their employment terminated, 16 being dismissed and 12 resigning;

14 were formally Reprimanded or Counselling;

4 were Suspended (some without pay);

12 were Fined;

4 were Imprisoned, 2 for 18 months, 1 for 12 months and 1 for 3 years. 1 public officer was subject to a 6-month conditional release order and spent conviction;

4 police officers were subject to s. 8 proceedings.

The following statement indicates the current status of matters, substantiated in the period July to December 2002, for outcomes which were not fully concluded at the time of the last report to the JSC (April 2003).

Case	Public Office	Alleged Serious Misconduct		Latest Action
22	Police	Falsification of records	CrC	Matter ongoing
53	GD	Drugs (Possession)	SIC	Matter dismissed – no evidence
57	GD	Improper Conduct (sexual assault, indecent dealing)	SIC	DPP closed matter Departmental investigation underway
59	GD	Improper Conduct (sexual assault)	SIC	Matter still progressing with courts PO in non-customer contact role until Court action completed
64	GD	Improper Conduct (sexual assault)	SIC	Matter still progressing with police investigation
70	OPA	Improper use of computers (possession of pornography)	SIC	Matter progressing through court

3. ROYAL COMMISSION:

The ACC continues to provide substantial support to the Royal Commission and has been involved in a number of joint operations with the Royal Commission. To the end of May 2003 information in respect of 402 case files had been released for consideration by Royal commission staff, who also have direct access to the ACC Allegations database. Furthermore, ACC staff provide other relevant briefing material and advice on specific matters being addressed by the Royal Commission.

To date ACC staff have provided testimony at public hearings in respect of 4 matters – the Kalgoorlie police issues, alleged theft by Armed Robbery Squad officers, alleged unauthorised access of police computer systems and, the death of Andrew Petrelis. ACC material and evidence from staff has also featured significantly in the hearings involving witnesses ‘L’ and ‘T’.

The Royal Commission has continued to make extensive use of the ACC’s electronic and physical surveillance capabilities, with telecommunications interception being relied on heavily in 4 joint operations that have resulted in disclosures about the conduct of police in a number of different scenarios over a long period of time.

The Commission and senior ACC staff have actively participated in all the round table conferences convened by the Royal Commission, an involvement supplemented by substantial written submissions to the debate process.

4. JOINT/COLLABORATIVE ACTIVITIES:

The joint operation with IAU (WA Police Service) which led to serving officer Tomkinson (and 3 others, not public officers) being arrested and charged with drug offences in March 2003, also resulted in Tomkinson being stood down immediately following his arrest.

A joint operation with Department of Education, into allegations that a senior officer obtained Government money under false premises (fraudulently) has resulted in a

search warrant being executed on business premises, the seizure of a substantial amount of documentation and the interview of witnesses throughout the state. This matter is continuing.

Preliminary inquiries are underway in respect of 2 separate matters involving the IAU of WAPS which concern alleged unlawful activities and serious improper/corrupt conduct by serving officers, in regional centres, over an extended period of time. One matter has the potential to develop into a major operation.

5. CO-OPERATIVE/SUPPORT AGREEMENTS:

There has been no change to current MOU's or similar agreements since March 2003.

6. POLICIES AND PROCEDURES:

Policies and procedures related to 'corporate' project management and 'service' Complaints Management have recently been refined to ensure compliance with relevant Australian standards (eg AS 4269/95) and Public Sector guidelines (eg Auditor General/Ombudsman requirements).

Operational investigation policies and procedures, which have been the subject of intensive enhancement over the past 12 months, continue to be modified as warranted.

A suite of more than 130 template documents, covering official Notices, significant correspondence with other authorities, prescribed work practice records and mandatory statements, have been developed to ensure agency wide consistency and compliance with legislation, judicial standards and interagency protocols.

Comprehensive policies and practices relating to physical, administrative and information security have been enhanced and consolidated over the past few months to complement the ACC's suite of guidelines and standards.

7. INFRASTRUCTURE DEVELOPMENTS:

Telecommunications Interception and Electronic Surveillance facilities –

The WA Police Service is still in the process of evaluating the prospect of sharing, with the ACC, an enhanced electronic surveillance facility (including telecommunications interception) capable of delivering dedicated information to both agencies without compromising individual agency security and confidentiality, but with considerable potential cost saving benefits to the State.

Electronic Records and Document Management system –

Application of the new system, which went 'live' in March 2003, is proceeding in a generally satisfactory way. Establishing an effective interface with existing systems is progressing, with all issues that have arisen to date having been resolved. A post implementation survey of all staff is currently underway, which will guide further enhancement and/or system modification.

Information and Technology Security -

The security monitoring regime instituted following enhancement of the ACC's hardware, software and systems information and technology infrastructure is providing the agency management team with regular, high level reports on the integrity of the information services environment. Reports to date indicate that the security infrastructure is functioning effectively.

8. COMMISSION MEETINGS:

From 1 July 2002 to 13 June 2003 the Commission has met on 29 occasions, holding 9 special meetings to deal with specific priority matters, and 20 regular meetings at which current operational and administrative matters were considered.

9. ADMINISTRATION:

ACC Budget – expenditure and commitments to 31 March 2003.

Source of Expenditure	Budget Allocation 2002 – 03 (\$'000)	Expenditure and Commitments to 31 March 2003 (\$'000)
Salaries and Allowances	5,704	3,592 (63)
Other expenditure:		
Executive	604	* 562 (93)
Operations	1,465	1,122 (77)
Business Services	3,116	1,706 (55)
Information Technology	1,057	756 (72)
Royal Commission	-	15
Total Expenditure	11,946	7,753 (65)

* increased due to engagement of contract research/policy personnel in lieu of permanent appointments, due to abolition of ACC. Countered by decrease in salaries and allowances.

Human Resources –

From 1 April 2003 to present, an Investigator and a casual Electronic Surveillance officer have commenced with the ACC. Two staff (Executive Administrative Assistant and HR Officer) have left, taking up opportunities in other organisations. As at 18 June 2003 there were 85 staff in the ACC, representing 81.65 FTE.

Industrial Relations –

Report of the Commissioner for Public Sector Standards

The report tabled in Parliament by the Commissioner for Public Sector Standards (CPSS) on 16 April 2003, relating to allegations of bullying and other unwelcome behaviour in the ACC, contained recommendations for improving the level of compliance with Public Sector standards on human resource management in two areas.

While acknowledging the difficult circumstances under which the agency and its staff have had to operate the Commissioner nevertheless highlighted some issues which, she considered, were of concern. The ACC co-operated fully with the CPSS review, but the Commission is concerned about the approach adopted by the CPSS in conducting its review, and the basis on which conclusions were reached.

