

**REPORT ON A MATTER AFFECTING THE CORRUPTION
AND CRIME COMMISSION**

**GOING ROGUE: SERIOUS MISCONDUCT BY A
COMMISSION OFFICER**

Sections 199 and 201 of the *Corruption, Crime and Misconduct Act 2003* (WA)

Executive Summary

1. In essence, this report outlines serious misconduct engaged in by an officer of the Corruption and Crime Commission (Commission) during her tenure.
2. The *Corruption, Crime and Misconduct Act 2003* (CCM Act) provides that the Commission may receive, initiate, investigate, and otherwise act upon allegations of serious misconduct by Western Australian public officers.¹ To enable the Commission to carry out this and other functions, it has a range of extraordinary powers. For instance, its officers can adopt assumed identities to help them fulfil the Commission's functions² and can carry out controlled operations³ which allow them to engage in conduct that would otherwise be criminal.⁴ Participants in controlled operations can also include ordinary civilians who are recruited to assist the Commission.
3. Like other integrity and law-enforcement bodies, the Commission can also enter into formal arrangements with men and women who wish to provide ongoing intelligence regarding crime or corruption by public officers. These individuals are described as Human Sources. Their recruitment and the Commission's subsequent dealings with them are explained later in this report. Some Human Sources will be public officers themselves, providing intelligence about their colleagues. Others will be ordinary members of the public who find themselves privy to information about potential or actual corruption in the public sector.
4. At the heart of this report is a story of repeated and wilful breaches of the Commission's policies, procedures, and Code of Conduct by one of its officers in her dealings with a Human Source. Given the obvious importance of preserving the anonymity of the Commission's Human Sources, this report refers to him only as X.
5. I have devoted some considerable attention to the question of whether to name the former Commission officer who is the subject of this report. On one view, she ought to be fully identified, given that it is the Commission's practice to name all individuals found to have engaged in serious misconduct. Initially, that was the course I proposed to take. Ultimately, having considered representations made by the former Commission officer's lawyers and her psychologist, I have determined to refer to her simply using her initials, which are LC.
6. I am satisfied that this is not a situation where there has been widespread or systemic misconduct within an organisation. Rather, it is a story of one officer who has gone rogue. However, the Commission itself must accept that failures within its systems contributed to a climate in which LC's deception was not only possible but was perpetrated over a prolonged period.

¹ See CCM Act section 18.

² CCM Act, Part 6, Division 3.

³ CCM Act, Part 6, Division 4.

⁴ CCM Act section 128.

Background

7. LC began working at the Commission in 2007. From 21 June 2018 she was employed as its Human Source Coordinator, a role which she had previously fulfilled in an acting capacity. Her contract of employment included prohibitions on disclosing information acquired by her by reason of her employment and outlined her duty of fidelity and good faith to the Commission.
8. In January 2023 the Commission became aware of possible breaches of policy and procedure in relation to Human Sources. I was notified of the matter pursuant to section 196(4) of the CCM Act, which requires the Commission to inform me whenever it receives an allegation that concerns one of its officers.
9. Within the Commission, all Human Source related activity was suspended from 17 January 2023 while an audit was carried out. In February 2023 the Commission determined that it was necessary to conduct an investigation into possible serious misconduct by LC. The investigation required extensive analysis of internal data and included interviews with relevant witnesses and compulsory examinations of LC and several other individuals.
10. As one of my functions is to deal with matters of misconduct on the part of the Commission or its officers,⁵ I attended the compulsory examinations referred to above and I was given full access to all exhibits and transcripts of evidence. Although I was empowered from the outset to handle the matter myself should I choose to do so, I had no concerns regarding the Commission's ability to conduct a fair and impartial investigation into one of its former officers⁶ and was content to oversee the investigation rather than conducting it personally.
11. Nevertheless, I decided that in order to avoid any perception of bias on the part of the Commission, I would remove the matter to my own office and make my own findings at the close of the investigation in accordance with section 196(5) of the CCM Act.
12. The investigation was completed by 24 November 2023. On 28 November 2023 I wrote to the Commission to formally remove the matter to my office for determination. The Commission cooperated fully with my request, provided me with the materials I needed, and agreed that any report prepared by me should be tabled in the Parliament in the interests of transparency.
13. Section 200 of the CCM Act provides that before reporting any matters adverse to a person or body, I must accord them a reasonable opportunity to make representations to me concerning those matters. Therefore, when I had completed a full draft of my report, it was sent to the Commission, LC's lawyers, the Commission's former Human Source Registrar (who was LC's supervisor), and X's lawyers. I have given due consideration to the submissions I received in response, and these are reflected in this report where appropriate.

