

# Reporting corrupt conduct procedure

## 1. Purpose

This procedure describes the process for reporting matters that may involve 'corrupt conduct' as defined in section 15 of the [Crime and Corruption Act 2001](#) (CC Act).

## 2. Scope

This policy applies to all department employees as defined under Section 13 of the [Public Sector Act 2022](#) (the PS Act), except employees of the Office of Industrial Relations<sup>1</sup> (OIR).

## 3. Associated policy

This procedure should be read in conjunction with the [Complaints management policy](#), the [Fraud and corruption prevention policy](#), the [Public interest disclosure procedure](#), the [Complaints about the Coordinator-General policy](#) and the [Complaints about the Director-General policy](#).

## 4. Procedure

### 4.1 What is corrupt conduct?

Under Section 15 of the CC Act, there are two types of corrupt conduct:

#### 1. Corrupt Conduct – Section 15(1)

Corrupt conduct is conduct by any person, regardless of whether or the person holds (or held) a public service appointment, that meets all the criteria of one of the definitions below.

- A. Effect of conduct: Does the conduct adversely affect, or could adversely affect, how a public agency or public official carries out their duties or exercises powers?

#### **AND**

- B. Result of conduct: Has the conduct resulted, or could it result, in the performance of duties or exercise of power in a way that:

- is not honest or impartial; or
- involves a breach of trust placed in a person holding an appointment in a public agency, either knowingly or recklessly; or
- involves a misuse of information or other material related to the performance of powers or exercise of functions of a person holding an appointment in a public agency?

#### **AND**

- C. Criminal offence or disciplinary breach: If proved, would the conduct be a criminal offence, or a disciplinary breach providing reasonable grounds for dismissal, if the person is or was the holder of an appointment?

<sup>1</sup> Employees of the Office of Industrial Relations (OIR) should refer to policy and procedural guidance of the OIR



## 2. Corrupt Conduct – Section 15(2)

Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that

- A. Effect of the conduct: Does the conduct impair, or have the potential to impair, public confidence in public administration?

**AND**

- B. Result of the conduct: Has the conduct resulted, or could it result, in the performance of duties or exercise of powers in a way that is:

- collusive tendering; or
- fraud relating to an application for a licence, permit or other authority for protecting people's health or safety, protecting the environment, or protecting or managing the use of the State's natural, cultural, mining or energy resources; or
- dishonestly obtaining or helping to obtain a benefit from the payment or application of public funds or the disposition of State assets; or
- evading of State tax, levy or duty or otherwise fraudulently causing a loss of State revenue; or
- fraudulently obtaining or retaining an appointment?

**AND**

- C. Criminal offence or disciplinary breach: If proved, would the conduct be a criminal offence, or a disciplinary breach providing reasonable grounds for dismissal, if the person is or were the holder of an appointment?

Conduct that occurs outside Queensland may be corrupt (section 17)

## 4.2 Corrupt conduct vs Misconduct

Corrupt conduct under the CC Act is not the same as misconduct under the *Public Sector Act 2022* (PS Act), Section 91 of the PS Act defines misconduct as:

- » inappropriate or improper conduct in an official capacity; or
- » inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the public sector entity in which the employee is employed.

Misconduct may not warrant dismissal or criminal charges and has a lower threshold than corrupt conduct. For example, if an employee insults a client, the conduct would not be considered corrupt as it is neither a criminal offence nor serious enough to warrant dismissal but is inappropriate and reflects adversely on the department. However, if an employee were to physically assault a client (criminal offence) or escalates the situation by passing confidential information about the client to a third party (grounds for dismissal), the matter may be considered corrupt conduct.

## 4.3 Public interest disclosure

When reporting a matter which could, if proved, be corrupt conduct, it may also be a public interest disclosure under the *Public Interest Disclosure Act 2010*. Refer to the [Public interest disclosure procedure](#) for further information.

## 4.4 Reporting obligations

All employees are obliged to report any suspicion or allegation of corrupt conduct to an appropriate authority as detailed below. There does not need to be a formal complaint from an aggrieved person to make a report.

Under the CC Act, the Director-General (DG) has a duty to report a 'reasonable suspicion' of corrupt conduct to the CCC subject to section 40 of that Act. In addition to the DG, the following officers are authorised under this procedure to refer a matter to the CCC:

- » Deputy Director-General, Corporate
- » Executive Director, People and Performance
- » Director, Integrity and Workplace Relations
- » Director, Ethics.

If an employee suspects corrupt conduct, they must not alert the employee(s) involved in the alleged conduct. Corrupt conduct can be reported to any of the following:

- » one of the authorised positions outlined above
- » CCC directly
- » Queensland Police Service
- » Queensland Audit Office
- » the relevant Minister.

Integrity and Workplace Relations (IWR) will assess any information provided against the definition of corrupt conduct as well as other relevant legislation or departmental policy.