Because of Commission concern about matters that had been raised by staff, prior to the PCSS review considerable action had already been taken within the agency to deal with issues and perceptions that had been expressed.

The 2001-02 restructure, which included significant redesign of functions within Operations, re-assigned management responsibilities and resulted in appointment of a new Director Operations. Changes to recruitment approaches, adopted in mid 2002, have resulted in the employment of substantially more female operations staff (particularly investigators) and have contributed further to a more balanced work environment.

Workplace improvement initiatives (22 in total), based on suggestions made by ACC staff in mid 2002 were being implemented. Others, such as delivering policy and education on EEO and grievance procedures, and conducting team building workshops, had been underway since mid 2001, as part of the agency's ongoing HR development program.

The work place improvement projects, which are now either completed or close to conclusion (although some have been impacted by the imminent replacement of the ACC by the CCC) and the other initiatives mentioned have all contributed to addressing the issues raised in the PSCC report.

ACC staff employment conditions

Another matter of particular concern to the Commission over the past 6 months has been the difficulties experienced in reaching a satisfactory and timely resolution to the issues of permanency, redeployment and redundancy for ACC staff, in light of the creation of the Corruption and Crime Commission (CCC). Continued approaches to Government and the Department of the Premier and Cabinet have, to date, been

unsuccessful in bringing about agreement on the current tenure and future of ACC staff, including their likely employment opportunities in the CCC.

The inability to inform staff about their future has resulted in substantial frustration and anxiety for them, many of whom have relocated their families to this State, some as recently as early this year. The Commission will continue to seek an equitable resolution to this matter.

JOINT STANDING COMMITTEE

The Commission is concerned at the attacks on the ACC and its staff by the Deputy Chairman of the Joint standing Committee, particularly when those attacks are based on perceptions which are incorrect. Joint Standing Committee members who have any concerns about the operation of the ACC are urged to raise their concerns with the Commission to ensure they (member's) are fully briefed on issues, before making public statements about them.

T E O'CONNOR QC

CHAIRMAN

ANTI-CORRUPTION COMMISSION

23 June 2003

APPENDIX THREE

ACC OPERATIONAL ACTIVITY 2002-03

JOINT STANDING COMMITTEE ON THE ANTI-CORRUPTION COMMISSION

Enquiries received by the ACC about alleged Serious Misconduct			259
Matters (subject to Investigation or Other Action) carried over from 2001-02			334
New Matters reported to ACC during 2002-03:			485
Reported by -	Public authorities	431	89%
	Individuals	43	9%
	ACC initiated	11	2%
Relating to public officers in -	WA Police Service	214	44%
	Government Departments	163	34%
	Local government	77	16%
	Other Public Authorities	31	6%
Alleged misconduct -	Corrupt	15	3%
	Criminal	185	38%
	Serious Improper	258	53%
	Outside ACC's jurisdiction	25	5%
	Unclassified	2	1%
Total active Matters ^(a) considered by the Commission in 2002-03			819
Matters referred by the Commission to other Authorities for Action			191
Review and Audit (by ACC) of 'other authority' Investigation Reports			192
Matters investigated by the ACC			85
2.1.1. Matters (under Investigation by the ACC) finalised in 2002-03			39
Total Matters finalised by the Commission in 2002-03:			514
Allegations substantiated		112	22%
Allegations unsubstantiated		101	20%
Other outcomes ^(b)		301	58%
TI ^(c) Warrants obtained and executed by the ACC:			48
Joint operations (ACC and Police Royal Commission)		42	
ACC-specific operations		6	
		Assign's	Matters
Physical Surveillance conducted in support of Investigations:			36
Relating to -	WA Police Service	8	5
	Other Public Authorities	18	10
	Police Royal Commission	10	3
Matters (referred by the ACC) being considered by the DPP ^(d):			9
Relating to public officers in -	WA Police Service		4
	Other Public Authorities		5
Matters finalised by the DPP			5
Matters progressed to Court			3

- (a) Active matters are those subject to investigation or other action by the ACC or by appropriate authorities – including consideration by the DPP of criminal prosecution, and court action – but which have not been 'finalised' by the Commission.
- (b) Includes matters that are: inconclusive, where investigation is not in public interest, where investigation is not justified, the public officer deceased or transferred, where a matter is outside the ACC's jurisdiction, or where there is insufficient evidence.
- (c) TI - Telecommunications Interception.
- (d) DPP - Director of Public Prosecutions (WA).

2. COMBATTING CORRUPTION: 2002-03

**MATTERS REPORTED TO THE COMMISSION
Alleged Serious Misconduct X Public Authority
2002-03**

Alleged Serious Misconduct	Public Authority - Matters Received				
	Police	Gov Dept	Local Gov	Other Public Auth	Total
CORRUPT	3	8	3	1	15
Gifts and favours		3	1		4
Association leading to gifts and favours	2	1	2		5
Other	1	4		1	6
CRIMINAL	113	35	24	13	185
Corruption - abuse of public office for benefit	6	1	3	2	12
Disclosure of official secrets	14	1	2		17
Falsification of records by public officer	1	3	2		6
Fraud	5	4	4	1	14
Intent to pervert/defeat course of justice	10				10
Perjury	10	1	1	2	14
Stealing	23	13	10	6	52
Threats with intent to influence	4	1			5
Unlawful operation of a computer system	33	8			41
Other	7	3	2	2	14
SERIOUS IMPROPER	92	110	42	14	258
Assault	3	26		1	30
Conducting secondary employment	2	1			3
Disclosure of information	9		2	1	12
Drugs	23	8			31
Failure to disclose personal interest/information	1	1	20	2	24
Improper association	5	1			6
Improper conduct	29	27	9	6	71
Improper use of computers	8	7	1	1	17
Misuse of corporate credit cards or Government funds		4	3	2	9
Misuse of leave entitlements	5	5			10
Sexual assault/harassment	2	21	2		25
Threats	2	2			4
Other	3	7	5	1	16
Unclassified					2
Outside Jurisdiction					25
TOTAL	208	153	69	28	485

Outcomes of Investigations: 2002-03

Of the 819 matters addressed by the Commission in 2002-03 (334 matters carried over from 2001-02 plus 485 new matters reported in 2002-03), 514 were finalised.

In 112 (22%) of the matters finalised, investigations revealed the allegations to be substantiated, and in 101 matters (20%) the allegations were determined to be unsubstantiated.

In a further 50 (10%) of the finalised matters there was insufficient evidence to determine the substance of the allegations.

