



# Complaints about the Chairperson Policy

<b>Status:</b>	Current	<b>Supersedes:</b> All previous Rockhampton Girls Grammar School policies
<b>Authorised by:</b>	Board Chair	<b>Date of Authorisation:</b> July 2022
<b>References:</b>	<ul style="list-style-type: none"><li>• <i>Crime and Corruption Act 2001 (CC Act).</i></li><li>• <i>Grammar Schools Act 2016</i></li></ul>	
<b>Review Date:</b>	This policy will be reviewed annually, or as appropriate, to take account of new legislation or changes to school's operations and practices and to make sure it remains appropriate to the changing environment.	<b>Next Review Date:</b> July 2023
<b>Policy Owner:</b>	Board of Trustees of Rockhampton Girls Grammar School <i>trading as</i> Rockhampton Girls Grammar School  CRICOS Provider No: 00508E	<b>Access:</b> Open access on School website rggs.qld.au



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## 1. OBJECTIVE

The Chairperson is the public official of the Board of Trustees of the Rockhampton Girls Grammar School (Board of Trustees).

The objective of this policy is to set out how the Board of Trustees will deal with a complaint (also information or matter)<sup>1</sup> that involves or may involve corrupt conduct<sup>2</sup> of its Chairperson as defined in the *Crime and Corruption Act 2001 (CC Act)*.

## 2. POLICY RATIONALE

The policy is designed to assist the Board of Trustees to:

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

## 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	Principal: (07) 49 300 912 Email: <a href="mailto:Principal@rggs.qld.edu.au">Principal@rggs.qld.edu.au</a> Postal Address: 226 Denham Street, Rockhampton, QLD 4700
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
Police misconduct	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
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

<sup>2</sup> 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 s37 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 Chairperson of the Board of Trustees
- to all persons who hold an appointment in, or are employees of, the Board of Trustees

For the purpose of this policy a complaint includes information or matter.<sup>3</sup>

## 5. NOMINATED PERSON

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

- Principal as the nominated person/s<sup>4</sup>

To notify<sup>5</sup> the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act.<sup>6</sup>

Once the Board of Trustees 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<sup>7</sup>.

## 6. COMPLAINTS ABOUT THE CHAIRPERSON

### ***Complaint involving a reasonable suspicion of corrupt conduct, where there is a nominated person***

Where there is a nominated person, if a complaint may involve an allegation of corrupt conduct of the Chairperson of the Board of Trustees, the complaint may be reported to:

- the nominated person, or
- a person to whom there is an obligation to report under an Act<sup>8</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 Chairperson, they are to:

- a) notify the CCC of the complaint<sup>9</sup>, and
- b) deal with the complaint, subject to the CCC's monitoring role, when —
  - directions issued under s40 apply to the complaint, if any, or
  - Pursuant to s46, the CCC refers the complaint to the Board Chairperson to deal with<sup>10</sup>.

If the Chairperson reasonably suspects that the complaint may involve corrupt conduct on their part, and there is a nominated person, the Chairperson must:

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<sup>3</sup> See s48(4) CC of the CC Act

<sup>4</sup> See footnote 2 'Suggested outline of policy'

<sup>5</sup> Under ss37 or 38 of the CC Act

<sup>6</sup> Under Chapter 2, Part 3, Division 4, Subdivisions 1 & 2 of the CC Act

<sup>7</sup> See s48A(3) CC Act

<sup>8</sup> See s39(2) of the CC Act

<sup>9</sup> Under ss37 or 38, subject to s40 of the CC Act

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



- (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 Board of Trustees of the Rockhampton Girls Grammar School.

Where there is a nominated person, and if directions issued under s40 apply to the complaint:

- (i) the nominated person is to deal with the complaint, and
- (ii) the Chairperson is to take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Board of Trustees of the Rockhampton Girls Grammar School

## 7. RECORD KEEPING REQUIREMENTS

Should the nominated person decide that a complaint, or information or matter, about alleged corrupt conduct of the Board Chairperson 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 PRINCIPAL

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

- are delegated the same authority, functions and powers as the Chairperson to direct and control staff of the Board of Trustees as if the nominated person is the Chairperson of the Board of Trustees for the purpose of dealing with the complaint only
- are delegated the same authority, functions and powers as the Chairperson to enter into contracts on behalf of the Board of Trustees 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 administering the *Grammar Schools Act 2016* or the Chairperson, to the nominated person;

## 9. LIAISING WITH THE CCC

The Chairperson is to keep the CCC and the nominated person/s (if any) informed of:

- the contact details for the public official and the nominated person/s (if there is a nominated person)
- any proposed changes to this policy.

## 10. CONSULTATION WITH THE CCC

The Chairperson will consult with the CCC when preparing any policy about how the Board of Trustees will deal with a complaint that involves or may involve corrupt conduct of the public official/CEO.<sup>11</sup>

## 11. STATUTORY REFERENCES

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

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<sup>11</sup> Section 48A of the CC Act