

Your reference: 602456/1, 6119175
Our reference: A1552120

29 March 2022

The Honourable Tony Fitzgerald AC QC, Chairperson and Commissioner
The Honourable Alan Wilson QC, Commissioner
Commission of Inquiry relating
to the Crime and Corruption Commissioner
GPO Box 149
BRISBANE
QUEENSLAND 4001

Tony, Alan,
Dear Commissioner Fitzgerald and Commissioner Wilson

CALL FOR SUBMISSIONS TO THE COMMISSION OF INQUIRY INTO SPECIFIC MATTERS RELATING TO THE CRIME AND CORRUPTION COMMISSION

Further to your letter, received by the Commission on 2 March 2022, please find below information relating to various matters, as requested.

Use of seconded police officers in investigations and in the processes connected with decisions to commence prosecutions arising from those investigations.

The Commission currently has two officers seconded from WA Police. Seconded police officers do not retain their police powers for the period of the secondment. They are authorised officers under section 184 of the *Corruption, Crime and Misconduct Act 2003* and only subject to the direction of the Commission.

Seconded police officers play no role in the processes connected with decisions to commence prosecutions arising from Commission investigations. As explained below, the Commission does not possess the legislative power to commence prosecutions.

Issues arising from any use of seconded police officers and how those issues are managed.

The seconded police officers are effectively Commission officers for the period of their secondment and there are no issues to manage.

Expertise, qualifications and training required for persons involved in investigations and decisions to commence prosecutions arising out of those investigations.

The Commission is not a training agency, and being a small agency it seeks to recruit investigators who have gained the requisite experience in law enforcement and

investigative organisations. Given the nature of the investigations conducted by the Commission it is important to recruit a balance of investigators that have experience in criminal law, civil law, administrative law, public sector investigations and, in recent years, financial investigators to conduct unexplained wealth investigations. It is also important that investigators have a sound understanding of public sector governance, and procurement processes and standards.

As indicated above, and explained below, the Commission is not a prosecuting authority and has no power to prosecute. As such, Commission officers require no expertise, qualifications or training with regards to decisions to commence prosecutions arising out of Commission investigations.

Any relevant law, policies, procedures and practices affecting decisions to commence prosecutions arising out of Commission investigations.

The Commission does not have the legislative authority to commence a prosecution arising from a Commission investigation.¹

Decisions to commence prosecutions arising from Commission investigations are made by agencies with power to charge, such as the WA Police Force, the State Solicitor's Office and Office of the Director of Public Prosecutions (ODPP).

Any relevant law, policies, procedures and practices affecting any referral of matters by your Office to the Office of the Director of Public Prosecutions for WA.

The Commission may assemble evidence obtained in the course of exercising the serious misconduct function and furnish it to an independent agency, such as the ODPP, or another authority, such as the SSO.²

The ODPP does not currently accept briefs of evidence directly from the Commission. The Commission currently refers matters for consideration for prosecution to the SSO.³

The Commission, SSO and ODPP are in the process of developing and agreeing to a Memorandum of Understanding governing matters associated with prosecutions arising from Commission investigations.⁴

¹ Refer *A v Maughan* 2016 [WASCA] 128; Joint Standing Committee on the Corruption and Crime Commission report entitled *Report 33: The ability of the Corruption and Crime Commission to charge and prosecute*, November 2016; and report by the Department of Justice (WA) entitled *Review into Prosecutions arising from Corruption and Crime Commission Investigations*, May 2020, tabled 3 August 2021.

² *Corruption, Crime and Misconduct Act 2003*, s 18(2)(h).

³ Refer Joint Standing Committee on the Corruption and Crime Commission report entitled *Report 33: The ability of the Corruption and Crime Commission to charge and prosecute* November 2016, and report by the Department of Justice (WA) entitled *Review into Prosecutions arising from Corruption and Crime Commission Investigations*, May 2020, tabled 3 August 2021.

⁴ As recommended in the report by the Department of Justice (WA) entitled *Review into Prosecutions arising from Corruption and Crime Commission Investigations*, May 2020, tabled 3 August 2021.

Practices regarding interaction between your Office and the Office of the Director of Public Prosecutions for WA, including practices in respect of advice given.

No practices exist in respect of advice given by the ODPP.

Investigative material acquired compulsorily by the Commission in the exercise of its serious misconduct function may be assembled and furnished to an independent agency or another authority.⁵

Any steps that your Office can take, and any steps that it has taken, in the course of investigations or hearings to minimise inappropriate impacts on affected parties.

