



CCC | Corruption and
Crime Commission



ANNUAL REPORT

2021-22

About this report

Welcome to our 2021-22 Annual Report. This report provides a comprehensive overview of our operational and financial performance for the financial year.

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Our contact details are listed on the back cover of this report.

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This and earlier reports are available on our website at www.ccc.wa.gov.au.

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Alternative formats

On request, this report can be made available in alternative formats for those with special needs.

Key Terms

For simple explanations of key terms used throughout this report, please go to our website www.ccc.wa.gov.au/key-terms.

Acknowledgement of Country

The Corruption and Crime Commission acknowledges the Traditional Owners of the land on which we work, the Whadjuk people of the Noongar nation. We pay our respect to their elders; past, present and emerging.



Artwork painted by Corruption and Crime Commission staff under the guidance of Justin Martin from Djurandi Dreaming.

Statement of compliance

The President of the Legislative Council

The Speaker of the Legislative Assembly

CORRUPTION AND CRIME COMMISSION 2021-22 ANNUAL REPORT

In accordance with s 91(4) of the *Corruption, Crime and Misconduct Act 2003*, I am pleased to present the Annual Report of the Corruption and Crime Commission for the financial year ended 30 June 2022.

It presents our audited financial statements and key performance indicators for the financial year.

This report has been prepared in accordance with the provisions of the *Corruption, Crime and Misconduct Act 2003* s 91 and the *Financial Management Act 2006* s 61(1).

Yours sincerely



Hon John McKechnie
COMMISSIONER

15 February 2023

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COMMISSION OVERVIEW

The Corruption and Crime Commission (the Commission) is a team of approximately 125 staff, including lawyers, investigators, intelligence analysts, assessment officers and corporate staff. We are dedicated to reducing the incidence of serious misconduct and organised crime, as well as giving the Western Australian community confidence that public officers act in the public interest, not for self-interest.

This section provides a summary of our key results and highlights from the year. It provides a comprehensive overview of the Commission and its structure, the work that we do and how it contributes to broader State Government goals.

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COMMISSIONER'S REPORT

I am pleased to present the Corruption and Crime Commission's Annual Report for 2021-22 having been re-appointed as Commissioner on 26 June 2021 for a period of five years.

As with many organisations and government agencies around the world during a global pandemic, 2021-22 proved another challenging year for the Commission. We supported our staff to navigate COVID-19 disruptions whilst successfully maintaining our operational tempo, and delivering reports that provide the Western Australian community with confidence that its public officers act in the public interest.

Speaking up and reporting suspected corruption to the Commission is hard, but is always the right thing to do. The Commission identified over 7,000 allegations of serious misconduct in the public sector throughout 2021-22. We assess every allegation received. Dealing with several thousand allegations led to a very active year of oversight, investigations, examinations, and reports, which are detailed in this Report.

The Commission is commonly associated with exposing serious misconduct and corruption within the Western Australian public sector. However, many members of the community may be unaware that we also have a significant and complex responsibility as a 'Crime Commission' in the State. One of the Commission's primary objectives is to assist in the fight against organised crime by removing the primary motivation - financial gain.

The Commission utilises its full powers under the

Criminal Property Confiscation Act 2000 and the *Corruption, Crime and Misconduct Act 2003* to identify and target any Western Australian who has accumulated unexplained wealth through unlawful means. We investigate and initiate confiscation proceedings in relation to unexplained wealth to disturb crime in Western Australia.

This Annual Report highlights some unexplained wealth results and benefits now being realised after years of investigation. We are working with Government to secure additional resources to continue and expand this complex but important area of our operations.

The Commission's jurisdiction enables it to investigate suspected serious misconduct by members of the WA Police Force and State Government public officers - including members of Parliament.

In December 2021, the Presiding Officers of the Legislative Council and the Legislative Assembly and I signed a historic Protocol. The Protocol clarified that the Commission can undertake investigations relating to parliamentarians, while respecting parliamentary privilege. It confirmed that search warrants will not improperly interfere with the functioning of Parliament or the Commission, and set out agreements on the processes to be followed when executing a search

warrant, and procedures if parliamentary privilege is claimed. The Protocol has provided Parliament and the Commission with greater clarity and direction.

Chief Executive, Mr Ray Warnes, took extended personal leave from July 2021. In a proud moment for the Commission this year, we congratulated Mr Warnes, who was awarded a Public Service Medal for his outstanding service to the Corruption and Crime Commission and his contribution to the public sector in senior roles for over 30 years. Sadly Mr Warnes died on 3 October 2022. We mourn his passing.

The achievements in this Report can be attributed to Ray's transformative leadership skills, professionalism and vision in making the Commission the highly respected integrity agency it is today.

To ensure the Commission continues to remain a contemporary anti-corruption agency, both now and into the future, a review of the *Corruption, Crime and Misconduct Act 2003* has commenced to identify opportunities to more effectively expose serious misconduct in the WA public sector and disrupt organised crime in Western Australia. I look forward to progressing this work throughout 2022-23.



Hon John McKechnie
COMMISSIONER

YEAR AT A GLANCE

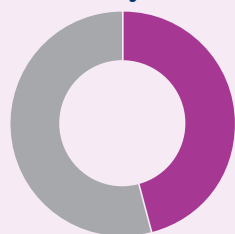


Assessing allegations of serious misconduct

2,825 notifications/reports received

7,008 allegations assessed

46 days on average to complete an assessment



46% of assessments completed within 28 days



Investigating allegations of serious misconduct

57 investigations conducted¹

21 investigations completed

395 days on average to complete an investigation



62% of investigations completed within 12 months



Overseeing actions taken by public authorities into allegations of serious misconduct

1,196 allegations evaluated and finalised

21 active monitoring and review matters completed by appropriate authorities' actions in relation to 40 allegations

3 thematic reviews completed relating to 46 allegations



Examinations

54 days of examinations

70 witnesses examined

Informing **14** investigations regarding serious misconduct and unexplained wealth matters

¹ Includes investigations currently in progress as of 30 June 2022 as well as all finalised during 2021-22



Reports and recommendations

38 reports produced

10 recommendations made



Evaluating public authorities' responses to Commission recommendations

2 reviews completed into responses to recommendations

Leading to authorities changing policies and procedures and reinvigorating training and guidance documentation to improve their management of serious misconduct risks associated with:



controlled drugs in hospitals



the prison system



Unexplained wealth

53 unexplained wealth matters identified

8 initial investigations

9 more extensive investigations conducted

\$10.9m in assets frozen as of 30 June 2022

\$1.7m in confiscation orders

KEY HIGHLIGHTS

13 July 2021

Supreme Court judgement on parliamentary privilege clarifies the Commission's powers.

[Read the media release](#)**16 November 2021**

Report on how Australia's biggest corruption by a public servant, Mr Paul Whyte, was uncovered.

[Read the report](#)**2 December 2021**

Review of two use of force incidents by a first class constable.

[Read the report](#)**23 February 2022**

The Commission completes another unexplained wealth investigation.

[Read the media release](#)**5 August 2021**

Review of unlawful access to the Department of Transport's Executive and Licensing Information System.

[Read the report](#)**26 November 2021**

The Commission releases its first podcast series ahead of International Anti-Corruption Day on 9 December.

[Listen to the podcasts](#)**23 December 2021**

The Commission and Presiding Officers of the Legislative Council and the Legislative Assembly sign historic protocol.

[Read the media release](#)**7 April 2022**

Review of improvements WA Health have made to the manner in which controlled drugs are managed in WA hospitals.

[Read the report](#)

7 April 2022

Investigation reveals corruption, manipulation, and deceit in Housing contracts.

[Read the report](#)

11 May 2022

The Commission makes two recommendations to WA Police Force on the deployment of police dogs.

[Read the report](#)

13 June 2022

Chief Executive, Mr Ray Warnes awarded a Public Service Medal for his outstanding service to the public sector.

[Read the media release](#)

23 June 2022

Biosecurity misconduct at Murdoch University revealed by cooperative investigation.

[Read the report](#)

10 May 2022

Review acknowledges the substantial progress made by the Department of Justice to mitigate the risk of serious misconduct in the State's prison system.

[Read the report](#)

23 May 2022

Public examinations into governance arrangements during Mr Paul Whyte's employment at the Department of Communities and Department of Housing.

[Read the transcripts](#)

22 June 2022

Public examinations into governance arrangements during Mr Paul Whyte's employment at the Department of Communities and Department of Housing.

[Read the transcript](#)

OPERATIONAL STRUCTURE

Legislation

The Commission was established on 1 January 2004 under the *Corruption, Crime and Misconduct Act 2003* (CCM Act). The Commission operates according to the CCM Act to improve the integrity of the public sector and reduce the incidence of serious misconduct by public officers (including police misconduct) as well as authorise and oversee the use of exceptional powers and fortification removal in relation to organised crime. Under the CCM Act, the Public Sector Commission is responsible for dealing with minor misconduct and misconduct prevention and education across the public sector.

The Commission audits and reports on the authorisation and use of controlled operation investigations undertaken by WA Police Force, Department of Primary Industries and Regional Development (Fisheries) and Australian Criminal Intelligence Commission (formally Australian Crime Commission) under the *Criminal Investigation (Covert Powers) Act 2012* (CICP Act).

Since September 2018 the Commission has functions under the *Criminal Property Confiscation Act 2000* (CPC Act) with respect to the investigation and confiscation of unexplained wealth and criminal benefits. This enables the Commission to commence civil proceedings before the Supreme and District Courts for freezing and confiscation of property with

proceeds from such action being paid to the Confiscation Proceeds Account managed by the Department of Justice.

Other key legislation

Statutes relevant to the performance of our statutory functions under the CCM Act include:

- *The Criminal Code*
- *Criminal Investigation Act 2006*
- *Criminal Investigation (Covert Powers) Act 2012*
- *Criminal Investigation (Identifying People) Act 2002*
- *Criminal Organisations Control Act 2012*
- *Criminal Procedure Act 2004*
- *Criminal Property Confiscation Act 2000*
- *Evidence Act 1906*
- *Firearms Act 1973*
- *Local Government Act 1995*
- *Police Act 1892*
- *Public Interest Disclosure Act 2003*
- *Surveillance Devices Act 1998 (WA)*
- *Surveillance Devices Act 2004 (Cth)*
- *Telecommunications (Interception and Access) Act 1979 (Cth)*
- *Telecommunications (Interception and Access) Western Australia Act 1996*
- *Witness Protection (Western Australia) Act 1996*



Corruption and Crime Commissioner John McKechnie (left), the Joint Standing Committee on the Corruption and Crime Commission, and Acting Commissioner Scott Ellis (right).

Responsible Minister

The Attorney General has administrative responsibility for the CCM Act and is the responsible Minister for the Commission's budget.

External oversight

The Joint Standing Committee on the Corruption and Crime Commission (JSCCCC), assisted by the Parliamentary Inspector, oversees the Commission. The current JSCCCC was established on 26 May 2021 with the following membership:

- Mr Matthew Hughes MLA;
- Hon Dr Steven (Steve) Caldwell Thomas MLC;
- Hon Klara Andric MLC; and
- Mr Ronald (Shane) Love MLA;

The current Parliamentary Inspector is Mr Matthew Zilko SC, who commenced his five-year term on 23 November 2020.

Internal governance

Operations Committee

The Operations Committee is responsible for ensuring operational activities support our purpose of exposing and disrupting corruption, serious misconduct and organised crime. The Committee comprises of the Chief Executive as Chair, directors and invited officers. It considers allegations of serious misconduct that meet the Commission's seriousness threshold.

The Committee provides advice and recommendations to the Commissioner to consider actions in relation to allegations and operations.

Corporate Executive Committee

The Corporate Executive Committee (CEC) supports the Commissioner and Chief Executive through the provision of advice and the implementation of corporate strategies, policies and organisational performance improvement initiatives. The CEC ensures the Commission fulfils its statutory obligations.

Risk and Audit Committee

The independent chair of the Commission's Risk and Audit Committee is Mr Des Pearson AO. Mr Pearson has more than 40 years of public service, including 21 years as the auditor general of Western Australia. The Commissioner and the Acting Commissioner are members of the Risk and Audit Committee.

The Commission maintained an effective internal audit function through 2021-22. The Commission's risk based internal audit plan for the year was developed by the Risk and Audit Committee in consultation with our internal audit provider, risk consultant and executive team. Internal audit assignments focused on the Commission's corporate and operational functions and obligations. Internal audit also advised the executive team and the Risk and Audit Committee on risk and control matters arising throughout the year. The Committee also tracked the completion of actions arising from internal and external audits.

Integrity Framework

The Integrity Framework outlines our governance systems, mechanisms and controls to support all employees in the role they play in promoting and supporting a culture of integrity within the Commission. The framework is modelled on the Integrity Model for WA Public Authorities, and aligns with the Public Sector Commission's Integrity Strategy for Public Authorities 2020-2023.

Organisational structure and senior officers at 30 June 2022



Commissioner
Hon John McKechnie



Acting Commissioner²
(David) Scott Ellis



Chief Executive
Ray Warnes PSM³



David Robinson (Acting)



**Director
Assessment and
Strategy Development**⁴
Tracey Polmear (Acting)

**Director
Operations**
David Robinson
Warren Cattell (Acting)



**Director
Legal Services**⁵
Kirsten Nelson (Acting)



**Director
Corporate Services**⁶
Daniel Di-Giuseppe
Appointed on 27 June 2022

² The Acting Commissioner is appointed to act in the office of Commissioner if there is a vacancy or the incumbent is unable to perform the functions of the Commissioner.

³ On personal leave since 23 July 2021.

⁴ Position was substantively filled by Mary Brown until 10 October 2021.

⁵ Position was substantively filled by Wendy Endebrock-Brown until 6 May 2022.

⁶ Kym Squires acted in position between 4 January and 24 June 2022.

Directorate profiles

The Commission has four directorates and an Executive Office that work collaboratively to maximise the effectiveness of the Commission.

Assessment and Strategy Development

The Assessment and Strategy Development Directorate has three units - Assessments and Enquiries, Oversight, and Strategic Intelligence. The Directorate assesses allegations of serious misconduct (including police misconduct), monitors and reviews actions performed by public authorities, and carries out strategic research and analysis to inform Commission priorities.

Operations Directorate

The Operations Directorate carries out the Commission's investigative activities. The Directorate's two units – Investigations and Operational Support, work together to identify and investigate allegations of serious misconduct and reports of unexplained wealth. The focus of the Commission's investigative activity is on systemic and complex matters, many of which require the use of specialist capabilities.

Legal Services Directorate

The Legal Services Directorate supports the Commission in the performance of its functions under the CCM Act, the CICP Act and the CPC Act. The Directorate provides legal advice to the Commission, represents the Commission in court proceedings (including unexplained wealth applications), appears as counsel assisting at Commission examinations, prepares Commission reports and provides leadership in relation to all aspects of the Commission's operations.

Corporate Services Directorate

The Corporate Services Directorate ensures the delivery of high quality corporate services to the Commission. These services cover human resources, financial services, information technology, information and knowledge management, work health and safety, security and facilities services, and project management.

Executive Office

The Executive Office provides diverse services to support the Commissioner, Acting Commissioner and Chief Executive, including the preparation and publication of reports, executive officer support to Commission committees, facilitation of risk management and internal audit processes, development of communication strategies for internal and external audiences, and administrative support.

ABOUT US

Our purpose

To expose and disrupt corruption, serious misconduct and organised crime, giving the Western Australian community confidence that public officers act in the public interest.

Our vision

A Western Australian community and public sector that actively exposes and resists corruption and a community free from organised crime.

Our objectives

- Appropriate assessment of allegations.
- Appropriate review of investigations undertaken by public authorities.
- Effective Commission investigations.
- Determination of unexplained wealth referrals.
- Reports and recommendations that expose corruption and enable public authorities to reduce the risk of further corruption.

Our strategies

1. Exposing and responding to corruption risks in areas identified as a priority within the public sector.
 - Police misconduct.
 - People at risk.
 - Procurement and financial management.
 - Data and information.
 - Policy, regulation and licensing.
 - Use of force.
2. Developing partnerships and processes to receive and respond to unexplained wealth referrals and disrupt organised crime networks.

Enabled by...

3. The Commission's systems, processes and workforce capability to ensure it remains contemporary and effective.

Our responsibilities

Responding to allegations

- Receiving and assessing allegations of serious misconduct.
- Determining what action should be taken in respect of serious misconduct allegations.

Conducting or overseeing investigations or actions taken by public authorities

- Investigating or taking other action.
- Monitoring investigations undertaken by appropriate authorities.
- Making recommendations and furnishing reports on the outcome of investigations.
- Consulting, cooperating and exchanging information with appropriate authorities.
- Assembling and disclosing admissible evidence for prosecuting authorities.

Assisting public authorities to prevent serious misconduct

- Analysing information to identify serious misconduct risk areas.
- Analysing systems used within public authorities.
- Providing information and making recommendations.
- Increasing the capacity of public authorities by providing advice.
- Reporting on ways to prevent and combat serious misconduct.

Identifying and confiscating unexplained wealth

Investigating whether a person has, or may have, acquired unexplained wealth or a criminal benefit.

Assisting WA Police Force in relation to organised crime

- Reviewing and enabling the use of exceptional powers.
- Examining witnesses.
- Approving assumed identities.
- Authorising and reviewing controlled operations.
- Considering fortification notices.

Our values



Our workforce profile

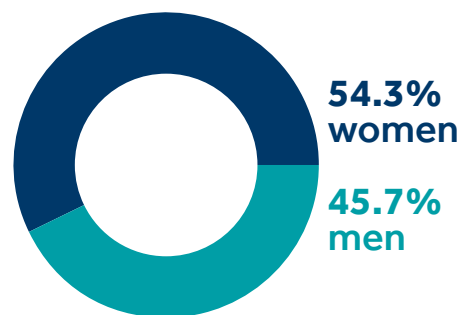
Source: 2021-22 MOIR. Workforce data only includes employees paid by the Commission. It does not include Commission employees on secondment to another agency (3), or employees on placement at the Commission from another agency (6), where the employee is paid by that agency.

Employee numbers

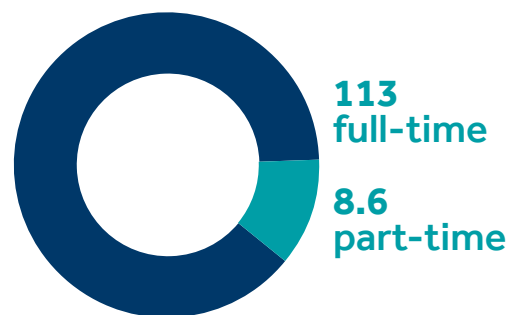


FTE number: 121.6

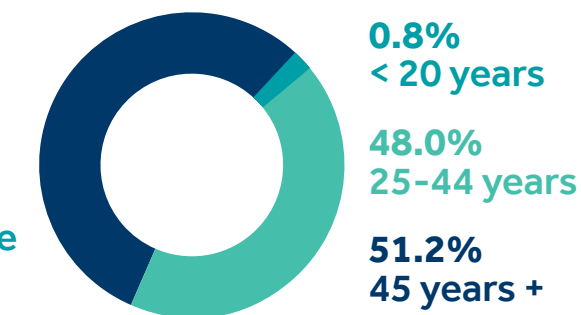
Gender



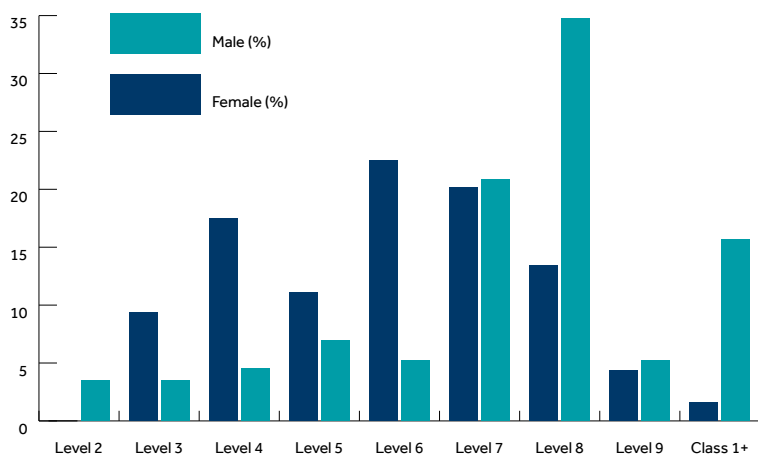
Work Arrangements



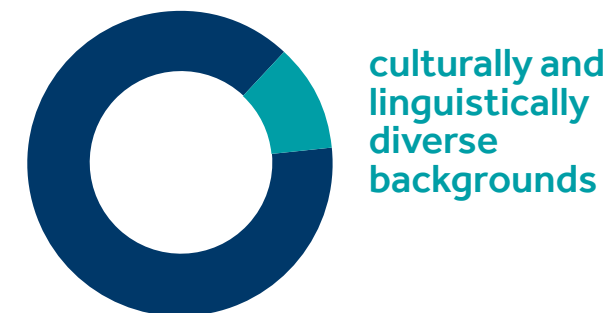
Age Profile



PSCSAA equivalent classifications in the Commission



Cultural Diversity



PERFORMANCE MANAGEMENT FRAMEWORK

Relationship to government goals

Broad government goals are supported at agency level by specific outcomes. Agencies deliver services to achieve these outcomes. The Commission supports the State Government's goal of 'Safe, Strong and Fair Communities: Developing healthy and resilient communities' through delivery of the following two services:

1. Assessing all allegations of serious misconduct received.
2. Investigating allegations of serious misconduct.

Table 1 illustrates the relationship between our services and the desired outcome, and the government goal it contributes to.

