

Complaints regarding the Director-General Policy

Owner People and Culture (PC, CS)
Last Reviewed 05/03/2024

CHC/2023/4170
Version 3.00

1. Purpose

The Director-General is the public official of the Department of Environment, Science and Innovation (the department) for the purposes of the [Crime and Corruption Act 2001](#) (CC Act). The Public Sector Commission 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 of the department. The objective of this policy is to set out how the department 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 Director-General.

2. Policy

The policy is designed to assist the department to:

- comply with s48A of the CC Act and the Framework
- promote public confidence in the way suspected corrupt conduct by the Director-General of the department is dealt with (s34(c) 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.

3. Authority

Unless otherwise stated, all statutory references are to the [Crime and Corruption Act 2001](#) (CC Act).

4. Human rights compatibility

The department is committed to respecting, protecting and promoting human rights. Under the [Human Rights Act 2019](#), the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. When making a decision under this policy, decision-makers must comply with that obligation (refer to [Comply with Human Rights Act](#)).

5. Scope

This policy applies:

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

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

¹ See s48A(4) of the CC Act and Definitions of this policy

² See s48A(4) of the CC Act



6. Nominated Person

Having regard to s48A(2) and (3) of the CC Act, this policy nominates the Deputy Director-General, Corporate Services as the nominated person to notify³ the CCC of the complaint and, subject to the Framework, to deal with the complaint under the CC Act.⁴

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

7. Procedure

7.1 Complaints about the Director-General

If a complaint may involve an allegation of corrupt conduct by the Director-General of the department, 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 ss37, 38 and 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 the complaint may involve (alleged) corrupt conduct by the Director-General, they are to notify the CCC of the complaint.⁷

Where pursuant to s46 of the CC Act, the CCC refers a complaint back to the nominated person to deal with,⁸ or pursuant to directions issued under s40 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 (DPC) 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.

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

³ Pursuant to s38 of the CC Act

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

⁵ See s48A(3) of the CC Act

⁶ See s39(2) of the CC Act

⁷ Pursuant to s38 of the CC Act

⁸ Under ss43 and 44 of the CC Act

- 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.

7.2 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 s38 of the CC Act, the nominated person must make a record of that decision that complies with s40A of the CC Act.

7.3 Resourcing the nominated person

If pursuant to s46 of the CC Act, the CCC refers a complaint back to the nominated person to deal with, or pursuant to directions issued under s40 of the CC Act, the nominated person is entitled to commence dealing with the complaint:

- the department will ensure that sufficient resources are available to the nominated person to enable them to perform their obligations under clause 7.1 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.

7.4 Liaising with the CCC

The Director-General 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.

7.5 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 (alleged) corrupt conduct by the Director-General.

8. Responsibilities

Director-General:

- not take any action in relation to a complaint about themselves, which involves, or may involve, corrupt conduct unless requested to do so by the nominated person in consultation with the Director-General, DPC
- refer any complaint they received about themselves that involves, or may involve, corrupt conduct to the nominated person
- consult with the CCC when preparing this policy.

Nominated Person:

- receive and refer any complaint involving the Director-General to the Director-General, DPC that involves, or may involve, corrupt conduct in accordance with advice and/or directions from the Director-General, DPC and/or the CCC
- provide the Director-General, DPC with access to relevant evidence, documentation and potential witnesses, and

- ensure protections and obligations under the Public Interest Disclosure Act are applied, where appropriate.

For the purposes of s48A(2) and (3) of the CC Act:

- Rhiannan Howell, Deputy Director-General, Corporate Services (email: rhiannan.howell@des.qld.gov.au phone: +61 419 950 284) is the nominated person to notify the Crime and Corruption Commission (CCC) of the complaint and to refer the complaint under the CC Act.⁹

The CC Act applies as if a reference about notifying or dealing with the complaint to the public official/Chief Executive Officer is a reference to the Deputy Director-General, Corporate Services.

Departmental Person:

- refer any complaint about the Director-General that involves or may involve corrupt conduct to the nominated person.