The Commission has a number of policies and procedures in place in relation to witness welfare and communication. This includes:

1. Safety and Welfare of non-Commission Officers (ASD Procedure);
2. Safety or Welfare for non-Commission Officers (Whole Commission Policy);
3. Safety or Welfare for non-Commission Officers (Operations Procedure);
4. Section 96 Summons (Commission Procedure);
5. *Introduction to CCC examinations*; and
6. Wellbeing Cards.

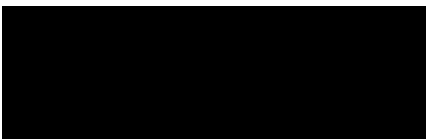
A copy of each policy and procedure is attached for your reference.

Any body or bodies established by law that provide independent oversight of the activities of your office, and the effectiveness of any such body or bodies.

The Joint Standing Committee on the Corruption and Crime Commission and the Parliamentary Inspector of the Corruption and Crime Commission have oversight of the activities of the Commission.

The Commission cannot comment on the effectiveness of either body.

Yours sincerely



Hon John McKechnie QC
COMMISSIONER

⁵ Refer *Corruption, Crime and Misconduct Act 2003*, s 18(2)(h) and s 152(4)(b) and *A v Maughan* 2016 [WASCA] 128.

COMMISSION PROCEDURE: ASD - SAFETY AND WELFARE OF NON-COMMISSION PEOPLE

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PURPOSE

1. This procedure provides guidance for officers performing a role within the Assessment and Strategy Development Directorate (ASD) when dealing with information that raises concern for the safety or welfare of non-Commission public officers and others.
2. This procedure deals with information received by the Commission in person, via telephone, social media, or by electronic or hard copy correspondence.
3. This procedure does not deal with information obtained under the [Telecommunications \(Interception and Access\) Act 1979](#) (Cth), the [Surveillance Devices Act 1998 \(WA\)](#), or the [Surveillance Devices Act 2004](#) (Cth). (Refer to [Commission Policy: Safety or Welfare for Non-Commission Persons](#) and [Commission Procedure: Operations - Safety or Welfare for Non-Commission Persons](#)).
4. This procedure should be read in conjunction with:
 - [Commission Policy: Safety or Welfare for Non-Commission Persons](#)
 - Occupational safety and health guidelines;
 - Triage assessment guidelines, flowchart and other relevant documents;
 - The [Corruption, Crime and Misconduct Act 2003](#) (CCM Act).

PROCEDURE DETAILS

Background

5. Officers performing roles within ASD regularly receive telephone calls, written correspondence, and in-person enquiries as a part of their duties in relation to dealing with serious misconduct. This procedure is intended to guide officers to professionally and appropriately deal with information received which may raise a concern for the safety or welfare of any person.
6. All information received by Commission officers in the performance of their duties is **official information** as defined by CCM Act s 152 and may only be disclosed in accordance with that Act.
7. When dealing with threats of self-harm, the primary concern is the preservation of life and prevention of harm to individuals.
8. This procedure does not deal with disclosure of a **restricted matter** under the CCM Act s 151.

Receipt of Information Raising Concern

9. If an officer performing a role within ASD receives information indicating a threat of self-harm exists or other concern for the safety or welfare of any person, they should notify an ASD Manager (Level 7) or above, as soon as practicable. The manager should enquire into the case and should consider whether to approve disclosure of official information to WA Police to manage an identified or perceived physical risk to any person.

SENSITIVE

10. As soon as practicable after receiving information involving threats of self-harm or other risks to the safety or welfare of any person, the officer who received the information must create a case note or Case Management Investigation System (CMIS) enquiry capturing the details of the call and any follow up action taken including if LSD is consulted.
11. The receipt of such information could be confronting or distressing, and officers who have been involved such matters should speak with their line manager or Corporate Services staff if they feel that they might benefit from support services available via the Employee Assistance Program (EAP). Alternatively officers may wish to contact the EAP service directly.

Commission Manager Considerations

12. Upon being briefed, the manager should make an assessment of the information to determine an appropriate course of action which may include providing relevant information about the actual or perceived threat(s), to an external agency for information and/or action (usually WA Police Force, but may alternatively/additionally be medical assistance for example).
13. A notification to an external agency will ordinarily contain official information under the CCM Act, and may only be disclosed to an external agency under the CCM Act s 152. However if the notification involves information about a threat of self-harm or other risks to the safety or welfare of any person, disclosure to WA Police Force can be made under the CCM Act ss 152(4)(a) and 18(2)(g). A disclosure of such information under these circumstances is not required to be made by a specified delegated authority. Accordingly, while the procedure requires a Manager to be consulted and to make an assessment, the actual disclosure of such information under these circumstances can be made by any Commission officer.
14. In making such a decision, the manager may consider consulting with the Legal Services Directorate (LSD) to ensure compliance with the CCM Act.
15. Managers should consider the welfare of staff members involved in such matters and should offer support services to any such staff members via the Commission EAP.