⁵ CCM Act section 195(1)(b).

⁶ LC resigned in March 2023 but was dismissed a day before her resignation was to take effect.

Relevant Policy and Procedure

14. In the Commission's earlier years, Human Source activity was conducted in an ad hoc manner where it was required for a specific operation. From mid-2017, however, a dedicated Human Source Team was established. LC was instrumental in creating this unit and formulating the Human Source Management Policy (Policy) and the Commission Procedure: Human Source Management (Procedure).
15. The Policy provides that Human Sources are 'a corporate resource of the Commission and are not the "asset" of any individual officer' and that the Commission 'will manage risks associated with Human Source Management in order to protect the safety and welfare of Commission officers and of the Human Source, ensure the integrity of operations and protect the professional reputation of the Commission'.
16. The Procedure establishes a hierarchy whereby the Human Source Registrar oversees the registration and coordination of Human Sources. At the relevant times, an officer I will refer to as A was the Human Source Registrar. As A is not the subject of any findings of serious misconduct, my report does not identify this officer.
17. Below the Human Source Registrar sits the Human Source Coordinator. Importantly, the position of Human Source Coordinator is separate from, and different to, that of a Human Source Handler. The Human Source Coordinator supervises, guides, and oversees handlers. He or she also manages the relationship between a handler and a source, in the words of a member of the Human Source Team, 'to guard against the relationship going wrong'.
18. The handling team are responsible for 'employing appropriate Human Source tradecraft including the use of assumed identities'. More specifically, the Procedure requires that handlers use an assumed identity at all times when involved in the management of a Human Source, unless the Human Source is already aware of the officer's true identity.
19. The Procedure provides that the team for each potential human source (PHS) is to be determined by the Human Source Coordinator in consultation with the Human Source Team and that handlers will be appointed after consideration has been given to the officers' suitability to handle the particular PHS, including:
 - previous association with the PHS (if relevant), gender, age, ethnicity, personality traits, common interests, experience, and knowledge of the misconduct/crime type and/or agency the PHS is reporting on
20. The Procedure requires that each handling team be comprised of a Primary Handler, a Secondary Handler, and (if required) an Alternate Handler, and that 'where practical and if required' the Human Source Coordinator will ensure that either the Primary or Secondary Handler is the same sex as the PHS.
21. All contact and dealings with a Human Source, from the time they are registered as a PHS through to their deregistration, must be documented via specific Contact Advice Report templates. The purpose of this requirement is 'to ensure that the Commission and its officers are accountable for all dealings with Human Sources'. Each Contact Advice Report must contain a complete statement of a particular activity or

conversation engaged in by the Human Source Handler and the Human Source on each occasion when they have been in contact.

22. Unsurprisingly, handling Human Sources is a unique and challenging job, which can engender anxiety and stress because of the subterfuge involved. The handler must build a relationship of trust with the Human Source to facilitate the provision of information, while always being conscious that the Human Source's interests and goals may not align with their own. There is a risk that handlers may come to adopt the Human Source's view of the world, or otherwise be manipulated by them. A recent Royal Commission into the use of Human Sources by Victoria Police observed:

Human source management is a high-risk activity, covert and intrusive in nature, requiring police to build professional relationships with criminals, and potentially limiting human rights in order to achieve investigatory outcomes. Each of these factors can increase the risk of police corruption and misconduct.⁷

Although that assessment related specifically to the use of Human Sources by police, analogies can clearly be drawn with the risks for integrity agencies such as the Commission, which are investigating serious misconduct and corruption.