9. Grievances and appeals

Where the Director-General is unsatisfied with a complaint decision made by the Director-General, DPC, they may be entitled to lodge:

- an appeal in accordance with [PSC Directive - Appeals](#), or
- a complaint with an external oversight body; including but not limited to the [Queensland Human Rights Commission \(QHRC\)](#) or Queensland Ombudsman.

For further information on lodging an appeal, refer to [Queensland Industrial Relations Public Service Appeals](#). For other external reviews, contact the relevant oversight body for information.

10. Definitions

Crime and Corruption Commission (CCC) – the Commission continued in existence under the *Crime and Corruption Act 2001*

CC Act – [Crime and Corruption Act 2001](#)

Complaint – includes information or matter. Refer to the definition provided by s48A(4) of the *Crime and Corruption Act 2001*

Contact details for Nominated person – Rhiannan Howell, Deputy Director-General, Corporate Services (email: rhiannan.howell@des.qld.gov.au phone: +61 419 950 284).

Corruption – Refer to Schedule 2 (Dictionary) of the *Crime and Corruption Act 2001*

Corrupt conduct – Refer to s15 of the *Crime and Corruption Act 2001*

Corruption in Focus – <https://www.ccc.qld.gov.au/publications/corruption-focus>; see chapter 2, page 26

Deal with – Refer to Schedule 2 (Dictionary) of the *Crime and Corruption Act 2001*

Police misconduct – Refer to Schedule 2 (Dictionary) of the *Crime and Corruption Act 2001*

⁹ Under Chapter 2, Part 3, Division 4, Subdivision 2 of the CC Act

Public Official/Chief Executive Officer – Refer to Schedule 2 (Dictionary) of the *Crime and Corruption Act 2001*

11. Further information

Should you require any further information or clarification, please contact:

- Principal Integrity Officer, Workforce Relations and Integrity, People and Culture, Corporate Services – Ethics@des.qld.gov.au

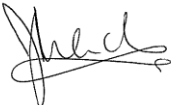
12. Storage of Information

All information should be managed in accordance with the department's [Recordkeeping Policy](#). This policy has been created to support the department's commitment to its responsibilities under the [Public Records Act 2002](#). This should be read in conjunction with other related policies and procedures, including the [Recordkeeping Email Policy](#), [Retention and Disposal Policy](#), and [Digitisation Disposal Policy](#). In addition, personal information should be managed in accordance with the [Information Privacy Act 2009](#), in particular the [Information Privacy Principles](#) (IPPs) in that Act. For more information refer to the following sites: [Records governance | Information Technology Partners \(ITP\) \(resnet.qg\)](#) and [About information privacy : DESI intranet \(resnet.qg\)](#).

13. Review

This policy shall be reviewed within two years of the **Last Reviewed** date.

14. Approval

Signed: 
Jamie Merrick Director-General Department of Environment, Science and Innovation
Date: 08 March 2024

15. Version history

Date	Version	Action	Description / comments
12/12/2018	1.00	Approved by the Director-General, Department of Environment and Science	New Policy – Owner Governance and Strategy
14/12/2018	1.00	Approved by the Minister for Environment and the Great Barrier Reef, Minister for Science for the Arts	New Policy – Owner Governance and Strategy
16/10/2021	2.00	Approved by the Deputy Director-General, Corporate Services	Review Policy – Change of owner to Workforce Relations and Integrity
23/11/2021	2.01	Approved by A/Chief Human Resource Officer	Specific details for the Deputy Director-General added
08/03/2024	3.00	Approved by the Director-General, Department of Environment, Science and Innovation	Review Policy - Align with CCC s48A template; change of delegation from Minister to DPC DG; change of CS

			DDG details; name changes to Department of Environment, Science and Innovation (DESI)
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16. Keywords

CHC/2023/4170; corrupt conduct; corrupt; conduct; corruption; fraud; CCC; complaint; misconduct; Director General

Attachment 1

Framework for oversight of senior public service employee complaints devolved by the Crime and Corruption Commission

Effective 1 March 2023, this framework supports complaints devolved by the Crime and Corruption Commission (CCC), including complaints about former employees, for all public service Senior Executive Service (SES) 3, or equivalent and higher.

