**OIC Corrupt Conduct Assessment Form**

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| **File reference (if relevant)** |  |
| Date of assessment |  |
| Name of staff member assessing complaint |  |
| Date of receipt of the complaint or matter |  |
| Name of complainant(s) / discloser(s) |  |
| Name and position of subject officer(s) |  |
| Business area of subject officer(s) |  |

**PART 1: To be completed by the OIC officer assessing the complaint**

**Step 1. Does the complaint, information or matter involve (or may involve) corrupt conduct?**

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| **YES**  **NO**  *In answering this question* ***please refer to Attachment A****.* |
| ***Include brief explanation of the complaint, information, or matter – eg.*** *The allegation provided to us by email on Y date is that officer X of Z agency were biased in their decision making and made a decision on procurement based on a conflict of interest. This allegation meets the definition of corrupt conduct, as – if proved – the conduct would adversely affect the performance of functions or the exercise of powers of the agency and would result in the performance of these functions in a way that is not honest or impartial. If proved, the conduct would be a criminal offence or a disciplinary breach providing reasonable grounds for terminating the person’s services.*  *If you select ‘No’,* ***please include an explanation of which element of the definition (see Attachment A) is not satisfied****.* |

**Step 2. Do you hold a reasonable suspicion of the corrupt conduct?**

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| **YES**  NO |
| *Having regard to all the initial information available to you, decide whether you do or do not hold a reasonable suspicion of corrupt conduct****.******In this section, outline the information relied upon to form the reasonable suspicion (or to decide that you do not hold a reasonable suspicion).*** *This may include information on the file and information obtained from the complainant. In its guidance material, the CCC also includes examples such as a statutory declaration, a statement from the complainant, audit report/grievance process, accounting & payroll records, or information or evidence.*  *For a suspicion to be “reasonable”, there needs to be more than bare or idle speculation. In essence, there must be sufficient evidence for a reasonable person to suspect corrupt conduct. You must objectively base your assessment on the information at hand. It is not sufficient for you to subjectively decide that someone is or is not capable of the alleged conduct. You do not have to have sufficient evidence to* ***prove*** *the corrupt conduct allegation.* |

**Step 3. Based on your answers above, do you recommend notification to the CCC?**

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| s38  **YES** I recommend notification to the CCC.  **NO** I do not recommend notification |

**Step 4. Conflict of interest declaration**

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| **Is the complaint information or matter about you, your team or our office?**  YES  NO |
| *Insert explanation below:* |
| **Do you (assessing officers and decision-makers) have any other conflicts of interest in assessing this matter?**  **YES**  **NO** |
| *Insert details below:* |
| ***The OIC Officer should provide this form to their supervisor for assessment.  If the supervisor is not a Commissioner or Director, the supervisor will escalate the OIC Corrupt Conduct Assessment Form to their Commissioner or Director.*** |

**PART 2: Commissioner/Director Assessment**

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| Consider the matters outlined above, and section 38 of the CCC Act, and decide whether you hold the view that:  There is **NO** reasonable suspicion that the complaint, information or matter involves (or may involve) corrupt conduct, and therefore the CCC should not be notified  There **IS** a reasonable suspicion that the complaint, information or matter involves (or may involve) corrupt conduct, and therefore the CCC should be notified. | | |
| **Document the reasons for the conclusion**  *Insert details:* | | |
| **If there is a conflict of interest, detail the steps taken to deal with any perceived or actual conflicts.**  *Insert details:* | | |
| Name |  |
| Signature |  |
| Date |  |
| **The Commissioner or Director should forward a copy of this form to EDCSS. EDCSS will then save this form to the Register of Corrupt Conduct Determinations, and – if the Commissioner/Director endorsed notification to the CCC - notify the CCC of the complaint and advise the Information Commissioner of the decision (provided the allegation is not about the Information Commissioner).**  Sometimes, CCC’s response to the notification needs to be communicated back to the Commissioner/Director from EDCSS (for example, where the notification relates to an ongoing external review and a CCC investigation may impact on the application of an exemption). | |
| ***Should EDCSS notify the Commissioner/Director of the response from the CCC?***  **YES**, please notify me  **NO**, notification is not required  *Insert details:* | |

**Other steps to be taken**

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| *This section may include considerations such as:*   * *Recommendation for how to deal with the complaint.* * *Public interest disclosure (PID) assessment* * *Consider whether this matter raises issues under the Human Rights Act 2019 (Qld)* * *Notification to the Queensland Police Service (an offence under the Criminal Code or another Act).* * *Notification to other bodies (under your agency’s statutory Act or other Acts – for example, to the Queensland Audit Office).[[1]](#footnote-2)* * *Preliminary steps assessment that need to happen immediately (preserve evidence, alternative duties/ suspension, restrict access and monitoring activities).* |

**Attachment A**

**“Type A” corrupt conduct assessment (s15(1) of the CC Act)**

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| Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that— |
| 1. **adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—**    1. a unit of public administration (UPA); or    2. a person holding an appointment; AND |
| 1. **results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—**    1. is not honest or is not impartial; or    2. involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or    3. involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; AND |
| 1. **would, if proved, be—** 2. a criminal offence; or 3. a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment. |
| **DOES THE “TYPE A” CONDUCT SATISFY ALL THREE ELEMENTS ABOVE?** |

**“Type B” corrupt conduct assessment (s15(2) of the CC Act)**

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| Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that— |
| 1. **impairs, or could impair, public confidence in public administration; AND** |
| 1. **involves, or could involve, any of the following—**    1. collusive tendering;    2. fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)—       1. protecting health or safety of persons;       2. protecting the environment;       3. protecting or managing the use of the State’s natural, cultural, mining or energy resources;    3. dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;    4. evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;    5. fraudulently obtaining or retaining an appointment; AND |
| 1. **would, if proved, be—**    1. a criminal offence; or    2. a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is   or were the holder of an appointment. |
| **DOES THE “TYPE B” CONDUCT SATISFY ALL THREE ELEMENTS ABOVE?** |

1. Theft of property may need to be reported to the Queensland Audit Office under the requirements of section 21 of the Financial and Performance Management Standard 2009. [↑](#footnote-ref-2)