

Mr Karl Holden
Committee Secretary
Parliamentary Crime and Corruption Committee

By email: pccc@parliament.qld.gov.au

Dear Mr Holden

I refer to the letter dated 17 December 2019 from the Honourable Tim Nicholls MP, Chair of the Parliamentary Crime and Corruption Committee inviting a submission into the Committee's inquiry into the Crime and Corruption Commission's (CCC) performance of its functions to assess and report on complaints about corrupt conduct. I note the Chair requested all submissions are to be sent direct to you.

I provide the following by way of a submission:

- **the statutory framework for assessing complaints and reporting under the Act**

The department's Human Resources and Ethics (HR&E) area ensures compliance with sections 38, 40 and 40A of the *Crime and Corruption Act 2001* (the Act). The statutory basis for referring matters that involve or could involve corrupt conduct is well understood by officers in the HR&E unit. The Crime and Corruption Commission (CCC) provided high quality written information on its website and CCC officers attended relevant Whole of Government community of practice meetings to explain changes to the Act that occurred in November 2018 and March 2019. The changes in relation to keeping records of matters involving corrupt conduct that are not referred to the CCC and in relation to the expanded definition of corrupt conduct involving persons other than public servants have been adopted into current practice in this department.

- **the CCC's procedures for assessing complaints, including the timeliness of assessments, evidence gathering and the scope of assessments**

In general, the department has found the CCC's responses and processes for assessing complaints have been of high quality. In recent times response time have been noticed to take longer compared to previous years. Most matters are assessed within a few weeks of being notified by the department to the CCC but some matters have taken up to two or more months. This experience is noticed in our dealings primarily with the CCC's Integrity Services/complaint assessment area.

In cases where a complainant has referred a matter direct to the CCC, the Matters Assessed Reports should clearly indicate if the CCC has assessed a complaint or matter as a Public Interest Disclosure (PID). That does not appear to be occurring at present. If the CCC assesses a matter sent direct to it as a PID, then the CCC should be consulting with agencies to conduct a risk assessment prior to referring such a matter to an agency to deal with.

- **the distinction between the CCC's assessment and investigation of a complaint**

Departmental officers working in HR&E clearly understand the difference between the CCC's assessment and investigation of complaints while it is

understood that the general public may find that issue confusing, possibly believing or hoping that all matters are investigated from point of receipt.

- **how the CCC may deal with a complaint following an assessment, including referring the matter to another body and the use of prosecutorial discretion**

Departmental officers working in HR&E clearly understand the different processes that the CCC uses to deal with complaints. In most instances complaints about corrupt conduct are referred back to the department to deal with following assessment by the CCC.

- **the provision of evidence and supporting information when the CCC refers a complaint to another body**

The department does not have experience of such matters and is therefore unable to comment further.

- **the CCC's public reporting of its assessment determinations, in particular those matters which attract significant public interest**

The department supports openness and transparency to the greatest extent possible as a way of ensuring public confidence in the integrity of public administration. The public reporting of matters by the CCC is a way of assisting to support openness and transparency.

- **the CCC's development and announcement of recommendations for legislative amendments arising from its assessment of complaints, and**

The department supports efforts by the CCC to make recommendations for legislative amendments arising from its assessment of complaints to ensure a focus on continuous improvement and to identify and address areas where legislative amendments can prevent corruption.

- **any other relevant matters.**

Nil

Please don't hesitate to contact me if you would like to discuss this matter further.

Yours sincerely



Jim Meyers
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People and Performance
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