

Corrupt Conduct – Reporting Complaints involving the Chief Executive 005052



Policy statement

Section 48A of the *Crime and Corruption Act 2001* (Qld) (CC Act) requires Metro North Hospital and Health Service (Metro North Health) to have a policy about how to deal with a complaint that involves, or may, involve corrupt conduct by the Chief Executive.

Purpose and intent

The purpose of this policy is to assist Metro North Health to:

- Promote public confidence by ensuring reasonable suspicion of corrupt conduct by the Chief Executive is dealt with in accordance with section 34(c) of the CC Act.
- Promote accountability, integrity and transparency in the manner Metro North Health deals with complaints which are reasonably suspected to involve, or may involve, corrupt conduct by the Chief Executive; and
- Comply with section 48A of the CC Act.

This policy applies if there are grounds to reasonably suspect that a complaint involves, or may involve, corrupt conduct by the Chief Executive, or any such person acting in the role of Chief Executive.

Scope and target audience

This policy applies to:

- all Metro North Health clinical and non-clinical staff (permanent, temporary and casual) and all organisations and individuals acting as its agents (including Visiting Medical Officers, contractors, consultants and volunteers)
- Members of the public who may also want to make a complaint of alleged corrupt conduct by the Chief Executive in accordance with this policy.

Principles

For the purpose of this policy the Chief Executive is a public official, in accordance with the CC Act.

1. Nominated person

Under section 48A (2) and (3) of the CC Act, the Chief Executive may nominate a person or persons to notify the Crime and Corruption Commission (CCC) of a complaint of alleged corrupt conduct that involves, or may involve, the Chief Executive.

The Board Chair, Metro North Hospital and Health Board is the nominated person nominated by the Chief Executive for reporting these complaints and will be assisted by the Director, Ethical Standards Unit.¹

2. Reporting complaints about the Health Service Chief Executive

A complaint involving an allegation of corrupt conduct by the Chief Executive may be written or verbal and may be made anonymously.

If a complaint involves, or may involve, an allegation of corrupt conduct by the Chief Executive, the complaint may be reported to:

- The nominated person (The Board Chair);
- A person to whom there is an obligation to report under an Act (this does not include an obligation imposed by sections 37, 38 and 39 (1) of the CC Act); or
- Directly to the Crime and Corruption Commission (CCC).

If there is uncertainty about whether or not a complaint should be reported, the complaint should be discussed with the nominated person.

If the nominated person reasonably suspects the complaint involves, or may involve, an allegation of corrupt conduct by the Chief Executive, they are to:

- Notify the CCC of the complaint; and
- Deal with the complaint, subject to the CCC's monitoring role.

If the Chief Executive reasonably suspects that a complaint involves, or may involve, alleged corrupt conduct on their part, the Chief Executive must:

- Report the complaint to the nominated person as soon as practicable; and
- Take no further action to deal with the complaint unless requested to do so by the nominated person.

3. Resourcing for the nominated person

If pursuant to sections 40 or 46 of the CC Act, the nominated person has a responsibility to deal with the complaint:

- Metro North Health will ensure that sufficient resources are available to the nominated person to support them to deal with the complaint.
- The nominated person is to ensure that consultation with another party, if any, for the purpose of securing resources sufficient to appropriately deal with the complaint, is confidential and 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.

¹ Once the Chief Executive Health nominates a person, the CC Act applies as if a reference about notifying or dealing with the complaint to the public official/Chief Executive is a reference to the nominated person (s 48A (3) CC Act).

- 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.
 - The importance of promoting public confidence in the way alleged corrupt conduct within Metro North Health is dealt with; and
 - The Metro North Health statutory, policy and procedural framework.

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

- delegated the same authority, functions and powers as the Chief Executive to direct and control staff of Metro North Health as if the nominated person is the Chief Executive of Metro North Health for the purpose of dealing with the complaint only.
- delegated the same authority, functions and powers as the Chief Executive to enter into contracts on behalf of Metro North Health for the purpose of dealing with the complaint (e.g., the engagement of an investigator).

4. Public Interest Disclosures

When a complaint is made by a public officer that raises allegations of corrupt conduct, it may be a public interest disclosure (PID) pursuant to the *Public Interest Disclosure Act 2010* (Qld) (PID Act).

The PID Act provides specific obligations to keep information confidential (such as the complainant's identity and personal information) unless it becomes necessary for the purpose of dealing with the disclosure. An example of when disclosure of this information may be necessary, may include during an investigation to ensure procedural fairness/natural justice to any person the subject of the disclosure in accordance with section 65 of the PID Act.

Importantly, a purpose of the PID Act is to provide protections for a person who makes a PID, including from reprisal, as far as reasonably practicable. Under section 40 of the PID Act, a person must not take any reprisal action against another person, by causing detriment, because a PID has been made.

The nominated person must manage all PID's in accordance with Metro North Health's PID procedure.

5. Liaising with the Crime and Corruption Commission (CCC)

Metro North Health is to keep the CCC and the nominated person/s (if any) informed of:

- the contact details for the Chief Executive and the nominated person/s (if there is a nominated person)
- any proposed changes to this policy

6. Consulting with the Crime and Corruption Commission (CCC)

The Chief Executive will consult with the CCC when preparing any policy about how the Metro North Health will deal with a complaint that involves or may involve corrupt conduct of the public official.

