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Our Reference: AD-24-0310; 24/071908

18 April 2024

The Honourable Catherine Holmes AC SC  
Reviewer  
Independent CCC Reporting Review

By email: [enquiries@cccreportingreview.qld.gov.au](mailto:enquiries@cccreportingreview.qld.gov.au)

Dear Ms Holmes

**RE: Independent Review into the Crime and Corruption Commission's  
reporting on the performance of its corruption function**

I refer to our recent correspondence, and your request that the Crime and Corruption Commission (CCC) provide a supplementary submission to the Independent Review into the Crime and Corruption Commission's reporting on the performance of its corruption function (the Review).

You have requested the CCC's supplementary submission on the following matters:

1. Retrospectivity of amending legislation
2. Jurisdictional comparison of overseas integrity agencies
3. The determination of the United Nations Human Rights Committee on the complaint of Charif Kazal
4. Human rights considerations in reporting on corruption investigations
5. The CCC's witness welfare policy
6. The CCC's approach to publishing and tabling of reports and the making of public statements
7. Operation of section 50 of the *Crime and Corruption Act 2001* (the Act)
8. Identifying information in CCC prevention publications.

The following submission is supplementary to the CCC's submission dated 12 March 2024. It expands on some matters considered in that submission in further detail, considers other matters not contemplated by that submission, and also responds to some matters raised in submissions submitted to the Review which were published on the Review's website on 9 April 2024.

## 1. Retrospectivity of amending legislation

The CCC has previously submitted that curative legislation is required following the decision in *Crime and Corruption Commission v Carne*<sup>1</sup> (*Carne*) to validate reports previously prepared and published by the CCC and its predecessors. For the avoidance of doubt, any references to ‘reports’ previously made by the CCC and its predecessors includes public statements as the commission considered statement making to be one form of reporting pursuant to the understood power in section 64(1) of the Act. Any references to ‘publication’ includes tabling the report in the Legislative Assembly pursuant to section 69 of the Act and also includes publication without tabling including via the CCC website.

In *Carne*, the High Court held that the CCC had no statutory power to prepare a report of the kind it did in that matter.<sup>2</sup> The CCC is therefore cognisant of the distinction between the preparation and publication of such reports. It may be the case that amendments which retrospectively validate the publication of commission reports might implicitly resolve the question of whether those reports were within power to prepare. However, the CCC has taken a cautious approach and considers that the amendments which it seeks should expressly validate both the preparation and publishing of commission reports to dispel any uncertainty. It would not be desirable if the publication of commission reports was validated, but uncertainty remained about whether the preparation of the reports was undertaken without power.

The CCC considers there are three distinct categories of commission reports which must be contemplated when addressing the question of valid and authorised corruption investigation reporting.

### A. Reports previously created and published by the CCC and its predecessors in relation to corruption investigations.

The CCC submits that there is a public interest in declaring reports previously prepared and tabled to have been within the CCC’s authority, given that those reports were prepared in good faith pursuant to a broad reporting power that the CCC was widely understood to have. Those reports contain information which is of continuing relevance for the important purpose of corruption prevention and raising standards of integrity in units of public administration (UPA). If it is assumed that those historical reports have value in promoting public confidence in UPAs and raising standards of integrity in the public sector, then leaving the status of those reports as having been prepared without power may serve to undermine their value. It is easier to ignore findings and recommendations arising from a report if a person can (rightly) say that the entity which prepared it had no authority to do so. There is ample recent illustration of the risk to public confidence in the public comments made by the subject of a CCC investigation, former Deputy Premier Ms Jacklyn Trad, a former member of the Parliamentary Crime and Misconduct Committee<sup>3</sup> and the comments made in the submission of Mr David Barbagallo to the Review.<sup>4</sup>

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<sup>1</sup> [2023] HCA 28.

<sup>2</sup> See [68] of the majority’s judgment and [104] of the minority’s judgment.

<sup>3</sup> @jackietrad post to platform X.com (formerly Twitter) on 3 October 2023.

<sup>4</sup> Submission of David Barbagallo AM to the Independent Review of the CCC Reporting Powers, p 4 <[https://www.ccreportingreview.qld.gov.au/\\_\\_data/assets/pdf\\_file/0011/796547/mr-david-barbagallo-22-march-2024.pdf](https://www.ccreportingreview.qld.gov.au/__data/assets/pdf_file/0011/796547/mr-david-barbagallo-22-march-2024.pdf)>.

*B. Reports and statements that will be made by the CCC in the future.*

All future public reports and public statements made by the CCC will be governed and authorised by amending legislation, which the CCC assumes will set out parameters for public reporting and statement making including procedural fairness requirements. In our submission, it would be necessary and appropriate that both the preparation and publication of reports, and the making of statements, would be expressly authorised by the Act.

*C. Corruption investigations which were underway at the time of Carne, or have commenced since, part of which has included the preparation of reports in relation to those investigations which are yet to be published.*

The CCC considers this category of reports should also be addressed by amending legislation. In our submission, any new parameters for public reporting and statement making should apply to this category by retrospective operation or by declaratory provision applying to both preparation and publication. The CCC would expect this to practically mean that any reports falling into this category will not be made public until it is determined that the CCC has complied with the amending legislation, in particular any new procedural fairness provisions. Care would need to be taken to define this category of reports such that it was confined to reports concerning CCC corruption investigations and would not extend to purely prevention or research publications. The CCC's reports concerning the former Deputy Premier and the former Public Trustee would, in our view, fall into this category.

The proposal for declaratory provisions and/or provisions with retrospective operation should not be controversial, in the CCC's submission. Parliament retains the power to legislate retrospectively and will be justified in doing so where the intent is to be curative or validating.<sup>5</sup> There are examples across the Queensland statute book of laws being amended retrospectively in order to clarify a situation or correct unintended legislative consequences, including amendments to the *Crime and Misconduct Act 2001* following courts' judgments on the scope of Crime and Misconduct Commission powers.<sup>6</sup>

In the event there is not amending legislation to validate prior public reports of the CCC and its predecessors, this will undoubtedly need to be addressed by a statement on the CCC's website. This would impact all of the reports listed in Annexure 3 to the CCC's submission dated 12 March 2024, notwithstanding that not all of the reports are purely corruption investigation reports and may have been issued pursuant to the CCC's prevention or research functions as well. The CCC would need to consider removing the reports from publication, although this would not of course limit their public availability given that they had been tabled and form part of the records of Parliament. This would inevitably erode public confidence in the work of the CCC and would not assist with public understanding of the statutory powers and responsibilities of the CCC which are set out in sections 33, 34, 35, 46A, 23 and 24 of the CC Act.

## **2. Jurisdictional comparison of overseas integrity agencies**

The CCC provided a jurisdictional comparison of Australian integrity agencies' public reporting powers as Annexure 2 to its submission dated 12 March 2024. Now **attached as Annexure 1** to this submission

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<sup>5</sup> Queensland Legislation Handbook p 35.

<sup>6</sup> These examples are detailed in the CCC's submission dated 29 February 2024 to the Community Safety and Legal Affairs Committee with respect to the Crime and Corruption Amendment Bill (Private Members' Bill) <https://documents.parliament.qld.gov.au/com/CSLAC-40FE/CCAB2023-A326/submissions/00000004.pdf>.

is a table of legislation from international jurisdictions with integrity agencies (or integrity units within existing agencies) which have functions that bear some resemblance to those of the CCC. The table identifies the legislative provisions and authorities relevant to these agencies/units and their reporting powers, where applicable.

You may note, in particular, the Papua New Guinea Independent Commission Against Corruption (PNG ICAC) which is established under the Constitution of Papua New Guinea and the powers of which are prescribed under the *Organic Law on the Independent Commission Against Corruption* (Organic Law). The Organic Law has adopted an approach to the making of public statements within section 52 that is modelled on the South Australian Independent Commission Against Corruption (SA ICAC) section 25, noting however that the power to make a public statement within the Organic Law is expressed as a general, discretionary power, whereas the SA ICAC model is one of exception. In both jurisdictions, the authority to make a public statement is inherently linked to the agencies' investigative functions, further noting the co-operation between the PNG ICAC's corruption investigation powers under section 34 of the Organic Law and its corruption prevention and reduction powers under section 33.

The CCC considers the adoption of a provision in similar terms to section 52 of the Organic Law is likely to engender public confidence in an agencies' exercise of their power to report and make a public statement and is likely to be uncontroversial. This is particularly the case in Queensland where the factors to be considered prior to making a public statement (or report) align with requirements that currently exist within section 57 of the CC Act, the *Human Rights Act 2019* (Qld) (HR Act) and at common law (i.e., procedural fairness requirements).

The CCC considers the factors listed in section 52(a) to (e) of the Organic Law reflect balanced decision-making in regard to a power/s of this nature but should neither operate to the exclusion of the HR Act nor as a paramount consideration.

### **3. Determination of the United Nations Human Rights Committee on the complaint of Charif Kazal**

The CCC has considered the determination of the United Nations Human Rights Committee (the Committee) in *Charif Kazal v Australia*<sup>7</sup> (Kazal). The question before the Committee was whether the inquiry and the publication of the findings by the New South Wales Independent Commission Against Corruption (NSW ICAC) constituted an *arbitrary* interference with Mr Kazal's right to privacy under article 17 of the International Covenant on Civil and Political Rights (the Covenant). The Committee noted the Office of the Inspector published a report in 2017 which concluded in relation to the investigation involving Mr Kazal that the NSW ICAC's findings were "weak and flawed" and was critical of the public nature of the proceedings and the lack of written reasons for its decision to make the proceeding public.

Article 17 of the Covenant provides no one shall be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence, to unlawful attacks on their honour and reputation, and that everyone has the right to the protection of the law against such interference or attacks. In Queensland, an equivalent right to privacy and reputation is set out at section 25 of the HR Act.

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<sup>7</sup> Views adopted by the Committee under art 5(4) of the Optional Protocol concerning Communication No. 3088/2017, CCPR/C/138/D/3088/2017, Human Rights Committee of the United Nations, adopted 7 July 2023.

The CCC notes at the outset that the NSW ICAC operates in a jurisdiction without domestic human rights legislation, and it is therefore not bound to consider the compatibility of actions and decisions it makes with human rights. The CCC operates subject to the requirements of the HR Act which means every internal policy and procedure which govern CCC investigations are assessed to ensure their compatibility with human rights. Those rights are again considered by decision-makers prior to taking action or making decisions pursuant to those policies and procedures. Concerns of the nature raised in *Kazal* would be mitigated in part, if not in full, by the fact that an arbitrary interference with an individual's rights to privacy is likely to be identified by the CCC through its Human Rights Compatibility Framework, and the action or decision may then be proactively amended to ensure its compatibility with human rights.

Additionally, we consider the decision can be distinguished from the CCC in several respects:

- The facts of this matter largely turn on the conduct of the NSW ICAC in undertaking a particular investigation, which the Inspector found fell short of what was expected of the agency in carrying out such an investigation.
- Section 177(1) of the CC Act provides a presumption that hearings will not be open to the public. The CCC may open a corruption hearing to the public if it considers closing the hearing to the public would be unfair to a person or contrary to the public interest and approves that the hearing be a public hearing.<sup>8</sup> The presumption in favour of private hearings provided by the Act means the CCC is statutorily bound to consider the public interest in opening the hearing, and would necessarily document relevant public interest and unfairness considerations, and the approval process, before opening a hearing to the public. In our view, that process is likely to overcome the finding in *Kazal* that there was no reasoning by NSW ICAC as to its decision to hold a public hearing, as the CCC would, in every case, document such a decision and the reasons for the decision.
- Hearings generally being held in private means the CCC has an opportunity to consider the evidence obtained in an investigation and make a determination about whether or not to publicly report on the matter. In making the decision about whether to publicly report, the CCC would have regard to the matters already set out in this submission and the CCC's submission dated 12 March 2024, including:
  - the compatibility of the decision with human rights under the HR Act;
  - complying with the procedural fairness process under section 71A of the Act as well as the common law of natural justice generally;
  - the CCC's overriding duty under section 57 of the Act; and
  - our internal procedures, particularly under MM03 – *Matter reports and publications*.

It should be noted as a general observation that a range of provisions regarding those matters have been introduced into the NSW ICAC Act since this matter was investigated in 2010-2011.

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<sup>8</sup> *Crime and Corruption Act 2001* s 177(2)(c).

To the extent that the decision of the Committee highlights that persons who are investigated by anti-corruption bodies may find themselves the subject of adverse findings in circumstances where no criminal offences are progressed – the CCC acknowledges this raises concerns about reputational risks. The CCC is required by legislation to investigate corrupt conduct. In reporting on corruption investigations, the balancing exercise of weighing the public interest against the interests of individuals who may be adversely affected by publication is difficult. As has previously been submitted, the CCC undertakes that difficult exercise having regard to the procedural safeguards in our legislation, our duties to the public, human rights, and the performance of our functions.

#### **4. Human Rights considerations in reporting on corruption investigations**

The CCC adopted a Human Rights policy and procedure at the time of commencement of the HR Act. At that time, the CCC took steps to confirm that its policies and procedures, including the CCC's Operations Manual, were compatible with human rights. The Operations Manual sections governing its corruption functions, including section 'MM03 – Matter reports and publications' were reviewed and concluded to be compatible with human rights.

**Attached** to this submission are the following documents:

- **Annexure 2:** CCC Human Rights policy and procedure.
- **Annexure 3:** CCC Human Rights operating model.
- **Annexure 4:** Human Rights compatibility framework – decision making guideline.

The CCC gives particular consideration to human rights when making decisions about public reports on corruption investigations. This can be seen, by way of example, in paragraphs 9 to 12 of the Operation Workshop report referred to in footnote 11.

#### **5. The CCC's Witness welfare policy**

The CCC acknowledges the imperative to protect witness welfare extends to the subjects of investigations, as well as those who have given information to the CCC. To the extent that any individual is required to participate in or provide information to a CCC investigation, the CCC acknowledges that this may impact on an individual's psychological wellbeing. The CCC's current Witness Welfare Policy addresses this. It reflects the CCC's risk assessment-based approach to dealing with witnesses, taking into account CCC policy requirements and considerations under the HR Act and sets out requirements for considering and responding to risks of psychological harm.

The policy was developed following consideration of the best practice principles established by recent reviews undertaken by agencies in other jurisdictions in relation to witness welfare factors.<sup>9</sup> It applies to all witnesses, persons of interest and other persons subject to or directly impacted by the exercise of the CCC's functions.

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<sup>9</sup> Integrity and Oversight Committee, Parliament of Victoria, *Performance of the Victorian integrity agencies 2020/21: focus on witness welfare* (Parliamentary Paper, 6 October 2022). Available at <<https://www.parliament.vic.gov.au/get-involved/inquiries/performance-of-victorian-integrity-agencies-202021/>>.

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While the CCC has always taken a risk-based approach to the wellbeing of the individuals it encounters, whether those are complainants, witnesses, subject officers or others, the Witness Welfare Policy provides for:

- the provision of a fact sheet to people involved in CCC investigations about access to publicly available psychological support services;
- publication of 'Guidelines for responding to risks of harm' which set out practical guidance for commission officers who are dealing with people who present a risk of harm to themselves or to others; and
- CCC officers who regularly interact with complainants and/or witnesses will be required to complete the Mental Health First Aid program.

The following documents are **attached**:

- **Annexure 5:** CCC Witness welfare policy.
- **Annexure 6:** CCC Guidelines for responding to risks of harm.
- **Annexure 7:** Information for witnesses fact sheet – January 2024.

## **6. The CCC's approach to publishing and tabling of reports and the making of public statements**

Attached, in response to your request, are copies of the following CCC policies:

- **Annexure 8:** CCC Operation Manual MM03 – *Matter reports and publications*, which sets out the CCC's approach to publishing a report and seeking to table a report.
- **Annexure 9:** CCC Communications policy and procedure regarding public statement making.

## **7. Operation of section 50 of the *Crime and Corruption Act 2001***

You have enquired as to the circumstances in which the CCC has made application under section 50 of the Act. The CCC has prepared a brief legislative history of section 50 of the Act which is **attached** as **Annexure 10**.

This provision operates primarily as a disciplinary provision. An application under section 50 is predicated on the CCC having provided a report under section 49 to the chief executive officer of a UPA (that disciplinary action should be considered), and that the provisions which set out what may be done in relation to such an application are set out in Chapter 5, Pt 2 of the Act, which is entitled "Disciplinary proceedings relating to corruption etc. – particular prescribed persons".

It is true to say that, in dealing with an application in relation to corrupt conduct, the Queensland Civil and Administrative Tribunal (QCAT) may first make a finding that corrupt conduct is proved against the



person,<sup>10</sup> before proceeding to impose a sanction on the person. Through such a process an independent tribunal would make a finding that a person has engaged in corrupt conduct. However, the CCC has historically sought to rely on this power only where the matter warrants disciplinary action being taken and there are no other means by which this can be achieved.

The CCC has brought six applications in relation to prescribed persons. Of those, three resulted in findings that the person had engaged in corrupt conduct, and three matters were withdrawn. One of the matters which was withdrawn was in relation to a public servant. The other five applications have all been in relation to police officers.

There are a variety of factors which inform the decision as to whether to exercise the power in section 50 of the Act. Chief among them is whether there is a reasonable mechanism by which a UPA is able to deal with the matter. The devolution principle in section 34(d) of the CC Act provides that *“action to prevent and deal with corruption in a unit of public administration should generally happen within the unit”*.

Of course, this must be balanced against other principles in the Act, including ‘public interest’. This principle provides that the CCC should exercise its power to deal with particular cases of corruption when it is appropriate having regard to various factors, including *“any likely increase in public confidence in having the corruption dealt with by the commission directly.”*

At a practical level, there are several other related factors which may impact on whether the CCC exercises the power in section 50 of the Act. Beyond the principle of devolution, it is also far more efficient for matters to be dealt with through a disciplinary process within a UPA than to bring an application under section 50. Departmental disciplinary processes are often conducted ‘on the papers’. They are often dealt with relatively quickly. Such proceedings do not involve the allocation of substantial resources, nor involve protracted litigation. There are review and appeal rights available. In some cases – particularly in respect of police disciplinary decisions – the CCC can exercise its oversight role through a power of review.

No doubt because of the infrequency with which such applications are brought, the CCC’s experience is that QCAT does not have a set process to deal with such matters. Different members have taken different approaches as to when evidence is required to be filed, and what evidence may be led by way of affidavit or statement, as opposed to full oral evidence. Hearings often take place over multiple days and are conducted as a full trial. In each case, parties have been represented by solicitors and counsel.