23. Despite being the Human Source Coordinator, LC also handled Human Sources herself, and even gave evidence that 'At one point in time I carried every single [Human Source] for the Commission'. It was not put to her in examination that this assertion was untrue, and in the circumstances, I must assume that it was an accurate statement of the nature of her workload at the Commission. As demonstrated by the events described herein, this arrangement was most unwise.
24. In a nutshell, the importance of the delineation between the Human Source Coordinator and Human Source Handlers should not be understated. The Royal Commission referred to above noted that best practice principles of human source management included supervision and oversight of the handler-source relationship by senior officers.⁸ Moreover, the Royal Commission heard evidence that supervision should be 'intrusive' in that it should go beyond box-ticking and involve day-to-day knowledge of a handler's activities to ensure that sources are being appropriately managed.⁹

Handling X

25. X was registered as a Human Source on 15 November 2018. LC, who had then been in the position of Human Source Coordinator for roughly five months, handled him from that time until 17 January 2023.
26. The story of how LC came to be X's Primary Handler is unclear. LC gave evidence that it had 'never been intended' that she would fulfil this role, but there is no indication that she attempted to decline it on the basis that it was inappropriate for the Human Source Coordinator to also act as a handler.

⁷ *Royal Commission into the Management of Police Informants: An inquiry into Victoria Police's use of Nicola Gobbo as a human source*, Chapter 12, pp. 30-31.

⁸ *Royal Commission into the Management of Police Informants*, Chapter 12, p. 19.

⁹ *Royal Commission into the Management of Police Informants*, Chapter 12, pp. 48-49.

27. It need hardly be said that the arrangement outlined above was far from optimal, especially because it robbed the handlers of any detached oversight by another officer not involved in the day-to-day activities of the handlers themselves.
28. According to the Procedure, the Secondary Handler for X ought to have been his secondary point of contact, including by assuming the role of Primary Handler whenever LC was unavailable and by accompanying her to any meetings with X. However, LC did not utilise the Secondary Handler for X. She gave evidence that this was because the Secondary Handler was not available, but it is unclear whether this was the case, or whether she simply chose to act alone.
29. Whether or not the Secondary Handler was actually available to assist, it is concerning that a single officer assumed total control of the Commission's relationship with a Human Source. Moreover, this failing was apparently not identified or acted upon by senior management.
30. As noted previously, the Procedure specified that where practical, either the Primary or Secondary Handler should be the same sex as the Human Source. Accordingly, it had initially been proposed that both of X's handlers should be male. However, for reasons which were never adequately explained during the examinations of LC and A, this did not eventuate.
31. To add to the above problems, it does not appear that LC's suitability to be X's handler was evaluated as required by the Procedure, to determine whether her personality traits, experience and knowledge made her an appropriate choice. Had this occurred, it might have been discovered that LC was experiencing significant marital difficulties, was seeing a psychologist to help her communicate with her husband and was 'lonely', both personally and in her leadership of a Human Source Team she later described as 'fractured'.
32. The backstory adopted by LC in interacting with X included representing herself as a woman who had been married but was now divorced; that is, as a single woman. If there had been any evaluation of her suitability to act as a handler for X, the wisdom of the use of this backstory would likely have been queried by senior Commission officers viewing the proposed arrangement objectively and professionally.

