

Whole of Department POLICY

Title: Complaints about the Director-General

Policy Statement:

The Department of Children, Youth Justice and Multicultural Affairs (the department) is committed to protecting vulnerable Queenslanders by embedding an ethical and transparent culture, which recognises the importance of dealing with a complaint received about the Director-General.

The Director-General is the Public Official, or chief executive officer of a unit of public administration (the department), as defined in Schedule 2 of the *Crime and Corruption Act 2001* (CC Act).

This policy outlines how the department will deal with a complaint received about the Director-General that involves or may involve corrupt conduct as defined in section 15 of the CC Act, in accordance with section 48A of the CC Act. It further outlines how to manage a complaint that does not involve allegations of corrupt conduct.

Principles:

The policy is designed to assist the department to:

- comply with section 48A of the CC Act;
- promote public confidence in the way suspected corrupt conduct by the Director-General is dealt with (section 34(c and d) CC Act); and
- promote accountability, integrity and transparency in the way the department deals with a complaint involving the Director-General.

The policy applies:

- to how the department will deal with a complaint against the Director-General:
 - if there are grounds to reasonably suspect the complaint would amount to corrupt conduct, if proven, and
 - if the complaint is assessed as not reaching the threshold to reasonably suspect corrupt conduct.
- to all persons who hold an appointment in, or are employees of the department.

Nominated Officer:

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

- The Director, Professional Standards as the nominated person, in consultation with the Chief Human Resources Officer (CHRO), to notify¹ the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act.²

The CC Act applies as if a reference about notifying or dealing with the complaint to the public official is a reference to the nominated person³.

The nominated person will — with or without consulting the CCC or Minister to whom the Director-General is accountable — decide who the nominated person will be for a particular complaint; and where a nominated person decides to notify the CCC about a complaint, the nominated person for that particular complaint will inform the CCC and Minister that they are the nominated person for the particular complaint.

Receiving a complaint against the Director-General:

The following information relates to how a complaint raising concerns about the Director-General is received, assessed and managed by the department.

When a complaint is received by the department about the Director-General, the complaint should immediately be referred to the Director, Professional Standards.

The Director, Professional Standards will assess the allegations raised in the complaint, in consultation with the CHRO, to determine the most appropriate way to progress the matter.

An assessment will be conducted to determine whether the complaint constitutes a public interest disclosure, or not.

Contact details for nominated person

Louise Smilie, Director, Professional Standards, and CCC Liaison Officer

T: (07) 3097 5595

M: Mobile

E: Louise.Smilie@cyjma.qld.gov.au or ProfessionalStandards@cyjma.qld.gov.au

Locked Bag 3405, Brisbane, QLD 4001

Complaint involving suspected corrupt conduct

If a complaint involves an allegation of corrupt conduct against the Director-General, the complaint may be reported to:

- the Director, Professional Standards, or
- the CCC

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

If the nominated person reasonably suspects the complaint may involve corrupt conduct of the Director-General they are to:

¹ Under ss. 38 of the CC Act.

² Under Chapter 2, Part 3, Division 4, Subdivisions 1 & 2 of the CC Act.

³ See s. 48A(3) of the CC Act.

- (a) notify the CCC of the complaint, and
- (b) deal with the complaint, subject to the CCC's monitoring role, when —
 - directions issued under section 40 of the CC Act apply to the complaint, or
 - pursuant to section 46 of the CC Act, the CCC refers the complaint to the Director, Professional Standards to deal with⁴.

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

- (a) report the complaint to the nominated person as soon as practicable and may also notify the CCC; and
- (b) take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Minister.

The nominated person is to provide outcome advice to all relevant parties at the conclusion of the matter.

Complaint not involving suspected corrupt conduct

If the complaint against the Director-General is not assessed as corrupt conduct, the complaint must be referred, by the nominated officer in consultation with the CHRO, to the Commission Chief Executive, Public Service Commission (PSC) without unreasonable delay.

The complaint will then be dealt with in a timely and appropriate manner with assistance from the Commission Chief Executive, PSC.

Role and responsibilities

The Director, Professional Standards, in consultation with the CHRO, will ensure:

- a complaint received by the department involving the Director-General is assessed immediately
- the Commission Chief Executive, PSC is notified of the complaint without unreasonable delay by way of letter, email, or facsimile transmission
- no other action is taken in relation to the complaint until the Commission Chief Executive, PSC provides an appropriate recommendation on how best to address the issues of concern
- they inform the Minister when a complaint has been received involving the Director-General and that the complaint was referred to the Commission Chief Executive, PSC, and
- the Commission Chief Executive, PSC is provided with outcome advice in relation to the complaint or as recommended by the PSC.

Recordkeeping requirements

Should the nominated person decide that a complaint, or information or matter, about alleged corrupt conduct of 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.

⁴ Under ss.43 and 44 of the CC Act.

Resourcing the nominated person

If, pursuant to sections 40 or 46 of the CC Act, the nominated person has responsibility to deal with the complaint:

- the department will ensure sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately, and
- the nominated person is to ensure consultations, if any, for the purpose of securing resources sufficient to deal with the complaint appropriately are confidential and are not disclosed, other than to the CCC, without:
 - authorisation under a law of the Commonwealth or the State, or
 - the consent of the nominated person responsible for dealing with the complaint
- the nominated person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
 - purposes of the CC Act⁵
 - the importance of promoting public confidence in the way suspected corrupt conduct in the department is dealt with⁶, and
 - the department's statutory, policy and procedural framework.

If the nominated person has responsibility to deal with the complaint, they:

- are 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
- are delegated the same authority, functions and powers as the Director-General to enter into contracts on behalf of the department for the purpose of dealing with the complaint
- do not have any authority, function or power that cannot — under the law of the Commonwealth or the State — be delegated by either the Minister or the Director-General, to the nominated person.

Liaising with the CCC

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

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

Consultation with the CCC

⁵ See s. 57 of the CC Act and the CCC's corruption purposes and function set out in ss. 4(1)(b), 33, 34, 35 of the CC Act.

⁶ See s. 34(c) and (d) of the CC Act.

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 of the public official.⁷

Training and awareness

All employees are mandated to complete Code of Conduct training, as part of their induction to the department. Regular refresher training in the practical application of the Code of Conduct and acceptable standards of ethical behaviour is recommended.

Definition of terms

Term	Definition
Crime and Corruption Commission (CCC)	The Commission continued in existence under the <i>Crime and Corruption Act 2001</i>
CC Act	<i>Crime and Corruption Act 2001</i>
Complaint	Includes information or matter, see definition provided by s. 48A(4) of the CC Act
Corruption	As defined in schedule 2 (Dictionary) of the CC Act, means "corrupt conduct".
Corrupt conduct	<p>As defined in section 15 of the CC Act, means conduct of a person, regardless of whether the person holds or held an appointment, that-</p> <ul style="list-style-type: none"> a) Adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of- <ul style="list-style-type: none"> i. a unit of public administration; or ii. a person holding an appointment; and b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that- <ul style="list-style-type: none"> i. is not honest or is not impartial; or ii. involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or iii. involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and c) would, if proved, be- <ul style="list-style-type: none"> i. a criminal offence; or ii. a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or was the holder of an appointment. <p>Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that-</p> <ul style="list-style-type: none"> a) impairs, or could impair, public confidence in public administration; and

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s. 48A of the CC Act.

