

Managing complaints of suspected corrupt conduct involving the Health Service Chief Executive

POLICY STATEMENT

To outline the legislative requirements and process for managing complaints that involve, or may involve, corrupt conduct as defined in section 15 of the *Crime and Corruption Act 2001* (Qld) (CC Act) by the Health Service Chief Executive, Metro South Health ('the Health Service Chief Executive') or any such person acting in the role of the Health Service Chief Executive.

SCOPE

This policy applies to:

- All Metro South Health (MSH) clinical and non-clinical staff (permanent, temporary, and casual); and
- All individuals acting on behalf of MSH including Visiting Medical Officers, contractors, consultants, students, and volunteers.

This policy can also be used by members of the public to make a complaint about suspected corrupt conduct by the Health Service Chief Executive.

OUTCOME

Ensuring all MSH staff are aware of their obligation to report suspected corrupt conduct about the Health Service Chief Executive and the process to do so.

Promote accountability, integrity, transparency, and public confidence in the manner concerns raising a reasonable suspicion of corrupt conduct involving the Health Service Chief Executive are dealt with in accordance with section 34(c)¹ of the CC Act.

PRINCIPLES

The CC Act requires MSH to have a separate policy outlining how complaints of suspected corrupt conduct about the Health Service Chief Executive are to be managed. The CC Act requires the Health Service Chief Executive to nominate a suitable officer, with appropriate delegation, to manage such matters.

The below steps outline how the Health Service Chief Executive will meet these requirements and outline the steps to manage any complaints.

This policy must be read in conjunction with MSH's procedures for PR2023-364 [Reporting and Managing Corrupt Conduct](#) and WS. E. PR. 1.2 [Public Interest Disclosure](#) procedure.

¹ Devolution Principle – generally, the Crime and Corruption Commission will refer matters back to Metro South Health to deal with.

1. REPORTING CONCERNS ABOUT THE HEALTH SERVICE CHIEF EXECUTIVE

Under section 48A(2) and (3) of the CC Act, the Health Service Chief Executive may nominate a person or persons to notify the Crime and Corruption Commission (CCC) of a complaint of suspected corrupt conduct that involves, or may involve, the Health Service Chief Executive.

The Board Chair, Metro South Hospital and Health Board (MSHHB) is the nominated person for reporting and will be assisted by the Director, Ethical Standards Unit.²

A complaint may be made either in writing or verbally and may also be anonymous. If a complaint involves, or may involve, an allegation of corrupt conduct by the Health Service Chief Executive, the complaint may be reported to:

- **The Board Chair**

Postal Address: Princess Alexandra Hospital, Building 15, Level 3, 199 Ipswich Road, Woolloongabba, QLD, 4102

Email: msboard@health.qld.gov.au

- **The Director, Ethical Standards Unit**

Telephone: 0422 636 914

Postal Address: PO Box 4043, Eight Mile Plains, QLD, 4113

Email: MetroSouthESU@health.qld.gov.au

- **Crime and Corruption Commission**

Telephone: (07) 3360 6060

Email: complaints@ccc.qld.gov.au

Website: <http://www.ccc.qld.gov.au/corruption/report-corruption/how-to-report-corruption>

If there is uncertainty about whether or not a complaint should be reported, the complaint should be discussed with the nominated person.

If the nominated person reasonably suspects the complaint involves, or may involve, an allegation of corrupt conduct by the Health Service Chief Executive, they are to:

- Notify the CCC of the complaint; and
- Subject to the CCC's monitoring role, deal with the complaint in accordance with the provisions outlined in section 44 of the CC Act.

2. RESOURCING FOR THE NOMINATED PERSON

If pursuant to sections 40 or 46 of the CC Act, the CCC advise the nominated person they have a responsibility to deal with the complaint:

- MSH will ensure sufficient resources are available to the nominated person and the Director, Ethical

² Once MSH nominates a person, section 48A(3) of the CC Act applies which means the nominated person replaces the roles the Health Service Chief Executive would normally undertake in managing a complaint (as they cannot manage matters involving their own conduct).

Standards Unit to enable them to deal 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 alleged corrupt conduct within MSH is dealt with.
 - MSH's statutory, policy and procedural framework.

If the nominated person has a responsibility to deal with the complaint, they are delegated the same authority, functions and powers as the Health Service Chief Executive to direct and control MSH staff as if the nominated person is the Health Service Chief Executive of MSH:

- To deal with the complaint.
- To enter into contracts on behalf of MSH for the purpose of dealing with the complaint (e.g. the engagement of an investigator).

3. PUBLIC INTEREST DISCLOSURES

When a complaint is made by a public officer that raises allegations of corrupt conduct, it may be a public interest disclosure pursuant to the *Public Interest Disclosure Act 2010* (Qld) (PID Act).

The PID Act requires MSH to keep public interest disclosure information confidential, including the complainant's identity and personal information. Section 65 of the PID Act outlines the circumstances in which public interest disclosure information may be disclosed, such as for the purpose of dealing with the disclosure or affording procedural fairness / natural justice to any person subject of the disclosure.

Importantly, a purpose of the PID Act is to provide protections for a person who makes a public interest disclosure, including from reprisal, as far as reasonably practicable. Under Section 40 of the PID Act, a person must not reprimand another person, by causing detriment, because a public interest disclosure has been made.

The nominated person must manage all public interest disclosures in accordance with MSH's procedure on [Public Interest Disclosures](#).

4. HEALTH SERVICE CHIEF EXECUTIVE OBLIGATIONS

If the Health Service Chief Executive reasonably suspects a complaint involves, or may involve, allegations of corrupt conduct on their part, the Health Service Chief Executive must:

- report the complaint to the nominated person as soon as practicable; and
- take no further action to deal with the complaint unless requested to do so by the nominated person.

