

Complaints about the General Manager: Section 48A of the *Crime and Corruption Act 2001*

Scope

All QLeave employees (permanent, temporary and casual) including consultants, contractors and volunteers.

Purpose

The General Manager is the public official of QLeave¹ for the purposes of the *Crime and Corruption Act 2001* (CC Act). The purpose of this policy is to set out how QLeave will deal with a complaint (or information or matter) that involves or may involve corrupt conduct, as defined in the CC Act, by the General Manager.

Policy Statement

QLeave promotes the ethics values in the *Public Sector Act 2022* (PS Act), and this policy and procedure is designed to assist QLeave to:

1. comply with s 48A of the CC Act.
2. promote public confidence in the way suspected corrupt conduct by the General Manager of QLeave is dealt with (s 34(c) of the CC Act).
3. promote accountability, integrity, and transparency² in the way QLeave deals with a complaint that is reasonably suspected to involve, or may involve, corrupt conduct by the General Manager.

The General Manager is appointed under the *Building and Construction Industry (Portable Long Service Leave) Act 1991*³ (BCI Act) and is employed under the PS Act.⁴

The General Manager is the public official for the Building and Construction Industry (Portable Long Service Leave) Authority, the Contract Cleaning Industry (Portable Long Service Leave) Authority⁵ and the Community Services Industry (Portable Long Service Leave) Authority.⁶

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

² Promote the ethics values in the PS Act and the standards of conduct in the Code of Conduct for the Queensland Public Service.

³ See Part 4 of the BCI Act.

⁴ See s 26 of the BCI Act.

⁵ See s 32 of the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005* (CCI Act).

⁶ See s 36 of the *Community Services Industry (Portable Long Service Leave) Act 2020* (CSI Act).

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A QLeave employee may use this policy and procedure if there are grounds to suspect that a complaint may involve corrupt conduct of the General Manager.⁷

Responsibilities

Nominated person(s)

- Deal with complaints about, or information involving, suspected corrupt conduct of the General Manager in accordance with this policy and procedure and the CC Act.

General Manager

- Awareness of this policy and procedure and making it accessible to all QLeave 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 policy and procedure.
- Ensure 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 policy and procedure.
- Report any complaints of suspected corrupt conduct to the nominated person/s at QLeave.
- Cooperate fully with investigations into suspected matters involving corrupt conduct.

Procedure

1.0 Nominated person(s)

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

- the Executive Director, Corporate Operations and Program Delivery as a nominated person,⁸ and
- the BCI Board Chairperson as a nominated person,⁹

to notify¹⁰ the CCC of the complaint and to deal with the complaint under the CC Act.¹¹

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 person(s).

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 person(s) must:

- 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 a particular complaint must inform the CCC they are the nominated person for the complaint.

⁷ For the purpose of this policy and procedure, a complaint includes information or matter: s 48A(4) of the CC Act.

⁸ Notification can occur in person, or in writing, via email to the Executive Director, Corporate Operations and Program Delivery at Section48AComplaints@qleave.qld.gov.au or post, addressed as Confidential to: Executive Director, Corporate Operations and Program Delivery, QLeave, PO Box 438, Archerfield BC, Qld, 4118.

⁹ Notification can occur by post, addressed as Confidential: BCI Board Chairperson, PO Box 438, Archerfield BC, Qld, 4118.

¹⁰ Under s 38 of the CC Act.

¹¹ Under Chapter 2, Part 3, Division 4, Subdivision 2 of the CC Act.



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.¹²

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;¹³ and
- deal with the complaint, subject to the CCC's monitoring role when, pursuant to s 46 of the CC Act, the CCC refers the complaint to the nominated person to deal with.¹⁴

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

- report the complaint to the 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.

Complaints may also be reported directly to the CCC using the online form available on the CCC's website: <https://www.ccc.qld.gov.au/corruption/report-corruption>. This option is available to any person, including employees, who reasonably suspects corrupt conduct involving the General Manager.

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 the requirements set out in s 40A of the CC Act.

3.0 Recordkeeping requirements

Without limiting the obligation to comply with QLeave's record keeping obligations generally, the record of the decision made under s 40A of the CC Act needs to be retained in accordance with QLeave record keeping requirements, as detailed in the Records Management Policy and Procedure.

