

Corrupt conduct complaints about the Director-General: s48A of the Crime and Corruption Act 2001

Human Resources Policy E15 (QH-POL-419)

Purpose

The Director-General, Queensland Health (Director-General) is the public official of Queensland Health (the department) for the purposes of *the Crime and Corruption Act 2001* (CC Act).

The Public Sector Commission (PSC) has published a *Framework for oversight of senior public service employee complaints devolved by the CCC* (the Framework), which applies to complaints about the Director-General.

The purpose of this policy is to set out how the department will deal with a complaint that involves or may involve corrupt conduct, as defined in the CC Act, by the Director-General.

This policy is designed to:

- comply with s48A of the CC Act
- outline the process when making a complaint of alleged corrupt conduct by the Director-General
- promote public confidence in the way a reasonable suspicion of corrupt conduct by the Director-General is dealt with in accordance with section 34(c) of the CC Act
- promote accountability, integrity and transparency in the way the department deals with a complaint that is reasonably suspected to involve, or may involve, corrupt conduct by the Director-General.

Application

The policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct by the Director-General; and
- to all Queensland Health employees, volunteers, contractors, consultants and others who exercise power or control resources for or on behalf of the department.

For the purpose of this policy a **complaint** includes information or matter in accordance with section 48A(4) of the CC Act.

Delegate

The **delegate** is as listed in the relevant human resource (HR) delegations manual, as amended from time to time.

Legislative or other authority

- Crime and Corruption Act 2001
- Criminal Code Act 1899
- Human Rights Act 2019
- Public Interest Disclosure Act 2010
- Public Sector Act 2022
- Public Sector Ethics Act 2008
- Work Health and Safety Act 2008

Related policy or documents

- Requirements for reporting corrupt conduct HR Policy E9 (QH-POL-218)
- Public interest disclosure HR Policy I5 (QH-POL-202)
- Crime and Corruption Commission - Corruption in focus: a guide to dealing with corrupt conduct in the Queensland public sector
- Public Sector Commission – Framework for oversight of senior public service employee complaints devolved by the CCC [the framework has been published by the Crime and Corruption Commission and can be found at <https://www.ccc.qld.gov.au/sites/default/files/Docs/Publications/CCC/Attachment-section-48A-policy-DEPTs.PDF>]
- Queensland Ombudsman Public Interest Disclosure (PID) Standards
 - PID Standard No. 1/2019 – Public Interest Disclosure Management Program
 - PID Standard No. 2/2019 – Assessing, Investigating and Dealing with Public Interest Disclosures
 - PID Standard No. 3/2019 – Public Interest Disclosure Data Recording and Reporting

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Policy

1 Nominated person

Under sections 48A(2) and (3) of the CC Act, the Director-General can nominate a person or persons to notify the Crime and Corruption Commission (CCC) of a complaint of alleged corrupt conduct that involves, or may involve, the Director-General.

This policy nominates:

- the Chief Human Resources Officer, Queensland Health
- the Director, Ethical Standards Unit, Queensland Health

as the ‘nominated persons’ to notify the CCC of a complaint pursuant to section 38 of the CC Act and, subject to the Framework, to deal with the complaint under Chapter 2, Part 3, Division 4, Subdivision 2 of the CC Act.

The provisions of the CC Act that regulate how the Director-General as the public official of Queensland Health (the department) is to notify or deal with the complaint also apply to the nominated person, pursuant to s48A(3) of the CC Act.

Where there is more than one nominated person:

- the nominated persons will decide who will be the nominated person for a particular complaint.
- 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.

2 Complaints about the Director-General

A complaint can be written or verbal, and may be made anonymously.

