



# Whole of Department POLICY

---

**Title:** Complaints about the Director-General

---

## 1. Policy Statement

The Department of Child Safety, Seniors and Disability Services (the department) is committed to protecting vulnerable Queenslanders by embedding an ethical and transparent culture, which recognises the importance of dealing with a complaint received about the Director-General of the department.

## 2. Purpose

This policy outlines how the department will deal with a complaint received about the Director-General of the department that involves or may involve corrupt conduct as defined in section 15 of the *Crime and Corruption Act 2001* (CC Act), and in accordance with section 48A of the CC Act.

It further outlines how to manage a complaint that does not involve allegations of corrupt conduct.

## 3. Principles

The policy is designed to assist the department to:

- comply with section 48A of the CC Act;
- promote public confidence in the way suspected corrupt conduct involving the Director-General of the department is dealt with (section 34(c and d) of the CC Act); and
- comply with the Public Sector Commission's (PSC) Framework and Flowchart for oversight of senior public service employee complaints (Senior Executive Service (SES)3; or equivalent and higher), including complaints about former employees, devolved to the department by the Crime and Corruption Commission (CCC).

## 4. Responsibilities

The policy applies to:

- all persons who hold an appointment in or are employees of the department, in terms of reporting obligations under the Code of Conduct for the Queensland Public Sector and as part of this policy; and
- the 'nominated person'. Having regard to section 48A(2) and (3) of the CC Act, this policy nominates:



- the Director, Professional Standards as the 'nominated person', in consultation with the Chief Human Resources Officer (CHRO) where appropriate, to notify the CCC of the complaint pursuant to sections 38 and 40 of the CC Act; and
- The CC Act applies as if a reference about notifying or dealing with the complaint to the public official is a reference to the nominated person<sup>1</sup>.

Contact details for nominated person

Director, Professional Standards, CCC Liaison Officer and Public Interest Disclosure (PID) Coordinator

T: (07) 3097 5595

M: 0436 918 270

E: [ProfessionalStandards@dcssds.qld.gov.au](mailto:ProfessionalStandards@dcssds.qld.gov.au)

Locked Bag 3405, Brisbane, Queensland 4001

Level 5, 111 George Street, Brisbane, Queensland 4000

## 5. Managing alleged corrupt conduct involving the Director-General

If a complaint against the Director-General of the department involves an allegation of corrupt conduct, the complaint, information or matter must be reported to:

- the 'nominated officer' - Director, Professional Standards; or
- a person to whom there is an obligation to report under an Act<sup>2</sup> (this does not include an obligation imposed by sections 37, 38 and 39(1) of the CC Act); or
- directly to the CCC.

If there is uncertainty about whether a complaint should be reported, it is best to consult with the Director, Professional Standards.

If, as part of an assessment, the Director, Professional Standards reasonably suspects the complaint, information or matter may involve corrupt conduct by the Director-General of the department, they are to:

- notify the CCC of the complaint pursuant to section 38 and subject to the directions issued in section 40 of the CC Act;
- meet obligations under the *Public Interest Disclosure Act 2010*; and
- subject to the CCC's monitoring role and directions issued about the management of the complaint, apply the [Public Service Commission's Framework and Flow Chart for oversight of senior public service employee complaints devolved by the CCC](#) ('the Framework and Flowchart').

If the Director-General of the department reasonably suspects that a complaint, information or matter may involve corrupt conduct on their part, the Director-General of the department must:

---

<sup>1</sup> See section 48A(3) of the CC Act.

<sup>2</sup> See section 39(2) of the CC Act.



- report the complaint to the Director, Professional Standards 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 Director, Professional Standards in consultation with the CCC and in accordance with the Framework and Flowchart.

## **6. Resourcing the nominated person**

If pursuant to section 46 of the CC Act, the CCC refers a complaint back to the nominated person to deal with, or pursuant to directions issued under section 40 of the CC Act, the nominated person is entitled to commence dealing with a complaint:

- the department will ensure that sufficient resources are available to the nominated person to enable them to perform their obligations under clause 5 of this policy; and
- the nominated person is 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 for the purpose of dealing with the complaint only.

## **7. Liaising and consulting with the CCC**

The Director-General of the department is to keep the CCC and the Director, Professional Standards informed of:

- the contact details for the public official and the nominated person; and
- any proposed changes to this policy.

The Director, Professional Standards undertakes the role of CCC Liaison Officer on behalf of the department and may receive instructions and directions to comply with under the CC Act.

The Director-General of the department will 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 public official set out in section 48A of the CC Act.

## **8. Managing alleged misconduct involving the Director-General**

If a complaint against the Director-General does not involve alleged corrupt conduct yet involves alleged misconduct, the complaint must be referred to the Director, Professional Standards.