	<p>b) involves, or could involve, any of the following:</p> <ul style="list-style-type: none"> i. collusive tendering; ii. fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described) – <ul style="list-style-type: none"> (A) protecting health or safety of persons; (B) protecting the environment; (C) protecting or managing the use of the State's natural, cultural, mining or energy resources; iii. dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets; iv. evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue; v. fraudulently obtaining or retaining an appointment; and <p>c) would, if proved, be–</p> <ul style="list-style-type: none"> i. a criminal offence; or ii. a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.
Deal with	<p>As defined in schedule 2 (Dictionary) of the CC Act in relation to a complaint about corruption or information or matter involving corruption, includes –</p> <ul style="list-style-type: none"> a) investigate the complaint, information or matter; and b) gather evidence for – <ul style="list-style-type: none"> i. prosecutions for offences; or ii. disciplinary proceedings; and c) refer the complaint, information or matter to an appropriate authority to start a prosecution or disciplinary proceeding; and d) start a disciplinary proceeding; and e) take other action, including managerial action, to address the complaint in an appropriate way.
Nominated person	<p>a) the policy may nominate a person other than the public official to notify the Commission of the complaint under section 38 of the CC Act, and to deal with the complaint under subdivision 2 of the CC Act, on behalf of the public official; and</p> <p>b) if the policy includes a nomination as mentioned in subsection (a), the CC Act applies as if a reference about notifying or dealing with the complaint to the public official were a reference to the nominated person.</p>
Reasonable suspicion	<p>For a suspicion (of corrupt conduct) to be 'reasonable', there needs to be more than a bare or idle speculation. In essence, there must be some evidence sufficient for a reasonable person to suspect corrupt conduct.</p> <p>Reasonable suspicion must be based on an objective assessment of the available information. There does not have to be sufficient evidence available to prove the allegation, however, the available facts, evidence or other information must suggest the allegation, if proven, would amount to corrupt conduct.</p>

	<p>The suspicion may be based on hearsay and other inadmissible material that nevertheless, is relevant.</p> <p>Refer to Schedule 2 of the CC Act and the CCC's Corruption in Focus: A guide to dealing with corrupt conduct in the Queensland public sector.</p> <p>https://www.ccc.qld.gov.au/publications/corruption-focus</p>
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Authority:

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

Crime and Corruption Act 2001

Public Service Act 2008

Public Sector Ethics Act 1994.

Delegations:

As per the department's Human Resource Delegations.

RELEASER

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Office: People and Culture

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

Links:

Crime and Corruption Act 2001

Public Interest Disclosure Act 2010

Related Government Guidelines or Policy

- *Conduct and Performance Excellence (CaPE) case categorisation framework*
- *Corruption in Focus: A guide to dealing with corrupt conduct in the Queensland public sector*

Forms, Standard Letters or Memorandum

Rescinded Policies:

CSYW 48A Policy 05/2020

DYJ – Policy: Dealing with a complaint involving the Director-General 09/2019

Deidre Mulkerin

Director-General

Corporate and Executive Services

POLICY

Title: Reporting and Managing Corrupt Conduct

Policy Statement:

The department is committed to protecting vulnerable Queenslanders by embedding an ethical and transparent culture, which recognises the importance of reporting and managing wrongdoing that raises a reasonable suspicion of corrupt conduct.

Principles:

- If there is a reasonable suspicion of corrupt conduct, the matter will be managed in accordance with the *Crime and Corruption Act 2001*, as well as the related guidelines issued by the Crime and Corruption Commission (CCC).
- The Director-General has a statutory obligation to notify the CCC of any complaint, information or matter that raises a reasonable suspicion of corrupt conduct, pursuant to section 38 and section 40 of the *Crime and Corruption Act 2001*.
- The Manager, Ethical Standards holds the role of CCC Liaison Officer and manages any liaison between the department and the CCC when dealing with alleged corrupt conduct matters.
- Ethical Standards is responsible for:
 - receiving and assessing all reports of alleged wrongdoing to determine if the matter raises a reasonable suspicion of corrupt conduct;
 - referring suspected corrupt conduct to the CCC;
 - investigating matters referred back to the department by the CCC relating to alleged corrupt conduct; and
 - building capacity in local management to respond to and manage alleged corrupt conduct and assist them in developing strategies when dealing with corrupt conduct matters devolved by Ethical Standards.

Corrupt Conduct

'Corrupt Conduct', defined in section 15(1) of the *Crime and Corruption Act 2001*, means conduct of a person, regardless of whether the person holds or held an appointment, that—

- (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—
 - (i) a unit of public administration (the department); or
 - (ii) a person holding an appointment (within the department); and
- (b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—

- (i) is not honest or is not impartial; or
 - (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or
 - (iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; **and**
 - (c) is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; **and**
 - (d) would, if proved, be—
 - (i) a criminal offence; or
 - (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or was the holder of an appointment.
- **Corrupt Conduct** is managed using the Crime and Corruption Commission's "devolved model" which supports the management of corrupt conduct matters by the public official, wherever possible (after the appropriate referral processes have occurred).

Reporting corrupt conduct

- All employees have an obligation to report suspected wrongdoing, including conduct not consistent with the Code of Conduct for the Queensland Public Service, to a manager or other appropriate authority.
- Managers who receive information where they reasonably suspect corrupt conduct have a responsibility to report the matter to the appropriate delegate or directly to Ethical Standards.
- Delegates who receive an allegation of wrongdoing, raising a reasonable suspicion of corrupt conduct, have a responsibility to refer the matter to the Manager, Ethical Standards for assessment.
- The Director-General (or delegate) will notify the CCC of any information or complaint that would, if proven, be corrupt conduct.

Reasonable suspicion

- For a suspicion (of corrupt conduct) to be 'reasonable' there needs to be more than a bare or idle speculation. In essence, there must be some evidence sufficient for a reasonable person to suspect corrupt conduct.
- Reasonable suspicion must be based on an objective assessment of the available information. There does not have to be sufficient evidence available to prove the allegation, however, the available facts, evidence or other information must suggest the allegation, if proven, would amount to corrupt conduct.
- The suspicion may be based on hearsay and other inadmissible material that nevertheless, is relevant.

Investigating corrupt conduct

- Conducting a formal investigation is considered to be the avenue of last resort.
- If the CCC recommends or Ethical Standards determines a matter should be investigated, the investigation process will be undertaken in line with the procedures outlined in the CCC guidelines – 'Corruption in Focus: a guide to dealing with corrupt conduct in the Queensland public sector'.

