

COMPLAINTS ABOUT THE QBCC COMMISSIONER AND QBCEO EXECUTIVE OFFICER

Section 48A, Crime and Corruption Act 2001

19 DECEMBER 2024



QUEENSLAND BUILDING AND
CONSTRUCTION COMMISSION



CORRUPTION COMPLAINTS ABOUT THE QBCC COMMISSIONER AND QBCEO EXECUTIVE OFFICER POLICY

Section 48A, *Crime and Corruption Act 2001* (Qld)

1. OBJECTIVE

1. The Commissioner is the public official for the Queensland Building and Construction Commission (QBCC) and the Executive Officer (referred to as the CEO) is the public official for the Queensland Building and Construction Employing Office (QBCEO), for the purposes of the [Crime and Corruption Act 2001 \(Qld\)](#) (CC Act).
2. The QBCC and the QBCEO are both Units of Public Administration (UPAs) under the CC Act.¹
3. Under s 48A of the CC Act, a UPA must have a policy that states how the UPA will Deal With a Complaint of Corrupt Conduct that involves or may involve the UPA's public official.
4. Within the QBCC, the Commissioner and CEO is one person.
5. The objective of this policy is to set out how the QBCC and the QBCEO will Deal With a complaint (or information or matter)² that involves or may involve Corrupt Conduct, as defined in the CC Act, by the Commissioner and CEO.

2. POLICY RATIONALE

6. The policy is designed to assist the QBCC and the QBCEO to:
 - a. comply with s 48A of the CC Act
 - b. promote public confidence in the way suspected Corrupt Conduct by the Commissioner and CEO of the QBCC and the QBCEO is dealt with (s 34(c) CC Act)
 - c. promote accountability, integrity, and transparency in the way the QBCC and the QBCEO deals with a Complaint that is reasonably suspected to involve, or may involve, Corrupt Conduct by the Commissioner and CEO.

3. DEFINITIONS, ACRONYMS AND REFERENCE INFORMATION

TERM	DEFINITION
Crime and Corruption Commission (CCC)	The Commission as continued in existence under the Crime and Corruption Act 2001 (Qld).
CC Act	Crime and Corruption Act 2001 (Qld)

¹ See the definition of "unit of public administration" in s 20 of the CC Act.

² See s48A(4) of the CC Act and the definitions in section 3.



TERM	DEFINITION
Chairperson	The person appointed as the chairperson of the Board under s 16 of the QBCC Act.
Commissioner and CEO	The person appointed as the commissioner of the QBCC under s 20D of the QBCC Act and as the Executive Officer of the QBCEO under s 29D of the QBCC Act.
Complaint	Includes information or matter: see the definition in s 48A(4) of the CC Act.
Contact details for Nominated Persons	John Anderson, Chairperson Email: john.anderson@qbcc.qld.gov.au
Corrupt Conduct	See s 15 of the CC Act.
Corruption in Focus	Corruption in Focus: A guide for dealing with corrupt conduct in the Queensland public sector : see chapter 2, page 26.
Deal With	See Schedule 2 (Dictionary) of the CC Act.
Deputy Chairperson	The person appointed as the deputy chairperson of the Board under s 17 of the QBCC Act.
Nominated Persons	See section 5 of this policy.
Public official	See s 48A & Schedule 2 (Dictionary) of the CC Act.
Board	The Queensland Building and Construction Board established under s 10 of the QBCC Act.
QBCC Act	Queensland Building and Construction Commission Act 1991 (Qld)
QBCEO	The Queensland Building and Construction Employing Office established under s29A of the CC Act.
Unit of Public Administration (UPA)	See s 20 of the CC Act.

4. POLICY APPLICATION

7. This policy applies:
- if there are grounds to suspect that a Complaint may involve Corrupt Conduct by the Commissioner and CEO ; and
 - to all persons who hold an appointment in, or are employees of, the QBCC or the QBCEO.
8. For the purpose of this policy, a Complaint includes information or matter.³

³ See s 48A(4) of the CC Act.



5. NOMINATED PERSONS

9. Having regard to s 48A(2) and (3) of the CC Act, this policy nominates:
 - a. the Chairperson; and
 - b. the Deputy Chairpersonas the Nominated Persons to notify⁴ the CCC of the Complaint and to Deal With the Complaint under the CC Act.⁵
10. The provisions of the CC Act that regulate how the Commissioner and CEO as the public official of the QBCC and the QBCEO are to notify or Deal With a Complaint also apply to the Nominated Persons.⁶
11. The Nominated Persons will decide who will be the Nominated Person for a particular Complaint, and where a Nominated Person decides to notify the CCC about a Complaint, the Nominated Person will inform the CCC that they are the Nominated Person for that Complaint.
12. If both the Nominated Persons have a conflict of interest in dealing with a Complaint, then they may consult with the QBCC Chief Integrity and Risk Officer and/or the QBCC Chief Legal Officer, and the CCC, as to who will be the Nominated Person to Deal With the Complaint.

