

Complaints about the Public Official Policy

Version: 2025.1 | **Version effective date:** 12/05/2025

Supersedes: Complaints about the Public Official Policy (version 2021.2)

Scope

This policy applies to all workplace participants including **employees**, volunteers, contractors, consultants and others who exercise power or control resources for or on behalf of the Queensland Public Trustee (QPT).

Members of the public who want to make a **complaint** of alleged **corrupt conduct** by the Public Trustee of Queensland and Chief Executive Officer (PTQ and CEO) may also use this policy.

Purpose

The PTQ & CEO is the public official for the QPT. The purpose of this policy is to set out how the QPT will **deal with** a complaint, or information or a matter, that involves or may involve corrupt conduct, as defined in the *Crime and Corruption Act 2001* (CC Act), by PTQ and CEO or any person acting in the role of PTQ and CEO.

Policy statement

The vision of the QPT is a value for money, independent state trustee service dedicated to advancing and safeguarding the rights, interests and wishes of Queenslanders in need of financial management, estate and trustee administration and planning support. To achieve our vision, employees of the QPT must carry out their duties impartially and with integrity.

Principles

This policy is designed to assist the QPT to:

- comply with section 48A of the CC Act
- promote public confidence in the way suspected corrupt conduct of the PT and CEO is dealt with (section 34(c) of the CC Act)
- promote accountability, integrity and transparency in the way the QPT deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the PTQ and CEO
- ensure decision-makers act and make decisions in a way that is compatible with and gives proper consideration to the *Human Rights Act 2019* (HR Act)

Requirements

Responsibility for managing and reporting complaints about the public official

Under the CC Act, the PTQ and CEO can nominate a person or persons to notify the Crime and Corruption Commission (CCC) of a complaint of alleged corrupt conduct that involves, or may involve the PTQ and CEO. In

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accordance with sections 48A (2) and 48A(3) of the CC Act, the Chief Financial Officer is the nominated person to notify the CCC of a complaint and to deal with the complaint under the Act (on occasions where the CCC refers the complaint to a nominated person to deal with).

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A complaint can be written or verbal and may be made anonymously. A complaint, information or matter involving alleged corrupt conduct by the PTQ and CEO can be reported to the nominated person, or to the CCC.

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

- report the complaint to the nominated person as soon as practicable and may also notify the CCC
- take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Attorney-General and Minister for Justice

When a complaint is made that raises allegations of corrupt conduct, it may be a **public interest disclosure** pursuant to the *Public Interest Disclosure Act 2010*. Please refer to the QPT Public Interest Disclosure Policy and Procedure for more information. Complaints about the public official which do not involve corrupt conduct or public interest disclosures will be managed in line with our Complaints Management Policy.

Role of the nominated person

Once the QPT nominates a person, the CC Act applies as if a reference about notifying or dealing with the complaint to the public official is a reference to the nominated person. If the nominated person reasonably suspects the complaint may involve corrupt conduct of the QPT and CEO, they must notify the CCC of the complaint and deal with the complaint, subject to the CCC's monitoring role, when:

- directions issued by the CCC to the QPT under s40 of the CC Act apply to the complaint (if any)
- pursuant to s46 of the CC Act, the CCC refers the complaint to the nominated person to deal with

The nominated person will also notify the Chair of the QPT's Audit and Risk Management Committee (ARMC) of the complaint.

If directions are issued under s40, the nominated person is to deal with the complaint and QPT and 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 Attorney-General and Minister for Justice.

The CCC requires as much detail as possible to be reported to help assess the complaint.

Resourcing the nominated persons

If, pursuant to ss40 or 46 of the CC Act, the nominated person has responsibility to deal with the complaint:

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1. The QPT will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately.
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 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.