- The department is committed to ensuring the employee subject of an investigation (subject officer) is afforded natural justice and will be provided with adequate information in relation to the allegation/s raised against them at appropriate stages during the investigation and given an opportunity to respond to the allegations.
- All employees, who are formally invited to assist with an investigation, are obliged to fully cooperate with the process undertaken to deal with an allegation of corrupt conduct.
- Managers need to ensure they:
 - provide support and assistance to employees under their authority who are involved in an investigation process; and
 - manage the impact of the investigation on normal business activities.
- A person who participates in an interview during an investigation has the right to have a support person present.
- Ethical Standards will refer to the CCC's 'Corruption in Focus' guidelines when managing the role of a support person during an investigation.
- Investigations will be completed in a timely manner taking into consideration particular circumstances of each investigation.
- Delegates and managers have a responsibility to ensure any documentation relevant to an investigation under their responsibility is stored, retained and disposed of in accordance with relevant legislative requirements.
- All departmental employees have an obligation to maintain confidentiality concerning any matter under investigation.
- Certain allegations may include behaviour involving both corrupt conduct and misconduct, or conduct in line with the Public Service Commission's (PSC) Conduct and Performance Excellence (CaPE) framework. In these circumstances the delegate, in consultation with the Manager, Ethical Standards, will determine the most appropriate way in which to deal with the matter.
- Managers must work with delegates to implement any necessary managerial action; or operational and/or policy change required as a result of systemic shortcomings or gaps in service delivery identified during an investigation process.
- Ethical Standards, where required, will notify the CCC of the outcome of corrupt conduct investigations conducted by the department.

The process for reporting and managing corrupt conduct is outlined in Schedule A of this policy.

Training and awareness

- All employees are mandated to complete Code of Conduct training, as part of their induction to the department. Regular refresher training in the practical application of the Code of Conduct and acceptable standards of ethical behaviour is recommended. Contact Ethical Standards for further information in this regard.

Authority:

Public Service Act 2008

Crime and Corruption Act 2001

Delegations:

As per the department's [Human Resource Delegations](#)

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Links:

Related Policies

Public Interest Disclosures

Dealing with a complaint involving the Director-General

Related Legislation or Standard

Public Sector Ethics Act 1994

Related Government Guidelines or Policy

Code of conduct for the Queensland Public Service

Other related information

s40 Crime and Corruption Act 2001 Information Sheet

Department of Communities, Child Safety and Disability Services 'Conduct and Performance Classification Structure Information Sheet'

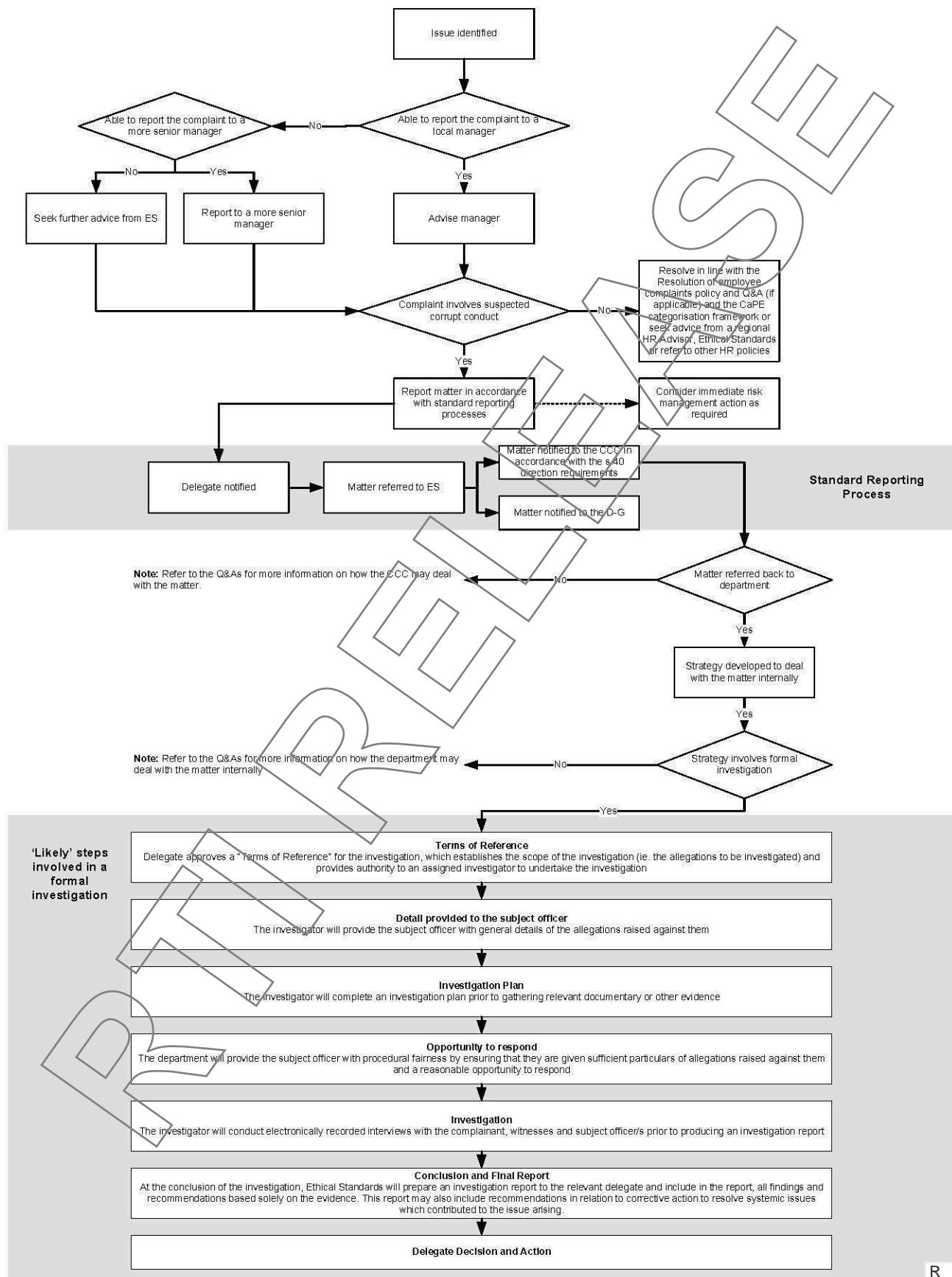
Corruption in focus: A guide to dealing with corrupt conduct in the Queensland public sector

Guideline for the provision of information during a corrupt conduct investigation

Director-General

Schedule A

Process for reporting corrupt conduct



Corporate Services Policy

Title: Dealing with a complaint involving the Director-General (DCSYW)

Policy Statement

The department is committed to protecting vulnerable Queenslanders by embedding an ethical and transparent culture, which recognises the importance of dealing with a complaint received about the Director General.

The Director-General is the Public Official, or chief executive officer of a unit of public administration (the department), as defined in Schedule 2 of the *Crime and Corruption Act 2001* (CC Act).

This policy outlines how the department will deal with a complaint received about the Director-General that involves or may involve corruption in accordance with section 48A of the CC Act.

Principles

The policy is designed to assist the department to:

- comply with section 48A of the CC Act;
- promote public confidence in the way suspected corrupt conduct by the Director-General is dealt with (section 34(c) CC Act); and
- promote accountability, integrity and transparency in the way the department deals with a complaint involving the Director-General.

