

Corruption Complaints About the Vice-Chancellor Policy

1 Purpose

To set out how the University will deal with a complaint that involves or may involve Corrupt Conduct of the Vice-Chancellor as defined in the *Crime and Corruption Act 2001*.

2 Scope

The Vice-Chancellor is the public official of the University of Southern Queensland, and is accountable to the Council and Chancellor.

This policy applies:

- if there are grounds to suspect that a complaint may involve Corrupt Conduct of the Vice-Chancellor;
- to all persons who hold an appointment in, or are employees of, the University (University Members).

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

3 Policy Statement

This policy is designed to assist the University to:

- comply with s48A of the *Crime and Corruption Act 2001*;
- promote public confidence in the way suspected Corrupt Conduct of the Vice-Chancellor for the University is dealt with; and
- promote accountability, integrity and transparency in the way the University deals with a complaint that is suspected to involve, or may involve, Corrupt Conduct of the Vice-Chancellor.

4 Principles

While the *Crime and Corruption Act 2001* places an obligation on the Vice-Chancellor to deal

with complaints about Corrupt Conduct, the Vice-Chancellor will not deal with allegations of Corrupt Conduct made against them.

4.1 Nominated Person

Having regard to s48A(2) and (3) of the *Crime and Corruption Act 2001*, this policy nominates the:

- Chancellor; and
- Director (Integrity and Professional Conduct)

as a Nominated Person to notify the Crime and Corruption Commission of the complaint and to deal with the complaint under the *Crime and Corruption Act 2001*.

A Nominated Person can be contacted by:

- Telephone +61 (7) 4687 5859;
- Email: USQ.Integrity@usq.edu.au or anonymous.complaint@usq.edu.au
- Post:

Director (Integrity and Professional Conduct)

University of Southern Queensland
West Street
Toowoomba Queensland 4350
Australia

The Nominated Person will, with or without consulting with the Crime and Corruption Commission or the Council, decide who will be the Nominated Person for a particular complaint.

The Nominated Person for a particular complaint will inform the Crime and Corruption Commission they are the Nominated Person.

Once a person has been nominated, the *Crime and Corruption Act 2001* applies as if a reference about notifying or dealing with a complaint to the public official (Vice-Chancellor) is a reference to the Nominated Person.

4.2 Complaints about the Vice-Chancellor

If a complaint may involve an allegation of Corrupt Conduct of the Vice-Chancellor, the complaint may be reported to:

- the Nominated Person (in Section 4.1 above); or
- a person to whom there is an obligation to report under an Act, not including an obligation imposed by ss. 37, 38 and 39(1) of the *Crime and Corruption Act 2001*.

If there is uncertainty about whether or not a complaint should be reported, it is best to report it to a Nominated Person.

If the Nominated Person dealing with a particular complaint reasonably suspects the complaint may involve Corrupt Conduct of the Vice-Chancellor, they are to:

1. notify the Crime and Corruption Commission of the complaint; and
2. deal with the complaint, subject to the Crime and Corruption Commission's monitoring role, when the Crime and Corruption Commission refers the complaint to the Nominated Person to deal with.

If the Vice-Chancellor reasonably suspects that the complaint may involve Corrupt Conduct on their part, the Vice-Chancellor must:

1. report the complaint to a Nominated Person as soon as practicable and may also notify the Crime and Corruption Commission; and
2. take no further action to deal with the complaint unless requested to do so by the Nominated Person in consultation with the Chancellor.

4.3 Resourcing the Nominated Person

If a Nominated Person has responsibility to deal with a complaint:

1. the Council will ensure that sufficient resources are available to the Nominated Person to enable them to deal with the complaint appropriately; and
2. 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 not disclosed, other than to the Crime and Corruption Commission, without:
 - a. authorisation under a law of the Commonwealth of the State; or
 - b. the consent of the Nominated Person responsible for dealing with the complaint;

and

3. the Nominated Person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
 - a. purposes of the *Crime and Corruption Act 2001*;
 - b. the importance of promoting public confidence in the way suspected Corrupt Conduct in the University is dealt with; and
 - c. the University'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 Vice-Chancellor to direct and control Employees of the University as if the Nominated Person is the Vice-Chancellor of the University for the purpose of dealing with the complaint only; and
- are Delegated the same authority, functions and powers as the Vice-Chancellor to enter into contracts on behalf of the University for the purposes of dealing with the complaint only; and
- do not have authority, function or power that cannot - under law of the Commonwealth or the State - be delegated by either the Chancellor, the Council or the Vice-Chancellor, to the Nominated Person.