Reporting

16. The manager dealing with information regarding potential self-harm or a threat to the safety or welfare of any person must ensure the matter is accurately and fully recorded in CMIS, including recording the decision and action in respect of whether a notification of relevant information to an external agency was made. The manager should also notify the Director ASD (DASD) or Director Operations (DO) as soon as is reasonably practical.

RELATED INFORMATION

ITEM TITLE	DESCRIPTION
Commission Policy: Safety or Welfare for Non-Commission Persons	Policy relating to safety and welfare of people external to the Commission
Commission Procedure: Operations - Safety or Welfare for Non-Commission Persons	Policy relating to Operations directorate regarding safety and welfare of people external to the Commission

ASSISTANCE

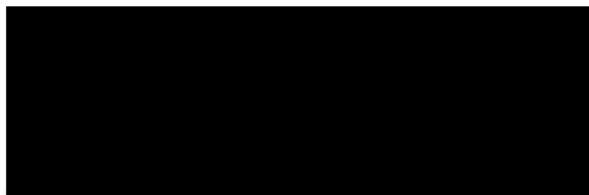
17. For assistance with this procedure contact Director ASD or Manager Assessments and Enquiries team.

AMENDMENT RECORD

Version	Updated	Procedure Owner	Version author (Name, Title, Branch)
1.0	01/11/2019		

REVIEW DATE: 01/11/2021

APPROVAL



Director ASD

1 November 2019

Approval date



POLICY: SAFETY OR WELFARE FOR NON-COMMISSION PERSONS

SCOPE

1. This policy applies to Commission officers, who in the course of their duties receive information that raises concern for the health and/or safety of a person who is not a Commission officer or employee, and a welfare intervention may be required.

REQUIREMENTS

2. In the course of carrying out the Commission functions, Commission officers may encounter people contemplating self-harm or may obtain information that a person is under threat of being harmed.
3. Concerns for the health and/or safety of a person who is not a Commission officer shall be managed in accordance with this policy and its supporting procedures.
4. Commission officers shall acquaint themselves with this policy and supporting procedures to enable swift action when managing a health or welfare incident.
5. During a health or welfare incident, the Commission's primary concern is the preservation of life and minimisation of harm to people.

RELATED INFORMATION

6. This should be read in conjunction with the [Commission Procedure: Operations - Safety or Welfare for non-Commission Persons](#) and [Commission Procedure: ASD - Safety or Welfare for non-Commission Persons](#).
7. Refer to the above procedures for guidance on the legislative constraints in dealing with Commission information for a health and welfare purpose.

ASSISTANCE

8. For assistance contact the Deputy Director Operational Support, Deputy Director Investigations, Director Operations or Director Assessment and Strategy Directorate.

APPROVAL

CEC Date	Review Date	CEC File Number	CEC Minute Document ID
08/12/2019	08/12/2021	0005/2019	A1252544

METADATA

Version	Updated	Policy owner	Version author (Name, Title, Branch)
1.0	06/11/2018		
1.1	11/12/2018		
2.0	3/12/2019		



COMMISSION PROCEDURE: OPERATIONS SAFETY OR WELFARE FOR NON-COMMISSION PERSONS

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PURPOSE

1. The purpose of this procedure is to provide guidance for Operations officers, where information received by the Commission raises a concern for the safety or welfare of a person who is not a Commission officer, and an intervention may be required.
2. The preservation of life is the primary concern of this procedure.
3. This procedure should be read in conjunction with:
 - [Commission Policy: Safety or Welfare for non-Commission Persons;](#)
 - [Commission Procedure: ASD Safety or Welfare for non-Commission Persons;](#)
 - [Commission Procedure: Section 96 Summons;](#)
 - Other associated documents as described in Related Information;
 - Occupational safety and health guidelines; and
 - Relevant legislation.

PROCEDURE DETAILS

Background

4. A number of Acts determine how information received at the Commission is used (see below).
5. All information received by Commission officers in the performance of their duties is 'official information' as defined by [Corruption, Crime and Misconduct Act 2003](#) (CCM Act) s 152 and may only be disclosed in accordance with the CCM Act.
6. Information obtained by Commission officers under the [Telecommunications \(Interception and Access\) Act 1979](#) (Cth) (TIA Act) may only be used or communicated in accordance with the TIA Act.
7. Information obtained by Commission officers under the [Surveillance Devices Act 1998](#) (WA) (SDA (WA)) may only be used or communicated in accordance with the SDA (WA) Act.
8. Information obtained by Commission officers under the [Surveillance Devices Act 2004](#) (Cth) (SDA (Cth)) may only be used or communicated in accordance with the SDA (Cth).