If the matter falls within the definition of corrupt conduct under the CC Act, it will be referred to the CCC for assessment and possible action by either the CCC or the department.

For matters that do not fall within the definition, refer to the section in this procedure regarding record-keeping requirements. The matter will then be dealt with through the relevant process, such as customer complaints, employee complaints, misconduct or employee conduct matters.

## 4.5 Investigating corrupt conduct

All employees are required to assist in any investigation, whether by IWR, the CCC, or an external service provider, in relation to allegations of corrupt conduct or misconduct. Complaints involving corrupt conduct are managed in accordance with the CCC's guideline - A guide to dealing with corrupt conduct in the Queensland public sector.

Once the investigation is completed, the department's CCC Liaison Officer (Executive Director, People and Performance) will notify relevant parties, including the CCC and the complainant, about the outcome of the matter, subject to privacy/confidentiality requirements. This may include action/s taken to manage the complaint and the outcome/s; reasons for the decision/outcome; and proposed actions to be taken if any.

## 4.6 Record-keeping requirements

If the DG, CCC Liaison Officer or other authorised officer decides that a complaint or information or matter about suspected corrupt conduct is not required to be notified to the CCC under section 38 of the CC Act, a record of this decision must be made (section 40A of the CC Act).

To comply with legislative obligations under the CC Act, the record must include:

- » the details of the complaint or information or matter
- » the evidence on which the nominated person relied in making the decision
- » any other reasons for the decision.

The recorded information should be sufficient for a reasonable person to understand the logic behind the decision, including how the decision was assessed pursuant to section 15 of the CC Act and why it did not meet the threshold.

# 5. Delegations

Delegations are to be exercised in accordance with the department's Human Resource, Financial, Procurement, Contract Signing and Business Support Delegations. Delegation Schedules are reviewed on a regular basis to ensure they remain current and relevant to the operational needs of the department. It is recommended that delegate authority levels are confirmed prior to exercising any powers in relation to this policy and supporting procedures.

## 6. Responsibilities

Role	Responsibilities
<b>All employees and non-employees</b>	<ul style="list-style-type: none"> <li>» Maintain awareness of corrupt conduct and comply with this procedure.</li> <li>» Refer any matter that involves or could involve corrupt conduct to the Crime and Corruption Commission (CCC) Liaison Officer (Executive Director, People and Performance) or other appropriate authority as detailed in this procedure.</li> <li>» Cooperate with investigations into suspected corrupt conduct.</li> <li>» Maintain the confidentiality of suspected corrupt conduct matters.</li> </ul>
<b>Delegates</b>	<ul style="list-style-type: none"> <li>» Exercise delegated functions and powers in accordance with the department's human resources delegations, all relevant statutory provisions, whole-of-government policy and directives and principles of procedural fairness.</li> </ul>
<b>Deputy Director-General, Corporate</b>	<ul style="list-style-type: none"> <li>» Can notify the CCC of any matters involving a reasonable suspicion of allegations of corrupt conduct concerning the Director-General or the Coordinator-General. (see Complaints about the Director-General policy and Complaints about the Coordinator-General policy).</li> </ul>
<b>Director, Integrity and Workplace Relations and/or Director Ethics</b>	<ul style="list-style-type: none"> <li>» Notify the CCC of all matters involving a reasonable suspicion of corrupt conduct.</li> <li>» Make a record of alleged corrupt conduct not notified to the CCC, in accordance with section 40A of the CC Act.</li> </ul>
<b>Director-General (DG) (Accountable officer)</b>	<ul style="list-style-type: none"> <li>» Set the ethical culture of the department including a commitment to upholding integrity.</li> <li>» Can notify the CCC of matters involving a reasonable suspicion of corrupt conduct.</li> </ul>
<b>Executive Director, People and Performance</b>	<ul style="list-style-type: none"> <li>» Is the department's CCC Liaison Officer.</li> <li>» Notify the CCC of any matters involving a reasonable suspicion of allegations of corrupt conduct.</li> <li>» Ensure ongoing and cooperative liaison arrangements with the CCC.</li> </ul>
<b>Executive Leadership Team (ELT)</b>	<ul style="list-style-type: none"> <li>» Assist the Director-General to set the ethical culture of the department including a commitment to upholding integrity.</li> </ul>
<b>Human Resources</b>	<ul style="list-style-type: none"> <li>» Assist IWR with the HR implications of case management of matters involving corrupt conduct including support for employees and managers involved in those matters.</li> </ul>
<b>Integrity and Workplace Relations</b>	<ul style="list-style-type: none"> <li>» Assess complaints and matters received in the department to determine whether they constitute corrupt conduct pursuant to section 15 of the CC Act.</li> <li>» Lead or manage any investigations into suspected corrupt conduct.</li> <li>» Adhere to the CCC's notification and reporting requirements in accordance with section 38 (subject to section 40) and section 40A of the CC Act.</li> <li>» Maintain the confidentiality of suspected corrupt conduct matters.</li> </ul>
<b>Managers and supervisors</b>	<ul style="list-style-type: none"> <li>» Ensure employees under their supervision are aware of the requirements of this procedure.</li> <li>» Create a supportive reporting environment and provide appropriate support to employees who report suspected wrongdoing.</li> <li>» Maintain confidentiality of suspected corrupt conduct matters upon receiving and after appropriately reporting those matters.</li> <li>» Ensure their areas of responsibility comply with this procedure, related policies and procedures and the CC Act.</li> </ul>

