

## Complaints about the Director-General, Department of the Premier and Cabinet: section 48A of the *Crime and Corruption Act 2001*

### 1. Objective

The Director-General is the public official of the Department of the Premier and Cabinet (DPC) 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 DPC.

The objective of this policy is to set out how DPC will deal with a complaint (or information or matter)<sup>1</sup> that involves or may involve corrupt conduct of the Director-General, DPC (the Director-General).

### 2. Definitions

<b>Crime and Corruption Commission (CCC)</b>	The Commission continued in existence under the CC Act
<b>CC Act</b>	<a href="#">Crime and Corruption Act 2001</a>
<b>Complaint</b>	Includes information or matter: see the definition in section 48A(4) of the CC Act
<b>Contact details for the Nominated person</b>	Associate Director-General, Governance and Engagement, Department of the Premier and Cabinet Tel: 0413 625 052 Email: <a href="mailto:cccliaison@premiers.qld.gov.au">cccliaison@premiers.qld.gov.au</a>
<b>Corrupt Conduct</b>	See section 15 of the CC Act
<b>Corruption</b>	Means corrupt conduct or police misconduct: see Schedule 2 (Dictionary) of the CC Act
<b>Corruption in Focus</b>	<a href="https://www.ccc.qld.gov.au/publications/corruption-focus">https://www.ccc.qld.gov.au/publications/corruption-focus</a> ; see chapter 2, page 26
<b>Deal with</b>	See Schedule 2 (Dictionary) of the CC Act
<b>Director-General</b>	Director-General, DPC
<b>DPC</b>	Department of the Premier and Cabinet

<sup>1</sup> See s. 48A of the CC Act and the definitions in section 2 of this policy

<b>Framework</b>	Means the <a href="#">'Framework for oversight of senior public service employee complaints devolved by the CCC'</a>
<b>Nominated person</b>	See item 5 of this policy
<b>Police misconduct</b>	see Schedule 2 (Dictionary) of the CC Act
<b>Public official</b>	See Schedule 2 (Dictionary) and section 48A of the CC Act

### 3. Policy rationale

The policy is designed to assist DPC to:

- (a) comply with section 48A of the CC Act and the Framework
- (b) promote public confidence in the way suspected corrupt conduct of the Director-General is dealt with (section 34(c) of the CC Act)
- (c) promote accountability, integrity and transparency in the way DPC deals with a complaint that is reasonably suspected to involve, or may involve, corrupt conduct by the Director-General.

### 4. Policy application

This policy applies:

- (a) if there are grounds to suspect that a complaint may involve corrupt conduct of the Director-General
- (b) to all persons who are employees of DPC.

### 5. Nominated person

Having regard to s.48A(2) and (3) of the CC Act, this policy nominates the **Associate Director-General, Governance and Engagement, DPC** as the nominated person to notify<sup>2</sup> the CCC of the complaint and, subject to the Framework, to deal with the complaint under the CC Act, noting that the CCC will only refer a complaint to the nominated person after first consulting with the nominated person.

The provisions of the CC Act that regulate how the Director-General, as the public official of the DPC, is to notify or deal with a complaint also apply to the nominated person.<sup>3</sup>

<sup>2</sup> Under s. 38 of the CC Act.

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



## 6. Complaints about the Director-General

If a complaint may involve an allegation of corrupt conduct of the Director-General, the complaint may be reported to:

- (a) the nominated person; or
- (b) the CCC directly, via this [form](#) on the CCC's website; or
- (c) a person to whom there is an obligation to report under an Act<sup>4</sup> (this does not include an obligation imposed by ss. 37, 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 corrupt conduct of the Director-General, the nominated person is to notify the CCC of the complaint<sup>5</sup>, and they must not commence investigating 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.

## 7. Recordkeeping requirements

Should the nominated person decide that a complaint about alleged corrupt conduct of the Director-General is not required to be notified to the CCC under s. 38 of the CC Act, the nominated person must make a record of the decision that complies with s.40A of the CC Act.

## 8. Liaising with the CCC

The Director-General is to keep the CCC and the nominated person informed of:

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

<sup>4</sup> See s. 39(2) of the CC Act.

<sup>5</sup> Pursuant to s. 38 of the CC Act.

### 9. Consultation with the CCC

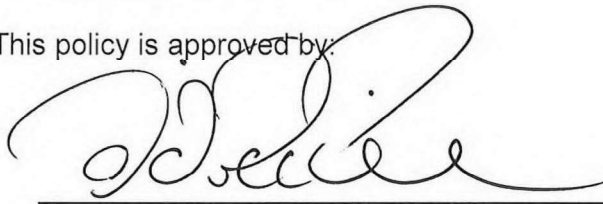
The Director-General will consult with the CCC when preparing any policy about how DPC will deal with a complaint that involves or may involve corrupt conduct of the Director-General.

### 10. Statutory references

Unless otherwise stated, all statutory references are to the *Crime and Corruption Act 2001*.

### 11. Approval and Review

This policy is approved by:



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David Mackie

Acting Director-General, Department of the Premier and Cabinet

Date ...17 December 2024

Review date 16 December 2025