Notification - Non immediate safety or welfare concern

9. Where a Commission officer receives information that indicates a threat to the safety or welfare of a person that is not immediate, they must notify their manager as soon as practicable. The Commission officer must also provide a notification via email which reflects the verbal notification.
10. Written notification of the information must be documented on the appropriate file in Objective.

SENSITIVE

11. When a Commission officer serves a s 96 Summons to attend an examination, a Commission 'Wellbeing Card' and 'Introduction to CCC Examinations' document is to be handed to the witness.
12. On the day of the examination, a Witness Liaison Officer will be assigned to the witness. The Witness Liaison Officer's duties include to inform, advise and direct the witness in relation to the examination process.
13. Where a Commission officer receives information or observes that a witness may be exhibiting signs of adverse health (including mental health) during the examination process, a notification of this is to be escalated as per the section 'Notification - Immediate safety or welfare concern'.
14. At the conclusion of the examination and prior to the witness leaving the Commission the witness is to be handed a 'Wellbeing Card'.

Notification - Immediate safety or welfare concern

15. Where a Commission officer receives information that indicates a threat to the safety or welfare to a person that is immediate, they must notify their manager immediately. The Commission officer must also provide a written notification via email which reflects the information conveyed verbally.
16. If the information is received out of hours, the Commission officer must notify the Director Operations.
17. If the DDO is unavailable the Deputy Director Investigations (DDI) or Deputy Director Operational Support (DDOS) must be notified.
18. Details of the notification must be documented on the appropriate Objective file.

Action Upon Notification

19. A manager receiving a notification must assess the information, add additional relevant information if any, and notify the DO.
20. The notification must contain as much relevant information as possible, should clearly define the threat and set out why the officer believes there is an immediate threat to safety or welfare to a person.
21. The notification must identify the source of the information to ensure the appropriate legislative requirements, as outlined in Annexure A, are applied.
22. Upon receiving a notification, the DO must make an assessment of the information to determine an appropriate course of action which may include:
 - Take no action if the threat no longer exists;
 - Continue to monitor the situation;
 - Manage the situation internally; or
 - Refer the matter to an external agency.

23. In determining a course of action, the DO may, in addition to any other matter they deem relevant, consider one or more of the following:
- The risk to person;
 - Reputational risk or liability to the Commission;
 - The advice of the investigating officer;
 - The significance of the information received in the context of other known relevant information;
 - The relationship of the person with the Commission;
 - The impact upon an ongoing investigation;
 - The impact upon investigative methodologies; and
 - The legislative requirements as summarised in Annexure A.
24. The DO is responsible for the management of the safety or welfare notification. In determining the course of action, preservation of life must be the paramount consideration. If the DO is not available, the DDI and/or DDOS can determine the course
25. If it is determined that an intervention is appropriate, the aim of the intervention is to preserve the safety or welfare of a person by notifying appropriate people to provide assistance, including medical and/or professional assistance, to the person concerned.
26. The Commissioner must be notified as soon as practicable if an intervention is made.

Permitted Communications

27. If a notification is the result of official or restricted information under the CCM Act, it may only be disclosed to an external agency under CCM Act ss 151 or 152. If the notification involves a concern of self-harm, disclosure is likely to require a public interest determination by the Commissioner under CCM Act s 152(4)(c) or, if the disclosure also concerns restricted information, a direction under s 151(4)(a).
28. With regard to official information, the Commission can exchange official information with WA Police Force (and other emergency services) under s 18(2)(g) and s 153(4)(a) without a certificate.
29. If a notification is the result of Lawfully Intercepted Information (LII) or Interception Warrant Information (IWI), it may be communicated by Commission officers under TIA Act ss 67 or 68.
30. Communication under TIA Act s 67 may be made by any officer to any person when the purpose of the disclosure is connected to a Commission investigation in which the disclosure advances or supports the investigation process, including the examination process. Communication under s 68 may only be made by the Commissioner, or an authorised officer under s 68(1), to specified agencies which includes any sworn officer of the Western Australia Police Force.

31. If a notification is the result of Lawfully Accessed Information (LAI) or Stored Communications Warrant Information (SCWI), it may be communicated by Commission officers under TIA Act s 139. Communication under TIA Act s 139 may be made by Commission officers to any person for a purpose connected with a Commission investigation or an investigation by another criminal law-enforcement agency as defined by TIA Act s 110A for offences defined in TIA Act s 139(3).
32. Information received by the Commission by the exercise of power under an Act other than the CCM Act is almost certainly to be official information for the purposes of the CCM Act. Therefore, the provisions relating to the use and disclosure of the information under both the CCM Act and the act under which the information was obtained needs to be considered.