202 (39%) of the finalised matters were either outside the ACC's jurisdiction; the evidence was inconclusive; the allegations vexatious, not serious, or found to have been the subject of adequate prior investigation; or the pursuit of further action was deemed to be not justified or not in the public interest.

In respect of the 514 finalised matters, the following table indicates the areas of WA public administration (public authorities) to which allegations related.

MATTERS FINALISED BY THE COMMISSION
Alleged Serious Misconduct X Public Authority 2002-03

Alleged Serious Misconduct	Public Authority - matters finalised*				Total
	Police	Gov. Dept	Local Gov	Other Public Auth	
CORRUPT	17	22	8	2	49
Gifts and favours	5	9	4		18
Association leading to gifts and favours	5	3	2		10
Other	7	10	2	2	21
CRIMINAL	109	33	26	10	178
Corruption - abuse of public office for benefit	2		2		4
Disclosure of official secrets	16	2	3		21
Falsification of records by public officer	2	4	2		8
Fraud	2	7	4	3	16
Intent to pervert/defeat course of justice	14			2	16
Perjury	9	3			12
Stealing	20	8	12	4	44
Threats with intent to influence	4	1			5
Unlawful operation of a computer system	25	7			32
Other	15	1	3	1	20
SERIOUS IMPROPER	96	96	39	10	241
Assault	2	20		1	23
Conducting secondary employment	2	3		1	6
Disclosure of information	8	3	1		12
Drugs	20	12			32
Failure to disclose personal interest/information	2	1	16	1	20
Improper association	6	1			7
Improper conduct	38	29	13	2	82
Improper use of computers	5	5	1	1	12
Misuse of corporate credit card or Government funds		4	2	2	8
Misuse of leave entitlements	3	4			7
Sexual assault/harassment	1	11	1		13
Threats	2				2
Other	7	3	5	2	17

JOINT STANDING COMMITTEE ON THE ANTI-CORRUPTION COMMISSION

Continued

Criminal Involvement					1
Unclassified					2
Outside Jurisdiction					43
TOTAL	222	152	73	22	514

MATTERS FINALISED BY THE COMMISSION (514)
Outcome X Serious Misconduct X Public Authority
2002-03

Public Authority	Matters Finalised									
	Substantiated				Unsubstantiated				Other	Total
	CC	CrC	SIC	Total	CC	CrC	SIC	Total		
Police Service	1	30	18	49	4	30	22	56	117	222
Government Departments	5	10	24	39	10	7	10	27	86	152
Local Government	2	9	5	16	2	5	5	12	45	73
Other Public Authority	2	4	2	8	2	1	3	6	8	22
Unclassified										2
Outside Jurisdiction										43
Total	11	45	56	112	18	128	193	101	256	514

Terms: 'CC' – Corrupt Conduct; 'CrC' – Criminal Conduct; 'SIC' - Serious Improper Conduct.

Substantiated Allegations: 2002-03

The following table profiles the outcomes of action taken by public authorities in respect of the 112 matters where allegations were substantiated.

MATTERS FINALISED BY THE COMMISSION
SUBSTANTIATED ALLEGATIONS (112 matters)
Outcome x Public Authority x Serious Misconduct
2002-03

Public Authority and Outcome	Substantiated Allegations - matters finalised			
	Total	CC	CrC	SIC
Police Service:	49	1	30	18
Administrative Action	1	1		
Disciplinary Action	41		26	15
Criminal Charges Laid	7		4	3
Government Department's:	39	5	10	24
Administrative Action	5	3	1	1
Disciplinary Action	17	2	6	9
Criminal Charges Laid	17		3	14
Local Government:	16	2	9	5
Administrative Action	3	1	2	
Disciplinary Action	9	1	4	4

Continued

Criminal Charges Laid	4		3	1
Other Public Authorities:	8	2	4	2
Administrative Action	3	1	1	1
Disciplinary Action	1	1		
Criminal Charges Laid	4		3	1
Total	112	10	53	49

Total : Administrative Action - 12 matters;
Disciplinary Action – 68 matters (involving 89 public officers);
Criminal Charges Laid against public officers - 32 matters (involving 38 public officers).

SUBSTANTIATED ALLEGATIONS – COMMENTARY

1. Of the **514 matters finalised by the Commission** in 2002-03:

- 43% (222 matters) related to police officers
- 48% (247 matters) related to 'other public officers'.

[43 other matters were determined to be outside the ACC's jurisdiction and 2 matters were unclassified]

2. Of the **112 matters in which allegations were substantiated**:

- 44% (49 matters) related to police officers
- 56% (63 matters) related to other public officers.

3. The final **outcomes relating to the 49 matters involving police officers** were:

- Disciplinary action - 84% (41 matters)
- Criminal Charges laid - 15% (7 matters)
- Administrative action - 1% (1 matter).

4. For the **63 matters involving other public officers**, the comparative figures are:

- Disciplinary action - 43% (27 matters)
- Criminal Charges laid - 40% (25 matters)
- Administrative action - 17% (11 matters).

5. In those **matters where criminal charges were laid against police officers**:

- two officers were imprisoned for 18 months
- one was imprisoned for 3 years

(all 3 for misconduct involving 'corruption - abuse of public office for benefit').

6. In **matters where other public officers were the subject of criminal charges**:

- One officer was imprisoned for 12 months
- One was imprisoned for 3 years and 3 months
- One was sentenced to 12 months imprisonment (converted to 24 months suspended sentence)
- One received an 18 months suspended sentence
- One was imprisoned for 12 months.

7. **Serious misconduct involving police officers** included:

- Improper use of computer systems or release of official information - 30% (15 matters)
- Stealing - 14% (7 matters)
- Drugs - 12% (6 matters)
- Improper conduct/assault - 16% (8 matters).

8. Serious misconduct involving other public officers included:

- Stealing – 19% (12 matters)
- Improper conduct involving pornography or indecent dealing – 21% (13 matters, nine of which involved sexual assault of minors or children under 13 years)
- Drugs – 8% (5 matters)
- Fraud or misuse of official funds and/or credit cards – 13% (8 matters).

It is apparent from the information presented in the preceding and following pages that the kinds of misconduct that have been made public through the Police Royal Commission is not confined to the behaviour of just some police officers.

A considerable number of other public officers (ie non-police public officers), working in a diverse range of roles and holding positions of significant trust and power, have over the year also been proven to have engaged in serious misconduct; misconduct that has resulted in significant social and economic costs to the WA community.

SUBSTANTIATED ALLEGATIONS – SIGNIFICANT OUTCOMES: 2002-03

The more significant outcomes for public officers against whom allegations were substantiated are summarised below.