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 Act, the importance of promoting public confidence in the way suspected corrupt conduct in the QPT is dealt with, and the QPT 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 QPT and CEO to direct and control staff of the QPT as if the nominated person is the QPT and CEO for the purpose of dealing with the complaint only
- are delegated the same authority, functions and powers as the QPT and CEO to enter into contracts on behalf of the QPT for the purpose of dealing with the complaint (e.g. engaging an investigator)
- do not have any authority, function or power that cannot, under the law of the Commonwealth or the State, be delegated by either the Attorney-General and Minister for Justice or the QPT & CEO to the nominated person

Liaising with the CCC

The QPT and CEO is to keep the CCC and nominated person informed of:

- the contact details for the QPT and CEO and nominated person
- any proposed changes to this policy

Recordkeeping requirements

If the nominated person decides that a complaint, or information or matter, about alleged corrupt conduct is not required to be notified to the CCC under s38 of the CC Act, the nominated person must make a record of the decision. The record must include:

- (a) the details of the complaint or information or matter
- (b) the evidence on which the nominated person relied in making the decision
- (c) any other reasons for the decision

The information recorded should be sufficient for a reasonable person to understand how and why the decision was made, including how it was assessed against the definition of corrupt conduct and why it did not meet the

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threshold for notification to the CCC. Any conflict of interests issues should be identified and recorded, including detailing the steps taken to deal with any perceived or actual conflicts.

Policy controls and managing non-compliance

Compliance with this policy is mandatory for all staff. Managers must ensure the Policy is embedded into practice within their teams, and staff are required to report any instances of non-compliance immediately through their manager to the Policy Owner or Policy Delegate listed in this document.

Roles and responsibilities

| Position | Responsibility |
|---------------------------------|--|
| Employees | <ul style="list-style-type: none">• understand and fulfil their obligation to identify and report allegations of suspected wrongdoing (that is, fraud, corrupt conduct and other misconduct) in accordance with the Code of Conduct for the Queensland Public Service.• maintain confidentiality of information of complaints/reports made under this procedure.• complete mandatory training and education and training consistent with fraud, corruption and misconduct prevention matters in their area of responsibility and relevant delegation/s.• report complaints of suspected corrupt conduct or misconduct by the Public Trustee of Queensland and CEO without unreasonable delay.• participate in workplace investigations where they have been lawfully and reasonably directed to do so. |
| Managers and supervisors | <ul style="list-style-type: none">• ensure employees are aware of what constitutes corrupt conduct under the Act.• ensure their employees are aware of the process for identifying and reporting on complaints of corrupt conduct or misconduct by the Public Trustee of Queensland and CEO.• escalate complaints of suspected corrupt conduct or misconduct by the Public Trustee of Queensland and CEO.• ensure duty of care to employees under their supervision, by facilitating support appropriate to the circumstances (for example, the Employee Assistance Program).• ensure appropriate confidentiality of information received through complaints made under this procedure. |

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| Position | Responsibility |
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| Ethics and Integrity Unit (Independent Services) | <ul style="list-style-type: none"> • assess and escalate complaints made using this policy • provide advice and direction to employees on the correct procedure for reporting complaints of corrupt conduct or misconduct by the QPT and CEO. • deal with any complaints of corrupt conduct or misconduct by the Public Trustee of Queensland and CEO in accordance with instructions received from the Chief Financial Officer • ensure that records are appropriately secured and retained to meet reporting obligations to the CCC and the Queensland Ombudsman • assist the Chief Financial Officer to undertake their functions under this policy |
| Chief Financial Officer (nominated person) | <ul style="list-style-type: none"> • receive complaints of suspected corrupt conduct or misconduct by the QPT and CEO. • as the nominated person for dealing with any complaint they reasonably suspect involves, or may involve, corrupt conduct by the Public Trustee of Queensland, notify the CCC in accordance with sections 38 and 48A (2) and (3) of the Act • deal with any complaint of corrupt conduct in accordance with any advice received from the CCC • deal with any complaint of corrupt conduct by the Public Trustee of Queensland and CEO where a matter is devolved back to the QPT, in accordance with the Framework • ensure that records are maintained of complaints received and dealt with in accordance with this procedure • maintain appropriate confidentiality of complaints made and dealt with under this procedure • consider human rights when managing a complaint and make decisions that are compatible with the <i>Human Rights Act 2019 (Qld)</i>. |
| The Public Trustee of Queensland and CEO (PT & CEO) | <ul style="list-style-type: none"> • refer any complaint received about their corrupt conduct to the Chief Financial Officer without unreasonable delay • ensure sufficient resources are available to deal with complaints made under this procedure • consult with the CCC when proposing any policy changes about how the QPT will deal with a complaint that involves or may involve corrupt conduct of the PT & CEO |

