

Complaints about the Director-General procedure

Purpose

This procedure outlines how the Department of State Development / Department of Infrastructure, Local Government and Planning (the department) will deal with a complaint that involves or may involve corrupt conduct by the Director-General as defined in the *Crime and Corruption Act 2001* (the Act).

Scope

This procedure applies to:

- all 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 purposes of this procedure, complaints include information or a matter that involves corrupt conduct, as defined under section 48(4) of the Act.

Definitions

See **Appendix A** for definitions of key terms referred to in this procedure.

Responsibilities and accountabilities

Position	Responsibilities
All employees	<ul style="list-style-type: none">• Comply with section 48A of the Act
Managers and supervisors	<ul style="list-style-type: none">• Ensure that employees are aware of their obligations under the Act in relation to a complaint that is suspected to involve, or may involve, corrupt conduct of the Director-General
Ethics and Governance	<ul style="list-style-type: none">• Promote accountability, integrity and transparency in the way it deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the Director-General• Maintain an internal reporting system as part of the complaints management process.
Director, Ethics and Governance	<ul style="list-style-type: none">• Ensure appropriate consultation and communication occurs with the Crime and Corruption Commission (CCC) by acting as the department's liaison officer

Deputy Director-General, Business Solutions and Partnerships	<ul style="list-style-type: none"> Act as the nominated person for complaints about the Director-General for the Department of State Development
Executive Director, Corporate Services	<ul style="list-style-type: none"> Act as the nominated person for complaints about the Director-General for the Department of Infrastructure, Local Government and Planning.
Director-General	<ul style="list-style-type: none"> Advise the CCC and the nominated person of any changes to their contact details 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.

Procedure

Complaints reporting

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
- department's CCC Liaison Officer.

If there is uncertainty about if a complaint should be reported, it is recommended 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
- the nominated person is to deal with the complaint, subject to the CCC's monitoring role when:
 - directions issued under section 40 apply to the complaint, if any, or
 - pursuant to section 46, the CCC refers the CCC to the nominated person 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
- 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 section 40 apply to the complaint:

- the nominated person is to deal with the complaint
- 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 sections 40 or 46 of the 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
- the nominated person is to ensure that consultations, if any, for 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
- the consent of the nominated person responsible for dealing with the complaint.
- the nominated person must always use their best endeavours to act independently, impartially and fairly having regard to the:
 - purposes of the Act
 - the importance of promoting public confidence in the way suspected corrupt conduct in the department is dealt with
 - 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 when dealing with the complaint
- are delegated the same authority, functions and powers as the Director-General to enter into contracts on behalf of the department for 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.

Reference documents

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

Related documents

- Complaints management policy
- Public interest disclosure procedure
- Managing employee complaints procedure
- Human resources delegations

Document control

Document owner		Director, Ethics and Governance, Corporate Services Business Solutions and Partnerships	
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2.0	28/08/2017	Gwen Rose, Senior Complaints Officer, Ethics and Governance	Amanda White, A/Executive Director, Corporate
	7/09/2017		Michael McKee, Deputy Director- General, Business Solutions and Partnerships

Appendix A – Definitions

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

Term	Definition
Complaint	Includes information or a matter involving corrupt conduct (Section 48(4) of the Act).
Corrupt conduct	<p>Conduct by anyone that adversely affects a public agency, an appointed employee or public official so that the performance of their functions or the exercise of their powers:</p> <ul style="list-style-type: none"> • is not honest or impartial, or • knowingly or recklessly breaches public trust, or • involves the misuse of agency-related information or material. <p>Corrupt conduct is engaged in for providing a benefit to the person or another person, or causing a detriment to another person. In addition, the conduct must be serious enough that, if proved, would constitute a criminal offence or a disciplinary breach providing grounds for dismissal.</p> <p>See section 15 of the <i>Crime and Corruption Commission Act 2001</i> for the precise legal wording.</p> <p>Conduct that involves any of the following could be ‘corrupt conduct’:</p> <ul style="list-style-type: none"> • abuse of public office • bribery • extortion • obtaining or offering a secret commission • perverting the course of justice • an offence relating to an electoral donation • fraud • stealing • forgery • loss of revenue of the State • sedition • serious assault or assault occasioning bodily harm or grievous bodily harm.
Public Interest Disclosure	An appropriate disclosure of public interest information (such as a report of corrupt conduct, reprisal, maladministration that affects a person’s interests in a substantial and specific way, substantial misuse of public resources, substantial and specific danger to public health and safety to the environment) made to a proper authority.