

# DPC Corrupt Conduct Policy

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## 1 Purpose

The objective of this policy is to:

- explain what to do if you want to make a complaint which you think may involve 'corrupt conduct' as defined in s.15 of the *Crime and Corruption Act 2001* (CC Act)
- set out how the Department of the Premier and Cabinet (DPC) will deal with a complaint or allegation that may involve 'corrupt conduct' including a complaint involving corrupt conduct against a Director-General.

This policy should be read in conjunction with the DPC Complaint Management Policy.

## 2 What is corrupt conduct?

**Corrupt conduct** is defined in section 15 of the CC Act<sup>1</sup>. There are two types of corrupt conduct.

Corrupt conduct in section 15(1) of the CC Act is conduct by any person that satisfies all of the three elements below.:

**[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)<sup>2</sup> or a person holding an appointment

**[B]** Results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph [A] 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]** Would, if proved, be: (i) a criminal offence; or (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Under section 15(2) of the CC Act, corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that satisfies all of the following:

**[A]** impairs, or could impair, public confidence in public administration;

**[B]** involves, or could involve, any of the following—

(i) collusive tendering;

(ii) fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)—

<sup>1</sup> see also ss 14, 16, 17 and 18.

<sup>2</sup> Section 20 of the CC Act. DPC is a UPA.

- (A) protecting health or safety of persons;
- (B) protecting the environment;
- (C) protecting or managing the use of the State's natural, cultural, mining or energy resources;
- (iii) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;
- (iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;
- (v) fraudulently obtaining or retaining an appointment; and

[C] would, if proved, be (i) a criminal offence; or (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment

Common examples of corrupt conduct could include:

- engaging in fraud and/or forgery to obtain a certain outcome e.g. manipulating timesheets to accumulate accrued hours not worked i.e. 'fraud'
- stealing from the department, such as office supplies, laptops or portable and attractive items without returning them to the department i.e. 'theft'
- accessing and/or disclosing official, confidential or personal information for own benefit, for a family member or for third parties i.e. 'unauthorised release of information'
- engaging in preferential treatment of certain suppliers of goods or services to the department in return for a monetary consideration or other benefit from the supplier to you and/or your family members i.e. 'obtaining a secret commission'
- hiring or promoting a family member or staff member to a role they are not qualified for, regardless of merit i.e. 'nepotism'.

**Conduct** is defined in the CC Act<sup>3</sup> 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** about corrupt conduct includes information or matter involving corrupt conduct.<sup>4</sup>

### 3 Other misconduct

Corrupt conduct under the CC Act is not the same as misconduct under the *Public Sector Act 2022*, although they do share some attributes; therefore not all misconduct will amount to corrupt conduct under the CC Act.

Misconduct encompasses any inappropriate or improper conduct relating to an officer's duties; OR any private act by an officer that reflects seriously and adversely on the public service. Misconduct may not warrant dismissal or criminal charges, and therefore has a lower threshold than corrupt conduct.

For example, if an officer insults a client or a customer, 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 the officer were to physically assault the client (criminal offence) or the officer 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 Reasonable suspicion

In accordance with section 38 of the CC Act, notification must be made to the Crime and Corruption Commission (CCC) if there is 'reasonable suspicion' of corrupt conduct. For a suspicion to be 'reasonable', there needs to be more than bare or idle speculation.

<sup>3</sup> Section 14 of the CC Act.

<sup>4</sup> Section 48(4) of the CC Act.

In essence, there must be some evidence sufficient for a reasonable person to suspect corrupt conduct. For example, the available facts, evidence or other information must suggest that the allegation, if proven, would amount to corrupt conduct.

This 'reasonable suspicion' is the trigger point for how a suspected corrupt conduct matter is to be dealt with by the department, or referred to the CCC pursuant to section 38 of the CC Act.

## 5 Reporting corrupt conduct

All persons<sup>5</sup> have an obligation to report any suspicions or allegations of corrupt conduct on the part of any persons working for the department. There does not need to be a formal complaint from an aggrieved person to make a report.