The QCAT is also, regrettably, beset by significant delays. Its annual reports for the last several years have observed delays in resolving matters arising from, or exacerbated by, a number of features, including an ongoing lack of resourcing and the impact of the COVID-19 pandemic. In the police disciplinary space, there have been several legal issues which have impacted on the timeliness of those matters. While those issues do not affect proceedings under section 50, those matters are heard by the same cohort of members (involved in the occupational regulation stream), and as such, they are also likely to be substantially affected by the current backlog. The prospect of delay in resolving a matter is a significant factor which weighs into the consideration of whether to bring an application under section 50 of the CC Act.

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<sup>10</sup> *Crime and Corruption Act 2001* s 219(2)(b).



The clearest articulation of circumstances in which the CCC sought to exercise its powers was in the matter of *Lee*, which involved litigation over several years. *Lee* was the first corrupt conduct proceeding brought by the CCC. That matter had a lengthy history, which is set out in the judgment of the Court of Appeal in *Lee v Crime and Corruption Commission & Anor*<sup>11</sup> and supplemented by the decision of QCAT in *Crime and Corruption Commission v Lee*<sup>12</sup> (*Lee*).

In short, *Lee* was allocated responsibility for investigating a complaint against a police officer. His investigation was severely deficient. He recommended 'exoneration' of the officer, which included a statement that CCTV footage supported the officer's version, when it did not. The subject officer was subject of a further allegation, and *Lee*'s investigation was also reviewed as part of that. It revealed the deficiencies in his investigation, and disciplinary action was commenced against him.

The CCC recommended that *Lee* should face a disciplinary hearing. The Queensland Police Service (QPS) negotiated an agreed outcome where *Lee* would be demoted, but that demotion wholly suspended for 12 months. The CCC disagreed with that course, and applied to QCAT for a review, arguing further evidence should be taken into account. The QCAT referred the matter back to QPS to reconsider, taking into account the further evidence. The QPS then advised the CCC that it proposed to resolve the matter by 'managerial action'. The CCC advised it did not agree with the proposed resolution and advised that it was assuming responsibility for the investigation under section 48(1)(d) (for the purpose of commencing CC proceedings in QCAT).

*Lee* applied for a declaration that the 'assumption' was invalid because the matter had been dealt with by the Assistant Commissioner's decision to deal with the matter by managerial action. The Court of Appeal upheld the trial judge's decision that the decision to deal with the matter by managerial action did not finalise the allegations against *Lee*, and that reading such a limitation into the CC Act would curtail the CCC's monitoring function.

The conduct in *Lee* occurred in 2008. The initial disciplinary decision by the QPS was made in 2013. The Court of Appeals' decision that it was within the CCC's power to assume responsibility for the investigation occurred in 2016, which was the year in which the section 50 proceedings were commenced.

That proceeding was commenced in mid-2016, and QCAT heard the application over three days in March 2017. QCAT delivered its decision in December 2017. That decision was appealed to the Appeals Tribunal of QCAT, and then the Court of Appeal. The Court of Appeal finalised the appeal in 2020 in *Lee v Crime and Corruption Commission; Crime and Corruption Commission v Lee*.<sup>13</sup>

The circumstances in *Lee* were such that the CCC took the view that the conduct was sufficiently serious that *Lee* ought to have been dismissed from the Queensland Police Service but that, in any case, the disciplinary action proposed by the QPS was manifestly inadequate to properly deal with the conduct involved. At the relevant time, the proposed action (managerial guidance) would have been a decision which the CCC could not review.

Other instances in which the CCC has commenced section 50 proceedings in QCAT have involved matters which the CCC has investigated, and where criminal proceedings had also been brought. In

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<sup>11</sup> [2016] QCA 145 at [2]-[7].

<sup>12</sup> [2017] QCAT 483 at [12]-[14].

<sup>13</sup> [2020] QCA 201.

one instance, the officer had been successfully criminally prosecuted. In two other instances, there had been criminal prosecutions in which the charges had been withdrawn or dismissed. In one of those cases the section 50 proceedings were unsuccessful, but in the other the subject officer admitted the conduct amounted to corrupt conduct, and a disciplinary declaration was made (as he had left the service, the declaration was that, had he not resigned, he would have been dismissed). Again, highlighting delays in QCAT matters, the only outstanding section 50 proceeding was commenced in 2020. The QCAT has not yet delivered its decision on sanction.

Another factor in considering whether to bring corrupt conduct proceedings is what evidence is available to substantiate the allegations against the subject officer. Certain evidence may not be available in disciplinary proceedings conducted by a UPA. Telecommunications data (such as call charge records) may not be disseminated to other UPAs for disciplinary purposes. Intercepted telecommunications may only be disseminated to other interception agencies but may be used in exempt proceedings (which includes tribunal proceedings). As such, there may be circumstances where key pieces of evidence necessary to prove a disciplinary allegation would not be available for use by a departmental disciplinary proceeding but could be relied upon in section 50 proceedings in QCAT.

A further relevant consideration which has informed decisions in relation to commencing section 50 proceedings, rather than a matter being resolved through internal disciplinary processes, is the operation of statutory time limits which would otherwise preclude disciplinary action being taken. Amendments made in 2019 to the *Police Service Administration Act 1990* (Qld) (PSAA) introduced limitation periods for commencing disciplinary action against a subject officer. Those were 12 months from the date the ground for disciplinary action arises, or 6 months from the date a complaint about the conduct is received (sections 7.12 and 7.13 PSAA). Those limitation periods do not apply to proceedings under section 50 of the CC Act. This was a deliberate choice to ensure that action could be taken in relation to more serious matters.

Additionally, a matter that provides grounds for disciplinary action may not always overlap with 'corrupt conduct'. Corrupt conduct, as you are aware, requires several criteria to be met. It also must be conduct at a sufficient level of seriousness, indicated by section 15(1)(c) or (2)(c), being a criminal offence or a disciplinary breach providing reasonable grounds for terminating the person's services.

In summary, then, a key factor in the CCC's consideration as to whether to bring a proceeding (assuming the seriousness of the conduct is sufficient to otherwise justify bringing such an application) is whether there is a credible alternative disciplinary process which would see the officer dealt with appropriately for the conduct. That is primarily because such proceedings are far more efficient than a section 50 proceeding in QCAT.

Given that disciplinary proceedings are primarily protective in nature, and that a sanction is most likely to have protective and rehabilitative effect when it occurs close to the impugned conduct, delay of this kind can undermine the effectiveness of disciplinary proceedings. Further, allowing a UPA to deal with its own officers (subject to possible review), also gives effect to those principles in section 34 of the CC Act which promote UPAs dealing with matters themselves.

In light of the foregoing, while it may be an option to seek to bring an application in QCAT pursuant to section 50 of the CC Act where the CCC sought a finding of corrupt conduct to be made, that has not been considered to this point as a generally suitable option. It may be that, if the CCC considered that corrupt conduct findings should be made, this would be a process by which such findings could be

made by an independent arbiter. But, having regard to the current issues with QCAT, and in particular the significant delays arising from under-resourcing, such a process may be complex, expensive and time-consuming for all involved.

#### **8. CCC prevention reports**

The CCC does not contend that in prevention publications on its website (e.g. Prevention in Focus and Public Sector Guidance and Resources) it is always necessary to include investigation details including identifying information. Where investigation details are included in these prevention publications, this is generally done at a sufficient level of generality to avoid identification of individuals. There are some limited exceptions to this, including matters in which a public report has already issued, or where there has been a concluded prosecution.

If you have any specific concerns in relation to matters the CCC has submitted to you, including information annexed to our submissions, could you please advise us so that we might be able to provide any additional information to assist you with the Review.

Yours sincerely

A handwritten signature in black ink, appearing to read 'B A Barbour'.

**Bruce Barbour**  
Chairperson

**This correspondence is suitable for publication.**

## Annexures

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INTERNATIONAL JURISDICTIONS WITH INTEGRITY AGENCIES (OR INTEGRITY UNITS WITHIN EXISTING AGENCIES) – PREPARED BY THE CRIME AND CORRUPTION COMMISSION (CCC) AT THE REQUEST OF THE INDEPENDENT REVIEW INTO CCC REPORTING POWERS

| Jurisdiction    | Agency  | Legislation   | Relevant provisions   |
|-----------------|---|---|---|
| New Zealand     | <a href="#">Serious Fraud Office</a><br><br>“The Serious Fraud Office is New Zealand's lead law enforcement agency for investigating and prosecuting serious fraud, including corruption. The SFO also works to prevent fraud and corruption in New Zealand’s public sector by providing guidance and raising awareness.”                 | Empowered under the <a href="#">Serious Fraud Office Act 1990</a> | No relevant provisions identified.  |
| Canada - Quebec | The <a href="#">Permanent Anti-Corruption Unit (UPAC)</a><br><br>“... created by the government of Quebec on February 18, 2011, is a group of public organizations under the responsibility of the Anti-Corruption Commissioner, who coordinates and directs the forces and expertise in place at within government to fight corruption.” | L 6-1 of the <a href="#">Anti-Corruption Act</a>                  | <p><b>Investigation reports</b></p> <p>🕒 <b>16 .</b> The investigation teams designated by the government continue to carry out their mandate with their respective department or agency in their area of competence, in accordance with the responsibilities and powers conferred on them under the law. They must also:</p> <ul style="list-style-type: none"><li>1 ° carry out any investigation requested by the commissioner and inform the latter when a penal or criminal investigation begins;</li><li>2 ° provide the associate commissioner for investigations with any information useful to his duties;</li><li>3 ° report to the associate commissioner for investigations on the progress of the investigations.</li></ul> <p>2011, c. 17, a. 16 ; 2018, c. 1 , a. 15 .</p> <p><b>General Reports/public communication</b></p> <p><b>SECTION II</b><br/>FUNCTIONS AND POWERS</p> <p>🕒 <b>9 .</b> The commissioner's functions are:</p> <ul style="list-style-type: none"><li>1 ° to receive, record and examine reports of reprehensible acts, in order to take appropriate action;</li><li>(2 ) to act as director of the police force formed under section 8.4;</li><li>3 ° to request, on its own initiative, investigations in order to detect the commission of reprehensible acts;</li><li>4 ° to make recommendations to the President of the Treasury Board and to the Minister of Municipal Affairs, Regions and Land Occupancy on any measure concerning the awarding of contracts whose conditions are determined by a law for which they are responsible for the application;</li><li>5 ° to make recommendations to the Minister as well as to any body or person in the public sector on any measure aimed at promoting the prevention and fight against corruption;</li><li>6 ° to assume a role of prevention and education in the fight against corruption.</li></ul> <p>The commissioner may also carry out or have carried out any investigation or any additional investigation at the request of the director of criminal and penal prosecutions.</p> <p>The commissioner also exercises any other function entrusted to him by the government or the minister.</p> <p>2011, c. 17, a. 9 ; 2018, c. 1 , a. 8 .</p> |

## Annexure 1: International jurisdiction comparison table

SENSITIVE

INTERNATIONAL JURISDICTIONS WITH INTEGRITY AGENCIES (OR INTEGRITY UNITS WITHIN EXISTING AGENCIES) – PREPARED BY THE CRIME AND CORRUPTION COMMISSION (CCC) AT THE REQUEST OF THE INDEPENDENT REVIEW INTO CCC REPORTING POWERS

| Jurisdiction   | Agency  | Legislation   | Relevant provisions  |
|----------------|---|---|--|
|                |   |   | <p><b>SECTION IV</b><br/>COMMUNICATION TO THE PUBLIC</p> <p>🕒 <b>22 .</b> The commissioner communicates to the public the status of his activities at least twice a year and no later than eight months after his last communication. He may in particular communicate the recommendations made under paragraphs 4° and 5° of the first paragraph of article 9.</p> <p>The commissioner may also publish a report on any matter falling within his powers, if he judges that the importance of the matter justifies it.</p> <p>2011, c. 17, a. 22 .</p>  |
| United Kingdom | <p><a href="#">Serious Fraud Office</a></p> <p>“A specialist prosecuting authority tackling top level serious or complex fraud, bribery and corruption.</p> <p>We are part of the UK criminal justice system covering England, Wales and Northern Ireland, but not Scotland, the Isle of Man or the Channel Islands.”</p> | <p>Empowered by the <a href="#">Criminal Justice Act 1987</a></p> | <p><i>Restrictions on reporting.</i></p> <p>(1) Except as provided by this section—</p> <p>(a) no written report of proceedings falling within subsection (2) below shall be published in <b>[F2]</b>the United Kingdom];</p> <p>(b) no report of proceedings falling within subsection (2) below shall be included in a relevant programme for reception in <b>[F3]</b>the United Kingdom].</p> <p>(2) The following proceedings fall within this subsection—</p> <p><b>F4</b> (a). . . . .</p> <p>(b) a preparatory hearing;</p> <p>(c) an application for leave to appeal in relation to such a hearing;</p> <p>(d) an appeal in relation to such a hearing.</p> <p><b>F5</b> (3). . . . .</p> <p>(4) The judge dealing with a preparatory hearing may order that subsection (1) above shall not apply, or shall not apply to a specified extent, to a report of—</p> <p>(a) the preparatory hearing, or</p> <p>(b) an application to the judge for leave to appeal to the Court of Appeal under section 9(11) above in relation to the preparatory hearing.</p> <p>(5) The Court of Appeal may order that subsection (1) above shall not apply, or shall not apply to a specified extent, to a report of—</p> <p>(a) an appeal to the Court of Appeal under section 9(11) above in relation to a preparatory hearing,</p> <p>(b) an application to that Court for leave to appeal to it under section 9(11) above in relation to a preparatory hearing, or</p> <p>(c) an application to that Court for leave to appeal to the <b>[F6]</b>Supreme Court] under Part II of the <b>M1</b>Criminal Appeal Act 1968 in relation to a preparatory hearing.</p> <p>(6) <b>[F7]</b>The Supreme Court] may order that subsection (1) above shall not apply, or shall not apply to a specified extent, to a report of—</p> <p>(a) an appeal to <b>[F8]</b>the Supreme Court] under Part II of the Criminal Appeal Act 1968 in relation to a preparatory hearing, or</p> <p>(b) an application to <b>[F8]</b>the Supreme Court] for leave to appeal to it under Part II of the <b>M2</b>Criminal Appeal Act 1968 in relation to a preparatory hearing.</p> <p>(7) Where there is only one accused and he objects to the making of an order under subsection <b>F9</b>... (4), (5) or (6) above the judge or the Court of Appeal or the <b>[F10]</b>Supreme Court] shall make the order if (and only if) satisfied after <b>[F11]</b>considering] the representations of the accused that it is in the interests of justice to do so; and if the order is made it shall not apply to the extent that a report deals with any such objection or representations.</p> <p>(8) Where there are two or more accused and one or more of them objects to the making of an order under subsection <b>F12</b>... (4), (5) or (6) above the judge or the Court of Appeal or the <b>[F10]</b>Supreme Court] shall make the order if (and only if) satisfied</p> |

# Annexure 1: International jurisdiction comparison table

SENSITIVE

INTERNATIONAL JURISDICTIONS WITH INTEGRITY AGENCIES (OR INTEGRITY UNITS WITHIN EXISTING AGENCIES) – PREPARED BY THE CRIME AND CORRUPTION COMMISSION (CCC) AT THE REQUEST OF THE INDEPENDENT REVIEW INTO CCC REPORTING POWERS

| Jurisdiction | Agency | Legislation | Relevant provisions  |
|--------------|--------|-------------|--|
|              |        |             | <p>after <a href="#">F13</a> considering] the representations of each of the accused that it is in the interests of justice to do so; and if the order is made it shall not apply to the extent that a report deals with any such objection or representations.</p> <p><a href="#">F14</a> (9). . . . .</p> <p><a href="#">F15</a> (10). . . . .</p> <p>(11) Subsection (1) above does not apply to—</p> <p><a href="#">F16</a>(a). . . . .</p> <p>(b) the publication of a report of a preparatory hearing,</p> <p>(c) the publication of a report of an appeal in relation to a preparatory hearing or of an application for leave to appeal in relation to such a hearing,</p> <p><a href="#">F17</a>(d). . . . .</p> <p>(e) the inclusion in a relevant programme of a report of a preparatory hearing, or</p> <p>(f) the inclusion in a relevant programme of a report of an appeal in relation to a preparatory hearing or of an application for leave to appeal in relation to such a hearing,</p> <p>at the conclusion of the trial of the accused or of the last of the accused to be tried.</p> <p>(12) Subsection (1) above does not apply to a report which contains only one or more of the following matters—</p> <p>(a) the identity of the court and the name of the judge;</p> <p>(b) the names, ages, home addresses and occupations of the accused and witnesses;</p> <p>(c) any relevant business information;</p> <p>(d) the offence or offences, or a summary of them, with which the accused is or are charged;</p> <p>(e) the names of counsel and solicitors in the proceedings;</p> <p>(f) where the proceedings are adjourned, the date and place to which they are adjourned;</p> <p>(g) any arrangements as to bail;</p> <p><a href="#">F18</a> (h) whether, for the purposes of the proceedings, representation was provided to the accused or any of the accused under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.]</p> <p>(13) The addresses that may be published or included in a relevant programme under subsection (12) above are addresses—</p> <p>(a) at any relevant time, and</p> <p>(b) at the time of their publication or inclusion in a relevant programme;</p> <p>and “relevant time” here means a time when events giving rise to the charges to which the proceedings relate occurred.</p> <p>(14) The following is relevant business information for the purposes of subsection (12) above—</p> <p>(a) any address used by the accused for carrying on a business on his own account;</p> <p>(b) the name of any business which he was carrying on on his own account at any relevant time;</p> <p>(c) the name of any firm in which he was a partner at any relevant time or by which he was engaged at any such time;</p> <p>(d) the address of any such firm;</p> <p>(e) the name of any company of which he was a director at any relevant time or by which he was otherwise engaged at any such time;</p> <p>(f) the address of the registered or principal office of any such company;</p> <p>(g) any working address of the accused in his capacity as a person engaged by any such company;</p> |



