



# Procedure

## Complaints involving the ‘public official’ (Director-General) procedure

Version: 2.1 | Version effective: 22/01/2024

### Audience

Department wide

### Purpose

This procedure sets out processes and requirements for raising, and dealing with, complaints of corrupt conduct or misconduct by the Director-General of the Department of Education (the department).

### Overview

All employees must promote the public confidence in the integrity of the department by promptly reporting and dealing with complaints of corrupt conduct or misconduct by the Director-General. This procedure sets out what an employee must do where they are aware of or receive information alleging that the Director-General has engaged in corrupt conduct or misconduct.

Section 48A of the [Crime and Corruption Act 2001 \(Qld\)](#) requires the department to have a policy about how complaints that involve or may involve corrupt conduct by the Director-General are dealt with, and that the policy may nominate a person other than the Director-General to notify the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint.

The Deputy Director-General, People, Information and Communication Services (PICS) is the officer nominated by the department to deal with complaints of this nature. They will be supported in their role by the Director, Intake and Assessment, Integrity. In the event that a matter is devolved back to the department by the CCC, the matter will be managed in accordance with SES3 and above complaints framework.

This procedure should be read in conjunction with the [Complaints and grievances management policy](#). For complaints about suspected fraud, corruption or misconduct by any employee other than the Director-General, refer to [Reporting fraud and corruption procedure](#).

## Responsibilities

### Employees

- understand and fulfil their obligation to identify and report allegations of suspected wrongdoing (i.e. fraud, corrupt conduct and other misconduct) in accordance with the [Code of Conduct for the Queensland Public Service](#) and the [Standard of Practice](#)
- maintain confidentiality of information of complaints/reports made under this procedure
- complete [mandatory training](#) (DoE employees only) and role-specific education and training consistent with fraud, corruption and misconduct prevention matters in their area of responsibility and relevant [delegation/s](#) (DoE employees only)
- report complaints of suspected corrupt conduct or misconduct by the Director-General without unreasonable delay
- participate in [workplace investigations](#) (DoE employees only) where they have been lawfully and reasonably directed to do so.

### Managers, principals and supervisors

- ensure their employees are aware of the process for identifying and reporting on complaints of corrupt conduct or misconduct by the Director-General
- escalate complaints of suspected corrupt conduct or misconduct by the Director-General
- ensure duty of care to employees under their supervision, by facilitating support appropriate to the circumstances (i.e. [Employee Assistance Program](#) (DoE employees only))
- ensure appropriate confidentiality of information received through complaints made under this procedure.

### Integrity and Employee Relations

- assess and escalate complaints made in line with this procedure
- provide advice and direction to employees on the correct procedure for reporting complaints of corrupt conduct or misconduct by the Director-General
- maintain and secure records in the department's complaints management system (Resolve) in accordance with the [Information asset and recordkeeping procedure](#) and the [Queensland Ombudsman – Good decision making guide](#)
- deal with any complaints of corrupt conduct or misconduct by the Director-General in accordance with instructions received from the Deputy Director-General, PICS.

### Director, Intake and Assessment

- provide advice and guidance to employees involved in these processes
- ensure that records are appropriately secured and retained to meet reporting obligations to the CCC and the Queensland Ombudsman
- assist the Deputy Director-General, PICS to undertake their function under this procedure.

### Deputy Director-General, People, Information and Communication Services (nominated person)

- receive complaints of suspected corrupt conduct or misconduct by the Director-General

- notify the CCC of any complaint they reasonably suspect involves, or may involve, corrupt conduct by the Director-General, in accordance with section 38 of the [Crime and Corruption Act 2001 \(Qld\)](#)
- deal with any complaint of corrupt conduct in accordance with any advice received from the CCC
- deal with any complaint of misconduct by the Director-General where a matter is devolved back to the department, refer to Public Sector Commission (PSC) in accordance with SES3 and above complaints framework
- ensure that records are maintained of complaints received and dealt with in accordance with this procedure
- maintain appropriate confidentiality of complaints made and dealt with under this procedure
- consider human rights in accordance with section 58 of the [Human Rights Act 2019 \(Qld\)](#) when exercising their delegated authority.

