

Complaints about the Director-General and the Coordinator-General procedure

1. Purpose

This procedure outlines how the Department of State Development, Manufacturing, Infrastructure and Planning (the department) will deal with a complaint that involves or may involve corrupt conduct by a public official, such as the Director-General (DG) or the Coordinator-General (CG) as defined in the **Crime and Corruption Act 2001** (CC Act).

It should be read in conjunction with the department's **Complaints management policy**, **Fraud and corruption prevention policy**, **Public interest disclosure procedure**, and **Reporting corrupt conduct procedure**

2. 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 including information or a matter that involves corrupt conduct, as defined under section 48(4) of the CC Act.

3. Procedure

3.1 Complaints reporting

If a complaint may involve an allegation of corrupt conduct of a public official of the department, the complaint may be reported to any of the following positions:

- » Nominated person – Deputy Director-General, Corporate (Michael.McKee@dsdilgp.qld.gov.au)
- » Department's CCC Liaison Officer – Director, Ethics (Jim.Meyers@dsdilgp.qld.gov.au)
- » Executive Director, People and Performance (Belinda.Bayliss@dsdilgp.qld.gov.au)

If there is uncertainty about whether a complaint should be reported, it is recommended the matter is reported to the nominated person and/or the department's CCC Liaison Officer.

If the nominated person and/or the CCC Liaison Officer reasonably suspects the complaint may involve corrupt conduct of a public official, 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 of the CC Act apply to the complaint; or
- » pursuant to section 46 of the CC Act, the CCC refers the complaint to the nominated person to deal with.

If a public official (DG or CG in this context) receives a complaint and reasonably suspects that the complaint may involve corrupt conduct on their part, the public official 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.

If directions issued under section 40 of the CC Act apply to the complaint:

- » the nominated person is to deal with the complaint
- » a public official 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 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
- » the public official 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 CC Act
 - the importance of promotion 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 a public official to:
 - direct and control staff of the department when dealing with the complaint
 - enter into contracts on behalf of the department for dealing with the complaint
- » do not have any additional authority, function or powers that cannot, under the law of the Commonwealth or the State, be delegated by either the Minister or a public official to them.

3.2 Recordkeeping requirements

If the nominated person, CCC liaison officer or other authorised officer decides that a complaint, information or matter about suspected corrupt conduct concerning the DG or CG is not required to be notified to the CCC under section 38 of the CC Act, a record of this decision must be made (section 40A of the CC Act).

To comply with legislative obligations under the CC Act, the record must include:

- » the details of the complaint or information or matter
- » the evidence on which the nominated person relied in making the decision
- » any other reasons for the decision.

The recorded information should be sufficient for a reasonable person to understand the logic behind the decision, including how the decision was assessed pursuant to section 15 of the CC Act and why it did not meet the threshold

4. Delegations

Delegations 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 policy and supporting procedures.

5. Responsibilities

Role	Responsibilities
Director-General (DG) or the Coordinator-General (CG) (accountable officer)	» Advise the CCC and the nominated person of any changes to their contact details, including a direct telephone number, email address and postal address to allow for confidential communications.

Role	Responsibilities
Employees	<ul style="list-style-type: none"> » Refer suspicions of corrupt conduct regarding the DG and/or the CG to the nominated person (Deputy Director-General), Corporate, the Executive Director, People and Performance, the Director, Ethics or other appropriate authority as defined in the <i>Public Interest Disclosure Act 2010</i> » Cooperate with investigations into suspected corrupt conduct and maintain the confidentiality of suspected corrupt conduct matters » Familiarise themselves with and comply with this procedure.
Deputy Director-General, Corporate	<ul style="list-style-type: none"> » CC Act as the nominated person for complaints about the DG or the CG for the department.
Ethics	<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 DG or the CG. » Maintain an internal reporting system as part of the complaints management process. » Consult with the Crime and Corruption Commission (CCC) when preparing any policy about how the department will deal with a complaint that involves or may involve corrupt conduct of the DG or the CG.
Managers and supervisors	<ul style="list-style-type: none"> » Ensure that employees are aware of their obligations under the CC Act in relation to a complaint that is suspected to involve, or may involve corrupt conduct of the DG or the CG.
Director, Ethics	<ul style="list-style-type: none"> » Ensure appropriate consultation and communication occurs with the CCC by acting as the department's liaison officer.