Sudden or Extraordinary Emergency

33. If the information (obtained from LII or IWI) cannot be disclosed under TIA Act ss 67 or 68, then it is likely to be contrary to TIA Act s 63(1). In this case the disclosure may be excused by *Criminal Code* s 10.3 - sudden or extraordinary emergency.
34. If the information (obtained from LAI or SCWI), cannot be disclosed under TIA Act s 139, then it is likely to be contrary to TIA Act s 63(1). In this case the disclosure may be excused by *Criminal Code* s 10.3 - sudden or extraordinary emergency.
35. *Criminal Code* s 10.3 excludes criminal liability for a disclosure if the disclosure was made in circumstances of a sudden or extraordinary emergency. It is not necessary for the emergency to be both sudden and extraordinary. *Criminal Code* s 10.3 is likely to apply to most cases in which saving the life is the objective of the disclosure.
36. *Criminal Code* s 10.3 applies even where the emergency later proves not to have been real. Although it may be relevant that no sudden or extraordinary emergency existed, the ultimate question is whether the Commission reasonably believed the emergency existed. An emergency exists by reason of some apprehended adverse event. An emergency may exist even if the event is not certain or assured in the absence of emergency action.
37. *Criminal Code* s 10.3 applies to the conduct of a person who reasonably believes that:
 - circumstances of sudden or extraordinary emergency exist; and
 - committing the offence is the only reasonable way to deal with the emergency; and
 - the conduct is a reasonable response to the emergency.

Reporting

38. The DO receiving a safety or welfare notification must report the notification, and the action taken in relation to the notification, to the next CEC meeting.
39. The DO receiving a health or safety notification must ensure that the matter is appropriately recorded within the relevant Objective file, CMIS case file or corporate repository.

RELATED INFORMATION

ITEM TITLE	DESCRIPTION
Commission Policy: Safety or Welfare for non-Commission Public Officers and Others	Policy relating to safety and welfare of people external to the Commission
Commission Procedure: ASD Safety or Welfare for Non-Commission Persons	Procedure regarding safety and welfare of people under ASD and Corporate Services
Commission Procedure: Section 96 Summons	Procedure referring to section 96 Summonses

ASSISTANCE

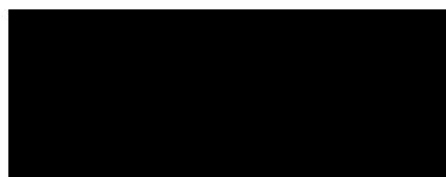
40. For assistance contact Deputy Director Operational Support, Director Operations, Director Assessment and Strategy Directorate or Deputy Director Investigations.

AMENDMENT RECORD

Version	Updated	Procedure Owner	Version author (Name, Title, Branch)
1.0	06/11/2018		A/Manager Operations ECU
1.1	04/12/2018		Project and Compliance Officer
1.2	05/12/2018		Director Operations
1.3	26/02/2019		Project and Compliance Officer
2.0	12/12/2019		Project and Compliance Officer

