

# Complaints about the General Manager: Section 48A of the *Crime and Corruption Act* 2001 Policy and Procedure – PPO-0024

## Scope

All QLeave employees. This policy applies if there are grounds to suspect that a complaint may involve corrupt conduct of the General Manager of QLeave.

## Purpose

This document provides a process as to how QLeave<sup>1</sup> will deal with a complaint that is suspected to involve, or may involve, corrupt conduct of the General Manager, as the public official within the meaning of the *Crime and Corruption Act 2001* (CC Act).

The General Manager is appointed under the *Building and Construction Industry (Portable Long Service Leave) Act 1991*<sup>2</sup> (BCI Act) and is the public official for the Building and Construction Industry (Portable Long Service Leave) Authority and for the Contract Cleaning Industry (Portable Long Service Leave) Authority<sup>3</sup> and the Community Services Industry (Portable Long Service Leave) Authority.<sup>4</sup> The General Manager is the public official for all three Authorities.

## Policy Statement

QLeave is committed to the promotion of accountability, integrity, and transparency in the way it deals with complaints that are suspected to involve, or may involve, corrupt conduct. This document is designed to assist in promoting public confidence in the way that QLeave deals with a complaint about, or information or matter involving corruption.<sup>5</sup>

## Responsibilities

### Nominated persons

- Deal with complaints about, or information involving, suspected corrupt conduct of the General Manager in accordance with this document.

### General Manager

- Awareness of this document and making it accessible to all employees.
- Notify the Crime and Corruption Commission (CCC) of complaints which the General Manager reasonably suspects may involve corrupt conduct on their part, in accordance with this document.

<sup>1</sup> A reference to 'QLeave' means the Building and Construction Industry (Portable Long Service Leave) Authority, Contract Cleaning Industry (Portable Long Service Leave) Authority and the Community Services Industry (Portable Long Service Leave) Authority, collectively.

<sup>2</sup> See Part 4 of the Building and Construction Industry (Portable Long Service Leave) Act 1991 (BCI Act).

<sup>3</sup> See s. 32 of the Contract Cleaning Industry (Portable Long Service Leave) Act 2005 (CCI Act).

<sup>4</sup> See s. 36 of the Community Services Industry (Portable Long Service Leave) Act 2020 (CSI Act).

<sup>5</sup> For the purpose of this document, a complaint includes information or matter: s. 48A(4) of the CC Act.

|                              |                                      |                                          |
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- Ensure that sufficient resources are available to support the nominated persons, to enable them to deal with complaints of suspected corrupt conduct appropriately.
- Cooperate fully with investigations into suspected matters involving corrupt conduct.

### **All employees**

- Awareness of this document.
- Report any complaints of suspected corrupt conduct to the nominated person/s.
- Cooperate fully with investigations into suspected matters involving corrupt conduct.

## **Procedure**

### **1.0 Nominated persons**

Having regard to section 48A(2) and (3) of the CC Act, this document nominates:

- the Director Corporate Services<sup>6</sup>; and
- the BCI Board Chairperson<sup>7</sup>

as the nominated persons to notify<sup>8</sup> the CCC of the complaint and to deal with the complaint under the CC Act.<sup>9</sup>

The provisions of the CC Act that regulate how the General Manager, as the public official of QLeave, is to notify or deal with a complaint also apply to the nominated persons.

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

The nominated persons will:

- with or without consulting with the CCC, decide who will be the nominated person to notify and deal with a particular complaint; and
- where a nominated person decides to notify the CCC about a complaint, the nominated person for that particular complaint will inform the CCC that they are the nominated person for the complaint.

### **2.0 Complaints about the General Manager**

#### **2.1 Referral to the CCC**

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

- a nominated person; or
- a person to whom there is an obligation to report under another Act to notify of corruption.<sup>10</sup>

If there is uncertainty about whether or not a complaint should be reported, it is best to report it to a nominated person.

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

- notify the CCC of the complaint;<sup>11</sup> and

<sup>6</sup> Notification can occur in person, or in writing, via email (director.corporateservices@qleave.qld.gov.au) or post, addressed as Confidential to: Director Corporate Services, PO Box 438, Archerfield BC, Qld, 4118.

<sup>7</sup> Notification can occur by post, addressed as Confidential: BCI Board Chairperson, PO Box 438, Archerfield BC, Qld, 4118.

<sup>8</sup> Under s. 38 of the CC Act.

<sup>9</sup> Under Chapter 2, Part 3, Division 4, Subdivision 2 of the CC Act.