Our key effectiveness indicators measure the extent to which the delivery of our services contribute to achieving the desired outcome. The key efficiency indicators monitor the relationship between the services delivered and the resources used to provide the service.

Changes to the Commission's Outcome-Based Management Framework

The Commission's Outcome-Based Management Framework did not change during 2021-22.

Shared responsibilities with other agencies

We did not share any responsibilities with other agencies in 2021-22.

Table 1: Performance management framework

Government goal – Safe, Strong and Fair Communities: Developing healthy and resilient communities	
Desired outcome against Government goal	
The integrity of the public sector continuously improves and the incidence of misconduct is reduced.	
Services provided	
1	2
Assessing all allegations of serious misconduct received.	Investigating allegations of serious misconduct.
Key effectiveness indicators	
Number of allegations received. Allegations as a percentage of people employed within public authorities under the Commission's jurisdiction.	Number of investigations. Number of reports published.
Key efficiency indicators	
Percentage of assessments completed within 28 days. Average cost of assessment.	Percentage of investigations completed within 12 months. Average time (days) to complete an investigation into serious misconduct.

AGENCY PERFORMANCE

What we do is fundamental to achieve a transparent and effective government in Western Australia and to build community confidence in our public sector.

This section outlines our performance in carrying out our responsibilities to expose and disrupt corruption, serious misconduct, organised crime and unexplained wealth, while building partnerships with and strengthening the resilience of the WA public sector to resist misconduct. It provides a detailed report on our operations, structured around our key functions and responsibilities and the activities supporting our operational performance.

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SUMMARY OF OUR PERFORMANCE

Summary of financial performance

The following table summarises our actual financial results against the target financial results set out in the Budget Statements for 2021-22.

Table 2: Summary of actual versus target financial results for 2021-22

	2021-22 Target \$'000	2021-22 Actual \$'000	Variation ⁽¹⁾
Total cost of services (expense limit)	28,611	26,841	(1,770) ^(a)
Net cost of services	28,571	26,663	(1,908) ^(b)
Total equity	26,134	27,582	1,448 ^(c)
Net increase / (decrease) in cash held	(178)	1,302	1,480 ^(d)
Approved salary expense level	16,464	15,451	(1,013) ^(e)

(1) Further explanations for variations are contained in Note 9.1 'Explanatory statement' to the financial statements.

(a) The variation is mainly due to the employee costs underspend relating to vacancies across the Commission.

(b) The variation is as per (a) above which is offset by refunds.

(c) The variation relates to an underspend in expenditure and the receipt of additional income.

(d) The variation is as per (c) above.

(e) The variation is as per (a) above.

Full details of our financial performance are provided in the Financial Statements from page 53.

Summary of key performance indicators

The following tables summarise our 2021-22 actual results against the target results for our effectiveness and efficiency indicators.

Our effectiveness indicators

Table 3: Summary of actual versus target results for effectiveness indicators in 2021-22

	2021-22 Target	2021-22 Actual	Variation
Service 1: Assessing all allegations of serious misconduct received			
Number of allegations received	5,000	7,008	2,008
Allegations as a percentage of people employed within public authorities under the Commission's jurisdiction	2.60%	3.32%	0.72%
Service 2: Investigating allegations of serious misconduct			
Number of investigations	50	57	7
Number of reports published	40	38	(2)

Our efficiency indicators

Table 4: Summary of actual versus target results for efficiency indicators in 2021-22

	2021-22 Target	2021-22 Actual	Variation
Service 1: Assessing all allegations of serious misconduct received			
Percentage of assessments completed within 28 days	80%	46%	(34%)
Average cost of assessment	\$908	\$576	(\$332)
Service 2: Investigating allegations of serious misconduct			
Percentage of investigations completed within 12 months	80%	62%	(18%)
Average time (days) to complete an investigation into serious misconduct	350	395	45

Full details of our key performance indicators are provided in the Key Performance Indicators section from page 47.

REPORT ON OPERATIONS

Exposing and responding to corruption risks

Receiving and assessing serious misconduct allegations

2,825 notifications/reports received

7,008 allegations assessed (KPI)*

Relating to **148** public authorities

46% of assessments completed within **28** days (KPI)

Allegations assessed in **46** days on average

*Assessed allegations will relate to notifications/reports received by the Commission in this or the previous reporting period.

Allegation sources

The Commission is responsible for assessing all allegations of serious misconduct (including police misconduct) within the WA public sector. These allegations can come from a variety of sources. Notifications or reports of suspected serious misconduct frequently contain more than one allegation and identify more than one public officer. In 2021-22:

- 47.6% (3,332) of all allegations assessed were reported by heads of public authorities. This group have a statutory obligation to notify us of certain behaviours, which may constitute serious misconduct.
- 50.6% (3,546) of allegations assessed were reported by the general community (whether from public officers or other members of the public).

In addition to allegations being reported, the Commission can also formulate its own propositions of serious misconduct in the public sector under CCM Act s 26.

This enables the Commission to respond proactively to serious misconduct matters and areas of risk within the public sector, based on the Commission's own knowledge and experience. In 2021-22, we proposed five allegations of serious misconduct.

A breakdown of assessment sources is provided in [Appendix One](#).

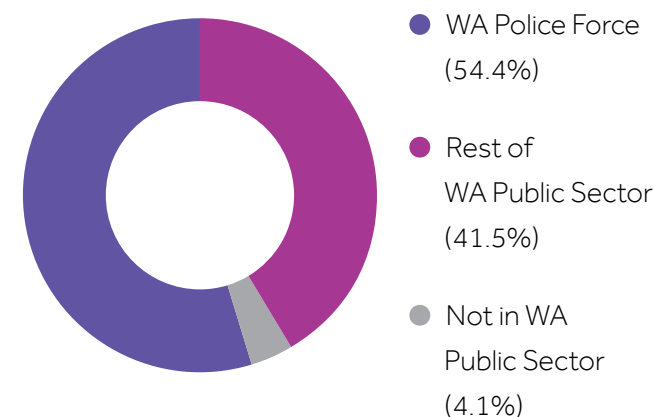
Allegation by sector

Over half (54.4%) of all allegations assessed in 2021-22 related to alleged police misconduct. The Commission has jurisdiction to assess all police misconduct under the CCM Act.

41.5% of all allegations assessed related to the remainder of the WA public sector, including various local government authorities (8.1%), Department of Education (8.1%) and Department of Justice (6.4%).

Graph 1 shows the breakdown of allegations by sector.

Graph 1: Allegations by sector



A comprehensive breakdown of the distribution of allegations across public authorities and sectors is provided in [Appendix One](#).

Allegation categories

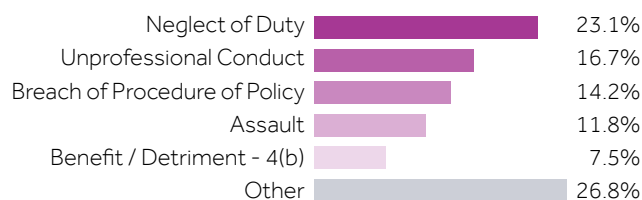
Allegation categories are a classification system that group specific activities, which inform the Commission on the behaviours that are most commonly associated with serious misconduct and corruption across the public sector.

The top five allegation categories for both WA Police Force and the rest of the WA public sector remain similar from previous reporting periods. The top five allegation categories make up 73.2% of all police misconduct allegations and 62.9% of all allegations in the rest of the WA public sector.

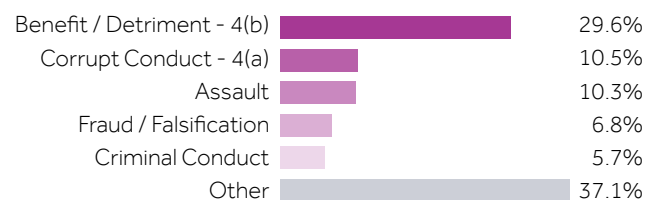
Graph 2 outlines the breakdown of the top five allegation categories for both WA Police Force and the rest of the WA public sector.⁷

Graph 2: Allegations by category

WA Police Force



Rest of WA Public Sector



Assessing allegations

We assess each allegation to determine whether, in our opinion and on the information available to us, there is a reasonable suspicion that serious misconduct may have occurred. This informs what action we then take. Of the 7,008 allegations in 2021-22:⁸

- 80.1% (5,613) of allegations assessed required no further action by the Commission, due to:
 - being outside our jurisdiction;
 - insufficient information available to form a reasonable suspicion of serious misconduct;
 - the appropriate authority had or was adequately dealing with the allegation; and/or
 - the nature of the allegation did not warrant any further action by the Commission (public interest).
- 18.7% (1,313) of allegations assessed were referred back to the appropriate authority for action. In these instances, the Commission provided an oversight function into the actions taken, with the appropriate authority required to provide a detailed report to the Commission upon conclusion of the action taken.
- 0.5% (34) of allegations assessed were identified as requiring some level of investigation due to the seriousness or significance of the allegation.⁹

A breakdown of assessment decisions for WA Police Force and the rest of the WA public sector is provided in [Appendix Two](#).

⁷ Allegations relating to entities not within the WA Public Sector are excluded from these graphs. Those allegations assessed and categorised as "out of jurisdiction" are captured within the "other" category.

⁸ Values do not equal 100% due to pending decisions. See complex breakdown table in Appendix Two for further information.

⁹ This includes preliminary investigations.

Independent Review of the Assessment and Strategy Development Directorate

In 2021-22, the Commission commenced an independent external review of the Assessment and Strategy Development (ASD) Directorate. The review was commenced primarily in response to a number of competing issues impacting the ability of ASD to meet its Key Performance Indicator (KPI) for the percentage of assessments completed within 28 days. The issues impacting ASD include:

- consistently high number of allegations being assessed;
- the Office of the Auditor General qualified finding in October 2021, which recommended reviewing the process for:
 - reporting KPIs to ensure consistent measurement; and
 - confirming current KPIs are appropriate and relevant;
- changes to internal processes, specifically the calculation for the number of days taken to complete an assessment, to improve the accuracy and consistency of data captured in the Commission's case management system;
- planning for the implementation of new Information Technology software in 2022-23; and
- continued internal staffing constraints.

The review considered the internal processes and structure of ASD to identify opportunities to improve operating efficiencies. In addition to consultation with relevant areas within the Commission, a comparative study was conducted in collaboration with key integrity agencies, including the Public Sector Commission, the Crime and Corruption Commission Queensland and the Independent Broad-based Anti-corruption Commission.

The review is likely to make a number of recommendations for the Commission's consideration, including but not limited to:

- continuous improvement of ASD policies and procedures;
- reviewing the suitability of current KPI's;
- continued exploration of information technology improvements; and
- minor changes to the current ASD structure.

The Commission will consider the recommendations during 2022-23.

Overseeing actions taken by public authorities into allegations of serious misconduct

1,313 allegations referred to appropriate authorities for action

1,196 allegations finalised - actions completed by appropriate authorities*

21 active monitoring and review matters completed*

- relating to **40** allegations

3 thematic reviews completed*

- informed by **35** reviews
- relating to **46** allegations

*Allegations were referred to appropriate authorities by the Commission during this or a previous reporting period.

Public authorities are responsible for:

- managing their serious misconduct risks;
- investigating alleged misconduct by their staff; and
- determining what action should be taken to deal with it.

The Commission may monitor the actions taken by appropriate authorities in relation to allegations that the Commission refers to them.

Factors such as the authority's size, capacity and data management affect the time taken to complete action.

Our role is to ensure the authority deals with the matter in an appropriate manner. Through our oversight role, we gain insight into the authority's internal processes and its capacity to deal with serious misconduct matters. Additionally, we collect and analyse data that helps inform our engagement with authorities and identify any trends across the public sector; assisting public authorities to prevent serious misconduct in the future.

Monitoring for outcome

The majority of allegations referred to the appropriate authority for action were subject to monitoring for outcome. In these instances the Commission retains oversight of the matter through regular progress updates and evaluation of the authority's report, which details the actions taken.

During this reporting period, 1,269 allegations were referred to the appropriate authority subject to monitoring for outcome (18.1% of all allegations assessed).

In this same period, we finalised 614 matters that were subject to oversight; relating to 1,121 allegations. These allegations were received during the current and previous financial years.

If the Commission has concerns about the authority's response, further information may be requested and feedback given to the authority. If serious concerns are identified, we may decide to review the action taken or investigate the allegations.

During 2021-22, two matters were initially being monitored for outcome and were progressively escalated due to ongoing concerns. This led to both matters being approved for investigation.

Monitoring for review (active monitoring and review)

The Commission may refer an allegation for 'active monitoring' when the matter is more serious or concerns are held about the authority's ability to take appropriate action. In such cases, a more structured program of engagement, consultation and proactive oversight is implemented.

Monitoring for review represents a much smaller amount of all assessed allegations, with 44 being referred in in 2021-22 (0.6% of all allegations assessed).

On completion of the appropriate authority's actions, a thorough review of the actions and outcome is undertaken. Consideration is given to whether the actions taken and conclusions reached were reasonable and open to be made.

During this reporting period, 21 reviews were completed of authorities' actions in relation to 40 allegations. Four recommendations were made to the public authority in relation to these reports. The Commission has committed to review the action taken in response to the recommendations in 12 months' time.

Thematic reviews

In addition to active monitoring for review, the Commission also completed three thematic reviews, after identifying recurring allegation themes.

The three thematic reviews were informed by 35 individual reviews relating to 46 allegations and broadly examined the authority's capacity to appropriately identify and respond to the class of allegations and manage serious misconduct risks.

Across the three reports, a total of six recommendations were made to the WA Police Force and one appropriate authority. The Commission has also committed to review the actions taken in response to these recommendations in 12 months' time.



Thematic review: A report on the deployment of police dogs

Investigating allegations of serious misconduct

57 Investigations conducted¹⁰ (KPI)

- 35 Preliminary investigations¹¹
- 13 Cooperative investigations
- 9 Independent investigations
- Relating to 22 public authorities

21 Investigations completed

- 62% completed within 12 months (KPI)
- 395 days on average to complete investigation (KPI)

We focus our investigative resources on the most serious and significant matters, which have the greatest impact on improving integrity within the public sector.

Serious misconduct investigations have different degrees of complexity, raise special logistical issues and, therefore, vary in duration.

Preliminary investigations are undertaken when additional information beyond the allegation is required to determine whether further action is warranted, in the form of an independent or cooperative investigation.

In recent years the Commission has conducted more cooperative investigations, which increases the resources available to conduct the investigation and allows more efficient information sharing. Cooperative investigations also allow public authorities to manage their own risks during the investigation and take greater ownership of any outcomes. During this reporting period, 60.9% (14) of investigations that progressed beyond a preliminary investigation were undertaken in cooperation with either the employing authority, WA Police Force, or both.

As part of its functions under CCM Act s 26, investigations can also be generated from the Commission's own propositions. These investigations support our strategic focus on responding to serious misconduct risks in areas identified as a priority within the public sector. Twenty-five investigations conducted during 2021-22 were self-initiated matters.

Outcomes of oversight matters and investigations

Changes in public authority practices

Outcomes and recommendations from our reviews and investigations can result in public authorities making important changes to their policies and practices to strengthen their integrity frameworks and management of serious misconduct risks. Examples of these changes are found in case studies detailed throughout the report.

Disciplinary action against public officers

It is the responsibility of public authorities to take disciplinary action against their officers in relation to serious misconduct. While we do not have the legislative power to take disciplinary action or overturn an authority's decision, the Commission can influence and effect change. Our investigations can also uncover relevant information for the public authority to take disciplinary action if deemed appropriate.

By example, in 2021-22, the Commission reviewed and publically reported on two inadequate investigations conducted by WA Police Force concerning the same officer. Our review highlighted a number of deficiencies in the investigations, which resulted in WA Police Force committing to re-investigate the matters. In doing so, they uncovered further incidents that warranted action and sustained allegations of serious misconduct.

¹⁰ Includes investigations currently in progress as of 30 June 2022 as well as all finalised during 2021-22.

¹¹ Those that led to further investigation are instead counted as either cooperative or independent investigations.

In addition, the following were actions taken by public authorities against their officers during the reporting period as a result of our investigations:¹²

- The CEO of a local Shire was stood down in light of the Commission's investigation into the misuse of Shire funds for his own personal use. He was later criminally charged by WA Police Force and was sentenced in August 2022.
- A Department of Justice employee was suspended during an internal discipline investigation. The officer was convicted and their contract was not renewed on expiry.

Charges and convictions

In the course of our investigations we may uncover evidence of criminal offending. The Commission has no power to prosecute criminal offences¹³ but pursuant to the CCM Act, the Commission may provide evidentiary material to prosecuting authorities such as WA Police Force, the State Solicitor's Office and the Office of the Director of Public Prosecutions. Those bodies will determine whether to commence a prosecution.

Prosecutions arising from our investigations are an important means of deterring serious misconduct in the public sector as well as any further conduct by the person or persons investigated.

In 2021-22, criminal prosecutions were commenced against five individuals based on evidence arising from Commission investigations.

Table 5 summarises charges and convictions during the reporting period. In total, 25 charges were laid and seven individuals were convicted. Examples of the types of offences commenced for prosecution in 2021-22 include:

- public officer acts corruptly in performance/ discharge of functions, *Criminal Code* (WA) s 83;
- disclosed restricted matter contrary to notation on summons, CCM Act s 167(2) and (3); and
- obstructing the Commission performing its function, CCM Act s 165.

Changes to 2020-21 reporting

After the 2020-21 Annual Report was published, a discrepancy in the charges and convictions figures was identified. The corrected figures for 2020-21 are reported in [Appendix Three](#).

Table 5: Charges and convictions in 2021-22

Charges and convictions	Against public officers	Against non-public officers	Total
Charges laid	12	13	25
Charges pending before the courts at the end of the reporting period (includes charges laid in previous years)	73	563	636
Charges discontinued, dismissed or set aside	1	17	18
Individuals charged	2	3	5
Individuals convicted	6	1	7
Individuals acquitted	0	0	0

¹² Our reporting reflects disciplinary actions that we are aware of and can report publicly on.

¹³ *A v Maughan* [2016] WASCA 128; (2016) 50 WAR 263.

Producing reports and making recommendations

38 reports produced (KPI)

10 recommendations made

2 reviews completed into public authorities' responses to our recommendations

We produce reports and make recommendations that expose corruption and assist public authorities to address and reduce the risk of serious misconduct. We do this largely through our active monitor and review function, investigations and evaluation of public authorities' responses to our recommendations.

Reports

Our reports detail the outcomes of our investigations and reviews as well as highlighting any other serious misconduct risks identified. The majority of reports are provided directly to heads of public authorities. For some matters, the public interest is such that the report is tabled in Parliament.