7. Contact Details

To make a complaint, or report information or matter, involving alleged corrupt conduct of the Chief Executive please contact:

Board Chair

Metro North Hospital and Health Board

Level 14, Block 7

HERSTON QLD 4029

Email: Metro_North_Board@health.qld.gov.au

Crime and Corruption Commission

Telephone: (07) 3360 6060

Email: complaints@ccc.qld.gov.au

mailbox@ccc.qld.gov.au

Website: <http://www.ccc.qld.gov.au/corruption/report-corruption/how-to-report-corruption>

Legislation and other authority

Crime and Corruption Act 2001 (Qld)

Human Rights Act 2019 (Qld)

Public Interest Disclosure Act 2010 (Qld)

Public Service Act 2008 (Qld)

Human Rights

Human Rights considered as per legislative requirements under s58 of the *Human Rights Act 2019* (Qld)

References

Code of Conduct for the Queensland Public Service (January 2011)

Related Documents

Metro North Procedure 004227 [Requirements for Reporting Corrupt Conduct](#)

Metro North Procedure 002088 [Public Interest](#)

Crime and Corruption Commission - [Corruption in focus: a guide to dealing with corrupt conduct in the Queensland public sector](#)

Appendix 1 – Definition of terms

Term	Definition / explanation / details	Source
Crime and Corruption Commission (CCC)	A statutory body set up to combat and reduce the incidence of major crime and corruption in the public sector in Queensland. Its functions and powers are set out in the <i>Crime and Corruption Act 2001</i>	<i>Crime and Corruption Act 2001</i>
CC Act	<i>Crime and Corruption Act 2001</i>	<i>Crime and Corruption Act 2001</i>
Complaint	Includes information or matter. See definition provided by s 48A (4) of the <i>Crime and Corruption Act 2001</i> . To Metro North Health can be written or verbal and may be made anonymously	<i>Crime and Corruption Act 2001</i>
Corruption	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>	<i>Crime and Corruption Act 2001</i>
Corrupt conduct	see s 15 of the <i>Crime and Corruption Act 2001</i>	<i>Crime and Corruption Act 2001</i>
Deal with	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>	<i>Crime and Corruption Act 2001</i>
Nominated person	Under the CC Act, a person other than the public official to notify the CCC of the complaint and to deal with the complaint on behalf of the public official	<i>Crime and Corruption Act 2001</i>
Public Official	For the purpose of this policy Public Official means the Chief Executive, Metro North Hospital and Health Service See Schedule 2 (Dictionary) and also s 48A of the <i>Crime and Corruption Act 2001</i> for further information	<i>Crime and Corruption Act 2001</i>
Unit of public administration (UPA)	For the purpose of this policy a unit of public administration means: <ul style="list-style-type: none"> • Metro North Health • The Department of Health • The Legislative Assembly and the Parliamentary Service • The Executive Council • Government Departments • For a full list see s 20 of the <i>Crime and Corruption Act 2001</i> 	<i>Crime and Corruption Act 2001</i>

Document History

Author	Director, Ethical Standards Unit, Metro North Health
Custodian	Director, Ethical Standards Unit, Metro North Health
Consequence Level	Likelihood – Possible Consequence – Minor Risk Rating – Medium (9)
Compliance evaluation and audit	To be reviewed every three years for ongoing compliance with the <i>Crime and Corruption Act 2001</i> and other relevant legislative amendments. As necessary following periodic audit by the Crime and Corruption Commission, Queensland.
Replaces Document/s	POL005052 Corrupt Conduct – Reporting Complaints involving the Chief Executive V2.0 (2022)
Changes to practice from previous version	Unscheduled review – Minor <ul style="list-style-type: none"> No change to practice Updated departmental name to reflect change from Integrity Unit to Ethical Standards Unit
Education and training to support implementation	Not applicable
Consultation	<p>Key stakeholders</p> <p>Chair, Metro North Hospital and Health Board</p> <p>Chief Executive, Metro North Health</p> <p>Metro North Health Ethical Standards Unit</p> <p>Executive Director, Clinical Governance, Safety, Quality and Risk</p> <p>Metro North Health Legal Services Unit</p> <p>Chief People and Culture Officer, People and Culture</p> <p>Broad Consultation facilitated through the following: (do not delete this list)</p> <p>Metro North Aboriginal and Torres Strait Islander Leadership Team</p> <p>Digital Metro North</p> <p>Metro North Clinical Governance, Safety, Quality and Risk</p> <p>Metro North Medical Services</p> <p>Metro North Nursing and Midwifery Services</p> <p>Metro North Allied Health</p> <p>Metro North Communication</p> <p>Metro North Finance</p> <p>Metro North People and Culture</p> <p>Metro North Workplace Health and Safety</p>

	Metro North Legal Unit Metro North Ethical Standards Unit Metro North Risk and Compliance Officer Metro North Clinical Streams Metro North Engage Health Excellence Innovation Unit Clinical Directorate Safety and Quality Units Clinical Skills Development Centre
Marketing Strategy	A Policy, Procedure and Protocol Staff Update will be published online each month to update staff of all new and updated policies, procedures and protocols. This update will be emailed to all Safety and Quality Units in each clinical directorate and a broadcast email sent to all Metro North staff with a link to the published update.
Key words	Corruption; crime; misconduct; fraud; corrupt; conduct; wrongdoing; audit; complaint; employee; CE; 005052.

Custodian Signature

Date

Director, Ethical Standards Unit, Metro North Hospital and Health Service

Authorising Officer Signature

Date

Chief People and Culture Officer, Metro North Hospital and Health Service

AUTHORISATION

Signature

Date

Executive Director, Clinical Governance, Safety, Quality and Risk, Metro North Hospital and Health Service

The signed version is kept in file at Clinical Governance, Safety, Quality and Risk, Metro North Health.