The Director, Professional Standards, in consultation with the CHRO, will then notify the Commission Chief Executive, PSC without unreasonable delay and apply the Framework and Flowchart.

The complaint will then be dealt with in a timely and appropriate manner with assistance from the Commission Chief Executive, PSC.

### **Role and responsibilities**

The Director, Professional Standards, in consultation with the CHRO, will ensure:

- a complaint received by the department involving the Director-General is assessed immediately;



- the Commission Chief Executive, PSC is notified of the complaint by emailing [seniorexecutivecomplaints@psc.qld.gov.au](mailto:seniorexecutivecomplaints@psc.qld.gov.au);
- no other action is taken in relation to the complaint until the Commission Chief Executive, PSC provides an appropriate recommendation on how best to address the issues of concern;
- the Minister is informed when a complaint has been received involving the Director-General and that the complaint was referred to the Commission Chief Executive, PSC; and
- the Commission Chief Executive, PSC is provided with outcome advice in relation to the complaint or as recommended by the PSC.

## 9. Recordkeeping requirements

- All records are to be made and maintained in accordance with the *Public Records Act 2002*;
- Should the nominated person decide that a complaint, or information or matter, about alleged corrupt conduct of the Director-General is not required to be notified to the CCC under section 38 of the CC Act, the nominated person must make a record of the decision that complies with section 40A of the CC Act; and
- Additionally, outcome advice to the complainant will be considered by the Director, Professional Standards under section 44 of the CC Act. The Director, Professional Standards and the CHRO may rely on the administrative assistance of Professional Standards to manage the matter, where appropriate.

## 10. Training and awareness

- All employees are mandated to complete Code of Conduct training as part of their induction to the department. Regular refresher training in the practical application of the Code of Conduct and acceptable standards of ethical behaviour is recommended. Contact People and Culture for further information in this regard.
- More information about Professional Standards' role can be found online at [Ethics and Conduct](#).

## 11. Human Rights

The development of this policy has taken into consideration the potential limitations on human rights as per the *Human Rights Act 2019*. Any discretionary decisions made under the provisions of this policy must separately consider human rights as required under the *Human Rights Act 2019*.

## 12. Delegations

The duties mandated on the Director-General are delegated via an Instrument of Delegation to the Director, Professional Standards who also undertakes the role of CCC Liaison Officer and PID Coordinator.



This Policy identifies the Director, Professional Standards as the nominated officer, who will, in consultation with the CHRO, fulfil obligations under section 48A(2) and (3) of the CC Act.

### 13. Authority

[Crime and Corruption Act 2001](#)

[Public Sector Ethics Act 1994](#)

### 14. Other relevant legislation, codes, policies, guides and procedures

[Public Interest Disclosure Act 2010](#)

[Public Interest Disclosure Standards](#)

[Public Sector Act 2022](#)

[Code of Conduct for the Queensland Public Service](#)

[Human Rights Act 2019](#)

[Department's Policy 'Reporting and Managing Corrupt Conduct'](#)

[Department's Procedure 'Reporting and Managing Corrupt Conduct'](#)

[Department's Policy 'Public interest disclosures'](#)

[Framework and Flow Chart for oversight of senior public service employee complaints devolved by the Crime and Corruption Commission.](#)

### 15. Definition of terms

Term	Definition
<b>Crime and Corruption Commission (CCC)</b>	The Commission continued in existence under the CC Act.
<b>Complaint</b>	Includes information or matter: see definition provided by section 48A (4) of the CC Act.
<b>Corruption</b>	As defined in schedule 2 (Dictionary) of the CC Act, means "corrupt conduct".
<b>Corrupt conduct</b>	<p><b>Section 15 of the <i>Crime and Corruption Commission 2001</i> provides the meaning of <b>corrupt conduct</b></b></p> <p>(1) "Corrupt conduct" means <u>conduct</u> of a person, regardless of whether the person holds or held an <u>appointment</u>, that—</p> <p>(a) adversely affects, or could adversely affect, directly or indirectly,</p> <p style="padding-left: 40px;">the performance of functions or the exercise of powers of—</p> <p style="padding-left: 80px;">(i) a unit of public administration; or</p>