6. Human rights compatibility

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

Under the *Human Rights Act 2019* (HR Act), the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights.

When making a decision about complaints about the DG and/or the CG decision-makers must comply with this obligation.

For further information on the HR Act see:

- » <https://www.qhrc.qld.gov.au>

7. Definitions

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

8. Related documents, forms and templates

- » [Complaints management policy](#)
- » [Fraud and corruption prevention policy](#)
- » [Public interest disclosure procedure](#)
- » [Managing employee complaints procedure](#)
- » [Reporting corrupt conduct procedure](#)
- » [Human resources delegation](#)

9. References

- » [Anti-Discrimination Act 1991](#)
- » [Code of Conduct for the Queensland Public Service](#)
- » [Crime and Corruption Act 2001](#)
- » [Individual Employee Grievances Directive \(Public Service Commission\)](#)
- » [Information Privacy Act 2009](#)
- » [Judicial Review Act 1991](#)
- » [Prevention in Focus \(CCC\)](#)
- » [Public Interest Disclosure Act 2010](#)
- » [Public Sector Ethics Act 1994](#)
- » [Public Service Act 2008](#)

10. Further information

For further information or clarification, please contact:

- » your manager or supervisor
- » your business support officer
- » complaints@dasilgp.qld.gov.au

11. Storage of information

All information should be managed in accordance with the Queensland Government Information Management Framework, which includes the *Public Records Act 2002*, Information Standard 31: Retention and disposal of public records (IS31) and Information Standard 40: Recordkeeping (IS40). In addition, personal information should be managed in accordance with the *Information Privacy Act 2009*.

12. Document control

Document owner	Director, Ethics			
Contact details	ethics@dasilgp.qld.gov.au			
Next review (annually)	July 2020			
Supersedes	Complaints about the Director-General and the Coordinator-General procedure v2.0 (D17/164531)			
Version	Issue Date	Reason	Author	Approver
1.0	28/08/2017	New procedure	Senior Complaints Officer, Ethics and Governance	A/Executive Director, Corporate, DILGP
	07/09/2017			Deputy Director-General, Business Solutions and Partnerships, DSD
1.1	18/05/2018	Minor update – following Machinery of Government Changes	Senior Complaints Officer, Ethics and Governance	Executive Director, Corporate Services, DSDMIP

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2.0	26/08/2019	Updated – public official expanded to include CG, change to corrupt conduct definition, inclusion of CCC recommended amendments, and new branding	Senior Project Officer, HR and Ethics	Deputy Director-General, Business Commercial and Performance
2.1	Xx/07/2021	Minor update – following Machinery of Government Changes	Senior Project Officer, Ethics	Director, Ethics



Appendix A: Definitions

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

Term	Definition
Delegate	» The person authorised to perform a specific task or function on the Director-General or Minister's behalf. Delegations and authorisations are recorded in the department's delegation schedules.
Complaint	» For the purposes of this procedure, a complaint includes information or matter involving corrupt conduct (refer to section 48(4) of the Act).
Corrupt Conduct	» Refer to section 15 in the <i>Crime and Corruption Act 2001</i> (the Act) for the definition of corrupt conduct.
CCC Liaison Officer	» Director, Ethics » Jim.Meyers@dasilgp.qld.gov.au
Nominated Person	» Deputy Director-General, Corporate » Michael.McKee@dasilgp.qld.gov.au
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. » Refer to Chapter 2 of the <i>Public Interest Disclosure Act 2010</i> for the full legal definition of a public interest disclosure
Public Official	» Refer to section 48 of the Act for the definition of public official. » For the purposes of this procedure, a public official refers to the DG or the CG.

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