



## OMBUDSMAN

Western Australia

Our ref: 11650  
Enquiries: 9220 7555

26 October 2004

Mr Neil R Smithson  
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Dear Mr Smithson

### City of Albany

#### **Allegation of Corruption/Conspiracy by Council Officers. Failure to investigate by the W A Corruption and Crime Commission**

Thank you for your letter of 14 October 2004, received on 18 October 2004, and the copies of correspondence relating to your complaint about the City of Albany.

If I have understood you correctly, you appear to be concerned about the decision by the Corruption and Crime Commission (CCC) not to investigate your allegations of corruption by officers at the City of Albany.

Assuming that you are seeking an investigation by the Ombudsman into the CCC's decision not to investigate your complaint, I regret that we are unable to assist you. The reasons for this are based in legislation, as outlined below.

Firstly, allegations involving the misconduct of public officers do not fall within our jurisdiction which only applies to matters of administration. It is our practice – and our obligation under the *Corruption and Crime Commission Act 2003* – to refer such matters to the CCC which has absolute discretion to decide to investigate, or not to investigate, allegations which are drawn to its attention.

Secondly, when the CCC was established, it was specifically excluded from our jurisdiction under Schedule 1 of the *Parliamentary Commissioner Act 1971* which regulates our operations.

I am sorry that we are unable to assist but our lack of jurisdiction to deal with the issues you have raised is unequivocal under the two pieces of legislation I have cited.

Yours sincerely

Jane Burn

**ASSESSMENTS TEAM**

#### **Parliamentary Commissioner for Administrative Investigations**

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