**SUBSTANTIATED ALLEGATIONS (112 matters)
'SIGNIFICANT' ACTION TAKEN AGAINST PUBLIC OFFICERS
2002-03**

Action Taken	Public Officers
Criminal Charges laid against public officers	38
Disciplinary Charges brought under Public Sector or Police Service regulations	34
Employment terminated - 18 dismissed, 12 resigned	30
Formal reprimand and/or counselling	21
Employment suspended – in some cases without pay	6
Fines	14
Imprisonment	6
Action taken under s.8 of the <i>Police Act</i> - police officers	4

The following statement provides detailed information about the outcomes of all the 112 matters where allegations were substantiated. Descriptions of the allegations are included and matters are grouped according to the broad area of public administration in which the public officers were involved.

**SUBSTANTIATED ALLEGATIONS (112 matters)
OUTCOME OF INVESTIGATIONS AND OTHER FURTHER ACTION TAKEN
2002-03**

ALLEGATION	OUTCOME
ADMINISTRATIVE ACTION TAKEN (12 matters)	
POLICE SERVICE (1 MATTER)	
Association, leading to gifts and favours *	CC Relevant procedures on conducting investigations amended.
GOVERNMENT DEPARTMENT (5 MATTERS)	
Corrupt Conduct - Improper administration of trust fund * - Contravention of tendering process	CC Fund administration process amended. PO no longer employed by agency. PO counselled. Relevant financial management policy reviewed.
Other Corrupt Conduct - Misuse of fuel card	CC Policy regarding use of fuel card repeated to PO. PO to repay the fuel costs.
Fraud *	CrC 'Contracts' Quality Assurance policy and guidelines developed; Relevant management responsibilities amended; All employees advised of secondary employment policy.
Improper Conduct - Administration of medications	SIC Procedures regarding administration of medications reviewed and changed.
LOCAL GOVERNMENT (3 MATTERS)	
Other Corrupt Conduct - Non-disclosure of interests	CC Policy regarding disclosure of secondary employment reiterated to PO.
Falsification of Records	CrC Tendering policy and procedures enhanced.
Stealing	CrC Policies and procedures developed and adopted in relation to Funding Agreements with Not-For-Profit Organisations.
OTHER PUBLIC AUTHORITY (3 MATTERS)	
Corrupt Conduct - Inappropriate use of funds	CC Debt being recovered from PO.
Stealing - Goods	CrC Agency security arrangements enhanced. All employees advised harassment is a breach of agency values and Code of Conduct.
Assault - Inappropriate strip searching	SIC Policy and procedures re strip-searching revised.
DISCIPLINARY ACTION TAKEN (68 matters)	
POLICE SERVICE (41 MATTERS)	
Corruption Abuse of Public Office for Benefit	CrC Proceedings instigated under s.8 of the Police Act. Matter ongoing.
Disclosure of Official Secrets - Unspecified - Improper release of confidential information - Improper release - personal information - Improper release - personal information - Improper release - traffic records	CrC PO received unfavourable reports for breach of Police Service Regulations. PO informally counselled, and receiving training in ethical standards, integrity and conflict of interest issues. PO informally counselled. Guidelines formulated to ensure correct procedures followed in future. PO informally counselled. PO informally counselled, unfavourable report on personnel file.

JOINT STANDING COMMITTEE ON THE ANTI-CORRUPTION COMMISSION

ALLEGATION	OUTCOME	
False Declarations or Statements *	CrC	1 PO voluntarily transferred, subjected to workplace assessments. 1 PO under controlled supervision – PO to undertake vocational assessment. Unfavourable report about Officer in Charge of section.
Falsification of Records	CrC	PO charged under First Home Owner Grant Act 2000 (Cth). Matter progressing through courts.
Intention to Defeat/Pervert Justice	CrC	PO informally counselled.
Intent to Pervert/Defeat Course of Justice	CrC	PO demoted to rank of Snr Const for 12 months.
Unlawful Operation of Computer System	CrC	Unfavourable report included in PO personnel file. Crime Management Training Unit developing training strategies and procedures to protect the identity of informants throughout the production of 'briefs'.
- Improper disclosure – protected witness information		
- Improper access – criminal record information		PO formally counselled.
- Unspecified		
- Unspecified		1 PO no longer employed (resigned). 1 PO subjected to disciplinary inquiries under Public Sector Management Act 1994 ('PSM Act'). Administrative changes in relation to use of computers advised. PO informally counselled. PO attended training course in computer ethics.
- Unspecified		PO Informally counselled.
- Unspecified		PO Formally counselled.
- Unspecified		PO counselled at local level regarding computer access.
- Unspecified		PO charged under police regulations. PO received official caution.
Stealing	CrC	PO informally counselled, to face disciplinary charge.
- Goods		
- Goods		WAPS Internal Investigations Unit found charges against PO to be not proven.
- Money		PO subject to disciplinary action under PSM Act 1994.
- Goods		PO subject of s.8 Police Act notice, suspended, disciplined, re-instated.
- Unspecified		PO cleared of stealing charges. PO's internet access privileges removed. PO transferred to another position within the agency and demoted.
- Unspecified		PO's use of corporate credit card limited. PO charged with 'conduct unbecoming an officer'. PO subject to s.8 (Police Act) proceedings. Matter ongoing.
'Other 'Criminal Conduct	CrC	PO closely supervised and subject to ongoing performance reports.
- Fabricating evidence		
- False claims about threats received		Unfavourable report on PO personnel file.
Drugs		
- Lost after being seized	SIC	PO charged with neglect of duty under Police Service regs; PO Charged with attempt to induce a member of the Service to commit a breach of Police Service regs.
- Possess prohibited substance	SIC	PO charged with 'use of a prohibited substance', 'possession of a prohibited substance'. PO subject to s.8 (Police Act) proceedings. Matter ongoing.
- Unspecified	SIC	PO informally counselled.
- Failure to secure	SIC	PO informally counselled for failing to secure a quantity of drugs whilst conducting a search.
- Unspecified	SIC	PO charged under police regulations, PO formally counselled, Structure of section reviewed.
Disclosure of Information	SIC	PO counselled.
Improper Conduct	SIC	PO to be given 'developmental training'. PO charged with breach of Police Service Regs.
- Assault		

