



The Public Trustee

Reporting Corrupt Conduct Policy

January 2018

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Document Information

Approved

Name	Position	Signature	Date
Peter Carne	The Public Trustee of Queensland	FILE COPY SIGNED	18/01/2018

Endorsed

Name	Details	Date
Executive Management Team	Endorsed at meeting	23/11/2017
Audit & Risk Management Committee	Endorsed at meeting	06/12/2017

Revision History

Version	Date	Actioned by	Change
1.0	Dec 2015	The Public Trustee of Queensland	Approved policy
1.1	Nov 2016	A/Senior Director, Governance & Risk	Annual review
1.2	Nov 2017	Senior Advisor, Governance	Annual review incorporating EMT feedback

Contact

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1. Purpose

The policy sets out the process for reporting suspected corrupt conduct as defined in section 15 of the [Crime and Corruption Act 2001](#) (CC Act) and how the Public Trustee (PT) deals with suspected corrupt conduct.

2. Application

This policy applies to all PT employees whether full time, part time, casual or temporary. It also applies to contractors and consultants.

Members of the public who want to make a complaint of alleged corrupt conduct may also use this policy.

This policy does not cover a complaint about suspected corrupt conduct by the Public Official (that is, The Public Trustee of Queensland). See the [Complaints about the Public Official Policy](#) for more information.

3. Policy statement

The PT recognises that the management of corruption, including complaint reporting, is an integral part of good governance and management practice.

The PT maintains a culture of honesty and integrity within the organisation and has in place processes that ensure the effective prevention, detection and management of corruption. To that end, the PT has adopted a zero-tolerance approach on corruption in all operational activities, which is consistent with the [Code of Conduct for the Queensland Public Service](#) and the law.

4. Legislative and policy basis

- [Crime and Corruption Act 2001](#)
- [Criminal Code Act 1899](#)
- [Public Interest Disclosure Act 2010](#)
- [Public Sector Ethics Act 1994](#)
- [Public Service Act 2008](#)

- [Code of Conduct for the Queensland Public Service](#) (Code of Conduct)

- [Complaints about the Public Official Policy](#)
- [Fraud and Corruption Control Policy](#)
- [Fraud and Corruption Control Procedure](#)
- [Fraud and Corruption Control Plan](#)
- [Public Interest Disclosure Policy and Procedure](#)

5. Principles

The first principle of the [Code of Conduct](#) is 'Integrity and Impartiality', which requires all employees to meet their obligations to report suspected wrongdoing, including conduct not consistent with the Code of Conduct.

The Code of Conduct defines employees as:

- any Queensland public service agency employee whether permanent, temporary, full time, part time or casual; and
- any volunteer, student, contractor, consultant or anyone who works in any other capacity for a Queensland public service agency.

Where an employee becomes aware of or suspects wrongdoing, they must immediately report it to an appropriate authority.

Disciplinary action may be taken against an employee who fails to report acts or suspicions of corrupt conduct. A failure to report suspected corrupt conduct can in itself be corrupt conduct.

5.1 Reporting corrupt conduct

An employee who suspects another employee of engaging in corrupt conduct has a duty to immediately report those matters to their manager. Volunteers and others who are not employees are to report such matters to the person who supervises their work.

Managers are required to immediately notify the Deputy Public Trustee and Official Solicitor or the Senior Director, Governance & Risk. If the matter concerns the Deputy Public Trustee and Official Solicitor or the Senior Director, Governance & Risk then managers are required to immediately notify The Public Trustee of Queensland.

An employee may report matters of suspected corrupt conduct to another senior officer where the disclosure involves allegations in relation to the conduct of their immediate manager.

Alternatively, employees may report matters of suspected corrupt conduct directly to the Crime and Corruption Commission (CCC), following any process established by the CCC for making corrupt conduct complaints.

To report suspected corrupt conduct, there does not need to be a formal complaint from an aggrieved person. Suspected corrupt conduct may arise from other information or matter such as the findings of an audit report or in the course of resolving a grievance.

Suspected corrupt conduct does not have to be serious corrupt conduct and you do not require proof that it has actually occurred when reporting suspected corrupt conduct. Some complaints may appear minor yet turn out to be quite serious, or an aggregation of minor issues can indicate a systemic problem.