Modes and Frequency of Communication

33. Owing to the geographical distance between LC and X, they communicated primarily by telephone, although they also used face-to-face computer programs such as Skype. When she was examined by the Commission, LC was asked why she had adopted this method of communication with X, and she explained that she had wanted them to be able to see each other. She spoke to X alone on these occasions, although they would have been classed as 'meetings' under the Procedure and as such a Secondary Handler should also have been present.
34. X was also able to call a mobile phone that was retained by the Commission in order to provide intelligence. On 11 September 2019 LC obtained permission to take this phone home for the night and returned it the next day. On 19 September 2019 LC again took

the phone home, but this time she retained it. No one in the Commission questioned her retention of the phone, let alone required her to return it.

35. Even when LC was on personal or annual leave, she took the phone with her instead of leaving it with another colleague, as was the ordinary practice in the Human Source Team. Ultimately, LC did not return the phone until she was asked to do so in February 2023, shortly before she was dismissed.
36. Commission data demonstrated that between October 2018 and March 2023 the number of contacts between LC and X was extreme. For instance, during this time there were 1905 audio messages exchanged between X and LC, and 7,413 telephone calls took place between them. Despite this volume of communication only 960 Contact Advice Reports were prepared to document interactions with X.
37. As discussed in this report, the majority of these communications were personal in nature. It is, therefore, tolerably clear that LC made use of Commission resources for her own private purposes and thereby contravened the Code of Conduct.

Non-Work Relationship

38. It is not possible to address the nature and extent of LC's misconduct without explaining that its underlying motivation was her strong feelings for X. During her examination, LC took issue with the description of this relationship as being 'romantic' in nature. She characterised it, instead, as 'more than a source/handler relationship' and gave evidence that she came to rely heavily on X for emotional support.
39. The precise nature of the relationship between LC and X is not my concern as Parliamentary Inspector. I do not seek to define the parameters of the relationship, nor to delve into what might be considered prurient details thereof. My interest in this report is LC's repeated acts of serious misconduct and the Commission's failure, over several years, to scrutinise her conduct and take appropriate action.
40. Most of the telephone calls between LC and X were, contrary to the Procedure, not recorded. However, as outlined below, evidence of their personal interactions was preserved in the form of recorded messages they left for each other.
41. It is difficult to pinpoint when LC first became emotionally involved with X. She initially testified that the relationship had not become 'inappropriate' until late 2021 or early 2022, when she had started to fall in love with him. However, the evidence suggests she had crossed a line much earlier than this. For instance:
 - As early as 16 March 2020 LC left a message for X that included information about her sexual history.
 - One message that LC left for X on 24 June 2020 included her saying 'I often sit back and...marvel at the uniqueness of this', observing that it was 'so rare to have...a first experience at either of our ages', and exclaiming 'I've never...met anyone like you because there's no one like you'.

- By 17 November 2020 LC was recording only excerpts of her telephone conversations with X, and using language in the recorded section to give the impression that the conversation had been shorter than it really was.
 - On 4 February 2021, X left a message for LC which was in part sexually explicit. He ended the message with: ‘I miss you, I love you, I can’t wait to talk to you’.
 - A message left for LC by X on 8 May 2021 began with ‘hello my love’.
42. LC agreed during her examination that while she had thought the relationship had not turned inappropriate until late 2021, she ‘got [her] dates wrong’. She ultimately accepted that by the second half of 2020 her bond with X had become unprofessional and by early 2021 it had evolved into an intimate relationship.
43. Referring to a sexually explicit message left for her by X on 15 May 2022, LC agreed that he had ‘likely’ been responding to a sexual suggestion made by her in a previous message or conversation. The development of her relationship with X was described by her as a ‘period of smitteness, excitement’.
44. A recorded message from X on 10 April 2021 referred to the ‘new lives together’ the two of them would enjoy in the future, when he had ceased to be a Human Source for the Commission. In another message, made on 11 July 2022, X referred to plans he had made for building a house for them to live in. While being examined, LC contended that her conversations with X about these imagined futures were merely ‘a fantasy world’ and nothing more. However, there is no further information available to me which proves or disproves this proposition.
45. It can readily be inferred that LC lost her objectivity during the course of handling X. Her evidence suggests that her perception of reality became so distorted that she thought of him as a colleague rather than as a Human Source external to the Commission. In her view:
- Him and I were a team...we worked together really well. He was more of a team than what I had from my own boss and my own team.
- By 2022 she saw X as ‘part of my life’ and ‘the most constant connection in my life’. She also suggested that she had become ‘an important part of his life’.
46. LC had an assumed identity authorised by the Commissioner for communicating with Human Sources in order to protect her own identity. Despite this, she disclosed personal details about herself, including her first name and maiden name, to X, thus abrogating these protective measures. LC also gave X information about her own family, colleagues and associates, including her sister’s name and the full names and photographs of her parents.
47. In turn, X introduced several of his friends and associates to LC. She socialised with them using a pseudonym suggested by X, and over the course of time became friendly enough with them that they exchanged birthday and Christmas gifts. Needless to say, none of these activities were disclosed to the Commission. For LC to refer to her

