

Complaints about the Director-General Policy (Section 48A of the *Crime and Corruption Act 2001*)

Owner Governance and Assurance
Last Reviewed 25/03/2019

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Version 1.02

1. Purpose

The Director-General is the public official of the Department of Innovation and Tourism Industry Development (the department).

The objective of this policy is to set out how the department will deal with a complaint that involves or may involve [corrupt conduct](#) by its Director-General as defined in the [Crime and Corruption Act 2001](#) (CC Act).¹

2. Policy rationale

The policy is designed to assist the department to:

- comply with s48A of the CC Act
- promote public confidence in the way suspected corrupt conduct by the Director-General for the department is dealt with²
- promote accountability, integrity and transparency in the way the department deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the Director-General.

3. 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	a complaint about corrupt conduct includes information or matter involving corrupt conduct. See s48A(4) of the CC Act for definition of complaint about corrupt conduct and s36(5) of the CC Act for examples of 'information or matter'
Contact details	For confidential communications, please contact: Email: ethics@ditid.qld.gov.au Phone: 07 3333 5231 Postal Address: Attention to: Director Governance and Assurance Office of the Director-General Department of Innovation and Tourism Industry Development PO Box 15168 City East QLD 4002
Corruption	see Schedule 2 (Dictionary) of the CC Act
Corrupt conduct	see s15 of the CC Act
Corruption in Focus	http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus ; see chapter 2, page 2.5

¹ See s15 of the CC Act.

² See s34(c) of the CC Act.

Deal with	see Schedule 2 (Dictionary) of the CC Act
Nominated person	see item 5 of this policy
Public Official/CEO	see Schedule 2 (Dictionary) and also s48A of the CC Act
Reasonable suspicion	see ' <i>reasonably suspects</i> ' under Schedule 2 (Dictionary) of the CC Act and Chapter 2 <i>Corruption in Focus</i>

4. Policy application

This policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct of the Director-General of the department
- to all persons who hold an appointment in, or are employees of, the department and non-employees including contractors, consultants, volunteers and any other person or entity who provides the department with services on a paid or voluntary basis

For the purpose of this policy, a complaint includes information or matter.³

5. Responsibilities

Director-General

- Not take any action in relation to a complaint about themselves which involves or may involve corrupt conduct unless requested to do so by the **nominated person** in consultation with the Minister.
- Refer any complaint they receive about themselves that involves or may involve corrupt conduct to the **nominated person** and/or the departments' CCC Liaison Officer
- Consult with the CCC when preparing this policy.

Deputy Director-General, Tourism

- Receive and deal with any complaint involving the Director-General that involves or may involve corrupt conduct in accordance with advice and/or directions from the CCC.

Departmental employees

- Refer any complaint about the Director-General that involves or may involve corrupt conduct to the nominated person and/or the department CCC Liaison Officer.

6. Nominated person

Having regard to s48A(2) and (3) of the CC Act, this policy nominates the Deputy Director-General, Tourism as the nominated person to notify⁴ the CCC of the complaint and to deal with the complaint under the CC Act.⁵

This policy does not nominate an alternative position or person to deal with complaints against the Director-General.

Once the department nominates a person, 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 person**.⁶

³ See s48(4) CC of the CC Act

⁴ Under s38 of the CC Act

⁵ Under Chapter 2, Part 3, Division 4, Subdivision 2 of the CC Act

⁶ See s48A(3) CC Act

7. Complaints about the Director-General

If a complaint may involve an allegation of corrupt conduct against the Director-General of the department, the complaint may be reported to the **nominated person**.

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 that a complaint involves, or may involve, corrupt conduct by the Director-General, they are to:

- (a) notify the CCC of the complaint⁷, and
- (b) deal with the complaint, subject to the CCC's monitoring role, when—
 - directions issued by the CCC⁸ apply to the complaint, if any, or
 - the CCC refers the complaint⁹ to the **nominated person** to deal with.¹⁰

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.

If directions issued by the CCC⁸ 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 Minister.

8. Resourcing the nominated person

If the **nominated person** has responsibility⁹ to deal with the complaint:¹¹

- (iii) the department will ensure that sufficient resources are available to the **nominated person** to enable them to deal with the complaint appropriately¹², and
- (iv) 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:

⁷ Under 38, subject to s40 of the CC Act.

⁸ Under s40 of the CC Act.

⁹ Under s46 of the CC Act.

¹⁰ The statutory responsibility of a public official/CEO to deal with corruption under the CC Act is set out in s43 and s44 (corrupt conduct) of the CC Act.

¹¹ Under s43 and s44 of the CC Act.

¹² See the CCC's corruption purposes and function set out in s33, s34 and s35 of the CC Act, and the department's relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint

- purposes of the CC Act¹³,
- the importance of promoting public confidence in the way suspected corrupt conduct in the department is dealt with¹⁴, 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**.

9. Liaising with the CCC

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

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

10. Consultation with the CCC

The Director-General will consult with the CCC when preparing any policy about how the department will deal with a complaint that involves or may involve corrupt conduct of the public official/CEO.¹⁵

11. References

- [*Crime and Corruption Act 2001*](#)
- [*Public Service Act 2008*](#)
- [*Public Interest Disclosures Act 2010*](#)
- [*Anti-Discrimination Act 1991*](#)
- [*Judicial Review Act 1991*](#)
- [*Information Privacy Act 2009*](#)
- [Public Service Commission Directive relating to managing employee complaints](#)

12. Review

This policy will be reviewed in two years in consultation with the CCC.

¹³ See s57 and the CCC's corruption purposes and function set out in s33, s34 and s35 of the CC Act

¹⁴ See s34(c) CC Act

¹⁵ Section 48A of the CC Act

13. Approval

Signed:

Mr Damian Walker Director-General Department of Innovation, Tourism Industry Development and the Commonwealth Games Date: 21/05/2018	The Honourable Kate Jones MP Minister for Innovation, Tourism Industry Development and Minister for the Commonwealth Games Date: 28/05/2018
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14. Version history

Document Owner		Director Governance and Assurance, DITID Corporate	
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Version	Date	Action	Revision description
1.00	9/05/2018	Approved	New Policy – Statutory requirement s48A of the CC Act
1.01	25/3/2019	Minor amendment	CCC advice received to make amendments to contact details. Changes made.
1.02	11/11/2019	Minor changes	Changes to template following restructure and department name change.