JOINT STANDING COMMITTEE ON THE ANTI-CORRUPTION COMMISSION

ALLEGATION	OUTCOME	
<ul style="list-style-type: none"> - Acting against duty regulations - Relating to security of seized goods - Use of offensive behaviour - Unspecified - Unspecified 		<p>2 POs charged with breach of Police Service Regs; Informally counselled about inefficient execution of duties, received unfavourable reports, working under strict supervision for six months and subject to monthly performance reviews.</p> <p>POs informally counselled for failure to perform duties in a proper manner.</p> <p>PO charged under Police Force Regulations, PO apologised to victim.</p> <p>PO subject to unfavourable report.</p> <p>PO dismissed. WAPS undertaking a review of District Custodial Care policies that cover management of all prisoners.</p>
Improper Association	SIC	PO charged, reduced to rank of Sergeant for 6 months, subject to bi-monthly performance reporting.
- Associating with known criminals		
Misuse Computer	SIC	PO charged under police regulations. PO formally counselled.
Sexual Assault/Harassment	SIC	PO charged 1 count sexual assault. Charges against PO not sustained.
GOVERNMENT DEPARTMENTS (17 MATTERS)		
Gifts and Favours	CC	PO issued with formal warning, report on personnel file.
- Offering benefits for sexual favours		
Other Corrupt Conduct	CC	PO charged under PSM Act. PO formally reprimanded
Attempt to Obstruct, Prevent, Pervert or Defeat the Course of Justice	CrC	4 POs formally counselled. 1 PO dismissed Procedures changed.
Disclosure of Official Secrets		
- Improper disclosure – confidential traffic information	CrC	PO charged with 3 counts of unlawful operation of computer system, suspended without pay, admitted charges, dismissed.
Falsification of Records	CrC	PO charged, pleaded guilty, sentenced to 12 months (100 hours) community based work.
- Unspecified		
- Unspecified		PO charged under Prisons Act. PO fined \$150.
Fraud	CrC	PO resigned. PO prevented from obtaining further employment with agency.
Unlawful Operation of Computer System	CrC	PO formally reprimanded.
Improper Use of Computers		
- Accessing/distributing pornography	SIC	6 POs fined, 4 POs resigned, 3 POs on suspension, 1 PO counselled.
Improper Association		
- Relationship with student	SIC	PO reprimanded for minor breach of discipline.
Improper Conduct	SIC	
- Child pornography		PO charged with 2 counts of 'possessing indecent article', pleaded guilty, fined \$1,500 plus costs.
- Unspecified *		2 POs issued with discipline letters.
- Unapproved secondary employment		PO issued with formal reprimand.
- Acting against duty regulations		PO charged under s.98 of the Prisons Act. PO formally counselled. Prison IT and telecommunications security reviewed.
- Physical contact		PO formally reprimanded.
Improper Use Computer	SIC	PO found guilty of minor breach of discipline. PO formally reprimanded.
Misuse of Leave Entitlements *	SIC	6 charges laid under the Prisons Act. Matter ongoing.
LOCAL GOVERNMENT (9 MATTERS)		
Gifts and Favours	CC	Relevant staff received disciplinary letters, advised of agency Code of Conduct and process of registering gifts.
- Free alcohol for improper use of equipment		

JOINT STANDING COMMITTEE ON THE ANTI-CORRUPTION COMMISSION

ALLEGATION	OUTCOME	
Stealing	CrC	PO dismissed.
- Money		
- Goods		PO dismissed, having admitted theft.
- Money		PO lost 1 salary increment. PO's council vehicle taken away.
Fraud	CrC	PO dismissed.
Misuse of Corporate Credit Card/Government Funds	SIC	PO served with formal written warning, money retrieved from PO.
- Unspecified		
- Unspecified		PO dismissed.
Improper Conduct	SIC	PO dismissed.
- Discrimination		
- Favourable treatment		PO issued with written warning.
OTHER PUBLIC AUTHORITY (1 MATTER)		
'Other' Corrupt Conduct	CC	PO formally reprimanded, fined \$400, required to undertake management development course and course on Public Sector Code of Ethics and agency Code of Conduct.

CRIMINAL CHARGES LAID (32 matters)

POLICE (7 MATTERS)

Corruption – Abuse of Public Office for Benefit *	CrC	2 POs – 18 months imprisonment (perjury, pervert course of justice), dismissed. 1 PO – 3 years imprisonment (perjury conspiracy to pervert course of justice), dismissed. 2 POs – acquitted of conspiracy and perjury, 1PO resigned.
Stealing	CrC	PO charged with 2 counts of stealing, retired on medical grounds.
- Money		
Threats	CrC	PO charged with 1 count of aggravated burglary, court action still in progress.
Unlawful Operation of Computer System, Assault and Damage	CrC	PO charged with Common Assault, Damage, Burglary and Commit Offence, and Stealing; pleaded guilty, sentenced to 12 month community based order; Spent convictions recorded against all charges.
Drugs, Assault	SIC	PO pleaded guilty to assault occasioning bodily harm, fined \$1600, resigned.
- Possession, intent to supply		
Improper Conduct		PO charged with driving 'in excess of 0.08%', court action still in progress.
- Driving whilst under the influence	SIC	
Misuse of Leave Entitlements	SIC	PO pleaded guilty, fined \$500, ordered to pay restitution of \$180.92.

GOVERNMENT DEPARTMENTS (17 MATTERS)

Fraud	CrC	PO charged with 39 counts of fraud, suspended without pay, pleaded guilty, employment terminated
Stealing	CrC	PO charged with 1 count of stealing, pleaded guilty, fined \$250, ordered to pay costs.
- Money		
- Goods		PO charged with 'stealing as a servant', dismissed, ordered to pay restitution.
Drugs	SIC	PO charged, 1 count possession of prohibited substance. Matter dismissed due to lack of evidence.
- Possession		
- Supply		PO pleaded guilty to 1 count of supplying a prohibited drug, fined \$450.
- Traffic & supply *		PO charged (possession of prohibited drug, implements, intent to sell/supply), sentenced to 12 months imprisonment.
- Cultivating, possessing cannabis		PO charged, spent conviction, PO ordered to pay fees and costs of \$128.
- Possession with intent to sell or supply		PO charged with 'possession with intent to sell or supply'. PO pleaded guilty, received 6-month conditional release order and spent convictions.