We also produce reports about public authorities' responses to Commission recommendations. These reports assist public authorities in rebuilding public confidence by demonstrating how they have addressed the identified risks. In 2021-22, we:

- tabled 10 reports in the Parliament of Western Australia (including our Annual Report 2020-21); and
- provided 28 reports directly to Directors General, Commissioners and Chief Executive Officers.

The tabled reports are available on our [website](#).

Recommendations

Recommendations are made to public authorities when consideration should be given to taking action in relation to specific matters or people.

During 2021-22, we made two recommendations in reports provided directly to public authorities and eight further recommendations in reports tabled in Parliament. The recommendations are largely centred on strengthening policies and procedures to reduce serious misconduct risks, as well as reviewing systems and data holdings to identify other areas of potential risk.

Evaluating public authorities' responses to our recommendations

To ensure the authority maintains accountability and implements positive change to identified risks, we conduct evaluations into the public authorities' response to our recommendations one year after the initial report.

We acknowledge public authorities are responsible for managing their own risks and there may be

justifiable reasons why certain recommendations are not implemented or completed. However, where we are not satisfied with a response to our recommendations, we will conduct further reviews and report on the action or inaction by public authorities in managing serious misconduct risks.

During 2021-22, we completed two reviews into 16 recommendations made during previous financial years.

These are detailed below.

Review of Department of Justice recommendations

In 2020 we tabled the outcome of our review of the Department of Justice's response to 51 recommendations. We concluded the Department had made significant progress and had adequately addressed 37 recommendations. We committed to conduct a further review of the remaining 14 recommendations.

In May 2022 we tabled our final report and outlined our further review of actions taken by the Department in addressing the 14 outstanding recommendations. Our review concluded that the Department has continued to progress significant changes to manage corruption risks in the WA prison system. This included; reinvigorated staff training, internal system upgrades and changes to various policy and procedures.

We considered the actions taken by the Department were adequate and the 14 recommendations were closed.

WA Health response to misconduct risks with access to dangerous drugs in hospitals

In 2020 we tabled our review of the action taken and substantial progress by WA Health in responding to significant misconduct risks surrounding the management of controlled drugs in public hospitals.

We considered the actions taken by WA Health were adequate in addressing 17 of the 19 recommendations and these recommendations were closed. Two of the recommendations were dependent upon the implementation of a major policy review by WA Health. We committed to conduct a further review of the two outstanding recommendations.

In April 2022, the Commission tabled its final report on the actions taken by WA Health in addressing the remaining two recommendations. Our review saw WA Health implement a new over-arching Medicines Handling Policy and supporting guidance documents, to improve the management of dangerous drugs across the entire WA Health service. We considered the actions taken by WA Health were adequate and the recommendations were closed.

Responding to risks in priority areas within the public sector

The Commission does not have a prevention and education function for the public sector so opportunities for assisting public authorities in recognising and managing risks are curtailed.

As part of its function under CCM Act s 18(4), the Commission undertakes a thorough intelligence assessment process; analysing information from a variety of sources, to better understand and identify serious misconduct trends and emerging risks across the WA public sector. This helps us identify the settings where serious misconduct has most opportunity to occur. This in turn assists in identifying some public authorities that may be more susceptible to risk by virtue of their functions and the environment in which they operate.

The Commission uses this knowledge to work with public authorities to strengthen integrity frameworks and increase their management of serious misconduct risks.

Our current priority areas (strategic themes)¹⁴ are:

- police misconduct;
- people at risk;
- procurement and financial management;
- data and information;
- policy, regulation and licensing; and
- use of force.

Examples of actions we undertook over the reporting period include:

- developing partnerships with authorities to strengthen investigative capacity and enhance our intelligence holdings;
- collaborating with the Public Sector Commission and other agencies to identify capacity building opportunities;
- conducting thematic reviews on public authorities' responses to allegations within specific focus areas;
- developing intelligence products on identified risks and specific authorities, to shape our future activities; and
- undertaking intelligence-focused investigations (based on our own propositions) to target serious misconduct in line with our strategic themes.

The activities we undertake during the year may align with our strategic themes and are dependent on the available resources and work conducted in previous years.

Table 6 provides an overview of the number of Commission investigations relevant to each strategic theme.

¹⁴ We continue to identify, profile and respond to other serious misconduct risks not directly defined by these priority areas (for example, high-risk private behaviours and under-reporting of serious misconduct).

Table 6: Number of Commission investigations in 2021-22 by strategic theme

Strategic theme	Number of investigations*
Police misconduct	13
People at risk	8
Procurement and financial management	30
Data and information	8
Policy, regulation and licensing	2
Use of force	1
Other	2

*Total does not equal the number of investigations conducted in 2021-22 (57) as an investigation can relate to more than one theme.

This next section provides an overview of the six strategic themes and examples of our activities during the reporting period. Due to operational reasons, we cannot report on all activities undertaken during the year.

Police misconduct

Oversight of WA Police Force continues to be a priority for the Commission.

For members of the WA Police Force, all types of misconduct described in CCM Act s 4 and additional conduct described as 'reviewable police action' are described as police misconduct. 'Police misconduct' is defined as serious misconduct under the CCM Act. The Commissioner of Police must notify us of all allegations of police misconduct.

The Commission has a prevention and education function in relation to police misconduct. We exercise this function in a number of ways including:

- liaising and consulting regularly with the WA Police Force Professional Standards Unit;
- providing feedback to WA Police Force on the appropriateness of its actions in relation to allegations of police misconduct;
- consulting early and regularly with police personnel investigating allegations of police misconduct as part of our oversight function;
- conducting investigations, including cooperative investigations with WA Police Force, into allegations of police misconduct;
- providing reports and recommendations to the Commissioner of Police or the Minister for Police; and
- providing briefings to new police recruits at the Western Australia Police Force Academy.

Table 7 provides a summary of our oversight of police misconduct in 2021-22.

Table 7: Breakdown of the Commission's activity in relation to police misconduct in 2021-22

No.	Activity
3,811	allegations of police misconduct assessed
654	allegations referred to WA Police Force for action, with Commission oversight
31	allegations referred for 'active monitoring and review' by the Commission
2	investigations conducted into police misconduct
6	active monitoring and review matters <ul style="list-style-type: none"> • relating to 8 allegations of police misconduct
2	thematic reviews <ul style="list-style-type: none"> • informed by 19 reviews • relating to 29 allegations of police misconduct
10	reports produced and four recommendations made

Each investigation and review contains one or more allegations from this or a previous reporting period.

Police misconduct may include conduct that falls within one of the other strategic themes, such as people at risk and use of force. Additional examples of our activities in relation to WA Police Force are provided under some of these themes.

In 2021 we referred a use of force matter back to WA Police Force for action and outcome only. In 2022 following receipt of their detailed report, we evaluated the action taken by WA Police Force in line with our monitoring for outcome process. During our evaluation we identified concerns with the evidence relied upon and the conclusions reached. We escalated the matter to be subject to active oversight to enable us to conduct a detailed review of WA Police Force's actions. Despite consultation with WA Police Force at various stages of the reviews, our original concerns remained. As a result, we ceased our review to conduct our own investigation to consider further evidence and form an opinion whether or not serious misconduct occurred. This investigation is ongoing.

People at risk

Vulnerable persons and those experiencing disadvantage are at increased risk of being exposed to serious misconduct by public officers. At risk persons can include younger people receiving child protection services; offenders rehabilitating in corrective services; people living with physical or mental disability or illness; people from culturally and linguistically diverse backgrounds; people experiencing family and domestic violence; and those requiring public housing services. At risk persons often rely on government services to improve their quality of life. They have a right to expect that public officers will act with integrity when providing services they need and when interacting with them. People at risk may also have limited capacity to report serious misconduct.

During 2021-22 we conducted a number of reviews involving persons at risk across different public sector agencies, including a review into a WA Police Force investigation into a complaint made by a member of the public about their treatment in custody. Our review concluded the investigation was adequate and noted the broader risks WA Police Force identified as well as their subsequent action to mitigate similar incidents from reoccurring. Specifically, reminding all staff of their options when dealing with persons in cells and recommending changes to local procedures.

Procurement and financial management

Procurement is the process by which goods and services are purchased. Public sector procurement can range from a local government employing a tradesperson for a morning, to a public authority awarding a contract worth hundreds of millions of dollars. Financial management includes financial and accounting practices that lie outside of procurement. A key focus within this theme is procurement fraud.

The harm caused by corruption in procurement includes theft of public monies, inferior quality goods and services, commercial detriment to honest private sector suppliers, reputational damage, and the lowering of standards and morale in the public sector.

In September 2021 the Commission tabled a report in Parliament titled, 'Serious misconduct by the CEO of the Shire of Ravensthorpe'. This investigation focused on the conduct of the Shire's Chief Executive Officer and his misappropriation of Shire funds to procure escort services. As a consequence of the investigation, the Chief Executive Officer was dismissed by the Shire and criminally charged by WA Police Force. The officer was sentenced in August 2022.

Data and information

Most public authorities collect, generate, hold and distribute confidential and sensitive information. The public expects government to protect the information it holds from unauthorised use, access, modification and disclosure. A key focus within this theme is unlawful use of, or access to, a restricted-access computer system.

In August 2021 we finalised a comprehensive thematic review into the Department of Transport's capacity to appropriately identify and respond to unlawful access to their licensing information system. The review considered more than 100 alleged incidents of unlawful access and identified incidents involving improper user access. The review detailed the Department's lack of action in respect to unlawful access of information, inherent cultural issues and deficits in policy and procedure. The review produced four recommendations that will be evaluated in the next financial year.

Policy, regulation and licensing

A significant proportion of activity within the public sector is concerned with government regulation and licensing. It regulates vital activities such as the right to drive, to operate a business, to work in specific occupations, the buildings people live and work in, the infrastructure in cities and towns, and the medical and transport services people receive. Harm is caused when these processes are corrupted, undermining public confidence and, often, public safety.

In June 2022 the Commission tabled a report in Parliament titled, 'A report on Murdoch University's governance and oversight of farm management'. This was a joint investigation with the Department of Primary Industries and Regional Development. The report identified deficiencies in governance that had potential adverse bio-security issues.

Use of force

Some public officers are given the power to lawfully use force to do their job. The level of physical force used varies from minimal, such as putting a hand on a person to direct them, to deadly force, such as using a firearm.

We often examine whether a public officer's decision to use force was authorised and whether the type and amount of force was warranted. We also examine the training public officers receive in the use of force, policy frameworks and the management of use of force.

In May 2022 we finalised a thematic review of how WA Police Force manage the serious misconduct risks associated with the deployment of police dogs. The review considered: notifications and reports concerning use of force involving police dogs, our assessments of those notifications and reports, the action taken by WA Police Force, data analysis and relevant policies and procedures. We noted although WA Police Force had undergone a reform of its Canine Unit and implemented a number of improvements, gaps still remained. The Commission made two recommendations to the WA Police Force to address our broader concerns. Specifically to develop and implement Canine Unit policy, procedure and/or guidelines, as well as to undertake further analysis of police dog use to explore and address reasons for higher representation of Aboriginal and Torres Strait Islander people in police dog deployments. The recommendations were accepted. We will evaluate WA Police Force's response in 12 months' time.

Identifying and confiscating unexplained wealth

53 unexplained wealth matters

- 43 referrals received
- 10 self-initiated matters

8 initial investigations conducted

9 more extensive investigations conducted

\$10.9m in assets frozen as of 30 June 2022

\$1.7m in confiscation orders

The objectives of identifying and confiscating unexplained wealth are to remove the financial incentive for criminal activity, disrupt ongoing criminal activity and in turn, reduce harm to the community. The Commission's work to identify and target people who have accumulated wealth through unlawful means, complements actions taken by other law enforcement agencies.

Under the CPC Act, the Commission may apply to the court for an unexplained wealth or criminal benefits declaration against a respondent. In relation to unexplained wealth matters, the Commission does not need to prove any connection to the commission of an offence: the onus of proof is reversed so the respondent must disprove the presumption that property has been unlawfully acquired.

The investigation of unexplained wealth matters is complex and lengthy and requires the Commission to exercise a variety of powers under the CPC Act. Unexplained wealth matters frequently involve considerable forensic accounting, legal and investigative capabilities within the Commission and, in some instances, have interstate and international elements.

Since receiving the unexplained wealth function in 2018, we have pursued targets and developed working relationships with key law enforcement agencies. Where relevant and permitted, we provide intelligence gathered through the investigation process to other law enforcement agencies to aid their investigations into criminal offending.

Unexplained wealth matters

During 2021-22, we received 43 referrals of potential unexplained wealth matters. The referrals consisted of:

- nine from the public;
- 24 from Western Australian public authorities; and
- 10 from federal agencies.

We can also use information obtained under our serious misconduct function for the purpose of performing our unexplained wealth function. This led to the Commission identifying an additional 10 unexplained wealth matters during the reporting period, taking the total number of matters to 53.

Status of unexplained wealth matters

The Commission assesses all referrals received and conducts initial investigations to determine whether further resources will be required. During the reporting period, we conducted eight initial investigations.

We also conducted nine more extensive investigations, contributing to approximately \$10.9 million of frozen property at the end of the reporting period.

During 2021-22 we have had eight matters before the Supreme Court of Western Australia (Supreme Court) with seven still ongoing at year end, namely:

- 4 x CPC Act proceedings continuing in the Supreme Court that were commenced in previous reporting periods;
- 3 x CPC Act proceedings commenced in the Supreme Court during 2021-22; and
- 1 x CPC Act proceeding that was resolved during 2021-22 (*CCC v Young & Anor* CIV 1911/2021).

CCC v Young & Anor CIV 1911/2021 was resolved without going to trial in February 2022 resulting in an unexplained wealth declaration of \$1,716,410.96.

To satisfy this liability the Commission confiscated registrable real property in Dianella, two Mercedes Benz motor vehicles, cash, designer handbags, various collectables and memorabilia.

Also of significance there was 1 x Supreme Court judgment in the ongoing CPC Act proceedings: *CCC v Abdul-Aziz* [2022] WASC 106 (5 April 2022), which ruled in favour of the Commission in relation to a challenge to a freezing order over monies held in a law firm's foreign currency account.

Unexplained wealth review

In March 2022 the Hon Peter Martino's review of the Commission's unexplained wealth function was tabled in Parliament. The report concluded the Commission has been effective in using its powers to exercise its unexplained wealth and criminal benefits functions.

The review also concluded that the Commission would benefit from additional funding to resource additional staff and specialist equipment to continue exercising its functions in the future.

Comprehensive funding model options are being developed to continue supporting this function in the future.



Designer label purses and handbags, a Mercedes Benz and other collectables seized, forfeited and sold as part of satisfying an unexplained wealth declaration.

Covert powers inspections

The Commission oversees the operation of Part 2 of the CICP Act. The CICP Act requires us to inspect records of controlled operations conducted by WA Police Force, Fisheries Department and Australian Crime Commission.¹⁵

Controlled law enforcement operations may involve an authorised participant engaging in conduct that would otherwise be unlawful. The CICP Act protects the participant from criminal responsibility where otherwise unlawful conduct has been authorised, and carried out, in accordance with the authority and the CICP Act.

Each of the three law enforcement bodies provides a bi-annual report to the Commission on its controlled operations. We prepare annual reports on each body's activities under Part 2 of the CICP Act and provide them to the responsible Minister for tabling in the Parliament of Western Australia.

To fulfil our oversight role, we consider whether each body has complied with the requirements of the CICP Act Part 2. Where we identify areas of concern, feedback is provided to the agency about the issues.

The CICP Act permits an authorisation to be issued retrospectively.

No retrospective authorities were issued to the Australian Crime Commission, WA Police Force or Fisheries Department during the reporting period.

¹⁵ The Fisheries Department is defined in the CICP Act as the department principally assisting in the administration of the *Fish Resources Management Act 1994*. From 1 July 2017, the relevant department is the Department of Primary Industries and Regional Development. The purposes of reporting under the CICP Act. Australian Crime Commission merged with CrimTrac in July 2016 to form the Australian Criminal Intelligence Commission. It retains its name for the purposes of reporting under the CICP Act.

Table 8 outlines the controlled operation records inspected by us during the reporting period.

Table 8: Controlled operation records inspected by the Commission in 2021-22

Law enforcement body	Controlled operation authorities*	Variation to authorities	Applications refused
WA Police Force	95	39	0
Fisheries Department	2	0	0
Australian Crime Commission	0	0	0
Total	97	39	0

*A controlled operation may involve more than one authority.

Supporting our operational performance

Using our investigative powers

The Commission has significant powers that can be used when investigating serious misconduct matters as well as unexplained wealth. We seek to use the resources available to us in the most efficient manner.

The Commission's powers are subject to strict internal approval processes and, on occasion external approval processes. Externally approved powers are closely monitored by the Western Australian Ombudsman, the Commonwealth Ombudsman and the Parliamentary Inspector.

Table 9 provides an overview of the use of our statutory powers for this and the previous reporting period.

Table 9: Statutory powers used by the Commission

Statutory power	Number	
	2020-21	2021-22
s 94: Notices served by the Commission to produce a statement of information	14	7
s 95: Notices served by the Commission to obtain documents and other things	257	144
s 101: Search warrants issued to the Commission	14	10
s 103: Approvals for the acquisition and use of an assumed identity given by the Commission	15	19
s 121: Authorities to conduct controlled operations granted by the Commission	1	0
s 123: Authorities for integrity testing programs granted by the Commission	0	0
s 148: Warrants of apprehension issued by the Commission	0	0
Warrants and emergency authorisations issued to the Commission under the <i>Surveillance Devices Act 1998</i>	16	5
Warrants issued to the Commission under the <i>Telecommunications (Interception and Access) Act 1979 (Cth)</i>	31	21

Conducting examinations

The Commission has the power to conduct compulsory examinations of witnesses to obtain information to advance an investigation. The Commission does not make findings regarding guilt or innocence like a court or tribunal. Examinations are typically conducted in private, unless the Commissioner considers it is in the public interest for the examination to be conducted in public.

In 2021-22 we held examinations for 14 operations. One operation used both public and private examinations.

We conducted public examinations for one operation, in which we examined two witnesses over two days. This was in relation to the misuse of public resources.

We also held private examinations for 14 operations, in which we examined 68 witnesses over 52 days. These were in response to both serious misconduct and unexplained wealth matters.

Recommendations for legislative change

As a result of performing Commission functions during 2021-22 no recommendations were made to change the laws of the State.

Working collaboratively with others

We regularly collaborate, exchange information, share expertise and capabilities as well as 'best practice' approaches with the Public Sector Commission, WA Police Force, WA and Commonwealth government agencies, independent agencies and integrity bodies both within WA and interstate. We work collaboratively and exchange information and skills to increase the capacity and effectiveness of each agency and body; building a public sector that actively resists and appropriately deals with corruption.

Providing information to public authorities and agencies

An important part of our work is sharing information with public authorities and other agencies. We consult, cooperate and exchange information with agencies to ensure allegations/ referrals and information concerning serious misconduct and unexplained wealth are dealt with in an appropriate way. While we cannot take action into matters outside of our jurisdiction, we may provide information to relevant authorities where appropriate.

We are required to report on information disclosed to independent agencies under the CCM Act. During 2021-22, we made such disclosures to the:

- Public Sector Commissioner;
- Director of Public Prosecutions; and
- Inspector of Custodial Services.

These disclosures were made in relation to:

- matters potentially concerning minor misconduct;
- serious misconduct and unexplained wealth matters;
- matters of public interest to the authority; and
- disclosing confessional and evidentiary material relevant to prosecutions arising from our investigations.

Formalising our cooperative arrangements – Memoranda of Understanding

The Commission has formalised its cooperative arrangements with many agencies through Memoranda of Understanding (MOUs). This is particularly important where our responsibilities overlap or are complementary with those of other agencies. Our MOUs cover collaborative activities such as:

- access to, and exchange of, information and intelligence relevant to the functions of one or both agencies;
- increasing agency capacity for misconduct resistance;
- cross-agency working arrangements for internal investigations of misconduct; and
- exchange and secondment of staff.

