

Policy 13 – Dealing with a complaint involving the NQBP Chief Executive Officer (*Crime and Corruption Act 2001, s48A*)

1 OBJECTIVE

The Chief Executive Officer (CEO) is the public official of NQBP.

The objective of this policy is to set out how NQBP will Deal With a complaint (also information or matter)¹ that involves or may involve corrupt conduct of its CEO as defined in the Crime and Corruption Act 2001 (CC Act).

2 POLICY RATIONALE

This Policy is designed to assist NQBP to:

- comply with s.48A of the CC Act.
- promote public confidence in the way suspected Corrupt Conduct of the CEO of NQBP is dealt with (s34(c) CC Act).
- promote accountability, integrity and transparency in the way NQBP deals with a complaint that is suspected to involve, or may involve, Corrupt Conduct of the CEO.

3 DEFINITIONS

CEO	see Schedule 2 (Dictionary) and also s48A of the Crime and Corruption Act 2001
Crime and Corruption Commission (CCC)	the Commission continued in existence under the Crime and Corruption Act 2001
CC Act	Crime and Corruption Act 2001
Complaint	includes information or matter. See definition provided by s48A(4) of the Crime and Corruption Act 2001
Contact details	Email: Chair@nqbp.com.au Phone Number: 07 3011 7900 Postal Address: Private and Confidential- NQBP Board Chair, GPO Box 409, Brisbane QLD 4000
Corruption	see Schedule 2 (Dictionary) of the Crime and Corruption Act 2001
Corrupt Conduct	see s15 of the Crime and Corruption Act 2001
Deal With	see Schedule 2 (Dictionary) of the Crime and Corruption Act 2001
Nominated person	see item 5 of this policy

¹See s48A of the CC Act

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Version Control	Only electronic copy in RM8 is controlled. To ensure any paper copy is current, please check the policy document list on ERIC.			Revision	1
				Document Number	E18/11634
				Page	Page 1 of 4
Approval	This Policy requires Board Approval.			Date Approved	30 October 2018

Policy 13 – Dealing with a complaint involving the public official (*Crime and Corruption Act 2001, s48A*)

4 POLICY APPLICATION

This policy applies:

- if there are grounds to suspect that a complaint may involve Corrupt Conduct of the CEO of NQBP, and
- to all persons who hold an appointment in, or are employees of, NQBP.

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

5 NOMINATED PERSON

Having regard to s48A (2) and (3) of the CC Act, this policy nominates the Chairman of the Board of NQBP as the nominated person³ to notify⁴ the CCC of the complaint against the CEO and to Deal With the complaint under the CC Act.⁵

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

6 COMPLAINTS ABOUT THE CEO

If a complaint may involve an allegation of Corrupt Conduct of the CEO, the complaint may be reported to the nominated person, or a person to whom there is an obligation to report to the CCC under an Act⁷ (this does not include an obligation imposed by s 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:

- notify the CCC of the complaint⁸, and
- 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 With⁹.

If the CEO reasonably suspects that a complaint made to the CEO may involve Corrupt Conduct on his or her part, the CEO must:

- report the complaint to the nominated person as soon as practicable and may also notify the CCC, and

2 See s48(4) CC of the CC Act
 3 See footnote 2 ‘Suggested outline of policy’
 4 Under s38 of the CC Act
 5 Under Chapter 2, Part 3, Division 4, Subdivisions 1 & 2 of the CC Act
 6 See s48A(3) CC Act
 7 See s39(2) of the CC Act
 8 Under ss37 or 38, subject to s40 of the CC Act
 9 Under ss41 and 42 and/or ss43 and 44 of the CC Act

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(b) take no further action to Deal With the complaint.

If directions issued under s40 apply to the complaint:

- (a) the nominated person is to Deal With the complaint, and
- (b) the CEO is to take no further action to Deal With the complaint.

7 RESOURCING THE NOMINATED PERSON

If pursuant to ss40 or 46, the nominated person has responsibility to Deal With the complaint¹⁰:

- (a) NQBP will ensure that sufficient resources are available to the nominated person to enable them to Deal With the complaint appropriately¹¹, and
- (b) 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
- (c) 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 Act¹²,
 - the importance of promoting public confidence in the way suspected Corrupt Conduct in the NQBP is dealt with¹³, and
 - the NQBP’s statutory, policy and procedural framework.

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

- (a) are delegated the same authority, functions and powers as the CEO to direct and control staff of NQBP as if the nominated person is the CEO of NQBP for the purpose of dealing with the complaint only,
- (b) are delegated the same authority, functions and powers as the CEO to enter into contracts on behalf of NQBP for the purpose of dealing with the complaint, and
- (c) do not have any authority, function or power that cannot — under the law of the Commonwealth or the State — be delegated by either the Shareholding Ministers or the CEO, to the nominated person.

8 LIAISING WITH THE CCC

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

- (a) the contact details for the CEO and the nominated person (if there is a nominated person); and

¹⁰ Under ss41 and 42 and/or ss43 and 44 of the CC Act
¹¹ See the CCC’s corruption purposes and function set out in ss4(1)(b), 33, 34, 35 and NQBP’s relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint
¹² See ss57 and the CCC’s corruption purposes and function set out in ss4(1)(b), 33, 34, 35 of the CC Act
¹³ See s34(c) CC Act

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			Document Number	E18/11634	
			Page	Page 3 of 4	
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(b) any proposed changes to this policy.

9 CONSULTATION WITH THE CCC

The CEO will consult with the CCC when preparing any policy about how NQBP will Deal With a complaint that involves or may involve Corrupt Conduct of the CEO.¹⁴

10 STATUTORY REFERENCES

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

11 POLICY REVIEW DATE

This policy should be reviewed by 31 October 2020.

¹⁴

Section 48A of the CC Act

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