

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 objective of this policy is to set out how the Office of the Prostitution Licensing Authority will deal with a complaint (also information or matter)¹ that involves or may involve corrupt conduct² 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 of the Prostitution Licensing Authority to:

1. Comply with s. 48A of the CC Act
2. Promote public confidence in the way suspected corrupt conduct of the Executive Director of the Office of the Prostitution Licensing Authority is dealt with (s. 34(c) CC Act)
3. Promote accountability, integrity and transparency in the way the Office of the Prostitution Licensing Authority 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 CC Act
CC Act	<i>Crime and Corruption Act 2001</i>
Complaint	includes information or matter: see definition provided by s. 48A(4) of the CC Act
Contact details for Nominated person	Chairperson, Prostitution Licensing Authority T: 07 3858 9500 A: GPO Box 3196 Brisbane, Queensland, 4001, Australia
Corruption	see Schedule 2 (Dictionary) of the CC Act
Corrupt conduct	see s. 15 of the CC Act
<i>Corruption in Focus</i>	https://www.ccc.qld.gov.au/publications/corruption-focus ; see chapter 2, page 2.6
Deal with	see Schedule 2 (Dictionary) of the CC Act
Nominated person	see item 5 of this policy
Police misconduct	see Schedule 2 (Dictionary) of the CC Act
Public Official/CEO	see Schedule 2 (Dictionary) and also s. 48A of the CC Act
Unit of public administration (UPA)	see s. 20 of the CC Act

¹ See s. 48A of the CC Act and the definitions below.

² The CCC's corruption function encompasses both "corrupt conduct" and "police misconduct". For the purposes of the Queensland Police Service, wherever the term "corrupt conduct" is used in the policy, they would also have to consider police misconduct, as per s. 37 of the CC Act.

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 of the Prostitution Licensing Authority
- to all persons who hold an appointment in Prostitution Licensing Authority or are employees of the Office of the Prostitution Licensing Authority.

For the purpose of this policy a complaint includes information or matter.³

5 Nominated person

Having regard to s. 48A(2) and (3) of the CC Act, this policy nominates The Chairperson of the Prostitution Licensing Authority as the nominated person to notify⁴ the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act.⁵

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 person⁶.

6 Complaints about the Executive Director

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

- the nominated person, or
- a person to whom there is an obligation to report under an Act⁷ (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 complaint⁸, and
- (b) deal with the complaint, subject to the CCC's monitoring role, when pursuant to s. 46 of the CC Act, the CCC refers the complaint to the Chairperson of the Prostitution Licensing Authority to deal with⁹.

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 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 Prostitution Licensing Authority.

3 See s. 48A(4) of the CC Act.

4 Under ss. 37 or 38 of the CC Act.

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

6 See s. 48A(3) of the CC Act.

7 See s. 39(2) of the CC Act.

8 Under ss. 37 or 38, subject to s. 40 of the CC Act.

9 Under ss. 41 and 42 and/or ss. 43 and 44 of the CC Act.

7. Recordkeeping requirements

Should the nominated person decide that a complaint, or information or matter, about alleged corrupt conduct of the Executive Director is not required to be notified to the CCC under s. 38 of the CC Act, the nominated person must make a record of the decision that complies with s. 40A of the CC Act.

8. Resourcing the nominated person

If pursuant to ss. 40 or 46 of the CC Act, the nominated person has responsibility to deal with the complaint¹⁰:

- (i) the Office of the Prostitution Licensing Authority will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately¹¹, 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 Act¹²
 - the importance of promoting public confidence in the way suspected corrupt conduct in the Office of the Prostitution Licensing Authority is dealt with¹³, and
 - the Office of the Prostitution Licensing Authority'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 Executive Director to direct and control staff of the Office of the Prostitution Licensing Authority as if the nominated person is the Executive Director of the Office of the Prostitution Licensing Authority 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 of the Prostitution Licensing Authority 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 Prostitution Licensing Authority or the Executive Director, to the nominated person.

9 Liaising with the CCC

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

- the contact details for the Executive Director and the nominated person; and
- any proposed changes to this policy.

10 Under ss. 41 and 42 and/or ss. 43 and 44 of the CC Act.

11 See the CCC's corruption purposes and function set out in ss. 4(1)(b), 33, 34, 35 of the CC Act 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.

12 See s. 57 of the CC Act and the CCC's corruption purposes and function set out in ss. 4(1)(b), 33, 34, 35 of the CC Act.

13 See s. 34(c) of the CC Act.

10 Consultation with the CCC

The Executive Director will consult with the CCC when preparing any policy about how the Office of the Prostitution Licensing Authority will deal with a complaint that involves or may involve corrupt conduct of the public official/CEO.¹⁴

11 Statutory references

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

12 Approval

This policy is approved by:



Andrew Ross
Acting Executive Director
Office of the Prostitution Licensing Authority

Date 11 April 2023



The Hon Colin Forrest SC
Chairperson
Prostitution Licensing Authority

Date 13~~th~~ April 2023

Review date 31 March 2024