involvement with X as ‘more than a source/handler relationship’ (see paragraph [38] above) is, frankly, to significantly understate the true position.

48. As already noted, the Procedure required that assumed identities be used at all times when managing a Human Source. This is to protect the true identities of all the handlers and to preserve the overall integrity of the Human Source Team. However, in a recorded message dated 8 May 2021, X demonstrated that he knew the real first names of three of LC’s colleagues at the Commission. One of the relevant officers was a member of the Human Source Team and had their own assumed identity, another was a lawyer handling confidential legal issues for the Commission, and the third was a member of the Commission’s Operations Team.
49. The only way X could have learned of the real first names of these three officers was through LC. When asked why she had given X this information, the only answer LC was able to provide, despite its obvious inadequacy, was that she had done so because the officers concerned were ‘part of my life’. There seems to have been no insight by her into the risks inherent in disclosing the names of these Commission officers, without their knowledge or permission, to a Human Source.
50. It appears that X played two very different roles for LC: on the one hand he was a Human Source whom she trusted ‘no more or less than any other source’, and on the other hand he was part of her ‘support network’, and ‘filled a void for me’.
51. LC gave evidence that during 2022, she declined the opportunity to move into a different work area within the Commission on three occasions. When asked why she did not pass X on to a different handler or take up opportunities to leave the Human Source Team and work elsewhere in the Commission, LC acknowledged that there were two different reasons, one professional and the other personal.
52. She testified that ‘part of me didn’t want to give up this source because this source was providing significant amounts of information that I believed would have our team seen as successful’. However, she also accepted that she had wanted to maintain contact with X for the emotional support he provided to her.
53. At no stage did LC declare her relationship with X as a personal interest capable of affecting her ability to perform her duties impartially and in the public interest. This was a breach of the Commission’s Code of Conduct.

Deceiving the Commission

54. LC’s decision to continue acting as X’s Primary Handler while actively pursuing a relationship with him was, as she later accepted, contrary to basic principles of human source handling. Maintaining the relationship required a very high level of secrecy on her part.
55. Overall, between 3 January 2019 and 13 March 2023, LC recorded only 30% of her telephone conversations with X. By way of contrast, between 12 August 2021 and 7 November 2022, she recorded 91% of her calls with another Human Source.

