

CEO Complaints Policy

Version 4

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) for the purposes of the *Crime and Corruption Act 2001* (CC Act).

The objective of this policy is to set out how the QCA will deal with a complaint (or information or matter)¹ that involves or may involve corrupt conduct as defined in the CC Act.

2. Purpose

The policy is designed to assist the QCA to:

- comply with s. 48A of the CC Act
- promote public confidence in the way suspected corrupt conduct by the CEO of the QCA is dealt with (s. 34(c) of the CC Act)
- promote accountability, integrity and transparency in the way the QCA deals with a complaint that is reasonably 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
---------------------------------------	--

¹ See s. 48A of the CC Act and definitions in clause 3.

CC Act	<i>Crime and Corruption Act 2001</i>
complaint	Includes information or matter: see the definition in s. 48A(4) of the CC Act
contact details for nominated person	<p>Written complaints about the QCA CEO and/or staff should be sent to: CONFIDENTIAL Director Corporate Services GPO Box 2257 BRISBANE QLD 4001</p> <p>Online complaints should be made via the QCA website at https://www.qca.org.au/contact/.</p> <p>All complaints will be directed as requested by the initiator or to the CEO or the Director Corporate Services.</p> <p>For confidential enquiries, call the QCA on 07 3222 0555 to speak with the complaints officer and Director Corporate Services, or the CEO if the complaint relates to a QCA staff member.</p>
corrupt conduct	As defined in s. 15 of the CC Act
deal with	As defined in Schedule 2 (Dictionary) of the CC Act
nominated person	See section 5 of this policy
public official/CEO	As defined in s. 48A and Schedule 2 (Dictionary) of the CC Act
unit of public administration (UPA)	As defined in s. 20 of the CC Act

4. Policy application

This policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct by 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

² See s. 48(4) of the CC Act.

5. Nominated person

Having regard to ss. 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 Board Members) of the complaint and to deal with the complaint under the CC Act.⁴

The provisions of the CC Act that regulate how the CEO as the public official of the QCA is to notify or deal with a complaint also apply 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
- a person to whom there is an obligation to report under an Act⁶ (this does not include an obligation imposed by ss. 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.

Complaints received by the nominated person

If the nominated person reasonably suspects that a complaint involves or may involve corrupt conduct by the CEO, they must:

- notify the CCC⁷ and the QCA Members) of the complaint
- deal with the complaint, subject to the CCC's monitoring role when, pursuant to s. 46 of the CC Act, the CCC refers the complaint to the nominated person to deal with.⁸

Complaints received by the CEO

If the CEO receives a complaint that may involve corrupt conduct on their part, they must:

- report the complaint to the nominated person as soon as practicable and may also notify the CCC
- 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 by the CEO is not required to be notified to the CCC under s. 38 of the CC Act, the nominated person must make a record of the decision that complies with s. 40A of the CC Act.

³ CC Act, s. 38.

⁴ CC Act, Chapter 2, Part 3, Division 4, Subdivision 2.

⁵ CC Act, s. 48A(3).

⁶ CC Act, s. 39(2).

⁷ CC Act, s. 38.

⁸ CC Act, ss. 43 and 44.

8. Resourcing the nominated person

If the nominated person has responsibility to deal with the complaint under s. 46:

- the QCA will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately⁹
- the nominated person is to ensure that consultations 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:
 - authorisation under a law of the Commonwealth or the State; or
 - the consent of the nominated person
- the nominated person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
 - purposes of the CC Act¹⁰
 - the importance of promoting public confidence in the way suspected corrupt conduct in the QCA is dealt with¹¹
 - 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.

9. Liaising with the CCC

The CEO must 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 by the CEO.

11. Statutory references

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

12. References

- Corrupt Conduct Guideline

⁹ See the CCC's corruption purposes and functions set out in ss. 4(1)(b), 33, 34 and 35 of the CC Act and the QCA's relevant statutory, policy and procedural framework, which help inform decision-making about the appropriate way to deal with the complaint.

¹⁰ CC Act, s. 57; and the CCC's corruption purposes and functions set out in ss. 4(1)(b), 33, 34 and 35 of the CC Act.

¹¹ CC Act, s. 34(c).

- 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.¹²

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

¹² Crime and Corruption Commission Queensland, [*Corruption in focus: a guide to dealing with corrupt conduct in the Queensland public sector*](#), June 2023, chapter 2, p 26.

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
4.0	Transferred to new template. Minor amendments made to reflect the current s. 48A CCC policy template	Director Corporate Services	25/6/2024



Approved by:

Charles Millstead

Chief Executive Officer

[Select date]

Approval and release date

25/07/2024

Planned review date

2/07/2027