The policy applies:

- to how the department will deal with a complaint against the Director-General;
- if there are grounds to reasonably suspect the complaint would amount to corrupt conduct, if proven; and
- if the complaint is assessed as not reaching the threshold to reasonably suspect corrupt conduct; and
- to all persons who hold an appointment in, or are employees of the department.

Definitions

Crime and Corruption Commission (CCC)	The Commission continued in existence under the Crime and Corruption Act 2001.
CC Act	<i>Crime and Corruption Act 2001</i> .



Complaint	<p>Not only means a formal complaint, but also:</p> <ul style="list-style-type: none"> • 'information' that might be received through such means as routine agency audits, media articles, or by any other means; • a 'matter' that might be received through such means as court proceedings, or referrals from the Coroner or a public inquiry. <p>'Information or matter' is further defined in section 36(5) of the CC Act.</p>
Contact details	Should include a direct telephone number, email address and postal address to enable confidential communications.
Corrupt conduct	<p>As defined in section 15(1) of the CC Act, means conduct of a person, regardless of whether the person holds or held an appointment, that —</p> <ul style="list-style-type: none"> a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of — <ul style="list-style-type: none"> i. a unit of public administration; or ii. a person holding an appointment; and b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that — <ul style="list-style-type: none"> i. is not honest or is not impartial; or ii. involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or iii. involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; c) is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and d) would, if proved, be — <ul style="list-style-type: none"> i. a criminal offence; or ii. disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or was the holder of an appointment.
Corruption in Focus: A guide to dealing with corrupt conduct in the Queensland public sector	http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus
Deal with	<p>As defined in schedule 2 (Dictionary) of the CC Act, a complaint about corruption or information or matter involving corruption, includes —</p> <ul style="list-style-type: none"> a) investigate the complaint, information or matter; and b) gather evidence for — <ul style="list-style-type: none"> i. prosecutions for offences; or ii. disciplinary proceedings; and



	<p>c) refer the complaint, information or matter to an appropriate authority to start a prosecution or disciplinary proceeding; and</p> <p>d) start a disciplinary proceeding; and</p> <p>e) take other action, including managerial action, to address the complaint in an appropriate way.</p>
Nominated person	<p>a) The policy may nominate a person other than the public official to notify the Commission of the complaint under section 38 of the CC Act, and to deal with the complaint under subdivision 1 or 2 of the CC Act, on behalf of the public official, and</p> <p>b) If the policy includes a nomination as mentioned in subsection (a), the CC Act applies as if a reference about notifying or dealing with the complaint to the public official were a reference to the nominated person.</p>
Public Official/CEO	As defined in schedule 2 (Dictionary) of the CC Act a public official is a person who constitutes a corporate entity that is a unit of public administration.
Reasonable suspicion	<p>For a suspicion (of corrupt conduct) to be 'reasonable' there needs to be more than a bare or idle speculation. In essence, there must be some evidence sufficient for a reasonable person to suspect corrupt conduct.</p> <p>Reasonable suspicion must be based on an objective assessment of the available information. There does not have to be sufficient evidence available to prove the allegation, however, the available facts, evidence or other information must suggest the allegation, if proven, would amount to corrupt conduct.</p> <p>The suspicion may be based on hearsay and other inadmissible material that nevertheless, is relevant.</p> <p>Refer to Schedule 2 of the CC Act and the CCC's Corruption in Focus: A guide to dealing with corrupt conduct in the Queensland public sector. http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus</p>

Delegated Officers

The following people are authorised (nominated persons) to receive, assess and deal with a complaint involving the Director-General:

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



Receiving a Complaint Against the Director-General

The following information relates to how a complaint raising concerns about the Director-General is received, assessed and managed by the department.

When a complaint is received by the department about the Director-General, the complaint should immediately be referred to the Deputy Director-General, Corporate Services.

The Deputy Director-General, Corporate Services in consultation with the Manager, Ethical Standards will assess the allegations raised in the complaint to determine the most appropriate way to progress the matter.

If there is a reasonable suspicion the complaint against the Director-General involves, or could involve corrupt conduct, the complaint must be referred to Chief Executive Officer, CCC without unreasonable delay.

Complaint Not Involving Suspected Corrupt Conduct

If the complaint against the Director-General is not assessed as corrupt conduct, the complaint must be referred to the Commission Chief Executive, Public Service Commission (PSC) without unreasonable delay.

The complaint will then be dealt with in a timely and appropriate manner with direction from the Commission Chief Executive, PSC.

Roles and Responsibilities

The Deputy Director-General, Corporate Services will ensure:

- a complaint received by the department involving the Director-General is assessed immediately, in consultation with the Manager, Ethical Standards;
- the Commission Chief Executive, PSC is notified of a complaint without unreasonable delay by way of letter, email, or facsimile transmission;
- no other action is taken in relation to a complaint until the Commission Chief Executive, PSC provides an appropriate direction on how best to address the issues of concern;
- the Ministers are appropriately informed when a complaint has been received involving the Director-General and that the complaint was referred to the Commission Chief Executive, PSC; and
- the Commission Chief Executive, PSC is provided with outcome advice in relation to the complaint or as directed by the PSC.

The Manager, Ethical Standards will:

- ensure the Deputy Director-General, Corporate Services is informed immediately upon receipt of a complaint involving the Director-General;
- ensure appropriate and timely assessment of a complaint is completed;
- ensure the Commission Chief Executive, PSC is notified of a complaint without unreasonable delay



- ensure the PSC is notified of the complaint by way of letter, email, or facsimile transmission;
- ensure no other action is taken in relation to a complaint until the Commission Chief Executive, PSC provides an appropriate direction on how best to address the issues of concern;
- deal with a complaint in consultation with or as directed by the PSC;
- liaise with the PSC as required as one of the department's nominated officers;
- work in consultation with the Deputy Director-General, Corporate Services; and
- ensure the Commission Chief Executive, PSC is provided with outcome advice in relation to the complaint or as directed by the PSC

Complaint Involving Suspected Corrupt Conduct

When a complaint is received against the Director-General that raises a reasonable suspicion of corrupt conduct, the complaint must be referred to the Chief Executive Officer, CCC.

Roles and Responsibilities

The Deputy Director-General, Corporate Services will ensure:

- a complaint received by the department involving the Director-General is assessed immediately and in consultation with the Manager, Ethical Standards;
- the Chief Executive Officer, CCC is notified of a complaint without unreasonable delay by way of letter, email, or facsimile transmission;
- no other action is taken in relation to a complaint until the Chief Executive Officer, CCC provides an appropriate direction on how best to address the issues of concern;
- the Ministers are appropriately informed when a complaint has been received involving the Director-General and that the complaint was referred to the Chief Executive Officer, CCC;
- consideration is given to nominating or appointing an appropriate person to conduct enquiries/investigation into the allegation/s raised in the complaint;
- sufficient resources are available to the nominated or appointed person to enable them to deal with the complaint appropriately; and
- the Chief Executive Officer, CCC is provided with appropriate outcome advice in relation to the complaint or as directed by the CCC.

