

What is a public authority and who is a public officer?

Reporting minor misconduct

This fact sheet has been prepared to assist people to gain a practical understanding how the [Corruption, Crime and Misconduct Act 2003](#) (CCM Act) defines a public authority and public officer. This will assist people to understand the Public Sector Commission's (PSC) minor misconduct jurisdiction.

What is a public authority?

Section 1 of the CCM Act defines a public authority, though some are expressly excluded from the PSC's minor misconduct jurisdiction.

Public authorities within the PSC's jurisdiction include:

- Public sector departments, agencies and statutory authorities
- Many public sector boards and committees established under a written law
- Local governments
- Public universities
- State government trading enterprises
- Contractors or subcontractors (a body performing a public function on behalf of a public authority)

What is a public officer?

Section 1 of the CCM Act defines public officer as '...the meaning given by section 1 of the Criminal Code.' Generally speaking, a public officer may be anyone using public resources to carry out a public function under a written law.

Public officers within the PSC's jurisdiction include:

- Employees of public sector departments, agencies and statutory authorities
- Chairpersons and members of many public sector boards and committees
- Employees of local governments
- Employees of public universities
- Employees of state government trading enterprises

This fact sheet is for information purposes only and should not be considered a substitute for legal advice.

Who is excluded from the PSC's minor misconduct jurisdiction?

There are some public authorities and public officers specifically excluded from the PSC's minor misconduct jurisdiction. This means the PSC cannot look into minor misconduct allegations received about the following groups:

- Western Australia Police (both uniformed and public sector employees)
 - All allegations of misconduct about WA Police employees should be reported to the [Corruption and Crime Commission](#)
- Western Australian Parliament (including members of Parliament, Parliamentary clerks, the Speaker of the Legislative Assembly and the President of the Legislative Council)
 - All allegations of misconduct about members of Parliament should be reported to the [Corruption and Crime Commission](#)
- Members of the Western Australian judiciary
 - Allegations of serious misconduct about judicial office holders should be reported to the [Corruption and Crime Commission](#) (in limited circumstances)
- Local government councils (including Mayors and elected members)
 - Some allegations of minor misconduct about local government councils or councillors should be reported to the [Local Government Standards Panel](#)
 - All allegations of serious misconduct about local government councils or councillors should be reported to the [Corruption and Crime Commission](#)

Further advice

For the legal definitions of public authority or public officer, see section 1 of the CCM Act available from State Law Publisher at www.slp.wa.gov.au

Please contact the PSC for advice on whether an allegation might be within the PSC's minor misconduct jurisdiction.

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