<sup>10</sup> See s. 39(2) of the CC Act. This does not include an obligation imposed by sections 37, 38 and 39(1) of the CC Act.

<sup>11</sup> Under s. 38, subject to s. 40 of the CC Act.



- deal with the complaint, subject to the CCC's monitoring role when, pursuant to section 46 of the CC Act, the CCC refers the complaint to the nominated person to deal with.<sup>12</sup>

If the General Manager reasonably suspects the complaint may involve corrupt conduct on their part, the General Manager must:

- report the complaint to a nominated person 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.

## **2.2 Decision not to refer to the CCC**

Should the nominated person decide that a complaint about, or information or matter involving alleged corrupt conduct of the General Manager is not required to be notified to the CCC, the nominated person must make a record of the decision that complies with section 40A of the CC Act.

## **3.0 Record keeping**

Without limiting the obligation to comply with QLeave's record keeping obligations generally, the record of the decision made under section 40A of the CC Act needs to be retained in accordance with QLeave record keeping requirements.

## **4.0 Resourcing the Nominated Person**

If, pursuant to sections 40 or 46 of the CC Act, the nominated person has responsibility to deal with the complaint:<sup>13</sup>

- QLeave will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately
- 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:
  - authorisation under a law of the Commonwealth or the State, or
  - the consent of the nominated person responsible for dealing with the complaint; and
- 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 Act<sup>14</sup>
  - importance of promoting public confidence in the way suspected corrupt conduct in QLeave is dealt with<sup>15</sup>, and
  - QLeave'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 General Manager to direct and control employees of QLeave as if the nominated person is the General Manager of QLeave for the purpose of dealing with the complaint only
- are delegated the same authority, functions and powers as the General Manager to enter into contracts on behalf of QLeave 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 to the nominated person.

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<sup>12</sup> Under ss. 43 and 44 of the CC Act.

<sup>13</sup> Under ss. 43 and 44 of the CC Act.

<sup>14</sup> See s. 57 of the CC Act and the CCC's corruption purposes and function set out in ss. 4(1)(b), 33, 34, 35 of the CC Act.

<sup>15</sup> See s. 34(c) of the CC Act.



## 5.0 Consultation with the CCC

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

- the contact details for the General Manager and the nominated person; and
- any proposed changes to this document.

The General Manager is to consult with the CCC when preparing any policy about how QLeave will deal with a complaint that involves or may involve corrupt conduct of the General Manager.

## Legislation

- *Crime and Corruption Act 2001*.

## Other related documents

- Customer Complaints Management Policy and Procedure
- Fraud and Corruption Control Policy and Procedure
- Public Interest Disclosure Policy and Procedure
- Records Management Policy and Procedure.

## Definitions

| Term                                         | Definition                                                                                                                                                                                                                                                                  |
|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Crime and Corruption Commission (CCC)</b> | The Commission continued in existence under the <i>Crime and Corruption Act 2001</i> .                                                                                                                                                                                      |
| <b>Complaint</b>                             | A concern or report of wrongdoing. This includes 'information or matter', per the definition provided by section 48A(4) of the <i>Crime and Corruption Act 2001</i> .                                                                                                       |
| <b>Corruption</b>                            | See Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i> .                                                                                                                                                                                                   |
| <b>Corrupt conduct</b>                       | See section 15 of the <i>Crime and Corruption Act 2001</i> .                                                                                                                                                                                                                |
| <b>Deal with</b>                             | See Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i> .                                                                                                                                                                                                   |
| <b>Nominated person</b>                      | See section 1.0 under 'Nominated persons' in this document.                                                                                                                                                                                                                 |
| <b>Public Official</b>                       | General Manager of QLeave.                                                                                                                                                                                                                                                  |
| <b>QLeave</b>                                | A reference to 'QLeave' means the Building and Construction Industry (Portable Long Service Leave) Authority, Contract Cleaning Industry (Portable Long Service Leave) Authority and the Community Services Industry (Portable Long Service Leave) Authority, collectively. |

## Content Owner

For further information, please contact:

- the Director Corporate Services at [director.corporateservices@qleave.qld.gov.au](mailto:director.corporateservices@qleave.qld.gov.au); or
- in the absence or unavailability of the Director Corporate Services, the Manager Legal Services at [legalservices@qleave.qld.gov.au](mailto:legalservices@qleave.qld.gov.au).

## Version Control

| Version | Effective Date | Comments                                                                                                     |
|---------|----------------|--------------------------------------------------------------------------------------------------------------|
| v1.1    | 07/02/2024     | Minor update to document to reference all three Authorities and reference the public official for all three. |

