

Corrupt conduct prevention procedure

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. Associated policy

This procedure should be read in conjunction with the Department of Housing and Public Works' (the department's) [Corrupt conduct prevention policy](#).

Key term and definitions referred to in this procedure are outlined in Appendix B of the [Corrupt conduct prevention policy](#).

For information regarding complaints about suspected corrupt conduct involving the Director-General, please refer to the department's [Complaints about the Director-General: s48A of the Crime and Corruption Act 2001 policy](#).

2. Purpose

This procedure describes the processes for reporting, receiving, and dealing with, complaints of suspected corrupt conduct and supports the implementation of the department's [Integrity framework](#) and [Fraud and corruption control plan](#).

3. Scope

This procedure applies to all employees working for the department regardless of whether they are permanent, temporary, full-time, part-time or casual employees and/or on secondment from another department. It also applies to other persons who perform work for the department including contractors, students gaining work experience and volunteers. For the purposes of this procedure, the term contractor includes on-hired temporary labour services (agency staff).

4. Procedure

4.1 Corrupt conduct

Corrupt conduct has a specific meaning in section 15 of the [Crime and Corruption Act 2001](#). The full definition can be found in Appendix B of the [Corrupt conduct prevention policy](#).

Corrupt conduct is suspected until proven. There are two types of corrupt conduct.

Type A corrupt conduct involves conduct that affects, or could affect a person (such as, an employee or agency staff) so that the performance of their functions or the exercise of their powers:

- is not honest or impartial, or
- knowingly or recklessly breaches public trust, or
- involves the misuse of agency-related information or material.

Common examples of Type A corrupt conduct include fraud and theft, extortion, unauthorised release of information, obtaining or offering a secret commission and nepotism.

Type B corrupt conduct involves specific types of conduct that impairs, or could impair, public confidence in public administration. This may include:

- collusive tendering, or
- fraud relating to an application for a licence, permit or other authority relating to public health or safety; the environment; or the State's natural, cultural, mining or energy resources, or
- dishonestly obtaining public funds or State assets, or
- evading a State tax, levy or duty or fraudulently causing a loss of State revenue, or
- fraudulently obtaining or retaining an appointment.

Additionally, to meet the threshold for either Type A or Type B corrupt conduct, the alleged conduct must be so serious that it would, if proven, be a criminal offence or provide reasonable grounds to warrant dismissal.

Corrupt conduct can be attributed to any person, regardless of whether they are employed in the department, including:

- employees
- agency staff
- people who used to but no longer work in/for the department
- people who subsequently take up an appointment in the department
- people who are suppliers or providers to the department
- other private individuals or organisations
- people outside Queensland where there is a direct link between the conduct and its adverse effect on the department.

Examples of allegations which may be assessed as suspected corrupt conduct are set out in Appendix C of the [Corrupt conduct prevention policy](#).

4.2 Reporting suspected corrupt conduct

A suspicion of corrupt conduct can arise as a result of a complaint, or because of other processes, such as the review of management reports, internal audits or during other investigations.

In reporting suspected corrupt conduct, a person does not need to have sufficient evidence to prove the allegations. However, the available facts, evidence or other information must suggest that the allegations, if proven, would amount to corrupt conduct.

If there is some reasonable suspicion of corrupt conduct, this should be reported **immediately**. If guidance or support is required, contact the department's Integrity Services Unit as soon as possible.

4.2.1 Where to report suspected corrupt conduct

Suspected corrupt conduct involving the department, employees or person performing work for the department can be reported directly to any one of the following:

- the Integrity Services Unit
- the Crime and Corruption Commission Liaison Officer (CCC Liaison Officer) being the Director, Integrity Services Unit
- People and Culture

- a supervisor/manager in the department
- a member of the Executive or Senior Leadership Team
- the Director-General
- the Crime and Corruption Commission (CCC)
- to whom such a report may otherwise lawfully be made (for example, if the suspected corrupt conduct involves a criminal offence, it may be reported to the Queensland Police Service).

Relevant contact information for reporting suspected corrupt conduct can be found in Appendix A of the [Corrupt conduct prevention policy](#).

4.2.2 What information to provide when reporting suspected corrupt conduct

A person can report suspected corrupt conduct in any way, including anonymously, either verbally or in writing.

To assist in the assessment, and any subsequent investigation, persons are requested to:

- provide contact details (this could be an email address that is created for the purpose of making the complaint or a telephone number)
- provide as much information as possible about the suspected corrupt conduct, including:
 - who was involved
 - what happened
 - when it happened
 - where it happened
 - whether there were any witnesses and, if so, who they are
 - any evidence that supports the suspected corrupt conduct, and where the evidence is located
 - any further information that could help the investigation of the suspected corrupt conduct

Where necessary, the department will provide reasonable assistance to a person who wishes to report suspected corrupt conduct. Such assistance may include:

- providing an interpreter if a person has language difficulties or is hearing or vision impaired, or
- advising a person where they can get further help and information.