Any employee who reports or receives information about suspected corrupt conduct must be careful from the outset to maintain confidentiality, as a public interest disclosure may be involved (see the [Public Interest Disclosure Policy and Procedure](#)) and it preserves the integrity of any review or other process to deal with the alleged conduct.

5.2 Dealing with suspected corrupt conduct

Section 38 of the CC Act places an obligation on the Public Official (The Public Trustee of Queensland) to notify the CCC where there is reasonable suspicion that a complaint, information or matter involves, or may involve, corrupt conduct.

In accordance with sections 48A(2) and 48A(3) of the CC Act, The Public Trustee of Queensland has nominated the following persons to notify the CCC of a complaint and to deal with the complaint under the Act:

- the Deputy Public Trustee and Official Solicitor; and
- the Senior Director, Governance & Risk.

Where a complaint, information or matter concerns the Deputy Public Trustee and Official Solicitor or the Senior Director, Governance & Risk then The Public Trustee of Queensland will deal with the complaint, information or matter.

For all other matters, a nominated person will assess the information and make the necessary referrals to the CCC for endorsement and authorisation to proceed with the management of the complaint, information or matter.

In accordance with section 44 of the CC Act, nominated person may choose to take no action or discontinue action taken to deal with the complaint. Alternatively, they may ask the CCC to assist in dealing with the complaint.

If a person makes a complaint that is dealt with by the PT, the PT must give a response stating:

- if no action is taken, or action is discontinued – the reason for that decision
- if action is taken – the action taken, the reason the PT considers the action appropriate in the circumstances and any results of the action known at the time of the response.

The PT is not required to give a response to the person if the person has not given his or her name and address, or does not require a response, or if disclosing information would be contrary to the public interest.

Where criminal conduct is alleged, a report to the Queensland Police Service may be necessary before any action is taken by the PT.

6. Roles and responsibilities

Role	Responsibility
The Public Trustee of Queensland (the Public Official)	<ul style="list-style-type: none"> • Ensures the PT is compliant with the CC Act. • Informs the CCC of nominations made in accordance with section 48A(2) and (3) of the CC Act.
(CCC Nominated Persons) Deputy Public Trustee and Official Solicitor Senior Director, Governance & Risk	<ul style="list-style-type: none"> • Reporting corruption and complaints about corrupt conduct to CCC. • Dealing with complaints referred from the CCC.
Senior and Executive Directors	Ensure their areas of responsibility comply with this policy, related policies and the CC Act.
Employees	Report corruption, familiarise themselves with and comply with this policy.

7. Policy review and evaluation

The Senior Director, Governance & Risk will review this policy annually and upon any change to relevant legislation.

8. Definitions

Term	Definition
Complaint	Complaint means not only a formal complaint, but also— “ information ” that might be received through such means as routine agency audits, media articles, Crime Stoppers or the CCC’s intelligence activities or sources; “ matter ” that might be received through such means as court proceedings, or referrals from the Coroner or a public inquiry.

Term	Definition
Conduct	As defined in section 14 of the CC Act. It includes neglect, failure and inaction, conspiracy to engage in conduct and attempts to engage in conduct.
Corrupt conduct	See section 15 of the CC Act.
Deal with	<p>Dealing with a complaint, information or matter includes:</p> <ul style="list-style-type: none"> • investigating • gathering evidence for prosecutions for offences or disciplinary proceedings • referring the complaint, information or matter to an appropriate authority to start a prosecution or disciplinary proceeding; • starting a disciplinary proceeding; and • taking other action, including managerial action, to address the complaint appropriately.
Fraud	<p>Fraud is normally characterised by some form of deliberate deception in order to obtain a benefit. The official definition is contained in Australian Standard - AS8001-2008: Fraud and Corruption Control.</p> <p>Fraud is dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and whether or not deception is used at the time, immediately before or immediately following the activity.</p> <p>This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position.</p>
Investigation	<p>A formal investigation process involves the appointment of an Investigator by The Public Trustee of Queensland, or CCC nominated persons.</p> <p>The final product of a formal investigation is an investigation report. The investigator must prepare and provide a report to the appointer.</p> <p>After considering the report, the PT or nominated persons may take any action they consider appropriate in relation to the matters identified in the report.</p>