

About the CCC

Fact sheet No. 1

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The Corruption and Crime Commission (CCC) was established in 2004 to improve continuously the integrity of, and to reduce the incidence of misconduct in, the Western Australian public sector and to assist WA Police to combat and reduce the incidence of organised crime.

The *Corruption, Crime and Misconduct Act 2003* ("the CCM Act"), effective from 1 July 2015, gives the CCC and the Public Sector Commission (PSC) responsibility for preventing and dealing effectively and appropriately with misconduct in the Western Australian public sector.

The new legislation focusses the efforts of the CCC on dealing with serious misconduct and corruption by public officers. The CCC also has a broader anti-corruption and misconduct focus in relation to WA Police.

The PSC is responsible for minor misconduct and public sector prevention and education.

Who are public officers?

Public officers are defined in the CCM Act by reference to the definition in section 1 of *The Criminal Code*.

Public officers include State Government employees, police officers and employees of WA Police, members of government boards or committees, members of parliament, local government elected members and employees, all employees of public universities, employees of government trading enterprises and some volunteers.

What does the CCC do?

The CCC deals with allegations concerning serious misconduct. It does this by:

- assessing allegations of serious misconduct, including police misconduct, and deciding on the action to take;
- investigating serious misconduct in the public sector;
- monitoring serious misconduct investigations undertaken by public sector agencies; and
- assisting WA Police to reduce the incidence of, and to prevent, misconduct amongst their members.

The CCC does not investigate every allegation of serious misconduct brought to its attention. It is intelligence-led and invests its efforts in areas where the risk of serious misconduct and corruption is greatest and where its resources are needed most. It focuses on fewer but "higher value" investigations and operational activities that target corruption and serious misconduct "hotspots".

The CCC is also attuned to other corruption and serious misconduct issues and areas of concern that arise across the public sector so that it may respond promptly if and when required.

What is serious misconduct?

The CCM Act defines serious misconduct differently for WA Police than for other public officers.

For members of WA Police all types of misconduct described in section 4 of the CCM Act, and additional conduct described as "reviewable police action", are called "police misconduct". The CCM Act includes police misconduct in its definition of serious misconduct. The effect of this is that the CCC will deal with all allegations of misconduct relating to WA Police.

For other public officers serious misconduct refers only to corrupt or criminal conduct described in sections 4(a), (b) and (c) of the CCM Act, which occurs when a public officer:

- acts corruptly or corruptly fails to act in the course of their duties; or
- corruptly takes advantage of their position for the benefit or detriment of any person; or
- commits an offence which carries a penalty of 2 or more years imprisonment.

Corrupt conduct tends to show a deliberate intent for an improper purpose and motivation and may involve misconduct such as: the deliberate failure to perform the functions of office properly; the exercise of a power or duty for an improper purpose; or dishonesty.

For further information about serious, minor and police misconduct please refer to Fact Sheet No. 2 entitled Definition of Serious Misconduct.

How does the CCC deal with serious misconduct?

Once an allegation of serious misconduct has been received by the CCC, it will be assessed and a decision made as to what action will be taken. If additional information is required during the assessment process, the CCC may contact the person making the allegation.

The CCC must assess all allegations of serious misconduct and may decide to do one of the following:

- investigate or take action itself; or
- investigate or take action in cooperation with an independent agency (which includes the Public Sector Commission) or an appropriate authority (an agency which can investigate misconduct: generally either WA Police or the employing authority of the public officer the allegation is against); or
- refer the matter to an independent agency or appropriate authority for action; or
- take no action.

When an allegation has been referred for action to an appropriate authority the CCC may monitor the progress of an investigation, and review the outcome in "higher value" matters involving corruption and serious misconduct "hotspots".

If an investigation is commenced by the CCC, it may involve public or private examinations or other coercive powers under the CCM Act.

There are some cases where the CCC cannot form an opinion about whether serious misconduct has occurred. If it can form such an opinion the outcomes may vary widely. For example, the CCC may make a recommendation that disciplinary action, such as reprimand or dismissal, is taken against a public officer or that the officer be charged with a criminal offence.

Reporting serious misconduct to the CCC

Anyone can make a report or provide information to the CCC about suspected serious misconduct, including police misconduct. Public officers may make a report through an organisation's internal reporting procedures or may provide information directly to the CCC.

A report should be based on reasonable suspicion and may be about past matters or provide information about something that is occurring, may occur or is likely to occur. It is an offence to make a malicious or reckless report or to provide false or misleading information in a report to the CCC.

Principal Officers of WA public authorities have a duty to notify the CCC of suspected serious misconduct in accordance with the Guidelines for Notification of Serious Misconduct.

Members of the public can refer to Fact Sheet No. 3 entitled Reporting Serious Misconduct for more information on how to report.

Reports of minor misconduct are dealt with by the PSC. For more information about reporting minor misconduct, refer to the PSC Website or contact the PSC.

Contact the Corruption and Crime Commission

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Northbridge WA 6003

 General Enquiries (08) 9215 4888
Report Corruption 1800 803 186

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