## Annexure 1: International jurisdiction comparison table

INTERNATIONAL JURISDICTIONS WITH INTEGRITY AGENCIES (OR INTEGRITY UNITS WITHIN EXISTING AGENCIES) – PREPARED BY THE CRIME AND CORRUPTION COMMISSION (CCC) AT THE REQUEST OF THE INDEPENDENT REVIEW INTO CCC REPORTING POWERS

| Jurisdiction | Agency  | Legislation  | Relevant provisions  |
|--------------|---|--|--|
|              |   |  | <p>and here “engaged” means engaged under a contract of service or a contract for services, and “relevant time” has the same meaning as in subsection (13) above.</p> <p>(15) Nothing in this section affects any prohibition or restriction imposed by virtue of any other enactment on a publication or on matter included in a programme.</p> <p>(16) In this section—</p> <p>(a) “publish”, in relation to a report, means publish the report, either by itself or as part of a newspaper or periodical, for distribution to the public;</p> <p>(b) expressions cognate with “publish” shall be construed accordingly;</p> <p>(c) “relevant programme” means a programme included in a programme service, within the meaning of the <a href="#">M3</a>Broadcasting Act 1990.]</p>  |
| Hong Kong    | <p><a href="#">Independent Commission Against Corruption</a> (HK ICAC)</p> <p>“Since its <a href="#">establishment in February 1974</a>, the <a href="#">ICAC</a> has been fighting corruption independently without fear or favour. Its independent status is derived from the <a href="#">ICAC Ordinance (Cap. 204)</a> which stipulates the statutory mandate of the ICAC in combatting corruption through investigation, prevention and education.”</p> | <p>Established under the <a href="#">Independent Commission Against Corruption Ordinance (Cap. 24)</a></p> | <p>Section 12 of the HK ICAC Ordinance provides for the duties of the Commissioner. These include the following relevant duties:</p> <ul style="list-style-type: none"> <li>(a) receive and consider complaints alleging corrupt practices and investigate such of those complaints as he considers practicable; ....</li> <li>(e) instruct, advise and assist any person, on the latter’s request, on ways in which corrupt practices may be eliminated by such person;</li> <li>(f) advise heads of Government departments or of public bodies of changes in practices or procedures compatible with the effective discharge of the duties of such departments or public bodies which the Commissioner thinks necessary to reduce the likelihood of the occurrence of corrupt practices;</li> <li>(g) educate the public against the evils of corruption; and</li> <li>(h) enlist and foster public support in combatting corruption.</li> </ul> <p>The HK ICAC issues <a href="#">press releases</a> in relation to investigation outcomes where a subject person has been charged or convicted. The HK ICAC also has a number of published <a href="#">documents</a> or videos (<a href="#">Inside 303</a>) that provide general information, at times involving de-identified examples, about their powers and functions.</p> <p>No legislative provisions have been identified regarding the making of public reports or statements.</p> |

Annexure 1: International jurisdiction comparison table  
INTERNATIONAL JURISDICTIONS WITH INTEGRITY AGENCIES (OR INTEGRITY UNITS WITHIN EXISTING AGENCIES) – PREPARED BY THE CRIME AND CORRUPTION COMMISSION (CCC) AT THE REQUEST OF THE INDEPENDENT REVIEW INTO CCC REPORTING POWERS

| Jurisdiction     | Agency   | Legislation   | Relevant provisions   |
|------------------|--|---|---|
| Papua New Guinea | <a href="#">Independent Commission Against Corruption</a> (PNG ICAC) | <p>Established under the Constitution (as amended in 2016)<sup>1</sup></p> <p>Powers given under the <a href="#">Organic Law on the Independent Commission Against Corruption</a> (Organic Law)</p> | <p><b>Constitution</b></p> <p><b>220D. Functions of the Commission.</b></p> <p>Subject to any Organic Law made for the purposes of Section <a href="#">220E</a>, the functions of the Commission are:—</p> <ul style="list-style-type: none"><li>(a) to receive and consider complaints regarding alleged or suspected corrupt conduct and investigate such of those complaints as it considers appropriate; and</li><li>(b) to investigate, on its own initiative or on complaints received, alleged or suspected corrupt conduct; and</li><li>(c) to exchange information regarding alleged or suspected corrupt conduct and cooperate with other law enforcement, integrity and regulatory agencies, both within Papua New Guinea and internationally; and</li><li>(d) to refer complaints regarding alleged or suspected corrupt conduct to other agencies for investigation; and</li><li>(e) to accept the referral from other agencies of matters regarding alleged or suspected corrupt conduct for investigation; and</li><li>(f) where the Commission, after conducting an investigation, is of the opinion that a person has committed an offence involving corrupt conduct, to refer the matter to the Public Prosecutor or the Police Force together with a statement of reasons for its opinion; and</li><li>(g) to exercise such prosecution powers concerning or relating to corrupt conduct as may be prescribed by or under an Organic Law; and</li><li>(h) to encourage, cooperate and coordinate with other public and private sector agencies in:—<ul style="list-style-type: none"><li>(i) research regarding corrupt conduct and anti-corruption strategies, policies, practices and procedures; and</li><li>(ii) the development, implementation and review of anti-corruption strategies, policies, practices and procedures; and</li><li>(iii) training, education and awareness regarding corrupt conduct and anti-corruption strategies, policies, practices and procedures.</li></ul></li></ul> |

<sup>1</sup> Version available through Oxford Constitutions of the World – online access to post-2016 version of the Constitution (with relevant amendments for the PNG ICAC) is limited.

| Jurisdiction | Agency | Legislation | Relevant provisions   |
|--------------|--------|-------------|---|
|              |        |             | <p><b>220E.</b> Powers Etc., of the Commission.</p> <p><b>(1)</b> An Organic Law shall make further provision for the functions, structure, powers, procedures, operations, protections and immunities of the Commission and its staff.</p> <p><b>(2)</b> Without limiting the scope of Subsection <b>(1)</b>, an Organic Law may –</p> <p>(a) make provision for the Commission to have access to all available relevant information to carry out its functions; and</p> <p>(b) impose reasonable restrictions on the availability of information held by the Commission; and</p> <p>(c) make provision to ensure the secrecy or confidentiality of secret or confidential information made available to the Commission; and</p> <p>(d) make provision for the bodies with which the Commission may share secret or confidential information; and</p> <p>(e) make provision for and in respect of publicity for the proceedings, reports and recommendations of the Commission; and</p> <p>(f) provide for certain penalties to automatically apply to a person who has been convicted of an offence involving corrupt conduct.</p> <p><b>220H.</b> Reports by the Commission.</p> <p><b>(1)</b> By 31 March each year, the Commission shall present to the Speaker of Parliament an annual report for presentation to Parliament, and shall provide a copy of the annual report to the Minister and the Oversight Committee.</p> <p><b>(2)</b> The Speaker of Parliament shall present the Commission’s annual report to Parliament at the next meeting of Parliament following the receipt of the report.</p> <p><b>(3)</b> Once the annual report has been presented to Parliament, the Commission shall publish the report.</p> <p><b>(4)</b> An Organic Law may make provision for:—</p> <p>(a) any particular matters which the Commission shall be obliged to report on in its annual report; and</p> <p>(b) the role of the Oversight Committee in:—</p> <p>(i) reviewing the Commission’s annual report; and</p> <p>(ii) reporting on the Commission’s annual report; and</p> <p>(iii) reviewing and making recommendations on matters within the scope of its role under Section <b>220G</b> as part of its reports; and</p> <p>(c) the publication of the Oversight Committee’s reports.</p> <p><b>(5)</b> Nothing in this section prevents the Commission or the Oversight Committee from making any other reports relating to any aspect of the Commission’s operations, functions or powers.</p> |

INTERNATIONAL JURISDICTIONS WITH INTEGRITY AGENCIES (OR INTEGRITY UNITS WITHIN EXISTING AGENCIES) – PREPARED BY THE CRIME AND CORRUPTION COMMISSION (CCC) AT THE REQUEST OF THE INDEPENDENT REVIEW INTO CCC REPORTING POWERS

| Jurisdiction | Agency | Legislation | Relevant provisions  |
|--------------|--------|-------------|--|
|              |        |             | <p><b>Organic Law</b></p> <p><b>32. FUNCTIONS AND POWERS OF THE COMMISSION.</b></p> <p>(1) In addition to the functions and powers of the Commission specified in Division VIII.3 (<i>The Independent Commission Against Corruption</i>) of the <i>Constitution</i>, the Commission has –</p> <p>(a) such functions and powers as are conferred on it by this Law or any other Constitutional Law or Act; and</p> <p>(b) the power to do all things necessary to be done for or in connection with, or reasonable incidental to, the performance of its functions or the exercise of its powers.</p> <p><b>33. PREVENTING AND REDUCING CORRUPT CONDUCT.</b></p> <p>Without limiting how the Commission may prevent and reduce corrupt conduct, the Commission may do the following:</p> <p>(a) undertake or commission research; or</p> <p>(b) review and make recommendations regarding the systems, strategies, policies, practices and procedures of any public body or public official; or</p> <p>(c) undertake or commission education, training or awareness, to the public generally or to a particular section of the public or private sector, including educational institutions; or</p> <p>(d) enlist and foster public support for preventing and reducing corrupt conduct; or</p> <p>(e) analyse information regarding complaints, investigations and prosecutions; or</p> <p>(f) make recommendations for legal, operational or policy reforms; or</p> <p>(g) publish recommendations, research, reports, policies or guidelines and provide such material to other agencies and bodies; or</p> <p>(h) make public statements necessary for its purposes under this Law or regarding the powers or functions of the Commission; or</p> <p>(i) work in cooperation with other agencies and bodies, including other public sector agencies and bodies, the media, civil society, educational institutions and the private sector.</p> <p><b>34. INVESTIGATION AND PROSECUTION OF CORRUPT CONDUCT.</b></p> <p>(1) Without limiting how the Commission may prevent and reduce corrupt conduct, the Commission may –</p> <p>(a) investigate alleged or suspected corrupt conduct, including offences mentioned in Subsection (2), and perform functions or exercise powers under Parts IV, V and VI; and</p> <p>(b) prosecute indictable offences relating to corrupt conduct in accordance with Part VII.</p> <p>(2) The Commission may investigate –</p> <p>(a) offences under this <i>Organic Law</i>; and</p> <p>(b) other offences under the <i>Criminal Code Act 1974</i> that fall within the definition of corrupt conduct; and</p> <p>(c) offences under any other laws that fall within the definition of corrupt conduct.</p> <p><b>52. PUBLIC STATEMENTS.</b></p> <p>The Commission may, subject to other laws, make or publish a public statement about a complaint or investigation concerning alleged or suspected corrupt conduct if, in the Commission’s opinion, it is appropriate to do so in the public interest, having regard to the following:</p> <p>(a) the benefits to an investigation that might be derived from making the statement;</p> <p>(b) the risk of prejudicing the reputation or safety of a person by making the statement;</p> <p>(c) whether the statement is necessary in order to allay public concern or to prevent or minimize the risk of prejudice to the reputation of a person;</p> <p>(d) if an allegation against a person has been made public and, in the opinion of the Commission, the person is not implicated in corrupt conduct – whether the statement allegation having been made public;</p> <p>(e) the risk of adversely affecting a potential prosecution of a criminal offence or a disciplinary proceeding.</p> |



Human rights | August 2023

# Human rights policy and procedure

## Objective

The Crime and Corruption Commission (CCC) and its staff have an obligation under the *Human Rights Act 2019* (Qld) to make decisions and act compatibly with human rights in their work and interactions with the people of Queensland. The Act protects 23 human rights, as outlined in Appendix A.

The purpose of this policy and procedure is to outline the CCC's obligations as a public entity and referral entity under the *Human Rights Act 2019* (Qld).

## Application

This policy applies to all commission officers.

## Relevant legislation

*Human Rights Act 2019* (Qld)

*Crime and Corruption Act 2001* (Qld)

## Definitions

|                        |  |
|------------------------|--|
| Act                    | Includes a failure to act or a proposal to act (has the meaning given by Schedule 1 of the <i>Human Rights Act</i> ).  |
| Decision               | The term decision under the <i>Human Rights Act</i> is intended to capture all decision-making that engages human rights.  |
| Human rights           | The 23 human rights stated in part 2, divisions 2 and 3 of the <i>Human Rights Act</i> .   |
| Human rights complaint | A complaint about an alleged contravention of section 58(1) of the <i>Human Rights Act</i> by a public entity in relation to an act or decision of the public entity (has the meaning given by section 63 of the <i>Human Rights Act</i> ).  |
| Proper consideration   | Proper consideration includes, but is not limited to: identifying the human rights that may be affected by the decision; and considering whether the decision would be compatible with human rights, having regard to the factors listed under section 13 of the <i>Human Rights Act</i> (has the meaning given by section 58(5) of the <i>Human Rights Act</i> ). |
| Public entity          | Has the meaning given by section 9 of the <i>Human Rights Act</i> .  |
| QHRC                   | Queensland Human Rights Commission.  |
| Referral entity        | The Crime and Corruption Commission, the Health Ombudsman, the Information Commissioner and the Ombudsman (has the meaning given by section 66 and schedule 1 of the <i>Human Rights Act</i> ).  |

## Policy statement

Commission officers are required to consider human rights when making decisions, and act and make decisions in a way that is compatible with human rights law.

The CCC is committed to:

- building and fostering a culture that respects, promotes and protects the human rights of individuals
- acting and making decisions in a way that is compatible with human rights when delivering its services and interacting with the Queensland community and
- promoting a dialogue about the nature, meaning and scope of human rights.

Respect for human rights should be reflected in all CCC policy, procedure and decision-making frameworks as well as embedded in the CCC's vision, values, strategic plans and priorities. The CCC will foster a culture that promotes human rights by reporting publicly on our commitment to achieving the objects of the *Human Rights Act*.

## Procedure

The CCC ensures compliance with human rights by:

- developing and reviewing CCC policies and procedures to ensure compatibility with human rights
- acting and making decisions that are compatible with human rights
- appropriately dealing with human rights complaints.

## Developing and reviewing CCC policies and procedures to ensure compatibility with human rights

The CCC must ensure its policies and procedures are compatible with human rights.

When developing and reviewing policies and procedures, commission officers are to give proper consideration (section 58(5) of the *Human Rights Act*) as to whether the policy or procedure:

- is authorised under law
- engages any of the protected human rights
- limits or restricts one or more of the protected human rights (and if so, whether the policy and procedure is reasonable and demonstrably justifiable)
- requires amendment to ensure compatibility with human rights.

Different processes have been established depending on whether the policy and procedure may engage human rights.

The *Guide – Human rights compatibility framework for policies and procedures* provides guidance about the steps to ensure compatibility of policies and procedures.

### ***Policies and procedures that do not engage human rights***

The responsible officer will undertake a preliminary assessment of a new or revised policy or procedure to identify whether the policy or procedure engages one or more human rights. If no human rights are engaged, the officer is to record that assessment in the *Policy Approval form* submitted to the policy approver (accountable officer), via the digital Governance, Risk and Compliance (dGRC) system. The assessment must include enough information to allow the approver (accountable officer) to make an informed decision about whether human rights may be engaged by the policy or procedure. If approved by the accountable officer, the policy or procedure is considered to be compatible with human rights.



The responsible officer or accountable officer should seek advice from Corporate Legal ([HumanRights@ccc.qld.gov.au](mailto:HumanRights@ccc.qld.gov.au)) if uncertain whether a human right is engaged.

If the responsible officer, or Corporate Legal, determines that human rights are engaged and may be limited by the new policy or procedure, then a formal human rights assessment is required.

### ***Policies that may engage human rights - formal human rights assessment***

A formal human rights assessment assesses the policy to ensure its compatibility with human rights and is required where the policy and procedure is:

- new and engages with a human right, or
- is subject to a change or amendment which may, or is likely to, engage and may limit a human right.

In such instances, the responsible officer is to submit the draft new or revised policy or procedure (with revisions shown in track changes) to Corporate Legal with a request to conduct a formal human rights assessment. In the event that the assessment determines that the policy or procedure is incompatible with human rights, the responsible officer or accountable officer should amend the policy to ensure compliance with human rights and resubmit to Corporate Legal for reassessment ([HumanRights@ccc.qld.gov.au](mailto:HumanRights@ccc.qld.gov.au)).

If a policy document has previously been assessed as engaging human rights, it does not require a further human rights assessment at its periodic review unless a change is made which may engage a human right in a manner not considered in the existing assessment.

The responsible officer is to submit the policy or procedure and accompanying human rights assessment to the accountable officer for approval, via the dGRC.

### **Acting and making decisions that are compatible with human rights**

The CCC must act and make decisions in a way that is compatible with human rights, and must give proper consideration to human rights relevant to a decision (section 58(1)(b)) of the *Human Rights Act*).

A CCC act, decision or statutory provision is compatible with human rights if it:

- does not limit a human right; or
- it limits the human right only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the *Human Rights Act*.

When determining whether acts or decisions are compatible with human rights, commission officers are to give proper consideration as to whether:

- the limit is authorised under law
- the act or decision engages any of the protected human rights
- the act or decision limits or restricts one or more of the protected human rights
- the limit under law is reasonable and demonstrably justifiable
- an exception to the obligations (under section 58 of the *Human Rights Act*) applies.

The *Guide – Human Rights compatibility framework for acts and decisions* provides guidance about the steps to ensure decisions are compatible with human rights.



### ***When human rights may be limited***

A human right may be subject under law<sup>1</sup> only to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom (section 13(1) of the *Human Rights Act*). Implied legitimate reasons for limiting rights that are consistent with a free and democratic society include:

- public interest considerations (including national security and community safety); and
- protection of the rights of others (for example, children and domestic violence victims).

Section 13(2) of the *Human Rights Act* provides a structured proportionality analysis to enable commission officers to determine whether a limit on a human right is reasonable and justifiable. Refer to *Guide – When human rights may be limited* for more information about ensuring CCC acts and decisions are reasonable and justifiable.

### ***Mechanisms to facilitate making decisions compatible with human rights***

The following mechanisms help to facilitate the making of decisions compatible with human rights:

- Policies and procedures are compliant with human rights
- CCC briefing notes and other significant documents triggering a decision (eg project plans) include a section on human rights
- Committee and Board Charters highlight human rights obligations
- Minutes record human rights considerations.

## **Complaints**

### ***Dealing with a complaint about corruption that may also be a human rights complaint***

When dealing with a complaint about corruption under the *Crime and Corruption Act* and it is considered the complaint may also be a *human rights complaint*, the CCC may decide to:

- deal with the complaint under the CC Act; or
- with the consent of the complainant, refer the complaint to the Queensland Human Rights Commission (QHRC) under the *Human Rights Act*.<sup>2</sup>

The CCC must consider whether the actions or decisions of a public entity the subject of a complaint, are compatible with human rights or whether, in making a decision, a public entity failed to give proper consideration to relevant human rights.

In accordance with section 74 of the *Human Rights Act*, the CCC and the Queensland Human Rights Commission (QHRC) have entered into a referral arrangement that sets out how human rights complaints are to be dealt with.

