



	NSW	VIC	QLD	WA	SA
Corruption Act	<i>Independent Commission Against Corruption Act 1988</i>	<i>Independent Broad-based Anti-corruption Commission Act 2011</i>	<i>Crime and Corruption Act 2001</i>	<i>Corruption and Crime Commission Act 2003</i>	<i>Independent Commissioner Against Corruption Act 2012</i>
Corruption Regulator	Independent Commission Against Corruption (ICAC)	Independent Broad-based Anti-corruption Commission (IBAC)	Crime and Corruption Commission (CCC)	Corruption and Crime Commission (CCC)	Independent Commissioner Against Corruption; Office of Public Integrity (ICAC)
Related whistleblowers legislation	<i>Public Interest Disclosures Act 1994</i>	<i>Protected Disclosure Act 2012</i>	<i>Public Interest Disclosure Act 2010</i>	<i>Public Interest Disclosure Act 2003</i>	<i>Whistleblowers Protection Act 1993</i>
Conduct regulated	<p><u>"corrupt conduct" (ss.8 & 9)</u></p> <p>Conduct by anyone that:</p> <ul style="list-style-type: none"> could adversely affect the exercise of official functions by a public official or public authority, <p>and conduct by a <i>public official</i> that:</p> <ul style="list-style-type: none"> involves the dishonest or partial exercise of any official function; or involves a breach of public trust; or involves the misuse of information or material acquired in the course of 	<p><u>"corrupt conduct" (s.4)</u></p> <p>Conduct by <i>anyone</i> that:</p> <ul style="list-style-type: none"> adversely affects the honest performance by a public officer or public body of its functions, <p>and conduct by a <i>public officer</i> or <i>public body</i> that:</p> <ul style="list-style-type: none"> involves the dishonest performance of functions; involves knowingly or recklessly breaching public trust; involves the misuse of information or material acquired in the course of 	<p><u>"corrupt conduct" (s.15)</u></p> <p>Conduct by <i>anyone</i> that:</p> <ul style="list-style-type: none"> could adversely affect a unit of public administration (public agency) or a person holding an appointment (public official); could result in the performance of their functions or the exercise of their powers in a way that is not honest or impartial, knowingly or recklessly breaches public trust or involves the misuse of agency-related 	<p><u>"misconduct" (s.4)</u></p> <p>Conduct by a <i>public officer</i> who:</p> <ul style="list-style-type: none"> corruptly acts / fails to act in performance of official functions; or corruptly takes advantage of office / employment to obtain a benefit / cause a detriment; or commits an offence punishable by 2 or more years' imprisonment whilst acting in official capacity. <p>Conduct by a <i>public officer</i></p>	<p><u>"corruption in public administration" (s.5(1))</u></p> <p>Conduct by <i>anyone</i> that includes:</p> <ul style="list-style-type: none"> bribery or corruption of public officers; threats or reprisals against public officers, <p>and conduct by a <i>public officer</i> that includes:</p> <ul style="list-style-type: none"> abuse of public office; demanding or requiring a benefit on the basis of public office; an offence against certain public sector legislation;

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<p>official functions, and conduct by a <i>former public official</i> that:</p> <ul style="list-style-type: none"> • involves a breach of public trust; or • involves the misuse of information or material acquired in the course of official functions, which could constitute or involve a criminal offence, disciplinary offence or reasonable grounds for dismissal. 	<p>performance of functions, which if proved would constitute an indictable offence against an Act or the common law offences of perverting (or attempting to pervert) the course of justice or bribery of a public official.</p>	<p>information or material;</p> <ul style="list-style-type: none"> • is engaged in for the purpose of providing a benefit to the person or another person, or causing a detriment to another person; and <p>if proved, would constitute a criminal offence or a disciplinary breach providing grounds for dismissal.</p>	<p>that:</p> <ul style="list-style-type: none"> • could adversely affect the honest or impartial performance of official functions (of public officer or public authority); or • involves performance of functions that is not honest or impartial; or • involves a breach of trust; or • involves the misuse of information or material acquired in connection with official functions, which could constitute an offence or a disciplinary offence providing reasonable grounds for dismissal. 	<p>and</p> <ul style="list-style-type: none"> • any other offence in capacity as a public officer. <p><u>Misconduct in public administration" (s.5(3))</u></p> <p>Conduct by a <i>public officer</i> that:</p> <ul style="list-style-type: none"> • contravenes a code of conduct whilst acting in an official capacity that constitutes ground for disciplinary action; • other misconduct whilst acting in an official capacity. <p><u>"maladministration in public administration" (s.5(4))</u></p> <p>Conduct by a <i>public officer</i> that includes:</p> <ul style="list-style-type: none"> • irregular and unauthorised use of public money; • substantial mismanagement of public resources; or • substantial mismanagement in relation to performance of official functions

