

## Liaison and Referral Arrangement

Between:

**Crime and Corruption Commission (CCC)**

and

**Queensland Human Rights Commission (QHRC)**

### RECITALS

- A. The functions of CCC under the *Crime and Corruption Act 2001* (the CC Act) include:
- i. combating and reducing the incidence of major crime;
  - ii. continuously improving the integrity of, and reducing the incidence of corruption in, the public sector;
  - iii. investigating cases of corrupt conduct, particularly more serious cases of corrupt conduct;
  - iv. helping units of public administration to deal effectively and appropriately with corruption by increasing their capacity to do so;
  - v. raising the standards of integrity and conduct in units of public administration;
  - vi. ensuring a complaint about, or information or matter involving, corruption is dealt with in an appropriate way; and
  - vii. investigating and otherwise deal with conduct liable to allow, encourage or cause corrupt conduct, and conduct connected with corrupt conduct.
- B. In performing its functions under the CC Act, CCC must:
- i. at all times act independently, impartially and fairly having regard to the purposes of the CC Act and the importance of protecting public interest; and
  - ii. liaise with, and coordinate its activities with the activities of, units of public administration to avoid needless duplication of the work of the units of public administration for the purpose of performing CCC's functions.
- C. The functions of QHRC under the *Human Rights Act 2019* (the HR Act) include dealing with human rights complaints about actions or decisions of public entities, including to effect conciliation.
- D. The parties acknowledge that when the CCC deals with complaints about the actions or decisions of public entities, the HR Act will require the CCC to consider whether actions or decision of public entities, the subject of complaints, are not compatible with human rights, or whether, in making a decision, a public entity failed to give proper consideration to a human right relevant to the decision.
- E. Under the HR Act, if CCC receives a complaint about corruption under the CC Act and it is considered the complaint may also be a human rights complaint, the CCC may:

- i. deal with the complaint under the CC Act; or
  - ii. with the consent of the person who could make the human rights complaint, refer the complaint to the Commissioner.
- F. Under the HR Act, if the subject of a human rights complaint could be the subject of a complaint about corruption made under the CC Act, the Commissioner may refer the human rights complaint to CCC, with the complainant's consent, and if it is considered the matter may be more appropriate to be dealt with by CCC.
- G. The parties acknowledge and agree that a complaint about corruption made under the CC Act may also be a human rights complaint within the meaning of section 63 of the HR Act, with the consequence that there may be overlap between their respective functions.
- H. Section 74 of the HR Act provides that QHRC and CCC may enter into arrangements about referral of complaints, how to deal with complaints or other matters that could also form the basis of a human rights complaint, and cooperating in the performance of the functions of CCC and QHRC to ensure the effective operation of the HR Act and the CC Act.
- I. This arrangement is entered into pursuant to section 74 of the HR Act with a view to:
  - i. avoiding duplication in dealing with human rights complaints;
  - ii. ensuring that the more appropriate entity deals with a human rights complaint;
  - iii. ensuring that the HR Act and the CC Act operate effectively; and
  - iv. providing a streamlined and efficient process for human rights complaints.

## 1. Definitions

**CC Act** means the *Crime and Corruption Act 2001*

**CCC** means the Crime and Corruption Commission

**commencement date** means the later of the date on which this arrangement is executed by the parties (or if not executed by the parties on the same date, the later of the dates of execution) and the date of the commencement of Parts 2 and 3 of the *Human Rights Act*

**Commissioner** means the Queensland Human Rights Commissioner

**complainant** means a person who has made a human rights complaint or a complaint under the CC Act

**corrupt conduct** has the meaning set out in section 15 of the CC Act

**corruption** means corrupt conduct and police misconduct as defined in the CC Act

**deal with** has the meaning set out in Schedule 2 and section 46 of the CC Act

**HR Act** means the *Human Rights Act 2019*

**human rights** means the rights stated in part 2, divisions 2 and 3 of the HR Act

**human rights complaint** means a complaint about an alleged contravention of section 58(1) of the HR Act by a public entity in relation to an act or decision of the public entity

**powers of preliminary inquiry** means the powers of preliminary inquiry under section 68 of the HR Act

**public entity** has the meaning given by section 9 of the HR Act

**QHRC** means the Queensland Human Rights Commission

- 2. Human rights complaints received by QHRC which are also corrupt conduct complaints**
  - a. If QHRC receives a human rights complaint which involves, or may involve, corrupt conduct, QHRC will notify CCC of this matter in accordance with sections 38 and 39 of the CC Act.
  - b. CCC will deal with any matter so notified in accordance with its usual processes and legislative requirements, including section 46 of the CC Act.
  - c. CCC will inform QHRC of the assessment outcome of the matter (as described in section 46 of the CC Act), as far as legislative provisions allow, so that QHRC may determine whether any other action should be taken pursuant to section 70(1) the HR Act.
  
- 3. Other human rights complaints received by QHRC may be referred to CCC**
  - a. If QHRC receives a human rights complaint that is not required to be notified to CCC pursuant to sections 38 and 39 of the CC Act but could otherwise be a complaint about corruption pursuant to the CC Act (as per the definition of corruption in section 1 of this referral arrangement), QHRC may, if the Commissioner considers the matter would be more appropriately dealt with by the CCC, refer the matter to CCC with the consent of the complainant pursuant to section 73(6) of the HR Act.
  - b. CCC will deal with any matter so notified in accordance with its usual processes and legislative requirements, including section 46 of the CC Act.
  - c. CCC will inform QHRC of the assessment outcome of the complaint (as described in section 46 of the CC Act), as far as legislative provisions allow.
  
