

# Complaints about the Executive Director of the Office of the Prostitution Licensing Authority: section 48A of the *Crime and Corruption Act 2001*

## 1 Objective

The Executive Director is the public official of the Office of the Prostitution Licensing Authority ('the Office').

The objective of this policy is to set out how the Office will deal with a complaint (also information or matter)<sup>1</sup> that involves or may involve corrupt conduct of its Executive Director as defined in the *Crime and Corruption Act 2001* (CC Act).

## 2 Policy rationale

The policy is designed to assist the Office to:

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

## 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 for Nominated person	Chairperson, Prostitution Licensing Authority T: 07 3858 9500 E: <a href="mailto:pladmin@iprimus.com.au">pladmin@iprimus.com.au</a> A: GPO Box 3196, Brisbane, Qld, 4001
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>	<a href="http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus">http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus</a> ; 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>

<sup>1</sup> See s48A of the CC Act and definitions below

## 4 Policy application

This policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct of the Executive Director of the Office
- to all persons who hold an appointment as members of the Prostitution Licensing Authority and to all staff of the Office.

For the purpose of this policy a complaint includes information or matter.<sup>2</sup>

## 5 Nominated person

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

- The Chairperson of the Prostitution Licensing Authority ('Chairperson') as the nominated person<sup>3</sup> to notify<sup>4</sup> the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act.<sup>5</sup>

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<sup>6</sup>.

## 6 Complaints about the Executive Director of the Office

If a complaint may involve an allegation of corrupt conduct of the Executive Director of the Office, the complaint may be reported to:

- the Chairperson, or
- a person to whom there is an obligation to report under an Act<sup>7</sup> (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 nominated person.

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

- (a) notify the CCC of the complaint<sup>8</sup>, and
- (b) deal with the complaint, subject to the CCC's monitoring role, when —
  - pursuant to s46, the CCC refers the complaint to the Chairperson to deal with<sup>9</sup>.

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

- (i) report the complaint to the Chairperson 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 Police.

## 7 Resourcing the Chairperson

If pursuant to s46, the Chairperson has responsibility to deal with the complaint<sup>10</sup>:

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2 See s48(4) CC of the CC Act

3 See footnote 2 'Suggested outline of policy'

4 Under ss37 or 38 of the CC Act

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

6 See s48A(3) CC Act

7 See s39(2) of the CC Act

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

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

- (i) the Office will ensure that sufficient resources are available to the Chairperson to enable them to deal with the complaint appropriately<sup>11</sup>, and
- (ii) the Chairperson 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 Chairperson
- (iii) the Chairperson must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
  - purposes of the CC Act<sup>12</sup>
  - the importance of promoting public confidence in the way suspected corrupt conduct in the Office is dealt with<sup>13</sup>, and
  - the Office's statutory, policy and procedural framework.

If the Chairperson has responsibility to deal with the complaint, they:

- are delegated the same authority, functions and powers as the Executive Director to direct and control staff of the Office as if the nominated person is the Executive Director of the Office for the purpose of dealing with the complaint only
- are delegated the same authority, functions and powers as the Executive Director to enter into contracts on behalf of the Office 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 Police or the Executive Director, to the Chairperson.

## 8 Liaising with the CCC

The Executive Director is to keep the CCC and the Chairperson informed of:

- the contact details for the Executive Director and the Chairperson
- any proposed changes to this policy.

## 9 Consultation with the CCC

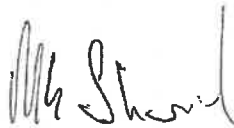
The Executive Director will consult with the CCC when preparing any policy about how the Office will deal with a complaint that involves or may involve corrupt conduct of the Executive Director.<sup>14</sup>

## 10 Statutory references

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

## 11 Approval

This policy is approved by:



➤ Executive Director of the Office of the Prostitution Licensing Authority

Date ..... 24/4/2020

Review date .....

<sup>10</sup> Under ss41 and 42 and/or ss43 and 44 of the CC Act

<sup>11</sup> See the CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 and the Office of the Prostitution Licensing Authority's relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint

<sup>12</sup> See ss57 and the CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 of the CC Act

<sup>13</sup> See s34(c) CC Act

<sup>14</sup> Section 48A of the CC Act