### Director-General

- inform the CCC of the nominated person within the department to deal with complaints of corrupt conduct by the Director-General, and their contact details
- refer any complaint received about their misconduct or corrupt conduct to the Deputy Director-General, PICS without unreasonable delay
- ensure sufficient resources are available to deal with complaints made under this procedure.

## Process

### 1. Identify and report suspected corrupt conduct or misconduct

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Employees are to complete annual mandatory training which includes training on their obligations to report corrupt conduct or misconduct by public officers, including the Director-General.

If an employee becomes aware of information suggesting corrupt conduct or misconduct by the Director-General, they must immediately report to:

Intake and Assessment:

- the department's electronic complaints lodgement system – [iRefer](#) (DoE employees only)
- email – [intake@qed.qld.gov.au](mailto:intake@qed.qld.gov.au)
- telephone – 1800 INTAKE (468 253)
- post – Director, Intake and Assessment, PO Box 15033, City East, 4000
- anonymous [online form](#) (note – the online form does not allow attachments and is only available on the departmental network).

Alternatively, complaints of:

- corrupt conduct can also be raised directly with the:
  - Deputy Director-General, PICS by email [DDG.PICS@qed.qld.gov.au](mailto:DDG.PICS@qed.qld.gov.au)
  - CCC by email [mailbox@ccc.qld.gov.au](mailto:mailbox@ccc.qld.gov.au).
- misconduct can also be raised directly with the:

- Public Sector Commission Chief Executive by email [commission.psc@psc.qld.gov.au](mailto:commission.psc@psc.qld.gov.au) or by telephone (07) 3003 2800.

If an employee is unsure whether the information suggests misconduct or corrupt conduct by the Director-General, they should seek advice from:

- their supervisor, manager or principal (if appropriate)
- another senior leader within the department
- relevant regional [Human Resource Business Partner](#) (DoE employees only); or Central Office Human Resource Business Partner by email [HRBPCentralOffice@qed.qld.gov.au](mailto:HRBPCentralOffice@qed.qld.gov.au) for central office employees
- the Intake and Assessment unit.

## 2. Registration and assessment

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Where complaints are received by the department, Intake and Assessment will register the complaint within the department's case management system and ensure it is appropriately secured. The Deputy Director-General, PICS will liaise with the Director, Intake and Assessment to facilitate registration of complaints received by the Deputy Director-General, PICS.

Where possible and appropriate, complainants will receive a written acknowledgement of their complaint in accordance with Intake and Assessment's internal guidance materials. The Deputy Director-General, PICS may seek advice from the Director, Intake and Assessment on providing written acknowledgement of complaints. It is not appropriate to provide a written acknowledgement to an anonymous complainant or a person who states they do not want to be contacted with respect to the complaint.

The Intake and Assessment team will immediately escalate any complaints against the Director-General to the Director, Intake and Assessment, who will inform the Deputy Director-General, PICS of the complaint without delay.

In accordance with business unit processes, Intake and Assessment will also assess whether the complaint meets the definition of corrupt conduct under the [Crime and Corruption Act 2001 \(Qld\)](#) and whether the complaint constitutes a public interest disclosure, pursuant to the [Public Interest Disclosure Act 2010 \(Qld\)](#). Where appropriate, Intake and Assessment may request further information from the complainant to assist in the assessment of complaints. Intake and Assessment will communicate the outcome of the assessment to the Director, Intake and Assessment, to communicate to the Deputy Director-General, PICS without delay.

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

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Where the Deputy Director-General, PICS reasonably suspects that a matter involves corrupt conduct by the Director-General, as assessed by Intake and Assessment, they must notify the CCC without unreasonable delay, in accordance with section 38 of the [Crime and Corruption Act 2001 \(Qld\)](#) and the Directions issued by the CCC to the department under section 40 of the [Crime and Corruption Act 2001 \(Qld\)](#).

