



Whole of Department POLICY

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

1. Objective

The Director-General is the public official of the Department of Families, Seniors, Disability Services and Child Safety (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)¹ that involves or may involve corrupt conduct, as defined in the CC Act, by the Director-General.

2. Policy Rationale

This policy is designed to assist the department to:

- Comply with section 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 (section 34(c) of the 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.

3. Definitions

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 s. 48A(4) of the CC Act

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

Contact details for Nominated person	Chief Human Resources Office Email: OCHRO_BusinessSupport@dcssds.qld.gov.au or Director, Professional Standards Email: ProfessionalStandards@dcssds.qld.gov.au Mail – Addressed to Chief Human Resources Officer; or Director, Professional Standards, Locked Bag 3405 Brisbane Queensland 4001 (to be marked 'Private and Confidential')
Corrupt conduct	see s15 of the CC Act
<i>Corruption in Focus</i>	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 Attachment 1
Nominated person	see 'Nominated person' section of this policy
Public official	see section 48A & Schedule 2 (Dictionary) of the CC Act
PSC	Public Sector Commission

4. 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.²

5. Nominated person

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

- the Director, Professional Standards, and
- the Chief Human Resources Officer as the nominated persons

² See section 48A(4) of the CC Act.

to notify³ 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 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.⁵

Where there is more than one nominated person:

- 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.

6. 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
- the CCC directly, via this [form](#) on the CCC's website; or
- a person to whom there is an obligation to report under an Act⁶ (this does not include an obligation imposed by sections 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 section 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 section 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.

³ Pursuant to section 38 of the CC Act.

⁴ Under Chapter 2, Part 3, Division 4, Subdivision 2 of the CC Act.

⁵ See section 48A(3) of the CC Act.

⁶ See section 39(2) of the CC Act.

⁷ Pursuant to section 38 of the CC Act.

⁸ Under section 43 and 44 of the CC Act.

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.

7. 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 section 38 of the CC Act, the nominated person must make a record of the decision that complies with section 40A of the CC Act.

8. Resourcing the nominated person

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

- the department will ensure sufficient resources are available to the nominated person to enable them to perform their obligations under 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.

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 persons; 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 the department will deal with a complaint that involves or may involve corrupt conduct by the Director-General.

11. Statutory references

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

Attachment 1

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

Date of approval: 3 December 2024

Date of operation: 6 December 2024

Date to be reviewed: 6 December 2027

Office: People and Culture

Help Contact: ProfessionalStandards@dcssds.qld.gov.au

12. Approval

This policy is approved by:

Belinda Drew
Acting Director-General
Date: 3/12/2024