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Definitions

| Term | Definition |
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| Complaint | A concern or report of wrongdoing. For the purpose of this policy, complaint includes 'information or matter' in accordance with section 48A of the <i>Crime and Corruption Act 2001</i> (Qld) (the Act). |
| Conduct | As defined in section 14 of the CC Act. It includes neglect, failure and inaction, conspiracy to engage in conduct and attempts to engage in conduct. |
| Corrupt conduct | <p>As defined in section 15 of the CC Act. Under the Act, there are two different types of corrupt conduct.</p> <p>"Type A" corrupt conduct involves conduct that affects, or could affect, a public officer (an employee of a public sector agency such as the PT) so that the performance of their functions or the exercise of their powers:</p> <ul style="list-style-type: none">• is not honest or impartial, or• knowingly or recklessly breaches public trust, or• involves the misuse of agency-related information or material. <p>Common examples of Type A corrupt conduct include fraud and theft, extortion, unauthorised release of information, obtaining or offering a secret commission and nepotism.</p> <p>"Type B" corrupt conduct involves specific types of conduct that impair, or could impair, public confidence in public administration. This may include:</p> <ul style="list-style-type: none">• collusive tendering, or• fraud relating to an application for a licence, permit or other authority relating to public health or safety; the environment; or the State's natural, cultural, mining or energy resources, or• dishonestly obtaining public funds or State assets, or• evading a State tax, levy or duty or fraudulently causing a loss of State revenue, or• fraudulently obtaining or retaining an appointment. <p>Both Type A and Type B corrupt conduct must be either a criminal offence or serious enough to warrant dismissal. See the Reporting Corrupt Conduct Policy for more information, including how to determine if conduct is corrupt.</p> |
| Crime and Corruption Commission (CCC) | A designated statutory body set up to combat and reduce the incidence of major crime and corruption in the public sector in Queensland. The CCC, established under section 220 of the Act, has primary responsibility for the achievement of the Act's purposes. |

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| Term | Definition |
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| Deal with (a complaint) | <p>Dealing with a complaint involving corruption is defined at Schedule 2 of the Act and includes the following:</p> <ul style="list-style-type: none"> investigate the complaint, information or matter gather evidence for prosecutions for offences or disciplinary proceedings refer the complaint, information or matter to an appropriate authority to start a prosecution of disciplinary proceeding start a disciplinary proceeding take other action, including managerial action, to address the complaint in an appropriate way. |
| Employees | <p>Persons currently employed as public sector employees (see sections 12 and 13) of the <i>Public Sector Act 2022</i> (Qld) (PS Act), including general employees, fixed term temporary employees, casual employees, public service officers, senior officers, senior executive officers and the chief executive.</p> |
| Fraud | <p>Fraud is normally characterised by some form of deliberate deception in order to obtain a benefit. The official definition is contained in Australian Standard - AS8001-2021: Fraud and Corruption Control). Fraud is dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and whether or not deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position.</p> |
| Investigation | <p>A formal investigation process involves the appointment of an investigator by a nominated person. The final product of a formal investigation is an investigation report. The investigator must prepare and provide a report to the appointer. After considering the report, the nominated person may take any action they consider appropriate in relation to the matters identified in the report.</p> |
| Manager/supervisor | <p>Under Schedule 2 (Dictionary) of the PS Act a public sector manager means a public sector employee whose duties involve or include managing other public sector employees in the carrying out of their duties.</p> |
| Misconduct | <p>Refers to behaviour or actions that violate the expected standards of conduct, policies, or the ethical framework. This can involve non-compliance with official policies, procedures, or ethical standards expected of public sector employees. It can also include corrupt behaviour, engaging in dishonest, unethical, or illegal actions, including bribery, conflicts of interest, or abuse of power. Misconduct may also be a failure to perform duties properly and may involve negligence or wilful neglect of duties or responsibilities. Unprofessional behaviour such as harassment, discrimination, bullying, or other forms of inappropriate conduct.</p> |

