

JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION

Eleventh Report — What happens next? Beyond a finding of serious misconduct: Examining the responses to a finding of serious misconduct and building integrity in public agencies — Tabling

HON DR STEVE THOMAS (South West — Leader of the Opposition) [10.07 am]: I am directed to present the eleventh report of the Joint Standing Committee on the Corruption and Crime Commission, *What happens next? Beyond a finding of serious misconduct: Examining the responses to a finding of serious misconduct and building integrity in public agencies*.

[See paper [2885](#).]

Hon Dr STEVE THOMAS: The committee’s eleventh report, *What happens next? Beyond a finding of serious misconduct*, covers a wide range of matters relevant to what happens after a public officer is found to have engaged in serious misconduct. The committee makes 49 findings and 34 recommendations. A few recommendations are relevant to the reform of the Corruption, Crime and Misconduct Act 2003 and the Local Government Act 1995.

What happens after a public officer is found to have engaged in serious misconduct is largely unknown. The committee examined sanctions and other outcomes that public agencies impose on public officers, whether lessons are being learnt from misconduct events and whether appropriate action is being taken to prevent misconduct and build integrity at public agencies. The report reveals the sanctions and outcomes imposed and recommends that the Corruption and Crime Commission’s oversight of serious misconduct be strengthened by requiring more detail in agency closure reports. This is important given that a local management or improvement action, which includes verbal guidance, is commonly imposed for serious misconduct. The committee recommends greater transparency and that the CCC publish its records of outcomes and prosecutions arising from its investigations. The committee also recommends measures to enhance the prospects of a successful prosecution, that the government direct agencies to recover financial loss arising from serious misconduct whenever feasible and possible, and that the Public Sector Commissioner clarify and strengthen her advice to agencies about making voluntary severance payments when there is an allegation of serious misconduct.

It may surprise members to know that the CCC does not have a clear misconduct prevention and education function for all public agencies, as it does for police. Plainly, it is in the public interest for the CCC to have this function for agencies, as is the case in other jurisdictions. The committee recommends that, as a standard practice and wherever possible, the CCC reports tabled in Parliament formally recommend agency action to minimise misconduct risks when the CCC identifies misconduct risks at the agency. The agency’s response noting action taken, or not, could then be published, providing transparency and accountability. This happens in other jurisdictions.

The committee also recommends that the government establish a centralised public employment register that records public officers who have been dismissed on the grounds of misconduct or have resigned during an investigation. This is the best way to avoid a recycling of names that causes the CCC to say, in its words, “we’ve seen that one before”.

A few recommendations build on the good work of the Public Sector Commission and Office of the Auditor General in recent years to build integrity at public agencies. To promote improvement, we recommend that agencies complete the PSC’s Integrity Framework Maturity Self Assessment Tool annually, and that the remit of the Auditor General’s forensic audit unit be expanded to include local government.

The committee also recommends laws to stop local governments entering into termination or resignation agreements with confidentiality clauses and/or payments above entitlements if the CEO or employee is the subject of a serious misconduct allegation or finding. Communities deserve better. We also recommend that legislation provide the proposed local government inspector and monitors with robust powers to intervene and proactively work with local governments to achieve better misconduct outcomes.

I thank my fellow committee members Matthew Hughes, MLA, who is the chair; Hon Mia Davies, MLA—previous to her appointment, Shane Love, MLA—and Hon Klara Andric, MLC.

This is a very important report. People very rarely understand what happens following a finding and the consequences for the people of the community and the government. This has been an excellent investigation. I commend the committee and the staff members involved in it. This report will make good reading for everybody over Christmas if they are interested in the integrity of the government going forward.