Refer to the *Operations Manual – Identification of matters (IM01-04)* for more information as well as the *Referral arrangement between the Crime and Corruption Commission and the Queensland Human Rights Commission*. The *IS Guidance – Assessing complaints of corruption (Human Rights)* also provides information.

### ***Dealing with complaint against commission officers that may involve a breach of human rights***

If an individual believes a commission officer has breached their human rights, they may make a complaint. The CCC must deal with human rights complaints against commission officers.

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<sup>1</sup> The phrase ‘under law’ refers to a limitation imposed by a law, for example, an Act, subordinate legislation (such as a regulation) or the common law.

<sup>2</sup> The CCC is a referral entity under section 66 of the *Human Rights Act*.

The CCC's complaints management system is a broad system for managing various types of complaints against commission officers. The CCC has legislative obligations when it comes to dealing with some types of complaints (e.g. improper conduct) and has established separate policies and procedures for dealing with these.

Complaints should be initially reviewed, assessed and managed in accordance with the CCC's *Complaints against commission officers (policy & procedure)*.

#### ***Timeframe for dealing with a human rights complaint against commission officers***

If 45 business days have elapsed and the CCC fails to provide a response or the individual considers the response to be inadequate, the individual may then complain to the Queensland Human Rights Commission (QHRC).

### **Performance and Reporting**

#### ***Human rights records***

The CCC must keep accurate records to demonstrate that its acts and decisions are compatible with human rights, to monitor the effectiveness of its human rights policy framework, and meet its reporting requirements. At a minimum, the following records are required (note, normal recordkeeping procedures and obligations remain):

- agency-wide and business unit actions to further the objects of the Human Rights Act
- evidence of decisions considering human rights considerations
- the number of human rights complaints received and outcomes
- details of human rights compatibility assessments undertaken for policies and procedures.

#### ***External reporting***

The CCC must include the following information in its annual report (as per section 97 of the *Human Rights Act*):

- details of any actions taken during the reporting period to further the objects of the *Human Rights Act*;
- details of any human rights complaints, including: the number of complaints received; the outcome of the complaints; any other information prescribed by regulation relating to the complaints; and
- details of any review of policies, programs, procedures, practices or services undertaken in relation to ensuring compatibility with human rights.

#### ***Auditing, review and continuous improvement***

Legal, Risk & Compliance and Internal Audit will assess the performance of the CCC's human rights operating model by conducting relevant compliance and performance audits prior to the review date for this policy and procedure.

### **Related documents**

#### ***Internal documents***

*Complaints against commission officers – policy and procedure*

*Guide – Human rights compatibility framework for decision making*

*Guide – Human rights compatibility framework for policies and procedures*

*Guide – When human rights may be limited*

*IS Guidance – Assessing complaints of corruption (Human Rights)*

*Operations Manual – IM01 to IM 04 including Assessment of Matters IM03*

*Policy Framework*

*Referral arrangement between the Crime and Corruption Commission and the Queensland Human Rights Commission*

### **External documents**

*Nature and Scope of Human Rights Guide*

### **Review triggers**

This policy will be reviewed three years from the date of approval, unless changes in legislation or government policy affecting its operation occur before the three year period has expired. This policy will remain in effect until updated, superseded or declared obsolete.

### **Metadata**

As at 15 December 2022 the existing version being replaced or a new version will be v.1. All previous records will be searchable in eDRMS.

| Version           | Action   | Responsible Officer                 | Accountable Officer (Approver) | Approval Date | HRCA Y / N | eDRMS no.            |
|-------------------|--|-------------------------------------|--------------------------------|---------------|------------|----------------------|
| [v.1]             | Existing Instrument as at 15 December 2022               | General Manager, Corporate Services | CEO                            | 06/09/2021    |            | Policy no: 21/213210 |
|                   |  |                                     |                                |               |            | HRCA no: 21/203370   |
| [v.2]             | Minor amendments – updating position titles, grammatical | Director, Corporate Legal           | CEO                            | 28/08/2023    | N          | Policy no: 23/145827 |
|                   |  |                                     |                                |               |            | HRCA no: 21/203370   |
| Next review date: |  | 28 August 2026                      |                                |               |            |                      |

## Appendix A: The human rights protected by the *Human Rights Act 2019*

| Human right  | Section of the <i>Human Rights Act</i> |
|--|--|
| Right to recognition and equality before the law<br><i>Every person has the right to recognition as a person, and to enjoy their human rights and be protected by the law without discrimination.</i>  | 15                                     |
| Right to life<br><i>A person has the right to life and the right not to be arbitrarily deprived of it.</i>   | 16                                     |
| Protection from torture and cruel, inhuman or degrading treatment<br><i>A person must not be subjected to torture or treated or punished in a cruel, inhuman or degrading way or subjected to medical or scientific experimentation or treatment without the person's full, free and informed consent.</i> | 17                                     |
| Freedom from forced work<br><i>A person must not be held in slavery or servitude, or made to do forced or compulsory labour.</i>   | 18                                     |
| Freedom of movement<br><i>Every person has the right to move freely within Queensland, and in and out of it, and has the freedom to choose where to live.</i>  | 19                                     |
| Freedom of thought, conscience, religion and belief<br><i>Every person has the right to freedom of thought, conscience, religion and belief.</i>   | 20                                     |
| Freedom of expression<br><i>Every person has the right to have an opinion, and the freedom to seek, receive and impart information and ideas.</i>  | 21                                     |
| Right to peaceful assembly and freedom of association<br><i>Every person has the right of peaceful assembly and the right to freedom of association with others, including the right to form and join trade unions.</i>  | 22                                     |
| Taking part in public life<br><i>Every person is to have the opportunity to participate in public affairs, including voting in elections and having access to public service or office.</i>  | 23                                     |
| Property rights<br><i>A person has the right to own property and to not be arbitrarily deprived of it.</i>   | 24                                     |
| Privacy and reputation<br><i>A person has the right to not have their privacy (or the privacy of their family, home or correspondence) unlawfully or arbitrarily interfered with, and has the right to not have their reputation unlawfully attacked.</i>  | 25                                     |
| Protection of families and children<br><i>Families are the fundamental unit in society and are entitled to protection by society and the State. Every child has the right to be protected and to be given a name and registered as having been born.</i>   | 26                                     |

| Human right  | Section of the Human Rights Act |
|--|---------------------------------|
| Cultural rights – generally<br><i>People must have the right to enjoy their culture, practise their religion and use their language.</i>   | 27                              |
| Cultural rights – Aboriginal peoples and Torres Strait Islander peoples<br><i>Aboriginal and Torres Strait Islander Peoples have distinct cultural rights, including the right to practise their cultural customs, and the right not to be subjected to forced assimilation or the destruction of their culture.</i>   | 28                              |
| Right to liberty and security of person<br><i>A person cannot be arrested or detained without reason. A person who is arrested or detained must be told why and about any proceedings that will be brought against them.</i>   | 29                              |
| Humane treatment when deprived of liberty<br><i>Any person who is deprived of their liberty must be treated with humanity, and any person who is detained without charge must be treated appropriately in light of this and segregated from people who have been convicted.</i>  | 30                              |
| Fair hearing<br><i>A person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.</i>   | 31                              |
| Rights in criminal proceedings<br><i>A person charged with a criminal offence has the right to be presumed innocent until proven guilty, and to a range of entitlements including being informed of their charges, being provided time to prepare a defence and not being compelled to testify against themselves.</i> | 32                              |
| Children in the criminal process<br><i>Detained children must be separated from adults and be brought to trial as quickly as possible. A child who is convicted of an offence must be treated appropriately for their age.</i>   | 33                              |
| Right not to be tried or punished more than once<br><i>A person has the right not to be tried or punished more than once for an offence in relation to which the person has already been finally convicted or acquitted in accordance with law.</i>  | 34                              |
| Protection from retrospective criminal laws<br><i>A person has the right to not be found guilty of a criminal offence because of conduct that was not a criminal offence when it was engaged in.</i>   | 35                              |
| Right to education<br><i>Every child has the right to access education appropriate to their needs, and every person has the right to access vocational education and training based on their abilities.</i>  | 36                              |
| Right to health services<br><i>Every person has the right to access health services, and must not be refused emergency medical treatment.</i>  | 37                              |

## Human Rights Operating Model 23/150093

Attachment 1

| Governance and compliance                                | Acting and making decisions  | Policies   | Corruption complaints   | Dealing with a human rights complaint against the CCC or commission officers   |   |   | Annual report  |
|--|--|--|---|--|---|---|--|
| <b>Statutory/regulation</b>                              | CCC must act and make decisions compatible with human rights<br>(s.58(1)(b) <i>Human Rights Act</i> )<br>Human rights may only be limited in certain circumstances and after careful consideration   | CCC policies and procedures must be compatible with human rights (s.58(5) <i>Human Rights Act</i> )  | The CCC (as a referral entity) may deal with a human rights complaint that is also a complaint of corruption under the <i>Crime and Corruption Act 2001</i> (s.58(1), s.63, s.66(1)(c) and (2) <i>Human Rights Act</i> )<br><br>Under s.74, the QHRC Commissioner and a referral entity (i.e. CCC) may enter into an arrangement about referring complaints under a referral Act or dealing with complaints that are not referred   | CCC must deal with a complaint by an individual about an alleged contravention of section 58(1) of the Human Rights Act 2019 by a public entity in relation to an act or decision of the CCC |   |   | CCC to include details in its annual report about:<br><ul style="list-style-type: none"> <li>• Actions taken to further the objects of the Act</li> <li>• Human rights complaints received by the agency, including number and outcome of complaints and other information prescribed by regulation</li> <li>• Reviews of policies, programs, procedures, practices or services undertaken for compatibility with human rights. (s.97 Human Rights Act)</li> </ul> |
| <b>What do we commit to achieving?</b>                   | When making a decision or taking action, all CCC staff are to consider the human rights of individuals (including people in the community and other commission officers), and act compatibly with human rights<br><br>If a right is being limited, we must be able to show that there is a good reason, and that the limitation is fair and reasonable | Any new or revised policy and/or procedure must have a human compatibility assessment undertaken   | Any corruption complaint must be assessed for human rights breaches   | Any complaints against the CCC or a commission officer must be assessed for human rights breaches<br><br>Human rights complaints are to be resolved within 45 days                           |   |   | We will continue to build a human rights culture within our business units, divisions and as 1CCC<br><br>We will ensure appropriate documentation is maintained and recorded to facilitate effective reporting of compliance requirements  |
| <b>Policies and procedures</b>                           | <i>Human rights policy and procedure</i><br><i>Governance Framework</i><br><i>Operational Framework</i><br><i>Operations Manual</i><br><i>Guide - Human rights compatibility framework – decision-making</i><br><i>Guide – When human rights may be limited</i>  | <i>Human rights policy and procedure</i><br><i>Governance Framework</i><br><i>Policy Framework</i><br><i>Guide – Human rights compatibility framework – policies and procedures</i>  | <i>Human rights policy and procedure</i><br><i>IS Guidance – Assessing complaints of corruption (Human Rights Act)</i><br><br>Corruption Case Categorisation and Prioritisation Model (CCPM)<br><br><i>Operations Manual:</i> <ul style="list-style-type: none"> <li>• IM01 to IM04 – Identification of Matters</li> <li>• MM01 – Matter management, planning and conduct (specifically forms MM-AO1 and AO2)</li> <li>• MM04 – Disclosure and requests for information (specifically forms related to disseminations s.60 CC Act)</li> </ul> | <i>Human rights policy and procedure</i><br><br><i>Complaints policy and procedure (new combined policy)</i>   |   |   | <i>Human rights policy and procedure</i><br><br><i>Annual report requirements for Queensland Government agencies</i>   |
| <b>Processes</b><br><u>Consideration of human rights</u> | <b>1) Officer to assess human rights considerations and triage:</b> <ol style="list-style-type: none"> <li>No human right is engaged</li> <li>A human right is engaged and the decision is consistent with those rights</li> <li>A formal human rights assessment is required</li> </ol> <b>2) Formal assessment (if required):</b>                    | <b>1) Officer to assess human rights considerations and triage:</b> <ol style="list-style-type: none"> <li>No human right is engaged</li> <li>A human right is engaged</li> </ol> <b>2) No human right engaged:</b> <ol style="list-style-type: none"> <li>Responsible officer to outline reasons in Policy Approval Form in dGRC</li> </ol> | <b>1) Assessing officer to assess complaint and identify human rights</b> <ol style="list-style-type: none"> <li>No human right is engaged</li> <li>A human right is engaged</li> </ol> <b>2) Assessing officer to process as per CCPM</b>  | <b>Improper conduct (s.329) complaints</b><br><br><b>1)</b> Notifier to submit report and identify whether the behaviour involves a breach of human rights                                   | <b>Workplace complaints:</b><br><br><b>1)</b> Manager assesses improper conduct and human rights (if yes, notification to CEO)<br><br><b>2)</b> If not improper conduct > receiving | <b>Customer service complaints:</b><br><br><b>1)</b> Receiving officer assesses improper conduct and human rights (if yes, notification to CEO) | <b>Regular compliance reporting:</b><br>Six-monthly updates provided to ELT (facilitated by Legal, Risk and Compliance) on:<br><ul style="list-style-type: none"> <li>• specific agency-wide and business unit actions to further the objects of the Human Rights Act during period;</li> <li>• number of human rights complaints received and outcomes (sources: Customer Service Complaints Register,</li> </ul>   |

| Governance and compliance   | Acting and making decisions  | Policies   | Corruption complaints   | Dealing with a human rights complaint against the CCC or commission officers   |   |  | Annual report  |
|---|--|--|---|--|---|--|--|
| <b>Decision</b><br><br><b>Records</b><br>(in addition to normal record keeping obligations) | a) A formal assessment requires the completion of the form, <i>Human rights acts and decision-making review</i> (refer <i>Guide: Human rights compatibility framework – decision-making</i> )<br>b) The threshold for whether a formal assessment is required will be determined by reference to the number and nature of different rights engaged, and whether there are any questions of compatibility<br>c) The officer may undertake the assessment themselves, or for matters of complexity, potential incompatibility or where multiple rights are involved, the officer may seek the assessment to be undertaken by Corporate Legal | <b>3) Human right engaged – formal assessment:</b><br>a) Responsible officer forwards new or existing policy to Corporate Legal for human rights assessment<br>b) Responsible officer submits completed Human Rights compatibility review and accompanying new or amended policy and/or procedure to policy approver (via Policy Approval form on GRC) | Decision maker as per CCPM. The decision-maker should actively consider any human rights issues independently of any prior assessment | <b>2)</b> CEO assesses human rights breach   | officer to deal as per complaints policy                                  | <b>2)</b> If not improper conduct > receiving officer to deal as per complaints policy | Human rights workplace complaints register and COMPASS/Nexus<br>• Details of human rights compatibility assessments undertaken for policies, programs, procedures, practices, or services undertaken during period |
|   | The decision-maker should actively consider any human rights issues independently of any assessment conducted by the officer or Corporate Legal<br>Human rights considerations and decisions   | The decision-maker should actively consider any human rights issues independently of any assessment conducted by the officer or Corporate Legal<br>Human rights considerations and decisions   |   | CEO assesses complaint and considers any human rights breaches<br><br>Human rights considerations and decisions - CM | Assessment decision<br><br>Human rights considerations and decisions - CM | Assessment<br><br>Human rights considerations and decisions – CM, GRC                  | Annual report  |
| <b>Controls</b>   |  |  |   |  |   |  |  |



3

| Governance and compliance | Acting and making decisions | Policies   | Corruption complaints   | Dealing with a human rights complaint against the CCC or commission officers   | Annual report   |
|---------------------------|-----------------------------|--|---|--|---|
| Reporting                 | As required                 | <b>Internal</b><br>Six-monthly report provided to ELT on number of human rights compatibility reviews undertaken (Legal, Risk and Compliance)<br><br><b>External</b><br>Number of human rights compatibility reviews undertaken reported in Annual Report<br>Collate policy/ Human Rights Compatibility Reviews assessment information for annual reporting purposes (s.97 HR Act) | <b>Internal</b><br>Not separately required<br><br><b>External</b><br>Quarterly QHRC convened forum for Referral Agencies under the Human Rights Act – discussion of human rights complaints and referral pathways | <b>Internal</b><br>Six-monthly report provided to ELT on number of human rights complaints received (Legal, Risk and Compliance)<br><br><b>External</b><br>Number of human rights complaints reported in Annual Report | <b>Internal</b><br>Six-monthly update provided to ELT (Legal, Risk and Compliance)<br><br><b>External</b><br>s.97(2) (a), (b) and (c) compliance detailed in CCC Annual Report (Legal, Risk and Compliance) |

Metadata

| Version           | Action   | Responsible Officer       | Accountable Officer (Approver) | Approval Date | HRCA Y / N | eDRMS no.            |
|-------------------|--|---------------------------|--------------------------------|---------------|------------|----------------------|
| [v.1]             | Existing Instrument as at 15 December 2022               | Director, Corporate Legal |                                |               |            | Policy No: 20/231771 |
|                   |  |                           |                                |               |            | HRCA no:             |
| [v.2]             | Minor amendments – updating position titles, grammatical | Director, Corporate Legal | CEO                            |               | N          | Policy no: 23/150093 |
|                   |  |                           |                                |               |            | HRCA no:             |
|                   |  |                           |                                |               |            | Policy no:           |
|                   |  |                           |                                |               |            | HRCA no:             |
|                   |  |                           |                                |               |            | Policy no:           |
|                   |  |                           |                                |               |            | HRCA no:             |
| Next review date: |  | 29 September 2026         |                                |               |            |                      |



# Human rights compatibility framework – decision-making

This guide supports the CCC's *Human rights policy and procedure*.

The purpose of this guide is to provide information to commission officers about the steps to take to ensure our **acts and decisions** are compatible with human rights, in accordance with the *Human Rights Act 2019 (Qld)*. It is important to keep a record of human rights considerations in our decision-making to be able to demonstrate how human rights have been taken into account. When applying these steps (Appendix A), commission officers are ensuring that a human rights assessment is undertaken.

Examples of when commission officers are to refer to these steps include the following:

- decisions about the use of **coercive powers** and acting under coercive powers;
- assessment decisions and actions in relation to **corruption complaints** and **police misconduct complaints**;
- decisions and actions under **review** and **monitoring** of **corruption complaints** and **police misconduct complaints**;
- decisions and actions during the **investigation** of **corruption complaints** and **police misconduct complaints**;
- decisions and actions in relation to **crime investigations** and **confiscation related investigations**; and
- administrative decisions and actions in relation to the **disclosure of information** e.g. dissemination of information and Right to Information decisions.