56. When challenged about her failure to record all of her conversations with X and make Contact Advice Reports as required by the applicable Policy and Procedure, LC explained that she had not wanted to do so because then her colleagues would discover the relationship between them. She conceded that she had been making a deliberate attempt to hide her actions from the Commission.
57. Data analysis carried out by the Commission shows that in 2022 alone, the time LC and X spent talking to each other reached a total of 437 hours and 36 minutes. Of this total, a mere 28 hours and 53 minutes were recorded. In other words, in 2022 LC and X expended more than 400 hours speaking to each other about matters that were not disclosed to the Commission. LC admitted during her examination that these were matters of a personal nature.
58. LC was aware that the volume of interactions between her and X was extremely high. In one recorded message made on 22 May 2020, LC attempted to quantify the time they had spent talking on Skype, saying:
- I don't think I've ever spoken to anyone so much in my life...it's definitely a minimum of well, a minimum of at least an hour and a half a day, every day.
59. Knowing that the time devoted to communicating with X might betray the personal connection between them, LC actively concealed it. For example, during a recorded conversation on 25 February 2021, she said, 'it's been a couple of days since I spoke to you'. However, records showed that LC and X had in fact spoken for a total of four hours and seven minutes on 23 February 2021 and four hours and 34 minutes on 24 February 2021. The deception engaged in by her on 25 February 2021 was planned and deliberate.
60. On other occasions, LC would only record part of a conversation with X, but both parties would greet each other when she commenced recording. Plainly, this conduct was intended to give the impression that the conversation was shorter than it had been, and this began to take place as early as 17 November 2020. On that day, a call between X and LC lasted for 20 minutes and 14 seconds. Only seven minutes and five seconds were recorded, and at the beginning of that shorter excerpt, each said 'good morning' to the other.
61. This tactic was repeated on many occasions thereafter. LC accepted that the outcome was calculated to lead a third party to believe that the telephone calls were shorter than they actually were. Objectively, this conduct can only be described as wilfully deceptive.
62. Similarly, during a phone call recorded in 2022, LC opened by wishing X 'happy birthday for the other day' and apologising for not having been able to call him on his birthday a few days earlier. However, the Commission's records demonstrated that she had spoken with X three times on his birthday and five times on the day afterwards, for a total time of 45 minutes and 51 minutes respectively. None of those calls were recorded.
63. Although LC clearly took considerable pains to conceal the nature of her relationship with X, it is most alarming that concerns about her conduct were not raised and acted

upon until January 2023. There appears to have been an almost total absence of cross-checking of LC's records and activities with X by other Commission officers, particularly her immediate supervisor, A.

64. One might have expected A, or another senior officer, to have checked what LC had been doing, with not only X but the other Human Sources, on at least a monthly basis, especially as she was not only a Human Source Handler but was also the Coordinator of the Human Source Team overall.
65. It appears that there was some disquiet within the Commission about LC's handling of X. As early as 9 July 2020, A emailed LC and other officers to express 'some concerns that we are investing a lot of energy and resources for what might be seen as limited tangible outcomes'. However, notwithstanding these reservations, it appears that no action was taken to confirm that the time and resources expended on X were justified, or, more pertinently, that the Policy and Procedure were being complied with in relation to him.
66. At the relevant times the Human Source Team has been described by one of its officers as not being 'a functional space'. Given what has been revealed by the Commission's investigation, this appears an entirely apt characterisation.

Serious Misconduct under the *Corruption, Crime and Misconduct Act 2003*

67. The definition of serious misconduct in the CCM Act includes situations in which a public officer corruptly takes advantage of their office or employment to obtain a benefit.¹⁰ The benefit need not be material in nature.
68. As set out above, it is clear that over a period of several years LC used her position as a Commission officer to pursue a personal relationship that she viewed as beneficial. This necessarily involved deceptive conduct on her part and the extensive use of Commission time and resources.
69. LC also disclosed official information to X, contrary to the CCM Act. By way of explanation, the CCM Act defines 'official information' as information acquired by a person by reason of, or in the course of, the performance of their functions under the Act. In the case of Commission officers, any information they receive in the course of their employment, including any intelligence reports so obtained, will be official information.¹¹
70. Disclosure of such information is strictly prohibited, with some exceptions: for instance, where the disclosure is under or for the purposes of the CCM Act; where information is provided to the Parliament; or where the Commission has certified that disclosure is necessary in the public interest.¹² Unauthorised disclosure of official information is an offence in the CCM Act attracting a three-year term of imprisonment.¹³ It is, therefore, also serious misconduct.¹⁴

¹⁰ CCM Act sections 3, 4(b).