During 2021-22, the Commission established new MOUs with:

- the presiding officers of the Legislative Assembly and Legislative Council by way of a Protocol. The Protocol establishes a procedure for the exercise of Commission and WA Police Force powers on premises occupied by Members, and the determination of claims of immunity from production by reason of parliamentary privilege;
- the Office of the Director of Public Prosecutions and the State Solicitor's Office to establish a process for the referral from the Commission of matters for prosecution;
- the Department of Justice in relation to the provision of access to databases operated by the Department of Justice to Commission officers;
- the Public Sector Commission in relation to establishing a framework for the parties to collaborate and exchange information and resources; and
- the Public Trustee in relation to the management of frozen and confiscated property.

Meeting with anti-corruption agencies in other states

Each year the Commissioner and Chief Executive meet with their counterparts in other anti-corruption agencies to share information and work together. With the ease of COVID-19 travel restrictions, the Commissioner and Acting Commissioner attended the Anti-Corruption Commissioners' Conference in Canberra in June 2022. Current issues were discussed with a key focus on witness welfare and safety.

Various directorates in the Commission also maintain regular contact with our integrity colleagues interstate via (virtual) meetings. These provide a platform to share ideas, information, industry trends and challenges within our unique operating environment.



Former Commissioner of WA Police Force and now Governor of Western Australia Chris Dawson, Corruption and Crime Commissioner Hon John McKechnie and Commissioner of WA Police Force Col Blanch.

Engaging with WA public authorities and the wider community

Public Sector Commission (PSC)

We work closely with the PSC to ensure consistent, coordinated and effective misconduct management across the public sector. The Commissioners of both agencies and our Chief Executive meet regularly to achieve this. In addition, staff across both agencies meet throughout the year regarding issuing and receiving notifications, sharing relevant information and identifying capacity building opportunities.

WA Police Force

Both agencies acknowledge that working together is important to reduce the incidence of serious misconduct of public officers and police misconduct, combat organised crime and disrupt criminal activity through unexplained wealth and criminal benefits confiscation proceedings. The Commissioners of both agencies meet regularly. In addition, the Senior Officers' Coordination Group meets regularly to maintain effective working relationships and facilitate early identification, discussion and resolution of strategic and operational issues.

ASD meet with senior officers of the Professional Standards Unit on a monthly basis. The purpose of these meetings is to facilitate the sharing of updates for WA Police Force action being taken in response to allegations of police misconduct and for the Commission to raise any concerns it may have in its monitoring and review of action being taken.

In December 2021 the Commission hosted a presentation for staff as part of '16 Days in WA'; an awareness campaign to highlight how commonplace violence against women is in our community and the need for cultural change. WA Police Force delivered a presentation setting out WA Police Force policy, procedures and resourcing in addressing violence against women. We heard about the significant challenges women face in domestic violence environments and the impact the changes implemented by WA Police Force has had in addressing this significant and complex issue.

Other public authorities

We engage with a large number of other public authorities through regular liaison meetings. These structured meetings cover a range of topics, such as specific serious misconduct matters, notification and oversight processes, authority capacity to prevent or combat misconduct, current and emerging trends and risks, as well as corporate support services.

Community engagement

We are committed to engaging with our diverse community to inform about our role and work, to improve accessibility to our services and raise awareness of what corruption in the public sector is and how it can be prevented.

In 2021-22, representatives from ASD participated in two presentations in regional WA; one visiting the West Kimberley and one the East Kimberley. Our participation aimed to improve continued awareness and accessibility of the Commission to regional Western Australians. Members of the public were able to attend a number of different in-person forums and drop-in clinics to speak with Commission officers and make reports of alleged serious misconduct.

We continued engagement meetings with the Aboriginal Legal Service WA (ALSWA). ALSWA is the only non-government body that we meet with regularly. The purpose of these meetings is to facilitate communication and provide opportunities for ALSWA to raise any concerns about the work of the Commission and its impact on ALSWA's clients.

In addition, the Commission regularly provides presentations or participates in career fairs at universities to discuss the work of the Commission in addressing corruption within the public sector.

Sharing resources and enhancing capabilities

Secondments and placements

We engage with various agencies to bring in additional resources and specialist skills to assist in our investigations of serious misconduct and unexplained wealth. These arrangements aim to benefit both agencies and the broader public sector, by developing capabilities and skills, fostering greater information sharing and developing cross agency relationships.

During 2021-22, we facilitated secondments and placements of two graduate officers from Office of the Auditor General, as well as other staff with valuable skills from WA Police Force and Department of Justice. Additionally, the Commission supported the secondment of two officers to the Perth Casino Royal Commission.

Delivering presentations

During 2021-22, we delivered 14 presentations to 871 participants, on topics ranging from the role of the Commission and reporting of serious misconduct, professional ethics, accountability and integrity, financial crime, procurement, and serious misconduct risks in the public sector. Examples of our presentations during the year include:

- participating in joint presentations with the PSC to 40 public sector agencies. The presentation discussed public sector misconduct and agency notifying obligations; and
- outlining the role and functions of the Commission at a conference on integrity and accountability targeting WA public sector employees.

Growing our public profile

We engage with public officers, the community and media through an extensive range of content made available on our communication channels (website, Twitter, LinkedIn, YouTube). Our external communications, social media presence and media coverage encourage members of the community to speak up and report suspected serious misconduct in the Western Australian public sector to the Commission. We regularly measure and review the performance of our communication activities for insights into how we can improve communicating with our stakeholders and target audiences.

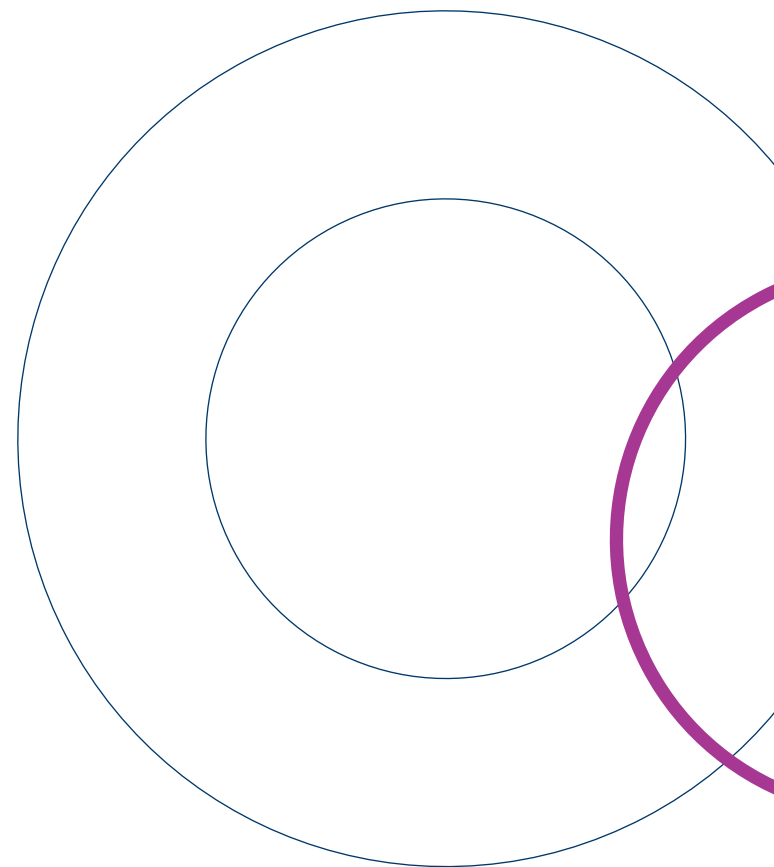
Recognising International Anti-Corruption Day

In a first for Western Australia, the Commissioner opened up on some of the issues and topics that have attracted the most controversy and curiosity in the 'Chatting with the Corruption and Crime Commission' podcast series, which marked International Anti-Corruption Day on 9 December 2021.

The conversations were wide-ranging and capture some of the most commonly asked questions about the Commission and its work. While police officers, public servants, lawyers, and the media may have a particular interest in some episodes, it is hoped the podcasts attract a much wider audience including anyone who does business with Government and may benefit from a greater awareness of the risk of corruption and their responsibilities in managing these risks.

The podcast series is available on major podcast platforms including Spotify, iTunes, Google podcasts, Stitcher, Pandora and RadioPublic. Or you can listen to the episodes below:

- [Episode one - Public examinations - The helpful vs harmful debate.](#)
- [Episode two - WA Police Force and the CCC - Are they friends or foes? Featuring the then Acting Commissioner of WA Police Force, Col Blanch.](#)
- [Episode three - The moral dilemma of becoming a whistle-blower.](#)
- [Episode four - How to prevent corruption in challenging times - featuring Public Sector Commissioner, Sharyn O'Neill.](#)



Enhancing our systems, processes and workforce capability

The Commission is a sophisticated agency with talented people and access to advanced technology. We continually strive to enhance our systems, processes and workforce capability to ensure we remain contemporary, strategic and effective. Our overarching strategies guide our work in supporting organisational performance and our statutory obligations.

Information technology

We focused on stabilising and supporting business agility through the implementation and adoption of industry-standard enterprise tools.

Specifically we:

- improved and stabilised existing tools to support a mobile workforce;
- progressed implementation of contemporary technology platforms and infrastructure; and
- enhanced information integrity and security, as well as the platforms to support those requirements.

Information and knowledge management

We focused on stabilising our foundation to create a data and information-driven culture. We continued to enhance the interconnection and automation of technology systems to support effective information management.

Specifically we:

- implemented a networked scanning and workflow solution;
- developed an Enterprise Architecture strategy; and
- reviewed the auditing of our information assets.

SIGNIFICANT ISSUES

This section provides a brief description of significant issues impacting the Commission's operations.

Review of unexplained wealth function

In March 2022 the review by the Hon Peter Martino of 'The Corruption and Crime Commission's unexplained wealth function' was tabled before Parliament. He concluded the Commission has been effective in using its powers to exercise its unexplained wealth and criminal benefits functions. Additionally, the review concluded that the Commission would benefit from additional funding to resource additional staff and specialist equipment to continue exercising its functions in the future.

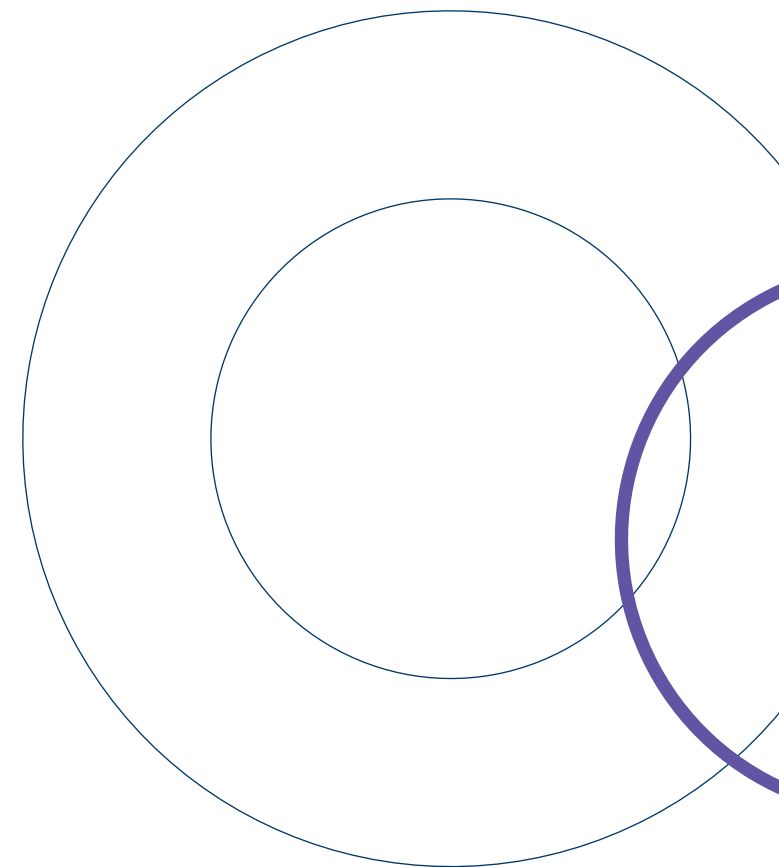
The 2022-23 Budget provided additional funding to enable the Commission to maintain its unexplained wealth function at the existing level of effort. Furthermore, the Commission is preparing comprehensive funding model options for consideration in the 2022-23 Mid-year Review.

Increasing number of allegations being assessed

The Commission must assess every allegation of serious misconduct (including police misconduct) received. In 2020-21, there was a 25% increase in the number of allegations assessed compared with the year prior. This increased number of allegations has been sustained in the current reporting period. The significant increase continues to strain resources and impacts the timeliness to assess allegations; a KPI for the Commission. In response, a review has been commenced to identify opportunities to improve efficiencies and review the suitability of the current KPIs.

Review of the CCM Act

In May 2021, the Attorney General issued instructions to the Department of Justice to develop proposals for modernising the CCM Act, with a view to being more contemporary and effective in combating corruption and addressing unexplained wealth and criminal benefits functions now and into the future. Further direction has since been provided to the Department of Justice to ensure matters identified through JSCCCC reports and recommendations are also addressed, including clarifying the disclosure of information to complainants and consideration to the definition of 'public officer', to reflect the varying employment arrangements within the public sector.



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**Auditor General****INDEPENDENT AUDITOR'S REPORT
2022
Corruption and Crime Commission**

To the Parliament of Western Australia

Report on the audit of the financial statements**Opinion**

I have audited the financial statements of the Corruption and Crime Commission (Commission) which comprise:

- the Statement of Financial Position at 30 June 2022, and the Statement of Comprehensive Income, Statement of Changes in Equity and Statement of Cash Flows for the year then ended
- Notes comprising a summary of significant accounting policies and other explanatory information.

In my opinion, the financial statements are:

- based on proper accounts and present fairly, in all material respects, the operating results and cash flows of the Corruption and Crime Commission for the year ended 30 June 2022 and the financial position at the end of that period
- in accordance with Australian Accounting Standards, the *Financial Management Act 2006* and the Treasurer's Instructions.

Basis for opinion

I conducted my audit in accordance with the Australian Auditing Standards. My responsibilities under those standards are further described in the Auditor's responsibilities for the audit of the financial statements section of my report.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Responsibilities of the Commissioner for the financial statements

The Commissioner is responsible for:

- keeping proper accounts
- preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards, the *Financial Management Act 2006* and the Treasurer's Instructions
- such internal control as it determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Commissioner is responsible for:

- assessing the entity's ability to continue as a going concern
- disclosing, as applicable, matters related to going concern
- using the going concern basis of accounting unless the Western Australian Government has made policy or funding decisions affecting the continued existence of the Commission.

Auditor's responsibilities for the audit of the financial statements

As required by the *Auditor General Act 2006*, my responsibility is to express an opinion on the financial statements. The objectives of my audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations or the override of internal control.

A further description of my responsibilities for the audit of the financial statements is located on the Auditing and Assurance Standards Board website. This description forms part of my auditor's report and can be found at https://www.augasb.gov.au/auditors_responsibilities/ar4.pdf.

Report on the audit of controls**Basis for Qualified Opinion**

I identified significant deficiencies in the payroll controls designed and implemented by the Corruption and Crime Commission, including excessive user access for the payroll module within the financial system. These weaknesses could be used to override management controls and result in unauthorised access, inappropriate changes or fictitious or fraudulent transactions such as overpayments and payments to individuals who are not entitled to receive them. Consequently, controls to prevent invalid and inaccurate salary payments were inadequate.

Opinion

I have undertaken a reasonable assurance engagement on the design and implementation of controls exercised by the Corruption and Crime Commission. The controls exercised by Commissioner are those policies and procedures established to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions (the overall control objectives).

My opinion has been formed on the basis of the matters outlined in this report.

In my opinion, except for the possible effects of the matters described in the Basis for Qualified Opinion paragraph, in all material respects, the controls exercised by the Corruption and Crime Commission are sufficiently adequate to provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities have been in accordance with legislative provisions during the year ended 30 June 2022.

The Commissioner's responsibilities

The Commissioner is responsible for designing, implementing and maintaining controls to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities are in accordance with the *Financial Management Act 2006*, the Treasurer's Instructions and other relevant written law.

Auditor General's responsibilities

As required by the *Auditor General Act 2006*, my responsibility as an assurance practitioner is to express an opinion on the suitability of the design of the controls to achieve the overall control objectives and the implementation of the controls as designed. I conducted my engagement in accordance with Standard on Assurance Engagements ASAE 3150 *Assurance Engagements on Controls* issued by the Australian Auditing and Assurance Standards Board. That standard requires that I comply with relevant ethical requirements and plan and perform my procedures to obtain reasonable assurance about whether, in all material respects, the controls are suitably designed to achieve the overall control objectives and were implemented as designed.

An assurance engagement involves performing procedures to obtain evidence about the suitability of the controls design to achieve the overall control objectives and the implementation of those controls. The procedures selected depend on my judgement, including an assessment of the risks that controls are not suitably designed or implemented as designed. My procedures included testing the implementation of those controls that I consider necessary to achieve the overall control objectives.

I believe that the evidence I have obtained is sufficient and appropriate to provide a basis for my qualified opinion.

Limitations of controls

Because of the inherent limitations of any internal control structure, it is possible that, even if the controls are suitably designed and implemented as designed, once in operation, the overall control objectives may not be achieved so that fraud, error or non-compliance with laws and regulations may occur and not be detected. Any projection of the outcome of the evaluation of the suitability of the design of controls to future periods is subject to the risk that the controls may become unsuitable because of changes in conditions.

Report on the audit of the key performance indicators

Basis for Qualified Opinion

I was unable to obtain sufficient and appropriate audit evidence for the reported key efficiency indicator "Percentage of assessments completed within 28 days". This was due to significant internal control deficiencies to ensure complete and accurate underlying records to support the reporting of the key efficiency indicator. I was unable to confirm the reported achievement by alternative means. Consequently, I was unable to determine whether any further adjustments were required to the reported result.

Opinion

I have undertaken a reasonable assurance engagement on the key performance indicators of the Corruption and Crime Commission for the year ended 30 June 2022. The key performance indicators are the Under Treasurer-approved key effectiveness indicators and key efficiency indicators that provide performance information about achieving outcomes and delivering services.

In my opinion, in all material respects, except for the effects of the matter referred to in the Basis for Qualified Opinion section of my report, the key performance indicators of the Corruption and Crime Commission are relevant and appropriate to help users assess the Commission's performance for the year ended 30 June 2022.

The Commissioner's responsibilities for the key performance indicators

The Commissioner is responsible for the preparation and fair presentation of the key performance indicators in accordance with the Financial Management Act 2006 and the Treasurer's Instructions and for such internal control as the Commissioner determines necessary to enable the preparation of key performance indicators that are free from material misstatement, whether due to fraud or error.

In preparing the key performance indicators, the Commission is responsible for identifying key performance indicators that are relevant and appropriate, having regard to their purpose in accordance with Treasurer's Instruction 904 *Key Performance Indicators*.

Auditor General's responsibilities

As required by the *Auditor General Act 2006*, my responsibility as an assurance practitioner is to express an opinion on the key performance indicators. The objectives of my engagement are to obtain reasonable assurance about whether the key performance indicators are relevant and appropriate to assist users to assess the entity's performance and whether the key performance indicators are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. I conducted my engagement in accordance with Standard on Assurance Engagements ASAE 3000 *Assurance Engagements Other than Audits or Reviews of Historical Financial Information* issued by the Australian Auditing and Assurance Standards Board. That standard requires that I comply with relevant ethical requirements relating to assurance engagements.

An assurance engagement involves performing procedures to obtain evidence about the amounts and disclosures in the key performance indicators. It also involves evaluating the relevance and appropriateness of the key performance indicators against the criteria and guidance in Treasurer's Instruction 904 for measuring the extent of outcome achievement and the efficiency of service delivery. The procedures selected depend on my judgement, including the assessment of the risks of material misstatement of the key performance indicators. In making these risk assessments I obtain an understanding of internal control relevant to the engagement in order to design procedures that are appropriate in the circumstances.

I believe that the evidence I have obtained is sufficient and appropriate to provide a basis for my qualified opinion.

My independence and quality control relating to the reports on financial statements, controls and key performance indicators

I have complied with the independence requirements of the *Auditor General Act 2006* and the relevant ethical requirements relating to assurance engagements. In accordance with ASQC 1 *Quality Control for Firms that Perform Audits and Reviews of Financial Reports and Other Financial Information, and Other Assurance Engagements*, the Office of the Auditor General maintains a comprehensive system of quality control including documented policies and procedures regarding compliance with ethical requirements, professional standards and applicable legal and regulatory requirements.