Compatibility with human rights means that our acts and decisions do not limit human rights, or limit human rights only to the extent that is reasonable and demonstrably justifiable, in accordance with section 13 of the *Human Rights Act*.

## Steps to ensure compatibility of acts and decisions

### Step 1: Is the limit authorised by law?

An act or decision that limits human rights must be authorised by law.<sup>1</sup> An act or decision made in accordance with an existing or proposed policy or procedure that is not authorised by law will not be reasonable and justifiable under section 13 of the *Human Rights Act* and therefore will not be compatible with human rights.

### Step 2: Does the act or decision engage any of the protected human rights?

Commission officers need to identify each human right that is **engaged** by a CCC act or decision. A human right is engaged if it is **limited** by an act or decision or alternatively if it is **protected** or **promoted** by an act or decision. Therefore, it is important to consider what human rights are being limited and protected in any given situation.

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<sup>1</sup> The term 'law' means an Act, subordinate legislation such as regulation or the common law.

If the officer is unsure whether a human right is engaged, the officer should seek advice from Corporate Legal to ascertain whether rights are, or may be, engaged.

If the officer, or Corporate Legal, assesses that a human right is engaged then a formal assessment is to be undertaken. The instrument at Appendix B may be used, or the assessment may be recorded within the decision-making record (such as within an application to exercise a power, or other supporting paperwork).

If no human right is engaged by the act or decision then no further assessment is required.

### **Step 3: Does the act or decision limit/restrict one or more of the protected human rights? If so, how?**

Commission officers are to assess how the act or decision will limit/restrict one or more of the protected human rights. An understanding of the nature and scope of the human right is required in order to assess whether there is potential for the human right to be limited, including whether there are any specific limitations that appear in the section setting out the human right. The Department of Justice and Attorney-General's *Nature and scope of human rights guide* provides further information.<sup>2</sup>

If the act or decision does not limit human rights, then no further assessment is required.

### **Step 4: Is the limit under law reasonable and demonstrably justified?**

The test set out in section 13 of the *Human Rights Act* is to be applied to determine whether a limitation on a human right is reasonable and demonstrably justifiable. Section 13 provides that a human right may be subject under law only to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

*The Guide – When human rights may be limited* sets out a framework for using section 13 of the *Human Rights Act* and whether a limit on a human right is likely to be considered reasonable and justifiable.

### **Step 5: Does an exception to the obligations under section 58 apply?**

There are exceptions to the obligations outlined in section 58 of the *Human Rights Act*:

- If the CCC could not have reasonably acted differently or made a different decision because of a statutory provision that is incompatible with human rights (section 58(2));
- Bodies established for a religious purpose and the act or decision is done or made in accordance with the doctrine of the religion concerned and it is necessary to avoid offending the religious sensitivities of the people of the religion (section 58(3));
- If the act or decision is of a private nature (decisions or actions of a private nature, include things done outside of work) (section 58(4)).

### **Step 6: Assessment**

If the act or decision will limit human rights, and the limit(s) is reasonable and justifiable, then the act or decision will be compatible with human rights, and the obligations under section 58 of the *Human Rights Act* will be met.

If the act or decision will limit human rights, but the limit is **not** reasonable and demonstrably justifiable, then the act or decision is unlikely to be compatible with human rights, and the obligations under section 58 of the *Human Rights Act* will **not** be met.

The CCC must keep accurate records to demonstrate that our acts and decisions are compatible with human rights.

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<sup>2</sup> Department of Justice and Attorney-General (2019). *Nature and scope of human rights guide*. Available:

<https://www.forgov.qld.gov.au/service-delivery-and-community-support/design-and-deliver-public-services/comply-with-the-human-rights-act/human-rights-resources>



## Further assistance

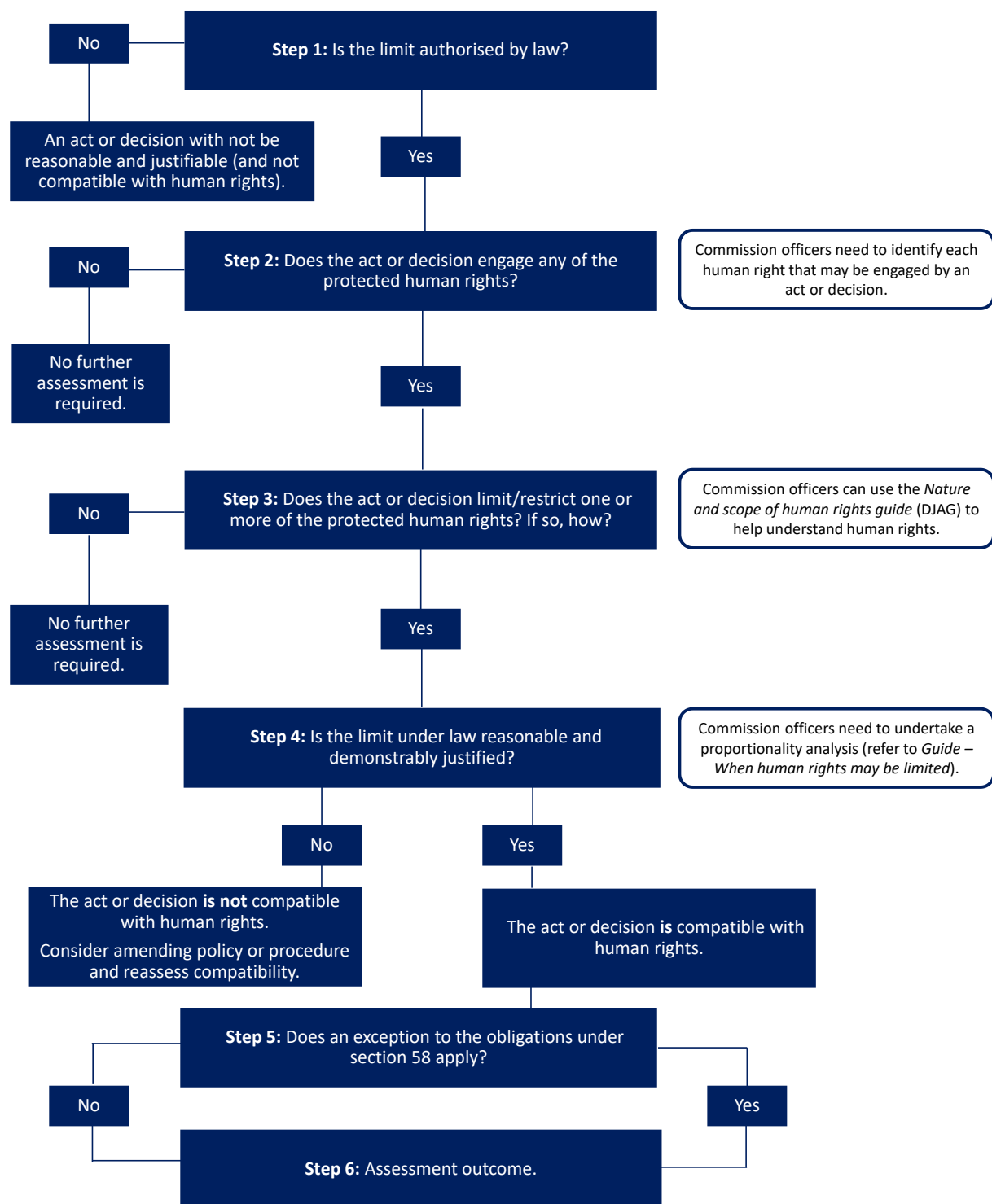
For more information about the CCC's obligations under the *Human Rights Act*, refer to the CCC's *Human rights policy and procedure*. For queries in relation to acting and making decisions in a way that is consistent with the *Human Rights Act*, contact Corporate Legal ([HumanRights@ccc.qld.gov.au](mailto:HumanRights@ccc.qld.gov.au)).

## Metadata

| Version           | Action   | Responsible Officer       | Accountable Officer (Approver) | Approval Date | HRCA Y / N | eDRMS no.                           |
|-------------------|--|---------------------------|--------------------------------|---------------|------------|-------------------------------------|
| [v.1]             | Existing Instrument as at 15 December 2022               | Director, Corporate Legal |                                |               |            | Policy No:<br>HRCA no:              |
| [v.2]             | Minor amendments – updating position titles, grammatical | Director, Corporate Legal | CEO                            |               | N          | Policy no:<br>23/150071<br>HRCA no: |
|                   |  |                           |                                |               |            | Policy no:<br>HRCA no:              |
|                   |  |                           |                                |               |            | Policy no:<br>HRCA no:              |
| Next review date: |  | 29 September 2026         |                                |               |            |                                     |



## Appendix A: Ensuring acts and decisions are compatible with human rights



**Appendix B: Human rights acts and decision-making review**

|   |  |   |   |   |
|---|--|---|---|---|
| CCC business area   |  |   |   |   |
| Type of act or decision   |  |   |   |   |
| Step 1: Authorising law   |  |   |   |   |
| Protected human rights under the <i>Human Rights Act</i>          | Section of the <i>Human Rights Act</i> | Step 2: Does the act or decision engage human rights? If so, how? | Step 3: Does the act or decision limit/restrict human rights? If so, how? | Step 4: Is the limit under law reasonable and demonstrably justifiable? |
| Recognition and equality before the law                           | 15                                     |   |   |   |
| Right to life   | 16                                     |   |   |   |
| Protection from torture and cruel, inhuman or degrading treatment | 17                                     |   |   |   |
| Freedom from forced work  | 18                                     |   |   |   |
| Freedom of movement   | 19                                     |   |   |   |
| Freedom of thought, conscience, religion or belief                | 20                                     |   |   |   |
| Freedom of expression   | 21                                     |   |   |   |
| Peaceful assembly and freedom of association                      | 22                                     |   |   |   |
| Taking part in public life  | 23                                     |   |   |   |



|   |    |  |  |  |
|---|----|--|--|--|
| Property rights   | 24 |  |  |  |
| Privacy and reputation  | 25 |  |  |  |
| Protection of families and children   | 26 |  |  |  |
| Cultural rights – generally   | 27 |  |  |  |
| Cultural rights – Aboriginal peoples and Torres Strait Islander peoples                       | 28 |  |  |  |
| Right to liberty and security of person   | 29 |  |  |  |
| Humane treatment when deprived of liberty   | 30 |  |  |  |
| Fair hearing  | 31 |  |  |  |
| Rights in criminal proceedings  | 32 |  |  |  |
| Children in the criminal process  | 33 |  |  |  |
| Right not to be tried or punished more than once  | 34 |  |  |  |
| Retrospective criminal laws   | 35 |  |  |  |
| Right to education  | 36 |  |  |  |
| Right to health services  | 37 |  |  |  |
| <b>Step 5:<br/>Does an exception apply? If so, describe.</b>                                  |    |  |  |  |
| <b>Step 6:<br/>Final assessment:<br/>Is the act or decision compatible with human rights?</b> |    |  |  |  |





# Witness welfare

## Objective

The objective of this policy is to describe the CCC's approach to the psychological welfare of witnesses, persons of interest and other persons subject to or impacted by the exercise of the CCC's duties, functions, and powers.

## Application

This policy applies to witness as defined by the policy.

This policy does not apply to individuals who are participants in the Witness Protection Program under the *Witness Protection Act 2000 (Qld)*.

This policy does not apply to managing the psychological wellbeing needs of complainants or public interest disclosers, unless that individual is also a witness as defined by the policy.

## Relevant legislation

*Crime and Corruption Act 2001*

*Human Rights Act 2019*

*Police Powers and Responsibilities Act 2000*

*Public Interest Disclosure Act 2010*

*Work health and Safety Act 2011 (Queensland)*

## Definitions

|                             |   |
|-----------------------------|---|
| Operational activity        | As defined within the Operational Framework, excluding Witness Protection.  |
| Suitably qualified provider | A provider of psychological wellbeing services including but not limited to psychiatrists, psychologists, counsellors and therapists. This includes low cost or free mental health services such as Lifeline Australia, Beyond Blue and Kids Helpline as well as Employee Assistance Program providers. |
| Witness                     | A witness is inclusive of witnesses, persons of interest and other persons subject to or directly impacted by the exercise of CCC's duties, functions and powers.   |

## Policy statement

The CCC acknowledges that witnesses may experience stress and emotional discomfort within the lifecycle of an operational activity. This policy operates to ensure that, so far as reasonably practicable, the risks to the psychological wellbeing of individuals are recognised and, if required, responded to having regard to the CCC's function and purpose.

The CCC's practices in relation to witness welfare are designed to:

- Ensure witnesses are treated with respect, dignity, and fairness.
- Balance the psychological wellbeing of witnesses with the CCC's functions and purpose.
- Meet the CCC's legislative obligations.

The CCC provides information to people about the psychological wellbeing supports services and resources available to them in the community and provides reminders about the availability of these services through the course of an operational activity. Where specific psychological wellbeing concerns are identified, the CCC will implement a risk-based approach to determine whether to refer the person to support services relevant and appropriate to the needs and circumstances of the individual.

If a commission officer identifies concerns about the psychological wellbeing of a witness at any stage of an operational activity, they will escalate these concerns to the relevant Director (Corruption Investigations, Crime Hearings and Legal or Crime Operations) or above. Psychological wellbeing may be managed through an appropriate referral to a suitably qualified provider. Where an urgent risk to a person's psychological wellbeing arises, such as risk of suicide, self-harm, harm to others, extreme distress or anxiety, or domestic and family violence the senior officer will consider escalation to emergency services. Where there is a reasonable belief that there is a serious threat to a person's life, health, safety or welfare, disclosure of relevant personal information is permitted.

## Related documents

*Code of Conduct*

*MP01 – Witness interviews, statements and other communications*

*MP03 – Hearings (closed and public)*

## Review triggers

This policy will be reviewed three years from the date of approval, unless changes in legislation or government policy affecting its operation occur before the three year period has expired. This policy will remain in effect until updated, superseded or declared obsolete.

## Metadata

| Version           | Action                                   | Responsible Officer                   | Accountable Officer (Approver) | Approval Date    | HRCA Y / N | eDRMS no.                                  |
|-------------------|--|---------------------------------------|--------------------------------|------------------|------------|--|
| V.1               | Final approved version                   | Executive Director Corporate Services | Chief Executive Officer        | 13 December 2023 | Y          | Policy no: 23/175519<br>HRCA no: 23/215237 |
| V.2               | Revised version following CPAC feedback. | Executive Director Corporate Services | Chief Executive Officer        | 1 March 2024     | N          | Policy no: 23/175519<br>HRCA no: 23/215237 |
| Next review date: |  | 13 December 2025                      |                                |                  |            |  |



Factsheet | January 2023

# Guidance for commission officers on dealing with risks of harm

## Purpose

This fact sheet is designed to give commission officer confidence in handling the behaviour of others including complainants, witnesses, subject officers and members of the public that may pose a risk to themselves or others.

This guide has four sections:

1. Responding to someone at risk of self-harm or suicide
2. Responding to someone who indicates they pose a risk of harm to someone else
3. Tips for supporting commission officers who've dealt with the risk
4. Printable quick reference guides

## Background

The nature of the work of the CCC can place additional stress on people who are interacting with us. Commission officers may find themselves dealing with someone who is considering self-harm, suicide, or harming someone else. Dealing with this situation can be confronting and difficult.

Any indication that a person intends to harm themselves or others must be taken seriously and responded to appropriately. It is not up to commission officers to determine whether risks should be taken seriously. Responses can range from encouraging people to engage with a doctor, mental health professional or support services, through to contacting police or emergency services depending on the level of risk.

There are many reasons why a person might be considering self-harm, suicide or harm to others. The focus of these guidelines is to respond to the behaviours of concern, not the underlying motives. These guidelines focus on providing commission officers some tools to respond to the behaviours of concern in a sensitive way so that they can recognise and refer to appropriate support services.

## Privacy and confidentiality

Commission officers should always consider a person's right to privacy and confidentiality. However, when a person expresses thoughts or impulses to self-harm or harm others and a commission officer reasonably believes there is a safety risk, they may have a duty of care to share information without that person's consent.

## General disclaimer

It is noted that these guidelines are provided for the use of commission officers who do not necessarily have a background, training or qualifications in psychology, counselling or social work. Where reference is made in this document to assessing risk it is with the ordinary meaning of the words, and not in the clinical practice context. Commission officers will make best efforts in the circumstances to use these guidelines, however it is noted that each situation will present its own challenges. It is not expected that commission officers will follow these guidelines exactly, but use them to extent that the situation allows.

## Responding to risks of self-harm or suicide

The following steps are intended as a guide. Commission officers may not need to follow the steps in order. Steps may be skipped depending on the circumstances.

When communicating with a distressed person it can help to:

- Provide an opportunity for the person to express themselves
- Acknowledge their feelings
- Encourage the person to think about wellbeing strategies or support they can access.

Leaders are responsible for supporting commission officers to recognise and manage risks. Commission officers should raise any concerns about a person's safety with their supervisor or senior leader as soon as practicable.

### Gain rapport

When communicating with people in crisis or distress:

- Respond calmly and be aware of your tone of voice
- Acknowledge their emotions
- Show them that you're listening by paraphrasing, summarising and asking them questions about what they're telling you
- Give information in small amounts
- Be supportive without claiming to know how they feel

### Be present for the person

Listen to words and phrases that may indicate a level of risk of self-harm. Some examples include:

*'I want to kill myself...'*

*'I just don't think there's a point anymore...'*

*'It won't matter tomorrow...'*

*'Things would be easier if I wasn't around...'*

### Validate and support

Thoughts of self-harm are common among people who have experience significant trauma. An important reflection to people who are suicidal is to normalise their feelings. This can be done through the use of phrases like:

*'Suicidal thoughts are not unusual for someone who's been through what you have experienced.'*

*'Thank you for letting me know that you feel this way. It's a very normal way to be feeling in these circumstances. It must have taken a lot of strength for you to tell me.'*

*'Thank you for sharing this with me. I know it must be difficult to talk about these feelings. I am very concerned about your safety and I want to help you.'*

### Ask direct questions

To appropriately understand the level of risk, commission officers should ask the person directly if they are considering harming themselves. Asking a person to expand on what they mean when they say something which may indicate they are thinking of committing suicide or harming others, even if it sounds ambiguous, will not increase their risk of self-harm, but will provide commission officers with necessary information to make an assessment of the risk.