REVIEW DATE: 12 December 2021

APPROVAL

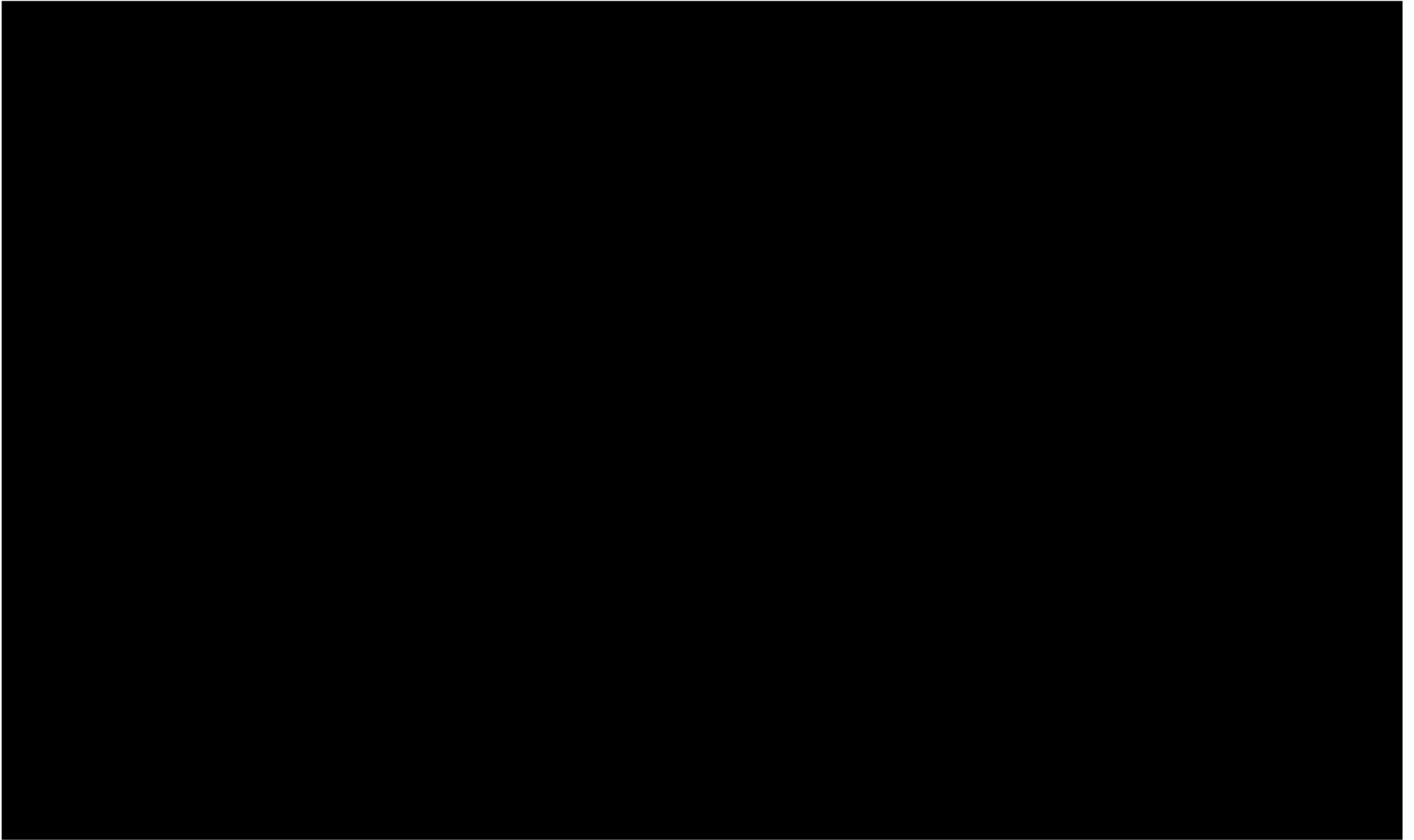


12/12/2019

Director Operations

Approval date

SENSITIVE



SENSITIVE



SENSITIVE





COMMISSION PROCEDURE: APPLICATION FOR SECTION 96 SUMMONS

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PURPOSE

1. This procedure provides guidance on the process involved to issue a section 96 summons, including:
 - application and authorisation of a s 96 summons;
 - serving a s 96 summons; and
 - record keeping requirements.
2. This procedure should be read in conjunction with:
 - [Commission Procedure: Section 94 and 95 Notices](#);
 - [Commission Procedure: Section 99 Notations and 99\(8\) Notices](#);
 - Other associated documents as described in Related Information;
 - Commission Occupational Safety and Health guidelines; and
 - Relevant legislation.

PROCEDURE DETAILS

3. All references to legislation within this procedure are to the [Corruption, Crime and Misconduct Act 2003](#) (CCM Act) unless otherwise specified.
4. The Commission may issue a summons to a person requiring a witness to attend before the Commission at either a public or private examination to:
 - (a) give evidence;
 - (b) produce any record or other thing in the person's custody or control that is described in the summons; or
 - (c) do both of those things.

Application

5. The application must be prepared in consultation with the appropriate representative from the Legal Services Directorate (LSD).
6. The Executive Assistant (EA) to the Director Operations (DO) maintains the Notice and Summons Register and provides unique reference numbers (for s 94 and s 95 notices and s 96 summonses) to case officers. In the event the EA is unavailable, case officers can fill out the manual register which is pre-filled with numbers. The EA will update the electronic register at the next available time.

7. When requesting a summons number, the case officer should advise the EA of the following details:
 - Date of request;
 - Name and address of person/organisation being served;
 - Name of Commission officer requesting the notice;
 - Type of notice (NPI 94, NPR 95, S 96);
 - Whether or not a s 99 notation is applicable;
 - File number;
 - Operation name;
8. If approved, the case officer should also advise the EA of the following details:
 - Date on which the notice was signed by the Commissioner;
 - Date on which the notice is to be returned or attended; and
 - Date on which the notice was served;
9. When preparing the summons application the case officer is to consider whether a s 99 notation is required with reference to 'Commission Procedure: Section 99 Notations and 99(8) Notices'.
10. Using the relevant template, the case officer prepares the draft [section 96 summons](#) in Objective (under the operation file), in consultation with the allocated lawyer.
11. Each proposed s 96 summons must be accompanied by a covering memo to the Commissioner from the case officer, outlining:
 - the rationale for the summons;
 - why the person is being summonsed for the examination;
 - if the person being summonsed is required to produce any record or thing, the relevance of the record or thing;
 - whether a s 99 notation is required and if so, brief reasons why; and
 - the reasonableness of the timeframe proposed for compliance with the summons (bearing in mind the anticipated time to effect service of the summons once it is issued).
12. The case officer liaises with the allocated lawyer to allow adequate time for legal review. The case officer will send an email attaching the draft summons and covering memo to the allocated lawyer for review. Once the review is complete, the lawyer will send the documents back to the case officer by email, with any recommended amendments to the documents in tracked changes.
13. A copy of this covering memo is to be provided to the relevant Principal Investigator or manager for review.
14. The Commissioner requires the draft s 96 summons and covering memo to be reviewed by a LSD lawyer immediately prior to submission to the Commissioner.