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Applicable to public universities?	<p>Yes</p> <ul style="list-style-type: none"> Public universities are public authorities.ⁱ Council / Senate members, senior executives / officers and employees of public universities are public officials.ⁱⁱ Conduct that could "adversely affect" the exercise of official functions by a public official or public authority applies to private persons. 	<p>Yes</p> <ul style="list-style-type: none"> Public universities are public bodies.ⁱⁱⁱ Council members, senior executives / officers and employees of public universities are public officers.^{iv} Any person engaged by a public university to perform a public function on its behalf is also a public officer.^v Conduct that could "adversely affect" the honest performance of official functions by a public officer or public body applies to private persons. 	<p>Yes</p> <ul style="list-style-type: none"> Public universities are public agencies.^{vi} Council members, senior executives / officers and employees of public universities are public officials.^{vii} Conduct that could "adversely affect" the exercise of official functions by a public official or public agency applies to private persons. 	<p>Yes</p> <ul style="list-style-type: none"> Public universities are public authorities.^{viii} Council members, senior executives / officers and employees of public universities are public officers.^{ix} 	<p>Yes</p> <ul style="list-style-type: none"> Conduct that amounts to bribery or corruption of public officers or threats or reprisals against public officers applies to private persons. <p>It is not clear from the legislation that a university falls within the definition of "public authority". However, ICAC considers that:</p> <ul style="list-style-type: none"> Public universities are public authorities. If that is correct, Council members, senior executives / officers and employees of public universities are public officers.^x People performing contract work for a public university are also public officers.^{xi}

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Investigative powers	<ul style="list-style-type: none"> • Requiring a public authority or public official to produce a statement of information. • Requiring any person to attend ICAC or an ICAC officer. • Requiring any person to produce a document or other thing to ICAC. • Entering and inspecting premises occupied by a public authority or public official in that capacity. • Entering, searching and seizing documents or things on any premises pursuant to a search warrant. • Conducting private compulsory examinations and public enquiries. 	<ul style="list-style-type: none"> • Entering, searching and seizing documents or things on any premises pursuant to a search warrant. • Conducting private and, in exceptional circumstances, public examinations. • Anything else necessary or convenient to be done for or in connection with the performance of its investigative functions. 	<ul style="list-style-type: none"> • Requiring any person to provide a written or oral statement of information relevant to a corruption investigation. • Requiring any person to provide documents relevant to a corruption investigation. • Requiring any person to attend before the CCC to give evidence or produce a document or thing. • Entering, searching, detaining and searching persons and seizing documents or things on any premises pursuant to a search warrant. • Installing and using a surveillance device pursuant to a surveillance warrant. • Conducting hearings. 	<ul style="list-style-type: none"> • Requiring a public authority or public officer to produce a statement of information. • Requiring any person to attend the CCC or a CCC officer. • Requiring any person to produce a document or other thing to ICAC. • Conducting examinations and requiring witnesses to attend, give evidence and produce records at such examinations (and issuing arrest warrants in certain circumstances if witnesses do not attend). • Entering and inspecting premises occupied by a public authority or public official in that capacity. • Entering, searching and seizing documents or things on any premises pursuant to a search warrant. • Conduct 'controlled' (undercover) operations. 	<ul style="list-style-type: none"> • Requiring a public authority or public officer to produce a statement of information or answer specified questions. • Conducting examinations. • Requiring any person to produce any document or thing for the purposes of an investigation. • Taking copies of financial records at a financial institution. • Requiring suspected persons to disclose their personal details. • Entering, searching and seizing documents or things on premises occupied by a public authority or public official in that capacity pursuant to a warrant issued by the Commissioner. • Entering, searching and seizing documents or things on premises suspected of being used or housing records in relation to a corruption offence pursuant to a search warrant issued by a judge.



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- ⁱ *Independent Commission Against Corruption Act 1988* (NSW), s.3 (definition of 'public authority', sub-s.(d)); *Public Finance and Audit Act 1983* (NSW), Sch 2.
- ⁱⁱ *Independent Commission Against Corruption Act 1988* (NSW), s.3 (definition of 'public official', sub-ss.(h), (i) and (m))
- ⁱⁱⁱ *Independent Broad-based Anti-corruption Commission Act 2011* (Vic), s.6(1) (definition of 'public body', sub-s.(b)).
- ^{iv} *Independent Broad-based Anti-corruption Commission Act 2011* (Vic), s.6(1) (definition of 'public officer', sub-ss.(x), (za)).
- ^v *Independent Broad-based Anti-corruption Commission Act 2011* (Vic), s.6(1) (definition of 'public officer', sub-s.(y)), (3), (4).
- ^{vi} *Crime and Corruption Act 2001* (Qld), s.20(1)(e).
- ^{vii} *Crime and Corruption Act 2001* (Qld), s.21.
- ^{viii} *Corruption and Crime Commission Act 2003* (WA), s.3(1) (definition of 'public authority', sub-ss.(a), (c), (d); definition of 'notifying authority'); *Financial Management Act 2006* (WA), Sch 1.
- ^{ix} *Corruption and Crime Commission Act 2003* (WA), s.3(1) (definition of 'public officer'); *The Criminal Code*, s.1 (definition of 'public officer').
- ^x *Independent Commissioner Against Corruption Act 2012* (SA), Sch 1.
- ^{xi} *Independent Commissioner Against Corruption Act 2012* (SA), Sch 1.