

Complaints about the Director-General:

Section 48A of the Crime and Corruption Act 2001

1 Purpose

The Director-General is the public official of the Department of Communities, Housing and Digital Economy (DCHDE).

The objective of this policy is to set out how DCHDE will deal with a complaint (also information or matter)¹ that involves or may involve corrupt conduct² of its Director-General as defined in the *Crime and Corruption Act 2001* (CC Act).

2 Policy rationale

The policy is designed to assist the DCHDE to:

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

3 Policy application

This policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct of the Director-General of DCHDE
- to all persons who hold an appointment in, or are employees of, DCHDE³.

4 Nominated person

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

- the Deputy Director-General, Strategy and Corporate Services, DCHDE; and
- the Director, Integrity Services Unit, Strategy and Corporate Services, DCHDE

as the nominated persons to notify⁴ the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act⁵.

The nominated persons will – with or without consulting the CCC or the Minister for Housing and Communities, Minister for Digital Economy and Minister for the Arts – decide who will be the nominated person for a particular complaint.

¹ See s. 48A of the CC Act and the definitions below.

² The CCC's corruption function encompasses both "corrupt conduct" and "police misconduct". For the purposes of the Queensland Police Service, wherever the term "corrupt conduct" is used in the policy, they would also have to consider police misconduct, as per s. 37 of the CC Act.

³ See s. 48A(4) of the CC Act.

⁴ Under ss. 37 or 38 of the CC Act.

⁵ Under Chapter 2, Part 3, Division 4, Subdivisions 1 & 2 of the CC Act.

Where a nominated person decides to notify the CCC about a complaint, the nominated person for that particular complaint will inform the CCC and the Minister for Housing and Communities, Minister for Digital Economy and Minister for the Arts that they are the nominated person for the particular complaint.

The CC Act applies as if a reference about notifying or dealing with the complaint to the Director-General is a reference to the nominated person⁶.

5 Definitions

Crime and Corruption Commission (CCC)	the Commission continued in existence under the CC Act
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
Contact details for Nominated persons	Deputy Director-General, Strategy and Corporate Services, Department of Communities, Housing and Digital Economy Phone: 07 3008 3800 Email: oddgstrategycorporateservices@chde.qld.gov.au Director, Integrity Services Unit, Strategy and Corporate Services, Department of Communities, Housing and Digital Economy Ph: 07 3109 4896 Email: IntegrityServices@chde.qld.gov.au
Corruption	see Schedule 2 (Dictionary) of the CC Act
Corrupt conduct	see s. 15 of the CC Act
<i>Corruption in Focus</i>	https://www.ccc.qld.gov.au/publications/corruption-focus ; see chapter 2, page 2.6
DCHDE	the Department of Communities, Housing and Digital Economy
Deal with	see Schedule 2 (Dictionary) of the CC Act
Nominated person	see item 4 of this policy
Police misconduct	see Schedule 2 (Dictionary) of the CC Act
Public Official/CEO	see Schedule 2 (Dictionary) and also s. 48A of the CC Act
Unit of public administration (UPA)	see s. 20 of the CC Act

⁶ See s. 48A(3) of the CC Act.

6 Complaints about the Director-General

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

- the nominated person, or
- a person to whom there is an obligation to report under an Act⁷ (this does not include an obligation imposed by ss37, 38 and 39(1) of the CC Act).

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

- a) notify the CCC of the complaint⁸, and
- b) deal with the complaint, subject to the CCC's monitoring role, when —
 - directions issued under s. 40 of the CC Act apply to the complaint, or
 - pursuant to s. 46 of the CC Act, the CCC refers the complaint to the Deputy Director-General, Strategy and Corporate Services or the Director, Integrity Services Unit to deal with⁹.

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

- i. report the complaint to the nominated person as soon as practicable and may also notify the CCC; and
- ii. take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Minister for Housing and Communities, Minister for Digital Economy and Minister for the Arts.

Where directions issued under s. 40 of the CC Act apply to the complaint:

- i. the nominated person is to deal with the complaint, and
- ii. the Director-General is to take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Minister for Housing and Communities, Minister for Digital Economy and Minister for the Arts.

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

8 Resourcing the nominated person

If pursuant to ss. 40 or 46 of the CC Act, the nominated person has responsibility to deal with the complaint¹⁰:

- i. the DCHDE will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately¹¹, and

⁷ See s. 39(2) of the CC Act.

⁸ Under ss. 37 or 38, subject to s. 40 of the CC Act.

⁹ Under ss. 41 and 42 and/or ss. 43 and 44 of the CC Act.

¹⁰ Under ss. 41 and 42 and/or ss. 43 and 44 of the CC Act.

¹¹ See the CCC's corruption purposes and function set out in ss. 4(1)(b), 33, 34, 35 of the CC Act and the DCHDE's relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint.

- ii. the nominated person is to ensure that 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
- iii. 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 Act¹²
 - the importance of promoting public confidence in the way suspected corrupt conduct in the DCHDE is dealt with¹³, and
 - DCHDE'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 DCHDE as if the nominated person is the Director-General of DCHDE 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 DCHDE 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 for Housing and Communities, Minister for Digital Economy and Minister for the Arts or the Director-General, to the nominated person.

9 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/CEO and the nominated person; and
- any proposed changes to this policy.

10 Consultation with the CCC

The Director-General will consult with the CCC when preparing any policy about how the DCHDE will deal with a complaint that involves or may involve corrupt conduct of the public official/CEO¹⁴.

11 Statutory references

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

¹² 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.

¹³ See s. 34(c) of the CC Act.

¹⁴ Section 48A of the CC Act.

12 Approval

This policy was approved by the:

Director-General, Department of Communities, Housing and Digital Economy, and

Minister for Housing and Communities, Minister for Digital Economy and Minister for the Arts

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