SENSITIVE

15. The Deputy Director Investigations (DDI) must be advised of the draft summons before documentation is sent for legal review.
16. Once the documents have been settled by the allocated lawyer, the case officer will forward them to the Commissioner's Executive Assistant for consideration by the Commissioner.

Authorisation

17. The Commissioner will consider the covering memo and proposed summons and sign the summons if approved.
18. Once the Commissioner has signed the summons, the Commissioner's Executive Assistant will return the summons to the DO's EA who will it to the case officer.
19. Where the Commissioner does not approve a summons, the case officer must prepare a file note to outline the reasons why it was not approved, with attached documentation and save in Objective under the appropriate operation file.
20. Where a summons is approved by the Commissioner, the case officer must arrange for service of the summons.
21. A copy of the summons must be scanned and saved in Objective under the appropriate operation.

Service

22. A s 96 Summons must be served personally on the person requested to attend the Commission.
23. When a Commission officer serves a s 96 summons to attend an examination, a Commission 'Wellbeing Card' and 'Introduction to CCC Examinations' document is to be handed to the witness.
24. A s 96 summons must not be served less than 28 calendar days before a scheduled examination unless circumstances require a shorter period. If a shorter period is required, approval must be obtained from the Commissioner and a note made on CMIS to that effect.
25. In exceptional circumstances, late service of a summons may be necessary where there is a justifiable reason. In such circumstances, the Commissioner must be advised and provided with the reason(s) for the late service.
26. If a s 99 notation applies to the summons, this information is to be included on the summons and the officer serving the summons must point this out to the recipient.
27. At the conclusion of an investigation, a s 99 notation will cease to have effect where certain circumstances exist, as set out in s 99(7) or after a period of 5 years (s 167 (5)(b)).
28. Where one of the triggering events described in s 99(7) occurs and a s 99 notation was included on a summons, the Commission must inform the person served with a summons containing a s 99 Notation that their obligation not to disclose official matters has ceased.

29. The case officer must arrange for a notice in writing to the person(s) the subject of a s 99 notation in accordance with s 99(8). Refer to '[Commission Procedure: Section 99 and 99\(8\) Notices](#)' for further information.
30. If a summons is to be served interstate, Legal Services should be contacted prior to serving.

ADMINISTRATION AND RECORDING KEEPING

31. Once the summons has been served, a [Record of Service](#) document is to be completed and uploaded to Objective on the appropriate operation file, together with a copy of the s 96 Summons.
32. The case officer is responsible for recording all details relevant to the summons in CMIS and Objective. This includes copies of the signed application, authorities and record of service.
33. The case officer must inform the DO's EA of the date the summons was signed by the Commissioner and the date it was served.

RELATED INFORMATION

ITEM TITLE	DESCRIPTION
Commission Procedure: Section 94 and 95 Notices	Procedure relating to ss 94 and 95 Notices
Commission Procedure: Section 99 Notations	Procedure relating to ss 99 and 99(8) Notices
Cease to Have Effect Notice	s 99(8) cease to have effect template
Record of Service	Template with service details
Operation Case Closure Form	Form to support the above procedures
Commission Procedure: Safety or Welfare for non-Commission Public Officers and Others	Procedure referring to s 96 summonses

ASSISTANCE

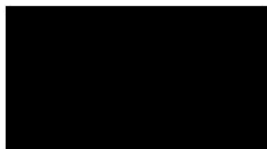
For assistance, contact the Project and Compliance Officer.

AMENDMENT RECORD

Version	Updated	Policy owner	Version author (Name, Title, Branch)
1.0	20/02/2018	Director Operations	[REDACTED] Project and Compliance Officer
1.1	05/02/2019	Director Operations	[REDACTED] Project and Compliance Officer
1.2	29/06/2020	Director Operations	[REDACTED] Project and Compliance Officer [REDACTED] Executive Assistant Director Operations

REVIEW DATE: 29/06/2022

APPROVAL



29 June 2020

[REDACTED] Director Operations

Approval date

What is a Corruption and Crime Commission examination?