The Directions issued to the department under section 40 of the [Crime and Corruption Act 2001 \(Qld\)](#) state that all complaints involving an allegation of corrupt conduct against a Director-General must be reported to the CCC without unreasonable delay.

Notifications to the CCC by the Deputy Director-General, PICS can be made in accordance with business processes in the Intake and Assessment business unit or another method at the discretion of the Deputy Director-General, PICS. A record of the referral must be saved within the department's case management system.

An allegation of misconduct may not always involve corrupt conduct. The Deputy Director-General, PICS is not required to notify the CCC about allegations of misconduct by the Director-General unless they form a reasonable suspicion that the matter involves corrupt conduct by the Director-General.

Where the Deputy Director-General, PICS decides they do not need to notify the CCC about an allegation of misconduct by the Director-General, they must make a record of the decision that complies with section 40A of the [Crime and Corruption Act 2001 \(Qld\)](#)

#### 4. Deal with allegations of corrupt conduct or misconduct

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Where the CCC is notified of a complaint of corrupt conduct, the CCC will advise the department within 14 days whether the CCC will:

- deal with the matter
- devolve the matter back to the department to deal with, or
- work in conjunction with the department to deal with the matter.

The Deputy Director-General, PICS will deal with allegations of corrupt conduct by the Director-General in accordance with any advice received from the CCC, and their delegated authorities under the [HR Delegations Manual](#) (DoE employees only).

For allegations of misconduct, where corrupt conduct has not been identified or has been devolved back to the department to deal with, the Deputy Director-General, PICS will manage the matter in accordance with the SES3 and above complaints framework.

The Deputy Director-General, PICS is responsible for ensuring that appropriate confidentiality is maintained while dealing with the complaint and records are maintained in the department's complaints management system (Resolve) in accordance with the [Information asset and recordkeeping procedure](#) and the [Queensland Ombudsman – Good decision making guide](#).

#### 5. Closure

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While maintaining appropriate confidentiality, the Deputy Director-General, PICS will communicate the PSC outcomes to relevant parties appropriate to the circumstances of the matter, including avenues for appeals.

The delivery of an outcome should be provided to the complainant once the complaint has been finalised. This outcome may advise of:

- the final outcome of any investigation or management enquiry
- reasons for this outcome
- external rights of review to the CCC (for complaints of corrupt conduct) or Minister (for complaints of misconduct).

An outcome is not required to be provided to an anonymous complainant or a person who states they do not wish to be contacted in this matter.

The Deputy Director-General, PICS will communicate outcomes of investigations where complaints of alleged misconduct and/or corrupt conduct have been substantiated against the Director-General to the CCC and Minister in accordance with the [Public Sector Act 2022 \(Qld\)](#).

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, Queensland Ombudsman, Queensland Human Rights Commission or Public Sector Commission).

## Definitions

Term	Definition
<b>Complaint</b>	A concern or report of wrongdoing. For the purpose of this policy, complaint includes 'information or matter' per section 48A of the <a href="#">Crime and Corruption Act 2001 (Qld)</a> .
<b>Corrupt conduct</b>	<p>Corrupt conduct is defined in section 15 of the <a href="#">Crime and Corruption Act 2001 (Qld)</a>. It includes conduct by a person that adversely affects, or could adversely affect a unit of public administration or a person holding an appointment within that unit in a way that:</p> <ul style="list-style-type: none"> <li>• is not honest or impartial</li> <li>• knowingly or recklessly involves a breach of trust placed in the person holding an appointment; or</li> <li>• involves the misuse of official information or material.</li> </ul> <p>The conduct must also be serious enough that, if proved, it would constitute a criminal offence or a disciplinary breach providing reasonable grounds for terminating the person's services.</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>
<b>Crime and Corruption Commission (CCC)</b>	A designated statutory body set up to combat and reduce the incidence of major crime and corruption in the public sector in Queensland.
<b>Deal with</b>	<p>Dealing with a complaint involving corruption, is defined at Schedule 2 of the <a href="#">Crime and Corruption Act 2001 (Qld)</a> to include:</p> <ul style="list-style-type: none"> <li>• investigate the complaint, information or matter</li> <li>• gather evidence for prosecutions for offences or disciplinary proceedings</li> <li>• refer the complaint, information or matter to an appropriate authority to start a prosecution of disciplinary proceeding</li> <li>• start a disciplinary proceeding</li> </ul>