- 4. QHRC preliminary inquiries**
  - a. QHRC may make preliminary inquiries with CCC pursuant to section 68 of the HR Act to determine the matters set out in section 70(1) and 73(6)(b) of the HR Act.
  - b. The preliminary inquiries may include, but are not limited to the following:
    - i. whether a complaint about corruption has already been made under the CC Act about the subject matter of a human rights complaint;
    - ii. whether CCC has jurisdiction to deal with the matter under the CC Act; and
    - iii. the likely processes and timeframes for dealing with the matter if it is referred to CCC.
  - c. CCC may provide information to QHRC (pursuant to Chapter 2 of the CC Act) about any complaint about corruption which has been made under the CC Act which may also be a human rights complaint.
  
- 5. Consultation with QHRC before referral by CCC to QHRC of a human rights complaints pursuant to HR Act**
  - a. If CCC receives a complaint about corruption that may also be a human rights complaint, CCC may consider the matter would be more appropriately dealt with by QHRC, and determine to refer the matter to QHRC, with the consent of the complainant pursuant to section 66(2) of the HR Act.

- b. If CCC considers referring a complaint to QHRC pursuant to the HR Act, CCC will consult with the QHRC before seeking the complainant's consent to refer the matter. The consultation may include, but is not limited to QHRC informing CCC:
  - i. whether a human rights complaint has been lodged with QHRC about the subject of the complaint;
  - ii. whether QHRC has jurisdiction to deal with the human rights complaint; and
  - iii. the likely processes and timeframes for dealing with the human rights complaint if it is referred to QHRC.

**6. Nominated officers**

QHRC and CCC nominate the following officers for the purpose of consultation under this arrangement:

QHRC	CCC
<p>[REDACTED]</p> <p>Director, Complaint Management</p> <p>[REDACTED]</p>	<p>Director, Assessment</p> <p>[REDACTED]</p>
<p>Manager, Brisbane Complaints Team (name all relevant officers who will have delegation under the HR Act to refer)</p>	<p>Manager, Assessment Unit</p> <p>[REDACTED]</p> <p>Senior Complaints Officers</p> <p>[REDACTED]</p>
<p>General email: info@qhrc.qld.gov.au</p>	<p>General email: complaints@ccc.qld.gov.au</p>

**7. Information to be given to CCC upon referral by QHRC pursuant to the HR Act**

If QHRC refers a matter to CCC under clause 3 of this arrangement, QHRC will:

- a. obtain written consent to the referral from the complainant, or make a transcript or summary of the complainant's oral consent to refer;
- b. seek consent from the complainant to give CCC information about the human rights complaint;
- c. send the human rights complaint, consent and information agreed by the complainant to CCC; and
- d. give the complainant a notice confirming that the matter has been referred to CCC.

**8. Information to be given to QHRC upon referral by CCC**

If CCC refers a complaint to QHRC under clause 5 of this arrangement, CCC will:

- a. obtain written consent to the referral from the complainant, or make a transcript or summary of the complainant's oral consent to refer;

- b. seek consent from the complainant to give QHRC a copy of the complaint or the transcript or summary of an oral complaint, and any other information relevant to the complaint;
- c. send the complaint under the CC Act, consent and the complainant's name and address to QHRC; and
- d. give the complainant a notice confirming that the complaint has been referred to QHRC.

**9. Mail or email for giving information upon referral of a human rights complaints pursuant to HR Act**

- a. The giving of information and documents on referral of a complaint under this arrangement may be given by post or email, at addresses agreed between QHRC and CCC.

**10. Prompt progress after referral of a human rights complaints pursuant to the HR Act**

- a. If referral of a matter occurs pursuant to this arrangement, the party receiving the referred matter will act promptly to deal with the complaint according to their usual processes and legislative requirements.

**11. Communication regarding outcome of referred complaint**

- a. If a matter is referred between the agencies, they each agree to inform the other, as far as legislative provisions allow, about the assessment outcome of the referred complaint.

**12. Regular meetings**

- a. The parties agree to meet at agreed intervals to discuss any issues arising under the arrangement.
- b. The agenda for the meeting and the attendees for the meeting will be agreed between the parties at least 48 hours before the meeting.

**13. Review of arrangements**

- a. The parties agree to review this arrangement from time to time as required. Either party may request that the arrangement be reviewed.

**14. Termination**

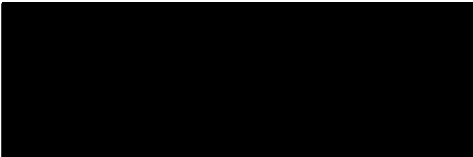
- a. This arrangement may be terminated by either party giving 30 days written notice to the other party.

**15. Amendment**

- a. This arrangement may only be amended, supplemented or replaced by further written arrangement signed by both parties.

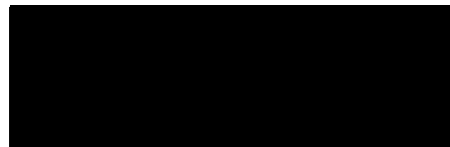
**16. Operation of this arrangement**

- a. The parties intend that this arrangement will record the understanding between them, but will not be enforceable in court.
- b. This arrangement contains the entire arrangement between the parties about its subject matter. Any previous arrangement, understanding or agreement relating to that subject matter is replaced by this arrangement and has no further effect from the commencement date.



Alan MacSporran QC  
Chairperson  
Crime and Corruption Commission

Date: 12 December 2019.



Scott McDougall  
Human Rights Commissioner  
Queensland Human Rights Commission

Date: 12 December 2019