If a complaint may involve an allegation of corrupt conduct by the Director-General, the complaint may be reported to one of the nominated officers by contacting:

Nominated officer	Contact details	
Chief Human Resources Officer	Post:	Chief Human Resources Officer Human Resources Branch Queensland Health GPO Box 48 BRISBANE QLD 4001
	Phone:	07 3708 5953
	Email:	CHRO@health.qld.gov.au
Director, Ethical Standards Unit	Post:	Director, Ethical Standards Unit Office of the Director General Queensland Health GPO Box 48 BRISBANE QLD 4001
	Phone:	07 3708 5418
	Email:	CO_Complaints@health.qld.gov.au

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

A complaint may also be raised directly with the Crime and Corruption Commission by contacting:

Agency	Contact details	
Crime and Corruption Commission	Web:	http://www.ccc.qld.gov.au/
	Phone:	(07) 3360 6060
	Email:	mailbox@ccc.qld.gov.au

2.1 Complaints received by the nominated person

If the nominated person reasonably suspects that a complaint involves or may involve corrupt conduct by the Director-General, they are to notify the CCC of the complaint pursuant to section 38 of the CC Act.

Where, 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 s. 40 of the CC Act, the nominated person is entitled to commence dealing with a complaint, the nominated person shall:

- not commence investigating the complaint
- advise the Director-General of the Department of the Premier and Cabinet about the referral and/or complaint so a delegation from the Premier to deal with the complaint can be sought; and
- cooperate with any requests for assistance made by another agency that is investigating or managing the investigation of the complaint.

2.2 Complaints received by the Director-General

If the Director-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 or another agency that is investigating or managing the investigation of the complaint.

3 Other considerations

When making decisions and taking actions in accordance with this policy, consideration is to be given to obligations under the *Public Interest Disclosure Act 2010*; the *Human Rights Act 2019*; the *Managing the risk of psychosocial hazards at work Code of Practice 2022* and the reframed relationship with Aboriginal peoples and Torres Strait Islander peoples under the *Public Sector Act 2022*.

3.1 Public Interest Disclosure Act 2010

Complaints made by a public officer that involve or may involve corrupt conduct may be a public interest disclosure pursuant to the *Public Interest Disclosure Act 2010* (PID Act). The nominated person is to ensure compliance with the PID Act, PID Standards issued by the Queensland Ombudsman and the Department's *Public interest disclosure HR Policy 15*.

3.2 Human Rights Act 2019

A decision maker has an obligation under the *Human Rights Act 2019* to act and make decisions in a way that is compatible with human rights. When making a decision under this policy, the delegate is to give proper consideration to human rights.

3.3 Managing the risk of psychosocial hazards at work Code of Practice 2022

Queensland Health is committed to promoting and protecting the physical and psychological health, safety and wellbeing of its workers by providing a safe and inclusive workplace with a focus on preventing harm. As an employer, Queensland Health has an obligation under the *Work Health and Safety Act 2011* to manage risks to employees arising through our work, work environments, systems and practices. When applying this policy, proper consideration must be given to the *Managing the risk of psychosocial hazards at work Code of Practice 2022*, including identifying psychosocial hazards and assessing and managing any risks.

3.4 Reframed relationship with Aboriginal peoples and Torres Strait Islander peoples

Queensland Health is committed to supporting a reframed relationship with Aboriginal peoples and Torres Strait Islander peoples in accordance with Chapter 1 Part 3 of the *Public Sector Act 2022*. All delegates and employees have a responsibility to apply these principles when implementing HR policies.

4 Recordkeeping requirements

Should the nominated person decide that a complaint, or information or matter, about alleged corrupt conduct by 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.

5 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 2 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 for the purpose of dealing with the complaint only.

6 Liaising with the CCC

The Director-General, through the department's CCC Liaison Officer (Director, Ethical Standards Unit) is to keep the CCC and the nominated person informed of:

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

7 Consultation with the CCC

The Director-General 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 by the Director-General.

8 Statutory references

Unless otherwise stated, all statutory references are to the CC Act.