Other information

The Commissioner is responsible for the other information. The other information is the information in the entity's annual report for the year ended 30 June 2022, but not the financial statements, key performance indicators and my auditor's report.

My opinions on the financial statements, controls and key performance indicators do not cover the other information and, accordingly, I do not express any form of assurance conclusion thereon.

In connection with my audit of the financial statements, controls and key performance indicators, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements, key performance indicators, or our knowledge obtained in the audit or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact. I did not receive the other information prior to the date of this auditor's report. When I do receive it, I will read it and if I conclude that there is a material misstatement in this information, I am required to communicate the matter to those charged with governance and request them to correct the misstated information. If the misstated information is not corrected, I may need to retract this auditor's report and re-issue an amended report.

Matters relating to the electronic publication of the audited financial statements and key performance indicators

This auditor's report relates to the financial statements, and key performance indicators of the Corruption and Crime Commission for the year ended 30 June 2022 included in the annual report on the Commission's website. The Commission's management is responsible for the integrity of the Commission's website. This audit does not provide assurance on the integrity of the Commission's website. The auditor's report refers only to the financial statements, controls and key performance indicators described above. It does not provide an opinion on any other information which may have been hyperlinked to/from the annual report. If users of the financial statements and key performance indicators are concerned with the inherent risks arising from publication on a website, they are advised to contact the entity to confirm the information contained in the website version.



Grant Robinson
Assistant Auditor General
Delegate of the Auditor General for Western Australia
Perth, Western Australia
14 December 2022

Certification of Performance Indicators

For the year ended 30 June 2022

I hereby certify that the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the Corruption and Crime Commission's performance, and fairly represent the performance of the Corruption and Crime Commission for the financial year ended 30 June 2022.



Scott Ellis
ACTING COMMISSIONER

13 December 2022

Service One: Assessing all allegations of serious misconduct received

The Commission has responsibility for assessing all allegations of serious misconduct within the Western Australian public sector and ensuring they are appropriately dealt with. The purpose of the assessment process is to form an opinion whether there is a reasonable suspicion that a matter involves serious misconduct and to determine what action (if any) should be taken. The Commission considers a number of factors when assessing serious misconduct allegations, including:

- whether the allegation is within the Commission's jurisdiction;
- the nature and seriousness of the alleged serious misconduct;
- the seniority of the public officer(s) involved;
- whether there is a need for an independent investigation; and
- whether further information is required before an assessment decision can be made.

The Commission may seek further information during the assessment process by consulting with external agencies, individuals and/or other intelligence sources to help inform its assessment decision.

Effectiveness indicator					
Number of allegations received					
2017-18	2018-19	2019-20	2020-21	2021-22	2021-22
Actual	Actual	Actual	Actual	Target	Actual
5,051	5,036	5,743	7,190	5,000	7,008

Background

The Commission receives notifications and reports of suspected serious misconduct from a number of different sources including members of the public, public authorities, the Police Commissioner and the Public Sector Commission. The heads of public authorities have a statutory obligation to notify the Commission of serious misconduct allegations. Each notification and report of suspected serious misconduct may contain one or more allegations.

All allegations of police misconduct — including serious misconduct, minor misconduct and reviewable police action relating to sworn officers, unsworn officers, and people seconded to the WA Police Force — are defined as serious misconduct under the *Corruption, Crime and Misconduct Act 2003* (CCM Act).

The Commission can also formulate its own propositions (allegations) about serious misconduct in the public sector. Such propositions may be based on the Commission's own experience and knowledge or from information obtained from other sources.

This key performance indicator reflects the number of serious misconduct allegations identified by the Commission from notifications and reports of serious misconduct and its own propositions.

The Commission can indirectly influence the number of notifications received by having an increased public profile, media attention, increased engagement with government agencies and increased auditing within public authorities in relation to specific issues.

Analysis

In 2021-22, the number of serious misconduct allegations identified by the Commission was higher than the target by 2,008 and lower than prior year by 182.

The continued growth in the overall number of allegations of serious misconduct identified by the Commission over the last five financial years is likely due to continued development of the Commission's assessment process, and enhanced identification of conduct that may amount to serious misconduct. It is important to recognise that the growth is not reflective of an increase in serious misconduct occurring across the public sector.

Effectiveness indicator					
Allegations as a percentage of people employed within public authorities under the Commission's jurisdiction					
2017-18	2018-19	2019-20	2020-21	2021-22	2021-22
Actual	Actual	Actual	Actual	Target	Actual
2.60%	2.57%	2.86%	3.55%	2.60%	3.32%

Background

This indicator aims to reflect the percentage of alleged serious misconduct occurring across the public sector. The indicator is determined by the number of allegations identified by the Commission divided by the number of public sector employees, as represented by headcount, employed across state and local government.

Analysis

The 2021-22 percentage is 3.32% and is higher than the target. It is lower than the 2020-21 actual result. This is largely due the less allegations identified in the year.

The above percentage is only an indicator. It is based on the Commission's assessment of notifications, and identification of allegations of serious misconduct. The Commission identifying an allegation of serious misconduct is not a finding that serious misconduct has or may have occurred.

The total number of allegations identified by the Commission does not reflect the number of allegations of serious misconduct sustained by public sector agencies, who are ultimately responsible for taking action (including any disciplinary action).

Efficiency indicator					
Percentage of assessments completed within 28 days ⁽¹⁾					
2017-18	2018-19	2019-20	2020-21	2021-22	2021-22
Actual	Actual	Actual	Actual	Target	Actual
n/a	54%	81%	75%	80%	46%

(1) Calculation determined using the number of notifications.

Background

This key performance indicator was first reported in 2018-19, following a review by the Commission. It demonstrates the efficiency of the Commission's assessment function by measuring the percentage of assessments completed within 28 calendar days. The duration of an assessment is calculated from when the notification or report was received to when a decision was made by the Commission on the action (if any) to be taken.

Sometimes the Commission will receive additional information after an assessment has been completed. Any time spent re-assessing the additional information provided is not included in this performance indicator.

Previously the Commission placed an assessment into pending if further information required to complete the assessment was requested from an external source. The days a matter was in pending status were then subtracted from the total when calculating the number of days taken to complete the assessment. The Commission now no longer subtracts pending days during the calculation. As of 1 July 2021, the calculation of days taken to complete an assessment commences upon the date of receipt of a notification and ceases when a decision is made by the Commission on the action (if any) to be taken.

In light of this change, the figures since 2018-19 have been recalculated and reported.

The Commission conducts an assessment of all matters received. Many matters assessed by the Commission have a high level of complexity, which can have an impact on the timeliness of their completion. A number of matters will also require extensive further enquiries and requests for additional information to determine whether the Commission can form a reasonable suspicion of serious misconduct, and what action the Commission will take. This can further impact on timelines.

Analysis

The 2021-22 result is lower than the target and less than the 2020-21 actual result. This was influenced by a number of factors, including:

- The change to counting rules so that time waiting for provision of information from external sources is included in the total time to complete an assessment.
- Internal resourcing issues and the availability of suitable qualified assessors, further compounded by the COVID-19 pandemic in Western Australia this year.
- Competing priorities within current resources, including the completion of projects and process changes. This has impacted both the availability of assessors, and duration of assessments.
- The continued complexity of assessment matters, including the availability of lines of enquiry, and the time required to view increased amounts of body worn camera footage.

These factors coupled with the sustained high number of allegations assessed have had an impact on the Commission's timeliness in assessing allegations. A review has been undertaken to consider the internal processes and structure of the Directorate and identify opportunities and efficiencies. The review is scheduled to be finalised in September 2022 with recommendations implemented during 2022-23.

Efficiency indicator					
Average cost of assessment ⁽²⁾					
2017-18	2018-19	2019-20	2020-21	2021-22	2021-22
Actual	Actual	Actual	Actual	Target	Actual
n/a	\$1,028	\$720	\$586	\$908	\$576

(2) Calculation determined using the number of allegations.

Background

This key performance indicator was first reported in 2018-19, following a review by the Commission.

The average cost of assessment is determined by the allocation of Commission direct and indirect costs divided by the number of allegations identified.

Analysis

The 2021-22 result total \$576 is lower than the target and the 2020-21 actual result. The low result is largely impacted by the increase in the number of allegations identified during the assessment process. It is important to note that the complexity of each notification differs and therefore the number of allegations identified from each notification can vary greatly.

Service Two: Investigating allegations of serious misconduct

The Commission investigates matters that are serious and significant and where it believes it can have the most impact in improving the integrity of the public sector. The purpose of an investigation is to expose and disrupt serious misconduct and enable appropriate action to be taken in response.

Serious misconduct investigations have different degrees of complexity, raise different logistical issues and, therefore, will vary in duration. Investigations can involve the use of some or all of the Commission's powers, depending on the type of allegations under investigation. Investigations may also involve conducting private and/or public examinations to obtain information to advance the investigation.

Serious misconduct investigations can be:

- preliminary investigations;
- investigations conducted by the Commission independently; and
- investigations conducted by the Commission in cooperation with a public authority.

The Commission conducts preliminary investigations to obtain enough information to make an informed decision about whether further action should be taken. A preliminary investigation can range from gathering and analysing additional information to conducting interviews and using the powers available to the Commission.

Investigating allegations of serious misconduct in cooperation with public authorities provides a number of benefits such as sharing of information and resources and making the investigation process more efficient. It also allows public authorities to manage their own risks during the investigation process and to take greater ownership of any outcomes.

Effectiveness indicators					
Number of investigations					
2017-18	2018-19	2019-20	2020-21	2021-22	2021-22
Actual	Actual	Actual	Actual	Target	Actual
62	50	59	58	50	57

Background

The Commission conducts investigations:

- in response to serious misconduct allegations reported/notified to it;
- proactively through its own propositions about serious misconduct in the public sector (for example into priority areas of serious misconduct risk); and
- to use its powers and conduct examinations (when needed) during a review of how a public authority has responded to recommendations made by the Commission.

This key performance indicator was first reported in 2018-19, following a review by the Commission. It reflects the total number of serious misconduct investigations that were completed during, or are still active (open), at the end of the reporting period. Serious misconduct investigations may be active over multiple financial years before being completed. Each serious misconduct investigation can contain one or more allegations from this or previous reporting periods.

Analysis

In 2020-21, the number of serious misconduct investigations conducted by the Commission totalled 57, which is higher than the target by 7 investigations and similar 2020-21 actual result.

Effectiveness indicators					
Number of reports published					
2017-18	2018-19	2019-20	2020-21	2021-22	2021-22
Actual	Actual	Actual	Actual	Target	Actual
13	45	43	33	40	38

Background

The Commission produces reports (under Part 5 of the CCM Act) detailing the outcome of investigations (conducted by the Commission or a public authority) and other matters. The majority of reports are provided directly to public authorities, but the Commission will report publicly on investigations where there are lessons to be learned by a wider audience.

The purpose of these reports is to educate and apprise the public sector of serious misconduct issues and to and inform actions to address misconduct risks. Reports also enable the Parliament of Western Australia and the Western Australian community to know that significant serious misconduct allegations and issues are dealt with appropriately and transparently.

This key performance indicator reflects the total number of reports tabled in the Parliament of Western Australia or provided directly to Directors General, Commissioners and Chief Executive Officers.

Analysis

The increase in the number of reports published trend from 2017-18 to 2018-19 is due to a change in the counting rules, with the aim to more accurately reflect the range of reports the Commission produces in accordance with the CCM Act. Prior to 2017, the Commission only counted reports tabled in Parliament of Western Australia.

The 2021-22 result totalled 38 reports produced, close to the target of 40 reports and is more than the 2020-21 actual result. In recent years, the reduction in the number of reports produced is due to the more involved nature and increased complexity of investigations completed during the year.

The 2021-22 result is made up of:

- 10 reports tabled in the Parliament of Western Australia:
 1. Review of the Department of Transport's management of unlawful access to TRELIS – 5 August 2021
 2. Serious misconduct by the CEO (Shire of Ravensthorpe) – 22 September 2021
 3. CCC Annual Report 2020-21 – 27 October 2021
 4. Exposing corruption in the Department of Communities – 16 November 2021
 5. A report into WA Police Force's identification and management of at risk officers – 2 December 2021
 6. Misconduct within the Department of Communities relating to country building projects – 7 April 2022
 7. Final review of recommendations made following reports on dangerous drugs in hospitals WA – 7 April 2022
 8. A report on the deployment of police dogs – 11 May 2022
 9. Report on the balance of recommendations out of previous Commission reports on the Department of Corrective Services – 10 May 2022
 10. A report on Murdoch University's governance and oversight of farm – June 2022

- 28 reports provided to Directors General, Commissioners and Chief Executive Officers at the conclusion of a Commission investigation or review of a public authority's investigation into serious misconduct or related to other serious misconduct matters.

The Commission takes decisions about releasing information to the public very seriously and does so only after determining it is in the public interest. For this reason, a large number of reports produced by the Commission are provided directly to the heads of public authorities and not published publicly.

Efficiency indicator					
Percentage of investigations completed within 12 months					
2017-18	2018-19	2019-20	2020-21	2021-22	2021-22
Actual	Actual	Actual	Actual	Target	Actual
n/a	79%	84%	67%	80%	62%

Background

It is important that the Commission's investigations into serious misconduct are completed in a timely manner so appropriate action can be taken in response to issues and risks identified.

This key performance indicator was first reported in 2018-19, following a review by the Commission. The aim of this indicator is to demonstrate the efficiency of the Commission's investigative function by measuring the percentage of investigations completed within 12 months.

This indicator aims to measure the timeliness of the investigations function by determining the percentage of investigations completed within one year during the reporting period.

Analysis

The 2021-22 result is similar to 2020-21 result and is less than the target, reflecting the involving nature and increasing complexity of serious misconduct allegations that Commission investigates.

Efficiency indicator					
Average time (days) to complete an investigation into serious misconduct					
2017-18	2018-19	2019-20	2020-21	2021-22	2021-22
Actual	Actual	Actual	Actual	Target	Actual
n/a	309	241	347	350	395

Background

This key performance indicator was first reported in 2018-19, following a review by the Commission. The aim of this indicator is to demonstrate the efficiency of the Commission's investigative function by measuring the average time (in days) to complete an investigation.

This indicator is based on serious misconduct investigations completed during the reporting period. The duration of an investigation is recorded as the time (in days) taken from when it is authorised to when either a report is published on its outcome or a decision is made by the delegated authority to close the investigation.

With each investigation being different, it can bring a different degree of complexity and logistical issues which can vary the duration of the investigation.

Analysis

The 2021-22 result of 395 days is more than the target and 2020-21 result. This is due to the more involving nature and increased complexity of investigations.

Certification of financial statements

For the reporting period ended 30 June 2022

The accompanying financial statements of the Corruption and Crime Commission have been prepared in compliance with the provisions of the *Financial Management Act 2006* from proper accounts and records to present fairly the financial transactions for the financial year ended 30 June 2022 and the financial position as at 30 June 2022.

At the date of signing we are not aware of any circumstances which would render the particulars included in the financial statements misleading or inaccurate.



Scott Ellis
ACTING COMMISSIONER

13 December 2022



Mathew Squires
CHIEF FINANCE OFFICER

13 December 2022

Statement of Comprehensive Income

For the year ended 30 June 2022

	Notes	2022 \$'000	2021 \$'000
COST OF SERVICES			
Expenses			
Employee benefits expense	2.1.1	17,074	18,181
Supplies and services	2.2	5,344	4,972
Depreciation and amortisation expense	4.1.1, 4.2	1,247	1,564
Finance costs	6.2	9	9
Accommodation expenses	2.2	2,357	2,395
Other expenses	2.2	810	806
Total cost of services		26,841	27,927
Income			
Revenue			
Other revenue	3.2	205	153
Total revenue		205	153
Gains			
(Loss)/gain on disposal of non-current assets	3.3	(27)	(15)
Total gains		(27)	(15)
Total income other than income from State Government		178	138
NET COST OF SERVICES		26,663	27,789
Income from State Government			
Service appropriation	3.1	27,854	27,384
Services received free of charge	3.1	289	414
Total income from State Government		28,143	27,798
SURPLUS FOR THE PERIOD		1,480	9
TOTAL COMPREHENSIVE INCOME FOR THE PERIOD		1,480	9

The Statement of Comprehensive Income should be read in conjunction with the accompanying notes.

Statement of Financial Position

As at 30 June 2022

	Notes	2022 \$'000	2021 \$'000
ASSETS			
Current assets			
Cash and cash equivalents	6.3	10,660	9,427
Receivables	5.1	321	247
Amounts receivable for services	5.2	1,300	1,300
Other current assets	5.3	989	1,209
Total current assets		13,270	12,183
Non-current assets			
Restricted cash and cash equivalents	6.3	395	326
Receivables	5.1	146	146
Amounts receivable for services	5.2	16,009	15,543
Plant and equipment	4.1	2,592	2,519
Intangible assets	4.2	460	334
Right-of-use assets	4.3	405	564
Total non-current assets		20,007	19,432
TOTAL ASSETS		33,277	31,615

	Notes	2022 \$'000	2021 \$'000
LIABILITIES			
Current liabilities			
Payables	5.4	743	557
Lease liabilities	6.1	207	213
Employee benefits provisions	2.1.2	3,790	3,280
Total current liabilities		4,740	4,050
Non-current liabilities			
Lease liabilities	6.1	226	357
Employee benefits provisions	2.1.2	729	1,325
Total non-current liabilities		955	1,682
TOTAL LIABILITIES		5,695	5,732
NET ASSETS		27,582	25,883
EQUITY			
Contributed equity	8.7	12,928	12,709
Accumulated surplus		14,654	13,174
TOTAL EQUITY		27,582	25,883

The Statement of Financial Position should be read in conjunction with the accompanying notes.

Statement of Changes in Equity

For the year ended 30 June 2022

	Note	Contributed equity \$'000	Accumulated surplus/(deficit) \$'000	Total equity \$'000
BALANCE AT 1 JULY 2020	8.7	12,466	13,165	25,631
Surplus/(deficit)		-	9	9
Total comprehensive income for the period		-	9	9
Transactions with owners in their capacity as owners:				
- Capital appropriations		243	-	243
Total		243	-	243
BALANCE AT 30 JUNE 2021		12,709	13,174	25,883
BALANCE AT 1 JULY 2021	8.7	12,709	13,174	25,883
Surplus/(deficit)		-	1,480	1,480
Total comprehensive income for the period		-	1,480	1,480
Transactions with owners in their capacity as owners:				
- Capital appropriations		219	-	219
Total		219	-	219
BALANCE AT 30 JUNE 2022		12,928	14,654	27,582

The Statement of Changes in Equity should be read in conjunction with the accompanying notes.

Statement of Cash Flows

For the year ended 30 June 2022

	Note	2022 \$'000	2021 \$'000
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriation		26,088	25,951
Capital appropriation		219	243
Holding account drawdown		1,300	1,300
Net cash provided by State Government		27,607	27,494
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employees benefits		(17,123)	(17,695)
Supplies and services		(4,693)	(4,918)
Finance costs		(9)	(9)
Accommodation		(2,357)	(2,395)
GST payments on purchases		(969)	(898)
Other payments		(817)	(808)
Receipts			
GST receipts from services		13	12
GST receipts from taxation authority		899	889
Other receipts		202	221
Net cash used in operating activities		(24,854)	(25,601)

	Note	2022 \$'000	2021 \$'000
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments			
Purchase of non-current physical assets		(1,225)	(1,197)
Receipts			
Proceeds from sale of non-current physical assets		-	44
Net cash used in investing activities		(1,225)	(1,153)
CASH FLOWS FROM FINANCING ACTIVITIES			
Payments			
Principal elements of lease payments		(226)	(244)
Net cash used in financing activities		(226)	(244)
Net increase/(decrease) in cash and cash equivalents		1,302	496
Cash and cash equivalents at the beginning of the period		9,753	9,257
CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD	6.3	11,055	9,753

The Statement of Cash Flows should be read in conjunction with the accompanying notes.