You can report corrupt conduct to:

- the Associate Director-General, Governance and Engagement (as the DPC CCC Liaison Officer)
- any DPC employee, who must immediately refer any complaint which may involve corrupt conduct to DPC's CCC Liaison Officer
- the Director-General, or other senior staff member
- directly to the CCC see [www.ccc.qld.gov.au/corruption/report-corruption](http://www.ccc.qld.gov.au/corruption/report-corruption)

Suspicions or allegations of corrupt conduct may also be made to the Queensland Police Service, the Queensland Audit Office, or the relevant Minister.

It is important to report any suspicions of corrupt conduct as early as possible, to enable the department to prevent escalation of corrupt conduct or cause greater harm to DPC's finances, service delivery or reputation. Also, it will enable the department to identify any 'red flags' or early warning signs of any other corrupt conduct activity. You may come across the following, as examples, of possible 'red flags' or early warning signs of corrupt conduct activity:

- goods or services procured through the same supplier on a number of occasions with no clear reasons or justification, especially if the individual involved in the procurement and the supplier are friends, family or have had a previous professional relationship
- unusual trends start to appear in the spend pattern of a staff member with a corporate credit card and no clear explanation for the spend (it may start with small value items and start to increase in value over time)
- staff members 'bragging' to other staff or to anybody outside of the department about getting away with things.

Section 3.6 of **Appendix A** of this policy sets out the types of information that may be useful in the reporting of a suspicion of corrupt conduct, but the unavailability of this information should not preclude an officer from reporting a suspicion.

Please see the [DPC Customer Complaints Management Policy](#) on how to make a complaint about the service or action of DPC, or its staff, including a suspicion or allegation of corrupt conduct.

### 5.1 Duty to record decisions not to refer an allegation to the CCC

Section 40A of the CC Act requires units of public administration like DPC to prepare and retain complete and accurate records of any decision to not notify the CCC of an allegation of corrupt conduct. Details to be recorded are: (i) the details of the complaint or matter; (ii) the evidence relied on when making the decision to not refer; and (iii) and other reasons for the decision.

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<sup>5</sup> **Persons** means departmental officers whether permanent, temporary, full-time, part-time or casual and any contractor, consultant, volunteer or anyone else who works in any other capacity for the department.

## 6 DPC's procedure for dealing with corrupt conduct

### 6.1 CCC and DPC joint responsibility

Under the CC Act, complaints about corrupt conduct where the alleged corrupt conduct is serious or systemic are generally dealt with directly by the CCC. The table provided in **Appendix A** sets out thresholds for these complaints. Complaints about corrupt conduct that do not meet this threshold are managed by DPC. For further clarification, see **Appendix A**.

### 6.2 DPC's role

Under the CC Act the Director-General of DPC has responsibilities in relation to complaints about corrupt conduct. The Director-General's responsibilities in this regard are delegated to DPC's CCC Liaison Officer, the Associate Director-General, Governance and Engagement who must:

- **notify** the CCC of a complaint which DPC's CCC Liaison Officer **reasonably suspects** involves, or may involve, corrupt conduct<sup>6</sup>
- **deal with** complaints which may involve corrupt conduct referred to DPC by the CCC, in the way DPC's CCC Liaison Officer considers most appropriate, subject to directions given by the CCC<sup>7</sup> and within the timeframes set out in DPC's Complaint Management Policy.

\*To **deal with** a complaint involving corruption, is defined under the CC Act<sup>8</sup> 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 appropriately.
- **report to the CCC** about DPC investigations involving corrupt conduct in the way and at the times the CCC directs.<sup>9</sup>

### 6.3 Other guidance

DPC's CCC Liaison Officer's responsibilities in section 6.2 above are subject to the latest direction from CCC to DPC made under s.40 of the CC Act (s.40 Direction). The s.40 Direction (see **Appendix A**) sets out the categories of corrupt conduct which DPC:

- does and does not need to notify to the CCC
- must 'deal with'
- what information must be recorded and included in notifications to the CCC about each matter.