JOINT STANDING COMMITTEE ON THE ANTI-CORRUPTION COMMISSION

ALLEGATION	OUTCOME
Improper Conduct - Sexual assault, indecent dealing - Sexual assault - Sexual assault - Bodily harm - Indecent dealing - Indecent dealing - Sexual assault - Sexual assault - Sexual assault	SIC PO charged (sexual penetration, indecently dealing with a child). DPP dropped charges against PO. Departmental investigation continuing. PO charged (1 count of sexual penetration), not proceeded with, PO resigned. PO charged (1 count of indecent assault), court action continuing. PO in non-customer contact role until investigation concluded. PO charged with common assault, charges subsequently withdrawn. No further action. PO charged, convicted (3 counts of indecent dealing of a child under the age of 13), 12 months imprisonment converted to 24 months suspended sentence, PO resigned. PO charged, convicted (sexual penetration/ indecent dealings – child). PO contract not continued, file marked ‘not for re-employment’. PO charged, convicted (sexual penetration / indecent dealings – child), suspended sentence 18 months. PO resigned. PO charged (8 counts of rape involving a minor, 5 counts of assault occasioning bodily harm, 1 count of deprivation of liberty and 1 count of indecent dealings of a minor under the age of 14 years). Matter progressing through police investigation. PO charged with 1 count of indecent dealing and 1 count of sexual penetration. PO dismissed.

LOCAL GOVERNMENT (4 MATTERS)

Improper Conduct - Sexual abuse	SIC PO charged with sexual abuse against minors; convicted and imprisoned; PO resigned.
Stealing - Goods - Money	CrC PO charged with stealing as a public servant, PO dismissed. PO charged 40 counts of stealing as a public servant. PO sentenced to 3 years and 3 months imprisonment. Controls put in place regarding payments from Municipal Accounts.
- Unspecified	PO charged 1 count of stealing as a servant and fraud. PO on suspension without pay. Court Action still in progress.

OTHER PUBLIC AUTHORITY (4 MATTERS)

Forgery and Uttering	CrC PO charged 2 counts of forging and uttering a record with intent to defraud. PO to repay \$151.27.
Stealing - Money - Money	CrC PO charged with ‘stealing as a public servant’ - found not guilty. 2 POs convicted of ‘stealing as a servant’, dismissed. Revenue Supervisor demoted.
Improper Use of Computers - Possession of pornography	SIC PO charged with possession of child pornography. Matter progressing through court.

Terms: ‘CC’ - Corrupt Conduct; ‘CrC’ - Criminal Conduct; ‘SIC’ - Serious Improper Conduct. ‘PO’ - Public Officer.
 * matter investigated by the ACC.

PROFILE OF SERIOUS MISCONDUCT: 4 YEARS 1999-2000 to 2002-03

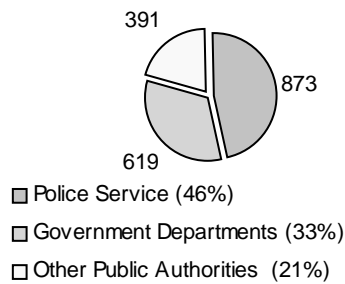
MATTERS REPORTED TO THE ACC: 1883

MATTERS FINALISED BY THE COMMISSION: 1,907

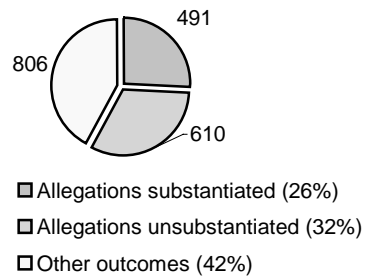
(matters finalised exceeded those reported because some finalised matters involved allegations reported to the ACC prior to 1999-2000).

The following profiles provide broad comparative information about the nature of the allegations, the areas of public administration to which they related, the source of allegations, and the investigation outcomes.

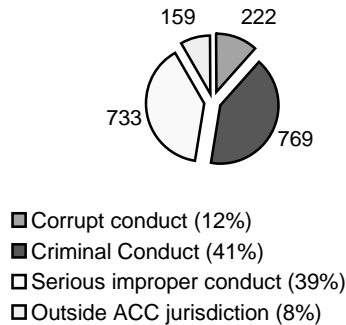
Matters reported (1883) to the Commission related to Public Officers in:



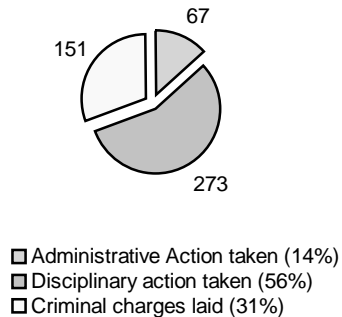
Outcomes of Matters finalised (1907) by the Commission:



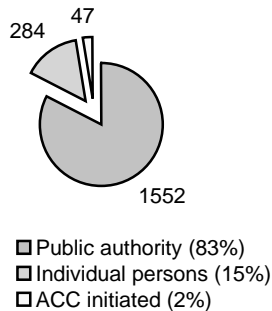
Matters reported to the Commission involved allegations of:



Outcomes of Matters substantiated (491)



Source of Matters reported to the Commission:



3. ROYAL COMMISSION:

The ACC provided substantial support to the Royal Commission throughout 2002-03, as indicated in previous reports. That support is now minimal as the Royal Commission is in the process of concluding its operational activities.

4. JOINT/COLLABORATIVE ACTIVITIES:

As per the report to the JSC of 23 June 2003.

5. CO-OPERATIVE/SUPPORT AGREEMENTS:

No change to current MOU's or similar agreements since March 2003.

6. POLICIES AND PROCEDURES:

The ACC has established systems, procedures and documentation in accordance with the guidelines issued by the Office of the Public Sector Standards Commissioner to give effect to the Public Interest Disclosure Act 2003, which came into operation on 1 July 2003. The policy and practices put in place to date will be monitored and amended as required.

7. INFRASTRUCTURE DEVELOPMENTS:

Telecommunications interception and Electronic Surveillance facilities -

The option of the WA Police Service and the ACC sharing an enhanced electronic surveillance facility (including telecommunications interception) capable of delivering dedicated information to both agencies without compromising individual agency security and confidentiality but with considerable potential cost saving benefits to the State, is still under consideration.

Electronic Records and Document Management system –

System functioning effectively.

Information and Technology Security –

Systems and monitoring processes functioning effectively.

8. COMMISSION MEETINGS:

From 1 July 2002 to 30 June 2003 the Commission met on 30 occasions, holding 9 special meetings to deal with specific priority matters, and 21 regular meetings at which current operational and administrative matters were considered.

9. ADMINISTRATION:

ACC Budget: 2002-03

Source of Expenditure	Budget Allocation (\$'000)	Actual Expenditure and Commitments (\$'000)
Salaries and Allowances	5,704	(1) 4,840
Other Expenditure:		
Executive	604	621
Operations	1,465	1,407
Business Services	3,116	(2) 2,894
Information Technology	1,057	(3) 789
Royal Commission	-	(4) 18
Total Expenditure	11,946	10,549

- (1) average FTE for 2002-03 less than projected due to staff turnover and recruitment time.
 (2) savings result of not proceeding with Case Management system (Capital Expenditure).
 (3) savings result of reduction in electronic Records Management system expenditure, communications charges, maintenance agreement charges, Internet (website) development cost.
 (4) Exclusive of the ACC staff commitment that was absorbed in the salaries budget.

