Complaints about the Director-General: section 48A of the Crime and Corruption Act 2001 Policy

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1. Purpose

This policy outlines how the Department of Local Government, Water and Volunteers (DLGWV) will manage complaints, including information or matters that involve or may involve corrupt conduct of the public official as defined in the *Crime and Corruption Act 2001* (CC Act). This includes managing complaints (also information or matter) of this nature ethically and in accordance with obligations under section 48A of the CC Act.

The Director-General is the public official of DLGWV for the purposes of the *Crime and Corruption Act 2001*.

The Public Sector Commission has published a "Framework for oversight of senior public service employee complaints devolved by the CCC" (the Framework), which applies to complaints about the Director-General of DLGWV.

The objective of this policy is to set out how DLGWV will deal with a complaint (or information or matter)[1] that involves or may involve corrupt conduct, as defined in the CC Act, by the Director-General.

2. Scope

This policy is designed to assist DLGWV to:

- Comply with s. 48A of the CC Act and the Framework
- Promote public confidence in the way suspected corrupt conduct by the Director-General of DLGWV is dealt with (s. 34(c) CC Act).
- Promote accountability, integrity, and transparency in the way DLGWV deals with a complaint that is reasonably suspected to involve, or may involve, corrupt conduct by the Director-General.

[1] See s. 48A(4) of the CC Act and the definitions in clause 3.

3. Policy Statement

This policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct by the Director-General of DLGWV; and
- to all persons who hold an appointment in, or are employees of, the DLGWV.

For the purpose of this policy a complaint includes information or matter[2].

4. Responsibilities and accountabilities

Role	Responsibilities
All employees	• Understand and fulfil their obligation to report allegations of fraudulent, corrupt and other inappropriate conduct in accordance with the Code of Conduct for the Queensland Public Service.
Nominated Person	• The Chief Human Resources Officer is the nominated person within DLGWV to inform the CCC of any complaint received. • The Chief Human Resources Officer is responsible for managing complaints in consultation with the Minister for Local Government, Water and Volunteers .
Public Official	• Where the public official receives a complaint which they reasonably suspect may involve corrupt conduct on their part, they must report the complaint to the nominated person as soon as practicable. They should take no further action to deal with or manage the complaint, unless requested to do so by the nominated person.

5. Nominated person

Having regard to s. 48A(2) and (3) of the CC Act, this policy nominates:

- The Chief Human Resources Officer as the nominated person

to notify[3] the CCC of the complaint and, subject to the Framework, to deal with the complaint under the CC Act[4].

The provisions of the CC Act regulate how the Director-General as the public official of DLGWV is to notify or deal with a complaint also apply to the nominated person[5].

Contact details for the nominated person:

2 See s. 48A(4) of the CC Act
3 Pursuant to s. 38 of the CC Act.
4 Under Chapter 2, Part 3, Division 4, Subdivision 2 of the CC Act.
5 See s. 48A(3) of the CC Act.

Chief Human Resources Officer

By email: CCCLiaison@rdmw.qld.gov.au

In writing: Chief Human Resources Officer
Department of Local Government, Water and Volunteers
GPO Box 2247
BRISBANE QLD 4001
Mark as *Strictly Private and Confidential*

By phone: 0460 007 291

6. Complaints about the Director-General

If a complaint may involve an allegation of corrupt conduct by the Director-General of DLGWV, the complaint may be reported to:

- the nominated person; or
- the CCC directly, via this form on the CCC's website; or
- a person to whom there is an obligation to report under an Act[6] (this does not include an obligation imposed by ss. 38 or 39(1) of the CC Act).

If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the nominated person.

Complaints received by the nominated person

If the nominated person reasonably suspects that a complaint involves or may involve corrupt conduct by the Director-General, they are to notify the CCC of the complaint.[7]

Where, pursuant to s. 46 of the CC Act, the CCC refers a complaint back to the nominated person to deal with,[8] or pursuant to directions issued under s. 40 of the CC Act, the nominated person is entitled to commence dealing with a complaint, the nominated person shall:

- *not* commence investigating the complaint
- advise the Director-General of the Department of the Premier and Cabinet about the referral and/or complaint so a delegation from the Premier to deal with the complaint can be sought; and
- cooperate with any requests for assistance made by another agency that is investigating or managing the investigation of the complaint.

Complaints received by the Director-General

If the Director-General receives a complaint that may involve corrupt conduct on their part, they must:

6 See s. 39(2) of the CC Act.
7 Pursuant to s. 38 of the CC Act.
8 Under ss. 43 and 44 of the CC Act.

- report the complaint to the nominated person as soon as practicable and may also notify the CCC; and
- take no further action to deal with the complaint unless requested to do so by the nominated person or another agency that is investigating or managing the investigation of the complaint.