*'You are telling me that you just don't think there's a point anymore... I am very concerned about you. Are you thinking of killing yourself?'*



**Get information. Establish immediacy.**

It is important to find out whether the person intends to act on their thoughts and to ascertain immediacy. The following questions may be helpful:

*'You mentioned you are thinking of suicide. Are you thinking of acting on those thoughts?'*

*'Have you thought about how and when you plan to kill yourself?'*

*'Have you ever harmed yourself on purpose?'*

*'Do you have access to any weapons?'*

*'What are you planning to do?'*

**Safety and support check**

Identifying the person's support resources can be useful at any stage during the interaction. Talking about support can help ground the person and move them away from suicidal thinking. Identification of support they can access is also useful information if the person is assessed as high risk.

Talk about what support they can access to stay safe and get help. Encourage the person draw on connections with family, friends, treating practitioners or mental health professionals, and personal coping strategies.

It is also helpful to try and get contact details for the person's GP, counsellor, psychologist or psychiatrist in case it is appropriate to request assistance or intervention. If speaking on the phone suggested questions could be:

*'Are you with anyone at the moment?'*

*'Is there someone you can call to seek support?'*

**Consult and decide action**

If the person states they are going to harm themselves or harm someone else and the risk may be imminent, tell them:

- you will discuss the conversation with your supervisor
- you may need to contact other services such as police and mental health services, and
- you may need to contact the person's emergency contact, their GP, counsellor, psychologist or psychiatrist (if you have the details available).

For example:

*'I am concerned for you and I need to make sure you have support. I may contact someone to check on your safety.'*

If the person is on the phone and they hang up during the call, speak to your supervisor about how to proceed.

Where appropriate, you should consider getting help from colleagues and supervisors to manage people who pose a risk of harm to themselves or someone else. This could include signalling to another person to alert them to the nature of the call or interaction and that assistance is required.

**Take action**

Refer the person to an external service. That might be a 24 hour counselling hotline or the person's GP or mental health care provider. Some common services to suggest include:

- Lifeline – 13 11 14
- Suicide Call Back Service – 1300 659 467
- Beyond Blue – 1300 22 46 36
- MensLine Australia – 1300 78 99 78
- Kids Helpline – 1800 55 1800
- 1800 RESPECT – 1800 737 732





- 13 YARN – 13 92 76 – for Aboriginal and Torres Strait Islander people

Remember that you are not a trained mental health professional – your role is to recognise, respond and refer.

Discuss any other actions with your supervisor. You may need to notify another agency including the Queensland Police Service, the Queensland Ambulance Service or the Department of Child Safety.

### Defuse and debrief

Working with people in crisis can be distressing and people will respond to it differently. There are a range of options available including:

- debriefing with a colleague or supervisor
- taking a walk to clear your head
- calling the Employee Assistance Program to debrief with a counsellor
- engaging in your own personal self-care strategies

Please refer to the section in this guide titled Employee support for more information on defusing and debriefing.

### In summary

**If a person says something that indicates they may be thinking of harming themselves** ask them a direct question about what they intend to do. If you think there may be an imminent risk of self-harm or suicide, try to gather as much information as possible to inform appropriate referral or intervention.

**If a person writes something in an email or a letter that indicates they may be thinking of harming themselves**, you should attempt to contact the person by telephone, where possible. If this is not possible, discuss this with your supervisor. You may need to arrange emergency intervention depending on the information in the email or letter.

**If you are in a face-to-face situation within someone who raises the risk of self-harm**, follow the same procedures to recognise the risks as on the phone and escalate as required. Unless there is a risk to your own safety, try not to leave the person on their own.



## Threats of harm to commission officers and other

The following steps are intended as a guide for responding to threats to commission officers or third parties. This can include hostility, aggression and assaults. You do not need to follow the steps in order – you may skip steps depending on the circumstances.

Where commission officers are at risk due to dangerous or aggressive behaviour during or as a direct result of their work, the CCC must take immediate action to protect their health and safety. We do this by providing a secure work environment, limiting face-to-face contact with complainants, witnesses and subject officers where possible, and having processes in place to terminate calls under certain circumstances.

Commission officers should report any threat of harm to a supervisor, whether it is made face-to-face, on the phone or in writing. The supervisor should decide what the response is, and this may include contacting the police and requesting their attendance.

If a commission officer is confronted with someone displaying threatening behaviour, they should try to de-escalate the behaviour. If at any time the commission officer feels their safety is at risk, they should remove themselves from the situation immediately and seek assistance. Remember not to speculate on the motives for someone's behaviour. Address the behaviour, not the person.

## Recognising danger signals and assessing risk

The following signals may indicate that a person could become aggressive or violent:

- **Appearance:** seems intoxicated or is carrying something that could be used as a weapon.
- **Physical activity:** restless or agitated, pacing, hostile facial expressions, has entered non-public area of the office.
- **Speech:** loud, swearing or abusive, slurred.

The signals above may alert you to potential danger, but other explanations need to be considered. For example, slurred speech may be caused by a speech impairment and agitation and pacing by anxiety. Do not automatically conclude that a person intends harm by displaying these behaviours.

The strategies below will help you manage any risk associated with responding to a person displaying those signals, while still treating them with respect and concern for their problem:

- If you are in a public space speaking to a distressed person, ensure you are not alone. If available, ensure you are being monitored on security screens.
- If meeting with a person who is displaying aggressive or intimidating behaviour, do not keep them waiting before attending to them.
- Ask a colleague to attend the meeting with you.
- If possible, use a room where you can attend to the person in a calming, low stimulus environment and position yourself near an exit or safety alarm.
- Use calm words, tone and body language. Learn and use de-escalation and distraction strategies outlined below.
- Ensure someone else is aware of the situation. If possible, restrict access to the area by other persons until the situation calms down.
- If you feel you are in danger, remove yourself as quickly as possible. Walk through the nearest door to a secure area and let others know of the risk.
- If safe to do so, encourage the person away from the premises or disconnect the person from the phone call. If possible, leave a route for the person to follow where they will not feel like they are trapped or cornered, as this may increase their agitation.

## Defuse and de-escalate the situation

The aim of using de-escalation techniques is to calm the person and manage the physical environment. You should aim to:



- stay calm and adopt a neutral, open posture
- speak slowly and clearly, even if the person is shouting
- acknowledge the grievance and communicate a willingness to see what can be done.

For example:

*'I can hear you are very angry about ...'*

or

*'I am concerned about you and would like to help you '*

- clarify any statements that suggest a risk of harm to the person or someone else by repeating what the person has said.

For example:

*'You have just said you will ....'*

- ask open ended questions to keep the dialogue going. A question about the facts can change a person's focus:

For example:

*'Can you tell me about ....'*

If possible, it can also be useful to identify someone the person normally relies on for support.

### Respond to ensure the safety of everyone

If the person continues to exhibit unacceptable behaviour take the following actions:

- inform the person what the consequences of their unacceptable behaviour will be.

For example:

*'If you continue to speak/act like that, I will stop this conversation.'*

- inform the person of the actions you will take in response to their continued behaviour/words:

*'You have just said that you will...' (repeat the person's language). 'Our policy here is that all threats must be taken seriously and responded to. I will now inform a supervisor that you have said you will...' (use the words the person has used). 'If you continue to make those comments, I will request that you leave the premises.'*

- if you feel you are in physical danger, leave the room and request assistance from Security.

### Review with your supervisor

With your supervisor, identify strategies for future interactions with the person, for example a follow up call and referrals to other services.

Some common services to suggest include:

- Lifeline – 13 11 14
- Suicide Call Back Service – 1300 659 467
- Beyond Blue – 1300 22 46 36
- MensLine Australia – 1300 78 99 78
- Kids Helpline – 1800 55 1800
- 1800 RESPECT – 1800 737 732
- 13 YARN – 13 92 76 – for Aboriginal and Torres Strait Islander people

### Defuse and debrief

Working with aggressive people can be distressing and people will respond to it differently. There are a range of options available including:

- debriefing with a colleague or supervisor



- taking a walk to clear your head
- calling the Employee Assistance Program to debrief with a counsellor
- engaging in your own personal self-care strategies

Please refer to the section in this guide titled Employee support for more information on defusing and debriefing.

## Employee support

After all action to manage the risk is completed, supervisors should offer and provide support. Defusing and debriefing are two support strategies for commission officers who deal with difficult situations.

### Defusing

- initial response post-crisis (within 12 hours)
- check the wellbeing of the person/commission officer involved, offering initial support
- arrange debriefing and follow-up sessions.

Defusing is designed to assist people to manage any distress in the short-term and address immediate basic needs. It is very important to do this as soon as possible, on the day of the incident, before leaving work. Defusing is done informally and usually by peers (small group support). The aim is to stabilise the responses of commission officers involved in the incident and provide an opportunity to express any immediate concerns.

Guided discussion and the opportunity to ask questions can help ground everyone involved in managing the incident.

For example:

*‘What is one ‘self-care’ activity you can do for yourself after you finish work today?’*

Defusing activities include:

- briefly reviewing the event
- discussing questions and concerns
- identifying current needs
- offering advice, information and handouts on referrals and support agencies.

### Debriefing

Debriefing helps people deal with reactions to a distressing incident, reflect on its impact, and discuss whether additional support or action is required. It can help people begin processing the event and bring closure.

Commission officers should have the opportunity to debrief as soon as possible, but no longer than 72 hours after the initial incident. Commission officers should be encouraged to debrief with a senior staff member or colleague, or to use facilitated debriefing support such as our EAP provider. It can be done informally or formally, depending on the needs of those involved.

The following steps may act as a facilitation guide, but remember to tailor the discussion to employee needs and the circumstances surrounding the incident:

- acknowledge the role played by all involved
- invite the person to discuss both the positive and negative elements of the experience
- ask open-ended questions that help the person explore the facts, thoughts and sensory experience related to the event
- allow expression of thoughts, emotions and experiences associated with the event without judgement



- identify the incident's impact on the person to determine whether follow-up support is required
- advise what additional support is available such as EAP.

## References

The content of these guidelines has been largely derived from:

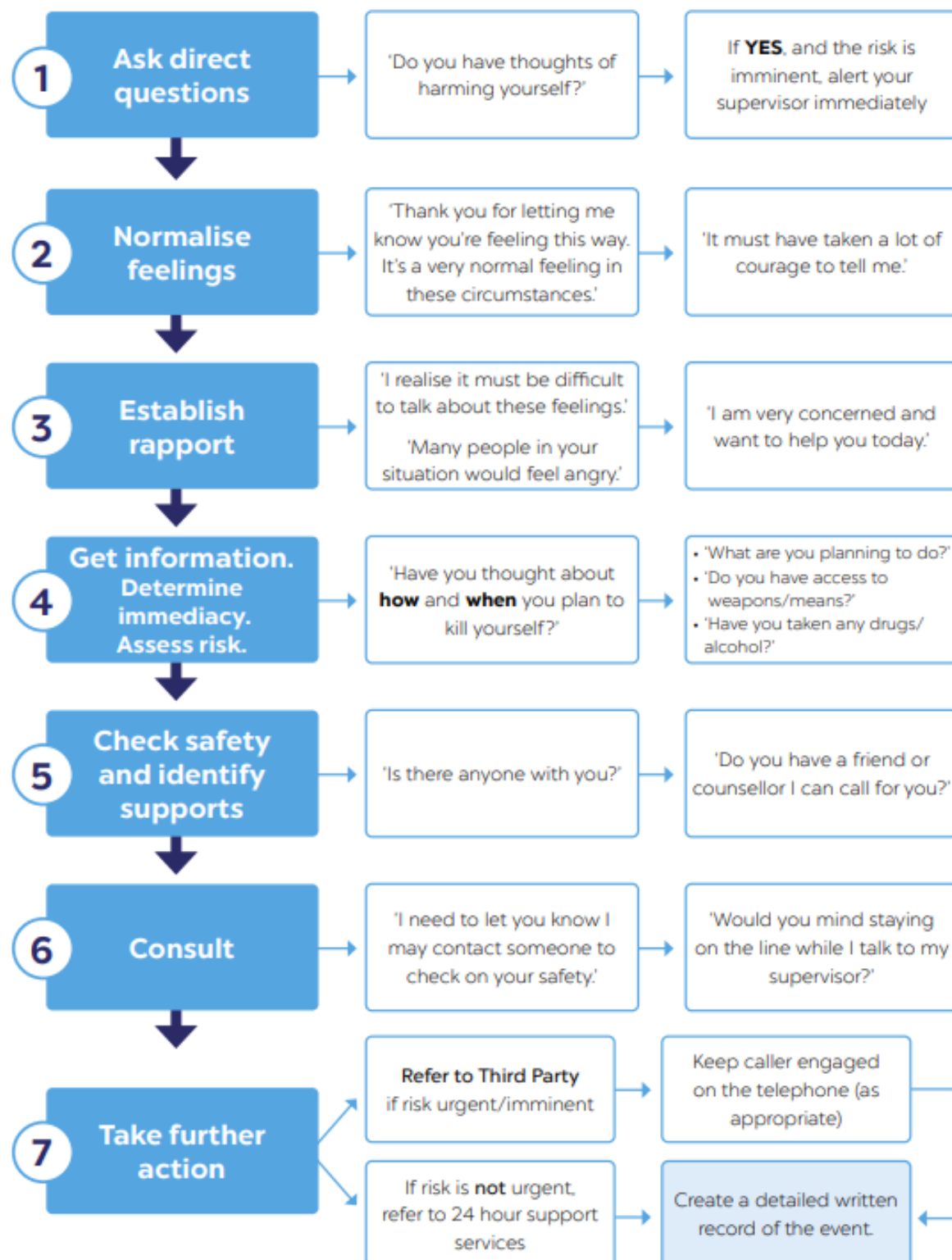
*Guidance for complaint handlers on dealing with risks of harm*, Commonwealth Ombudsman (2022)

*Helping someone at risk of suicide*, Lifeline Australia

*Mental health first aid (4<sup>th</sup> ed.)*, Mental Health First Aid Australia (2017)

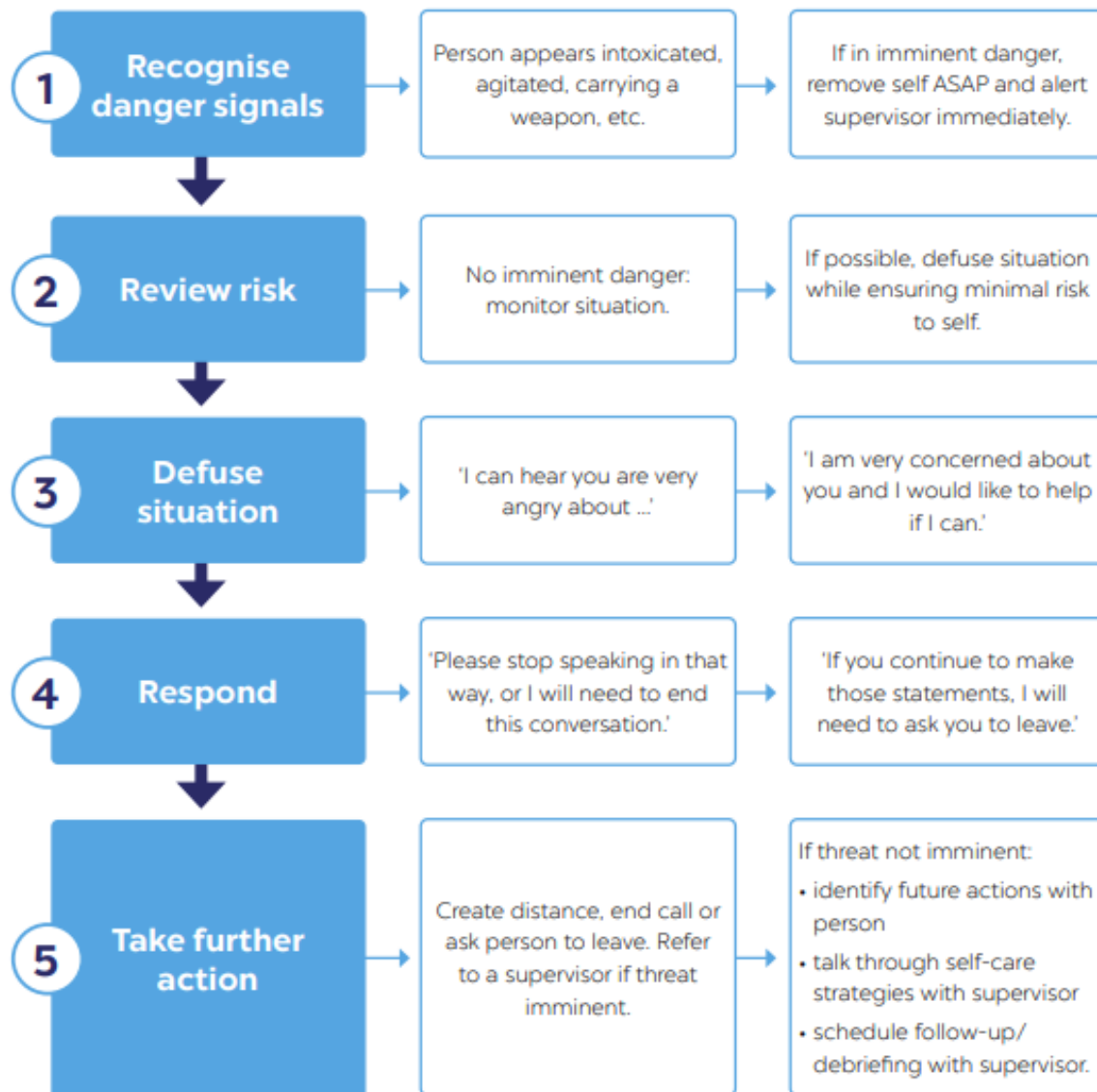


## Quick risk assessment tool: Responding to risks of self-harm or suicide



Reproduced with permission from *Guidance for complaint handlers on dealing with risks of harm*, Commonwealth Ombudsman (2022)



**Quick risk assessment tool – Responding to threats of harm to others**

Reproduced with permission from *Guidance for complaint handlers on dealing with risks of harm*, Commonwealth Ombudsman (2022)







# Information for witnesses

January 2024

**The Crime and Corruption Commission (CCC) recognises and takes seriously the impact that participating in a hearing or investigation may have on witnesses, persons of interest and others directly affected by the exercise of our functions, duties and powers.**

To enable the CCC to consider any potential risk to your health and safety that may arise from your being involved in a hearing or investigation, please advise us as soon as possible:

- If you are unwell or have an existing physical or mental health condition that may affect your involvement in a CCC hearing or investigation, or
- If you believe that any existing physical or mental health condition may be exacerbated by your involvement in a CCC operational activity.