The Manager, Ethical Standards will:

- ensure the Deputy Director-General, Corporate Services is informed immediately upon receipt of a complaint involving the Director-General;
- ensure appropriate and timely assessment of a complaint is conducted
- ensure (if there is a reasonable suspicion of corrupt conduct) the Chief Executive Officer, CCC is notified without unreasonable delay by way of letter, email, or facsimile transmission;
- ensure no action is taken until an appropriate direction has been provided by the Chief Executive Officer, CCC on how best to address the issues of concern;
- deal with a complaint in consultation with or as directed by the CCC;
- liaise with the CCC as required as one of the department's nominated officers and the CCC Liaison Officer;
- work in consultation with the Deputy Director-General, Corporate Services;
- ensure outcome advice in relation to the complaint is provided to the CCC in terms of:
 - the action taken or not taken;



- the reasons why the department considers the action to be appropriate in the circumstances; and
- the results of the action taken known at the time of the report; or
- as directed by the CCC.

Nominated person/s

The nominated person/s in this policy, who has the responsibility to deal with the complaint, will:

- ensure compliance with any direction under section 40 of the CC Act;
- ensure the department has sufficient resources available for the complaint to be appropriately dealt with;
- be delegated the same authority, functions and powers as the Director-General to direct and control staff of the department for the purpose of dealing with the complaint only; and
- be delegated the same authority, functions and powers as the Director-General to enter into contracts on behalf of the department for the purpose of dealing with the complaint; and
- not have any authority, function or power that cannot, under the law of the Commonwealth or State government, be delegated by either the Ministers or the Director-General, to the nominated person; and
- ensure consultation, if required, for the purpose of securing sufficient resources to appropriately deal with the complaint are confidential and not disclosed, other than to the CCC, without:
 - authorisation under a law of the Commonwealth or the State government, or
 - the consent of the nominated person responsible for dealing with the complaint; and
- use their best endeavours to act independently, impartially and fairly having regard to the:
 - purpose of the CC Act;
 - direction provided in the CCC's 'Corruption in Focus: A guide to dealing with corrupt conduct in the Queensland public sector';
 - department's statutory, policy and procedural framework; and
 - importance of promoting public confidence in the way suspected corrupt conduct is dealt with by the department.

The Director-General

The Director-General will:

- as soon as practicable, report to the nominated person a complaint they suspect they are involved in or could be involved in; and
- take no further action to deal with the complaint unless requested to do so by the nominated person.

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

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

The Director-General will ensure this policy is reviewed within two years of the approval date and every subsequent two year period.



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 suspected corrupt conduct of the Director-General.

Training and Awareness

All employees are mandated to complete Code of Conduct training, as part of their induction to the department. Regular refresher training in the practical application of the Code of Conduct and acceptable standards of ethical behaviour is recommended. Contact Ethical Standards for further information in this regard.

Authority

Crime and Corruption Act 2001

Public Service Act 2008

Public Sector Ethics Act 1994

Delegations

Please refer to the [HR Delegations](#) on the intranet to identify delegation levels for this particular matter.

Records File No:

Date of approval: 28 July 2016

Date of operation: 28 July 2016

Office: People and Culture

Help Contact: HRAssist@csyw.qld.gov.au

Links

Related Policy

- HR&ES Policy 'Public Interest Disclosures'

Related Legislation or Standard

- *Crime and Corruption Act 2001*
- Australian Standard ISO 10002-2006 Customer Satisfaction- guidelines for complaints handling in organizations

Related Government Guidelines or Policy

- Corruption in focus: a guide to dealing with corrupt conduct in the Queensland public sector
- Conduct and Performance Excellence (CaPE) case categorisation framework

Forms, Standard Letters or Memorandum

- HR& ES Form 'Employee Complaint'

Whole of Department

POLICY

Title: Reporting and Managing Corrupt Conduct

1. Policy Statement

The Department of Child Safety, Seniors and Disability Services (the department) is committed to protecting vulnerable Queenslanders by embedding an ethical and transparent culture, which recognises the importance of reporting and managing wrongdoing that raises a reasonable suspicion of corrupt conduct.

2. Purpose

This policy outlines the requirements for reporting and managing alleged or suspected corrupt conduct. It should be read in conjunction with the Procedure 'Reporting and Managing Corrupt Conduct'.

3. Principles

- The Director-General has a statutory obligation to notify the Crime and Corruption Commission (CCC) of any complaint, information or matter that raises a reasonable suspicion of corrupt conduct, pursuant to section 38 and subject to the directions issued under section 40 of the *Crime and Corruption Act 2001* (CC Act).
- If there is a reasonable suspicion of corrupt conduct, the matter will be managed in accordance with the CC Act, as well as the related guidelines and directions issued by the CCC.
- The Director, Professional Standards holds the role of CCC Liaison Officer and manages any liaison between the department and the CCC when dealing with alleged corrupt conduct matters.
- The Director-General delegates the duties and functions under the CC Act to the Director, Professional Standards via an Instrument of Delegation. These functions are supported by the department's Professional Standards unit and relate to assessing, reporting, devolving and investigating suspected corrupt conduct.

4. Corrupt conduct

'Wrongdoing' can involve matters that raise a reasonable suspicion of corrupt conduct.

Corrupt conduct is defined in section 15(1) of the CC Act as the conduct of a person, regardless of whether the person holds or held an appointment, that has or could adversely affect the department or a person who holds an appointment; in a way that –

- is not honest or not impartial, **or**

- involves a breach of trust, **or**
- involves a misuse of information, **and**
- would, if proved, be a criminal offence, **or**
- a disciplinary breach that provides reasonable grounds for dismissal if the person is or were the holder of an appointment.

Corrupt conduct under section 15(2) of the CC Act also extends to conduct that could impair public confidence in a unit of public administration (UPA). It may apply even where there is no improper conduct by a person holding an appointment in a UPA. The conduct must involve a class of fraud listed in section 15(2)(b). Finally, the conduct must be such that it would, if proved, be a criminal offence or a disciplinary breach providing reasonable grounds for dismissal.

5. Responsibilities

All employees are responsible for:

- fulfilling their duty to observe the ethics values and principles under the *Public Sector Ethics Act 1994* and complying with the deriving Code of Conduct for the Queensland Public Sector;
- demonstrating ethical leadership and/or conduct in how their role is performed and duties discharged;
- reporting suspected wrongdoing involving corrupt conduct in accordance with the requirements in the Code of Conduct for the Queensland Public Sector. This report should be made to Professional Standards or directly to the CCC; and
- participate in education and training to learn and maintain knowledge and skills required to undertake their duties with integrity.

Managers and supervisors are responsible for:

- ensuring employees are aware of the process for identifying and reporting potential corrupt conduct;
- developing strong internal controls to assist in mitigating corruption risks; and
- fostering an ethical environment and demonstrating this awareness when performing all duties and making decisions.