Definitions

Term	Definition
Crime and Corruption Commission (CCC)	The Commission continued in existence under the CC Act
CC Act	<i>Crime and Corruption Act 2001</i>
Complaint	complaint, about corrupt conduct, includes information or matter involving corrupt conduct (section 48A(4) of the CC Act)
Contact details for Nominated person	<p>Chief Human Resources Officer Human Resources Branch Queensland Health GPO Box 48 BRISBANE QLD 4001 Telephone: 07 3708 5953 Email: CHRO@health.qld.gov.au</p> <p>Director, Ethical Standards Unit Office of the Director General Queensland Health GPO Box 48 BRISBANE QLD 4001 Telephone: 07 3708 5418 Email: CO_Complaints@health.qld.gov.au</p>

Term	Definition
Corrupt conduct	<p>(1) Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <ul style="list-style-type: none"> a. adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of— <ul style="list-style-type: none"> i. a unit of public administration; or ii. a person holding an appointment; and 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— <ul style="list-style-type: none"> i. is not honest or is not impartial; or ii. involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or 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 appointment; and c. would, if proved, be— <ul style="list-style-type: none"> i. a criminal offence; or ii. a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment <p>(2) Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <ul style="list-style-type: none"> a. impairs, or could impair, public confidence in public administration; and b. involves, or could involve, any of the following— <ul style="list-style-type: none"> i. collusive tendering; 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)— <ul style="list-style-type: none"> (A) protecting health or safety of persons; (B) protecting the environment; (C) protecting or managing the use of the State’s natural, cultural, mining or energy resources; 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; iv. evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue; v. fraudulently obtaining or retaining an appointment; and c. would, if proved, be— <ul style="list-style-type: none"> i. a criminal offence; or ii. a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment. <p>See section 15 of the CC Act</p>

Term	Definition
<i>Corruption in Focus</i>	https://www.ccc.qld.gov.au/publications/corruption-focus see chapter 2, page 26
Deal with	deal with, a complaint about corruption or information or matter involving corruption, includes— <ul style="list-style-type: none"> a) investigate the complaint, information or matter; and b) gather evidence for— <ul style="list-style-type: none"> (i) prosecutions for offences; or (ii) disciplinary proceedings; and c) refer the complaint, information or matter to an appropriate authority to start a prosecution or disciplinary proceeding; and d) start a disciplinary proceeding; and e) take other action, including managerial action, to address the complaint in an appropriate way. <p>See Schedule 2 (Dictionary) of the CC Act</p>
Framework	Means the “Framework for the oversight of senior public service employee complaints devolved by the CCC” that has been published by the PSC (as varied from time to time)
Nominated person	See item 1 of this policy
PID Act	<i>Public Interest Disclosure Act 2010</i>
Public interest disclosure	See Chapter 2 of the PID Act
Public official	Schedule 2 (Dictionary) of the CC Act defines public official as— <ul style="list-style-type: none"> a) the ombudsman; or b) the chief executive officer of a unit of public administration, including the commissioner of police; or c) a person who constitutes a corporate entity that is a unit of public administration; or d) the inspector of detention services under the Inspector of Detention Services Act 2022. <p>For the purpose of this policy, the public official is the Director-General, Queensland Health.</p>
PSC	Public Sector Commission

Term	Definition
Queensland Health (the department)	<p>Queensland Health includes:</p> <ul style="list-style-type: none"> • Clinical Excellence Queensland • Clinical Planning and Service Strategy Division • Corporate Services Division • eHealth Queensland • Health Capital Division • Healthcare Purchasing and System Performance Division • Office of the Chief First Nations Health Officer • Office of the Chief Health Officer • Office of the Director-General • Queensland Ambulance Service • Queensland Public Health and Scientific Services • Strategy, Policy and Reform Division • any successor agency of those listed above however so named.

History

Date	Policy change
11 October 2024	<p>Policy:</p> <ul style="list-style-type: none"> • reformatted as part of the HR policy review • updated to comply with updated template issued from the CCC • updated to include reference to the Public Sector Commission's <i>Framework for oversight of senior public service employee complaints devolved by the CCC</i> • updated to combine the policy and guideline into one document.
January 2020	<p>Policy:</p> <ul style="list-style-type: none"> • formatted as part of the HR Policy review • updated to include reference to the <i>Human Rights Act 2019</i>.
March 2018	Policy amended to update references and naming conventions.
May 2015	New policy. Developed as a result of section 48A CC Act requirement.

Attachment 1 – Flowchart for oversight of complaints devolved by the Crime and Corruption Commission

The flowchart below is reproduced from the *Flow chart for oversight of SES3 and higher complaints devolved by the Crime and Corruption Commission*, published by the Public Sector Commission.

