



Policy

Corrupt Conduct Complaints about the President

1. Objective

The President is the public official of the Mental Health Review Tribunal.

The objective of this policy is to set out how the Mental Health Review Tribunal will deal with a complaint (also information or matter) that involves or may involve corrupt conduct of its President as defined in the Crime and Corruption Act 2001 (CC Act)

2. Policy rationale

The policy is designed to assist the Mental Health Review Tribunal to:

1. Comply with s48A of the Crime and Corruption Act 2001
2. Promote public confidence in the way suspected corrupt conduct of the President of the Mental Health Review Tribunal is dealt with (s34(c) CC Act)
3. Promote accountability, integrity and transparency in the way the Mental Health Review Tribunal deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the President.

3. Definitions

Crime and Corruption Commission (CCC)	the Commission continued in existence under the <i>Crime and Corruption Act 2001</i>
CC Act	<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>
Corruption	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Corrupt conduct	see s15 of the <i>Crime and Corruption Act 2001</i>
<i>Corruption in Focus</i>	http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus ; see chapter 2, page 2.5
Deal with	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Nominated person	see item 5 of this policy
Public Official/CEO	see Schedule 2 (Dictionary) and also s48A of the <i>Crime and Corruption Act 2001</i>
Unit of public administration (UPA)	see s20 of the <i>Crime and Corruption Act 2001</i>

4. Policy application

This policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct of the President of the Mental Health Review Tribunal.
- to all persons who hold an appointment in, or are employees of, the Mental Health Review Tribunal

For the purpose of this policy a complaint includes information or matter.



5. Nominated person

Having regard to s48A(2) and (3) of the CC Act, this policy nominates:

- The Director-General of Queensland Health as the nominated person

to notify the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act.

Once the Mental Health Review Tribunal 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

6. Complaints about the President

If a complaint may involve an allegation of corrupt conduct of the President of the Mental Health Review Tribunal, the complaint may be reported to:

- The Director-General of Queensland Health
Department of Health
GPO Box 48
BRISBANE QLD 4001
Email: DG_Correspondence@health.qld.gov.au
- Crime and Corruption Commission
<http://www.ccc.qld.gov.au>
Telephone 07 3360 6060
Email: mailbox@ccc.qld.gov.au

If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the nominated person.

If the nominated person reasonably suspects the complaint may involve corrupt conduct of the President, they are to:

- (a) notify the CCC of the complaint, and
- (b) deal with the complaint, subject to the CCC's monitoring role, when —
 - directions issued under s40 apply to the complaint, if any, or
 - pursuant to s46, the CCC refers the complaint to the Director-General to deal with.



If the President reasonably suspects that the complaint may involve corrupt conduct on their part, the President must:

- (i) report the complaint to the nominated person as soon as practicable and may also notify the CCC, and
- (ii) take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Minister for Health.

Where there is a nominated person, and if directions issued under s40 apply to the complaint:

- (i) the nominated person is to deal with the complaint, and
- (ii) the President is to take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Minister for Health.

7. Resourcing the nominated person

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

- (i) the Mental Health Review Tribunal will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately, and
- (ii) 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
- (iii) 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 Mental Health Review Tribunal is dealt with, and
 - the Mental Health Review Tribunal'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 President to direct and control staff of the Mental Health Review Tribunal as if the nominated person is the President of the Mental Health Review Tribunal for the purpose of dealing with the complaint only
- are delegated the same authority, functions and powers as the President to enter into contracts on behalf of the Mental Health Review Tribunal for the purpose of dealing with the complaint
- do not have any authority, function or power that cannot — under the law of the Commonwealth or the State — be delegated by either the Minister for Health; or the President, to the nominated person.



8. Liaising with the CCC

The President is to keep the CCC and the nominated person informed of:

- the contact details for the public official and the nominated person
- any proposed changes to this policy.

9. Consultation with the CCC

The President will consult with the CCC when preparing any policy about how the Mental Health Review Tribunal will deal with a complaint that involves or may involve corrupt conduct of the President.

10. Statutory Reference

Unless otherwise stated, all statutory references are to the *Crime and Corruption Act 2001*.

11. Approval

This policy is approved by:

President of the Mental Health Review Tribunal



Date: 10 June 2019