The record must include:

- the complaint or matter received;
- the reasons for the decision not to notify the CCC;
- the date of the decision; and
- the identity of the nominated person(s) making the decision.

4.0 Resourcing the Nominated Person

If, pursuant to s 40 or s 46 of the CC Act, the nominated person has responsibility to deal with the complaint:¹⁵

¹² See s 39(2) of the CC Act. This does not include an obligation imposed by ss 37, 38 and 39(1) of the CC Act.

¹³ Under s 38, subject to s 40 of the CC Act.

¹⁴ Under ss 43 and 44 of the CC Act.

¹⁵ Under ss 43 and 44 of the CC Act.



- QLeave will ensure sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately.
- if QLeave has entered into a s 40 agreement with the CCC, any directions issued under that agreement will apply to the nominated person's handling of the complaint. The nominated person must act in accordance with those directions and maintain confidentiality as required.
- 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.
- 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 Act¹⁶
 - importance of promoting public confidence in the way suspected corrupt conduct in QLeave is dealt with,¹⁷ 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; and
- may only exercise authority, functions or powers that are legally delegable under the laws of the Commonwealth or the State.

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 policy and procedure.

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

- *Building and Construction Industry (Portable Long Service Leave) Act 1991*
- *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*
- *Community Services Industry (Portable Long Service Leave) Act 2020*
- *Crime and Corruption Act 2001*
- *Public Interest Disclosure Act 2010*
- *Public Records Act 2023*
- *Public Sector Act 2022*

¹⁶ 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.

¹⁷ See s 34(c) of the CC Act.



- *Public Sector Ethics Act 1994*

Other related documents

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

Definitions

Term	Definition
Crime and Corruption Commission (CCC)	The CCC's purpose under s 5(3) of the CC Act is to – (a) investigate cases of corrupt conduct, particularly more serious cases of corrupt conduct; and (b) help units of public administration to deal effectively and appropriately with corruption by increasing their capacity to do so.
Complaint	Means 'Information or matter' that involves or may involve corrupt conduct, per the definition provided by s 48A(4) of the CC Act.
Corruption	Means corrupt conduct or police misconduct under sch 2 of the CC Act.
Corrupt conduct	<p>Meaning of corrupt conduct under s 15 of the CC Act:</p> <ol style="list-style-type: none"> 1. Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that— <ol style="list-style-type: none"> a. adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of— <ol style="list-style-type: none"> i. a unit of public administration; or ii. a person holding an appointment; and b. results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph a. in a way that— <ol style="list-style-type: none"> i. is not honest or is not impartial; or ii. involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or iii. involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and c. would, if proved, be— <ol style="list-style-type: none"> i. a criminal offence; or ii. a disciplinary breach providing reasonable grounds for terminating the person's services if the person is or were the holder of an appointment. 2. Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that— <ol style="list-style-type: none"> a. impairs, or could impair, public confidence in public administration; and



Term	Definition
	<ul style="list-style-type: none"> b. involves, or could involve, any of the following— <ul style="list-style-type: none"> i. collusive tendering; ii. fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)— <ul style="list-style-type: none"> (A) protecting health or safety of persons; (B) protecting the environment; (C) protecting or managing the use of the State’s natural, cultural, mining or energy resources; iii. dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets; iv. evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue; v. fraudulently obtaining or retaining an appointment; and c. would, if proved, be— <ul style="list-style-type: none"> i. a criminal offence; or ii. a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.
Deal with	<p>Means deal with, under sch 2 of the CC Act, a complaint about corruption or information or matter involving corruption, includes –</p> <ul style="list-style-type: none"> a. investigate the complaint, information or matter; and b. gather evidence for— <ul style="list-style-type: none"> i. prosecutions for offences; or ii. disciplinary proceedings; and c. refer the complaint, information or matter to an appropriate authority to start a prosecution or disciplinary proceeding; and d. start a disciplinary proceeding; and e. take other action, including managerial action, to address the complaint in an appropriate way.
Nominated person	See s 1.0 under ‘Nominated persons’ in this policy and procedure.
Public Official	Means the General Manager of QLeave.
QLeave	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:

Manager Legal Services

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Version Control

Version	Effective Date	Comments
1.1	07/02/2024	Minor update to document to reference all three Authorities and reference the public official for all three.
2.0	30/06/2026	Update to nominated person and other minor updates as part of the scheduled review.