¹¹ CCM Act section 152(1).

¹² CCM Act sections 152(4)(a), (d) and (c).

¹³ CCM Act section 152(2)(b).

¹⁴ CCM Act sections 3, 4(c).

71. Moreover, the CCM Act provides that each person employed by the Commission must swear or affirm that they will not disclose any information received under the CCM Act except in accordance with it.¹⁵ LC took this oath on 17 January 2007.
72. The effect of the above provisions is that when Commission officers receive a report of possible serious misconduct, they are not free to deal with that information as they choose. LC's obligation at all times was to make a record of all intelligence she received in her role as a Commission officer and not disclose it to any person outside the Commission without being authorised to do so. It was never within her remit to unilaterally decide how she would deal with information received by her, regardless of the source.
73. Nevertheless, this investigation revealed several occasions on which LC disclosed intelligence reports to X, without seeking any authorisation to do so. Telephone calls in which she made these disclosures were recorded on 1 July 2021, 18 August 2021, and 20 December 2022.
74. During the first of these phone calls, LC disclosed to X information that she had received from another Human Source. On 18 August 2021 and 20 December 2022, LC gave X information about possible serious misconduct that she had received from a contact in a government department.
75. LC denied that she had been 'feeding' X information that the Commission already held in an attempt to increase the number of 'reports' he could provide and thereby bolster his value as a Human Source. Instead, she said information was disclosed so X could make his own enquiries to determine whether or not it was true. Whatever her motivations, LC was disclosing official information, contrary to the CCM Act.
76. Most seriously, on one of the above occasions when LC disclosed official information to X, she also gave him the name of a person ('the complainant') who was believed to have made an anonymous report of corruption.
77. The complainant had become aware of possible corruption within the public sector and had lodged an allegation with the Commission, as any person can do under the CCM Act.¹⁶ The complainant's letter to the Commission stressed that it was written 'at great risk to myself because of the level of corruption that is going on' and explicitly stated that the complainant wished to remain anonymous. On receiving this allegation, the Commission referred it to the relevant department for action pursuant to section 33(1)(c) of the CCM Act.
78. The allegation was passed on to a person in the department who knew LC and emailed her about it on 17 August 2021. LC responded by enquiring whether there was any way to identify the complainant. The next day the departmental officer emailed LC again and advised her of the presumed identity of the anonymous complainant. That email was sent at 8:56 am.

¹⁵ CCM Act section 183.

¹⁶ CCM Act section 25.

79. At 10:32 am on 18 August 2021, LC spoke with X and informed him of the allegation and the complainant's name and location. She did not seek authorisation from the Commission that this disclosure was necessary in the public interest, and nor did she conduct any risk assessment. In fact, the speed with which she conveyed the information to X suggests she gave the potential risk little or no consideration. There was no evidence that she discussed her intentions with any other officer at the Commission.
80. Whether or not the complainant had been correct in asserting that their safety was at risk, there was no valid reason why their wish to remain anonymous should have been overridden and their identity compromised. LC's conduct in disclosing this information was a betrayal of the trust that the complainant had placed in the Commission when, notwithstanding concerns for their own safety, they chose to make a report of possible corruption.