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

To ensure that staff are aware of their responsibilities and options, the departmental intranet provides information on all policies and procedures, alongside links to further information on external sites. Specific Fraud and Corruption Control training and periodic staff awareness exercises are also provided.

## 7 Complaints about the Director-General (s.48A of the CC Act)

The [Complaints about the Director-General, Department of the Premier and Cabinet: section 48A of the Crime and Corruption Act 2001 Policy](#) (the DPC s.48A policy) sets out how DPC will deal with a complaint (or information or matter)<sup>11</sup> that involves or may involve corrupt conduct of the Director-General, DPC (the Director-General).

<sup>6</sup> Sections 38 and 40 of the CC Act.

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

<sup>8</sup> Schedule 2 of the CC Act.

<sup>9</sup> Sections 40 and 48(1) (c) of the CC Act.

<sup>10</sup> See [www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus](http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus)

<sup>11</sup> See s. 48A of the CC Act and the definitions in section 2 of this policy

Under the DPC s.48A policy, the Associate Director-General, Governance and Engagement is the **nominated person** under the CC Act to handle complaints which may involve corrupt conduct on the part of a Director-General.<sup>12</sup>

## 8 Complaint about corrupt conduct may also 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*<sup>13</sup> and the discloser will be entitled to certain protections. See the *DPC Public Interest Disclosure Procedure* for guidance.

## 9 Record keeping

DPC officers and others (such as external investigators) involved in dealing with a complaint which may involve corrupt conduct must record the details identified in the s.40 Direction (**Appendix A**) about each complaint. Recordkeeping in accordance with this section supports effective notification of complaints to the CCC and allows matters to be easily monitored and audited by the CCC.

## 10 Approval and review

The CCC Liaison Officer is responsible for the preparation, review and maintenance of this document. It will be reviewed biannually, unless circumstances dictate that a review should be undertaken sooner to ensure that the contents accord with relevant legislation and standards.

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<sup>12</sup> Section 48A of the CC Act and <insert DPC section 48A policy>

<sup>13</sup> 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 include an employee, member or officer of the entity.

## Appendix A - CC Act Section 40 Directions

DIRECTIONS ISSUED BY THE  
CRIME AND CORRUPTION COMMISSION  
TO  
DEPARTMENT OF PREMIER AND CABINET  
PURSUANT TO SECTION 40 OF THE *CRIME AND CORRUPTION ACT 2001*

### 1 Preamble

The Director-General or the nominated person under section 48A of the *Crime and Corruption Act 2001* (the CC Act) (both hereinafter referred to as 'the public official'; however, unless the context requires otherwise, the 'public official' will be the Director-General) has obligations under sections 38 and 40 of the CC Act.

The public official must notify the CCC of a complaint or information or matter which the public official reasonably suspects involves, or may involve, corrupt conduct pursuant to section 38 of the CC Act.

'Corrupt conduct' under section 15(1) of the CC Act is conduct that could adversely affect, directly or indirectly, the performance of official duties.<sup>1</sup> The conduct must be of a kind that could result, directly or indirectly, in the improper performance of those duties.<sup>2</sup> Finally, the conduct must be such that it would, if proved, be a criminal offence or a disciplinary breach providing reasonable grounds for dismissal.<sup>3</sup>

'Corrupt conduct' under section 15(2) of the CC Act also extends to conduct that could impair public confidence in a unit of public administration (UPA). It may apply even where there is no improper conduct by a person holding an appointment in a UPA. The conduct must involve a class of fraud listed in section 15(2)(b). Finally, the conduct must be such that it would, if proved, be a criminal offence or a disciplinary breach providing reasonable grounds for dismissal.

Section 40 of the CC Act provides that the CCC may issue directions about how and when a public official must notify the CCC of complaints under section 38 of the CC Act.

The CCC has decided to issue directions under section 40 of the CC Act in relation to three 'Levels'. Levels 2 and 3 are appropriate to be dealt with by the public official prior to notifying the CCC. All other complaints must be immediately referred to the CCC prior to the public official dealing with the complaint. The categories of complaints are set out in the **attached** table.