Director-General and Senior Executive Service (SES) Officers are responsible for:

- visibly demonstrating and upholding the principles and values of the *Public Sector Ethics Act 1994* and promoting an organisational culture that values high ethical standards and behaviour;
- openly demonstrating a conscious commitment to ethics by communicating the importance of ethical decision-making in the workplace and promoting ethical behaviour in day-to-day actions;
- ensuring employees have access to training in ethical decision making;
- if performing the role of decision maker in a matter being dealt with by Professional Standards as part of the expectation under section 43 of the CC Act, comply with relevant Human Resource (HR) Delegations by:



- authorising a Term of Reference in the event an investigation is the most appropriate way to manage the matter. The investigation will be undertaken congruent with *Corruption in Focus; A guide to dealing with corrupt conduct in the Queensland public sector*; and/or
- enacting disciplinary penalty for any substantiated matter.
- if performing the role of HR delegate in a matter being dealt with by Professional Standards, consider:
 - whether the devolution of matters to the local business area, to be dealt with as a management enquiry, is the most appropriate way to manage the matter; or
 - choosing another way to deal with the matter; or
 - deciding to take no further action.
- If the matter is dealt with, the HR delegate will sign an outcome advice to the complainant (and subject officers) so to comply with section 44 of the CC Act

On behalf of the Director-General, Professional Standards is responsible for:

- receiving and assessing complaints and information from any person, that involves suspected corrupt conduct as defined in section 15 of the CC Act;
- assessing whether the matter raised is a public interest disclosure (PID), and where applicable, managing this accordingly with relevant persons under the *Public Interest Disclosure Act 2008*;
- referring matters that raise a reasonable suspicion of corrupt conduct to the CCC in accordance with the directions issued pursuant to section 40, and as per notification obligations under section 38 of the CC Act;
- dealing with a matter involving corrupt conduct in accordance with section 43 of the CC Act, that is referred to the department by the CCC, by way of advice or recommendation to a delegate who has the appropriate HR Delegation;
- complying with the CCC's oversight and monitoring requirements of a Public Interest Review or Merit and Compliance Review;
- contributing to building integrity awareness and capability by providing expert integrity advice, raising corruption activity risks with relevant persons, boards and committees, and identifying systemic and procedural recommendations;
- liaising with, and reporting to the CCC and other oversight and integrity bodies, including the Public Sector Commission (PSC) (for alleged misconduct), the Queensland Police Service (QPS) (for alleged criminal offences), the Queensland Audit Office (QAO), the Integrity Commissioner (for lobbyist activity) and the Queensland Ombudsman (QO) (for PIDs) as part of requirements within Queensland's integrity framework;
- in the event a complaint about a senior public service employee (SES3, equivalent or higher) is devolved to the department by the CCC, Professional Standards will apply the Public Sector Commission's (PSC) Framework and Flowchart for 'Oversight of SES3 and higher complaints devolved by the CCC' and follow the process outlined in the department's 'Reporting and Managing Corrupt Conduct' Procedure.
- providing the complainant with an outcome advice response in the event no action is taken in relation to the matter upon its initial assessment to meet with the requirements of section 44 of the CC Act.



6. Training and awareness

- All employees are mandated to complete Code of Conduct training as part of their induction to the department. Regular refresher training in the practical application of the Code of Conduct and acceptable standards of ethical behaviour is recommended. Contact People and Culture for further information in this regard businesspartners@cyjma.qld.gov.au.
- More information about Professional Standards' role can be found online at [Ethics and Conduct](#).

7. Human Rights

The development of this policy has taken into consideration the potential limitations on human rights as per the *Human Rights Act 2019*. Any discretionary decisions made under the provisions of this policy must separately consider human rights as required under the above Act.

8. Delegations

The duties mandated on the Director-General are delegated via an [Instrument of Delegation](#) to the Director, Professional Standards who also undertakes the role of CCC Liaison Officer and PID Coordinator. The practice functions of the CC Act are carried out by Professional Standards.

9. Authority

[Crime and Corruption Act 2001](#)

[Public Sector Ethics Act 1994](#)

10. Other relevant legislation, codes, policies, guides and procedures

[Public Interest Disclosure Act 2010](#)

[Public Interest Disclosure Standards](#)

[Public Sector Act 2022](#)

[Code of Conduct for the Queensland Public Service](#)

[Workplace Investigations Directive](#)

[Corruption in Focus: a guide to dealing with corrupt conduct in the public sector](#)

[Human Rights Act 2019](#)

[Department's Procedure 'Reporting and Managing Corrupt Conduct'](#)

[Department's Policy 'Complaints about the Director-General'](#)

[Department's Policy 'Public interest disclosures'](#)

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



11. Definition of terms

Term	Reference
Crime and Corruption Commission (CCC)	The Commission continued in existence under the <i>Crime and Corruption Act 2001</i>
Complaint	Includes information or matter: see definition provided by s. 48A(4) of the CC Act
Corruption	As defined in schedule 2 (Dictionary) of the CC Act, means "corrupt conduct".
Corrupt Conduct	<p>Section 15 of the <i>Crime and Corruption Commission 2001</i> provides the meaning of <u>corrupt conduct</u></p> <p>(1) "Corrupt conduct" means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <ul style="list-style-type: none"> (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of— <ul style="list-style-type: none"> (i) a unit of public administration; or (ii) a person holding an appointment; and (b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that— <ul style="list-style-type: none"> (i) is not honest or is not impartial; or (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or (iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and (c) would, if proved, be— <ul style="list-style-type: none"> (i) a criminal offence; or (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment. <p>(2) "Corrupt conduct" also means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <ul style="list-style-type: none"> (a) impairs, or could impair, public confidence in public administration; and (b) involves, or could involve, any of the following— <ul style="list-style-type: none"> (i) collusive tendering; (ii) fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)— <ul style="list-style-type: none"> (A) protecting health or safety of persons;



	<p>(B) protecting the environment;</p> <p>(C) protecting or managing the use of the State's natural, cultural, mining or energy resources;</p> <p>(iii) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;</p> <p>(iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;</p> <p>(v) fraudulently obtaining or retaining an appointment; and</p> <p>(c) would, if proved, be—</p> <p>(i) a criminal offence; or</p> <p>(ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.</p>
Deal with	<p>As defined in schedule 2 (Dictionary) of the CC Act in relation to a complaint about corruption or information or matter involving corruption, includes –</p> <p>a) investigate the complaint, information or matter; and</p> <p>b) gather evidence for –</p> <p>i. prosecutions for offences; or</p> <p>ii. disciplinary proceedings; and</p> <p>c) refer the complaint, information or matter to an appropriate authority to start a prosecution or disciplinary proceeding; and</p> <p>d) start a disciplinary proceeding; and</p> <p>e) take other action, including managerial action, to address the complaint in an appropriate way.</p>
Director-General	<p>The Director-General is the Public Official, or chief executive officer of a unit of public administration (the department), as defined in Schedule 2 of the CC Act.</p>
Management enquiry	<p>A management enquiry is referenced in the Investigations Directive 17/20 and involves a manager or other assigned person making enquiries into a matter to inform a decision about how to progress.</p> <p>The enquiries may involve conversations with employees and/or a review of documents, obtaining a version of events, in writing or verbally. Management enquiries do not involve terms of reference, formal 'investigative interviews' or involvement of an external provider.</p> <p>Options available to address issues of concern include, but are not limited to:</p> <ul style="list-style-type: none"> ▪ fact finding or document review and record-keeping ▪ informal and formal conversations ▪ learning and development and other remedial actions ▪ coaching and mentoring ▪ team building and development ▪ facilitated or mediated conversations ▪ process or practice review



