



## DEALING WITH COMPLAINTS INVOLVING THE PUBLIC OFFICIAL

<b>Reference number</b>	OCMOKK-1	<b>Policy owner</b>	Office of the Commissioner, Meriba Omasker Kaziw Kazipa
<b>Contact officer</b>	Manager, Ethical Standards	<b>Contact details</b>	cccliaisonofficer@dssatsip.qld.gov.au
<b>Version</b>	1.0	<b>Approved by</b>	Commissioner
<b>Effective date</b>	5 February 2025	<b>Review date</b>	July 2025

### 1. Policy Statement

The Office of the Commissioner, Meriba Omasker Kaziw Kazipa is committed to managing complaints involving the public official in a manner which maintains transparency and integrity, whilst promoting public confidence. This includes managing complaints of this nature ethically and in accordance with obligations under section 48A of the *Crime and Corruption Act 2001* (CC Act).

### 2. Objective

The Commissioner is the public official of the Office of the Commissioner, Meriba Omasker Kaziw Kazipa (OCMOKK) for the purposes of the [Crime and Corruption Act 2001](#) (CC Act).

The objective of this policy is to set out how OCMOKK, 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 Commissioner.

### 3. Policy rationale

This policy is designed to assist OCMOKK to:

1. Comply with s. 48A of the CC Act.
2. Promote public confidence in the way suspected corrupt conduct by the Office of the Commissioner, Meriba Omasker Kaziw Kazipa, is dealt with (s. 34(c) CC Act).

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



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3. Promote accountability, integrity, and transparency in the way OCMOKK deals with a complaint that is reasonably suspected to involve, or may involve, corrupt conduct by the Commissioner.

### 3. Definitions

Crime and Corruption Commission (CCC)	The Commission continued in existence under the CC Act
CC Act	<a href="#"><i>Crime and Corruption Act 2001</i></a>
Complaint	includes information or matter: see the definition in s. 48A(4) of the CC Act
Contact details for Nominated person	Deputy Director-General, Corporate Services; or Manager, Ethical Standards Telephone 07 3097 8599 Email: <a href="mailto:cccliaisonofficer@dedsatsip.qld.gov.au">cccliaisonofficer@dedsatsip.qld.gov.au</a> Mail - CCC Liaison Officer, Ethical Standards, PO Box 15397, City East QLD 4002 (to be marked private and confidential Attn: Deputy Director-General, Corporate Services)
Corrupt conduct	see s. 15 of the CC Act
<i>Corruption in Focus</i>	<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
Deal with	see Schedule 2 (Dictionary) of the CC Act
OCMOKK	Office of the Commissioner, Meriba Omasker Kaziw Kazipa and the Meriba Omasker Kaziw Kazipa Program Support Office
Nominated person	see item 5 of this policy
Public official	see s. 48A & Schedule 2 (Dictionary) of the CC Act
Unit of public administration (UPA)	see s. 20 of the CC Act

### 4. Policy application

This policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct by the Commissioner, Meriba Omasker Kaziw Kazipa; and
- to all persons who hold an appointment in, or are employees of, Office of the Commissioner, Meriba Omasker Kaziw Kazipa.



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

## 5. Nominated person

Having regard to s. 48A(2) and (3) of the CC Act, this policy nominates the Department of Women, Aboriginal and Torres Strait Islander Partnerships and Multiculturalism's:

- Deputy Director-General, Corporate Services, and
- Manager Ethical Standards

as the responsible person/s to notify<sup>3</sup> the CCC of the complaint and to deal with the complaint under the CC Act.<sup>4</sup>

The provisions of the CC Act that regulate how the Commissioner as the public official of Office of the Commissioner, Meriba Omasker Kaziw Kazipa is to notify or deal with a complaint also apply to the nominated person.<sup>5</sup>

Where there is more than one nominated person:

- 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.

## 6. Complaints about the public official

If a complaint may involve an allegation of corrupt conduct by the Commissioner, Meriba Omasker Kaziw Kazipa, 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.

### *Complaints received by the nominated person*

If the nominated person reasonably suspects that a complaint involves or may involve corrupt conduct by the Commissioner, they are to:

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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.



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- (a) notify the CCC of the complaint;<sup>7</sup> and
- (b) deal with the complaint, subject to the CCC's monitoring role, when —
  - directions issued under s. 40 of the CC Act apply to the complaint; or
  - pursuant to s. 46 of the CC Act, the CCC refers the complaint to the nominated person to deal with.<sup>8</sup>

## *Complaints received by the Commissioner*

If the Commissioner 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.

## 7. Record keeping requirements

Should the nominated person decide that a complaint, or information or matter, about alleged corrupt conduct of the public official 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. Confidentiality

Matters concerning the complaint, process of determination and any other matters are to remain confidential, and all parties are required to comply with the confidentiality requirement. Personal information which is accessed through the complaints process and in investigating and responding to complaints will be managed in accordance with the *Meriba Omasker Kaziw Kazipa (Torres Strait Islander Child Rearing Practice) Act 2020*, together with the relevant legislative provisions of the *Information Privacy Act 2009* and the *Right to Information Act 2009*. Any breach of confidentiality will be dealt with under the relevant legislative provision.

## 9. Resourcing the nominated person

If pursuant to ss. 40 or 46 of the CC Act, the nominated person has responsibility to deal with the complaint:

- OCMOKK will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately<sup>9</sup>

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

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

<sup>9</sup> See the CCC's corruption purposes and functions set out in ss. 4(1)(b), 33, 34 and 35 of the CC Act and OCMOKK's relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint.



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- the nominated person is to ensure that any consultations 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
  - the consent of the nominated person responsible for dealing with the complaint.
- 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<sup>10</sup>
  - the importance of promoting public confidence in the way suspected corrupt conduct is dealt with;<sup>11</sup> and
  - OCMOKK's statutory, policy and procedural framework.

If the nominated person has responsibility to deal with the complaint, they:

- are delegated the same authority, functions, and powers as the public official to direct and control staff as if the nominated person is the Commissioner for the purpose of dealing with the complaint only; and
- do not have any authority, function or power that cannot – under the law of the Commonwealth or the State – be delegated by either the Minister for Women and Women's Economic Security, Minister for Aboriginal and Torres Strait Islander Partnerships and Minister for Multiculturalism, or the Commissioner, to the nominated person.

## 10. Liaising with the CCC

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

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

## 11. Consultation with the CCC

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

## 12. Human Rights

The Office of the Commissioner, Meriba Omasker Kaziw Kazipa is committed to respecting, protecting and promoting human rights.

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<sup>10</sup> See s. 57 of the CC Act and the CCC's corruption purposes and functions set out in ss. 4(1)(b), 33, 34 and 35 of the CC Act.

<sup>11</sup> See s. 34(c) of the CC Act.



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Under the Human Rights Act 2019, the Office of the QTO has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights.

When making a decision under the provisions of this policy, decision-makers must comply with this obligation.

## 13. Statutory references

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

## 14. Storage of information

All information should be managed in accordance with the *Public Records Act 2002*, and the whole-of-Government Records Governance policy. In addition, personal information should be managed in accordance with the *Information Privacy Act 2009*.

## 15. Approval

**Mr C'Zarke Maza**

Commissioner, Meriba Omasker Kaziw Kazipa

5 February 2025

## 16. Document control

Version	Release Date	Action	Description	Reviewing officer	Authorised by
1.0	05/02/2025	Original release		OCMOKK	Commissioner, OCMOKK