

DEALING WITH COMPLAINTS INVOLVING THE PUBLIC OFFICIAL

Reference number	QTO-1	Policy owner	Queensland Training Ombudsman
Contact officer	Workforce Relations and Integrity	Contact details	ethics@desbt.qld.gov.au
Version	2.0	Approved by	Queensland Training Ombudsman
Effective date	22 April 2024	Review frequency and date	Bi-annually

1. Policy Statement

The Office of the Queensland Training Ombudsman is committed to managing complaints involving the public official in a manner which maintains transparency and integrity, whilst promoting public confidence. This includes managing complaints of this nature ethically and in accordance with obligations under section 48A of the *Crime and Corruption Act 2001* (CC Act).

2. Purpose

This policy sets out how the Office of the Queensland Training Ombudsman will deal with a complaint, including information or matter¹ involving the Queensland Training Ombudsman (QTO) as the public official, that involves or may involve corrupt conduct as defined in the CC Act².

The policy is to assist to:

1. Comply with section 48A of the CC Act
2. Promote public confidence in the way suspected corrupt conduct of the public official is dealt with (section 34(c) of the CC Act)
3. Promote accountability, integrity, and transparency in the way a complaint that is suspected to involve or may involve, corrupt conduct of the public official.

3. Definitions

ITEM	DESCRIPTION
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 person	Head of Corporate Department of Employment, Small Business and Training Email: CCCLiaisonOfficer@desbt.qld.gov.au Postal Address:

¹ See s. 48A(4) of the CC Act.

² See s. 15 of the CC Act.

ITEM	DESCRIPTION
	PO Box 15483 CITY EAST Brisbane Qld 4002.
Corrupt conduct	see s.15 of the CC Act
<i>Corruption in Focus</i>	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 item 5 of this policy
Public Official/CEO	see Schedule 2 (Dictionary) and also s. 48A of the CC Act
Unit of Public Administration (UPA)	see 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 of the public official and shall apply to all employees who hold an appointment in, or are an employee of the Office of the QTO.

For the purpose of this policy, a complaint includes information or matter.³

5. Nominated person

Having regard to section 48A (2) and (3) of the CC Act, this policy nominates the Department of Employment, Small Business and Training's Head of Corporate Services as the responsible person to notify⁴ the CCC of the complaint and to deal with the complaint under the CC Act⁵.

The CC Act applies as if a reference about notifying or dealing with the complaint to the public official is a reference to the nominated person⁶.

6. Complaints about the public official

If a complaint or concern may involve an allegation of corrupt conduct of the QTO, the complaint may be reported to:

- the nominated person, or
- a person to whom there is an obligation to report under an Act.⁷ (this does not include an obligation imposed by sections 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.

³ See s. 48A(4) of the CC Act.

⁴ Under ss. 37 or 38 of the CC Act.

⁵ Under Chapter 2, Part 3, Division 4, Subdivisions 1 & 2 of the CC Act.

⁶ See s. 48A(3) of CC Act.

⁷ See s. 39(2) of the CC Act.

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

- a) notify the CCC of the complaint⁸.

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

- a) report the complaint to the nominated person as soon as practicable and may also notify the CCC.

7. Recordkeeping requirements

Should the nominated person decide that a complaint, or information or matter, about alleged corrupt conduct of the public official 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 section 46 of the CC Act, the nominated person has the responsibility to deal with the complaint⁹:

- i. the Office of the QTO will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately¹⁰
- 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:
 - o authorisation under a law of the Commonwealth or the State, or
 - o 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:
 - o purposes of the CC Act¹¹
 - o the importance of promoting public confidence in the way suspected corrupt conduct is dealt with¹², and
 - o the Office of the QTO's statutory, policy and procedural framework.

If the nominated person has responsibility to deal with the complaint, they:

- o are delegated the same authority, functions, and powers as the public official to direct and control staff as if the nominated person is the QTO for the purpose of dealing with the complaint only;
- o are delegated the same authority, functions, and powers as the public official to enter into contracts on behalf of the Office of the QTO for the purpose of dealing with the complaint, and
- o do not have any authority, function or power that cannot – under the law of the Commonwealth or the State – be delegated by either the Minister for Employment and Small Business and Minister for Training and Skills Development, or the QTO, to the nominated person.

⁸ Under ss. 37 or 38, subject to s. 40 of the CC Act.

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

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

¹¹ 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.

¹² See s. 34(c) of the CC Act.

9. Liaising with the CCC

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

- The contact details for the public official and the nominated person, and
- Any proposed changes to this policy.

10. Consultation with the CCC

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

11. Human Rights

The Office of the QTO is committed to respecting, protecting and promoting human rights.

Under the *Human Rights Act 2019*, the Office of the QTO has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights.

When making a decision under the provisions of this policy, decision-makers must comply with this obligation.

12. Statutory references

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

13. Related documents

- [Code of Conduct for the Queensland Public Service](#)
- [Corruption in focus – A guide to dealing with corrupt conduct in the Queensland Public Sector](#)
- Records governance policy.

14. Further information

For further information or clarification, please contact:

- Workforce Relations and Integrity, Department of Employment, Small Business and Training at Ethics@desbt.qld.gov.au

15. Storage of information

All information should be managed in accordance with the [Public Records Act 2002](#), and the whole-of-Government [Records Governance policy](#). In addition, personal information should be managed in accordance with the [Information Privacy Act 2009](#).

16. Document control

Version	Release Date	Action	Description	Reviewing officer	Authorised by
1.0		Original release		DESBT	Director-General, DESBT
1.1	09/09/2021	Two yearly review and update of policy	Minor updates	DESBT	Director-General, DESBT
2.0	22/04/2024	Major review	Updated in accordance with CCC amended section 48A policy template. Creation of standalone section 48A Policy for the QTO.	M Verrenkamp, Principal HR Advisor	Geoff Favell, Queensland Training Ombudsman