	All actions associated with the management enquiry should be well documented for future reference and outcome advice should be provided to the parties involved.
Misconduct	<p>Section 91 of the <i>Public Sector Act 2022</i> provides the grounds for discipline and also defines misconduct at section 91(5) as</p> <ul style="list-style-type: none"> (a) inappropriate or improper conduct in an official capacity; or (b) inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the public sector entity, in which the employee is employed. <p>Misconduct is categorised under the PSC's Conduct and Performance Excellence (CaPE) framework</p>
Public Interest Disclosure	<p>Section 12 and 13 of the <i>Public Interest Disclosure Act 2008</i> provides the criteria for assessing a Disclosure by any person and a Disclosure by a public officer</p> <p>12 Disclosure by any person</p> <p>(1) This section applies if a person (whether or not the person is a public officer) has information about—</p> <ul style="list-style-type: none"> (a) a substantial and specific danger to the health or safety of a person with a disability; or (b) the commission of an offence against a provision mentioned in schedule 2, if the commission of the offence is or would be a substantial and specific danger to the environment; or (c) a contravention of a condition imposed under a provision mentioned in schedule 2, if the contravention is or would be a substantial and specific danger to the environment; or (d) the conduct of another person that could, if proved, be a reprisal. <p>(2) The person may make a disclosure under section 17 in relation to the information to a proper authority.</p> <p>(3) For subsection (1), a person has information about the conduct of another person or another matter if—</p> <ul style="list-style-type: none"> (a) the person honestly believes on reasonable grounds that the information tends to show the conduct or other matter; or (b) the information tends to show the conduct or other matter, regardless of whether the person honestly believes the information tends to show the conduct or other matter. <p>13 Disclosure by a public officer</p> <p>(1) This section applies if a person who is a public officer has information about—</p> <ul style="list-style-type: none"> (a) the conduct of another person that could, if proved, be— <ul style="list-style-type: none"> (i) corrupt conduct; or (ii) maladministration that adversely affects a person's interests in a substantial and specific way; or (b) a substantial misuse of public resources (other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes or priorities of expenditure); or (c) a substantial and specific danger to public health or safety; or

	<p>(d) a substantial and specific danger to the environment.</p> <p>(2) The person may make a disclosure under section 17 in relation to the information to a proper authority.</p> <p>(3) For subsection (1), a person has information about the conduct of another person or another matter if—</p> <p>(a) the person honestly believes on reasonable grounds that the information tends to show the conduct or other matter; or</p> <p>(b) the information tends to show the conduct or other matter, regardless of whether the person honestly believes the information tends to show the conduct or other matter.</p>
Reasonable suspicion	<ul style="list-style-type: none"> For a suspicion (of corrupt conduct) to be 'reasonable' there needs to be more than a bare or idle speculation. In essence, there must be some evidence sufficient for a reasonable person to suspect corrupt conduct. Reasonable suspicion must be based on an objective assessment of the available information. There does not have to be sufficient evidence available to prove the allegation, however, the available facts, evidence or other information must suggest the allegation, if proven, would amount to corrupt conduct. The suspicion may be based on hearsay and other inadmissible material that nevertheless, is relevant.

Date of approval: 26 October 2023

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Date to be reviewed: 26 October 2025

Office: People and Culture, Corporate Services

Help Contact: Professional Standards

Deidre Mulkerin
Director-General

PROCEDURE

Title: Reporting and Managing Corrupt Conduct

1. Purpose

The Department of Child Safety, Seniors and Disability Services (the department) is committed to protecting vulnerable Queenslanders by embedding an ethical and transparent culture, which recognises the importance of reporting and managing wrongdoing that raises a reasonable suspicion of corrupt conduct.

This procedure outlines the process for reporting and managing alleged or suspected corrupt conduct. It should be read in conjunction with the Policy 'Reporting and Managing Corrupt Conduct.'

2. Corrupt conduct

'Wrongdoing' can involve matters that raise a reasonable suspicion of corrupt conduct.

Corrupt conduct is defined in section 15(1) of the *Crime and Corruption Act 2001* (CC Act) as the conduct of a person, regardless of whether the person holds or held an appointment, that has or could adversely affect the department or a person who holds an appointment; in a way that –

- is not honest or not impartial, **or**
- involves a breach of trust, **or**
- involves a misuse of information, **and**
- would, if proved, be a criminal offence, **or**
- a disciplinary breach that provides reasonable grounds for dismissal if the person is or were the holder of an appointment.

Corrupt conduct under section 15(2) of the CC Act also extends to conduct that could impair public confidence in a unit of public administration (UPA). It may apply even where there is no improper conduct by a person holding an appointment in a UPA. The conduct must involve a class of fraud listed in section 15(2)(b). Finally, the conduct must be such that it would, if proved, be a criminal offence or a disciplinary breach providing reasonable grounds for dismissal.

3. Reporting corrupt conduct

All departmental employees are responsible for reporting suspected wrongdoing involving corrupt conduct in accordance with the requirements in the Code of Conduct for the Queensland Public Sector.

This report should be made to the department's Professional Standards unit or directly to the Crime and Corruption Commission (CCC).



4. Managing alleged corrupt conduct involving all employees SES2 and below

The Director-General delegates the duties and functions under the CC Act to the Director, Professional Standards via an Instrument of Delegation. These functions are supported by the department's Professional Standards unit and relate to assessing, reporting, devolving and investigating suspected corrupt conduct.

Professional Standards provides advice and recommendations to internal stakeholders about this process to inform decision-making about alleged employee corrupt conduct.

Professional Standards reports to integrity bodies in line with the expectations of Queensland's integrity framework.

