



# Policy – Corrupt conduct complaint involving the President

## Policy Statement

1. The President is the public official of the Mental Health Review Tribunal (**Tribunal**).
2. The purpose of this policy is to set out the process of making a complaint that involves, or may involve, corrupt conduct as defined in section 15 of the *Crime and Corruption Act 2001* (**CC Act**) by the President (as the public official), or any such person acting in the role of the President.
3. This policy is designed to:
  - a) outline the process when making a complaint of alleged corrupt conduct by the President
  - b) promote public confidence in the way a reasonable suspicion of corrupt conduct by the President is dealt with in accordance with section 34(c) of the CC Act
  - c) promote accountability, integrity and transparency in the way the Tribunal deals with a complaint that is reasonably suspected to involve, or may involve, corrupt conduct by the President.

## Authority

- *Public Interest Disclosure Act 2010*
- *Crime and Corruption Act 2001*
- *Human Rights Act 2019*
- *Public Sector Act 2022*

## Application

4. This policy applies to all Tribunal staff, members, volunteers, contractors, consultants and others who exercise power or control resources for or on behalf of the Tribunal.
5. Members of the public who want to make a complaint of alleged corrupt conduct by the President may also use this policy.

## Nominated person

6. Under sections 48A(2) and (3) of the CC Act, the President 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 President.
7. This policy nominates the Director-General of Queensland Health as the nominated person.



## Complaints about the President

8. If a complaint involves, or may involve, an allegation of corrupt conduct by the President, 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](mailto: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](mailto:mailbox@ccc.qld.gov.au)
9. If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the nominated person.
10. A complaint can be written or verbal and may be made anonymously.
11. When a complaint is made by a public officer that raises allegations of corrupt conduct, confidentiality is to be maintained, as it may be a public interest disclosure pursuant to the *Public Interest Disclosure Act 2010 (PID Act)*.

## Role of the nominated person

12. Once the Tribunal 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.
13. If the nominated person reasonably suspects the complaint involves, or may involve, an allegation of corrupt conduct of the President, they are to:
  - a) notify the CCC of the complaint
  - b) deal with the complaint, subject to the CCC's monitoring role, when:
    - i) directions issued by the CCC to the Tribunal under section 40 of the CC Act apply to the complaint, if any, or
    - ii) pursuant to section 46 of the CC Act, the CCC refers the complaint to the nominated person to deal with.
14. If the President reasonably suspects that a complaint involves, or may involve, alleged corrupt conduct on their part, and there is a nominated person, the President must:
  - a) report the complaint to the nominated person as soon as practicable and may also notify the CCC, and
  - b) 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.
15. Where there is a nominated person, and if directions issued by the CCC to the Tribunal under section 40 of the CC Act apply to the complaint:
  - a) the nominated person is to deal with the complaint, and
  - b) 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.

### **Resourcing the nominated person**

16. If pursuant to sections 40 or 46 of the CC Act, the nominated person has responsibility to deal with the complaint:
- a) the President will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint
  - b) the President or nominated person is to ensure that consultation, 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:
    - i) authorisation under a law of the Commonwealth or the State, or
    - ii) the consent of the nominated person responsible for dealing with the complaint
  - c) the nominated person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
    - i) purposes of the CC Act
    - ii) the importance of promoting public confidence in the way alleged corrupt conduct in the Tribunal is dealt with
    - iii) the Tribunal's statutory, policy and procedural framework.
17. If the nominated person has responsibility to deal with the complaint, they:
- a) are delegated the same authority, functions and powers as the President to direct and control workers of the Tribunal as if the nominated person is the President of the Tribunal for the purpose of dealing with the complaint only
  - b) are delegated the same authority, functions and powers as the President to enter into contracts on behalf of the Tribunal for the purpose of dealing with the complaint (e.g. the engagement of an investigator)
  - c) 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.

### **Public interest disclosures**

18. 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 PID Act.
19. 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.
20. Importantly, a purpose of the PID Act 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 reprise against another person, by causing detriment, because a public interest disclosure has been made.
21. Schedule 4 of the PID Act defines 'detriment' and includes such actions as intimidation or harassment; or adverse discrimination, disadvantage or treatment about a person's career.



## **Liaising with the CCC**

22. The President is to keep the CCC and the nominated person informed of:
- a) the contact details for the President and the nominated person
  - b) any proposed changes to this policy.