

Complaints about the Public Advocate: section 48A of the *Crime and Corruption Act 2001*

1. Objective

The Public Advocate is the public official of the unit of public administration (UPA) that is the Public Advocate for the purposes of the [Crime and Corruption Act 2001](#) (CC Act).

The objective of this policy is to set out how the UPA that is the Public Advocate will deal with a complaint (or information or matter)¹ that involves or may involve corrupt conduct, as defined in the CC Act, by the Public Advocate.

2. Policy Rationale

The policy is designed to assist the UPA that is the Public Advocate to:

1. Comply with section 48A of the CC Act.
2. Promote public confidence in the way suspected corrupt conduct by the Public Advocate for the UPA that is the Public Advocate is dealt with (section 34(c) CC Act).
3. Promote accountability, integrity and transparency in the way the UPA that is the Public Advocate deals with a complaint that is suspected to involve, or may involve, corrupt conduct by the Public Advocate.

3. Definitions

Crime and Corruption Commission (CCC)	the Commission continued in existence under the CC Act
CC Act	Crime and Corruption Act 2001
Complaint	includes information or matter: see the definition in section 48A(4) of the CC Act
Contact details for Nominated person	Corynne Scott, Deputy Director-General, Corporate Services Corynne.scott@justice.qld.gov.au 0436 013 819
Corrupt conduct	see section 15 of the CC Act
<i>Corruption in Focus</i>	www.ccc.qld.gov.au/publications/corruption-focus ; see chapter 2, page 26
Deal with	see Schedule 2 (Dictionary) of the CC Act
Nominated person	see item 5 of this policy
Public official	see section 48A & Schedule 2 (Dictionary) of the CC Act
Unit of public administration (UPA)	see section 20 of the CC Act

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

4. Policy application

This policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct by the Public Advocate of the UPA that is the Public Advocate; and
- to all persons who hold an appointment in, or are employees of, the UPA that is the Public Advocate.

For the purpose of this policy a complaint includes information or matter.²

5. Nominated person

Having regard to sections 48A(2) and (3) of the CC Act, this policy nominates:

- the Deputy Director-General, Corporate Services as the nominated person

to notify³ the CCC of the complaint and to deal with the complaint under the CC Act.⁴

The provisions of the CC Act that regulate how the Public Advocate as the public official of the UPA that is the Public Advocate is to notify or deal with a complaint also apply to the nominated person.⁵

6. Complaints about the Public Advocate

If a complaint may involve an allegation of corrupt conduct of the Public Advocate of the UPA that is the Public Advocate, the complaint may be reported to:

- the nominated person; or
- the CCC directly, via this [form](#) on the CCC's website; or
- a person to whom there is an obligation to report under an Act⁶ (this does not include an obligation imposed by sections 38 or 39(1) of the CC Act).

If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the nominated person.

Complaints received by the nominated person

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

1. Notify the CCC of the complaint;⁷ and
2. deal with the complaint, subject to the CCC's monitoring role, when —
 - directions issued under section 40 of the CC Act apply to the complaint; or
 - pursuant to section 46 of the CC Act, the CCC refers the complaint to the nominated person to deal with.⁸

Complaints received by the Public Advocate

If the Public Advocate receives a complaint that may involve corrupt conduct on their part, they must:

- Report the complaint to the nominated person as soon as practicable and may also notify the CCC; and

² See s. 48A(4) of the CC Act.

³ Pursuant to s. 38 of the CC Act.

⁴ Under Chapter 2, Part 3, Division 4, Subdivision 2 of the CC Act.

⁵ See s. 48A(3) of the CC Act.

⁶ See s. 39(2) of the CC Act.

⁷ Pursuant to s. 38 of the CC Act.

⁸ Under ss. 43 and 44 of the CC Act.

- Take no further action to deal with the complaint unless requested to do so by the nominated person.

7. Recordkeeping requirements

Should the nominated person decide that a complaint, or information or matter, about alleged corrupt conduct by the Public Advocate is not required to be notified to the CCC under section 38 of the CC Act, the nominated person must make a record of the decision that complies with section 40A of the CC Act.

8. Resourcing the nominated person

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

- the UPA that is the Public Advocate, or as otherwise negotiated with the Deputy Director-General, Corporate Services, DoJ, will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately.⁹
- the nominated person is to ensure that any consultations for the purpose of securing resources sufficient to deal with the complaint appropriately are confidential and are not disclosed, other than to the CCC, without:
 - authorisation under a law of the Commonwealth or the state; or
 - the consent the nominated person.
- The nominated person must, at all times, use their best endeavors to act independently, impartially and fairly having regard to the:
 - purposes of the CC Act¹⁰
 - the importance of promoting public confidence in the way suspected corrupt conduct in the UPA that is the Public Advocate is dealt with;¹¹ and
 - the UPA that is the Public Advocate's statutory, policy and procedural framework.

If the nominated person has responsibility to deal with the complaint, they are delegated the same authority, functions, and powers as the Public Advocate to direct and control staff of the UPA that is the Public Advocate as if the nominated person is the Public Advocate for the purpose of dealing with the complaint only.

9. Liaising with the CCC

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

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

10. Consultation with the CCC

The Public Advocate will consult with the CCC when preparing any policy about how the UPA that is the Public Advocate will deal with a complaint that involves or may involve corrupt conduct by the Public Advocate.

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

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

¹¹ See s. 34(c) of the CC Act.

11. Statutory references

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

12. Approval

This policy is approved by:

A handwritten signature in blue ink, appearing to read 'John Chesterman', with a long horizontal flourish extending to the right.

.....
John Chesterman
Public Advocate
Date: 19 / 06 / 2026