Intake, triage and assessment of complaint, matter or information

- As part of triaging a referral to Professional Standards, an initial risk assessment based on the nature of the conduct, will be raised by Professional Standards with the Human Resource (HR) delegate to assist them in identifying a proportionate mitigation strategy in consultation with Business Partnerships.
- To ensure the Director-General complies with the directions issued under section 40 of the CC Act, when Professional Standards notifies the CCC and waits for its return assessment ('Matters Assessed Report' (MAR)), no other action should be taken by any person in relation to the matter other than that which is required to –
 - maintain the integrity of any possible evidence
 - implement public interest discloser protection, or
 - meet another statutory obligation under another Act, including the referral of criminal conduct/allegations to the Queensland Police Service (QPS), and
 - manage any risk to public safety (for example employees, clients, workplace) until it is controlled.
- Commencement of dealing with the matter may occur once 10 business days have elapsed since the complaint was first provided to the CCC. Professional Standards will notify the HR delegate when a matter can be dealt with.
- Certain allegations referred to Professional Standards may include behaviour involving both corrupt conduct and misconduct categorised under the Public Sector Commission's (PSC) Conduct and Performance Excellence (CaPE) framework. In these circumstances, Professional Standards will provide advice to the HR delegate about the most appropriate way in which to deal with the matters¹.
- As part of its assessment ('Assessment of Concerns' (AOC)), Professional Standards will determine whether the matter is best managed by way of a management enquiry, preliminary enquiry and/or investigation, or other (including no) action. This resolution approach will be recommended by Professional Standards to the relevant HR delegate for consideration and approval (or another decision).
- If there is a complaint information or matter raised against the Director-General, the department's 'Complaints about the Director-General' policy should be applied in accordance

¹ Matters only involving alleged misconduct (that is, no corrupt conduct component) should be investigated in accordance with the PSC's Workplace Investigations Directive.



with section 48A of the CC Act and the matter should be referred directly to the Director, Professional Standards (or to the CCC).

- In the event no action is taken in relation to the matter upon its initial assessment, Professional Standards will provide the complainant with outcome advice to satisfy section 44 of the CC Act.

Reporting to third parties

- Professional Standards will notify third parties including the CCC, PSC, QPS and Queensland Ombudsman as appropriate, in line with the imposed legislative and procedural requirements.
 - If a complaint or information or matter about alleged corrupt conduct is not required to be notified to the CCC under section 38 of the CC Act, a record of the decision must be made by or given to Professional Standards by the HR delegate, including the details of the matter, the evidence that was relied upon in making the decision, and any other reasons for the decision. This is a requirement under section 40A of the CC Act.

Dealing with the complaint, matter or information

- The department is committed to ensuring an employee, subject to an allegation of corrupt conduct (subject officer), is afforded procedural fairness and will be provided with adequate information so they can properly respond to the allegations and/or adverse evidence.
 - In accordance with section 44 of the CC Act, matters involving corrupt conduct must be dealt with by the Director-General in a way that is considered most appropriate. Professional Standards carries out this duty by liaising with the CCC and providing integrity advice and recommendations to HR delegates on behalf of the Director-General.
 - Based on the nature of the complaint, advice may be provided to the HR delegate that the complaint is frivolous or vexatious or lacks substance or credibility and dealing with the complaint would be an unjustifiable use of resources. A decision may then be made in consultation with the HR delegate to take no action or discontinue action taken to deal with the complaint.
 - In an appropriate circumstance, the CCC may be asked to deal with the complaint in cooperation with the Director-General.
 - If a matter is dealt with, or action to deal with the complaint is discontinued, the complainant must be given a response stating:
 - the reason for not taking action or discontinuing the action; or
 - the action taken, and
 - the reason the public official considers the action to be appropriate in the circumstances; and
 - any results of the action that are known at the time of the response.
 - There is no requirement to give the complainant a response if they do not provide their contact details, or do not require a response, or the response would disclose information the disclosure of which would be contrary to the public interest.
 - If the matter is dealt with, the HR delegate will sign the outcome advice to the complainant (and subject officers).
 - With reference to the *Workplace Investigations Directive 17/20*, conducting an investigation should only be undertaken when less formal management enquiries at the local level are not appropriate.



- There will be some matters where an investigation is warranted, such as those more likely to proceed to discipline. If Professional Standards determines a matter should be investigated, the relevant delegate may authorise a Terms of Reference, which involves a methodological approach in line with '*Corruption in Focus: a guide to dealing with corrupt conduct in the Queensland public sector.*'
- All employees who are formally invited to assist with an investigation are obliged to fully cooperate with the process.
- HR delegates need to ensure they:
 - provide support and assistance to employees under their authority who are involved in an investigation process; and
 - manage the impact of the investigation on normal business activities.
- A person who participates in an interview during an investigation has the right to have a support person, union representative and/or legal representation present.
- Investigations are intended to be completed in a timely manner, taking into consideration the particular circumstances of each investigation. If the investigation is subject to the CCC's oversight and monitoring function, the investigator must comply with the timeframes the CCC sets, unless special circumstances have been reported on that may prevent this.
- HR delegates and managers have a responsibility to ensure any documentation relevant to an investigation under their responsibility is stored, retained and disposed of in accordance with relevant legislative requirements.
- All departmental employees have an obligation to maintain confidentiality concerning any matter under investigation.

5. Managing alleged corrupt conduct involving a SES3 or equivalent and higher

- In the event a complaint about a senior public service employee (SES3, equivalent or higher) is devolved to the department by the CCC, Professional Standards will apply the PSC's Framework and Flowchart for '*Oversight of SES3 and higher complaints devolved by the CCC*'.
- The Director, Professional Standards, in consultation with the Chief Human Resources Officer, People and Culture, will notify the PSC about the complaint by emailing seniorexecutivecomplaints@psc.qld.gov.au.
- The PSC will then coordinate nomination of an independent Director-General or agency Chief Executive to deal with the complaint.
- The department's Director-General will provide delegation to the independent Director-General to deal with the complaint, via an instrument of delegation template and letter.
- People and Culture will manage the investigation and/or discipline process and the independent Director-General will be the decision maker.
- People and Culture will provide progress reports to the PSC every six months from commencement and at completion.
- Professional Standards will provide reports to the CCC as required.





6. Training and awareness

- All employees are mandated to complete Code of Conduct training as part of their induction to the department. Regular refresher training in the practical application of the Code of Conduct and acceptable standards of ethical behaviour is recommended. Contact People and Culture for further information in this regard businesspartners@cyjma.qld.gov.au.
- More information about Professional Standards' role can be found online at [Ethics and Conduct](#).

7. Human Rights

The development of this policy has taken into consideration the potential limitations on human rights as per the *Human Rights Act 2019*. Any discretionary decisions made under the provisions of this policy must separately consider human rights as required under the above Act.

8. Delegations

The duties mandated on the Director-General are delegated via an [Instrument of Delegation](#) to the Director, Professional Standards who also undertakes the role of CCC Liaison Officer and PID Coordinator. The practice functions of the CC Act are carried out by Professional Standards.

Resources and supporting information:

[Crime and Corruption Act 2001](#)

[Public Sector Ethics Act 1994](#)

[Public Interest Disclosure Act 2010](#)

[Public Interest Disclosure Standards](#)

[Public Sector Act 2022](#)

[Code of Conduct for the Queensland Public Service](#)

[Workplace Investigations Directive](#)

[Corruption in Focus: a guide to dealing with corrupt conduct in the public sector](#)

[Human Rights Act 2019](#)

[Department's Policy 'Reporting and Managing Corrupt Conduct'](#)

[Department's Policy 'Complaints about the Director-General'](#)

[Department's Policy 'Public interest disclosures'](#)

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

Date of approval: 26 October 2023

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Office: People and Culture, Corporate Services

Help Contact: Professional Standards

Deidre Mulkerin
Director-General

RTI RELEASE