

Complaints about the Director-General

Owner Human Resources
Last Reviewed 03/02/2021

CHD/2018/4438
Version 1.00

1. Objective

The Director-General is the public official of the Department of Tourism, Innovation and Sport (DTIS).

The objective of this policy is to set out how DTIS will deal with a complaint (also information or matter) ¹that involves or may involve corrupt conduct² by the Director-General as defined in the [Crime and Corruption Act 2001](#) (CC Act).

2. Policy rationale

The policy is designed to assist DTIS to:

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

3. Definitions

Crime and Corruption Commission (CCC)	the Commission continued in existence under the <i>Crime and Corruption Act 2001</i>
CC Act	<i>Crime and Corruption Act 2001</i>
Complaint	includes information or matter. See the definition provided by section 48A(4) of the <i>Crime and Corruption Act 2001</i>
Contact details for nominated person	Mr Andrew Sly Assistant Director-General Sport and Recreation Department of Tourism, Innovation and Sport E: andrew.sly@dtis.qld.gov.au P: 3338 9209
Corruption	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Corrupt conduct	see section 15 of the <i>Crime and Corruption Act 2001</i>
Corruption in Focus	https://www.ccc.qld.gov.au/publications/corruption-focus ; see chapter 2, page 2.6
Deal with	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Nominated person	see item 5 of this policy
Public Interest Disclosures	Public Interest Disclosure Act 2010

¹ See section 48A of the CC Act and the definitions below

² The CCC's corruption function encompasses both "corrupt conduct" and "police misconduct". For the purposes of the Queensland Police Service, wherever the term "corrupt conduct" is used in the policy, they would also have to consider police misconduct, as per section 37 of the CC Act.

Public Official/CEO	see Schedule 2 (Dictionary) and section 48A of the CC Act
Reasonable suspicion	See reasonably suspects under Schedule 2 (Dictionary) of the CC Act and Chapter 2 Corruption in Focus
Unit of public administration	see section 20 of the CC Act

4. Policy application

This policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct of the Director-General
- to all persons who hold an appointment in, or are employees of, DTIS including contractors, consultants, volunteers and any other person or entity who provides the department with services on a paid or voluntary basis.

For the purpose of this policy a complaint includes information or matter.³

5. 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 Minister
- refer any complaint they receive 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 deal with any complaint involving the Director-General that involves, or may involve, corrupt conduct in accordance with advice and/or directions from the CCC.

Departmental Employees:

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

6. Nominated person

Having regard to sections 48A(2) and (3) of the CC Act, this policy nominates the Assistant Director-General, Sport and Recreation as the **nominated person** to notify⁴ the CCC of the complaint, and to deal with the complaint under the CC Act.⁵

This policy does not nominate an alternative position or person to deal with complaints against the Director-General.

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 **nominated person**.⁶

7. 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 the **nominated person**.

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

³ See s48(4) CC of the CC Act

⁴ Under sections 37 or 38 of the CC Act.

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

⁶ See section 48A(3) of the CC Act.

If the **nominated person** reasonably suspects the complaint may involve corrupt conduct of the Director-General, they are to:

- notify the CCC of the complaint⁷, and
- deal with the complaint, subject to the CCC's monitoring role, when directions issued under section 40 of the CC Act apply to the complaint, or
- pursuant to section 46 of the CC Act, the CCC refers the complaint to the **nominated person** to deal with.⁸

If the Director-General reasonably suspects that the complaint may involve corrupt conduct on their part, the Director-General 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 in consultation with the Minister.

Where directions issued under section 40 of the CC Act apply to the complaint:

- the **nominated person** is to deal with the complaint, and
- the Director-General is to take no further action to deal with the complaint unless requested to do so by the **nominated person** in consultation with Minister.

8. Recordkeeping requirements

Should the **nominated person** decide that a complaint, 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.

9. Resourcing the nominated person

If the **nominated person** has responsibility to deal with the complaint:⁹

- the department will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately¹⁰, and
- the **nominated person** is to ensure that consultations, if any, for the purpose of securing resources sufficient to deal with the complaint appropriately are confidential and are not disclosed, other than to the CCC, without:
 - authorisation under a law of the Commonwealth or the State, or
 - the consent of the **nominated person** responsible for dealing with the complaint

The **nominated person** must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the

- purposes of the CC Act¹¹,
- the importance of promoting public confidence in the way suspected corrupt conduct in the department is dealt with¹², and

⁷ Under sections 37 or 38, subject to section 40 of the CC Act.

⁸ Under sections 41 and 42 and/or sections 43 and 44 of the CC Act.

⁹ Under sections 41 and 42 and/or sections 43 and 44 of the CC Act.

¹⁰ See the CCC's corruption purposes and function set out in sections 4(1)(b), 33, 34, 35 of the CC Act and the department's relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint.

¹¹ See section 57 of the CC Act and the CCC's corruption purposes and function set out in sections 4(1)(b), 33, 34, 35 of the CC Act.

¹² See section 34(c) of the CC Act.

- the department's statutory, policy and procedural framework.

If the **nominated person** has responsibility to deal with the complaint, they:

- are 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
- are delegated the same authority, functions and powers as the Director-General to enter into contracts on behalf of the department for the purpose of dealing with the complaint
- do not have any authority, function or power that cannot, under the law of the Commonwealth or the State, be delegated by either the Minister or the Director-General, to the **nominated person**.

10. 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**
- any proposed changes to this policy.

11. Consultation with the CCC

The Director-General will consult with the CCC when preparing any policy about how DTIS will deal with a complaint that involves, or may involve, corrupt conduct of the public official/Chief Executive Office.¹³



12. References

- [Crime and Corruption Act 2001](#)
- [Public Service Act 2008](#)
- [Public Interest Disclosures Act 2010](#)
- [Anti-Discrimination Act 1991](#)
- [Judicial Review Act 1991](#)
- [Information Privacy Act 2009](#)
- [Public Service Commission Directive relating to employee grievances](#)

13. Review

This policy will be reviewed in two years in consultation with the CCC.

14. Approval

<p>Signed:</p>  <hr/> <p>Mr John Lee Acting Director-General Department of Tourism, Innovation and Sport</p> <p>Date: 2 February 2021</p>	<p>Signed:</p>  <hr/> <p>Kate Adams Chief of Staff to</p> <hr/> <p>Hon. Stirling Hinchliffe MP Minister for Tourism Industry Development and Innovation and Minister for Sport</p> <p>Date: 3 February 2021</p>
---	--

¹³ Section 48A of the CC Act.