Complaints about the Chief Executive Officer

Section 48A Crime and Corruption Act 2001

11November2024

Objective

The Chief Executive Officer (CEO) is the public official of the Queensland Reconstruction Authority (QRA) for the purposes of the *Crime and Corruption Act 2001* (CC Act)
The objective of this policy is to set out how QRA will deal with a complaint (or information or matter)[i] that involves or may involve corrupt conduct, as defined in the CC Act, by the CEO.

Policy Rationale

This policy is designed to assist QRA to:

- Comply with s.48A of the CC Act and the Framework.
- Promote public confidence in the way suspected corrupt conduct by the CEO of QRA is dealt with (s.34(c) CC Act)
- Promote accountability, integrity, and transparency in the way QRA deals with a complaint that is reasonably suspected to involve, or may involve, corrupt conduct by the CEO.

Definitions

Crime and Corruption Commission (CCC)	the Commission continued in existence under the CC Act
CC Act	*Crime and Corruption Act 2001*
Complaint	includes information or matter: see definition provided by s. 48A(4) of the CC Act
Contact details for Nominated persons	Chief Finance Officer, Queensland Reconstruction Authority Mr Andrew Nehill Chair, Queensland Reconstruction Authority Ms Katarina Carroll APM Nominated persons email; integrity@qra.qld.gov.au
Corrupt conduct	see s. 15 of the CC Act
Corruption in Focus	https://www.ccc.qld.gov.au/publications/corruption-focus; see chapter 2, page 26
Deal with	see Schedule 2 (Dictionary) of the CC Act
Nominated person	See below under “nominated person”
Public Official/CEO	see s.48A & Schedule 2 (Dictionary) of the CC Act

Scope and coverage

This policy applies:

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

For the purpose of this policy a complaint includes information or matter[ii].

Nominated person

Having regard to s.48A (2) and (3) of the CC Act, this policy nominates;

- the Chief Finance Officer of the Queensland Reconstruction Authority, and
- the Chair of the Queensland Reconstruction Authority Board as the nominated persons

to notify[iii] the CCC of the complaint and to deal with the complaint under the CC Act.

The provisions of the CC Act that regulate how the CEO as the public official of QRA is to notify or deal with a complaint also apply to the nominated persons[iv]

Where there is more than one nominated person:

- The nominated persons will decide who will be the nominated person for a particular complaint, and
- Where a nominated person decides to notify the CCC about a complaint, the nominated person will inform the CCC that they are the nominated person for that complaint.

Complaints about the CEO

If a complaint may involve an allegation of corrupt conduct by the CEO of QRA, the complaint may be report to:

- the nominated person, or
- a person to whom there is an obligation to report under an act (this does not include an obligation imposed by s38 or 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 of the CEO, they are to:

- notify the CCC of the complaint[v]; and
- 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.

Complaints received by the CEO

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

- report the complaint to the nominated persons as soon as practicable and may also notify the CCC: and
- take no further action to deal with the complaint unless requested to do so by the nominated person.

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 and include:

- the details of the complaint or information or matter, and
- the evidence on which the public official relied in making the decision; and
- any other reason for the decision

Resourcing the nominated person

If pursuant to s. 46 of the CC Act, the nominated person has responsibility to deal with the complaint.

QRA will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately[vi], and

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:

- purpose of the CC Act[vii]
- the importance of promoting public confidence in the way suspected corrupt conduct in QRA is dealt with, and
- QRA'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 QRA as if the nominated person is the CEO of QRA for the purpose of dealing with the complaint only

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 persons; and
- any proposed changes to this policy.

Consultation with the CCC

QRA will consult with the CCC when preparing any policy about how QRA will deal with a complaint that involves or may involve corrupt conduct of the CEO

Statutory references

Unless otherwise stated, all statutory references are to the CC Act.

Document review

The CEO and CFO will review this policy within twelve months of the initial approval date, then at least once every three years and/or as required to take into account changes to relevant legislation, government policy and practices, changing trends, and feedback.

Document control

Version No.	Date	Approved by	Next scheduled review date
2.1 FINAL	31/07/2021	[Brendan Moon, CEO]	31/07/2024
2.1 FINAL	31/07/2021	[Michael Walsh, Chair]	31/07/2024
3.1 FINAL	30/06/2023	[Major General Jake Ellwood (Rtd), CEO]	31/06/2026
3.1 FINAL	30/06/2023	[Michael Walsh, Chair]	31/06/2026
3.2 FINAL	15/04/2024	[Major General Jake Ellwood (Rtd), CEO]	31/06/2027
3.2 FINAL	01/10/2024	[Major General Jake Ellwood (Rtd), CEO]	30/09/2027

[i] See s. 48A of the CC Act and the definitions below.
[ii] See s. 48A(4) of the CC Act.
[iii] Pursuant to s. 38 of the CC Act.
[iv] See s. 48A(3) of the CC Act
[v] Pursuant to s. 38 of the CC Act.
[vi] See the CCC's corruption purposes and functions set out in ss. 4(1)(b), 33, 34 and 35 of the CC Act and QRA's relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint.
[vii] See s. 57 of the CC Act and the CCC's corruption purposes and functions set out in ss. 4(1)(b), 33, 34 and 35 of the CC Act.