Human Resources –

As at 30 June 2003 there were 84 persons in the ACC, representing 81.6 FTE.

Area	Persons		
	males	females	total
2.2. Commission	2	1	3
Executive	2	2	4
2.3. Operations -	2.4.	2	2.6.
Investigations	14	19	33
Electronic Surveillance unit	9	1	10
Intelligence unit	3	3	6
Special Projects unit	8	3	11
Business Services	10	7	17
Total	48	36	84

Industrial Relations –

Report of the Commissioner for Public Sector Standards

Refer to JSC report dated 23 June 2003.

ACC staff employment conditions

The concerns expressed in the JSC report of 23 June 2003, remain. The following is an extract from that report:

'Another matter of particular concern to the Commission over the past 6 months has been the difficulties experienced in reaching a satisfactory and timely resolution to the issues of permanency, redeployment and redundancy for ACC staff, in light of the creation of the Corruption and Crime Commission (CCC).

Continued approaches to Government and the Department of the Premier and Cabinet have, to date, been unsuccessful in bringing about agreement on the current tenure and future of ACC staff, including their likely employment opportunities in the CCC.

The inability to inform staff about their future has resulted in substantial frustration and anxiety for them, many of whom have relocated their families to this State, some as recently as early this year. The Commission will continue to seek an equitable resolution to this matter.'

This matter has progressed somewhat since the previous report but is still to be resolved.

RESPONSE TO THE QUESTIONS ON NOTICE:

1. Update on negotiations around the employment status of Commission staff.

The Community and Public Sector Union/Civil Service Association (CPSU/CSA) has requested the Western Australian Industrial Relations Commission (WAIRC) to convene a number of conferences relating to the future employment of ACC Staff.

Conferences were held on 24 June, 27 June and 5 August 2003. The ACC was named as a respondent to the union's action. However, as the decision on the future employment of staff needs to be made by the Department of the Premier and Cabinet (DPC - as representative of the Minister for Public Sector Management) the Department's representatives attended the conferences on 27 June and 5 August.

A further conference, to be attended by the ACC and DPC, is scheduled for 25 August.

Progress to Date

The ACC has provided details relating to the recruitment of each staff member, to DPC, which sought to verify the application of relevant public sector standards by the ACC.

DPC has acknowledged that those staff subject to the ACC decision of 28 November 2002, are employees of the ACC with indefinite tenure.

The Crown Solicitor's Office has advised that the ACC and its employees are part of the Public Sector for purposes of the *Public Sector Management Act 1994*.

Yet to be Resolved

DPC has not approved the registration of ACC staff for redeployment under the *Public Sector Management (Redeployment and Redundancy) Regulations 1994 (the Regulations)*. DPC's rationale for this seems to be because of uncertainty about when the ACC will be abolished. However, this has not been confirmed in writing.

Under the *Regulations*, an officer's employing authority is required to fulfil certain obligations when the officer is registered for redeployment. When the ACC is abolished these obligations need to be transferred to another Government agency such as the DPC. Agreement has not been reached on this issue.

Normally, when a Government agency is abolished the succeeding agency becomes the employing authority. Alternatively, other arrangements are put in place for the transfer of staff to another employing authority.

The WAIRC has requested DPC to return to the Conference on 25 August to advise whether the Government is willing to take part in scenario planning to determine possible options for the treatment of ACC staff, so that agreement can be reached in relation to their employment/redeployment when the ACC is abolished. Thereby, giving staff advice and, hopefully some degree of certainty, about their future.

The failure by Government to provide advice to ACC staff about their future employment (or redeployment) following the closure of the ACC has caused anxiety and stress to staff. A number of staff have already gained secondments to, or permanent appointments in, other agencies. If the uncertainty continues it is expected that further staff separations will occur. This will progressively affect the ACC's ability to continue effective operations and may also, ultimately, adversely affect the ACC's ability to attract sufficient quality staff.

2. Impact of the extension of the term of the Royal Commission on the Anti-Corruption Commission –

2.1 on the terms of appointment of Commissioners:

At present the Commissioners are appointed to 31 December 2003, beyond the current conclusion date for the Royal Commission of 30 November 2003. Hence the authority of the ACC can continue to be exercised fully and effectively throughout the final days of the Royal Commission.

In the event of a need for the ACC to continue operating beyond the end of December 2003 there will be a need for either re-appointment of the current, or appointment of new, Commissioners. In light of the time required for the appointment process this issue would be raised with Government well in advance of 31 December.

2.2 on the workload of the ACC:

The Royal Commission is now having limited impact on the workload of the ACC. There are no further joint operations involving TI or other investigation resources. ACC effort will now be primarily directed to effectively managing the return of investigation files and related material.

2.3 on the loss of skilled staff:

Extension of the Royal Commission has had no impact on the ACC's capacity to retain skilled staff.

T E O'CONNOR QC
CHAIRMAN
ANTI-CORRUPTION COMMISSION
19 August 2003

Anti-Corruption Commission

COVERT SURVEILLANCE

OVERVIEW

- Covert surveillance is an important investigative practice used by the Anti-Corruption Commission (ACC) as a means of gathering intelligence and evidence.
- Covert surveillance includes the use of:
 - telecommunications interception (TI) - land line and mobile telephones, Internet, Email, SMS, facsimile;
 - surveillance devices (SD's) - electronic listening and tracking devices, including those installed on vehicles and other property to maintain 'remote' awareness of target movements;
 - observation of activity using optical devices (still/video cameras, binoculars), physical observation of targets.
- The ACC is one of only 8 "eligible authorities" in Australia (approved under the Commonwealth *Telecommunication (Interception) Act 1979*) that may apply for and be issued with warrants to conduct TI.
- TI, and use of some SD's, must be approved by a person such as a Federal Judge or a Supreme Court Judge, based on evidence presented in an affidavit.
- A TI warrant can only be obtained if the offence being investigated attracts a penalty under the *Criminal Code* (WA) of 7 years imprisonment or more.
- An SD warrant can only be obtained if the offence being investigated attracts a penalty under the *Criminal Code* (WA) of 3 years imprisonment or more.