Mitigating Circumstances

81. At the time of her inappropriate relationship with X, LC was emotionally wrought, caught in a thicket of her own lies and struggling with a marriage breakdown. She was, effectively, maintaining a double life, with all of the anxiety and stress that this must entail.
82. LC also testified that she was overwhelmed by her workload. Beyond this, she alleged that she received very little support from her manager, A, who was 'very nice, but just completely unavailable' and was neither involved with nor invested in the activities of the Human Source Team. Interviews conducted with other members of the Human Source Team support LC's evidence that A did not generally assist the team and did not attend its meetings. Unfortunately, that specific allegation was not formally put to A during examination by the Commission, although A has since made representations to me denying having been unavailable in this regard. As such, the issue is unclear.
83. Nevertheless, when asked about what was self-evidently a hands-off management style, A testified that LC had been a trusted employee, that A had felt 'confident in her abilities' and 'had no reason to doubt her'. Clearly A trusted LC, and, equally clearly, this trust was misplaced.
84. At the relevant times, A had responsibility for five separate work areas within the Commission, one of which was the Human Source Team. A gave evidence that given the 'breadth' of these responsibilities, it had not been possible to 'check 100 per cent of everything that was done'. In reality, it appears that A checked very little, if any, of the activities of the Human Source Team.
85. Whatever the reasons, including competing work priorities, plainly A was not adequately fulfilling the Human Source Registrar role as required by the Procedure. Concerningly, this does not appear to have become apparent to other senior Commission officers until early 2023.
86. Although A's supervision of LC was obviously deficient, from my vantage point it is difficult to accept the alleged extent of her overwork. Certainly, she was performing two different roles by acting as both a Human Source Handler and the Human Source

Coordinator, with the latter role requiring her to manage a small team. However, for all of this, she also found the time to speak to X at great length about non-work-related matters, including for some 400 hours in 2022 alone.

87. There were also steps that LC could have taken, but did not take, to extricate herself from the difficult situation she had created. She did not attempt to have X reallocated to a different Human Source Handler, accept or pursue opportunities to move to another unit within the Commission, or seek support from any of her colleagues.
88. Whether or not LC would have ultimately disclosed her activities to the Commission is unknowable, but her failure to do so over the three-year period explored in this report suggests strongly that she would have kept silent on the matter had it not been discovered in January 2023.
89. It must be acknowledged that during the course of this investigation, LC apologised to the Commission, expressed remorse and shame, and freely admitted that she had breached the Policy, Procedure, and Code of Conduct. She was, she said, not sure she could ever forgive herself. I have no reason to question her sincerity.

My Findings and Recommendations

90. Despite her apparent remorse, I find that LC engaged in serious misconduct¹⁷ on the following occasions and in the manner outlined below:

- Between early 2020 and early 2023, LC corruptly used her position as Human Source Coordinator within the Commission, and the resources provided to her in carrying out this role, to obtain a personal benefit: an extensive and intimate relationship with one of the Commission's Human Sources.
- In pursuing this relationship, LC took multiple steps to deceive the Commission, including adopting a pseudonym and failing to record all of her interactions with the Human Source.
- On or before 8 May 2021, LC provided the first names of three Commission officers to a Human Source without their consent in circumstances where this knowledge had the propensity to fully identify them.
- On 1 July 2021, 18 August 2021, and 20 December 2022, LC disclosed official information to a Human Source without seeking authorisation to do so.
- On one of these occasions, on 18 August 2021, LC also informed the Human Source of the name and location of a person who had made an anonymous allegation to the Commission, again without obtaining authorisation to do so.

91. I make no recommendation as to any disciplinary action to be taken against LC, who is no longer employed by the Commission and therefore not subject to any sanctions

¹⁷ A finding that serious misconduct has occurred is not, and is not to be taken as, a finding that a person is guilty of a criminal offence or a disciplinary offence.

imposed by it. Neither do I make any recommendation in relation to the bringing of criminal proceedings, which is a matter for WA Police.

92. My overall focus, of course, is not merely on LC, or any individual officer, but on the Commission as a whole. I recommend that the Commission undertake a full internal inquiry into how so many breaches of Policy, Procedure and the Code of Conduct were allowed to take place in its Human Source Team, uninterrupted and unidentified, for such a long period of time.

93. I further recommend that the Commission report to the Parliament by the end of this calendar year as to the outcomes of that inquiry and the procedural changes it proposes to adopt as a result before it recommences using Human Sources in any of its operations.



MATTHEW ZILKO SC
PARLIAMENTARY INSPECTOR