



## **Reporting Serious Misconduct**

### **What reports are dealt with by the CCC?**

Misconduct under the *Corruption, Crime and Misconduct Act 2003* (“the CCM Act”) generally occurs when a public officer abuses authority for personal gain, causes detriment to another person or acts contrary to the public interest.

The Corruption and Crime Commission (CCC) deals with allegations concerning serious misconduct by public officers in Western Australia. Reports that involve minor misconduct are dealt with by the Public Sector Commission (PSC). For more information about the differences between serious and minor misconduct refer to the joint *Notification of Misconduct in Western Australia*.

### **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. Some examples of corrupt or criminal conduct which could be serious misconduct include:

- abuse of public office;
- blackmail;
- bribery, including bribery in relation to an election;
- deliberately releasing confidential information;



- extortion;
- obtaining or offering a secret commission;
- fraud or stealing;
- forgery;
- perverting the course of justice;
- an offence relating to an electoral donation;
- loss of revenue of the State by Tax evasion; and
- falsification of records.

## **How do I make a report 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

It is important that a report is only made once, either to the CCC or the PSC. If the report contains information about a public officer that alleges both serious and minor misconduct, the report should be made to the CCC.

If the CCC or PSC receives a report in error, they can refer it to each other.

## **What should a report contain?**

A report may be made anonymously, but this makes it difficult to assess.

Reports to the CCC may be made orally, but should be confirmed in writing, and include:

- details of the public officer(s) who may be involved or who are aware of the matter including their names, positions and contact details;
- details of the conduct and why it is suspected that it may be serious misconduct;
- a brief description of the events including dates, times and location;
- if relevant, the approximate values of goods or amounts of money that may be involved;
- any harm, risk, danger or injury to any person related to the conduct; and
- any evidence that supports the report, including the details of witnesses, any documents, emails and other materials.



## How do I lodge my report?

Post: PO Box 7667, Cloisters Square, PERTH WA 6850  
Telephone: (08) 9215 4888  
1800 809 000 (Toll Free)  
Facsimile: (08) 9215 4884  
Email: [info@ccc.wa.gov.au](mailto:info@ccc.wa.gov.au)  
Online: [www.ccc.wa.gov.au](http://www.ccc.wa.gov.au)  
Anonymous Report Line: 1800 803 186

## What will happen to my report once it has been lodged?

Once the CCC has received a report, 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 report.

Under the CCM Act the CCC must assess all allegations of serious misconduct. In deciding what action, if any, to take the CCC has some discretion and may have regard to the following factors:

- the seriousness of the conduct;
- whether the allegation is made in good faith (or may be frivolous or vexatious);
- whether the allegation has already been investigated or other action taken;
- whether further action is justified; and
- whether further action is in the public interest.

The CCC may also consult with, or consider investigations or other actions taken by, 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) before deciding what action may be taken.

## What action may be taken?

After the assessment is completed and all information considered, the CCC may decide to do one of the following:

- investigate or take action itself; or
- investigate or take action in cooperation with an independent agency or appropriate authority; or
- refer the matter to an independent agency or appropriate authority for action; or
- take no action.

The CCC does not investigate every allegation of serious misconduct brought to its attention. The majority of allegations are referred to an appropriate authority for action. The CCC may monitor the progress of an investigation and review the outcome in “higher value” matters involving corruption and serious misconduct “hotspots”.

The CCC will advise the person making the report if it chooses to take no further action.



## **Will others know that I made a report to the CCC?**

Reports are treated confidentially. However, details about the person making the report and the information in a report will likely be forwarded to the applicable authority if the CCC refers a matter for investigation.

Anonymous reports can be lodged with the CCC, but such reports may be difficult to assess or investigate. If you are concerned about being identified as the reporter, please contact the CCC before lodging your report.

## **Can I tell other people about a report made to the CCC?**

The CCM Act does not prevent a person who has reported misconduct from telling anyone that a report has been lodged. However, discussing the details of a report of suspected serious misconduct should be considered carefully as this may compromise any future investigation or may affect the reputation of the public officer.

## **What are the outcomes of reporting serious misconduct?**

An investigation may take some time to complete, depending on the complexity or seriousness of the allegation of serious misconduct or on the information received by the CCC.

The CCC may expose serious misconduct in the public sector by publishing a written report to the Parliament of Western Australia or, if it is in the public interest, by conducting public examinations which may be reported by the media.

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.

## **What if I am unhappy about the way the CCC has dealt with me or my report?**

The Office of the Parliamentary Inspector of the Corruption and Crime Commission of Western Australia accepts and can investigate allegations of misconduct by the CCC.

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