4.4 Recordkeeping

Should the Nominated Person decide that a complaint, or information or matter, about alleged Corrupt Conduct of the Vice-Chancellor is not required to be notified to the Crime and Corruption Commission under s. 38 of the *Crime and Corruption Act 2001*, the nominated person must make a record of the decision that complies with s. 40A of the *Crime and Corruption Act 2001*.

4.5 Liaising with the Crime and Corruption Commission

The Vice-Chancellor is to keep the Crime and Corruption Commission and the Nominated Person informed of:

- the contact details for the Vice-Chancellor and the Nominated Person; and
- any proposed changes to the policy.

4.6 Consultation with the Crime and Corruption Commission

The Vice-Chancellor will consult with the Crime and Corruption Commission when preparing any policy about how the University will deal with a complaint that involves or may involve Corrupt Conduct of the Vice-Chancellor.

4.7 Statutory reference

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

4.8 Approval

This policy is approved by the Vice-Chancellor and the Council.

5 References

Section 48A suggested policy outline, Crime and Corruption Commission (2019). Retrieved from <https://www.ccc.qld.gov.au/publications/template-section-48a-policy>

6 Schedules

This policy must be read in conjunction with its subordinate schedules as provided in the table below.

7 Policy Information

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| Accountable Officer | Chancellor |
| Responsible Officer | Director (Integrity and Professional Conduct) |
| Policy Type | Governance Policy |
| Policy Suite | |
| Subordinate Schedules | |
| Approved Date | 9/5/2023 |
| Effective Date | 9/5/2023 |
| Review Date | 8/7/2024 |
| Relevant Legislation | <i>Crime and Corruption Act 2001</i> <i>Public Interest Disclosure Act 2010 (QLD)</i> |

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| | <p>Public Records Act 2002</p> <p>Public Sector Ethics Act 1994</p> <p>Tertiary Education Quality and Standards Agency Act 2001</p> <p>University of Southern Queensland Act 1998</p> |
| Related Policies | <p>Code of Conduct Policy</p> <p>Policy on Complaints Involving Council Members</p> <p>Public Interest Disclosure Policy</p> |
| Related Procedures | <p>Complaints Involving Council Members Procedure</p> |
| Related forms, publications and websites | <p>Corruption in focus: a guide to dealing with corrupt conduct in the Queensland public sector</p> |
| Definitions | <p>Terms defined in the Definitions Dictionary</p> <p>Corrupt Conduct</p> <p>Defined in section 15 of the Crime and Corruption Act 2001.</p> <p>Corruption</p> <p>See Schedule 2 of the Crime and Corruption Act 2001.</p> <p>Director (Integrity and Professional Conduct)</p> <p>The officer of the University who bears this title or similar title, who has responsibility in the area of professional standards and integrity, including a person acting in that position.</p> <p>Vice-Chancellor</p> <p>The person bearing the title of Vice-Chancellor and President, or as otherwise defined in the University of Southern Queensland Act 1998, including a person acting in that position.</p> <p>Definitions that relate to this policy only</p> <p>Crime and Corruption Commission</p> <p>The Commission continued in existence under the Crime and Corruption Act 2001.</p> <p>Complaint</p> |

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| | <p>Includes information or matter.</p> <p>Deal with</p> <p>See Schedule 2 of the Crime and Corruption Act 2001.</p> <p>Information or matter</p> <p>Information or matter involving corruption given to the Crime and Corruption Commission. See Section 36(5) of the Crime and Corruption Act 2001.</p> <p>Nominated Person</p> <p>See Section 4.1 of the policy.</p> |
| Keywords | |
| Record No | 19/702PL |