

Corrupt Conduct – Reporting Complaints involving the Chief Executive

Background

Section 48A of the *Crime and Corruption Act 2001* (Qld) (CC Act) requires Metro North Hospital and Health Service (MNHHS) 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 MNHHS:

- 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 MNHHS 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 MNHHS staff (permanent, temporary or casual) and includes volunteers, contractors, consultants and others who exercise power or control resources for or on behalf of Metro North.

This policy can also be used by members of the public who want to make a complaint of alleged corrupt conduct by the Chief Executive.

Principles

The Chief Executive is a public official for the purpose of this policy and the CC Act.

Procedure / process

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 (MNHHSB) is the nominated person for reporting

and will be assisted by the Director, Integrity Unit.¹

2. Reporting complaints about the Health Service Chief Executive

A complaint 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:

- MNHHS will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint.
- The nominated person is to ensure that consultation, 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.
- The nominated person must, at all times, use their best endeavours to act independently,

¹ Once the MNHHS nominates a person, the CC Act applies as if a reference about notifying or dealing with the complaint to the public official/CEO is a reference to the nominated person (s48A(3) CC Act).

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 MNHHS is dealt with; and
- The MNHHS' 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 MNHHS as if the nominated person is the Chief Executive of MNHHS for the purpose of dealing with the complaint only.
- Are delegated the same authority, functions and powers as the Chief Executive to enter into contracts on behalf of MNHHS 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 pursuant to the *Public Interest Disclosure Act 2010* (Qld) (PID Act).

The PID Act ensures the 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, which includes to investigate, and ensuring procedural fairness/natural justice to any person the subject of the disclosure under section 65 of the PID Act.

Importantly, a purpose of the PIDA is to provide protections for a person who makes a public interest disclosure, including from reprisal, as far as reasonably practicable. Under Section 40 of the PID Act, a person must not reprimand against another person, by causing detriment, because a public interest disclosure has been made.

The nominated person must manage all Public interest disclosures in accordance with MNHHS' Public Interest Disclosure procedure.

5. Liaising with the CCC

The MNHHS is to keep the CCC and the nominated person/s (if any) informed of:

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

6. Consulting with the CCC

The public official will consult with the CCC when preparing any policy about how the MNHHS 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
 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)

Reference and Benchmarking

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

Related Documents

MNHHS Reporting Corrupt Conduct procedure

MNHHS Public Interest procedure

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

Relevant Standards

Australian Commission on Safety and Quality in Health Care - National Safety and Quality Health Care Standards Second Edition



Standard 1 – Clinical Governance

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 s48A(4) of the <i>Crime and Corruption Act 2001</i> . To MNHHS 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 s15 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, MNHHS See Schedule 2 (Dictionary) and also s48A 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"> • MNHHS • The Department of Health • The Legislative Assembly and the Parliamentary Service • The Executive Council • Government Departments For a full list see s20 of the <i>Crime and Corruption Act 2001</i>	<i>Crime and Corruption Act 2001</i>

Document history

Custodian	Director, Integrity Unit, Metro North Hospital and Health Service
Risk rating	Medium
Compliance evaluation and audit	To be reviewed every two 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 (Qld)
Replaces document/s	New Document
Previous issue date/s	N/A
Key stakeholders	Chair, Metro North Hospital and Health Board Chief Executive, MNHHS MNHHS Integrity Unit
Marketing strategy	Update on QHEPs: MNHHS Intranet site Marketing through regular email to all line managers of new and updated policies and procedures
Key words	corruption, crime, misconduct, fraud, corrupt, conduct, wrongdoing, audit, complaint, employee, CE.

Authorisation

Signature

Date

Director, Integrity Unit, Metro North Hospital and Health Service

Signature

Date

Chief Executive, Metro North Hospital and Health Service

The signed version is retained by the Office of the Chief Executive, Metro North Hospital and Health Service.