



Procedure

Complaints involving the 'public official' (Director-General)

Audience

Department-wide

Version effective: 27/04/2017

Version: 1.0

Purpose

This procedure outlines the department's process for managing complaints involving the public official (Director-General) in a manner which maintains transparency and integrity whilst promoting public confidence in the department to manage complaints of this nature ethically and in accordance with legislative requirements.

This procedure will assist the department to comply with its obligations under s48A of the [Crime and Corruption Act 2001 \(Qld\)](#).

Schedule 2 of the *Crime and Corruption Act 2001* (Qld) defines the 'public official' to include 'the chief executive officer of a unit of public administration'.

Overview

This procedure applies where an individual, based on reasonable grounds, makes an allegation that involves, or may involve, corrupt or inappropriate conduct by or corruption of the public official, referred to hereafter as the Director-General.

The requirements for managing complaints involving the Director-General include:

- The nominated person, Deputy Director-General, Corporate Services is delegated, wherever possible and legislatively compliant, the same authority, functions and powers as the Director-General to direct and control staff and enter into contracts on behalf of the department for the purpose of dealing with any complaint involving the Director-General.
- The department will ensure that sufficient resources are available to appropriately deal with complaints involving the Director-General.
- The Crime and Corruption Commission (CCC) will be consulted prior to any amendments being introduced to this procedure or any related document encompassing dealing with complaints involving the Director-General to ensure the department upholds all obligations under the [Crime and Corruption Act 2001 \(Qld\)](#) as a unit of public administration.



Responsibilities

Employees

- Understand and fulfil their obligation to report allegations of fraudulent, corrupt and other inappropriate conduct in accordance with the [Code of Conduct for the Queensland Public Service](#), the department's [Standard of Practice](#) and departmental policies and procedures.

Deputy Director-General, Corporate Services

- Notify the CCC of any complaint alleging corrupt conduct that involves, or may involve the Director-General in accordance with the requirements of the [Crime and Corruption Act 2001 \(Qld\)](#).
- Any consultation required for the purpose of securing resources to deal with the complaint appropriately are confidential and should not be disclosed, other than to the CCC, without approval and consent under the *Crime and Corruption Act 2001 (Qld)* and any other relevant legislation.
- Act independently, impartially and fairly having regard to the:
 - purposes of the *Crime and Corruption Act 2001 (Qld)*
 - importance of promoting the public confidence in the way suspected corrupt conduct in the department is dealt with
 - department's statutory obligations, policy requirements and procedural framework.
- As the nominated person, the Deputy Director-General, Corporate Services is responsible for dealing with a complaint of this nature in accordance with advice from the CCC.

Director-General

- If the Director-General receives a complaint in which they reasonably suspect may involve corrupt conduct on their part, they must report the complaint to the Deputy Director-General, Corporate Services as the nominated person as soon as practicable and take no further action to deal with or manage the complaint.
- Inform the CCC of the nominated person within the department and the appropriate contact details for the appointed person in accordance with s48a (2) and (3) of the *Crime and Corruption Act 2001 (Qld)*.

Process

This process involves five key steps.

1. Identify

Employees are provided with education, training and guidance to assist with the identification of inappropriate behaviours including those related to potential fraudulent or corrupt conduct.

The *Code of Conduct* and the department's *Standard of Practice* outline key principles in relation to public sector ethics and values and provide guidance for employees to make ethical and legally compliant decisions.

If an employee is unsure whether the conduct of an individual relates to an act of fraud or corruption, the employee should seek assistance from:

- their direct leader, supervisor, manager or principal (if appropriate)
- another senior leader within the department
- a member of the Ethical Standards Unit.



2. Report

All employees have an obligation under the *Code of Conduct and Standard of Practice* to report any suspected inappropriate actions by another staff member or another person with reference to their dealings with the department. This includes reporting any actions that involve, or may involve the Director-General.

Any complaint or concern which involves, or may involve the Director-General can be made directly to the Deputy Director-General, Corporate Services as the department's nominated person to deal with these complaints. The employee also has the following options for reporting their complaint:

- Utilising the department's electronic complaints lodgement system – iRefer
- By phoning, delivering or emailing details of the allegations to the Ethical Standards Unit

The Director
Ethical Standards Unit
PO Box 15033
CITY EAST 4000
Phone: 3055 2949
Email: ethicalstandards@det.qld.gov.au

- Contacting the CCC: mailbox@ccc.qld.gov.au

If allegations are received through these alternate channels, the Deputy Director-General, Corporate Services will be notified.

3. Report to the Crime and Corruption Commission (CCC)

If the Deputy Director-General, Corporate Services or the Ethical Standards Unit receives details of allegations that may reasonably be considered as involving corrupt conduct on the part of the Director-General, they are to notify the CCC as soon as practicable.

4. Dealing with allegations

The CCC may choose to deal with the matter themselves, refer the matter back to the department (to the nominated person, Deputy Director-General, Corporate Services) to deal with or work in conjunction with the department to deal with the matter. The Deputy Director-General, Corporate Services may engage external assistance, including professional advisors, to assist with the matter including the conduct of an investigation or undertaking of inquiries on the department's behalf or providing professional or technical advice.

The department and/or its elected agents or representatives should deal with matters in accordance with legislative requirements and procedural fairness; and in a manner that respects the rights and confidentiality of all involved parties.