Notes to the Financial Statements

1 Basis of Preparation

The Commission is a WA Government entity and is controlled by the State of Western Australia, which is the ultimate parent. The Commission is a not-for-profit entity (as profit is not its principal objective).

A description of the nature of its operations and its principal activities have been included in the 'Overview' which does not form part of these financial statements.

These annual financial statements were authorised for issue by the Accountable Authority of the Commission on 13 December 2022.

Statement of compliance

These general purpose financial statements have been prepared in accordance with:

- The *Financial Management Act 2006* (FMA)
- The Treasurer's Instructions (the Instructions or TI)
- Australian Accounting Standards (AAS) Simplified Disclosure
- Where appropriate, those AAS paragraphs applicable for not-for-profit entities have been applied.

The *Financial Management Act 2006* and the Instructions take precedence over AAS. Several AAS are modified by the Instructions to vary application, disclosure format and wording. Where modification is required and has had a material or significant financial effect upon the reported results, details of that modification and the resulting financial effect are disclosed in the notes to the financial statements.

Basis of preparation

These financial statements are presented in Australian dollars applying the accrual basis of accounting and using the historical cost convention. Certain balances will apply a different measurement basis (such as the fair value basis). Where this is the case the different measurement basis is disclosed in the associated note.

All values are rounded to the nearest thousand dollars (\$'000).

Judgements and estimates

Judgements, estimates and assumptions are required to be made about financial information being presented. The significant judgements and estimates made in the preparation of these financial statements are disclosed in the notes where amounts affected by those judgements and/or estimates are disclosed. Estimates and associated assumptions are based on professional judgements derived from historical experience and various other factors that are believed to be reasonable under the circumstances.

Accounting for Goods and Services Tax (GST)

Income, expenses and assets are recognised net of the amount of goods and services tax (GST), except that the:

- amount of GST incurred by the Agency as a purchaser that is not recoverable from the Australian Taxation Office (ATO) is recognised as part of an asset's cost of acquisition or as part of an item of expense; and

- receivables and payables are stated with the amount of GST included.

Cash flows are included in the Statement of cash flows on a gross basis. However, the GST components of cash flows arising from investing and financing activities which are recoverable from, or payable to, the ATO are classified as operating cash flows.

Contributed equity

The AASB Interpretation 1038 *Contributions by Owners Made to Wholly-Owned Public Sector Entities* requires transfers in the nature of equity contributions, other than as a result of a restructure of administrative arrangements, to be designated as contributions by owners (at the time of, or prior, to transfer) before such transfers can be recognised as equity contributions. Capital appropriations have been designated as contributions by owners by TI 955 *Contributions by Owners made to Wholly Owned Public Sector Entities* and have been credited directly to Contributed Equity.

Comparative information

Except when an AAS permits or requires otherwise, comparative information is presented in respect of the previous period for all amounts reported in the financial statements. AASB 1060 provides relief from presenting comparatives for:

- Property, Plant and Equipment reconciliations;
- Intangible Asset reconciliations; and
- Right of Use Asset reconciliations.

2 Use of our funding

2.1 Expenses incurred in the delivery of services

This section provides additional information about how the Commission's funding is applied and the accounting policies that are relevant for an understanding of the items recognised in the financial statements. The primary expenses incurred by the Commission in achieving its objectives and the relevant notes are:

	Notes
Employee benefits expenses	2.1.1
Employee benefits provisions	2.1.2
Other expenses	2.2

2.1.1 Employee benefits expenses

	2022 \$'000	2021 \$'000
Employee benefits	15,518	16,553
Superannuation – defined contribution plans	1,556	1,628
Employee benefits expenses	17,074	18,181
Add: AASB 16 Non-monetary benefits	25	23
Less: Employee Contributions	(7)	(16)
Net employee benefits	17,092	18,188

Employee benefits: Includes wages, salaries and social contributions, accrued and paid leave entitlements and paid sick leave, and non-monetary benefits recognised under accounting standards other than AASB 16 (such as medical care, housing, cars and free or subsidised goods or services) for employees.

Superannuation: The amount recognised in profit or loss of the Statement of Comprehensive Income comprises employer contributions paid to the GSS (concurrent contributions), the West State Super (WSS), the Government Employees Superannuation Board (GESB), or other superannuation funds.

AASB 16 Non-monetary benefits: Non-monetary employee benefits relate to the provision of vehicle benefits measured at the cost incurred by the Commission.

Employee Contributions: are contributions made to the Commission by employees towards employee benefits that have been provided by the Commission. This includes both AASB-16 and non-AASB 16 employee contributions.

2.1.2 Employee benefits provisions

Provision is made for benefits accruing to employees in respect of annual leave and long service leave for services rendered up to the reporting date and recorded as an expense during the period the services are delivered.

	2022 \$'000	2021 \$'000
Current		
<i>Employee benefits provisions</i>		
Annual leave ^(a)	1,341	1,429
Long service leave ^(b)	1,946	1,541
Personal leave ^(c)	431	266
Deferred salary scheme ^(d)	36	17
	3,754	3,253
<i>Other provisions</i>		
Employment on-costs ^(e)	36	27
	36	27
Total current employee benefits provisions	3,790	3,280
Non-current		
<i>Employee benefits provisions</i>		
Long service leave ^(b)	721	1,313
	721	1,313
<i>Other provisions</i>		
Employment on-costs ^(e)	8	12
	8	12
Total non-current employee benefits provisions	729	1,325
TOTAL EMPLOYEE BENEFITS PROVISIONS	4,519	4,605

- a) **Annual leave liabilities:** Classified as current as there is no unconditional right to defer settlement for at least 12 months after the end of the reporting period.

The provision for annual leave is calculated at the present value of expected payments to be made in relation to services provided by employees up to the reporting date.

- b) **Long service leave liabilities:** Unconditional long service leave provisions are classified as **current** liabilities as the Commission does not have an unconditional right to defer settlement of the liability for at least 12 months after the end of the reporting period.

Pre-conditional and conditional long service leave provisions are classified as **non-current** liabilities because the Commission has an unconditional right to defer the settlement of the liability until the employee has completed the requisite years of service.

The provision for long service leave is calculated at present value as the Commission does not expect to wholly settle the amounts within 12 months. The present value is measured taking into account the present value of expected future payments to be made in relation to services provided by employees up to the reporting date. These payments are estimated using the remuneration rate expected to apply at the time of settlement, discounted using market yields at the end of the reporting period on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

- c) **Personal leave:** Recognition of accumulated non-vesting personal leave balances that are expected to carryover into the next financial year and drawn upon when staff take leave entitlements in excess of the current year entitlement.

The provision for personal leave is calculated at the present value of expected leave payments to be made in relation to excess personal leave taken from prior year accumulated balances under AASB 119.

- d) **Deferred salary scheme liabilities:** Classified as current where there is no unconditional right to defer settlement for at least 12 months after the end of the reporting period.

- e) **Employment on-costs:** The settlement of annual and long service leave liabilities gives rise to the payment of employment on-costs including workers' compensation insurance. The provision is the present value of expected future payments.

Employment on-costs, including workers' compensation insurance, are not employee benefits and are recognised separately as liabilities and expenses when the employment to which they relate has occurred. Employment on-costs are included as part of 'Other expenses, Note 2.2 (apart from the unwinding of the discount (finance cost))' and are not included as part of the Commission's 'employee benefits expense'. The related liability is included in 'Employment on-costs provision'.

	2022 \$'000	2021 \$'000
Employment on-cost provision		
Carrying amount at start of period	39	37
Additional provisions recognised	55	28
Payments/other sacrifices of economic benefits	(50)	(26)
Carrying amount at end of period	44	39

Key sources of estimation uncertainty – long service leave

Key estimates and assumptions concerning the future are based on historical experience and various other factors that have a significant risk of causing a material adjustment to the carrying amount of assets and liabilities within the next financial year.

Several estimates and assumptions are used in calculating the Commission's long service leave provision. These include:

- Expected future salary rates
- Discount rates
- Employee retention rates; and
- Expected future payments

Changes in these estimations and assumptions may impact on the carrying amount of the long service leave provision.

Any gain or loss following revaluation of the present value of long service leave liabilities is recognised as employee benefits expense.

2.2 Other expenses

	2022 \$'000	2021 \$'000
Supplies and services		
Communications	310	517
Consultants and contractors	3,531	3,252
Resources received free of charge	152	395
Motor vehicle expenses	81	79
Legal expenses	441	229
Publications and printing	1	5
Consumables	229	259
Minor plant and equipment	545	231
Travel	54	5
Total supplies and services expenses	5,344	4,972
Accommodation expenses		
Office rental	1,579	1,540
Other accommodation expenses	778	855
Total accommodation expenses	2,357	2,395
Other expenditures		
Equipment repairs and maintenance	65	27
Employment on-costs	607	602
Audit fees	132	171
Other expenses	6	6
Total other expenditures	810	806
TOTAL OTHER EXPENSES	8,511	8,173

Supplies and services are recognised as an expense in the reporting period in which they are incurred. The carrying amounts of any materials held for distribution are expensed when the materials are distributed.

Resources received free of charge includes the recognition of employees engaged at the Commission from other state government agencies to assist with Commission investigations.

Office rental is expensed as incurred as Memorandum of Understanding Agreements between the Agency and the Department of Finance for the leasing of office accommodation contain significant substitution rights.

Repairs, maintenance and cleaning costs are recognised as expenses as incurred.

Other operating expenses generally represent the other day-to-day running costs incurred in normal operations.

Equipment repairs and maintenance costs are recognised as expenses as incurred, except where they relate to the replacement of a significant component of an asset. In that case, the costs are capitalised and depreciated.

Employee on-cost includes workers' compensation insurance and other employment on-costs. The on costs liability associated with the recognition of annual and long service leave liabilities is included at Note 2.1.2 Employee benefit provision. Superannuation contributions accrued as part of the provision for leave are employee benefits and are not included in employment on-costs.

3 Our funding sources

How we obtain our funding

This section provides additional information about how the Commission obtains its funding and the relevant accounting policy notes that govern the recognition and measurement of this funding. The primary income received by the Commission and the relevant notes are:

	Notes
Income from State Government	3.1
Other revenue	3.2
(Losses)/gains on disposal of non-current assets	3.3

3.1 Income from State Government

	2022 \$'000	2021 \$'000
Appropriation received during the period:		
- Service appropriation ^(a)	27,854	27,384
Total service appropriations received	27,854	27,384
Services received free of charge from other State government agencies during the period ^(b) :		
- Building Management and Works	11	12
- State Solicitors Office	126	7
- Placements	152	395
Total services received	289	414
TOTAL INCOME FROM STATE GOVERNMENT	28,143	27,798

a) **Service appropriations:** are recognised as income at fair value of consideration received in the period in which the Commission gains control of the appropriated funds. The Commission gains control of appropriated funds at the time those funds are deposited in the bank account or credited to the holding account held at Treasury.

b) **Services received free of charge from other State government agencies:** are recognised as income equivalent to the fair value of the assets received, or the fair value of those services received that can be reliably determined and which would have been purchased if not donated.

Summary of consolidated account appropriations For the year ended 30 June 2022

2022					
	Budget estimate \$'000	Supple- mentary funding \$'000	Revised budget \$'000	Actual \$'000	Variance \$'000
Delivery of services					
Item 68 Net amount appropriated to deliver services	27,351	-	27,351	27,351	-
Amount authorised by other statutes:					
- <i>Corruption, Crime and Misconduct Act 2003</i>	503	-	503	503	-
Total appropriations provided to deliver services	27,854	-	27,854	27,854	-
Capital					
Item 132 Capital appropriations	219	-	219	219	-
Total consolidated account appropriations	28,073	-	28,073	28,073	-

3.2 Other revenue

	2022 \$'000	2021 \$'000
Other revenue	198	137
Contributions to government vehicle scheme	7	16
Total other revenue	205	153

3.3 (Loss)/gain on disposal of non-current assets

	2022 \$'000	2021 \$'000
Net proceeds from disposal of non-current assets		
Operations equipment and motor vehicles	-	(15)
Carrying amount of non-current assets disposed		
Operations equipment and motor vehicles	(27)	-
Total other income	(27)	(15)

4 Key assets

Assets the Commission utilises for economic benefit or service potential

This section includes information regarding the key assets the Commission utilises to gain economic benefits or provide service potential. The section sets out both the key accounting policies and financial information about the performance of these assets:

	Notes
Plant and equipment	4.1
Intangibles	4.2
Right-of-use assets	4.3

4.1 Plant and equipment

	Office equipment \$'000	Computer equipment \$'000	Operations equipment vehicles \$'000	Leasehold improve- ments \$'000	Works in progress \$'000	Total \$'000
1 July 2021						
Gross carrying amount	302	7,171	3,972	1,637	-	13,082
Accumulated depreciation	(100)	(6,339)	(3,738)	(386)	-	(10,563)
Carrying amount at start of period	202	832	234	1,251	-	2,519
Additions	289	345	78	-	165	877
Disposals	(8)	-	(19)	-	-	(27)
Depreciation	(108)	(401)	(152)	(116)	-	(777)
Carrying amount at 30 June 2022	375	776	141	1,135	165	2,592
Gross carrying amount	572	6,789	2,819	1,637	165	11,982
Accumulated depreciation	(197)	(6,013)	(2,678)	(502)	-	(9,390)

Initial recognition

Items of plant and equipment, costing \$5,000 or more are measured initially at cost. Where an asset is acquired for no or nominal cost, the cost is valued at its fair value at the date of acquisition. Items of plant and equipment costing less than \$5,000 are immediately expensed direct to the Statement of Comprehensive Income (other than where they form part of a group of similar items which are significant in total).

The cost of a leasehold improvement is capitalised and depreciated over the shorter of the remaining term of the lease or the estimated useful life of the leasehold improvement.

Subsequent measurement

Plant and equipment are stated at historical cost less accumulated depreciation and accumulated impairment losses.

4.1.1 Depreciation and impairment charge for the period

	Note	2022 \$'000	2021 \$'000
Depreciation			
Office equipment	4.1	108	28
Computer equipment	4.1	401	889
Operations equipment and motor vehicles	4.1	152	169
Leasehold improvements	4.1	116	111
Right-of-use assets	4.3	248	224
Total depreciation for this period		1,025	1,421

As at 30 June 2022 there were no indications of impairment to plant and equipment. All surplus assets at 30 June 2022 have either been classified as assets held for sale or have been written-off.

Useful lives

All plant and equipment having a limited useful life are systematically depreciated over their estimated useful lives in a manner that reflects the consumption of their future economic benefits. The exception to this rule is assets held for sale.

Depreciation is generally calculated on a straight line basis, at rates that allocate the asset's value, less any estimated residual value, over its estimated useful life. Typical estimated useful lives for the different asset classes for current and prior years are included in the table below:

Leasehold Improvements	10–15 years or remaining period of lease
Computer Equipment	3–5 years
Operations Equipment	3–5 years
Office Equipment	3–5 years
Motor Vehicles	5 years
Software ^(a)	3 years

(a) Software that is integral to the operation of related hardware.

The estimated useful lives, residual values and depreciation method are reviewed at the end of each annual reporting period, and adjustments should be made where appropriate.

Impairment

Non-financial assets, including items of plant and equipment, are tested for impairment whenever there is an indication that the asset may be impaired. Where there is an indication of impairment, the recoverable amount is estimated. Where the recoverable amount is less than the carrying amount, the asset is considered impaired and is written down to the recoverable amount and an impairment loss is recognised.

Where an asset measured at cost is written down to its recoverable amount, an impairment loss is recognised through profit or loss. If there is an indication that there has been a reversal in impairment, the carrying amount shall be increased to its recoverable amount. However this reversal should not increase the asset's carrying amount above what would have been determined, net of depreciation or amortisation, if no impairment loss had been recognised in prior years.

4.2 Intangible assets

	Computer software \$'000	Total \$'000
Year ended 30 June 2022		
1 July 2021		
Gross carrying amount	1,967	1,967
Accumulated amortisation	(1,633)	(1,633)
Carrying amount at start of period	334	334
Additions	348	348
Disposals	-	-
Amortisation expense	(222)	(222)
Carrying amount at end of period	460	460

Initial recognition

Intangible assets are initially recognised at cost. For assets acquired at significantly less than fair value, the cost is their fair value at the date of acquisition.

An internally generated intangible asset arising from development (or from the development phase of an internal project) is recognised if, and only if, all of the following are demonstrated:

- the technical feasibility of completing the intangible asset so that it will be available for use or sale;
- an intention to complete the intangible asset, and use or sell it;
- the ability to use or sell the intangible asset;
- the intangible asset will generate probable future economic benefit;
- the availability of adequate technical, financial and other resources to complete the development and to use or sell the intangible asset; and
- the ability to measure reliably the expenditure attributable to the intangible asset during its development.

Acquisitions of intangible assets costing \$5,000 or more and internally generated intangible assets at a minimum of \$5,000 that comply with the recognition criteria as per AASB 138.57 (as noted above) are capitalised.

Costs incurred below these thresholds are immediately expensed directly to the Statement of Comprehensive Income. Costs incurred in the research phase of a project are immediately expensed.

Subsequent measurement

The cost model is applied for subsequent measurement of intangible assets, requiring the asset to be carried at cost less any accumulated amortisation and accumulated impairment losses.

Useful lives

Amortisation of finite life intangible assets is calculated on a straight line basis at rates that allocate the asset's value over its estimated useful life. All intangible assets controlled by the Commission have a finite useful life and zero residual value. Estimated useful lives are reviewed annually.

The estimated useful lives for each class of intangible asset are:

Software ^(a)	3–5 years
Website costs	3–5 years

(a) Software that is not integral to the operation of related hardware.

Impairment of intangible assets

Intangible assets with finite useful lives are tested for impairment annually or when an indication of impairment is identified. As at 30 June 2022 there were no indications of impairment to intangible assets.

The policy in connection with testing for impairment is outlined in Note 4.1.

Computer software

Software that is an integral part of the related hardware is recognised as part of the tangible asset. Software that is not an integral part of the related hardware is recognised as an intangible asset. Software costing less than \$5,000 is expensed in the year of acquisition.

4.3 Right-of-use assets

	Accommodation \$'000	Motor vehicles \$'000	Total \$'000
1 July 2021			
Gross carrying amount	450	310	760
Accumulated depreciation	(37)	(159)	(196)
Carrying amount at beginning of period	413	151	564
Additions	23	66	89
Disposals	-	-	-
Depreciation	(160)	(88)	(248)
Net carrying amount at 30 June 2022	276	129	405

The Commission has leases for vehicles and office accommodation. The lease contracts are typically made for fixed periods of 1–10 years with an option to renew the lease after that date. Lease payments for buildings not leased through the Department of Finance are renegotiated every five years to reflect market rentals.

The Commission has also entered into a Memorandum of Understanding Agreements with the Department of Finance for the leasing of office accommodation. These are not recognised under AASB 16 because of substitution rights held by the Department of Finance and are accounted for as an expense as incurred.

Initial recognition

At the commencement date of the lease, the Commission recognises right-of-use assets and a corresponding lease liability for most leases. The right-of-use assets are measured at cost comprising of:

- the amount of the initial measurement of lease liability
- any lease payments made at or before the commencement date less any lease incentives received

- any initial direct costs, and
- restoration costs, including dismantling and removing the underlying asset.

The corresponding lease liabilities in relation to these right-of-use assets have been disclosed in Note 6.1.

The Commission has elected not to recognise right-of-use assets and lease liabilities for short-term leases (with a lease term of 12 months or less) and low value leases (with an underlying value of \$5,000 or less). Lease payments associated with these leases are expensed over straight-line basis over the lease term.

Subsequent measurement

The cost model is applied for subsequent measurement of right-of-use assets, requiring the asset to be carried at cost less any accumulated depreciation and accumulated impairment losses and adjusted for any re-measurement of lease liability.

Depreciation and impairment of right-of-use assets

Right-of-use assets are depreciated on a straight-line basis over the shorter of the lease term and the estimated useful lives of the underlying assets.

If ownership of the leased asset transfers to the Agency at the end of the lease term or the cost reflects the exercise of a purchase option, depreciation is calculated using the estimated useful life of the asset.

Right-of-use assets are tested for impairment when an indication of impairment is identified. The policy in connection with testing for impairment is outlined in Note 4.1.1.

