



Complaints about the CEO Policy

[section 48A of the *Crime and Corruption Act 2001*]

Purpose

Section 48A of the *Crime and Corruption Act 2001* (Qld) (CC Act) requires the Gold Coast Waterways Authority (GCWA), as a unit of public administration, to have a policy for how GCWA will deal with a complaint that involves, or may involve, corruption of the public official.

The Chief Executive Officer (CEO) is the public official of GCWA. The purpose of this policy is to set out how GCWA will deal with a complaint (also information or matter)¹ that involves, or may involve, corrupt conduct of its CEO as defined in the CC Act.

Policy rationale

The policy is designed to assist the GCWA to:

1. Comply with s48A of the CC Act;
2. Promote public confidence in the way suspected corrupt conduct of the CEO for GCWA is dealt with (s34(c) CC Act); and
3. Promote accountability, integrity and transparency in the way that GCWA deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the CEO.

Policy application

This policy applies if there are grounds to suspect that a complaint may involve corrupt conduct of the CEO of the GCWA. This policy does not apply to complaints about other GCWA employees. For complaints involving GCWA employees other than the CEO, refer to the GCWA Complaints Management Policy.

For the purpose of this policy a complaint includes information or matter.²

Nominated person

Having regard to s48A(2) and (3) of the CC Act, this policy nominates:

- Principal Advisor (Planning and Innovation), who is the authorised GCWA CCC Liaison Officer, as the nominated person to notify³ the CCC of the complaint and to deal with the complaint under the CC Act.⁴

Once the GCWA nominates a person, the CC Act applies as if a reference about notifying or dealing with the complaint to the CEO is a reference to the nominated person⁵.

¹ See s48A of the CC Act and definitions below

² See s48A(4) CC of the CC Act

³ Under ss37 or 38 of the CC Act

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

⁵ See s48A(3) CC Act

Definitions

Crime and Corruption Commission (CCC)	the Commission continued in existence under the <i>Crime and Corruption Act 2001</i>
CC Act	<i>Crime and Corruption Act 2001</i>
Complaint	includes information or matter. See definition provided by s48A(4) of the <i>Crime and Corruption Act 2001</i>
Contact details	Communications to be addressed to the Nominated Person (refer below): Position: Principal Advisor (Planning and Innovation) Phone: 5539 7350 Email: mail@gcwa.qld.gov.au Postal: PO Box 107, Southport Qld 4215
Corruption	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Corrupt conduct	see s15 of the <i>Crime and Corruption Act 2001</i>
<i>Corruption in Focus</i>	http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus ; see chapter 2, page 2.5
Deal with	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Nominated person	Principal Advisor (Planning and Innovation)
Public Official/CEO	see Schedule 2 (Dictionary) and also s48A of the <i>Crime and Corruption Act 2001</i>
Unit of public administration (UPA)	see s20 of the <i>Crime and Corruption Act 2001</i>

Complaints about the CEO

Where there is a nominated person, if a complaint may involve an allegation of corrupt conduct of the CEO of the GCWA, 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 ss37, 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 CCC of the complaint⁷, and
- (b) deal with the complaint, subject to the CCC's monitoring role, when:
directions issued under s40 apply to the complaint, if any; or
pursuant to s46, the CCC refers the complaint to the nominated person to deal with⁸.

⁶ See s39(2) of the CC Act

⁷ Under ss37 or 38, subject to s40 of the CC Act

⁸ Under ss41 and 42 and/or ss43 and 44 of the CC Act

If the CEO reasonably suspects that the complaint may involve corrupt conduct on their part, and there is a nominated person, they are to:

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

Where there is a nominated person, and if directions issued under s40 apply to the complaint:

- (i) the nominated person is to deal with the complaint, and
- (ii) the CEO is to take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the GCWA Board.

Resourcing the nominated person

If pursuant to ss40 or 46, the nominated person has responsibility to deal with the complaint⁹:

- (i) GCWA will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately¹⁰, and
- (ii) 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
- (iii) 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 Act¹¹
 - the importance of promoting public confidence in the way suspected corrupt conduct in the GCWA is dealt with¹², and
 - GCWA'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 GCWA as if the nominated person is the CEO of the GCWA 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 GCWA 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 GCWA Board, the Minister for Transport and Main Roads or the CEO, to the nominated person.

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.

⁹ Under ss41 and 42 and/or ss43 and 44 of the CC Act

¹⁰ See the CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 and the GCWA's relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint

¹¹ See ss57 and the CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 of the CC Act

¹² See s34(c) CC Act

Consultation with the CCC

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

Statutory references

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

Reviews and updates

The Manager (Business Services), in consultation with the CCC Liaison Officer (who is also the Nominated Person) is responsible for reviewing this policy every three (3) years. Any proposed changes to this policy will be made in consultation with the Chairperson of the CCC as required by section 48A (1).

Approval

This policy is approved by the GCWA Chief Executive Officer on 26 April 2019 following consultation with the Chairperson of the CCC as required by section 48A (1).

Document History

Version	Date	Amendment
0.1	19.02.2019	Draft Policy for consultation with Chairperson of the CCC
0.2	23.04.2019	Incorporate Integrity Services CCC feedback
0.3	26.04.2019 21.05.2019	CEO approval granted. CCC Chairperson approval granted.

¹³ Section 48A of the CC Act