6. COMPLAINTS ABOUT THE COMMISSIONER AND CEO

13. If a Complaint may involve an allegation of Corrupt Conduct by the Commissioner and CEO, of the QBCC and/or the QBCEO, the Complaint may be reported to:
 - a. one of the Nominated Persons; or
 - b. the CCC directly, via this [form](#) on the CCC's website; or
 - c. the Chief Integrity and Risk Officer via email; or
 - d. a person to whom there is an obligation to report under an Act⁷ (this does not include an obligation imposed by ss 38 or 39(1) of the CC Act).
14. If there is uncertainty about whether or not a Complaint should be reported, it is best to report it to the Nominated Person.

6.1 COMPLAINTS RECEIVED BY A NOMINATED PERSON

15. If the Nominated Person reasonably suspects that a Complaint may involve Corrupt Conduct by the Commissioner and CEO, they are to:
 - a. notify the CCC of the Complaint;⁸ 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 Nominated Person to Deal With.

6.2 COMPLAINTS RECEIVED BY THE COMMISSIONER AND CEO

16. If the Commissioner and CEO receives a Complaint that may involve Corrupt Conduct on their part, they must:
 - a. report the Complaint to one of the Nominated Persons as soon as practicable and may also notify the CCC; and

⁴ Pursuant to s 38 of the CC Act.

⁵ Under Chapter 2, Part 3, Division 4, Subdivision 2 of the CC Act.

⁶ See s 48A(3) of the CC Act.

⁷ See s 39(2) of the CC Act.

⁸ Pursuant to s 38 of the CC Act.



- b. take no further action to Deal With the Complaint unless requested to do so by the Nominated Person.

7. RECORD KEEPING REQUIREMENTS

- 17. Should the Nominated Person decide that a complaint, or information or matter, about alleged Corrupt Conduct by the Commissioner and CEO 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

- 18. If, pursuant to s 46 of the CC Act, the Nominated Person has responsibility to Deal With the Complaint:
 - a. the QBCC and QBCEO will ensure that sufficient resources are available to the Nominated Person to enable them to Deal With the Complaint appropriately⁹
 - b. the Nominated Person is to ensure that any consultations 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
 - 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 Act¹⁰
 - ii. importance of promoting public confidence in the way suspected Corrupt Conduct in the QBCC and/or the QBCEO is dealt with;¹¹ and
 - iii. QBCC's and/or the QBCEO's statutory, policy and procedural framework.
- 19. If the Nominated Person has responsibility to Deal With the Complaint, they;
 - a. are delegated the same authority, functions, and powers as the Commissioner and CEO to direct and control staff of the QBCC and/or the QBCEO as if the Nominated Person is the Commissioner and CEO for the purpose of dealing with the Complaint only;
 - b. are delegated the same authority, functions and powers as the Commissioner and CEO to enter into contracts on behalf of the QBCC and/or the QBCEO for the purpose of dealing with the Complaint; and
 - c. do not have any authority, function or power that cannot – under the law of the Commonwealth or the State – be delegated by the Commissioner and CEO, to the Nominated Person.

9. LIAISING WITH THE CCC ABOUT THIS POLICY

- 20. The Commissioner and CEO must keep the CCC and the Nominated Persons informed of:
 - a. the contact details for the Commissioner and CEO, and the Nominated Persons, and
 - b. any proposed changes to this policy.

⁹ See the CCC's corruption purposes and functions set out in ss 4(1)(b), 33, 34 and 35 of the CC Act and the QBCC's relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to Deal With the Complaint.

¹⁰ See s 57 of the CC Act and the CCC's corruption purposes and functions set out in ss 4(1)(b), 33, 34 and 35 of the CC Act.

¹¹ See s 34(c) of the CC Act.



10. CONSULTATION WITH THE CCC

21. The Commissioner and CEO will consult with the CCC when preparing any policy about how the QBCC and the QBCEO will Deal With a Complaint that involves or may involve Corrupt Conduct by the Commissioner and CEO.

11. LEGISLATION AND POLICY

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

12. APPROVAL

23. As required by the CCC, this policy is approved by the public official:

Anissa Levy
Commissioner and CEO

Date: 12 December 2024

24. Following approval by the Commissioner and CEO, this policy is also approved by the Board as the QBCC's governing body¹².

13. INFORMATION AND DOCUMENT CONTROL

INFORMATION CATEGORY	DESCRIPTION
Title	Complaints about the Queensland Building and Construction Commissioner and Chief Executive Officer
Purpose	To comply with s 48A of the CC Act, promoting public confidence in the QBCC and QBCEO's accountability, integrity and transparency
Document type	Policy
Category	Governance
Sub-category	Integrity
Approver	Board as Commission's governing body Commissioner and CEO as public official See section 12 of this policy.
Author	Executive Director Governance Risk Ethics and Assurance
Owner	Chief Integrity and Risk Officer
Steward	Executive Director Governance Risk Ethics and Assurance
Version	4.0
Effective date	19 December 2024
Review date	December 2026

¹² Section 10 of the QBCC Act.



INFORMATION CATEGORY	DESCRIPTION
Supporting policy documents	Public Interest Disclosure Policy and Procedure Conflict of Interest Policy and Procedure
Other related documents	Corruption in Focus

13.1 VERSION HISTORY

VERSION	DATE	CHANGES
3.0	28 November 2019	
4.0	19 December 2024	Updated to reflect new QBCC policy template, new CCC policy template and feedback from the CCC