

# Policy

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## Complaints about the Director-General: Section 48A of the *Crime and Corruption Act 2001*

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### Objective

- The Director-General is the public official of the Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (the Department) for the purposes of the [Crime and Corruption Act 2001](#) (CC Act).
- 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 the Department.
- The objective of this policy is to set out how the Department will deal with a complaint (or information or matter)<sup>1</sup> that involves or may involve corrupt conduct, as defined in the CC Act, by the Director-General.

### Policy Rationale

This policy is designed to assist the Department 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 the Department is dealt with (s. 34(c) CC Act).
- Promote accountability, integrity, and transparency in the way the Department deals with a complaint that is reasonably suspected to involve, or may involve, corrupt conduct by the Director-General.

### Definitions

Crime and Corruption Commission (CCC)	the Commission continued in existence under the CC Act
CC Act	<a href="#">Crime and Corruption Act 2001</a>
Complaint	includes information or matter: see the definition in s. 48A(4) of the CC Act
Contact details for Nominated person	Deputy Director-General, Corporate Services; or Manager Ethical-Standards:  Telephone - 07 3097 8599 E-mail - <a href="mailto:CCCliaisonofficer@dssatsip.qld.gov.au">CCCliaisonofficer@dssatsip.qld.gov.au</a>

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<sup>1</sup> See s. 48A(4) of the CC Act and the definitions in clause 3.

	Mail - CCC Liaison Officer, Ethical Standards, PO Box 15397, City East QLD 4002 (to be marked private and confidential Attn: Deputy Director-General, Corporate Services)
Corrupt conduct	see s. 15 of the CC Act
<i>Corruption in Focus</i>	<a href="https://www.ccc.qld.gov.au/publications/corruption-focus">https://www.ccc.qld.gov.au/publications/corruption-focus</a> ; 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 <u>Attachment 1</u>
Nominated person	see item 5 of this policy
Public official	see s. 48A & Schedule 2 (Dictionary) of the CC Act
PSC	Public Sector Commission

## Policy Application

This policy applies:

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

For the purpose of this policy a complaint includes information or matter.<sup>2</sup>

## Nominated Persons:

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

- Deputy Director-General, Corporate Services, and
- Manager, Ethical Standards

as the nominated persons to notify<sup>3</sup> the CCC of the complaint and, subject to the Framework, to deal with the complaint under the CC Act.<sup>4</sup>

The provisions of the CC Act that regulate how the Director-General as the public official of the Department is to notify or deal with a complaint also apply to the nominated person.<sup>5</sup>

Where there is more than one nominated person:

<sup>2</sup> See s. 48A(4) of the CC Act.

<sup>3</sup> Pursuant to s. 38 of the CC Act.

<sup>4</sup> Under Chapter 2, Part 3, Division 4, Subdivision 2 of the CC Act.

<sup>5</sup> See s. 48A(3) of the CC Act.

- The nominated persons will decide who will be the nominated person for a particular complaint, and
- Where a nominated person decides to notify the CCC about a complaint, the nominated person will inform the CCC that they are the nominated person for that complaint.

## Complaints about the Director-General

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

- the nominated person; or
- a person to whom there is an obligation to report under an Act<sup>6</sup> (this does not include an obligation imposed by ss. 38 or 39(1) of the CC Act).

### *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.<sup>7</sup>

Where, pursuant to s. 46 of the CC Act, the CCC refers a complaint back to the nominated person to deal with,<sup>8</sup> 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:

- 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.

## Recordkeeping requirements

Should the nominated person decide that a complaint, or information or matter, about 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.

## 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:

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<sup>6</sup> See s. 39(2) of the CC Act.

<sup>7</sup> Pursuant to s. 38 of the CC Act.

<sup>8</sup> Under ss. 43 and 44 of the CC Act.

- the Department will ensure that sufficient resources are available to the nominated person to enable them to perform their obligations under the Complaints about the Director-General section 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 the Department as if the nominated person is the Director-General of the Department for the purpose of dealing with the complaint only.

## **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.

## **Consultation with the CCC**

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

## **Statutory references**

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

## **Approval**

This policy is approved by:

Clare O'Connor

Director-General

Date 4 March 2024

## **Attachment**

1. PSC - Framework for oversight of senior public service employee complaints devolved by the Crime and Corruption Commission

**Date of approval:** 4 March 2024

**Date of operation:** 4 March 2024

**Date to be reviewed:** 3 March 2027

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**Office:** Corporate Services

**Help Contact:** Human Resources and Ethical Standards

[HRMailin@dsdsatsip.qld.gov.au](mailto:HRMailin@dsdsatsip.qld.gov.au)

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