This document also sets out the agreed administrative arrangements between the CCC and the public official in relation to directions issued in accordance with section 40 of the CC Act, and must be read in conjunction with:

- the glossary of terms included on page 8;
- *Corruption in Focus*: The CCC's guide for dealing with suspected corrupt conduct in Queensland public sector agencies issued by the CCC;
- any other guidelines issued by the CCC under section 48(1)(a) of the CC Act; and
- any report generated by the CCC, and referred to the public official, in which it explains the assessment and the requirements of the public official for individual complaints.

<sup>1</sup> *Crime and Corruption Act 2001* (Qld), s15(1)(a)

<sup>2</sup> *Ibid*, s15(1)(b)

<sup>3</sup> *Ibid*, s15(1)(c)

## 2 General Instructions

- 2.1 Should the public official require an urgent CCC assessment of a complaint, initial notification may be made by telephone to an appropriate CCC officer.
- 2.2 These directions do not prevent the public official notifying the CCC of any complaint by way of a letter or email at any time.
- 2.3 If, in the course of dealing with a complaint pursuant to section 40 directions, conduct is revealed which falls within the level 1 category, the public official must cease any action in relation to the matter and immediately notify the CCC. (See reporting obligations for the Level 1 in the tables below).

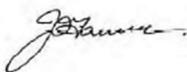
## 3 Administrative arrangements

- 3.1 Level 2 complaints must be notified to the CCC via a section 40 schedule (the Schedule). Level 3 complaints are not required to be reported to the CCC. However, Level 3 complaints must be managed by the public official in accordance with the reporting obligations for Level 3, as outlined in the table below.
- 3.2 The Schedule must be provided by the public official to the CCC within 5 business days following the conclusion of each calendar month and must be in the format prescribed by the CCC (as below).
- 3.3 The Schedule must list all Level 2 complaints in the preceding period and must include the data identified at 3.7.1 to 3.7.17 for each complaint. To be clear, where data is not known, it is not expected to be included. At a minimum the data identified at 3.7.1 to 3.7.8 must be included.
- 3.4 Subject to section 48 of the CC Act, the CCC will advise the public official of any complaint on the Schedule about which it:
- requires further information;
  - wishes to monitor by way of a review; or
  - wishes to assume responsibility.
- 3.5 The public official will nominate:
- an officer, designated as the CCC Liaison Officer; and
  - a designated CCC Liaison email address (which is not a personal email address)
- to deal with inquiries from the CCC in relation to notifications of complaints and the monitoring of complaints and any other matters involving the CCC and the public official. This will enable the CCC to expedite matters relating to complaints.
- 3.6 The CCC will provide contact details of a CCC officer designated to deal with any inquiries from the public official in relation to matters relating to complaints.
- 3.7 Any matter a UPA deals with may be subject to monitoring, including audits, by the CCC. The public official must have systems in place to record these matters so they may be easily identified for the purpose of auditing by the CCC. Any system the public official implements must facilitate the recording of details as identified in the Schedule requirements and must support the provision of investigative material or documents to the CCC. As a guide, the public official's system must be able to record the following:



- 3.7.1 the name of the complainant and/or informant and/or public interest discloser;
  - 3.7.2 the name of the alleged victim if he or she is not the complainant and/or informant and/or public interest discloser;
  - 3.7.3 the age of the alleged victim;
  - 3.7.4 the name of the subject officer(s);
  - 3.7.5 the position held by the subject officer(s), and/or the details of the relevant business unit and/or district;
  - 3.7.6 a précis of the complaint, including, the date and location of the alleged incident, the value of any property and the value of any detriment or loss incurred (where applicable);
  - 3.7.7 the action being taken by the public official at the time of referral to the CCC or advice as to the outcome of matter;
  - 3.7.8 the assessment and distillation of allegations;
  - 3.7.9 relevant policies and procedures;
  - 3.7.10 the process used to deal with the matter;
  - 3.7.11 terms of reference (if appropriate);
  - 3.7.12 evidence gathered including record of interviews, CCTV footage, photographs, documents etc;
  - 3.7.13 correspondence/notifications to complainants, subject officers and witnesses;
  - 3.7.14 investigation report or other document in which findings were made;
  - 3.7.15 decisions made by a delegated officer regarding disciplinary outcomes;
  - 3.7.16 the outcome of any identified corruption risk activities; and
  - 3.7.17 outcome advice correspondence to relevant parties.
- 3.8 These section 40 directions will cease to apply if the UPA is affected by Machinery of Government (MOG) changes, including changes that result in the closure of the UPA or the merger or transfer of core functions. In these circumstances, the public official must advise the CCC of MOG changes.
- 3.9 After first giving the public official a reasonable opportunity to address any issues of concern, the CCC can terminate this agreement unilaterally if it is dissatisfied with compliance by the public official with its obligations under the Act, the section 40 directions or the administrative arrangements.
- 3.10 The CCC retains authority to terminate this agreement unilaterally for any reason, including but not limited to, non-compliance with the Act or non-compliance with any part of this agreement, where the CCC believes a continuing agreement is no longer warranted.
- 3.11 If these section 40 directions cease to apply for any reason, the public official, can engage with the CCC to request new section 40 directions be issued, noting that any decision regarding section 40 directions is ultimately the CCC's decision.

This direction is to come into effect on 30 September 2022.




**Jen O'Farrell**  
Chief Executive Officer  
Crime and Corruption Commission

**Rachel Hunter**  
Director-General  
Department of Premier and Cabinet

Level	Conduct type	Reporting obligation
1	<p>An allegation of corrupt conduct that involves:</p> <ul style="list-style-type: none"> <li>a. a Director-General, Chief Executive Officer or another senior executive level officer or person holding an appointment in a unit of public administration in a <i>prominent and/or sensitive position</i>;</li> <li>b. an elected official;</li> <li>c. section 15(2) of the CC Act;</li> <li>d. an <i>area of focus</i> for the CCC and does not fall within conduct described in Level 2 or 3 of this direction;</li> <li>e. a suspicion of <i>serious</i> and <i>systemic</i> concerns;<sup>4</sup></li> <li>f. an offence relating to corruption or abuse of office in Chapter 13 of the <i>Criminal Code</i>, including an allegation of an offence of corruption (section 87), extortion by public officers (section 88), abuse of office (section 92), misconduct in relation to public office (section 92A);</li> <li>g. an offence relating to receiving, soliciting, gifting or offering secret commissions in Chapter 42A of the <i>Criminal Code</i>;</li> <li>h. an offence relating to the administration of justice as contained in Chapter 16 of the <i>Criminal Code</i>, including an offence of attempt to pervert the course of justice (section 140), or official corruption (section 121), or perjury (section 123) or fabricating evidence (section 126), or corruption of witnesses (section 127), or damaging evidence with intent (section 129), or conspiring to bring false accusations (section 131);</li> </ul>	<p>These matters are to be reported to the CCC without unreasonable delay. The public official must notify the CCC of the complaint by completing the CCC's <u>referral form</u>.</p> <p>The public official must take no other action in relation to the complaint other than that which is required to:</p> <ol style="list-style-type: none"> <li>1. maintain the integrity of any possible evidence;</li> <li>2. implement public interest disclosure protection; or</li> <li>3. meet another statutory obligation under another Act, including the referral of criminal conduct/allegations to the Queensland Police Service.</li> </ol> <p>The public official may commence dealing with a matter notwithstanding its inclusion in this direction once 10 business days lapse since the complaint was first provided to the CCC.</p> <p>When reporting these matters to the CCC, the public official must include the data as identified in the administrative arrangements at 3.7.1 to 3.7.17. As a minimum, this must include items at 3.7.1 to 3.7.8.</p>

<sup>4</sup> 'Serious and systemic' may be indicated by factors such as the amount of money involved, the sophistication of the scheme – including an orchestrated ploy to exploit an identified loophole, the value of the benefit or detriment, or the number of instances