The costs of arranging reasonable assistance will be borne by the division to which the suspected corrupt conduct relates.

4.2.3 False or misleading information

Sections 217 and 218 of the [Crime and Corruption Act 2001](#), make it an offence for a person to state anything or to provide documents to the CCC that the person knows is false or misleading.

It is also an offence to provide false or misleading information to another entity (such as the department) who is obliged to provide that information to the CCC, whether or not the person who provided the information intended that it be provided to the CCC.

Subject to natural justice and human rights considerations, employees may be subject to disciplinary action for intentionally providing false or misleading information to the department. In addition, the provision of false or misleading information by persons performing work for the department (for example, contractors or agency staff) may result in the termination of their contracts/engagements with the department.

4.2.4 Unreasonable complainant conduct

Any behaviour which, because of its nature or frequency, raises substantial health, safety, resource or equity issues. Examples of unreasonable complainant conduct can include unreasonable persistence; unreasonable demands; unreasonable lack of cooperation; unreasonable arguments, and unreasonable behaviour.

Where there is any risk to the safety and/or welfare of persons involved in complaints management (for example, a complainant threatens a person they have complained about or the person investigating their complaint) this should be immediately brought to the attention of the relevant manager so appropriate action can be taken.

With rare exception, a complainant's issues should be acknowledged and appropriately responded to by the department under this procedure before a complainant's conduct is assessed as the person being an unreasonable complainant.

4.3 Dealing with a complaint or information

4.3.1 Receiving a complaint or information

If a manager or a supervisor receives a complaint of or information about suspected corrupt conduct, that person must **immediately**, and without commencing any enquiries, refer the complaint or information – marked 'Strictly Confidential' - to the Integrity Services Unit.

The complaint or information must be treated as strictly confidential.

Subject to disclosures required or authorised by or under law (including natural justice and procedural fairness considerations), the following should be kept confidential:

- the fact that a complaint has been made or that a person has disclosed information raising a suspicion of corrupt conduct
- the identity of a person who has made the complaint or disclosed the information, and
- the identity of the subject officer.

It is incumbent upon the manager/supervisor to immediately take all necessary and appropriate steps to protect the person making the complaint or providing information (if risk is identified), while preserving the confidentiality of the complaint or information to the maximum extent possible in the circumstances.

4.3.2 Assessing a complaint or information

To determine whether a complaint or information gives rise to suspected corrupt conduct, the Integrity Services Unit will undertake an assessment.

The specific responsibilities of the department's Integrity Service Unit is outlined in section 3.5 of the [Corrupt conduct prevention policy](#).

4.3.3 Notifying the Crime and Corruption Commission

In some circumstances, the CCC Liaison Officer is obliged to notify the CCC if they reasonably suspect that corrupt conduct may have occurred.

For clarity, not all complaints or information of suspected corrupt conduct must be referred to the CCC and the requirement to notify the CCC is subject to directions issued by the CCC pursuant to section 40 of the [Crime and Corruption Act 2001](#) ([Section 40 Directions](#)).

4.3.4 Action by the Crime and Corruption Commission

In the event a complaint or information is referred to the CCC by the department or the CCC directly receives a complaint or information relating to the department, one of the following usually occurs:

CCC action	Departmental action
The CCC assesses a complaint or information as suspected corrupt conduct and decides to investigate the matter.	If the CCC requires assistance from the department, liaison will occur as necessary between the CCC Liaison Officer and/or the Integrity Services Unit.
The CCC assesses a complaint or information as suspected corrupt conduct and refers the matter to the department to deal with and report back to the CCC as a 'Public Interest Review'.	In most circumstances the Integrity Services Unit will undertake or manage any enquiries/investigation if this the appropriate manner to deal with the matter and provide a report to the CCC before the department takes any action on the report.
The CCC assesses a complaint or information as suspected corrupt conduct and refers the matter to the department to deal with and report to the CCC at the completion of all processes as a 'Merit and Compliance Review'.	In most circumstances the Integrity Services Unit will undertake or manage any enquiries/investigation if this is the appropriate manner to deal with the matter. The delegate will be provided with an investigation report to consider and determine appropriate action. A copy of the investigation report and information about any action taken is provided to the CCC after the department takes the action.
The CCC assesses a complaint or information as suspected corrupt conduct and refers the matter to the department to deal with (with no requirement to report back to the CCC). These matters may be subject to the CCC's auditing program.	Should it be determined that an investigation is required to deal with the matter, the Integrity Services Unit will undertake or manage the investigation and provide an investigation report to the relevant division for independent consideration and any relevant action.
The CCC forms the view that suspected corrupt conduct is not involved and refers the complaint or information back to the department.	The department will assess and determine how to deal with the complaint or information, having regard to relevant departmental policies.