5 Other assets and liabilities

This section sets out those assets and liabilities that arose from the Commission's controlled operations and includes other assets utilised for economic benefits and liabilities incurred during normal operations:

	Notes
Receivables	5.1
Amounts receivable for services (Holding Account)	5.2
Other assets	5.3
Payables	5.4

5.1 Receivables

	2022 \$'000	2021 \$'000
Current		
Trade receivables	111	94
Goods and Services Tax (GST) receivable	210	153
Total current	321	247
Non-current		
Security Deposit	146	146
Total non-current	146	146
TOTAL RECEIVABLES	467	393

Trade receivables are recognised at original invoice amount less any allowances for uncollectible amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

5.2 Amounts receivable for services (Holding Account)

	2022 \$'000	2021 \$'000
Current	1,300	1,300
Non-current	16,009	15,543
Balance at end of period	17,309	16,843

Amounts receivable for services: Amounts receivable for services represent the non-cash component of service appropriations. It is restricted in that it can only be used for asset replacement or payment of leave liability.

Amounts receivable for services are considered financial assets at amortised cost, and are not considered impaired. (i.e. there is no expected credit loss of the Holding Account).

5.3 Other assets

	2022 \$'000	2021 \$'000
Current		
Prepayments	989	1,209
Total current	989	1,209

Other non-financial assets include prepayments which represent payments in advance of receipt of goods or services or that part of expenditure made in one accounting period covering a term extending beyond that period.

5.4 Payables

	2022 \$'000	2021 \$'000
Current		
Trade payables	313	131
Accrued salaries	337	300
Accrued expenses	93	126
Total payables at end of period	743	557

Payables: Payables are recognised at the amounts payable when the Commission becomes obliged to make future payments as a result of a purchase of assets or services. The carrying amount is equivalent to fair value, as settlement is generally within 30 days.

Accrued salaries: Accrued salaries represent the amount due to staff but unpaid at the end of the reporting period. Accrued salaries are settled within a fortnight of the reporting period end. The Commission considers the carrying amount of accrued salaries to be equivalent to its fair value.

6 Financing

This section sets out the material balances and disclosures associated with the financing and cash flows of the Commission:

	Notes
Lease liabilities	6.1
Finance costs	6.2
Cash and cash equivalents	6.3

6.1 Lease liabilities

	2022 \$'000	2021 \$'000
Not later than one year	207	213
Later than one year and not later than five years	223	357
Later than five years	3	-
	433	570
Current	207	213
Non-current	226	357
Balance at end of period	433	570

At the commencement date of the lease, the Commission recognises lease liabilities measured at the present value of lease payments to be made over the lease term. The lease payments are discounted using the interest rate implicit in the lease. If that rate cannot be readily determined, the Agency uses the incremental borrowing rate provided by Western Australia Treasury Corporation.

- Lease payments included by the Commission as part of the present value calculation of lease liability include:

- Fixed payments (including in-substance fixed payments), less any lease incentives receivable;
- Variable lease payments that depend on an index or a rate initially measured using the index or rate as at the commencement date;
- Amounts expected to be payable by the lessee under residual value guarantees;
- The exercise price of purchase options (where these are reasonably certain to be exercised);
- Payments for penalties for terminating a lease, where the lease term reflects the agency exercising an option to terminate the lease.
- Periods covered by extension or termination options are only included in the lease term by the Agency if the lease is reasonably certain to be extended (or not terminated).

The interest on the lease liability is recognised in the Statement of Comprehensive Income over the lease term so as to produce a constant periodic rate of interest on the remaining balance of the liability for each period. Lease liabilities do not include any future changes in variable lease payments (that depend on an index or rate) until they take effect, in which case the lease liability is reassessed and adjusted against the right-of-use asset.

Variable lease payments, not included in the measurement of lease liability, that are dependent on sales an index or a rate are recognised by the Commission in profit or loss in the period in which the condition that triggers those payment occurs.

Subsequent measurement

Lease liabilities are measured by increasing the carrying amount to reflect interest on the lease liabilities; reducing the carrying amount to reflect the lease payments made; and remeasuring the carrying amount at amortised cost, subject to adjustments to reflect any reassessment or lease modifications.

This section should be read in conjunction with Note 4.3.

6.2 Finance costs

	2022 \$'000	2021 \$'000
Lease interest expense	9	9
Finance costs expensed	9	9

'Finance cost' includes the interest component of lease liability repayments.

6.3 Cash and cash equivalents

	2022 \$'000	2021 \$'000
Cash and cash equivalents	10,660	9,427
Restricted cash and cash equivalents:		
- Accrued salaries suspense account ^(a)	395	326
Total restricted cash and cash equivalents	11,055	9,753

(a) Funds held in the suspense account for the purpose of meeting the 27th pay in a reporting period that occurs every 11th year. This account is classified as non-current for 10 out of 11 years.

For the purpose of the statement of cash flows, cash and cash equivalent assets comprise cash on hand and short term deposits with original maturities of three months or less that are readily convertible to a known amount of cash and which are subject to insignificant risk of changes in value.

The accrued salaries suspense account consists of amounts paid annually, from Commission appropriations for salaries expense, into a Treasury suspense account to meet the additional cash outflow for employee salary payments in reporting periods with 27 pay days instead of the normal 26. No interest is received on this account.

7 Financial instruments and contingencies

This note sets out the key risk management policies and measurement techniques of the Commission:

	Notes
Financial instruments	7.1
Contingent assets and liabilities	7.2

7.1 Financial instruments

The carrying amounts of each of the following categories of financial assets and financial liabilities at the end of the reporting period are:

	2022 \$'000	2021 \$'000
Financial assets		
Cash and cash equivalents	10,660	9,427
Restricted cash and cash equivalents	395	326
Financial assets at amortised cost ^(a)	17,566	17,083
Total financial assets	28,621	26,836
Financial liabilities		
Financial liabilities measured at amortised cost ^(b)	743	557
Total financial liabilities	743	557

(a) The amount of financial assets at amortised cost excludes GST recoverable from the ATO (statutory receivable).

(b) The amount of financial liabilities at amortised cost excludes GST payable to the ATO (statutory payable).

Measurement

All financial assets and liabilities are carried without subsequent remeasurement.

7.2 Contingent assets and liabilities

Contingent assets and contingent liabilities are not recognised in the statement of financial position but are disclosed and, if quantifiable, are measured at the best estimate.

Contingent assets and liabilities are presented inclusive of GST receivable or payable respectively.

7.2.1 Contingent assets

The Commission has no contingent assets.

7.2.2 Contingent liabilities

The Commission has no contingent liabilities.

8 Other disclosures

This section includes additional material disclosures required by accounting standards or other pronouncements, for the understanding of this financial report.

	Notes
Events occurring after the end of the reporting period	8.1
Key Management personnel	8.2
Related party transactions	8.3
Affiliated bodies	8.4
Related bodies	8.5
Remuneration of auditors	8.6
Equity	8.7
Supplementary financial information	8.8

8.1 Events occurring after the end of the reporting period

There have been no material events occurring after 30 June 2022.

8.2 Key management personnel

The Commission has determined that key management personnel include cabinet ministers and senior officers of the Commission. The Commission does not incur expenditures to compensate Ministers and those disclosures may be found in the *Annual Report on State Finances*.

The total fees, salaries, superannuation, non-monetary benefits and other benefits for the Commissioner, Acting Commissioner and senior officers of the Commission for the reporting period are presented within the following bands:

	2022	2021
Compensation of members of the accountable authority		
\$500,001 – \$600,000	1	-
\$300,001 – \$400,000	-	1
\$90,001 – \$100,000	1	-
\$10,001 – \$20,000	-	1
Compensation of senior officers		
\$440,001 – \$450,000	1	-
\$420,001 – \$430,000	-	1
\$320,001 – \$330,000	1	-
\$300,001 – \$310,000	1	-
\$270,001 – \$280,000	-	1
\$250,001 – \$260,000	1	-
\$200,001 – \$210,000	-	1
\$190,001 – \$200,000	1	1
\$180,001 – \$190,000	-	1
\$160,001 – \$170,000	1	-
\$90,000 – \$100,000	1	-
\$10,001 – \$20,000	1	-

	2022 \$'000	2021 \$'000
Short-term employee benefits	2,188	1,460
Post-employment benefits	175	138
Other long-term benefits	45	24
Total compensation of senior officers	2,408	1,622

Compensation of senior officers

Total compensation includes the superannuation expense incurred by the Commission in respect of members of senior officers and the accountable authority. In the Commission, members of the accountable authority are the Commissioner and Acting Commissioners as appointed under the *Corruption, Crime and Misconduct Act 2003*.

8.3 Related party transactions

The Commission is a wholly owned public sector entity that is controlled by the State of Western Australia.

Related parties of the Commission include:

- all cabinet ministers and their close family members, and their controlled or jointly controlled entities;
- all senior officers and their close family members, and their controlled or jointly controlled entities;
- other agencies and statutory authorities, including related bodies that are included in the whole of government consolidated financial statements (i.e. wholly-owned public sector entities);
- associates and joint ventures of a wholly owned public sector entity; and
- the Government Employees Superannuation Board (GESB).

Material transactions with Government-related entities

In conducting its activities, the Commission is required to transact with the State and entities related to the State. These transactions are generally based on the standard terms and conditions that apply to all agencies. Such transactions include:

- Income from State Government (Note 3.1);
- Equity contributions (Note 8.7);
- Superannuation payments to GESB (Note 2.1.1);
- Lease rentals payments to the Department of Finance (State Fleet) (Note 2.2) and related outstanding balances; and
- Remuneration for services provided by the Auditor General (Note 8.6).

Significant transaction with other related entities

Outside of normal citizen type transactions with the Commission, there were no related party transactions that involved key management personnel and their close family members and/or their controlled (or jointly controlled) entities.

8.4 Affiliated bodies

The Commission had no affiliated bodies during the financial year.

8.5 Related bodies

The Commission had no related bodies during the financial year.

8.6 Remuneration of auditors

Remuneration payable to the Auditor General in respect to the audit for the current financial year is as follows:

	2022 \$'000	2021 \$'000
Auditing the accounts, financial statements, controls and key performance indicators	65	69

8.7 Equity

	2022 \$'000	2021 \$'000
Contributed equity		
Balance at start of period	12,709	12,466
Contributions by owners		
Capital appropriation	219	243
Total contribution by owners	219	243
Balance at end of period	12,928	12,709
Accumulated surplus		
Balance at start of period	13,174	13,165
Result for the period	1,480	9
Balance at end of period	14,654	13,174
TOTAL EQUITY AT END OF PERIOD	27,582	25,883

8.8 Supplementary financial information

	2022 \$'000	2021 \$'000
Write-offs		
During the financial year, \$27,563 (2021: \$nil) was written off under the authority of:		
The accountable authority	28	-
	28	-
Losses through theft, defaults and other causes		
Losses of public moneys and, public and other property through theft or default	-	-
Amounts recovered	-	-
	-	-
Gifts of public property		
Gifts of public property provided by the Commission	-	-
	-	-

9 Explanatory statement

This section explains variations in the financial performance of the Commission.

	Notes
Explanatory statement for controlled operations	9.1

9.1 Explanatory statements for controlled operations

This explanatory section explains variations in the financial performance of the Commission undertaking transactions under its own control, as represented by the primary financial statements.

All variances between annual estimates (original budget) and actual results for 2022, and between the actual results for 2022 and 2021 are shown below. Narratives are provided for key major variances which vary more than 10% from their comparative and 1% of the dollar aggregate of:

- Total Cost of Services for the Statements of Comprehensive Income and Statement of Cash Flows (i.e. 1% of \$27,927,000), and;
- Total Assets for the Statement of Financial Position (i.e. 1% of \$31,339,000).

9.1.1 Statement of comprehensive income variances

Statement of Comprehensive Income	Variance note	Original budget 2022 \$'000	Actual 2022 \$'000	Actual 2021 \$'000	Variance between budget and actual \$'000	Variance between actual results for 2022 and 2021 \$'000
Expenses						
Employee benefits expense		18,883	17,074	18,181	(1,809)	(1,107)
Supplies and services	1	4,715	5,344	4,972	629	372
Depreciation and amortisation expense	2, A	1,766	1,247	1,564	(519)	(317)
Finance costs		9	9	9	-	-
Accommodation expenses		2,515	2,357	2,395	(158)	(38)
Other expenses		723	810	806	87	4
Total cost of services		28,611	26,841	27,927	(1,770)	(1,086)
Income						
Revenue						
Other revenue		40	205	153	165	52
Total revenue		40	205	153	165	52
Gains						
Gain on disposal of non-current assets		-	(27)	(15)	(27)	(12)
Total gains		-	(27)	(15)	(27)	(12)
Total income other than income from State Government		40	178	138	138	40
NET COST OF SERVICES		28,571	26,663	27,789	(1,908)	(1,126)
Income from State Government						
Service appropriation		27,854	27,854	27,384	-	470
Services received free of charge		475	289	414	(186)	(125)
Total income from State Government		28,329	28,143	27,798	(186)	345
SURPLUS/(DEFICIT) FOR THE PERIOD		(242)	1,480	9	1,722	1,471
TOTAL COMPREHENSIVE INCOME FOR THE PERIOD		(242)	1,480	9	1,722	1,471

Major estimate and actual (2022) variance narratives:

- Supplies and services were higher than the budget by \$0.6 million (13%) mainly due to additional minor equipment purchases to support the onboarding of additional staff in 2022-23 to continue the delivery of the unexplained wealth function.
- Depreciation and amortisation expense were lower than the budget by \$0.5 million (29%) mainly due to delayed capital expenditure on software assets resulting in capitalisation being deferred into 2022-23. Furthermore, the Commission has continued with its migration of information systems into cloud environments which has lessened the reliance on computer hardware infrastructure.

Major actual (2022) and Comparative (2021) variance narratives:

- Depreciation and amortisation expense were lower than the prior year by \$0.3 million (20%) mainly due to delayed capital expenditure on software assets resulting in capitalisation being deferred into 2022-23. Furthermore, the Commission has continued with its migration of information systems into cloud environments which has lessened the reliance on computer hardware infrastructure.

9.1.2 Statement of financial position variances

Statement of Financial Position	Variance note	Original budget 2022 \$'000	Actual 2022 \$'000	Actual 2021 \$'000	Variance between budget and actual \$'000	Variance between actual results for 2022 and 2021 \$'000
ASSETS						
Current assets						
Cash and cash equivalents	3, B	9,161	10,660	9,427	1,499	1,233
Receivables		319	321	247	2	74
Amounts receivable for services		1,300	1,300	1,300	-	-
Other current assets		781	989	1,209	208	(220)
Total current assets		11,561	13,270	12,183	1,709	1,087
Non-current assets						
Restricted cash and cash equivalents		390	395	326	5	69
Receivables		145	146	146	1	-
Amounts receivable for services		15,969	16,009	15,543	40	466
Property, plant and equipment		2,356	2,592	2,519	236	73
Intangible assets		483	460	334	(23)	126
Right-of-use assets		435	405	564	(30)	(159)
Total non-current assets		19,778	20,007	19,432	229	575
TOTAL ASSETS		31,339	33,277	31,615	1,938	1,662
LIABILITIES						
Current liabilities						
Payables	4	345	743	557	398	186
Lease liabilities		211	207	213	(4)	(6)
Provisions	C	3,463	3,790	3,280	327	510
Total current liabilities		4,019	4,740	4,050	721	690
Non-current liabilities						
Lease liabilities		230	226	357	(4)	(131)
Provisions	D	956	729	1,325	(227)	(596)
Total non-current liabilities		1,186	955	1,682	(231)	(727)
TOTAL LIABILITIES		5,205	5,695	5,732	490	(37)
NET ASSETS		26,134	27,582	25,883	1,448	1,699
EQUITY						
Contributed equity		12,953	12,928	12,709	(25)	219
Accumulated surplus/(deficit)	5, E	13,181	14,654	13,174	1,473	1,480
TOTAL EQUITY		26,134	27,582	25,883	1,448	1,699

Major estimate and actual (2022) variance narratives:

- Cash and cash equivalents were higher than the budget by \$1.5 million (16%) mainly due to the lower than budget employee benefit expenses resulting in an operating surplus during the reporting period.
- Payables were higher than the budget by \$0.4 million (115%) due to the timing of invoices received for payment.
- Accumulated surplus/(deficit) were higher than the budget by \$1.5 million (11%) mainly due to the lower than budget employee benefit expenses resulting in an operating surplus during the reporting period.

Major actual (2022) and Comparative (2021) variance narratives:

- Cash and cash equivalents were higher than the prior year by \$1.2 million (13%) mainly due to the lower than budget employee benefit expenses resulting operating surplus during the reporting period.
- Current Provisions were higher than the prior year by \$0.5 million (16%) mainly due to the recognition of increased personal leave provisions.
- Non-current provisions were lower than the prior year by \$0.6 million (45%) mainly due to changing composition of employee benefits leave provisions with decreasing conditional long service leave that is not expected to be taken (or unable to be taken) by employees within the next 12 months.
- Accumulated surplus/(deficit) were higher than the prior year by \$1.5 million (11%) mainly due to the lower than budget employee benefit expenses resulting in an operating surplus during the reporting period.

9.1.3 Statement of cash flow variances

	Variance note	Original budget 2022 \$'000	Actual 2022 \$'000	Actual 2021 \$'000	Variance between budget and actual \$'000	Variance between actual results for 2022 and 2021 \$'000
Statement of Cash Flows						
CASH FLOWS FROM STATE GOVERNMENT						
Service appropriation		26,088	26,088	25,951	-	137
Capital appropriation		219	219	243	-	(24)
Holding account drawdown		1,300	1,300	1,300	-	-
Net cash provided by State Government		27,607	27,607	27,494	-	113
CASH FLOWS FROM OPERATING ACTIVITIES						
Payments						
Employees benefits		(18,823)	(17,123)	(17,695)	1,700	572
Supplies and services		(4,307)	(4,693)	(4,918)	(386)	225
Finance costs		(9)	(9)	(9)	-	-
Accommodation		(2,515)	(2,357)	(2,395)	158	38
GST payments on purchases		(1,112)	(969)	(898)	143	(71)
Other payments		(656)	(817)	(808)	(161)	(9)
Receipts						
GST receipts on sales		4	13	12	9	1
GST receipts from taxation authority		1,112	899	889	(213)	10
Other receipts		40	202	221	162	(19)
Net cash used in operating activities		(26,266)	(24,854)	(25,601)	1,412	747
CASH FLOW FROM INVESTING ACTIVITIES						
Payments						
Purchase of non-current physical assets		(1,300)	(1,225)	(1,197)	75	(28)
Receipts						
Proceeds from sale of non-current physical assets		-	-	44	-	(44)
Net cash used in investing activities		(1,300)	(1,225)	(1,153)	75	(72)
CASH FLOW FROM FINANCING ACTIVITIES						
Payments						
Principal elements of lease payments		(219)	(226)	(244)	(7)	18
Net cash used in financing activities		(219)	(226)	(244)	(7)	18
Net increase/(decrease) in cash and cash equivalents		(178)	1,302	496	1,480	806
Cash and cash equivalents at the beginning of the period		9,729	9,753	9,257	24	496
CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD		9,551	11,055	9,753	1,504	1,302

OTHER FINANCIAL DISCLOSURES

Capital works

The Commission's Asset Investment Program funding for 2021-22 totals \$1.3 million.

The year-end position was underspent by \$76,000. The underspend largely relates to operational support equipment.

Capital works during 2021-22 included:

- Operations Support Equipment (\$0.805 million)
- Office and Security Equipment (\$0.097 million)
- Technology and Business Support Systems (\$0.805 million).

Employment and industrial relations

Summary of employee numbers

The CCM Act s 179 provides that Commission officers may be appointed for a period up to five years and are eligible for re-appointment.¹⁶ Table 10 shows our full-time equivalent (FTE) allocation by category for the reporting period.

Table 10: FTE allocation by category

Employment Category	FTE	
	2020-21	2021-22
Full-time contract	105.0	104.0
Part-time contract measured on an FTE basis	9.2	8.6
On secondment to the Commission	2.0	9.0
Total	116.2	121.6

Source data: 2021-22 MOIR data.