## 7. Human rights compatibility

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

Under the *Human Rights Act 2019* (HR Act), 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 about a customer complaint, decision-makers must comply with this obligation.

Further information on the HR Act is available on the [Queensland Human Rights Commission](#) website.

## 8. Definitions

Refer to **Appendix A** for definitions of key terms referred to in this procedure.

## 9. Related documents, forms and templates

- » [Complaints about the Coordinator-General policy](#)
- » [Complaints about the Director-General policy](#)
- » [Complaints management policy](#)
- » [Fraud and corruption prevention policy](#)
- » [Public interest disclosure procedure](#)
- » [Queensland Public Entity Toolkit](#)

## 10. References

- » [A guide to dealing with corrupt conduct in the Queensland public sector \(CCC\)](#)
- » [Code of Conduct for the Queensland Public Service](#)
- » [Crime and Corruption Act 2001](#)
- » [Individual employee grievances directive 11/20](#)
- » [Information Privacy Act 2009](#)
- » [Judicial Review Act 1991](#)
- » [Public Interest Disclosure Act 2010](#)
- » [Public Sector Act 2022](#)
- » [Public Sector Ethics Act 1994](#)

## 11. Further information

For further information or clarification, please contact the department at [ethics@dsdilgp.qld.gov.au](mailto:ethics@dsdilgp.qld.gov.au).

## 12. 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](#).

## 13. Document control

Document owner	Director, Integrity and Workplace Relations (IWR)
Contact details	<a href="mailto:ethics@dsdilgp.qld.gov.au">ethics@dsdilgp.qld.gov.au</a>
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Version	Issue Date	Reason	Author	Approver
1.0	28/08/2017	New procedure	Senior Complaints Officer Ethics and Governance	A/Executive Director, Corporate, DILGP
	07/09/2017			Deputy Director-General, Business Solutions and Partnerships, DSD
1.1	09/07/2018	Minor update following Machinery of Government changes	Senior Project Officer, Ethics and Governance	Executive Director, Corporate Services, DSDMIP
1.2	26/08/2019	Update - changes in the CC Act (corrupt conduct definition, new reporting requirements) and new branding.	Senior Project Officer, HR and Ethics	Deputy Director-General, Business Commercial and Performance
1.3	21 July 2021	Rebranding and minor updates following MoG	Senior Project Officer, Ethics	Director, Ethics
1.4	14 March 2024	Minor updates	Principal Advisor, IWR	Director, IWR

## Appendix A: Definitions

The key terms referred to in this procedure are as follows:

Term	Definition
<b>Complaint</b>	<p>Expression of dissatisfaction, orally or in writing, about the products, policies, services or actions of the department and/or the associated conduct of officers, or representatives of the department.</p> <p>For the purposes of this procedure, a corrupt conduct complaint includes information or matter involving corrupt conduct (refer to section 48(4) of the Act and the definition of corrupt conduct below).</p>
<b>Corrupt conduct</b>	<p>Corrupt conduct is a conduct of any person, regardless of whether the person holds or held an appointment, which meets the three elements outlined in section 15(1) or 15(2) of the CC Act.</p> <p>Refer to section 15 of the <u><i>Crime and Corruption Act 2001</i></u> (the Act) for the full legal definition of corrupt conduct.</p>
<b>Corruption</b>	<p>A breach of trust in the performance of official duties and includes conduct which does or could adversely affect the honest or impartial exercise of official functions by an employee, whether or not for the benefit of the person. It also includes conduct by an employee involving dishonesty or failure to impartially exercise an official function.</p>
<b>Delegate</b>	<p>The person authorised to perform a specific task or function on the Director-General or Minister's behalf. Delegations and authorisations are recorded in the department's delegation schedules.</p>
<b>Public interest disclosure</b>	<p>An appropriate disclosure of public interest information (such as a report of corrupt conduct, reprisal, maladministration) that affects a person's interests in a substantial and specific way, substantial misuse of public resources, substantial and specific danger to public health and safety to the environment, made to a proper authority.</p> <p>Refer to Chapter 2 of the <i>Public Interest Disclosure Act 2010</i> for the full legal definition of a public interest disclosure</p>