7. Recordkeeping requirements

Should the nominated person decide that a complaint, or information or matter, about the alleged corrupt conduct by the Director-General is not required to be notified to the CCC under s. 38 of the CC Act, the nominated person must make a record of the decision that complies with s. 40A of the CC Act.

8. Resourcing the nominated person

If pursuant to s. 46 of the CC Act, the CCC refers a complaint back to the nominated person to deal with, or pursuant to directions issued under s. 40 of the CC Act, the nominated person is entitled to commence dealing with a complaint:

- DLGWV will ensure that sufficient resources are available to the nominated person to enable them to perform their obligations under clause 6 of this policy; and
- the nominated person is delegated the same authority, functions, and powers as the Director-General to direct and control staff of DLGWV as if the nominated person is the Director-General of DLGWV for the purpose of dealing with the complaint only.

9. Liaising with the CCC

The Director-General is to keep the CCC and the nominated person informed of:

- the contact details for the Director-General and the nominated person; and
- any proposed changes to this policy.

10. Consultation with the CCC

The Director-General will consult with the CCC when preparing any policy about how DLGWV will deal with a complaint that involves or may involve corrupt conduct by the Director-General.

11. Definitions

See **Appendix A** for definitions of key terms referred to in this policy.

12. Legislation

Unless otherwise stated, all statutory references are to the *Crime and Corruption Act 2001.*

- *Crime and Corruption Act 2001*
- *Human Rights Act 2019*
- *Public Sector Act 2022*
- *Right to Information Act 2009 (Qld)*

13. Human rights compatibility

The *Human Rights Act 2019* aims to ensure respect for human rights becomes part of the culture of the Queensland public sector by putting human rights at the forefront of all government decisions and actions. This will ensure public functions are exercised in a principled way that is respectful of human rights and the inherent dignity of individuals in Queensland.

The *Human Rights Act 2019* creates obligations on all public entities, including government employees, to properly consider and act compatibility with human rights when making decisions, developing policies, making laws and delivering services.

A Human Rights Impact Assessment has been undertaken for the Complaints about the Director-General: section 48A of the Crime and Corruption Act 2001 Policy. The policy is compatible with human rights under the *Human Rights Act 2019* because it does not limit a human right.

In accordance with section 58 of the *Human Rights Act 2019*, the delegate has a legal obligation to properly consider human rights relevant to a proposed decision or action and to make a decision that is compatible with human rights.

Any action or decision made in relation to a complaint will require the delate to consider the impact of the proposed action or decision on the human rights of the employee before action is taken or a decision is made.

For further information on the *Human Rights Act 2019* please see:

- DLGWV Human rights intranet page
- https://www.forgov.qld.gov.au/humanrights
- https://www.qhrc.qld.gov.au.

14. Further information

- *Code of Conduct for the Queensland Public Service*
- *Declarations and conflicts of interest procedure*
- *Corruption in Focus*
- *Corrupt Conduct Procedure*
- *Lobbyist Contact Protocol*
- *Public Interest Disclosure Protocol*

15. Document control

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1.00	09/02/2022	New guideline		Graham Fraine, Director-General, DRDMW
1.01	15/03/2024	Update – transfer to new CCC template in DRDMW policy template and updating contact details.	Tamara Worldon, Chief Human Resources Officer, Human Resources	Linda Dobe, Acting Director-General, DRDMW
1.02	28/11/2024	Update – referencing the new department name	Deneille Gibson, Manager HR Operations and Workplace Relations	Tamara Worldon, Chief Human Resources Officer, Human Resources

Appendix A - Definitions

The key terms referred to in this policy are as follows:

Term	Definition
Crime and Corruption Commission (CCC)	the Commission continued in existence under the CC Act
CC Act	*Crime and Corruption Act 2001*
Complaint	Includes information or matter: see the definition in s48A(4) of the CC Act
Contact details for Nominated person	Chief Human Resources Officer By email: CCCLiaison@rdmw.qld.gov.au In writing: Mark as Strictly Private and Confidential Chief Human Resources Officer Department of Local Government, Water and Volunteers GPO Box 2247 BRISBANE QLD 4001 By phone: 0460 007 291
Corrupt conduct	see s15 of the CC Act
Corruption in Focus	https://www.ccc.qld.gov.au/publications/corruption-focus; see chapter 2, page 26
Deal with	see Schedule 2 (Dictionary) of the CC Act
Framework	means the "Framework for oversight of senior public service employee complaints devolved by the CCC" that has been published by the PSC (as varied from time to time) – see "Framework for oversight of senior public service employee complaints devolved by the CCC".
Nominated person	see item 5 of this policy
Public official	see s48A & Schedule 2 (Dictionary) of the CC Act
PSC	Public Sector Commission