1	<ul style="list-style-type: none"> <li>i. an offence of computer<sup>5</sup> hacking and misuse under s408E of the <i>Criminal Code</i> that does not fall within Level 2 or 3 conduct outlined below;</li> <li>j. an offence relating to the executive and the legislative assembly contained in Chapter 8 of the <i>Criminal Code</i>, including an offence of false evidence before Parliament (section 57), or a member of parliament receiving bribes (section 59) or bribery of member of parliament (section 60);</li> <li>k. an offence under Chapter 5 of the CC Act, including injury or detriment to witness (section 211), victimisation (section 212), secrecy (section 213) and a person making a frivolous or vexatious complaint (section 216), or counselling or procuring a person to make a frivolous or vexatious complaint;</li> <li>l. an offence under the <i>Drugs Misuse Act 1986</i>;</li> <li>m. fraud, theft, misappropriation or unauthorised use of government resources or conduct that constitutes an offence relating to property and public monies in Part 6 of the <i>Criminal Code</i> where the value exceeds, or the value is unknown but is likely to exceed, \$20,000;</li> <li>n. the use of force exercised in the course of performing official duties which has caused or may cause a serious injury and which could lead to a charge of unlawful wounding (section 323) or doing grievous bodily harm (section 320) in Chapter 29 of the <i>Criminal Code</i>;</li> <li>o. an offence occurring in the course of performing official duties (for example, at a custodial facility or while providing a health service) that could involve life-threatening injuries or sexual assault as contained in Chapter 32 of the <i>Criminal Code</i>;</li> <li>p. an offence of reprisal or a breach of confidentiality under section 41 and section 65 respectively of the <i>Public Interest Disclosure Act 2010</i>;</li> <li>q. conduct of an employee of the UPA that results in a child or <i>vulnerable person</i> being placed at <i>imminent risk</i> of abuse or neglect (e.g. prisoner, detainee, health patient);</li> </ul>	
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<sup>5</sup> Computer means any device where data has been stored (a storage device); or any device that allows access to a storage device whether or not the storage device is held by the UPA i.e. 'cloud' storage, or access via a web portal to a database housed and / or maintained by another entity

	<ul style="list-style-type: none"> <li>r. the misuse of authority, including a failure to declare or manage conflicts of interest or allegations relating to selection processes;</li> <li>s. a deliberate failure to comply with section 38 of the CC Act;</li> <li>t. a matter that the public official reasonably considers that the public interest requires it to be referred in the first instance to the CCC;</li> <li>u. an officer who has a <i>significant</i> complaints history<sup>6</sup>; or</li> <li>v. an allegation that is, or likely to be, the subject of <i>significant</i> media attention.</li> </ul>	
<p><b>2</b></p>	<p>An allegation of corrupt conduct that does not meet any of the 'conduct types' as identified in Level 1, but involves:</p> <ul style="list-style-type: none"> <li>a. repeated behaviour of a similar nature (e.g. conduct that has been occurring for a significant period of time);</li> <li>b. computer misuse (s 408E of the <i>Criminal Code</i>) involving: <ul style="list-style-type: none"> <li>i. no more than 10 <i>occasions</i> of access to the subject officer's <i>own information/data</i>; or</li> <li>ii. any <i>occasions</i> of access by the subject officer to their <i>own information/data</i> after receiving a warning, guidance or discipline in relation to unauthorised access to information; or</li> <li>iii. access to another person's data on no more than 10 <i>occasions</i> where the person has consented to the access (implied or otherwise<sup>7</sup>) and the information has not been disclosed (including to the person who 'consented');</li> </ul> </li> <li>c. fraud, theft, misappropriation or unauthorised use of government resources which is, or is likely to be, valued at more than \$5,000 but less than \$20,000;</li> </ul>	<p>The public official can commence dealing with these matters immediately and notify the CCC by way of a monthly schedule.</p> <p>The schedule must include the data as identified in the administrative arrangements at 3.7.1 to 3.7.17. As a minimum, this must include items at 3.7.1 to 3.7.8.</p>

<sup>6</sup> Complaints history includes any records available to the UPA

<sup>7</sup> If there is any doubt as to consent, then computer misuse must be reported to the CCC as per Level 1 above



