

Complaints about the Coordinator-General: section 48A of the *Crime and Corruption Act 2001*

1 Objective

1. The Coordinator-General is the public official of the Office of the Coordinator-General (OCG) for the purposes of the *Crime and Corruption Act 2001* (CC Act).
2. The objective of this policy is to set out how the OCG will deal with a complaint (or information or matter)¹ that involves or may involve corrupt conduct, as defined in the CC Act, by the Coordinator-General.

2 Policy rationale

This policy is designed to assist the OCG to:

1. Comply with s. 48A of the CC Act.
2. Promote public confidence in the way suspected corrupt conduct by the Coordinator-General of the OCG is dealt with (s. 34(c) CC Act).
3. Promote accountability, integrity, and transparency in the way the OCG deals with a complaint that is reasonably suspected to involve, or may involve, corrupt conduct by the Coordinator-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	includes information or matter: see the definition in s. 48A(4) of the CC Act
Contact details for Nominated person	Deputy Director-General, Corporate Michael.McKee@dsdilgp.qld.gov.au
	Executive Director, People and Performance Belinda.Bayliss@dsdilgp.qld.gov.au
	Director, Integrity & Workplace Relations Monique.butler@dsdilgp.qld.gov.au
Corrupt conduct	see s. 15 of the CC Act
<i>Corruption in Focus</i>	https://www.ccc.qld.gov.au/publications/corruption-focus ; see chapter 2, page 26
Deal with	see Schedule 2 (Dictionary) of the CC Act
Nominated person	see item 5 of this policy
Public official	see s. 48A & Schedule 2 (Dictionary) of the CC Act
Unit of public administration (UPA)	see s. 20 of the CC Act

¹ See s. 48A(4) of the CC Act and the definitions in clause 3.

4 Policy application

This policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct by the Coordinator-General of the OCG; and
- to all persons who hold an appointment in, or are employees of, the OCG.

For the purpose of this policy a complaint includes information or matter.²

5 Nominated person

Having regard to s. 48A(2) and (3) of the CC Act, this policy nominates:

- Michael McKee, Deputy-Director Corporate
- Belinda Bayliss, Executive Director, People & Performance
- Monique Butler, Director Integrity & Workplace Relations

as the nominated persons to notify³ the CCC of the complaint and to deal with the complaint under the CC Act.⁴

The provisions of the CC Act that regulate how the Coordinator-General as the public official of the OCG is to notify or deal with a complaint also apply to the nominated person.⁵

Where there is more than one nominated person:

- The nominated persons will decide who will be the nominated person for a particular complaint, and
- Where a nominated person decides to notify the CCC about a complaint, the nominated person will inform the CCC that they are the nominated person for that complaint.

6 Complaints about the Coordinator-General

If a complaint may involve an allegation of corrupt conduct by the Coordinator-General of the OCG, the complaint may be reported to:

- the nominated person; or
- a person to whom there is an obligation to report under an Act⁶ (this does not include an obligation imposed by ss. 38 or 39(1) of the CC Act).

If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the nominated person.

Complaints received by the nominated person

If the nominated person reasonably suspects that a complaint involves or may involve corrupt conduct by the Coordinator-General, they are to:

1. notify the CCC of the complaint;⁷ and
2. deal with the complaint, subject to the CCC's monitoring role, when —

2 See s. 48A(4) of the CC Act.

3 Pursuant to s. 38 of the CC Act.

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

5 See s. 48A(3) of the CC Act.

6 See s. 39(2) of the CC Act.

7 Pursuant to s. 38 of the CC Act.

- pursuant to s. 46 of the CC Act, the CCC refers the complaint to the nominated person to deal with.⁸

Complaints received by the Coordinator-General

If the Coordinator-General receives a complaint that may involve corrupt conduct on their part, they must:

- report the complaint to the nominated person 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.

7. Recordkeeping requirements

Should the nominated person decide that a complaint, or information or matter, about alleged corrupt conduct by the Coordinator-General is not required to be notified to the CCC under s. 38 of the CC Act, the nominated person must make a record of the decision that complies with s. 40A of the CC Act.

8. Resourcing the nominated person

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

- The OCG will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately⁹
- the nominated person is to ensure that any consultations 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
- 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 Act¹⁰
 - the importance of promoting public confidence in the way suspected corrupt conduct in the OCG is dealt with;¹¹ and
 - the OCG'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 Coordinator-General to direct and control staff of the OCG as if the nominated person is the Coordinator-General for the purpose of dealing with the complaint only.

9 Liaising with the CCC

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

- the contact details for the Coordinator-General and the nominated person; and

⁸ Under ss. 43 and 44 of the CC Act.

⁹ See the CCC's corruption purposes and functions set out in ss. 4(1)(b), 33, 34 and 35 of the CC Act and the OCG's relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint.

¹⁰ See s. 57 of the CC Act and the CCC's corruption purposes and functions set out in ss. 4(1)(b), 33, 34 and 35 of the CC Act.

¹¹ See s. 34(c) of the CC Act.

- any proposed changes to this policy.

10 Consultation with the CCC

The Coordinator-General will consult with the CCC when preparing any policy about how the OCG will deal with a complaint that involves or may involve corrupt conduct by the Coordinator-General.

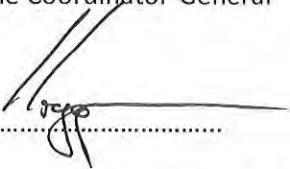
11 Statutory references

Unless otherwise stated, all statutory references are to the *Crime and Corruption Act 2001*.

12 Approval

This policy is approved by:

Gerard Coggan
Coordinator-General
Office of the Coordinator-General

Signed: 

Date: 11 March 2024