

QUEENSLAND TREASURY

## **Complaints about the Under Treasurer:**

**Section 48A of the Crime and Corruption Act 2001**

**6 January 2025**

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## 1.0 Purpose

This policy outlines Queensland Treasury's (Treasury) process in dealing with a corrupt conduct complaint or allegation (also information or matter) that involves the Under Treasurer or any person acting in the role of Under Treasurer, under section 48A of the [Crime and Corruption Act 2001](#) (CC Act).

## 2.0 Objective

1. The Under Treasurer is the public official of Treasury for the purposes of the CC Act.
2. 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 Under Treasurer.
3. The objective of this policy is to set out how Treasury will deal with a complaint (or information or matter)<sup>1</sup> that involves or may involve corrupt conduct, as defined in the CC Act, by the Under Treasurer.

## 3.0 Rationale

This policy is designed to assist Treasury to:

4. Comply with s. 48A of the CC Act and the Framework.
5. Promote public confidence in the way suspected corrupt conduct by the Under Treasurer is dealt with (s. 34(c) CC Act).
6. Promote accountability, integrity, and transparency in the way Treasury deals with a complaint that is reasonably suspected to involve, or may involve, corrupt conduct by the Under Treasurer.

## 4.0 Definitions

Term	Definition
<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>CCC Liaison Officer</b>	Chief Human Resources Officer
<b>Complaint</b>	includes information or matter: see the definition in s. 48A(4) of the CC Act
<b>Corrupt conduct</b>	see s. 15 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>Framework</b>	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).
<b>Nominated person/s</b>	Director-General, Department of the Premier and Cabinet, or Chief Executive Officer, Public Service Commission should the Director-General be unable to undertake this role.
<b>Public official</b>	see s. 48A & Schedule 2 (Dictionary) of the CC Act
<b>PSC</b>	Public Sector Commission

<sup>1</sup> See s. 48A(4) of the CC Act and the definitions in clause 3.

## 5.0 Policy application

This policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct by the Under Treasurer; and
- to all persons who hold an appointment in, or are employees of, Treasury. (includes permanent and non-permanent employees including secondees) other workers (agency temps, contractors, interchange) and volunteers.)

For the purpose of this policy a complaint includes information or matter.<sup>2</sup>

## 6.0 Nominated person

Having regard to s. 48A(2) and (3) of the CC Act, this policy nominates:

- the Director-General, Department of the Premier and Cabinet (DPC), or in the event the Director-General DPC is unavailable or unable to deal with the complaint,
- the Commissioner, Public Sector Commission

as the nominated persons to notify<sup>3</sup> the CCC of the complaint and, subject to the Framework, to deal with the complaint under the CC Act.<sup>4</sup>

The provisions of the CC Act that regulate how the Under Treasurer as the public official of Treasury is to notify or deal with a complaint also apply to the nominated person.<sup>5</sup>

The nominated persons will decide who will be the nominated person for a particular complaint, and where a nominated person decides to notify the CCC about a complaint, the nominated person will inform the CCC that they are the nominated person for that complaint.

## 7.0 Complaints about the Under Treasurer

If a complaint may involve an allegation of corrupt conduct by the Under Treasurer, the complaint may be reported to:

- the nominated person; or
- a person to whom there is an obligation to report under an Act<sup>6</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.

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<sup>2</sup> See s. 48A(4) of the CC Act.

<sup>3</sup> Pursuant to s. 38 of the CC Act.

<sup>4</sup> Under Chapter 2, Part 3, Division 4, Subdivision 2 of the CC Act.

<sup>5</sup> See s. 48A(3) of the CC Act.

<sup>6</sup> See s. 39(2) of the CC Act.

## 7.1 Complaints received by the nominated person

If the nominated person reasonably suspects that a complaint involves or may involve corrupt conduct by the Under Treasurer, they are to notify the CCC of the complaint.<sup>7</sup>

Where, pursuant to s. 46 of the CC Act, the CCC refers a complaint back to the nominated person to deal with,<sup>8</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
- if the nominated person is the Commissioner, Public Sector Commission, 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.

## 7.2 Complaints received by the Under Treasurer

If the Under Treasurer 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.

## 8.0 Recording requirements

Should the nominated person decide that a complaint, or information or matter, about alleged corrupt conduct by the Under Treasurer 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.

## 9.0 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:

- Treasury 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 Under Treasurer to direct and control staff of Treasury as if the nominated person is the Under Treasurer for the purpose of dealing with the complaint only.

## 10.0 Liaising with the CCC

The Under Treasurer is to keep the CCC and the nominated person informed of:

- the contact details for the Under Treasurer and the nominated person; and
- any proposed changes to this policy.

<sup>7</sup> Pursuant to s. 38 of the CC Act.

<sup>8</sup> Under ss. 43 and 44 of the CC Act.

## 11.0 Consultation with the CCC

The Under Treasurer will consult with the CCC when preparing any policy about how Treasury will deal with a complaint that involves or may involve corrupt conduct by the Under Treasurer.

### 11.1 Contact details of nominated persons

Damien Walker

Director-General

Department of the Premier and Cabinet

Contact: (07) 3003 9387

Postal Address: PO Box 15185, CITY EAST QLD 4002

Email: [damien.walker@premiers.qld.gov.au](mailto:damien.walker@premiers.qld.gov.au)

Commissioner

Public Sector Commission

Contact: (07) 3003 2809

Postal Address: PO BOX 15190, BRISBANE QLD 4002

Email: [david.mackie@psc.qld.gov.au](mailto:david.mackie@psc.qld.gov.au)

## 12.0 Statutory references

Unless otherwise stated, all statutory references are to the [Crime and Corruption Act 2001](#).

## 13.0 Related information

### Key documents

[Fraud and corruption control framework](#)

### External links

[Crime and Corruption Commission - corruption in focus](#)



# QUEENSLAND **TREASURY**

Queensland Treasury  
1 William Street, Brisbane, Q 4000  
[treasury.qld.gov.au](http://treasury.qld.gov.au)