

Extract from *Hansard*

Thursday, 28 May 2009

Budget Estimates Committee – Corruption and Crime Commission

Dr M.D. NAHAN: I refer to Outcomes and Key Effectiveness Indicators on page 110 of the *Budget Statements*. I recognise in the footnote that there have been some changes to these modified key effectiveness indicators. It seems to me that a target of 35 per cent is exceedingly low for surveyed public officers identified as having an appropriate awareness of misconduct risks and reporting obligations.

Similarly, the target of 20 per cent for sustained misconduct allegations is a bit high. Could the commissioner comment on those trends? I also refer to the middle item, which sets a very high target of 99 per cent for commission recommendations for improvement to systems, practices and procedures accepted by subject agencies.

Mr L. Roberts-Smith: As the note indicates, there were changes made to the key effectiveness indicators. The present method of measuring that involves canvassing across the whole public sector and not only public officers who, for example, may have attended commission workshops, seminars and the like.

The figure of 35 per cent is, I agree, a relatively low figure, which suggests to us that we need to focus in the long term on corruption prevention and education programs. We have sought to do that, as I think is revealed elsewhere in the notes.

It is a long-term project, and one of the responsibilities of the commission is to increase awareness within the public sector of misconduct risks and the capacity of the public sector to deal with those risks. I think the member also referred to a figure of 99 per cent.

Dr M.D. NAHAN: The next item was the percentage of misconduct allegations sustained; the percentage was between 20 per cent and 25 per cent in the out years. That is quite a high rate of sustained allegations. Is that related to the fact that many people in fact, the majority of people, really do not know what the risks and obligations are?

Mr L. Roberts-Smith: The percentage of misconduct allegations sustained is, again, a bit of a movable feast. One of the factors that have impacted on that is the fact that we now selectively audit police misconduct investigations. A second factor concerns drug complaints relating to the Department of Health. A third factor is the reduction in the police proportion of complaints sustained because of an increased representation by other agencies. I will deal with each of those.

Previously, the commission assessed, monitored and reviewed all investigations conducted by WA Police relating to misconduct or reviewable police action. That introduced another factor, because it has a lower threshold than misconduct under our act. To elaborate on the process, when an allegation of misconduct is received by the commission, we have to assess firstly whether it is, in fact, an allegation of misconduct or something else; and secondly, whether the allegation is something that, on the face of it, requires investigation.

If the allegation requires investigation, we have to determine whether the commission will carry out the investigation or whether it will be referred to some other agency or department. The thrust of the act in respect of misconduct, as is apparent in section 7B(3), is that the function of the commission is primarily to enable agencies within the public sector to deal with misconduct allegations internally, but the commission reserves to itself the right to investigate misconduct, particularly serious misconduct.

The thrust of the act is to enable public sector agencies to deal with misconduct. Against that background, the commission investigates only around one per cent of all allegations. I should say that that is one per cent of 3 000 complaints a year. It is still quite a lot. Of course, they tend usually to be the more complex and difficult ones. Against that background, I come back to the police complaints process.

Previously, we assessed, monitored and reviewed all WA Police investigations. We recorded the substantiation rate when we reviewed them. We changed that process last year to a selective or random audit process so that instead of looking at all of the complaints and investigations, we physically reviewed investigations that we nominated.

Most of this was done in situ; in police stations and police establishments. We do not assess them all now. We monitor and review about five per cent of the police investigations, which means that we only get to record the substantiation rate in respect of five per cent. There is an immediate drop there in the figures.

I turn now to drug complaints. Over the past two years the number of complaints relating to drug allegations in the Department of Health has gone from 35 to 250. Most of those reports say that there is no identifiable suspect, which was one of the reasons the Department of Health was not reporting them previously. They are now reporting when they are required to.