

Complaints about the Director-General Policy

Section 48A of the Crime and Corruption Act 2001

Effective date: 04/07/2015

Version: 1.04

CHA/2015/1469

1. Purpose

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

The policy will assist the department to:

- Comply with s48A of the *Crime and Corruption Act 2001*;
- Promote public confidence in the way suspected corrupt conduct of the Director-General for the department is dealt with (s34(c) CC Act); and
- 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.

This policy relates to the Director-General of the Department of Agriculture and Fisheries.

2. Policy

Having regard to s48A(2) and (3) of the CC Act, this policy nominates the Deputy Director-General, Corporate, Department of Agriculture and Fisheries as the nominated person to notify the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act.

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.

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

- The nominated person; and/or
- The Department's CCC Liaison Officer.

If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the nominated person and/or the departments' CCC Liaison Officer.

If the nominated person and/or the CCC Liaison Officer reasonably suspects the complaint may involve corrupt conduct of the Director-General, they are to:

- Notify the CCC of the complaint; and
- The nominated person is to deal with the complaint, subject to the CCC's monitoring role, when –
 - directions issued under s40 apply to the complaint, if any; or
 - pursuant to s46, the CCC refers the complaint to the Deputy Director-General to deal with.

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

- Report the complaint to the nominated person and/or the CCC Liaison Officer 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 in consultation with the Minister.

Where there is a nominated person, and if directions issued under s40 apply to the complaint:

- The nominated person is to deal with the complaint; and
- 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.

If pursuant to ss40 or 46 of the CC Act, the nominated person has responsibility to deal with the complaint:

- The department will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately; and
- 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.
- 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 Act;
 - the importance of promoting public confidence in the way suspected corrupt conduct in the department is dealt with; 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.

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.

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 Director-General.

3. Authority

Section 48A of the [Crime and Corruption Act 2001](#).

4. Scope

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.

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

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, Corporate

- 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.

Department CCC Liaison Officer

- 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 and the nominated person.

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. Definitions and glossary of terms

<i>Crime and Corruption Commission (CCC)</i>	The Commission continued in existence under the <i>Crime and Corruption Act 2001</i>
<i>CC Act</i>	<i>Crime and Corruption Act 2001</i>
<i>Complaint</i>	Includes information or matter. See definition provided by s48A(4) of the <i>Crime and Corruption Act 2001</i>
<i>Contact details</i>	Should include a direct telephone number, email address and postal address to enable confidential communications
<i>Corruption</i>	See Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
<i>Corrupt conduct</i>	See s15 of the <i>Crime and Corruption Act 2001</i>
<i>Corruption in Focus</i>	See chapter 2, page 2.5 of <i>Corruption in focus: a guide to dealing with corrupt conduct in the Queensland public sector</i> .
<i>Deal with</i>	See Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
<i>Nominated person</i>	See item 2 of this policy

7. Related documents

[Complaints Management Policy](#)
[Public Interest Disclosure Policy and Procedure](#)

8. Further information

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

9. Review

This policy is to be reviewed in two years in consultation with the Crime and Corruption Commission.

10. Approval

Signed: Jack Noye Director-General Department of Agriculture and Fisheries Date: 19 June 2015	Signed: The Hon Bill Byrne MP Minister for Agriculture and Fisheries Date: 4 July 2015
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11. Version history

Date	Version	Action	Description / comments
10/10/2014	1.00	Approved	New Policy – statutory requirement s48A of the Crime and Corruption Act 2014
30/10/2014	1.01	Consultation with the CCC	Minor changes as recommended by the CCC adopted.
27/03/2015	1.02	Name change of Department and Minister	Change department to Agriculture and Fisheries and new Minister's name and portfolio
21/01/2016	1.03	Formatting	Removed reference to a repealed document and corrected formatting.
15/07/2016	1.04	Updated.	Corrected broken links to related documents.

12. Keywords

Director-General; nominated person; corrupt conduct; corruption; complaint