**PRIVATE AND CONFIDENTIAL**

Date

TERMS OF REFERENCE

Allegations of [misconduct (and if relevant corrupt conduct)]

Issued to:

Name of Investigator

# Background

[Provide background information about the complaint or issue (For example: ‘*A complaint was received from ‘name’ on ‘date*’).]

The following allegations have been identified:

1. [Provide detail](allegation 1)
2. [Provide detail] (allegation 2), etc.

[If applicable:] The Crime and Corruption Commission (CCC) has assessed (the complaint) in accordance with the *Crime and Corruption Act 2001.* The CCC has determined to (insert information as relevant: refer with no further advice, refer awaiting outcome advice, monitor, audit etc. Consideration should be given to any other referrals and outcomes for example QPS, QCOT or AHPRA).

I, [name and position title], am the delegated decision maker for this matter.

I have determined that this matter should be the subject of an investigation by [Investigator] in accordance with the below Terms of Reference.

# Terms of Reference

[Investigator] is appointed to investigate the allegations listed above and to gather all relevant information for the purpose of determining whether or not, in their view, there is sufficient evidence to substantiate the allegations, on the balance of probabilities.

The investigator/s should consider the allegations in the context of relevant legislation and associated policies and procedures including the Code of Conduct for the Queensland Public Service or the public sector entity’s Code of conduct.

Should any further allegation/s be discovered during the course of this investigation, the investigators must refer this matter back to me to determine the relevance of the allegation/s to this investigation and if necessary, to amend the Terms of Reference.

# Investigation methodology

The investigation is to be conducted in accordance with the Public Sector Commissioner directive relating to workplace investigations, the Crime and Corruption Commission (CCC) publication ‘Corruption in Focus: a guide to dealing with corrupt conduct in the Queensland Public Sector’, the Public Sector Commission document ‘Managing workplace investigations: a practical guide for the Queensland public sector*’* and any other relevant entity policy. All relevant documents are attached.

The investigator/s are hereby delegated authority to undertake any reasonable activity associated with the gathering of all evidence relevant to this investigation. These activities could include, but are not to be restricted to, the use of the following:

1. access, obtain, retrieve, and copy all entity records considered relevant to these allegations
2. attend and inspect all relevant entity facilities and/or premises
3. make reasonable attempts to access any other evidence (i.e. not held by the entity) which is considered relevant to these allegations
4. give appropriate lawful directions which may be required during the course of this investigation. For example, a lawful direction may be provided to an employee to maintain confidentiality, to attend an interview, or to provide copies of relevant documents
5. conduct interviews with persons who can contribute information relevant to the investigation. Arrangements for interviews should, where possible, be made in advance through the relevant line manager, investigator, or human resources
6. seek to conduct interviews with relevant persons who are not employees of [name of entity]
7. conduct interviews with the individual subject/s of a matter in relation to their alleged involvement in this matter and record their responses to the allegation/s.

The principles of procedural fairness must be applied at all times throughout the course of the investigation and the authorised investigators are to exercise, or use any degree of caution considered necessary, to maintain the integrity of the investigation process.

# Investigation report

On completion of the investigation, the investigator/s are to prepare a written investigation report for my consideration. This report should include the following elements:

1. an analysis of the evidence gathered in relation to each allegation
2. a note as to whether there is sufficient evidence to substantiate each allegation, on the balance of probabilities, and
3. a description of any systemic or management issues/system deficiencies revealed during the course of the investigation, that the investigator/s considers may have contributed to the complaint or incident and make recommendations for systems improvement and/or misconduct prevention.

All interviews, documentation and other evidence gathered as part of this investigation that is referred to or relied upon in the investigation report, is to be made available to me for consideration.

# Investigator’s obligations

The investigator/s should undertake this investigation in an impartial and objective manner. During the course of inquiries, should the investigator/s discover a potential, actual or perceived conflict of interest has arisen, they should immediately cease the investigation and report the matter to me for consideration about whether they should continue.

The investigators are reminded of the relevant statutory requirements surrounding confidentiality and those contained in the Code of Conduct for the Queensland Public Service or the public sector entity’s Code of conduct. For an external investigation, observance of confidentiality and information privacy is expected. Additionally, external investigators must act and make decisions in a way that is compatible with human rights in accordance with the *Human Rights Act 2019*.

# Timeframe

The proposed timeframe for completion of a draft report is (e.g. eight weeks*)* from commencement of the appointment. A final report is requested (e.g. four weeks) following the receipt of the draft report.

The investigator should advise in a timely manner of anything likely to cause delay.

# Investigation plan

The investigator/s is to prepare an investigation plan as soon as possible, articulating their approach, timeframes, and their terms of business (hourly rates, estimate of hour’s required, other costs etc.). The investigation plan should provide an overall expected cost of the investigation.

# Investigator commencement date

The investigator appointment is valid from the date of acceptance of the investigation plan (referred to above).

Name: name

Title: title of delegate

Date: \_\_/\_\_/\_\_