

# DEALING WITH COMPLAINTS INVOLVING THE DIRECTOR-GENERAL

<b>Reference number</b>	HR.11	<b>Policy owner</b>	Head of Corporate
<b>Contact officer</b>	Workforce Relations and Integrity	<b>Contact details</b>	<a href="mailto:ethics@desbt.qld.gov.au">ethics@desbt.qld.gov.au</a>
<b>Version</b>	3.0	<b>Approved by</b>	Director-General
<b>Effective date</b>	24 December 2024	<b>Review frequency and date</b>	24 December 2026

## 1. Policy Statement

The Department of Trade, Employment and Training (DTET) (Department) is committed to managing complaints involving the public official in a manner which maintains transparency and integrity, whilst promoting public confidence. This includes managing complaints of this nature ethically and in accordance with obligations under section 48A of the *Crime and Corruption Act 2001* (CC Act).

## 2. Purpose

This policy sets out how the Department will deal with a complaint, including information or matter<sup>1</sup> involving the Director-General (DG) as the public official, that involves or may involve corrupt conduct as defined in the *Crime and Corruption Act 2001* (CC Act)<sup>2</sup>.

The Director-General is the public official of the Department for the purposes of the 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. A copy of the Framework is attached as **Attachment 1**

The policy is to assist the Department to:

1. Comply with section 48A of the CC Act and the Framework.
2. Promote public confidence in the way suspected corrupt conduct of the Director-General of the Department is dealt with (section 34(c) of the CC Act)
3. Promote accountability, integrity, and transparency in the way the Department deals a complaint that is suspected to involve or may involve, corrupt conduct of the Director-General.

<sup>1</sup> See s. 48A (4) of the CC Act.

<sup>2</sup> See s. 15 of the CC Act.

### 3. Definitions

ITEM	DESCRIPTION
Crime and Corruption Commission (CCC)	The Commission continued in existence under the CC Act
CC Act	<a href="#">Crime and Corruption Act 2001</a>
Complaint	includes information or matter: see definition provided by s. 48A (4) of the CC Act
Contact details for Nominated person	Head of Corporate Department of Trade, Employment and Training Email: <a href="mailto:CCCLiaisonOfficer@desbt.qld.gov.au">CCCLiaisonOfficer@desbt.qld.gov.au</a> Postal Address: PO Box 15483 CITY EAST Brisbane Qld 4002.
Corruption	See <a href="#">Schedule 2 (Dictionary) of the CC Act</a>
Corrupt conduct	see s.15 of the CC Act
<i>Corruption in Focus</i>	<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
Deal with	see <a href="#">Schedule 2 (Dictionary) of the CC Act</a>
Nominated person	see item 5 of this policy
Police misconduct	see <a href="#">Schedule 2 (Dictionary) of the CC Act</a>
Public Official	see <a href="#">Schedule 2 (Dictionary) and also s. 48A of the CC Act</a>
Unit of Public Administration (UPA)	see s. 20 of the CC Act
Framework	means the “Framework for oversight of senior public service employee complaints devolved by the CCC” that has been published by the PSC (as varied from time to time) – see <a href="#">Attachment 1</a>
PSC	Public Service Commission

### 4. Policy application

This policy applies:

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

For the purpose of this policy a complaint includes information or matter.<sup>3</sup>

<sup>3</sup> See s. 48A(4) of the CC Act.

## 5. Nominated person.

Having regard to section 48A (2) and (3) of the CC Act, this policy nominates the Department's Head of Corporate Services as the nominated person to notify<sup>4</sup> the CCC of the complaint and, subject to the Framework, to deal with the complaint under the CC Act<sup>5</sup>.

The provisions of the CC Act that regulate how the Director-General as the public official of the Department (DTET) is to notify or deal with a complaint also apply to the nominated person.<sup>6</sup>

## 6. Complaints about the Director-General

If a complaint may involve an allegation of corrupt conduct by the Director-General of the Department (DTET), the complaint may be reported to:

- the nominated person; or
- the CCC directly, via this [form](#) on the CCC's website; or
- a person to whom there is an obligation to report under an Act<sup>7</sup> (this does not include an obligation imposed by ss. 38 or 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.

### 6.1 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.<sup>8</sup>

Where, pursuant to s. 46 of the CC Act, the CCC refers a complaint back to the nominated person to deal with,<sup>9</sup> 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.

### 6.2 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.

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<sup>4</sup> Under ss. 37 or 38 of the CC Act.

<sup>5</sup> Under Chapter 2, Part 3, Division 4, Subdivisions 1 & 2 of the CC Act.

<sup>6</sup> See s. 48A(3) of the CC Act.

<sup>7</sup> See s. 39(2) of the CC Act.

<sup>8</sup> Pursuant to s. 38 of the CC Act.

<sup>9</sup> Under ss. 43 and 44 of the CC Act.

## 7. 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 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. Resourcing the nominated person

If pursuant to s. 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 Department will ensure that sufficient resources are available to the nominated person to enable them to perform their obligations under clause 6 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 (DTET) for the purpose of dealing with the complaint only.

## 9. 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.

## 10. 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.

## 11. Human Rights

The Department is committed to respecting, protecting and promoting human rights.

Under the *Human Rights Act 2019*, DTET 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.

## 12. Statutory references

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

## 13. Related documents

- [Code of Conduct for the Queensland Public Service](#)
- [Corruption in focus – A guide to dealing with corrupt conduct in the Queensland Public Sector](#)
- Public Interest Disclosure Policy
- Public Interest Disclosure Procedure
- Records governance policy.

## 14. Approval

This policy is approved by:

Peter McKay  
Director-General  
Department of Trade, Employment and Training

## 15. Further information

For further information or clarification, please contact:

- Workforce Relations and Integrity, Department of Trade, Employment and Training at [Ethics@desbt.qld.gov.au](mailto:Ethics@desbt.qld.gov.au)

## 16. Storage of information

All information should be managed in accordance with the [Public Records Act 2002](#), and the whole-of-Government [Records Governance policy](#). In addition, personal information should be managed in accordance with the [Information Privacy Act 2009](#).

## 17. Document control

Version	Release Date	Action	Description	Reviewing officer	Authorised by
3.0	January 2025	Updated Policy	Updated in line with Machinery of Government Changes on 1 November 2024	Chris Neilsen	Peter McKay, Director-General, Department of Trade, Employment and Training