RELATED AND SUPPORTING DOCUMENTS

Legislation and other Authority	<ul style="list-style-type: none">• <i>Crime and Corruption Act 2001</i> (Qld)• <i>Criminal Code Act 1899</i> (Qld)• Code of Conduct for the Queensland Public Service 2011
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	<ul style="list-style-type: none"> • Crime and Corruption Commission: Corruption in Focus – A guide to dealing with corrupt conduct in the Queensland Public Sector (2019) • Department of Health HR Policy (E10) Discipline • Department of Health HR Policy (E12) Grievance Resolution • <i>Hospital and Health Boards Act 2011</i> (Qld) • <i>Human Rights Act 2019</i> (Qld) • <i>Industrial Relations Act 2016</i> (Qld) • <i>Information Privacy Act 2009</i> (Qld) • <i>Public Interest Disclosure Act 2010</i> (Qld) • <i>Public Sector Ethics Act 1994</i> (Qld) • <i>Public Service Act 2008</i> (Qld) • Public Service Commission Workplace Investigations Directive 17/20 • <i>Right to Information Act 2009</i> (Qld) • <i>Health Practitioner National Law Qld 2009</i> (Qld)
Standards	<ul style="list-style-type: none"> • AS8001-2008 Fraud and Corruption Control • National Safety and Quality Health Service (NSQHS Standards): Standard 1: Clinical Governance • Queensland Ombudsman’s Public Interest Disclosure Standard No. 2/2019 – Assessing, Investigating and Dealing with Public Interest Disclosures
Supporting documents	<ul style="list-style-type: none"> • GL2016-23 Fraud Control Guideline • Metro South Health Fraud Control Policy • PR2015- 52 Fraud Control Procedure • PR2021-284 Delegations • PR2023-365 Reporting and Managing Corrupt Conduct Procedure • WS.E.PR.1.2 Public Interest Disclosure Procedure

DEFINITIONS

TERM	DEFINITION
Crime and Corruption Commission (CCC)	A statutory body set up to combat and reduce the incidence of major crime and corruption in the public sector in Queensland. Its functions and powers are set out in the <i>Crime and Corruption Act 2001</i> (Qld)
CC Act	<i>Crime and Corruption Act 2001</i> (Qld)
Complaint	Includes information or matter. See definition provided by s48A(4) of the <i>Crime and Corruption Act 2001</i> (Qld) Can be written or verbal and may be made anonymously
Corrupt Conduct	The definition of corrupt conduct is outlined in section 15 of the <i>Crime and Corruption Act 2001</i> : Type A – Section 15(1) Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that—

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	<p>a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—</p> <ol style="list-style-type: none"> i. a unit of public administration; or ii. a person holding an appointment; and <p>b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—</p> <ol style="list-style-type: none"> i. is not honest or is not impartial; or ii. involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or iii. involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and <p>c) would, if proved, be—</p> <ol style="list-style-type: none"> i. a criminal offence; or ii. a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment. <p>Type B – Section 15(2)</p> <p>Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that</p> <ol style="list-style-type: none"> a) impairs, or could impair, public confidence in public administration; and b) involves, or could involve, any of the following – <ol style="list-style-type: none"> i. collusive tendering ii. fraudulent applications for licences, permits and other authorities under an Act necessary to protect — <ul style="list-style-type: none"> • the health and safety of persons; • the environment; and/or • the use of the State’s natural resources. iii. dishonestly obtaining benefits from the payment or application of public funds or the disposition of state assets iv. evading State taxes, levies, duties or fraudulently causing a loss of State revenue v. fraudulently obtaining or retaining an appointment; and c) would, if proved, be – <ol style="list-style-type: none"> i. a criminal offence; or ii. a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment
Deal with	a) investigate the complaint, information or matter; and

TERM	DEFINITION
	<p>b) gather evidence for—</p> <p>i. prosecutions for offences; or</p> <p>ii. disciplinary proceedings; and</p> <p>c) refer the complaint, information or matter to an appropriate authority to start a prosecution or disciplinary proceeding; and</p> <p>d) start a disciplinary proceeding; and</p> <p>e) take other action, including managerial action, to address the complaint in an appropriate way.</p> <p>See Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i> (Qld).</p>
Nominated Person	Under the CC Act, a person other than the public official to notify the CCC of the complaint and to deal with the complaint on behalf of the public official
Public Official	For the purpose of this policy Public Official means the Health Service Chief Executive, Metro South Hospital and Health Service
Unit of public administration (UPA)	<p>For the purpose of this policy a unit of public administration means:</p> <ul style="list-style-type: none"> • Metro South Health • The Department of Health • The Legislative Assembly and the Parliamentary Service • The Executive Council • Government Departments <p>For a full list see s20 of the <i>Crime and Corruption Act 2001</i> (Qld)</p>

HUMAN RIGHTS ACT 2019

MSH is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, MSH has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. When making a decision about dealing with complaints involving the Health Service Chief Executive, decision-makers must comply with that obligation. Further information about the *Human Rights Act 2019* is available at:

<https://www.forgov.qld.gov.au/humanrights>.

POLICY DETAILS

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Endorsing Committee	Metro South Hospital and Health Board
Approving Authority	Metro South Hospital and Health Board Chair
Document Author	Director, Ethical Standards Unit
Next Review Date	May 2026

REVIEW HISTORY

Version	Approval date	Effective from	Authority	Comment
1.0	11/05/2023	11/05/2023	MSH Board Chair	<ul style="list-style-type: none"> New Policy

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