5. Closure

Whilst maintaining appropriate confidentiality, the Deputy Director-General, Corporate Services is responsible for communicating outcomes to relevant involved parties. Delivery of any outcomes or feedback should be consistent with the *Right to Information Act 2009* (Qld) and the *Public Interest Disclosure Act 2010* (Qld).

The delivery of an outcome should be provided to the complainant as soon as practicable and may advise of:

- the final outcome of the investigation
- reasons for this outcome
- any appeal or review options, if available, to the complainant (both internally and externally).

Outcomes of investigations where complaints of alleged fraud and/or corruption have been substantiated may be communicated with external agencies or governing bodies when appropriate to do so.



The closure of matters being dealt with by the department may be subject to external review or involve other external agencies (e.g. CCC, Queensland Police Service, Ombudsman) and these processes will inform the department's actions for finalisation.

Definitions

Fraud	<p>Any dishonest, deceitful and/or deliberate act or omission designed to gain any benefit or advantage, pecuniary or otherwise, to which a person or entity is not entitled. The benefit or advantage can be gained immediately before, during and/or after the act or omission occurs. This also includes any attempt to commit any act or omission.</p> <p>Examples of fraudulent acts or omissions and corrupt conduct include, but are not limited to:</p> <ul style="list-style-type: none"> • Corporate card misuse, such as payment for personal expenses • False claims for travel, petty cash, overtime and expenses • Working elsewhere whilst on leave • False or misleading information in documents or records including timesheets and job applications • Theft of departmental property with the intention to sell the property • Manipulation of a procurement process • Theft or unauthorised use of public funds or physical resources • Knowingly making or using forged or falsified documentation • Abuse of position and power, including accepting or offering bribes or gifts • Nepotism, bias or favouritism towards a candidate through the recruitment process • External providers making claims for services that were not provided • Computer hacking or interfering with a computer system • Unlawful or unauthorised release of information • Certification of receipt of goods or services as delivered when they are not • Failure to provide information when obliged to do so • Failing to declare and appropriately manage conflicts of interest.
Crime and Corruption Commission (CCC)	<p>Previously known as the Crime and Misconduct Commission.</p> <p>A designated statutory body set up to combat and reduce the incidence of major crime and corruption in the public sector in Queensland.</p> <p>The CCC investigates both crime and corruption, has function for preventative strategies, assist with recovery of proceeds of crime and conducts relevant research.</p>
Complaint	<p>A concern or information, which is reported, relating to an event or action that is perceived to be unfair, unreasonable or unlawful. Complaint is also defined within section 48A of <i>the Crime and Corruption Act 2001</i> (Qld) to include 'information or matter'.</p>
Corruption	<p>Dishonest activity in which a departmental employee of an entity acts contrary to the interests of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity. (Source: AS 8001 – 2008)</p> <p>Behaviour that may involve fraud, theft, the misuse of position or authority or other acts which are unacceptable to an organisation, its clients or the general community.</p>



	<p>Corruption may also include other elements such as breaches of trust and confidentiality in the performance of official duties.</p> <p>This may include false claims, stealing, and misappropriation of property, false pretence, forgery and receipt or solicitation of secret commissions.</p>
Corrupt conduct	<p>Corrupt conduct is defined as conduct by a person or group that adversely affects a public agency 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 • knowingly or recklessly breaches public trust; or • involves the misuse of agency-related information or material. <p>Corrupt conduct is engaged in for the purpose or 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>Corrupt conduct includes an attempt or a conspiracy to engage in the conduct, as well as neglect, failure or inaction that adversely affects a public agency or official in the ways described above.</p> <p>The legal definition of corrupt conduct can be found in Section 15 of the <i>Crime and Corruption Act 2001</i> (Qld).</p>
Deal with	<p>To <i>deal with</i> a complaint involving corruption, is defined at Schedule 2 of the <i>Crime and Corruption Act 2001</i> (Qld) to include:</p> <ul style="list-style-type: none"> • investigate the complaint, information or matter • gather evidence for prosecutions for offences or disciplinary proceedings • refer the complaint, information or matter to an appropriate authority to start a prosecution of disciplinary proceeding • start a disciplinary proceeding • take other action, including managerial action, to address the complaint in an appropriate way.
Public official	<p>Public official means –</p> <ul style="list-style-type: none"> • the ombudsman; or • the chief executive officer of a unit of public administration, including the commissioner of police; or • a person who constitutes a corporate entity that is a unit of public administration.
iRefer	<p>iRefer is the department's electronic lodgement function for alleged employee misconduct including allegations in relating to fraud, corruption, general conduct and student protection matters involving employees.</p>

Legislation

- [Crime and Corruption Act 2001 \(Qld\)](#)

Delegations/Authorisations

- [HR Delegations Manual](#) (DET employees only)



Related policies

- [Code of Conduct for the Queensland Public Service](#)
- [Department of Education and Training's Standard of Practice](#)

Related procedures

- [Fraud and corruption control](#)
- [Managing employee complaints](#)

Guidelines

- Nil

Supporting information/websites

- [Crime and Corruption Commission](#)

Contact

- Ethical Standards Unit
Email: ethicalstandards@det.qld.gov.au

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01/12/2017

Superseded versions

Previous seven years shown. Minor version updates not included.

Nil

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