4.4 Dealing with suspected corrupt conduct

The way complaints or information relating to suspected corrupt conduct are dealt with by the department will depend on all the relevant circumstances and may include (but is not limited to) any of the following:

- a review of existing information (for example, files, emails or other records)
- informal enquiries,
- devolving the matter to the relevant business area for appropriate action, or
- a formal investigation, including recorded interviews.

Any enquiries and/or investigation will be done in accordance with the principles of natural justice, the department's obligations under the [Crime and Corruption Act 2001](#), any directions/guidelines issued by the CCC, the Public Sector Commission's [Directive 01/24 \(Workplace Investigations\)](#), and any other legislative requirements.

In addition to examining the alleged conduct of the subject officer, where appropriate, the following will also be considered:

- the role of the manager, including whether there was adequate supervision of the subject officer
- whether appropriate internal controls were in place, and
- whether there were any systemic issues that gave rise to the complaint or were identified during any enquiries/investigation.

In most cases, a report will be compiled detailing the outcome or findings of these enquiries/investigation. The report (including any relevant evidence gathered during the enquiries/investigation) will be provided to the Director-General (or delegate) for independent consideration and determination of what, if any, actions are needed in response.

4.4.1 Taking no action

Pursuant to section 44(3) of the [Crime and Corruption Act 2001](#), the department may take no action or discontinue action taken to deal with the complaint or information, if the Director-General (or delegate) is satisfied that:

- a complaint or information is frivolous or vexatious or lacks substance or credibility or
- dealing with a complaint or information would be an unjustifiable use of resources.

4.4.2 Providing outcome advice

Both the complainant and the subject officer (in circumstances where they have been informed about the complaint and/or were required to respond to allegations) will be notified of the outcome of the matter subject to the below considerations:

- Any outcome advice will be provided once the Director-General (or delegate) considers the relevant evidence and determines the matter.
- Further, an outcome advice will be provided in accordance with the [Crime and Corruption Act 2001](#), information privacy laws and any other legislative requirements. An outcome advice will not include whether any action has been taken against any individual/s as a result of the complaint or information received by the department.
- The complainant need not be given a response if:
 - the complainant has not given their name and address or does not require a response, or
 - the response would disclose information that would be contrary to the public interest.

Where practicable, any witnesses will also be notified once the matter has been finalised.

4.5 Rights of subject officers

A subject officer is entitled to:

- the presumption of innocence
- the right to advice (for example, through their union or legal representative), and
- the right to support (for example, through a support person and as applicable, the Employee Assistance Service).

Complaints or information of suspected corrupt conduct will be dealt with impartially, fairly and reasonably in accordance with the principles of natural justice.

The department will ensure that any allegations against a subject officer will be handled confidentially (where possible) and in accordance with information privacy laws.

5. Delegations

Delegations ([Resource centre - Delegations \(sharepoint.com\)](#)) are to be exercised in accordance with the department's Human Resource, Financial, Procurement, Contract Signing and Business Support Delegations. Delegation Schedules are reviewed on a regular basis to ensure they remain current and relevant to the operational needs of the department. It is recommended that delegate authority levels are confirmed prior to exercising any powers in relation to this procedure.

6. Roles and responsibilities

See section 6 of the [Corrupt conduct prevention policy](#).

7. Human rights

The department is committed to respecting, protecting and promoting human rights.

You need to think about human rights in the decisions you make at work. It is unlawful for public servants to act and make decisions in a way that is not consistent with the *Human Rights Act 2019* (HR Act). If making a decision or taking action under this procedure, decision-makers must comply with this obligation. For further guidance on giving proper consideration to human rights, please refer to the intranet – [Human rights](#).

8. Storage of information

All information should be managed in accordance with the [Public Records Act 2023](#), and the whole-of-Government [Records governance policy](#). In addition, personal information should be managed in accordance with the [Information Privacy Act 2009](#).

9. Document control

Document owner	Director, Integrity Services Unit			
Contact details	integrityservices@housing.qld.gov.au			
Next review	June, 2028			
Supersedes	Corrupt conduct prevention procedure v1.1 (ISU:PR:2023:01)			
Version	Issue Date	Reason	Author	Approver
1.0	01 April 2022	New document	Director, Integrity Services Unit	Deputy Director-General, Strategy and Corporate Services
1.1	29 August 2023	Minor update – update to reflect changes due to MoG (May 2023)	Director, Integrity Services Unit	Deputy Director-General, Strategy and Corporate Services
1.2	20 June 2025	Minor update – updated to reflect changes due to MoG (November 2024)	Director, Integrity Services Unit	Executive Director, Professional Standards and Performance