There may be free and confidential support available to you:

- If you are a Queensland public sector employee, you may be able to seek confidential counselling through your agency's Employee Assistance Program (EAP).
- Anyone may contact the mental health access line on 1300 MH CALL (1300 642 255).
- A range of 24/7 crisis services are available including:
  - **Lifeline** – 13 11 14
  - **Suicide Call Back Service** – 1300 659 467
  - **Beyond Blue** – 1300 22 46 36
  - **MensLine Australia** – 1300 78 99 78
  - **Kids Helpline** – 1800 55 1800
  - **1800 RESPECT** – 1800 737 732
  - **13 YARN** – 13 92 76 – for Aboriginal and Torres Strait Islander people
- In an emergency call 000 or go to your local hospital emergency department.

Unless you have been issued with a notice to attend a hearing that is made confidential pursuant to either section 84 or section 202 of the *Crime and Corruption Act 2001*, you may disclose to your health practitioner or counsellor that you are participating in an investigation.

If you have any questions about whether or not you can disclose this information to your health practitioner or counsellor, please contact the relevant contact officer.



Crime and Corruption Commission  
QUEENSLAND

# Operations Manual

Part 2: Management of Matters (MM)  
Section 3: **Matter reports and  
publications**

## Contents

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## MM03 – Matter reports and publications

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### 1. Purpose

The purpose of this policy and procedure is to outline the requirements for the preparation and production of reports or publications for external audiences that are the product of an investigation. As a result of the Queensland Court of Appeal's decision in *Carne v CCC*,<sup>1</sup> the CCC may not prepare public reports arising from its investigations, other than where a public hearing has been held. As such, external reports arising from investigations other than those which involved a public hearing may only be for publication to a UPA, and must be confidential.

### 2. Application

The following information applies to all Commission officers involved in the preparation, production, review and approval of externally focussed reports or publications arising from operational matters.

This policy and procedure does not apply to:

- internal reports produced to support management, governance or matter finalisation requirements
- public reports based on research or prevention.

### 3. Policy

The CCC's policy and standards for the preparation and furnishing of investigation or project reports is set out in Part 4, clause 4.8.3 and 4.8.5 of the [Operational Framework](#).

### 4. Procedure

#### 4.1 General principles

Publishing information is a key element of how the CCC communicates outcomes of its investigations and other operational work. Decisions about what to publish and how best to communicate are informed by a number of considerations, including:

- the status of an operational matter and any related activities
- considerations of equity to all stakeholders who have an interest in a matter
- considerations of any criminal prosecution
- the need to afford natural justice to persons adversely affected by a proposed publication, including the need to comply with section 71A of the *Crime and Corruption Act 2001* (CC Act)
- obligations arising from legislative provisions
- how best to communicate the work of the CCC to its stakeholders and increase public confidence and transparency in the use of our powers
- the opportunities to maximise our reach to a particular audience
- opportunities to provide educative or preventative information to stakeholders
- timeliness and cost

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<sup>1</sup> That decision is currently under appeal to the High Court.



- longevity of the published material.

The above considerations require careful balancing of the competing demands before decisions are made about what, when, where, who and how to publish.

## 4.2 Types of reports and publications

Publications constitute a stage of the delivery phase of an investigation, incorporating the preparation of reports or similar products that include: confidential reports provided to the head of an agency, recommending specific action to be undertaken in response to a CCC investigation<sup>2</sup>

As a result of the Court of Appeal's decision in *Carne v CCC*, the CCC may not publish reports arising from its corruption investigations. It may prepare reports in the performance of its prevention<sup>3</sup> or research functions<sup>4</sup>, or following a public hearing<sup>5</sup>. For this reason, the sections of this policy in relation to public reports should be understood as being confined only to public investigation reports following public hearings.

The CCC has a general power to report in the performance of its functions. However, as a result of the decision of *Carne*, the scope of that provision is unclear.

## 4.3 Planning and approval

### 4.3.1 Planning

The external communication of information should be considered:

- **Within the feasibility stage:** as an anticipated or likely product of an investigation, supporting the business case and forming an element of the high-level delivery plan in the Feasibility Report for the Executive Leadership Team's (ELT) review
- **Within the delivery stage:** as a stage of delivery, thereby included in the high-level delivery plan where requirements and estimates will forecast the resource requirements and completion dates for the publication stage (refer to MM01 – Matter management, planning and conduct for further information).

It is the responsibility of the case manager to liaise with their supervisor and peers to consider on the best format of publication and the intention of that publication. The Director, Corporate Communications or delegate in the Corporate Communications team can provide valuable communications advice to assist the case manager consider the best publication option. This advice will assist the case manager:

- identify appropriate opportunities for the external publication of reports or similar products with reference to the principles outlined in section 4.1
- consider the most appropriate delivery channel(s) and format, based on the audience and their needs, and any requirements specific to that audience (e.g. language or tone)
- identify any additional factors requiring consideration, such as the publication of other material by CCC, timeliness or resource availability
- where relevant, consider printing and distribution requirements, including provision to the Legislative Assembly

<sup>2</sup> Including consideration of prosecution or disciplinary action – see s49 and MM02

<sup>3</sup> s24

<sup>4</sup> ss52, 64 and 69

<sup>5</sup> s69



- the recommended release classification (official or sensitive). Different products from the same investigation may have different release classifications depending on their content and target audience.

Based on these considerations, a discrete plan is developed that incorporates:

- detailed requirements/estimates, including the quality, type and quantity of resources required, and the reliability of those resources based on leave commitments or competing priorities
- the activities required to complete the publication stage of the investigation and who is responsible for completing each activity, and
- the associated timeframe to complete the stage of the investigation.

The publication stage of an investigation is dependent on many factors and estimates are not static. Hence, the case manager is required to review the high-level delivery plan ongoing and in light of the progress of delivery, and liaise with Corporate Communications and other relevant business units to support effective resource planning and ensure a timely and high quality product.

### 4.3.2 Approval to prepare a report or publication

The requirement to prepare a confidential investigation report or a report for the public is a key decision. Approval is dependent on the investigation phase and type of product.

Within the feasibility stage, the investigation products form part of the business case for ELT review. (**Note:** For corruption investigations, the business case is to be considered by the Corruption Investigations Governance Committee (CIGC) prior to referral to the ELT.)

Within the delivery stage, publications comprise a sub-stage of delivery and are reviewed as part of the high-level delivery plan (refer to IM01 – Portfolio assessment and review for further information on governance arrangements). (**Note:** For corruption investigations, publications may be considered by the CIGC.)

Where an investigation or assessment is likely to, or will, involve the making of a recommendation(s) for law reform in relation to a Cabinet process or a matter involving a constitutional convention, refer to MM01 – Matter management, planning and conduct.

The case manager must ensure the ELT decision is recorded in the case management system or for reports in connection with the CCC's Crime Functions, an appropriate record is maintained in the relevant publication Content Manager (CM) file.

## 4.4 Product delivery

### 4.4.1 Content development

In accordance with the discrete publication plan, the officers tasked with specific activities are responsible for:

- delivering content that is technically accurate
- ensuring that the correct security classification is applied
- ensuring that dissemination authority is obtained (refer to MM04 - Disclosure and requests for information)
- ensuring the content adopts the In-house CCC style guide and brand guidelines.

The Principal Investigation Officer (reports), Corruption Investigations is required to assist the Corruption Division with the drafting of corruption confidential reports or reports for the public.



The Case Manager is responsible for liaising with the Corporate Communications team to coordinate their appropriate input to ensure any proposed publication:

- conforms to the CCC brand and writing style guides
- is prepared in a format consistent with existing CCC publication types
- adheres to Queensland Government Standards where necessary (refer to Communications policy and procedure for further information)
- adheres to CCC standards (for example, use of PDF format in a report to a Unit of Public Administration (UPA) or the application of a "DRAFT" watermark. Refer to Communications policy and procedure for further information and CCC Standards)
- adopts appropriate tone, style and messaging for the identified audience
- is supported with the appropriate permissions to reproduce any copyright material, including images
- has the necessary intellectual property requirements (refer to the Intellectual Property policy and procedure and the Communications policy and procedure)
- has any additional proofing or editing requirements planned appropriately
- has a physical production schedule in place if applicable.

The Corporate Communications team may also identify additional content requirements relating to the production of communications and will liaise with the investigation team accordingly.

#### 4.4.2 Content review and approval

Confidential reports provided to the head of an agency, recommending specific action(s) to be undertaken in response to a:

- Crime investigation are reviewed by the relevant operational Director and assigned legal officer, and approved by the Senior Executive Officer (Crime), and
- Corruption investigation are reviewed by the relevant investigating team Director and assigned legal officer, considered by the CIGC, and approved by the Senior Executive Officer (Corruption).

Published CCC materials that are considered a routine matter, are:

- reviewed by the Executive Director (Crime Operations or Corruption Investigations), appropriate legal officer(s), assigned legal and Director Corporate Communications, and
- approved by the Senior Executive Officer (Crime or Corruption).

If a product is non routine, the Senior Executive Officer must consult the Chairperson, and should consult the Chief Executive Officer (refer to the Communications policy and procedure).

A public report following a CCC investigation (currently confined to a report following a public hearing) should be provided to the Commission before it is published. While it is not required that the Commission must adopt the report, the Commission should consider the report unless there is some reason it cannot (such as a conflict of interests).

#### 4.4.3 Parliamentary tabling

A report may be tabled under s69 of the Act. That section sets out the processes and circumstances required for publication.

A report on a public hearing must be tabled. A research report or other report may be tabled if the parliamentary committee directs that it be given to the Speaker.<sup>6</sup>

<sup>6</sup> Unauthorised publication of a report to which s69 applies is made an offence by s214 of the Act





### *Procedural fairness*

Where a report is to be published (either to be tabled in Parliament or otherwise be published), the CCC must first give a person about whom an adverse comment is proposed to be made an opportunity to make submissions about the report. Where the CCC, having considered the submissions and still proposes to make the adverse comment, the CCC must ensure the person's submissions are stated fairly in the report.<sup>7</sup>

### *Process for tabling*

Where a CCC report is sought to be published through the tabling process in s69, the following process will generally occur:

1. Consideration settling and approval of a 'procedural fairness draft' (a draft of the report regarded as final subject to submissions made in the procedural fairness process)
2. Provision of a copy of the procedural fairness draft to affected persons
3. Provision of a copy of the procedural fairness draft to the Commission
4. Provision of a copy of the procedural fairness draft to the Parliamentary Committee, advising the Committee of the CCC's intention to seek a direction for tabling under s69 subject to the procedural fairness process
5. Receipt and consideration of procedural fairness submissions (generally two weeks from provision of the draft), and any necessary changes
6. Approval of the final draft, and provision to the PCCC for tabling

## 5. Definitions

| Term   | Meaning  |
|--------|--|
| CC Act | <i>Crime and Corruption Action 2001</i>        |
| CIGC   | Corruption Investigations Governance Committee |
| ELT    | Executive Leadership Team                      |

## 6. Forms

Nil (refer to MM01 – Matter management, planning and conduct for planning documentation).

## 7. Related policies and procedures

### Relevant Legislation

Nil

### Other relevant information

- IM01 – Portfolio assessment and review
- MM01 – Matter management, planning and conduct
- MM04 - Disclosure and requests for information
- Communications (policy and procedure)
- Intellectual Property (policy and procedure)

<sup>7</sup> s71A



- CCC style guide (in-house)
- 1CCC brand guidelines
- More information about the retention and disposal of public records can be found on the website of the Queensland Government Chief Information Office.



## 8. Administration

| Version           | Action   | Responsible Officer                           | Accountable Officer<br>(Approver) | Approval Date | HRCA<br>Y / N | eDRMS no.  |
|-------------------|--|---|-----------------------------------|---------------|---------------|--|
| V1                | Reviewed – Grammatical changes only  | Executive Director, Corruption Investigations | Senior Executive Officer, Crime   | 11/02/2023    | N             | Policy No:<br>22/021539<br><br>HRCA no:<br>22/021541 |
| V.2               | Major amendment – Scope of policy reduced to reflect the <i>Carne</i> decision | Executive Director, Corruption Investigations | Senior Executive Officer, Crime   | 04/04/2023    | Y             | Policy no:<br>23/056484<br><br>HRCA no:<br>23/056473 |
| Next review date: |  | 04/04/2024                                    |                                   |               |               |  |





Crime and Corruption  
Commission

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QUEENSLAND



# Communications Policy and Procedure

## Objective

The purpose of this policy and procedure is to recognise that communication helps the Crime and Corruption Commission (CCC) achieve the objectives set out in our strategic plan and provide guidance to ensure that our communications are approved, accurate, timely, stakeholder-focused and well planned.

## Application

This policy applies to all Commission officers, including officers seconded from the Queensland Police Service or other agencies.

This policy and procedure does not apply to routine business unit correspondence (including letters or other interaction with complainants or units of public administration) or other forms of internal business unit communications such as legal opinions, internal emails, briefing notes, reports or memos.

## Legislative references

*Crime and Corruption Act 2001*

*Public Records Act 2002*

## Definitions

| Term             | Definition   |
|------------------|--|
| CCC material     | Anything capable of distribution that carries the CCC logo or is authored by the CCC. This usually refers to publications, media releases, website content, social media posts and other corporate communications materials. |
| Communication    | Activities and messages containing information which is used to engage and inform stakeholders and the broader community about the activities, functions and outcomes of the CCC.  |
| Media            | All forms of traditional media including print, broadcast (TV/radio), online news websites and digital media channels including online blogs.  |
| Head of Division | The CCC officer who is the head of a division who reports directly to the Chief Executive Officer and has a Tier 1 delegation in the Human Resources Decision Making Framework.  |

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## Roles and responsibilities

Business units are responsible for:

- gaining approval for the communication from the approver (**See TABLE 1**)
- the technical accuracy of their communications
- obtaining permissions to reproduce any copyright material, including images, in their communications. Corporate Communications can assist business units
- ensuring that the correct security classification is applied and/or dissemination authority is obtained if it is required
- selecting a creative commons if required by using the Intellectual Property policy and procedure. Corporate Communications can provide advice to business units.

Corporate Communications is responsible for:

- assisting business units to develop content. This includes authoring content, editing content and assisting with message development
- ensuring in-house style guides and brand guidelines are correctly applied to communications
- graphic and digital design
- publishing CCC materials on websites, social media and other channels where necessary.

**Table 1 – Approvers of CCC Materials and Communications**

| Type of communication:             | Point of contact:        | Authorised by:  |
|------------------------------------|--------------------------|---|
| Media responses and media releases | Corporate Communications | <p><b>Head of Division</b> – all routine matters relevant to their respective division.</p> <p>If a matter is not routine, the Head of Division should consult the CEO and/or Chairperson.</p>  |
| Social media – Publishing          | Corporate Communications | <p><b>Head of Division</b> – all routine matters relevant to their respective division.</p> <p><b>Corporate Communications staff</b> – Twitter, Facebook, Youtube and LinkedIn</p> <p>Standard responses in line with pre-approved posts or publishing of content consistent with an existing approval. For example, posting content consistent with media releases, job vacancies or content from reports or publications that are already approved by a Head of Division.</p> |

| Type of communication:  | Point of contact:        | Authorised by:   |
|---|--------------------------|--|
|   |                          | <p><b>Human Resources staff</b> – LinkedIn only</p> <p>Content relating to recruitment, job vacancies and careers that is already approved by a Head of Division.</p> <p>If a matter is not routine, the Head of Division should consult the CEO and/or Chairperson.</p>   |
| Social Media – Moderation including hiding posts, deleting posts and banning users. | Corporate Communications | <p><b>Director, Corporate Communications</b> – Responding to private/direct messages or public posts with information that is already approved or available on the CCC’s website. Responding to private/direct messages or public posts using pre-approved content.</p> <p>Moderating, hiding or deleting posts that are obviously in breach of the CCC’s Social Media Terms of Use.</p> <p><b>Executive Director, Corporate Services</b> – Matters that are not routine or not obviously against the Social Media Terms of Use that require broader consideration.</p> <p>Banning of users not adhering to the Social Media Terms of Use following a recommendation by the Director, Corporate Communications.</p> <p>If a matter is sensitive or requires broader consideration, the Executive Director, Corporate Services should consult the CEO and/or Chairperson.</p> |
| Public presentation   | Head of Division         | <p><b>Head of Division</b> – all routine matters relevant to their respective division.</p> <p>If a matter is not routine, the Head of Division is encouraged to consult the CEO and/or Chairperson.</p>   |

| Type of communication:                                      | Point of contact:                                  | Authorised by:   |
|---|--|--|
| Published CCC materials                                     | Head of Division and Corporate Communications      | <p><b>Head of Division</b> – all routine matters relevant to their respective division.</p> <p><b>Corporate Communications</b> – Approval of brand application if a corporate template is not being used.</p> <p>If a matter is not routine, the Head of Division is encouraged to consult the CEO and/or Chairperson.</p>   |
| Distributing CCC materials                                  | Head of Division and Corporate Communications Unit | <p><b>Head of Division</b> – all routine matters relevant to their respective division.</p> <p><b>Corporate Communications</b> – Approval of brand application.</p> <p>If a matter is not routine, the Head of Portfolio is encouraged to consult the CEO and/or Chairperson.</p>  |
| Intranet content  | Individual divisions and business units            | <p><b>Any CCC officer with a Tier 1, Tier 2 or Tier 3 delegation defined in the Human Resources Decision Making Framework</b>- Routine matters relevant to a business unit or division.</p> <p>Managers are encouraged to consult with their immediate supervisor or Head of Division before posting content on the intranet.</p> <p>If a matter is sensitive or will impact on staff outside their respective Division, a Head of Division is encouraged to consult with the Director Corporate Communications and other relevant Head of Division, CEO and/or Chairperson.</p> |
| <div></div> <div></div> <div></div> <div></div> <div></div> | <div></div> <div></div> <div></div>                | <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div>  |

**Authorised by:**

Corporate Communications is the first point of contact for the media seeking information about the CCC. The CCC has a generic email address and phone number for media to use. These details must be displayed on the CCC's website. The Director Corporate Communications and the Senior Communications Officer are authorised to deal directly with the media to receive enquiries and provide approved responses. Other members of the Corporate Communications team can deal directly with the media to respond to media enquiries if they have relevant skills and experience, and are approved by the Director Corporate Communications.

Unless specifically approved to do so, CCC officers (other than the Chairperson, CEO or Head of Division) are not authorised to deal with or release information or CCC material to the media regardless of whether the officer is on or off-duty, or is inside or outside of the CCC's offices or premises. Any approach by the media to an officer must be referred to Corporate Communications.

### Social media

The CCC uses social media as a communication channel to reach audiences who consume their information via social media. The CCC's official social media channels are administered and managed by Corporate Communications.

