## The form below may be used as the basis of a template that can be adapted and customised to particular agency needs. It integrates sections 15, 38, 40 and 40A of the *Crime and Corruption Act 2001* (CC Act), and includes key information and criteria required under those sections of the CC Act.

***It is not exhaustive and should be considered as a guide only.***

**General information**

|  |  |
| --- | --- |
| **Agency file reference number** |  |
| Date of assessment |  |
| 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) |  |
| The details of the complaint or matter(this is also part of s40A(3)(a) of the CC Act) |  |
| The details of the allegation types |  |

**Note:** Agencies with section 40 agreements should consider other information required under the directions.

# Assessment details (step-by-step process)

**Step 1. “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

[ ]  Yes [ ]  No |
| 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

[ ]  Yes [ ]  No |
| 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.

[ ]  Yes [ ]  No |
| **Does the “Type A” conduct satisfy all three elements above?** [ ]  If yes, go to Step 3 [ ]  If no, go to Step 2 |

**Step 2. “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** [ ]  Yes [ ]  No
 |
| 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

[ ]  Yes [ ]  No |
| 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.[ ]  Yes [ ]  No |
| **Does the “Type B” conduct satisfy all three elements above?** [ ]  If yes, go to Step 3 [ ]  If no, go to Step 5 |

**Step 3. Reasonable suspicion**

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| Having regard to all the initial information available to you, decide whether you do or do not hold a reasonable suspicion of corrupt conduct.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. |
| **Do you hold a reasonable suspicion of corrupt conduct?** [ ]  If yes, continue [ ]  If no, go to Step 5 |
| **List the information relied on to form the reasonable suspicion.**1. statutory declaration
2. statement from the complainant (e.g. telephone, email, and letter)
3. audit report / grievance process
4. accounting records / payroll records / other evidence
5. other (please specify)

*Insert details below:* |

**Step 4. Categorisation of corrupt conduct**

|  |
| --- |
| **a. Agencies with section 40 agreements** |
| Level 1 [ ]  Immediate referral to CCC |
| Level 2 [ ]  Monthly schedule referral to CCC |
| Level 3 [ ]  No referral to CCC – subject to audit.(Also, complete s40A mandatory recording at Step 5.) |
| **Reasons: Document the reasons for your categorisation (refer to the table in your s40 agreement)***Insert details below:* |
| 1. **Other agencies (without section 40 agreements)**

s38 [ ]  Immediate referral to the CCC. |

**Step 5. 40A record of alleged corrupt conduct not notified to the CCC**

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| This section applies if a public official (or decision-maker) decides that a complaint of alleged corrupt conduct is not required to be notified to the CCC under s38/40 of the CC Act. A record of this decision must be captured. For further explanation refer to the explanatory notes. |
| **List the information relied on in reaching the conclusion (i.e. no reasonable suspicion)**1. statutory declaration
2. statement from the complainant (e.g. telephone, email and letter)
3. audit report / grievance process
4. accounting records / payroll records / other evidence
5. other (please specify, including if the matter is a Level 3 category).

*Insert details below:* |
| **Document the reasons for the conclusion**(why the complaint did not meet the definition or threshold of a reasonable suspicion of corrupt conduct OR why the complaint is a Level 3, s40 matter that does not need to be referred to CCC i.e. agreement)*Insert details below:* |

**Step 6. Conflict of interest**

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| **Are there any conflict of interest issues?**[ ]  Yes [ ]  No |
| **If yes, do you (assessing officers and decision-makers) have conflicts of interest in assessing this matter?***Insert details below:* |
| **If yes, detail the steps taken to deal with any perceived or actual conflicts.***Insert details below:* |

**Step 7. Assessment endorsement details**

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| Public official (or decision-maker’s) name, position and endorsement of the assessment and categorisation of the complaint. Are there any conflict of interest issues?If yes, record details under **Step 6**.  |

**Step 8. Other information to consider**

Agencies may use this step to include any additional requirements they have internally (e.g. notify the executive manager of allegation) or any additional external requirements to notify other agencies (e.g. notify a regulatory body)

* Public interest disclosure (PID) assessment.
* 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-1)
* Recommendation for how to deal with the complaint.
* Preliminary steps assessment that need to happen immediately (preserve evidence, alternative duties/ suspension, restrict access and monitoring activities).
1. 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-1)