

# Complaints about the Director-General:

Section 48A of the *Crime and Corruption Act 2001*

(Section 48A Policy)

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## Human rights

Decision makers must act and make decisions in a way that is compatible with human rights and give proper consideration to a human right relevant to a decision, as required by section 58 of the *Human Rights Act 2019*. For further information please refer to the department's Human Rights intranet [page](#).

## 1. Purpose

The Director-General is the public official of the Department of Housing and Public Works (the department) for the purposes of the *Crime and Corruption Act 2001* (CC Act).

The Public Sector Commission (PSC) 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 (which includes information or matter)<sup>1</sup> that involves or may involve corrupt conduct of its Director-General as defined in the CC Act.

## 2. Policy rationale

The policy is designed to assist the department to:

1. comply with s.48A of the CC Act and the Framework
2. promote public confidence in the way suspected corrupt conduct by the Director-General of the department is dealt with (s.34(c) CC Act), and
3. 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. 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
- to all employees working for the department regardless of whether they are permanent, temporary, full-time, part-time, or casual employees and, persons on secondment from another departments/agencies, and

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

- to other persons who perform work for the department including contractors, students gaining work experience and volunteers. For the purposes of this policy, the term contractor includes on-hired temporary labour services (agency staff).

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

## 4. Nominated persons

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

- the Deputy Director-General, Corporate Services (CS),
- the Executive Director, Professional Standards and Performance (PSP), CS and
- the Director, Integrity Services Unit, PSP, CS

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

The nominated persons will decide who will be the nominated person for a particular complaint.

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 particular complaint.

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 persons<sup>5</sup>.

See [Appendix A](#) for nominated persons' contact details.

## 5. Complaints about the Director-General

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

- the nominated person/s
- 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<sup>6</sup> (this does not include an obligation imposed by ss.38 and 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/s.

### *Complaints received by the nominated persons*

If the nominated person/s reasonably suspect 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>

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

<sup>3</sup> Under 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 for application.

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

<sup>7</sup> Pursuant to s.38, subject to s.40 of the CC Act.

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, the Director-General must:

- report the complaint to the nominated person/s 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/s or another agency that is investigating or managing the investigation of the complaint.

## 6. Recordkeeping requirements

Should the nominated person/s decide that a complaint 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.

## 7. 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:

- the department will ensure that sufficient resources are available to the nominated person to enable them to perform their obligations under [clause 5](#) 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.

## 8. Liaising with the CCC

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.

## 9. 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.

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

## 10. Statutory references

Unless otherwise stated, all statutory references are to the [Crime and Corruption Act 2001](#).

## 11. Delegations

Delegations ([Resource centre - Delegations \(sharepoint.com\)](#)) are to be exercised in accordance with the department's Human Resource, Financial and Contract, Legal, Property, Building Industry, Procurement, Project Commencement, and Administrative Delegations. It is recommended that delegate authority levels are confirmed prior to exercising any powers in relation to this policy and supporting procedures.

## 12. Human rights

A *Record for Assessing Compatibility with Human Rights* has been completed to demonstrate how human rights have been considered in the development of this policy. The outcome of the assessment is:

- The policy has been reviewed for compatibility with human rights under the *Human Rights Act 2019* (HR Act). The policy has been found to engage and limit human rights but only to the extent that is lawful, reasonable, and demonstrably justifiable in accordance with section 13 of the HR Act. Therefore, it is reasonable to conclude that the policy is compatible with human rights.

## 13. Storage of information

All information should be managed in accordance with the [Public Records Act 2002](#), and the whole-of-Government [Records Governance policy](#). In addition, personal information should be managed in accordance with the [Information Privacy Act 2009](#).

## 14. Approval

This policy is approved by:

Mark Cridland  
Director-General  
Department of Housing and Public Works

Date: 16 January 2025

## 15. Document control

<b>Document owner</b>		Director, Integrity Services Unit		
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1.1	January 2025	Minor updates, Rebranding	Director, Integrity Services Unit	Director-General

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## Appendix A: Contacts and information

### Contact for nominated persons

Contact	Information
<b>Deputy Director-General</b> Corporate Services	» Email: <a href="mailto:oddgcorporateservices@housing.qld.gov.au">oddgcorporateservices@housing.qld.gov.au</a> » Phone: 07 3008 3803
<b>Executive Director</b> Professional Standards and Performance, Corporate Services	» Email: <a href="mailto:oadpsp@housing.qld.gov.au">oadpsp@housing.qld.gov.au</a> » Phone: 0423 412 868
<b>Director Integrity Services Unit,</b> Professional Standards and Performance, Corporate Services	» Email: <a href="mailto:IntegrityServices@housing.qld.gov.au">IntegrityServices@housing.qld.gov.au</a> » Phone: 0481 060 348

### Information

The requirements set out in this document are based on, and are consistent with, relevant government legislation, regulations, directives, information standards and/or policies at the time of publication.

#### Legislation and regulations

[Crime and Corruption Act 2001](#)

[Human Rights Act 2019](#)

[Public Interest Disclosure Act 2010](#)

#### Queensland Government documents

[Corruption in focus: A guide to dealing with corrupt conduct in the Queensland public sector](#), Crime and Corruption Commission, June 2023

The Public Sector Commission's "[Framework for oversight of senior public service employee complaints devolved by the CCC](#)".

## Appendix B: Definitions

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

Term	Description
<b>Crime and Corruption Commission (CCC)</b>	the Commission continued in existence under the CC Act
<b>CC Act</b>	<a href="#">Crime and Corruption Act 2001</a>
<b>Complaint</b>	includes information or matter: see definition provided by s.48A(4) of the CC Act
<b>Corruption</b>	see Schedule 2 (Dictionary) of the CC Act
<b>Corrupt conduct</b>	see s.15 of the CC Act
<b>Deal with</b>	see Schedule 2 (Dictionary) of the CC Act
<b>Framework</b>	means the ' <i>Framework for oversight of senior public service employee complaints devolved by the CCC</i> ' that has been published by the PSC (as varied from time to time)
<b>Nominated person</b>	see <a href="#">section 4</a> of this policy
<b>Public Official/CEO</b>	see Schedule 2 (Dictionary) and also s.48A of the CC Act
<b>PSC</b>	Public Sector Commission
<b>Unit of public administration (UPA)</b>	see s.20 of the CC Act