Notes

- Part time = hours less than full-time hours of 37.5 per week.
- On secondment = employees from another agency who are on secondment at, and are paid by, the Commission.
- Approved FTE level for 2021-22 is 125.

Employee wellbeing

During 2021-22, we continued our commitment to mental health and wellbeing support to employees.

Our Employee Assistance Program (EAP) provider delivers a holistic, integrated and preventative wellbeing program. The program provides professional counselling, employee assistance coaching, wellbeing coaching, a manager's 'hotline', recruitment and selection psychological testing, an annual influenza vaccination program, use of force medical assessments, ergonomic assessments, regular wellbeing check-ins for employees in high-risk positions, and critical incident response and debriefing. The EAP is available 24 hours a day, seven days a week to employees and their family members. The service is complemented by an online wellness hub containing resources on a range of health and wellbeing-related topics.

Mental health continues to be a key component of the Commission's overall employee wellbeing program. During the reporting period, we continued our partnership with Lifeline to provide training to relevant employees in managing the risks associated with vicarious trauma.

The Commission's management of employee safety and wellbeing during the Coronavirus pandemic is outlined in the work health, safety and injury management section of this report.

¹⁶ The Commission is not a 'Senior Executive Service Organisation' as described in the Public Sector Management Act 1994

Employee development

The Commission is committed to developing a contemporary and accountable workforce with the necessary skills, knowledge and aptitudes to deliver on organisational outcomes now and into the future. We support our workforce through a broad range of learning and development opportunities underpinned by our Capability and Leadership Framework and our Learning and Development Strategy.

Employees work with their managers through our Performance Planning and Review process to identify their development needs in line with organisational and role requirements, and their career goals.

Our Scholarship Program presents a unique opportunity to expand the Commission's skill set as well as benefitting employee growth. The program:

- proactively targets employee development in areas of identified business need and/or areas of strategic importance; and
- supports employees who make a commitment to their career development through formal study and learning.

In 2021-22, the Commission awarded four scholarships to support employees in their studies towards the following qualifications: Graduate Diploma of Applied Corporate Governance and Risk, Graduate Certificate in Business Administration, Master of Business Administration and Certificate IV in Risk Analysis.

Other learning and development activities undertaken during 2021-22 included:

- Technical/Role specific training such as computer forensics, data analysis and modelling, and systems training; and
- Compliance training such as Use of Force, Occupational Health and Safety training, continuing professional development for legal staff and Certified Practising Accountant maintenance.

Workers' compensation

There were three new workers' compensation claims during the reporting period; two were finalised during the period and one is ongoing at year-end.

Unauthorised use of credit cards

In compliance with Treasurer's Instruction 321 'Credit cards – authorised use', the Commission is required to report where a Western Australian Government Purchasing Card ('credit card') is used for personal use. Personal use of a Commission credit card in the 2021-22 reporting period is detailed in Table 11.

Table 11: Personal use of Commission credit card

Personal use	Cost (\$)
Aggregate amount of personal use expenditure for the reporting period	139.75
Aggregate amount of personal use expenditure settled by the due date (within five working days)	139.75
Aggregate amount of personal use expenditure settled after the period (after five working days)	0
Aggregate amount of personal use expenditure outstanding at the balance date	0

Commission employees hold Commission credit cards where their functions warrant use of this facility. Cardholders are reminded of their obligations under the Commission's credit card policy, however; two employees inadvertently used their credit cards for personal use during the reporting period. The Chief Finance Officer did not refer the matters for disciplinary action as the amounts were settled promptly, the nature of the expenditure was immaterial and the transactions were characteristic of an honest mistake.

Governance disclosures

Contracts with senior officers

As at 30 June 2022, there were no matters to report from 2021-22 in respect of senior officers of the Commission concerning any interests they may have in firms, entities or other bodies that do business with the Commission.

Board and committee remuneration

The only position that received remuneration for committee membership in 2021-22 was the Independent Chair of the Risk and Audit Committee. The details of this remuneration are outlined in Table 12.

Table 12: Board and committee remuneration in 2021-22

Position	Name	Period of membership in 2021-22	Type of appointment and remuneration	Gross/actual remuneration for 2021-22 (\$)*
Chair	Des Pearson	12 months	Fixed-term appointment. Hourly fee basis.	8,300

*GST exclusive.

Other legal requirements

Expenditure on advertising, market research, polling and direct mail

In compliance with the *Electorate Act 1907* s 175ZE, the Commission is required to report on expenditure incurred in relation to advertising agencies and marketing research, polling (surveys), direct mail and media advertising organisations. Table 13 details expenditure (inclusive of GST) incurred in relation to those matters in 2021-22, which totalled \$22,007.

Table 13: Advertising, market research, polling and direct mail expenditure

Expenditure	Entity	Amount (\$)	Total (\$)
Advertising	LinkedIn	17,486	22,007
	Initiative Media	4,521	
Market research	-	0	0
Polling	-	0	0
Direct mail	-	0	0
Media advertising	-	0	0
Total expenditure			22,007

Compliance with public sector standards and ethical codes

Public sector standards

During 2021-22, the Commission did not receive any breaches of standard claims against the Public Sector Standards in Human Resource Management.

The Commission commenced five formal disciplinary processes, with three being completed and two discontinued. The Commission received no formal grievances during the reporting period.

WA Public Sector Code of Ethics and the Commission's Code of Conduct

The Commission's Code of Conduct is regularly reviewed to ensure alignment with the Public Sector Commissioner's Guidelines (specifically *Commissioner's Instructions No 7 Code of Ethics and No 8 Codes of Conduct and Integrity Training*), the Commission's Strategic Plan 2019-2024, and its policies and procedures. All employees read and sign a declaration of commitment to the Code of Conduct upon commencement of employment at the Commission.

Employees also participate annually in Accountable and Ethical Decision-Making (AEDM) training. The Commission regularly reviews this training module to ensure alignment with the Code of Conduct and related policies. In 2021-22, the Commission achieved a 91.3% completion rate for the AEDM online training module.

Recordkeeping plans

In compliance with the *State Records Act 2000* s 19 and with State Records Commission Standard 2, Principle 6, the Commission has an approved Recordkeeping Plan. In 2021-22, as part of the work arising from our current Recordkeeping Plan, we implemented our revised Retention and Disposal Schedule.

Evaluation of recordkeeping systems

During the reporting period, we conducted a review of information holdings on network drives in comparison with our Electronic Document and Records Management System (EDRMS), Objective, and implemented a workflow process for document certification utilising Kofax Total Agility. We also upgraded our Business Intelligence reporting tool, QLIK.

Recordkeeping training

All employees receive recordkeeping training, which comprises of group presentations, online awareness modules, ad-hoc workshops and one-to-one training.

All employees attend a mandatory recordkeeping briefing as part of their induction, which addresses individual roles and responsibilities regarding compliance with the Recordkeeping Plan. Employees must also attend EDRMS basics training, and complete and pass an online recordkeeping compliance and awareness module annually. In 2021-22:

- we achieved a 92.9% completion rate for the online recordkeeping module;
- 51 employees attended face-to-face, one-to-one Objective training; and
- 7 employees attended face-to-face, group workflow training and information sessions.

CCM Act reporting requirements

Our annual reporting requirements under CCM Act s 91(2) are addressed throughout this report. Table 14 provides the page reference for information relating to these reporting requirements.

Table 14: Report reference for CCM Act reporting requirements

CCM Act reporting requirement relating to:	Reference
Allegations received or initiated by the Commission – (s 91(2)(a))	pp 21-22, 84-86
Investigations carried out by the Commission – (s 91(2)(b))	pp 26-27, 30
Evaluation of the response of appropriate authorities to recommendations made by the Commission – (s 91(2)(c))	pp 28-29
Information furnished under the Act by the Commission to independent agencies – (s 91(2)(d))	p 37
Prosecutions of public officers or other persons or disciplinary action against public officers as a result of Commission investigations – (s 91(2)(e))	pp 26-27
Number of exceptional powers findings made under s 46 – (s 91(2) (f)) (not reported elsewhere in the report)	1*
Number of fortification warning notices issued by the Commission under s 68 – (s 91(2)(g)) (not reported elsewhere in the report)	0*
Use of investigative powers (notices, assumed identities, controlled operations, integrity testing programmes, warrants) – (ss 91(2)(h)-(o))	p 36
Activities in relation to prevention and education function – (s 91(2)(p))	p 30
Recommendations for changes in the laws of the State – (s 91(2)(q))	p 37
Activities in relation to unexplained wealth function – (s 91(2)(r))	pp 33-34

* The approval of the use of exceptional powers and the issuing of Fortification Warning Notices depends on an application being made by the Commissioner of Police to the Commission. To maintain impartiality and independence, the Commission does not provide legal advice in the application process.

Government policy requirements

Western Australian Multicultural Policy Framework (WAMPF)

The Commission seeks to increase its representation of people from identified diversity groups working at the Commission, by pursuing the objectives outlined in the Diversity and Inclusion Plan 2021-2023. The plan exists to support our commitment to the principles of substantive equality, diversity and inclusion in our workplace and the work we do. The plan was provided to the Minister for Citizenship and Multicultural Interests in support of the broader Western Australian Multicultural Policy Framework.

The Commission's Corporate Executive Committee has been especially committed to the Diversity and Inclusion Plan and during 2021-22, we continued to implement actions wherever possible.

Due to mandated work from home periods in response to high Coronavirus case numbers in the community, a number of planned events and actions during the year were cancelled or delayed. Key actions during the year included:

- Executive endorsement of an annual calendar of events to recognise and celebrate equity and diversity throughout the year (some being: NAIDOC week, International Women's Day and Autism Awareness Day), which are championed by different business areas;
- achievement of the Aboriginal Procurement Policy target for 2021-22, by actively including goods and

service providers from identified diversity groups through the procurement process;

- all staff completing Aboriginal and Torres Strait Islander Cultural Awareness e-training; and
- identifying employee awareness and perception benchmark on matters of substantive equality, diversity and inclusion. From this, future surveys will allow for measurements of development in awareness and perceptions.

Work health, safety and injury management

The Commission is committed to providing a safe working environment in accordance with the *Work Health and Safety Act 2020* and *Work Health and Safety Regulations 2022*. The Commission's Executive leads this commitment.

We have a Work Health and Safety (WHS) Policy that is available to all workers. Employees receive training regarding their WHS obligations as part of their induction, with managers receiving additional training on their managerial WHS responsibilities. All employees are required to repeat this training annually.

Our Occupational Safety and Health Planning Advisory Group (OSHAPAG) coordinates and monitors the WHS program and ensures consultation on WHS related matters. OSHAPAG reports to the Commission Executive and is chaired by a senior employee. It includes a member of the Executive and a representative from each directorate. OSHAPAG meets quarterly and whenever required to address specific WHS-related matters. Safety inspections of

the workplace are conducted monthly and each Commission WHS officer has undertaken WorkSafe accredited training.

Ongoing monitoring and review of workplace health and safety is intrinsic to managing WHS matters and reflects the Commission commitment to continuous improvement. During this reporting period, the Commission, in collaboration with an accredited external subject matter expert, conducted a full review of its WHS management framework against the newly introduced legislation. Following this review, the Commission developed and implemented a revised WHS Management System.

Our WHS infrastructure has enabled us to respond effectively to managing the challenging and dynamic environment brought by the Coronavirus pandemic. Examples include:

- both hygiene supplies and services and PPE stocks are maintained;
- dedicated response personnel identified and specific communication pathways established;
- risk assessments conducted and control measures expedited; and
- working from home arrangements are in place to respond to prescribed restrictions.

Injury management

We are committed to providing injury management support to all workers who sustain a work-related injury or illness. The focus is on a safe and early return to meaningful work, in accordance with the *Workers' Compensation and Injury Management Act 1981*.

Table 15, shows our performance against targets specified in the *Public Sector Commissioner's Circular 2018-03: Code of Practice Occupational Safety and Health in the Western Australian public sector*.

Table 15: Occupational safety and health incidents

Measures	Actual results			Targets	Comments about targets
	2019-20	2020-21	2021-22		
Number of fatalities	0	0	0	0	Target achieved
Lost time injury and disease incidence rate (per 100)	0.75	0.83	0.82*	0 or 10% reduction in incidence rate	
Lost time injury and disease severity rate (per 100)	0	0	0.01*	0 or 10% reduction in severity rate	
Percentage of injured workers returned to work	100%	0%	0%*+	Greater than or equal to 80%	
(i) within 13 weeks	100%	N/A	50%*+	Greater than or equal to 80%	One of two injured workers returned to work within 26 weeks
(ii) within 26 weeks					
Percentage of managers trained in occupational safety, health and injury management responsibilities (including refresher training within three years)	93%	100%	81%	Greater than or equal to 80%	Target achieved

*Statistics have been calculated using MOIR average FTE data and the date of lodgement occurred during the FY.

+Percentage of injured workers returned to work figures are based on the calendar year in accordance with the Annual report guidelines 2021-22.

Asbestos Awareness and Management

The Commission occupies leased premises and as such collaborates with the landlord and building management agent in relation to asbestos management. This shared occupancy has two occasions of 'suspected' asbestos presence on-site. Both are encapsulated within sealed machinery. An independent and ISO/IEC 17020 accredited inspector has deemed that the identified materials may remain in place until requiring replacement.

The building has an Asbestos Management Plan (2020-2025) in place, and the Commission has unrestricted access to the Plan and associated registers and inspection reports.

The landlord's on-site representative is the principal custodian of the plan. The plan includes:

- current asbestos register;
- asbestos work program;
- site procedures;
- training;
- management responsibilities; and
- annual review by an Asbestos Management Planner (independent and accredited contractor).

The landlord's site induction makes reference to the plan and register. Both hard and electronic copies are available for contractors planning works on site.

The Commission has been compliant in providing six-monthly NSP 2019-2023 progress reports, in particular targets one to four, to the Department of Mines, Industry Regulation and Safety (DMIRS).

APPENDICES

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APPENDIX ONE - OVERVIEW OF SERIOUS MISCONDUCT ALLEGATIONS

Source of allegations

Table 16 shows the source for all allegations assessed in 2021-22, compared with the previous reporting period. As per the previous reporting period, the majority of allegations were received through legislated reporting requirements, obliging certain officers to notify the Commission of serious misconduct.

Table 16: Source of allegations assessed

Allegation source	2021-22		2020-21	
	No.	%	No.	%
Certain officers obliged to notify serious misconduct (s 28)	3,332	47.6	3,748	52.1
Any person may report serious misconduct (s 25)	3,546	50.6	3,202	44.5
Public Sector Commission referrals (s 45M(d))	125	1.8	233	3.2
Commission's own propositions (s 26)	5	0.1	7	0.1
Total	7,008	100.0	7,190	100.0

The source of allegations can be further broken down into which sector the allegation relates to as per Table 17.

Table 17: Assessed allegations by source and sector in 2021-22

Allegation source	WA Police Force	Rest of WA Public Sector	Out of Jurisdiction	Total
Certain officers obliged to notify serious misconduct (s 28)	2,103	1,200	29	3,332
Any person may report serious misconduct (s 25)	1,702	1,586	258	3,546
Public Sector Commission referrals (s 45M(d))	3	122	0	125
Commission's own propositions (s 26)	3	2	0	5
Total	3,811	2,910	287	7,008

APPENDIX ONE - OVERVIEW OF SERIOUS MISCONDUCT ALLEGATIONS

Public Authority/sector

The distribution of allegations across public authorities and sectors has largely remained fairly consistent over the last two reporting periods as detailed in Table 18.

Table 18: Public authority/sector for allegations assessed

Public authority/ sector	2021-22		2020-21	
	No.	%	No.	%
WA Police Force	3,811	54.4	3,860	53.7
Local Government Authorities	571	8.1	569	7.9
Department of Justice	446	6.4	563	7.8
Independent agencies/ other authorities	522	7.4	469	6.5
Department of Education	568	8.1	448	6.2
WA Health Sector	361	5.2	401	5.6
Subject agency not within jurisdiction	224	3.2	286	4.0
Department of Communities	224	3.2	269	3.7
Transport portfolio	139	2.0	184	2.6
Tertiary education sector	79	1.1	141	2.0
Total	7,008	100	7,190	100

All police misconduct is reportable to the Commission. 'Police misconduct' includes conduct of sworn and un-sworn members, as well as contractors performing functions and services for, or duties in service of WA Police Force.

Allegations of police misconduct consistently accounts for just over half of all allegations assessed by the Commission.

The Independent agencies/other authorities category contains allegations relating to all other agencies and authorities including but not limited to Government utilities, Ports, Treasury and Finance.

The WA Health sector refers to the Department of Health, the Mental Health Commission and the following Health Service Providers (HSPs): North Metropolitan Health Service; South Metropolitan Health Service; East Metropolitan Health Service; WA Country Health Service; Child and Adolescent Health Service; Health Support Services; PathWest Laboratory Medicine WA; and the Quadriplegic Centre.

The Transport portfolio refers to the Department of Transport, Main Roads WA and Public Transport Authority.

The Tertiary education sector refers to the four public universities (Curtin University, Edith Cowan University, Murdoch University and the University of Western Australia) and five TAFE colleges (North and South Metropolitan TAFE and North, Central and South Regional TAFE).

APPENDIX TWO - OVERVIEW OF ALLEGATION ASSESSMENT DECISIONS

Table 19 provides an overview of the assessment decisions for allegations assessed during the 2021-22 reporting period, broken down by WA Police Force and the rest of the WA public sector. Those allegations assessed as being outside of the WA public sector have been excluded (287 allegations). While the Commission does not have power to take action in respect of these allegations we may share information about them with other authorities where appropriate.

Table 19: Overview of allegation assessment decisions in 2021-22¹⁷

Assessment decision	WA Police Force		Rest of WA Public Sector		Not in WA Public Sector		TOTAL	
	No.	%	No.	%	No.	%	No.	%
Out of Jurisdiction	158	4.1	684	23.5	283	98.6	1,125	16.1
No further action taken - s33(1)(d) Total	2,946	77.3	1,538	52.9	4	1.4	4,488	64.0
Allegations referred to an appropriate authority (AA) or independent agency (IA) for action – s 33(1)(c)	685	18.0	628	21.6	N/A	N/A	1,313	18.7
- referred to AA – monitor for outcome	654	17.2	615	21.1	N/A	N/A	1,269	18.1
- referred to AA – monitor for review	31	0.8	13	0.4	N/A	N/A	44	0.6
- referred to IA	0	0.0	0	0.0	N/A	N/A	0	0.0
Commission to investigate (either independently or in cooperation with a public authority)	2	0.1	12	0.4	N/A	N/A	14	0.2
- Investigate independently – s 33(1)(a)	2	0.1	12	0.4	N/A	N/A	14	0.2
- Investigate in cooperation with appropriate authority or independent agency – s 33(1)(b)	0	0.0	0	0.0	N/A	N/A	0	0.0
Pending outcome of a Commission preliminary investigation – s 32(2)	6	0.2	14	0.5	N/A	N/A	20	0.3
Pending a decision by the Commission's Operations Committee	14	0.4	34	1.2	N/A	N/A	48	0.7
Total¹⁸	3,811	100.0	2,910	100.0	287	100.0	7,008	100.0

¹⁷ The data in the table is representative of the actions taken in relation to allegations at a point in time. In accordance with the CCM Act, having made a decision to act under s 33(1)(a), (b) or (c) in relation to an allegation, the Commission may at any time decide to act under another of those paragraphs.

¹⁸ Totals may not equal 100.0% due to rounding.

APPENDIX THREE - UPDATE TO CHARGES AND CONVICTIONS 2020-21

After the 2020-21 Annual Report was published, a discrepancy in figures was identified. The correct figures (in bold) for 2020-21 are reported below in Table 20.

Table 20: Charges and convictions (arising from Commission investigations) in 2020-21 (updated)

Charges and convictions	Against public officers	Against non-public officers	Total
Charges laid in reporting period	43	35	78
Charges before the courts at the end of the reporting period (includes charges laid in previous reporting periods)	641	568	1,209
Charges discontinued, dismissed or set aside in reporting period	1	74	75
Individuals charged in reporting period	10	5	15
Individuals convicted in reporting period	3	0	3
Individuals acquitted in reporting period	0	0	0



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Make an allegation

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