Subject of complaint	Decision maker	Instrument required	Public Sector Commission (PSC) role	Entity role
Directors-General (excluding Director-General, Department Premier and Cabinet (DPC), Commissioner of Police and Commissioner of Fire and Emergency Services)	Director-General, DPC	Requires instrument of delegation from the Premier to Chair of Public Sector Governance Council under s281 of the <i>Public Sector Act 2022</i> .	<ul style="list-style-type: none"> Establish terms of reference, engage independent investigators as necessary, manage investigation, support any discipline process. Obtain independent legal advice if required. Provide progress reports to the CCC as required. Brief the Director-General, DPC as required. 	<ul style="list-style-type: none"> Limited to providing access to relevant evidence, documentation and potential witnesses. Meeting obligations under the <i>Public Interest Disclosure Act 2010</i>.

<p>Director-General, DPC</p>	<p>Investigation – CCC responsible. Subject to CCC agreeing to this role.</p> <p>Decision on discipline – the Premier. Noting on advice from the Solicitor-General.</p>	<p>Not applicable. Cannot be delegated.</p>	<ul style="list-style-type: none"> • Obtain independent legal advice if required. • Provide progress reports to the CCC as required. • Support any discipline process. • Brief the Premier as required. 	<ul style="list-style-type: none"> • For the investigation – as requested by CCC. • Meeting obligations under the <i>Public Interest Disclosure Act 2010</i>.
<p>Commissioner of Fire and Emergency Services</p>	<p>Investigation – CCC responsible. Subject to CCC agreeing to this role.</p> <p>Decision on discipline – Governor in Council on recommendation of Minister for Fire and Emergency Services.</p>	<p>Not applicable. Cannot be delegated.</p>	<ul style="list-style-type: none"> • Obtain independent legal advice if required. • Provide progress reports to the CCC as required. • Support any discipline process. • Brief the Minister as required. 	<ul style="list-style-type: none"> • For the investigation – as requested by CCC. • Meeting obligations under the <i>Public Interest Disclosure Act 2010</i>.
<p>Commissioner of Police</p>	<p>Investigation – CCC responsible.</p> <p>Decision on discipline - in accordance with s4.5 <i>Police Service Administration Act 1990</i>.</p>	<p>Any delegation required is in accordance with legal advice</p>	<ul style="list-style-type: none"> • Role, if any, to be determined considering CCC and legal advice. 	<ul style="list-style-type: none"> • In accordance with CCC and legal advice.
<p>SES3 and above (excluding Directors-General)</p> <p>Queensland Health SES3 and above and Health Executive Service (HES) employee equivalents with a direct reporting relationship to Director-General, Queensland Health</p>	<p>Independent Director-General</p>	<p>Requires an instrument of delegation from the Director-General or agency Chief Executive of the home entity under s282 of the <i>Public Sector Act 2022</i>.</p>	<ul style="list-style-type: none"> • Approve that conflicts of interest in the entity can be managed appropriately so that the entity can manage the investigation process and support any discipline process. • Responsible for the investigation and support of discipline process where conflicts cannot be managed. • Provide oversight and support the independent Director-General by advising on key steps in the investigation and 	<ul style="list-style-type: none"> • Identify conflicts of interest and complete a conflicts of interest management plan if required. • Establish terms of reference, engage independent investigators as necessary, and manage investigation. • Support the independent Director-General for any discipline process. • Obtain independent legal advice if required. • Provide progress reports to the CCC and PSC as required. • Meeting obligations under the <i>Public Interest Disclosure Act 2010</i>.

			<p>discipline processes where it is managed by the entity.</p> <ul style="list-style-type: none"> • Coordinate progress reporting from entity. 	
<p>Queensland Health SES3 and above and HES equivalents – no direct reporting relationship to Director-General, Queensland Health</p>	<p>To be managed in accordance with Queensland Health policies and procedures.</p>			