



**The Public Trustee**

## **Complaints about the Public Official Policy**

**January 2018**

A decorative graphic at the bottom of the page consists of two overlapping wavy lines. The top line is red and the bottom line is grey. Both lines start on the left side and curve downwards towards the right side of the page.

## 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
Crime and Corruption Commission	Endorsed in writing (D18/864)	15/01/2018

### Revision History

Version	Date	Actioned by	Change
1.0	December 2016	The Public Trustee of Queensland	Approved policy
1.1	November 2017	Senior Advisor, Governance	Annual review incorporating EMT feedback

Contact	
<b>Policy owner:</b>	Governance & Risk
<b>Contact Details:</b>	<a href="mailto:governance@pt.qld.gov.au">governance@pt.qld.gov.au</a>
<b>Document Status:</b>	Final version 1.1
<b>TRIM Document ID:</b>	D17/15956

## 1. Purpose

The Public Trustee of Queensland is the public official of the Public Trustee (the office). The purpose of this policy is to set out how the Public Trustee (PT) will deal with a complaint, or information or a matter, that involves or may involve corrupt conduct, as defined in the [Crime and Corruption Act 2001](#) (CC Act), by The Public Trustee of Queensland or any person acting in the role of The Public Trustee of Queensland.

## 2. Application

This policy applies to all PT employees, volunteers, contractors, consultants and others who exercise power or control resource for or on behalf of the PT. Members of the public who want to make a complaint of alleged corrupt conduct by The Public Trustee of Queensland may also use this policy.

## 3. Policy statement

The vision of the PT is to be the independent trustee for Queenslanders, providing security and peace of mind. To achieve our vision, employees of the PT must carry out their duties impartially and with integrity. This policy seeks to:

- comply with the CC Act;
- promote public confidence in the way suspected corrupt conduct of The Public Trustee of Queensland is dealt with; and
- promote accountability, integrity and transparency in the way the PT deals with corrupt conduct complaints about The Public Trustee of Queensland.

## 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](#)
  
- Crime and Corruption Commission [Corruption in focus: a guide to dealing with corrupt conduct in the Queensland public sector](#)
- [Code of Conduct for the Queensland Public Service](#) (Code of Conduct)
  
- [Fraud and Corruption Control Policy](#)
- [Fraud and Corruption Control Procedure](#)
- [Fraud and Corruption Control Plan](#)
- [Public Interest Disclosure Policy and Procedure](#)

## 5. Responsibility for managing and reporting complaints about the public official

Under the CC Act, The Public Trustee of Queensland can 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 Public Trustee of Queensland.

In accordance with sections 48A(2) and 48A(3) of the CC Act, this policy nominates the following persons to notify the CCC of a complaint and to deal with the complaint under the Act (on occasions where the CCC refers the complaint to a nominated person to deal with):

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

## 6. Complaints about The Public Trustee of Queensland

A complaint can be written or verbal, and may be made anonymously.

To make a complaint, or report information or a matter, involving alleged corrupt conduct by The Public Trustee of Queensland, please contact:

### PT Nominated Persons

Deputy Public Trustee and Official Solicitor OR Senior Director, Governance & Risk  
PRIVATE & CONFIDENTIAL  
The Public Trustee  
GPO Box 1449  
BRISBANE QLD 4001

Telephone: 1300 360 044

### Crime and Corruption Commission

Crime and Corruption Commission  
GPO Box 3123  
BRISBANE QLD 4001

Online: <http://www.ccc.qld.gov.au/corruption/report-corruption>

By email: [complaints@ccc.qld.gov.au](mailto:complaints@ccc.qld.gov.au)

By telephone: (07) 3360 6060      Toll free outside Brisbane: 1800 061 611

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 Public Trustee of Queensland reasonably suspects that the complaint may involve corrupt conduct on their part, they must:

- report the complaint to the nominated persons 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 in consultation with the Attorney-General and Minister for Justice.

When a complaint is made that raises allegations of corrupt conduct, it may be a public interest disclosure pursuant to the [Public Interest Disclosure Act 2010](#). Please refer to our [Public Interest Disclosure Policy and Procedure](#) for more information.

Complaints about the public official which do not involve corrupt conduct or public interest disclosures will be managed in line with our [Complaints Management Policy](#).

## 6.1 Role of nominated persons

Because there are two nominated persons, when a complaint is made the nominated persons will, with or without consulting the CCC or the Attorney-General and Minister for Justice, decide who will be the nominated person for that particular complaint.

The nominated person for a particular complaint will inform the CCC and the Attorney-General and Minister for Justice that they are the nominated person for the particular complaint.

Once the PT nominates a person, the CC Act applies as if a reference about notifying or dealing with the complaint to the public official is a reference to the nominated person.

If the nominated person reasonably suspects the complaint may involve corrupt conduct of The Public Trustee of Queensland, they must:

- a) notify the CCC of the complaint; and
- b) deal with the complaint, subject to the CCC's monitoring role, when:
  - directions issued by the CCC to the PT under s40 of the CC Act apply to the complaint (if any);
  - pursuant to s46 of the CC Act, the CCC refers the complaint to the nominated person to deal with.

The nominated person will also notify the Chair of the PT's Audit and Risk Management Committee of the complaint.

If directions are issued under s40, the nominated person is to deal with the complaint and the PT is to take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Attorney-General and Minister for Justice.

The CCC requires as much detail as possible to be reported to help assess the complaint.

## 7. Resourcing the PT and nominated persons

If, pursuant to ss40 or 46 of the CC Act, the nominated person has responsibility to deal with the complaint:

1. The PT will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately.
2. 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 or 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 Act;
- the importance of promoting public confidence in the way suspected corrupt conduct in the PT is dealt with; and
- the PT 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 Public Trustee of Queensland to direct and control staff of the PT as if the nominated person is The Public Trustee of Queensland for the purpose of dealing with the complaint only;

- are delegated the same authority, functions and powers as The Public Trustee of Queensland to enter into contracts on behalf of the PT for the purpose of dealing with the complaint (e.g. the engagement of an investigator); and
- do not have any authority, function or power that cannot, under the law of the Commonwealth or the State, be delegated by either the Attorney-General and Minister for Justice or The Public Trustee of Queensland to the nominated person.

## **8. Liaising with the Crime & Corruption Commission**

The Public Trustee is to keep the CCC and nominated persons informed of:

- the contact details for The Public Trustee of Queensland and nominated persons; and
- any proposed changes to this policy.

## **9. Policy review and evaluation**

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