

Safe Food Production Queensland

Policy Section 48A of the *Crime and Corruption Act 2001*

Effective date: April 2018

SFPQ Policy

Dealing with a complaint involving the public official

Effective date: April 2018

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2				Safe Food Production Queensland Board	

Approved, in accordance with a resolution of the Board, by



Kathryn Adams

Chair

Safe Food Production Queensland Board

The logo for 'safe:food' features the word 'safe' in a bold, black, sans-serif font, followed by a red circle containing a white dot, and then the word 'food' in the same bold, black, sans-serif font.

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1. Objective

For the purpose of the *Crime and Corruption Act 2001* (CC Act), the Chief Executive Officer (CEO) is the public official of Safe Food Production Queensland.

The objective of this policy is to set out how Safe Food Production Queensland will deal with a complaint or matter¹ that involves or may involve corrupt conduct of its public official as defined in the CC Act.

2. Policy rationale

The policy is designed to assist Safe Food Production Queensland to:

1. Comply with s48A of the CC Act.
2. Promote public confidence in the way suspected corrupt conduct of the CEO for the Safe Food Production Queensland is dealt with (s34(c) CC Act).
3. Promote accountability, integrity and transparency in the way Safe Food Production Queensland deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the CEO.

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>
Contact details	should include a direct telephone number, email address and postal address to enable confidential communications
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>
Corruption in Focus	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 CEO of Safe Food Production Queensland.
- to all persons who hold an appointment in, or are employees of Safe Food Production Queensland. This includes contractors, permanent, casual and part time employees and work experience/volunteers. For the purpose of this policy a complaint includes information or matter.²

1 See s48A of the CC Act and definitions below

2 See s48(4) CC of the CC Act

5. Nominated person

Having regard to s48A(2) and (3) of the CC Act, this policy nominates the Director-General of the Department of Agriculture and Fisheries as the nominated person to notify³ the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act.⁴

The CC Act applies as if a reference about notifying or dealing with the complaint to the CEO is a reference to the Director-General of the Department of Agriculture and Fisheries⁵.

6. Complaints about the CEO

If a complaint may involve an allegation of corrupt conduct against the CEO of Safe Food Production Queensland, the complaint must be reported to:

- the Director-General of the Department of Agriculture and Fisheries, and
- to any person to whom there is an obligation to report under an Act⁶ (this does not include an obligation imposed by ss37, 38 and 39(1) of the CC Act).

If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the Director-General of the Department of Agriculture and Fisheries.

If the Director-General of the Department of Agriculture and Fisheries reasonably suspects the complaint may involve corrupt conduct of the CEO, they are to:

- (a) notify the CCC of the complaint⁷, 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 of the Department of Agriculture and Fisheries to deal with⁸.

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

- (i) report the complaint to the Director-General of the Department of Agriculture and Fisheries 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 Director-General of the Department of Agriculture and Fisheries.

If directions issued under s40 apply to the complaint:

- (i) the Director-General of the Department of Agriculture and Fisheries is to deal with the complaint, and
- (ii) the CEO is to take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Director-General of the Department of Agriculture and Fisheries.

3 Under ss37 or 38 of the CC Act

4 Under Chapter 2, Part 3, Division 4, Subdivisions 1 & 2 of the CC Act

5 See s48A(3) CC Act

6 See s39(2) of the CC Act

7 Under ss37 or 38, subject to s40 of the CC Act

8 Under ss41 and 42 and/or ss43 and 44 of the CC Act

7. Resourcing the Nominated Person

If pursuant to ss40 or 46, the Director-General of the Department of Agriculture and Fisheries has responsibility to deal with the complaint⁹:

- (i) Safe Food Production Queensland will ensure that sufficient resources are available to the Director-General of the Department of Agriculture and Fisheries to enable them to deal with the complaint appropriately¹⁰, and
- (ii) the Director-General of the Department of Agriculture and Fisheries 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.
- (iii) the Director-General of the Department of Agriculture and Fisheries must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
 - purposes of the CC Act¹¹
 - the importance of promoting public confidence in the way suspected corrupt conduct in Safe Food Production Queensland is dealt with¹², and
 - Safe Food Production Queensland's statutory, policy and procedural framework.

If the Director-General of the Department of Agriculture and Fisheries has responsibility to deal with the complaint, they:

- are delegated the same authority, functions and powers as the CEO to direct and control staff of Safe Food Production Queensland as if the Director-General of the Department of Agriculture and Fisheries is the CEO of Safe Food Production Queensland for the purpose of dealing with the complaint only
- are delegated the same authority, functions and powers as the CEO to enter into contracts on behalf of Safe Food Production Queensland 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 CEO, to the Director-General of the Department of Agriculture and Fisheries.

8. Liaising with the CCC

The CEO is to keep the CCC informed of:

- the contact details for the CEO and the Director-General of the Department of Agriculture and Fisheries;
- any proposed changes to this policy.

9. Consultation with the CCC

The CEO will consult with the CCC when preparing any policy about how Safe Food Production Queensland will deal with a complaint that involves or may involve corrupt conduct of the CEO.¹³

10. Statutory references

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

11. Review Date

Review date: 1 October 2018

9 Under ss41 and 42 and/or ss43 and 44 of the CC Act

10 See the CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 and Safe Food Production Queensland's relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint

11 See ss57 and the CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 of the CC Act

12 See s34(c) CC Act

13 Section 48A of the CC Act