WARRANTS

- **"Named Person" TI Warrants** - authorise interception of all telecommunications to or from *the service(s) used by the person named in the warrant* and may involve interception of multiple land lines, mobile 'phones, Internet services etc.
- **"Service" TI Warrants** - authorise interception of communications to or from *the specific service* (eg telephone number) *nominated in the warrant*.
- TI warrants are granted for the period of time fixed by the judge in the particular case, generally 30 to 60 days, but may be for 90 days. Interception can only be continued beyond the approved expiry date if a new warrant (or "renewal") is obtained.
- SD warrants may also be granted for up to 90 days, but can be extended on further application to the Supreme Court.

WARRANTS ISSUED IN 2001- 02: National Overview and ACC

- In 2001-02 there were 2,514 TI warrants issued to eligible authorities, including:
 - 644 to the NSW Crime Commission;
 - 555 to the Australian Federal Police (AFP);
 - 392 to the NSW Police;
 - 343 to the Victorian Police;
 - 147 to the WA Police.
 - 433 to other authorities (16 to the ACC)

The total number of warrants represented a 17% increase over the previous year, when 2,157 were issued. (source: TI Act 1979; Report 2001-02; Commonwealth Attorney General)

- The most frequent categories of crime for which the 2,514 warrants were issued included:
 - drug trafficking (825);
 - narcotics offences (589);
 - murder (514);
 - organised crime (193);
 - bribery and corruption (181);
 - serious personal injury (128).
- During 2001-02 the average duration of time that warrants remained in force was 48 days, but 87 lasted for 90 days, 58 effectively continued for 150 days (with renewal), and 40 lasted for 180 days (with renewal).
- The 16 warrants issued to the ACC (which did not gain TI powers until 24 September 2001) were for investigations into trafficking in drugs (8 warrants); bribery and corruption (4); and organised crime offences (4).
- Information obtained from the use of warrants issued to the ACC was given in evidence in respect of 3 prosecutions and was significant in a matter that resulted in a person being arrested.

WARRANTS ISSUED IN 2002 – 03: Anti-Corruption Commission

TI warrants -

- In the 12 months to 30 June 2003, 48 TI warrants were issued to the ACC in relation to 6 operations:
 - 4 joint operations (with the Police Royal Commission) – **42 warrants** and,
 - 2 operations conducted independently by the ACC - **6 warrants**.
- Of the 42 warrants issued in respect of the 4 joint operations with the Royal Commission:
 - 8 were issued for 45 days or less;
 - 5 were issued for 60 days; and
 - 18 were issued for 90 days;

“Renewals” were issued for 7 of the 23 warrants initially obtained for either 60 or 90 days, resulting (in those instances) in TI continuing for between 136 and 216 days.

- In one (1) of the ACC operations, the 3 warrants issued each remained in force for 60 days. In the other operation, the 3 warrants were each in force for 90 days.

SD warrants –

- In all, 8 SD warrants (enabling installation and retrieval of devices) were issued to the ACC, for use in 4 separate operations. Most of the devices were installed in motor vehicles.
- In one case, use of an SD did not require a warrant.
- SD warrants were mostly in force for between 60 and 90 days, 2 were for 30 days.

TI OUTCOMES – ACC “INDEPENDENT” AND “JOINT” OPERATIONS: 2002-03

- In respect of the 6 operations mentioned above the use of TI provided evidence that significantly influenced the direction and outcome of investigations, including proof of police officers involved in improper computer accesses, acting illegally to personally avoid interception of communications related to serious improper behaviour or aiding suspected corrupt colleagues to do so.
- Further, evidence was revealed of police officers improperly allowing the breach of legal processes in relation to a person charged with a serious offence, and of improperly warning individual's suspected of breaking the law about impending investigations.
- It also established the occurrence of ongoing, improper associations by certain police and other senior public officers with organised crime figures, or with persons linked to outlaw motorcycle gangs or involved in prostitution.

BACKGROUND

- Relevant legislation: *Telecommunications Act 1997(C'th)*; *Telecommunications (Interception) Act 1979 (C'th)*; *Telecommunications (Interception) Western Australia Act 1996 (WA)* and the *Surveillance Devices Act 1998 (WA)*.
- Eligible authorities and agencies must comply with Commonwealth and relevant State legislation, regulations and standards, when seeking authorisation for and conducting TI and using some SD.
- Principal matters considered in determining whether to issue a warrant include: the opportunities for and availability of alternative methods of investigating the offence; the likelihood that TI or the use of SD will assist the investigation; the gravity of the conduct being investigated, and the degree of interference with the privacy of any person.
- In the normal course of events, the *Telecommunications (Interception) Act 1979* requires that applications for warrants be in writing. However, in cases of urgency, an application may be made by telephone. In such circumstances the warrant takes effect only when signed by the judge, and the relevant supporting affidavit(s) must be supplied to the judge within one day of the warrant being issued.

- In certain circumstances Commission officers can conduct surveillance without a warrant, including in situations such as:
 - Conversations between 2 persons can be recorded and listened to if one of the parties has given permission for the conversation to be recorded.
 - Conversations in public places may be recorded if the parties talk at a level of volume that would ordinarily be heard by passers-by at a reasonable distance, the implication being that the parties do not intend it to be a private conversation.
 - A tracking device may be installed and used if placed onto a target person's property or vehicle whilst it is in a public place (for example a vehicle parked in a public car park, a briefcase left unattended in a public place) - provided there is no need to enter a vehicle and a device will not interfere with the normal workings of the vehicle, the device may be installed. A device cannot be installed on a vehicle parked in the driveway of private premises without a warrant.
 - The recording of comings and goings (using a video or still camera) is permitted in a public place, and to and from private premises. Activities within private premises may also be recorded from a location in a public place (eg across the street from the premises of interest) if no attempt is made to interfere with efforts by the occupant(s) to conceal the interior of the private premises (eg curtains/ doors not closed).
- Access to the 'product' from TI activities (listening to, and reading TI material) is restricted to persons identified in the warrant. Only material strictly relevant to the investigation (identified in the affidavit) can be released for consideration by investigative staff involved in the investigation.
- The ACC is subject to regular, stringent auditing and reporting by the Ombudsman (State) in respect of TI functions. A prescribed Register of Records about TI operations is regularly inspected (at least quarterly) to check accuracy of recording and compliance with requirements of the *TI Act*.
- Annual reports to the State and Commonwealth Attorneys General on TI activities must include a statement of total costs of interception functions.
- There is a consistent view among eligible authorities that TI is an extremely valuable investigative tool, indicating that evidence gathered in this way can successfully conclude an investigation where alternative evidence is uncorroborated, unavailable or insubstantial. Furthermore, a large amount of useful evidence can be collected in a way that is less resource-intensive than other forms of investigation.

August 2003