The CCC's corporate Twitter account is:

- @CCC\_QLD - [https://www.twitter.com/CCC\\_QLD](https://www.twitter.com/CCC_QLD).

The CCC's corporate Facebook account is:

- [www.facebook.com/CrimeandCorruptionCommission](http://www.facebook.com/CrimeandCorruptionCommission).

The CCC's corporate Youtube account is:

- @CCC\_QLD - <https://www.youtube.com/channel/UCmkYl2wABDiCzZJh4Hx6KMg>

The CCC's corporate LinkedIn account is:

- <https://au.linkedin.com/company/crime-and-corruption-commission-queensland->

Corporate Communications collaborate with business units to source and develop content. All social media posts and responses must be approved as per **TABLE 1**.

CCC social media posts will align with the messaging contained in other external communications, published CCC materials and media responses. In most cases, social media posts will not be made in isolation of other forms of communication. Publishing to social media will follow the considerations outlined in this policy in the "Published CCC material" section and, where appropriate, posts will link to more information available on the CCC website.

CCC officers are prohibited from personally interacting with any official CCC social media account from their own personal social media accounts. This is to limit the opportunity for other online users to identify you as a CCC officer, which may pose a risk to you and the CCC.

### Twitter

With respect to Twitter use, interactions that are prohibited include:

- Following the CCC official account
- Retweeting a tweet made by the CCC official account
- Liking a tweet made by the CCC official account
- Replying to a tweet made by the CCC official account
- Mentioning the CCC official account in a tweet from your personal account

- Sending a direct message from your personal account to the CCC official account
- Using a hashtag that has relevance to the CCC official account. Eg #CCC or #crimeandcorruptioncommission or #TaskforceFlaxton

### Facebook

With respect to Facebook, interactions that are prohibited include:

- Liking or following the CCC official Facebook page
- Liking, sharing or commenting on content posted by the CCC
- Using the reactions feature to react to content posted by the CCC
- Mentioning the CCC official Facebook page in a post from your personal Facebook profile or from a Facebook page you administer
- Sending a message from your personal Facebook profile or a Facebook page you administer to the CCC official Facebook page
- Using a hashtag that has relevance to the CCC official account. Eg #CCC or #crimeandcorruptioncommission
- Checking-in on Facebook at the CCC's headquarters from your personal Facebook account.

### Youtube

With respect to Youtube, interactions that are prohibited include:

- Liking or subscribing to the CCC official Youtube account
- Liking, sharing or commenting on content posted by the CCC

### LinkedIn

With respect to LinkedIn, CCC officers can list the CCC as their employer on their personal LinkedIn profile and follow the CCC's corporate LinkedIn account. CCC officers are responsible for assessing whether listing their employer on LinkedIn has any impacts on their role at the CCC or if it creates any risk to them. CCC officers can seek advice from their supervisor, Security Manager and Director Corporate Communications.

Interactions that are prohibited include:

- Liking, sharing, reposting or commenting on content posted by the CCC
- Tagging the CCC LinkedIn account in a post from your personal LinkedIn profile
- Sending a message from your personal LinkedIn profile to the CCC LinkedIn account
- Publishing CCC content via your personal LinkedIn account

CCC officers are encouraged to contact Corporate Communications for further guidance and can refer to the [Social Media Guide for Staff](#) on the intranet.

### Social Media Management, Monitoring and Moderation

The Corporate Communications team manages the CCC's social media accounts. The Director, Corporate Communications is responsible for assigning administration and editing access to members of the Corporate Communications team for the purpose of managing the social media accounts. Members of the Human Resources team can be provided access to the CCC LinkedIn account to post content following approval from the Director Human Resources and Director Corporate Communications.

Corporate Communications must keep a record of any public post published by the CCC.

At times social media users may send the CCC private messages which are not publicly available to all users. These private messages, which are also known as direct messages, provide a forum for a social media user to engage in a one-on-one conversation as opposed to a one-to-many conversation via social media with the CCC.

All private or direct messages received and any response to those messages must be recorded by Corporate Communications.

Corporate Communications is responsible for monitoring the CCC's social media accounts during business hours to assess if any public or private messages require a response or moderation.

Corporate Communications is responsible for maintaining Social Media Terms of Use that clearly articulate the expectations of users when engaging with the CCC on social media. Where users breach the terms of use, their posts can be hidden or deleted. Repeated or significant breaches of the terms of use can result in a user being banned or blocked from engaging with CCC social media accounts.

Corporate Communications must maintain records for why a post was moderated or why a user is banned. A consistent template for this recordkeeping is to be adopted and used.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### **Public presentation**

CCC officers may be required to represent the CCC and make a public presentation in a range of forums such as conferences, professional seminars or addresses to community or stakeholder groups.

All requests to provide a public presentation (either internally or externally generated) are to be approved by a Head of Division. A decision to provide a public presentation will be based on:

- The utility of the event, location, the expected audience, and the opportunity to educate and inform the audience about the work of the CCC, discharge our accountabilities or increase public confidence in the use of our powers
- An assessment of the sensitivity of the information and CCC material proposed for presentation, any confidentiality requirements of the group to which the information and/or CCC material is presented to, and the likelihood of harm to the CCC should the information or material be given to an unintended audience
- The networking opportunities arising from the proposed presentation

All presentations must use corporate templates in line with the CCC's brand.

Corporate Communications should be advised where presentations are conducted external to the CCC, especially when in public forums or at conferences where media may be in attendance or the audience may use social media to report on the presentation. This enables the CCC to monitor any media or social media coverage of the event, or identify additional communication opportunities.

The Risk and Compliance team is to be advised once a public presentation has been delivered for the purposes of updating the periodic reports made by the CCC, including reporting to the Parliamentary Crime and Corruption Committee (PCCC).

### **Published CCC material**

Publishing information is the key element of the CCC's communication strategy. Decisions about what to publish and the best method of communicating are informed by a number of considerations, including:

- Obligations arising from legislative provisions
- Considerations of equity to all stakeholders who have an interest in a matter
- The commencement, progress or conclusion of any CCC matter
- How to promote the CCC and opportunities to increase public confidence about the use of our powers
- The opportunities to maximise our reach to the target audience
- Timeliness and cost

Guidance is provided from a range of sources, some of which are mandated by the State Government and others which have been implemented by the CCC.

Once a decision to publish has been made, the officer compiling the material for publication can contact Corporate Communications to consult and seek advice on the preparation of the material.



### Government and corporate standards

- The CCC has adopted a digital-first approach to its communications, resulting in the majority of publishing occurring on the CCC website, social media and intranet. This is in line with Queensland Government publishing requirements to publish online rather than in hard-copy format. It also aligns with the Queensland Government's Chief Information Officer Website policy.
- Corporate standards and guidance are provided on the Corporate Communication's intranet page on a range of topics including information on writing and publishing, corporate templates and guidelines on how to use the CCC logo.

### Publishing on the Intranet – Intranet content

Corporate Communications is responsible for maintaining the homepage and training intranet contributors. Corporate Communications can also provide assistance to any business unit to help publish content.

### Distributing CCC materials

Publishing on the CCC's website or intranet is the preferred method to distribute CCC materials.

Printing in hard copy is discouraged. However, instances may arise where hard copy documents will be produced. In order to minimise the cost of production, the size of the print run for hard copy documents is to be limited to only that number required to satisfy the identified audience or legislative requirements.

The number of hard copies printed must also satisfy our public record and archiving requirements under the *Public Records Act 2002*. More information about the *retention and disposal of public records* can be found on the website of the Queensland Government Chief Information Office – QGCIQ).

Corporate Communications is to be contacted prior to the planned distribution date in order to seek advice about managing communications requirements related to the release of the publication.

### Authorship, copyright and intellectual property

All CCC communications are made on behalf of the Commission and therefore must reflect the position of the CCC, not the personal opinions of the author or speaker.

Communications and other materials, images or designs developed by an employee of the CCC in the course of employment are owned by the CCC. All authorship of publications are to be attributed to the CCC. However, individual contributions may be acknowledged where this is a requirement for professional advancement.

The conditions under which the CCC grants permission to use its materials are set out on the "Copyright" section of our website.

Intellectual property is separately dealt with under the CCC's *Intellectual Property policy and procedure* which is available on the GRC.

### Corporate identity and Brand

Corporate Communications are the brand custodians for the CCC.

Corporate identity is the look and feel of communication materials and encompasses all the visual aspects of our communications, including the CCC logo, graphical element, imagery, signage, preferred fonts, lay-out/design and writing style. The corporate identity is reflected in the suite of templates available on the intranet and in Content Manager.

The CCC logo is the unique symbol of the organisation and a central element of corporate identity, so it is important that it be used correctly.

Any use of the logo externally, or a request for its use by a third party, must be approved by either the respective Head of Division or the Director Corporate Communications.

Staff can consult Corporate Communications before publishing to ensure they are using the CCC's brand correctly.

### Marketing materials

Marketing materials for use at an event (e.g. during NAIDOC week) should be developed and budgeted for as part of the overall project plan for that activity.

Business units can engage with Corporate Communications as part of the planning process for assistance with developing and producing these materials.

### Related Documents

Intellectual Property policy and procedure (GRC)

Use of ICT facilities and devices (policy) (GRC)

[Social media guide for staff \(Intranet\)](#)

### Review triggers

This policy will be reviewed three years from the date of approval, unless changes in legislation, CCC policy or government policy affecting its operation occur before the three year period has expired. This policy will remain in effect until updated, superseded or declared obsolete.

### Metadata

All previous records will be searchable in eDRMS.

| Version | Action   | Responsible Officer                | Accountable Officer<br>(Approver) | Approval Date | HRCA<br>Y / N | eDRMS no.                  |
|---------|--|------------------------------------|-----------------------------------|---------------|---------------|----------------------------|
| v.1     | Updates to the policy include:<br><div style="background-color: black; height: 15px; width: 150px; margin: 5px 0;"></div> <div style="background-color: black; height: 15px; width: 80px; margin: 5px 0;"></div> <div style="background-color: black; height: 15px; width: 100px; margin: 5px 0;"></div> <div style="background-color: black; height: 15px; width: 120px; margin: 5px 0;"></div> | Director, Corporate Communications | Chief Executive Officer           | 4 March 2021  | Y             | Policy no:<br><br>HRCA no: |

|                   |  |                                    |                         |              |   |                                   |
|-------------------|--|------------------------------------|-------------------------|--------------|---|-----------------------------------|
| v.2               | <p>Updates to the policy include:</p> <p>Inclusion of LinkedIn as a corporate social media channel, and provides guidance to staff on who can use LinkedIn</p> <p>More clearly defines a 'Head of Division' for approvals and links to the HR decision making framework.</p> | Director, Corporate Communications | Chief Executive Officer | 27 June 2023 | N | <p>Policy no:</p> <p>HRCA no:</p> |
| Next review date: |  | 27 June 2026                       |                         |              |   |                                   |

Legislative development of section 50 of the *Crime and Corruption Act 2001*

| Legislation   | Excerpt of relevant provision  |
|---|--|
| <p><i>Criminal Justice Act 1989</i> – as at 31 October 1989</p> | <p><b>2.30 Principal officer's duty upon Director's report of official misconduct.</b> (1) Where the Director of the Official Misconduct Division reports to a principal officer of a unit of public administration that—</p> <ul style="list-style-type: none"> <li>(a) any complaint, matter or information involves, or may involve, official misconduct by a prescribed person in that unit;</li> <li>and</li> <li>(b) the available evidence shows a prima facie case to support a charge of a disciplinary nature of official misconduct against the prescribed person,</li> </ul> <p>it is the duty of the principal officer and of persons acting under him to charge the prescribed person with the relevant official misconduct, by way of a disciplinary charge, and to have him dealt with by a Misconduct Tribunal as prescribed by this Act.</p> <p>(2) In subsection (1) the expression “prescribed person” means—</p> <ul style="list-style-type: none"> <li>(a) a member of the Police Force;</li> <li>(b) a person who holds an appointment in a unit of public administration (other than the Police Force), which appointment or unit is for the time being declared by Order-in-Council to be subject to the jurisdiction of a Misconduct Tribunal.</li> </ul>  |
| <p><i>Criminal Justice Act 1989</i> – as at 7 December 2001</p> | <p><b>39 Commission's duty on director's report of official misconduct</b></p> <p>(1) If the director of the official misconduct division reports to a principal officer of a unit of public administration that—</p> <ul style="list-style-type: none"> <li>(a) any complaint, matter or information involves, or may involve, official misconduct by a prescribed person in that unit; and</li> <li>(b) the available evidence shows a prima facie case to support a charge of a disciplinary nature of official misconduct against the prescribed person;</li> </ul> <p>the commission must charge the prescribed person with the relevant official misconduct by way of a <b>disciplinary charge</b>.</p> <p>(2) The charge may be dealt with only by a misconduct tribunal under the <i>Misconduct Tribunals Act 1997</i>.</p> <p>(3) In subsection (1)—</p> <p><b>“prescribed person” means—</b></p> <ul style="list-style-type: none"> <li>(a) a member of the police service;</li> <li>(b) a person who holds an appointment in a unit of public administration (other than the police service), which appointment or unit is declared by regulation to be subject to the jurisdiction of a misconduct tribunal.</li> </ul> <p>(4) A regulation may not declare a court of the State of whatever jurisdiction or an appointment as a judge of, or holder of a judicial office in, any such court to be subject to the jurisdiction of a misconduct tribunal.</p> |

## Annexure 10: Legislative history of section 50 CC Act

|   |  |  |
|---|--|--|
| <p><i>Crime and Misconduct Act 2001</i> – as at 8 November 2001</p> | <p><b>50 Commission may prosecute official misconduct</b></p> <p>(1) This section applies if the commission reports to the chief executive officer of a unit of public administration under section 49<sup>11</sup> that—</p> <ul style="list-style-type: none"> <li>(a) a complaint, matter or information involves, or may involve, official misconduct by a prescribed person in the unit; and</li> <li>(b) there is evidence supporting a charge of a disciplinary nature of official misconduct against the prescribed person.</li> </ul> <p>(2) The commission may charge the prescribed person with the relevant official misconduct by way of a disciplinary charge.</p> <p>(3) The charge may be dealt with only by a misconduct tribunal.</p> <p>(4) For the definition “prescribed person”, paragraph (b), a regulation may not declare a court or the police service to be a unit of public administration that is subject to the jurisdiction of a misconduct tribunal.</p> <p>(5) In this section—</p> <p>“prescribed person” means—</p> <ul style="list-style-type: none"> <li>(a) a member of the police service; or</li> <li>(b) a person (other than a judge or holder of judicial office or a member of the police service) who holds an appointment in a unit of public administration, which appointment or unit is declared by regulation to be subject to the jurisdiction of a misconduct tribunal.</li> </ul> |  |
| <p><i>Crime and Misconduct Act 2001</i> – as at 1 December 2009</p> | <p><b>50 Commission may prosecute official misconduct</b></p> <p>(1) This section applies if the commission reports to the chief executive officer of a unit of public administration under section 49 that—</p> <ul style="list-style-type: none"> <li>(a) a complaint, matter or information involves, or may involve, official misconduct by a prescribed person in the unit; and</li> <li>(b) there is evidence supporting the start of a disciplinary proceeding for official misconduct against the prescribed person.</li> </ul> <p>(2) The commission may apply, as provided under the QCAT Act, to QCAT for an order under section 219I against the prescribed person.</p> <p>(3) For the definition <i>prescribed person</i>, paragraph (b)—</p> <ul style="list-style-type: none"> <li>(a) a regulation may not declare a court or the police service to be a unit of public administration that is subject to QCAT’s jurisdiction; and</li> </ul> <p><i>continued...</i></p>   |  |

|   |  |  |
|---|--|--|
|   | <p>(b) for subparagraph (ii), a regulation may declare an appointment, or unit of public administration in which an appointment is or was, to be subject to QCAT's jurisdiction before or after the appointment ends as mentioned in the subparagraph.</p> <p><i>Example—</i></p> <p>The commission is notified by the chief executive of a unit of public administration about possible official misconduct by A. The commission assumes responsibility for the investigation. A resigns before the investigation is finalised but the commission's investigation continues. The investigation later establishes that A's conduct is so serious that proceedings should be taken against A for official misconduct. At that time, a regulation is made prescribing A's appointment.</p> <p>(4) In this section—</p> <p><b><i>prescribed appointment</i></b> means an appointment in a unit of public administration, which appointment or unit is declared by regulation to be subject to QCAT's jurisdiction.</p> <p><b><i>prescribed person</i></b> means—</p> <p>(a) a person—</p> <p>(i) who is a member of the police service; or</p> <p>(ii) being a member of the police service, whose employment as a member of the police service ends after the official misconduct happens, regardless of whether the employment ends before or after the start of a disciplinary proceeding for the official misconduct; or</p> <p>(b) a person (other than a judge or holder of judicial office, or a member of the police service)—</p> <p>(i) who holds a prescribed appointment; or</p> <p>(ii) being the holder of a prescribed appointment, whose appointment ends after the official misconduct happens, regardless of whether the appointment ends before or after the start of a disciplinary proceeding for the official misconduct.</p> |  |
| <p><i>Crime and Corruption Act 2001 – as at 15 April 2024</i></p> | <p><b>50 Commission may prosecute corrupt conduct</b></p> <p>(1) This section applies if the commission reports to the chief executive officer of a unit of public administration under section 49 that—</p> <p>(a) a complaint, matter or information involves, or may involve, corrupt conduct by a prescribed person in the unit; and</p> <p>(b) there is evidence supporting the start of a disciplinary proceeding for corrupt conduct against the prescribed person.</p> <p>(2) The commission may apply, as provided under the QCAT Act, to QCAT for an order under section 219I against the prescribed person.</p> <p>(3) In this section—</p> <p><b><i>prescribed person</i></b> means—</p> <p>(a) a person—</p>  |  |

|  |   |  |
|--|---|--|
|  | <ul style="list-style-type: none"> <li>(i) who is a member of the police service; or</li> <li>(ii) being a member of the police service, whose employment as a member of the police service ends after the corrupt conduct happens, regardless of whether the employment ends before or after the start of a disciplinary proceeding for the corrupt conduct; or</li> </ul> <p>(b) a person (other than a judge or holder of judicial office, or a member of the police service)—</p> <ul style="list-style-type: none"> <li>(i) who holds an appointment in a unit of public administration; or</li> <li>(ii) who held an appointment in a unit of public administration that ended after the corrupt conduct happened, regardless of whether the appointment ended before or after the start of a disciplinary proceeding for the conduct.</li> </ul> |  |
|--|---|--|