The Corruption and Crime Commission (CCC) conducts private and public examinations as part of investigations into allegations of serious misconduct by Western Australian public officers under the *Corruption, Crime and Misconduct Act 2003*.

Appearing as a witness at an examination - what can I expect?

The purpose of an examination is to enable the CCC to find out facts and get to the truth of allegations of serious misconduct. If you are required to give evidence as a witness in a CCC examination, you would have already been served with a summons.

Private examinations

CCC examinations are conducted in private unless otherwise ordered by the Commissioner. Private examinations are not open to the public, and can only be attended by you, your lawyer (if you appoint one), and Commission officers.

Public examinations

A public examination will take place when, having weighed the benefits of public exposure and public awareness against the potential for prejudice or privacy infringements, the Commissioner considers that it is in the public interest to do so.

Anyone can attend a public examination, including the media who may report on the investigation. Public examinations are live streamed via www.ccc.wa.gov.au and transcripts of the proceedings are made available on the website. You are welcome to ask family or friends to attend a public examination.

Giving evidence at an examination

When responding to questions during an examination, please remember to:

- listen carefully to the questions asked of you;
- speak clearly and answer all questions truthfully;
- if you don't understand or can't hear something, ask for it to be repeated or explained; and
- advise the Commissioner if you need a break.

Further information about appearing as a witness is at www.ccc.wa.gov.au/information_for_witnesses.

Do I need legal advice?

CCC officers are unable to provide you with legal advice. If you need legal advice, consult a solicitor or make an application for legal aid by visiting <http://www.legalaid.wa.gov.au>.

Counselling support

You may experience a range of emotions about attending and providing evidence at a CCC examination. If you are a Western Australian Public Sector employee, then confidential counselling support may be available before or after an examination through your agency's employee assistance provider.

If you are employed in the private sector or unemployed, the CCC recommends visiting the Western Australia Mental Health Commission website (www.mhc.wa.gov.au/getting-help/helplines) for a list of helplines with immediate support and advice that is confidential, free and anonymous. The CCC does not provide emotional or counselling support to examination witnesses.

What can I discuss with the counsellor?

If you chose to receive counselling support, you remain bound by the confidentiality requirements in the summons. This means you are welcome to discuss your emotional state with a counsellor. However, **you must not discuss your attendance at the CCC or details of the examination.** Authorisation must be sought from the Commissioner before details of an examination or investigation can be disclosed to a counsellor.

Getting to the CCC - Level 5, 45 Francis Street Northbridge

The CCC is walking distance from the Perth Underground Train Station and Perth Busport (approximately 500 meters), and has nearby public car parking options. Parking in metered car bays is not advised, as you may be required for an extended period of time and unable to move your vehicle or add to the meter.



When you arrive at the CCC, a Commission officer will greet you in the reception area, issue you with a visitor pass to wear whilst in the building, and will escort you to the examination room. Please ensure you arrive by the time listed in your summons.

Contact the Corruption and Crime Commission

Level 5, 45 Francis Street
Northbridge WA 6003

General Enquiries (08) 9215 4888
Report Corruption 1800 809 000

www.ccc.wa.gov.au

info@ccc.wa.gov.au

[@CCCWestAus](https://twitter.com/CCCWestAus)

You may experience a range of emotions about providing evidence at a Corruption and Crime Commission examination.

If you have concerns about your or someone else's wellbeing, counselling gives you the opportunity to discuss how you are feeling in a safe and supportive environment.

The following helplines can provide you with immediate access to support and advice that is confidential, free and anonymous.

Organisation	Service	Contact
Mental Health Emergency Response Line	For anyone involved in a mental health emergency in the community.	1300 555 788
Rurallink	A specialist after hours mental health telephone service for people in rural Western Australia.	1800 552 002
Lifeline	24-hour/7 days a week personal crisis support and suicide prevention services.	13 11 14
Beyond Blue	Promotes good mental health, services for depression and anxiety, and 24-hour/7 days a week hotline with trained mental health professionals.	1300 224 636
Relationships Australia	A provider of relationship support services for individuals, families and communities.	1300 364 277
Headspace	A youth mental health foundation for people aged 12-25 going through a tough time.	1800 650 890
QLIFE	Counselling and referral service for LGBTI people.	1800 184 527

Contact us

Corruption and Crime Commission

- 📍 Level 5, 45 Francis Street
Northbridge WA 6003
 - ☎ (08) 9215 4888 or 1800 809 000
 - ✉ info@ccc.wa.gov.au
 - 🌐 www.ccc.wa.gov.au
 - 🐦 @CCCWestAus
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The Corruption and Crime Commission works to improve the integrity of the Western Australian public sector and assists public sector agencies to minimise and manage serious misconduct.