Term	Definition
	<ul style="list-style-type: none"> <li>take other action, including managerial action, to address the complaint in an appropriate way.</li> </ul>
<b>Employees</b>	In accordance with section 12 of the <a href="#">Public Sector Act 2022 (Qld)</a> a public sector employee is a public service employee, or a person employed under another Act or law in a public sector entity.
<b>iRefer</b>	<a href="#">iRefer</a> (DoE employees only) is the department's electronic complaints lodgement system. Complaints can be made on iRefer about employee fraud, corruption and misconduct.
<b>Manager</b>	In accordance with the department's <a href="#">HR Delegations Manual</a> (DoE employees only), a Manager is defined as a person holding a delegation to make a determination on matters to which this procedure relates.
<b>Misconduct</b>	<p>As defined in Section 91 (5), Grounds for discipline, in the <a href="#">Public Sector Act 2022 (Qld)</a> misconduct means:</p> <p>(a) inappropriate or improper conduct in an official capacity; or</p> <p>(b) inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the public sector entity in which the employee is employed.</p> <p>Example of misconduct—victimising another public sector employee in the course of the other employee's employment in the public sector</p>

## Legislation

- [Crime and Corruption Act 2001 \(Qld\)](#)
- [Human Rights Act 2019 \(Qld\)](#)
- [Industrial Relations Act 2016 \(Qld\)](#)
- [Public Interest Disclosure Act 2010 \(Qld\)](#)
- [Public Records Act 2002 \(Qld\)](#)
- [Public Sector Act 2022 \(Qld\)](#)

## Delegations/Authorisation

- [HR Delegations Manual](#) (DoE employees only)
- [Public Sector Commission Directive 17/20: Workplace investigations](#)

## Policies and procedures in this group

- [Complaints and grievances management policy](#)

- [Complaints and appeals – subclass 500 \(schools\) visa procedure](#)
- [Customer complaints management - Internal review procedure](#)
- [Customer complaints management procedure](#)
- [Individual employee grievances procedure](#)
- [Information privacy and right to information procedure](#)
- [Making and managing a public interest disclosure procedure](#)
- [Managing unreasonable complainant conduct procedure](#)
- [Reporting fraud and corruption procedure](#)

## Supporting information for this procedure

- Nil

## Other resources

- [Appropriate and ethical use of public resources policy](#)
- [Catering and hospitality procedure](#)
- [Code of Conduct for the Queensland Public Service](#)
- [Corruption in focus: a guide to dealing with corrupt conduct in the Queensland public sector](#)
- [Department of Education – Standard of Practice](#) (DoE employees only)
- [Fraud and Corruption Control Framework](#) (DoE employees only)
- [Integrity framework and long-term plan](#)
- [Management Foundations program](#) (DoE employees only)
- [Mandatory All-Staff Training program](#) (DoE employees only)
- [Prevention in focus case studies and Corruption Prevention Advisories, Queensland Crime and Corruption Commission](#)
- [Purchasing and procurement procedure](#)
- [Queensland Ombudsman – Good decision making guide](#)
- [Recruitment and selection policy](#)

## Contact

For further information, please contact: Intake and Assessment

Email: [intake@qed.qld.gov.au](mailto:intake@qed.qld.gov.au)

Telephone: 1800 INTAKE (468 253)

Mail: PO Box 15033, City East Qld 4002



## Review date

17/04/2025

## Superseded versions

*Previous seven years shown. Minor version updates not included.*

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

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

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