

CEO Complaints Policy

POLICY STATEMENT

This policy provides direction and guidance relating to complaints that involve or may involve corrupt conduct by the Chief Executive Officer of the Queensland Competition Authority.

1 SCOPE/APPLICATION

The Chief Executive Officer (CEO) is the public official of the Queensland Competition Authority (QCA).

The objective of this policy is to set out how the QCA will deal with a complaint (also information or matter)¹ that involves or may involve corrupt conduct of its CEO as defined in the *Crime and Corruption Act 2001 (Qld)* (CC Act).

2 POLICY RATIONALE

The policy is designed to assist the QCA to:

- comply with section 48A of the CC Act
- promote public confidence in the way suspected corrupt conduct of the CEO for the QCA is dealt with (section 34(c) CC Act)
- promote accountability, integrity and transparency in the way the QCA deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the CEO.

3 DEFINITIONS

Crime and Corruption Commission (CCC)	the Commission continued in existence under the CC Act
CC Act	<i>Crime and Corruption Act 2001</i>
Complaint	includes information or matter: see definition provided by section 48A(4) of the CC Act
Contact details	Written complaints about the QCA CEO and/or staff should be sent to: CONFIDENTIAL Director Corporate Services GPO Box 2257 Brisbane Q 4001 Online complaints should be made via the QCA website at https://www.qca.org.au/contact/ All complaints will be directed as requested by the initiator or to the CEO or the Director Corporate Services.

¹ See section 48A of the CC Act and definitions below.

	Confidential Enquiries – call QCA on (07) 3222 0555 and ask to speak with the complaints officer and Director Corporate Services or to the CEO if the complaint refers to a QCA staff member.
Corruption	see Schedule 2 (Dictionary) of the CC Act
Corrupt conduct	see section 15 of the CC Act
Corruption in Focus	http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus ; see chapter 2, page 2.6
Deal with	see Schedule 2 (Dictionary) of the CC Act
Nominated person	see item 5 of this policy
Public Official/CEO	see Schedule 2 (Dictionary) and also section 48A of the CC Act
Unit of public administration (UPA)	see section 20 of the CC Act

4 POLICY APPLICATION

This policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct of the CEO of the QCA
- to all persons who hold an appointment in, or are employees of, the QCA.

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 Director Corporate Services

as the nominated person to notify³ the CCC (and the QCA Members) of the complaint and to deal with the complaint under the CC Act.⁴

The CC Act applies as if a reference about notifying or dealing with the complaint to the CEO is a reference to the nominated person.⁵

6 COMPLAINTS ABOUT THE CEO

If a complaint may involve an allegation of corrupt conduct of the CEO of the QCA, the complaint may be reported to:

- the nominated person, or

² See section 48(4) of the CC Act.

³ Under sections 37 or 38 of the CC Act.

⁴ Under Chapter 2, Part 3, Division 4, Subdivisions 1 & 2 of the CC Act.

⁵ See section 48A(3) of the CC Act.

- a person to whom there is an obligation to report under an Act⁶ (this does not include an obligation imposed by sections 37, 38 and 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.

If the nominated person reasonably suspects the complaint may involve corrupt conduct of the CEO, they are to:

- (a) notify the CCC⁷ (and the QCA Members) of the complaint, and
- (b) deal with the complaint, subject to the CCC's monitoring role, when —
 - (i) pursuant to section 46, the CCC refers the complaint to the nominated person to deal with.⁸

If the CEO reasonably suspects that the complaint may involve corrupt conduct on their part, the CEO must:

- (a) report the complaint to the nominated person as soon as practicable and may also notify the CCC, and
- (b) take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the QCA Members.

7 RECORDKEEPING REQUIREMENTS

Should the nominated person decide that a complaint, or information or matter, about alleged corrupt conduct of the CEO 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, the nominated person has responsibility to deal with the complaint⁹:

- (a) the QCA will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately¹⁰, and
- (b) the nominated person is to ensure that consultations, if any, 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:
 - (i) authorisation under a law of the Commonwealth or the State, or
 - (ii) the consent of the nominated person responsible for dealing with the complaint
- (c) the nominated person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
 - (i) purposes of the CC Act¹¹

⁶ See section 39(2) of the CC Act.

⁷ Under sections 37 or 38, subject to section 40 of the CC Act.

⁸ Under sections 41 and 42 and/or sections 43 and 44 of the CC Act.

⁹ Under sections 41 and 42 and/or sections 43 and 44 of the CC Act.

¹⁰ See the CCC's corruption purposes and function set out in sections 4(1)(b), 33, 34, 35 and the QCA's relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint.

¹¹ See section 57 and the CCC's corruption purposes and function set out in sections 4(1)(b), 33, 34, 35 of the CC Act.

- (ii) the importance of promoting public confidence in the way suspected corrupt conduct in the QCA is dealt with¹², and
- (iii) the QCA'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 CEO to direct and control staff of the QCA as if the nominated person is the CEO of the QCA for the purpose of dealing with the complaint only
- are delegated the same authority, functions and powers as the CEO to enter into contracts on behalf of the QCA for the purpose of dealing with the complaint
- do not have any authority, function or power that cannot—under the law of the Commonwealth or the State—be delegated by either the QCA Members or the CEO, to the nominated person.

9 LIAISING WITH THE CCC

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

- the contact details for the CEO and the nominated person
- any proposed changes to this policy.

10 CONSULTATION WITH THE CCC

The CEO will consult with the CCC when preparing any policy about how the QCA will deal with a complaint that involves or may involve corrupt conduct of the public official/CEO.¹³

11 STATUTORY REFERENCES

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

12 POLICY REFERENCES

- *Corrupt Conduct Guideline*
- *Human Resources Policies and Procedures Manual*
- *Code of Conduct for Employees*

The CCC's guide, *Corruption in Focus*, provides practical advice on meeting the QCA's obligations under the CC Act.

The QCA intranet provides information on all relevant policies and procedures, together with links to further information on external websites.

¹² See section 34(c) of the CC Act.

¹³ Section 48A of the CC Act.

RELEASE NOTICE			
Version	Amendment details	Updated by	Date
1.0	New policy prepared	Director Corporate Services	27/7/2018
2.0	Amended following review by the CCC	Director Corporate Services	27/08/2018
3.0	Updated to reflect changes to the CCC's suggested policy template	Director Corporate Services	25/06/2021

Approved by:

Name: Charles Millstead

Title: Chief Executive Officer

Signature:

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