	<ul style="list-style-type: none"> <li>d. a <i>substantial injury</i>;</li> <li>e. a senior officer or supervisor failing to report or deal with corrupt conduct; or</li> <li>f. someone who is not a current employee of the UPA but may be subject to post separation disciplinary declarations.</li> </ul>	
<p><b>3</b></p>	<p>An allegation of corrupt conduct that does not meet any of the 'conduct types' as identified in Level 1 or 2, but involves:</p> <ul style="list-style-type: none"> <li>a. computer misuse (s 408E of the <i>Criminal Code</i>) involving a single <i>occasion</i> of access to:             <ul style="list-style-type: none"> <li>i. the subject officer's <i>own information/data</i>; or</li> <li>ii. another person's data where the person has consented to the access (implied or otherwise<sup>6</sup>);</li> </ul> <p style="text-align: center;">AND</p> <p>the subject officer has not previously received a warning, guidance or discipline in relation to unauthorised access to information;</p> </li> <li>b. fraud, theft, misappropriation, or unauthorised use of government resources which is, or is likely to be, of a value less than \$5000</li> <li>c. all other matters the public official reasonably suspects involves, or may involve, corrupt conduct.</li> </ul>	<p>These matters are not required to be reported to the CCC.</p> <p>The public official can commence dealing with these matters immediately.</p> <p>The decision not to report these matters to the CCC must be recorded in an appropriate database to comply with section 40A of the CC Act.</p> <p>These matters will be subject to the CCC's auditing program.</p> <p>The UPA must maintain a complaints system and relevant data as described in the administrative arrangements at 3.7.1 to 3.7.17 for the purpose of auditing.</p>

<sup>6</sup> If there is any doubt as to consent, then computer misuse must be reported to the CCC as per Level 1 or 2 above

## Glossary

**Areas of Focus** are outlined in the CCC's [Strategic Plan](#) which may be updated from time to time. When the CCC releases subsequent or updated Strategic Plans, a copy will be provided by email to CCC Liaison Officers

**Imminent risk** means an immediate and impending risk of harm

**Occasion** means one instance of conducting inappropriate searches regarding one matter at one point in time. For example:

- *one occasion* – an employee searching their medical records and viewing related results (which may involve several accesses) at one point in time
- *two occasions* – an employee searching their medical records and viewing related results (which may involve several accesses) in the morning and again in the afternoon (being two points in time)

**Own information/data** means information or data that relates only to the searcher (e.g. their own medical records, licence details etc). To be clear, this does not include information which they are a party to (e.g. domestic violence, family matters or complaints)

**Prominent and/or sensitive position** means Executive level officers. For example, a Director-General, Deputy Director General, Chief Executive Officer, Vice Chancellor, Elected Official, the Legislature or a Judicial Officer

**Serious** means significant or worrying because of possible danger or risk; not slight or negligible (The Oxford Concise Dictionary)

**Significant** means having a meaning; noteworthy, of considerable amount of effect or importance, not insignificant or negligible (The Oxford Concise Dictionary)

**Substantial injury** means substantial harm or impairment of the physical or psychological condition of a person requiring professional medical attention

**Systemic** means relating to or affecting the whole or a significant part of a system or organization. For the purposes of assessing corrupt conduct, this may include:

- where this conduct is engaged in by multiple subject officers throughout the UPA;
- where the identified negative outcomes are arising because relevant organisational features allow for them to occur;
- where the conduct has occurred as an unintended outcome of a recent organisational change to policies, management hierarchy or other feature affecting the workplace;
- where a piecemeal approach to reform may not achieve the required system rectification. For example, where a suite of policies and procedures require review (rather than only one or two) in combination with staff retraining;
- the issue(s) raised by the complaint are of relevance to other units of the UPA or other UPAs because of the nature of the relevant industry, geographical area, or government sector.

**Unit of Public Administration (UPA)** is as defined in section 20 of the *Crime and Corruption Act 2001* (Qld)

**Vulnerable person** means an individual who may be unable to take care of themselves or is unable to protect themselves against harm or exploitation, such as prisoner, detainee, health patient, or child