	<p>(b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—</p> <p>(i) is not honest or is not impartial; or</p> <p>(ii) involves a breach of the trust placed in a person holding an <a href="#">appointment</a>, either knowingly or recklessly; or</p> <p>(iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an <a href="#">appointment</a>; and</p> <p>(c) would, if proved, be—</p> <p>(i) a criminal offence; or</p> <p>(ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an <a href="#">appointment</a>.</p> <p>(2) "Corrupt conduct" also means <a href="#">conduct</a> of a person, regardless of whether the person holds or held an <a href="#">appointment</a>, that—</p> <p>(a) impairs, or could impair, public confidence in public administration; and</p> <p>(b) involves, or could involve, any of the following—</p> <p>(i) collusive tendering;</p> <p>(ii) fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)—</p> <p>(A) protecting health or safety of persons;</p> <p>(B) protecting the environment; and</p> <p>(C) protecting or managing the use of the State's natural, cultural, mining or energy resources;</p> <p>(iii) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;</p> <p>(iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;</p> <p>(v) fraudulently obtaining or retaining an <a href="#">appointment</a>; and</p> <p>(c) would, if proved, be—</p> <p>(i) a criminal offence; or</p> <p>(ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an <a href="#">appointment</a>.</p>
<p><b>Deal with</b></p>	<p>As defined in schedule 2 (Dictionary) of the CC Act in relation to a complaint about corruption or information or matter involving corruption, includes –</p> <p>a) investigate the complaint, information or matter;</p>





	<ul style="list-style-type: none"> <li>b) gather evidence for – <ul style="list-style-type: none"> <li>(iii) prosecutions for offences; or</li> <li>(iv) disciplinary proceedings; and</li> </ul> </li> <li>c) refer the complaint, information or matter to an appropriate authority to start a prosecution or disciplinary proceeding;</li> <li>d) start a disciplinary proceeding; and</li> <li>e) take other action, including managerial action, to address the complaint in an appropriate way.</li> </ul>
<b>Director-General</b>	The Director-General is the Public Official, or chief executive officer of a unit of public administration (the department), as defined in Schedule 2 of the CC Act.
<b>Nominated person</b>	<ul style="list-style-type: none"> <li>a) the policy may nominate a person other than the public official to notify the Commission of the complaint under section 38 of the CC Act, and to deal with the complaint under subdivision 2 of the CC Act, on behalf of the public official; and</li> <li>b) if the policy includes a nomination as mentioned in subsection (a), the CC Act applies as if a reference about notifying or dealing with the complaint to the public official were a reference to the nominated person.</li> </ul>
<b>Reasonable suspicion</b>	<p>For a suspicion (of corrupt conduct) to be 'reasonable', there needs to be more than a bare or idle speculation. In essence, there must be some evidence sufficient for a reasonable person to suspect corrupt conduct.</p> <p>Reasonable suspicion must be based on an objective assessment of the available information. There does not have to be sufficient evidence available to prove the allegation, however, the available facts, evidence or other information must suggest the allegation, if proven, would amount to corrupt conduct.</p> <p>The suspicion may be based on hearsay and other inadmissible material that nevertheless, is relevant.</p> <p>Refer to Schedule 2 of the CC Act and the CCC's Corruption in Focus: A guide to dealing with corrupt conduct in the Queensland public sector.</p> <p><a href="https://www.ccc.qld.gov.au/publications/corruption-focus">https://www.ccc.qld.gov.au/publications/corruption-focus</a></p>
<b>Unit of public administration (UPA)</b>	<p>As defined in section 20 of the CC Act, means:</p> <ul style="list-style-type: none"> <li>(1) Each of the following is a unit of public administration— <ul style="list-style-type: none"> <li>(d) the Legislative Assembly, and the parliamentary service;</li> <li>(e) the Executive Council;</li> <li>(f) a department;</li> <li>(g) the police service;</li> <li>(da) a local government;</li> </ul> </li> <li>(h) a corporate entity established by an Act or that is of a description of a corporate entity provided for by an Act which, in either case, collects revenues or raises funds under the authority of an Act;</li> </ul>



	<p>(i) a noncorporate entity, established or maintained under an Act, that—</p> <ul style="list-style-type: none"><li>(i) is funded to any extent with State moneys; or</li><li>(ii) is financially assisted by the State;</li></ul> <p>(j) a State court, of whatever jurisdiction, and its registry and other administrative offices; and</p> <p>(k) another entity prescribed under a regulation.</p> <p>(2) However, none of the following is a unit of public administration—</p> <ul style="list-style-type: none"><li>(a) the commission;</li><li>(b) the parliamentary commissioner;</li><li>(c) the entity consisting of—<ul style="list-style-type: none"><li>(i) the parliamentary commissioner; and</li><li>(ii) officers and employees of the parliamentary service assigned to the parliamentary commissioner; and</li><li>(iii) persons engaged to provide the parliamentary commissioner with services, information or advice;</li></ul></li><li>(d) an entity declared by an Act not to be a unit of public administration.</li></ul>
--	--

---

**Date of approval:** 21/10/2024

**Date of operation:** 21/10/2024

**Date to be reviewed:** 21/10/2027

---

**Office:** People and Culture, Corporate Services

**Help Contact:** Professional Standards

---

**Rescinded Policies:**

CSYW 48A Policy 05/2020

DYJ – Policy: Dealing with a complaint involving the Director-General 09/2019

---

Deidre Mulkerin  
Director-General