

Complaints about the Commissioner, Queensland Corrective Services: section 48A of the *Crime and Corruption Act 2001* – Policy

1 Objective

The Commissioner is the public official of Queensland Corrective Services (QCS).

The objective of this policy is to set out how QCS will deal with a complaint (also information or matter) that involves or may involve corrupt conduct of the Commissioner as defined in the *Crime and Corruption Act 2001* (CC Act).

2 Policy rationale

The policy is designed to assist QCS to:

- Comply with section 48A of the CC Act.
- Promote public confidence in the way suspected corrupt conduct of the Commissioner for QCS is dealt with (section 34(c) of the CC Act).
- Promote accountability, integrity and transparency in the way QCS deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the Commissioner, QCS.

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 definition provided by section 48A(4) of the CC Act
Contact details for nominated person	Mr James Koulouris Deputy Commissioner Organisational Capability james.koulouris@corrections.qld.gov.au (W) 07 35657427 PO Box 1054, Brisbane QLD 4001
Corruption	see Schedule 2 (Dictionary) of the CC Act
Corrupt conduct	see section 15 of the CC Act
<i>Corruption in Focus</i>	http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus ; see chapter 2, page 2.65
Deal with	see Schedule 2 (Dictionary) of the CC Act
Nominated person	see item 5 of this policy
Public Official/CEO	see Schedule 2 (Dictionary) and also section 48A of the CC Act
Unit of public administration (UPA)	see section 20 of the CC Act

4 Policy application

This policy applies if there are grounds to suspect that a complaint involves or may involve allegations of the Commissioner, QCS, having engaged in corrupt conduct.

5 Nominated person

Having regard to sections 48A(2) and (3) of the CC Act, this policy nominates the Deputy Commissioner, Organisational Capability QCS as the nominated person to notify the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint pursuant to sections 43 and 44 of the CC Act.

A notification may be made by the nominated person for the purposes of section 48A of the CC Act.

The CC Act applies as if a reference about notifying or dealing with the complaint to the public official/CEO is a reference to the nominated person.

6 Complaints about the Commissioner, QCS

If a complaint involves, or may involve, an allegation of the Commissioner of QCS having engaged in corrupt conduct, 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.

If the nominated person reasonably suspects the complaint may involve corrupt conduct committed by the Commissioner, QCS, they are to:

- notify the CCC of the complaint; and
- comply with CCC direction(s) if the CCC has issued direction(s) pursuant to section 40 of the CC Act that apply to the complaint; and
- deal with the complaint if the CCC refers the complaint to the nominated person to deal with pursuant to section 46 of the CC Act.

If the Commissioner, QCS reasonably suspects the complaint may involve corrupt conduct on their part, the Commissioner, QCS 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.

If directions that have been issued by the CCC pursuant to section 40 may apply to the complaint:

- the nominated person is to notify the CCC of the complaint subject to those directions; and
- the Commissioner, QCS is to take no further action to deal with the complaint unless requested to do so by the nominated person.

7 Recordkeeping Requirements

Should the nominated person decide that a complaint, or information or matter, about alleged corrupt conduct of the Commissioner 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

If the CCC decides to refer the matter back to the nominated person to deal with the complaint or comply with a direction, or both pursuant to sections 40 or 46 of the CC Act:

- QCS will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint or the direction appropriately;
- 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
 - their consent; and

- 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 Act;
 - the importance of promoting public confidence in the way suspected corrupt conduct in QCS is dealt with; and
 - the statutory, policy and procedural framework that applies to QCS.

9 Liaising with the CCC

The Commissioner, QCS is to keep the CCC and the nominated person informed of:

- the contact details for the Commissioner, QCS and the nominated person
- any proposed changes to this policy.

10 Consultation with the CCC

The Commissioner, QCS will consult with the CCC when preparing any policy about how QCS will deal with a complaint that involves or may involve corrupt conduct of the Commissioner, QCS.

11 Statutory references

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

12 Approval

This policy is approved by:



Paul Stewart APM
Commissioner

Date: 28 / 4 / 2022

Review date: This policy will be reviewed no later than five years after the date of approval.