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| Term | Definition |
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| Public Interest Disclosure (PID) | A PID is the disclosure in the public interest of information specified under the <i>Public Interest Disclosure Act 2010</i> (sections 12 and 13) and made to an appropriate public sector entity that has the responsibility to appropriately action the information. The discloser is protected if they honestly believe on reasonable grounds that what they are disclosing has occurred or if it is evident from the information disclosed that what they are disclosing has occurred. A PID should be made to the Director, Independent Services and the Customer Advocate. Refer to the QPT Public Interest Disclosure Policy and Procedure for further information. |
| Public Trustee of Queensland and Chief Executive Officer (PTQ & CEO) | Refers to the position. |

Legislation and other compliance obligations

- [Crime and Corruption Act 2001](#)
- [Criminal Code Act 1899](#)
- [Public Interest Disclosure Act 2010](#)
- [Public Sector Ethics Act 1994](#)
- [Public Sector Act 2022](#)
- [The Code of Conduct for the Queensland Public Sector](#)

Related resources and information

- [The Code of Conduct for the Queensland Public Sector](#)
- [Corruption in focus: A guide to dealing with corrupt conduct in the Queensland Public Sector](#)
- [Fraud and Corruption Control Policy](#) and [Procedure](#)
- [Public Interest Disclosure \(PID\) Policy and Procedure](#)
- [Reporting Corrupt Conduct Policy](#)

Contact

For further information, please contact:

Independent Services

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Document information (for internal use only)

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| Policy Owner | Director, Independent Services & the Customer Advocate |
| Policy Delegate | The Public Trustee of Queensland and Chief Executive Officer |

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*If this field is left blank, the next routine review date will be three years from the effective date

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| Complaints about the Public Official Policy | 2021.2 |

| Revision history | | | |
|------------------|---|---------------|--|
| Version No. | Document title | Date approved | Sections modified |
| 1.0 | Complaints about the Public Official Policy | December 2016 | Approved policy |
| 1.1 | Complaints about the Public Official Policy | November 2017 | Annual review incorporating EMT feedback |
| 1.2 | Complaints about the Public Official Policy | March 2019 | Revised to reflect legislative amendments concerning the definition of corrupt conduct and recordkeeping obligations. |
| 2020.1 | Complaints about the Public Official Policy | June 2020 | General update and policy owner changed to Human Resource Services. Reviewed in consideration of the Human Rights Act 2019 (Qld) |

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| Revision history | | | |
|------------------|---|---------------|---|
| Version No. | Document title | Date approved | Sections modified |
| 2020.2 | Complaints about the Public Official Policy | 25/06/2020 | Updated to reflect feedback provided by the CCC |
| 2021.1 | Complaints about the Public Official Policy | 17/05/2021 | Annual policy review. Updated to reflect structural movement of the Ethics and Integrity function from HR Services to Independent Services. Nominated person changed from COO to CFO. |
| 2021.2 | Complaints about the Public Official Policy | 27/09/2021 | Updated to reflect feedback provided by the CCC. |
| 2025.1 | Complaints about the Public Official Policy | 12/05/2025 | Desktop review to update legislative references, titles, addresses, hyperlinks and transfer to current QPT branding and template. |