



PSC Corrupt Conduct Complaints Policy

1. Purpose

The objective of this policy is to:

- explain what to do if you want to make a complaint about the Public Service Commission (PSC) staff which may involve 'corrupt conduct' as defined in section 15 of the *Crime and Corruption Act 2001* (CC Act)
- set out how the PSC will deal with a complaint or allegation that may involve 'corrupt conduct'.

2. What is corrupt conduct?

Corrupt conduct as is defined in in the CC Act¹ as the conduct of a person (regardless of whether the person holds or held an appointment) that fulfils **each** of the following elements (i.e. A+B+C+D):

- [A] Adversely affects, or could adversely affect, directly or indirectly, the performance of functions, or the exercise of powers of a unit of public administration (UPA)² or a person holding an appointment in a UPA
- [B] Results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph [A] above in a way that is not honest or is not impartial; or involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment
- [C] Is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person
- [D] Would, if proved, be a criminal offence; or a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Without limiting the definition of **corrupt conduct** above, the CC Act provides that conduct that involves any of the following **could** be corrupt conduct:³

- abuse of public office
- bribery, including bribery relating to an election
- extortion
- obtaining or offering a secret commission
- fraud
- stealing
- forgery
- perverting the course of justice
- an offence relating to an electoral donation
- loss of revenue of the State
- sedition
- homicide
- serious assault or assault occasioning bodily harm or grievous bodily harm
- obtaining a financial benefit from procuring prostitution or from unlawful prostitution engaged in by another person
- illegal drug trafficking and illegal gambling.

Conduct is defined in the CC Act⁴ to include neglect, failure and inaction; and conspiracy to engage in conduct; and attempt to engage in conduct.

For the purpose of this policy, a **complaint** includes an allegation or information or matter.⁵

¹ Section 15(1) see also sections 14, 16, 17 and 18.

² Section 20 of the CC Act. The PSC is a UPA.

³ Section 15(2) of the CC Act.

⁴ Section 14 of the CC Act.

⁵ Section 48(4) of the CC Act.



3. How do I report corrupt conduct?

You can complain about corrupt conduct to:

- the PSC either verbally or in writing, as well as anonymously or through an authorised third party. For further information on how to submit a complaint online, visit the [PSC Website](#). Your complaint may also be provided in writing either to:

PSC's CCC Liaison Officer
PO BOX 15190, City East
Brisbane, QLD 4002

Email: commission.psc@psc.qld.gov.au

- directly to the Crime and Corruption Commission (CCC) see www.ccc.qld.gov.au/corruption/report-corruption for instructions.

4. PSC's procedures for dealing with corrupt conduct

4.1 CCC's role in relation to corrupt conduct

Under the CC Act, some complaints about corrupt conduct will be dealt with by the CCC, in particular where the alleged corrupt conduct is serious or systemic. Other complaints about corrupt conduct may be referred by the CCC to the PSC to deal with.

4.2 PSC's role in handling corrupt conduct

PSC officers must immediately refer any complaint received which may involve corrupt conduct to the PSC's CCC Liaison Officer.

The Deputy Commissioner is nominated under this policy to act as the PSC's CCC Liaison Officer, with the nomination to be recorded in the human resource delegations register.

The CCE's responsibilities in relation to complaints about corrupt conduct under the CC Act are delegated to PSC's CCC Liaison Officer who must:

- **notify** the CCC of a complaint which the PSC's CCC Liaison Officer **reasonably suspects** involves, or may involve, corrupt conduct.⁶
- **deal with** complaints referred to the PSC by the CCC, in the way the PSC's CCC Liaison Officer considers most appropriate, subject to directions given by the CCC.⁷

To **deal with** a complaint involving corruption, is defined under the CC Act⁸ to include—

- investigate the complaint, information or matter
 - gather evidence for prosecutions for offences or disciplinary proceedings
 - refer the complaint, information or matter to an appropriate authority to start a prosecution or disciplinary proceeding
 - start a disciplinary proceeding
 - take other action, including managerial action, to address the complaint in an appropriate way.
- **report to the CCC** about PSC investigations involving corrupt conduct in the way and at the times the CCC directs.⁹

⁶ Sections 38 and 40 of the CC Act.

⁷ Sections 40, 43, 44, 46(2)(b) and (f) and 48(1)(c)(ii) of the CC Act.

⁸ Schedule 2 of the CC Act.

⁹ Sections 40 and 48(1)(c) of the CC Act.

When handling a complaint which may involve corrupt conduct, guidance should be sought from the CCC's guide, *Corruption in Focus*,¹⁰ which provides practical advice on meeting the PSC's obligations under the CC Act.

5. Record keeping

PSC officers and others (such as external investigators) involved in dealing with a complaint which may involve corrupt conduct must keep appropriate records of the complaint and any steps taken to deal with the complaint.¹¹ This will support effective notification of complaints to the CCC and allow matters to be easily monitored and audited by the CCC.

6. Complaint about corrupt conduct may be a public interest disclosure

When a public officer makes an allegation about the conduct of another person which would, if proved, be corrupt conduct, it may also be a public interest disclosure under the *Public Interest Disclosure Act 2010*¹² and the discloser will be entitled to certain protections. See the *Process for the Management of Public Interest Disclosures*.

7. Complaints about the Commission Chief Executive (section 48A of the CC Act)

Refer to PSC's policy [Complaints about corrupt conduct against the Commission Chief Executive](#). PSC's CCC Liaison Officer will act as the nominated person under the CC Act to handle such complaints.¹³

8. Review update

PSC's CCC Liaison Officer is responsible for reviewing this policy every two years. Any changes to the policy relating to complaints about corrupt conduct against the CCE will be notified to the CCC.¹⁴

9. Approval

This policy is approved by the Commission Chief Executive on 18 October 2018.

¹⁰ See www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus.

¹¹ See guidance on record keeping in *Corruption in Focus*.

¹² Section 13(1) of the *Public Interest Disclosure Act 2010*. See section 7 of the *Public Interest Disclosure Act 2010* for the meaning of public officer, which includes an employee, member or officer of the entity.

¹³ Section 48A of the CC Act.

¹⁴ Section 48A of the CC Act.