



BRISBANE GRAMMAR SCHOOL

# POLICY FOR DEALING WITH A COMPLAINT OF CORRUPT CONDUCT OF THE CHAIRMAN OF THE BOARD OF TRUSTEES

V2 2309

## Table of Contents

1.	Objective .....	2
2.	Policy rationale.....	2
3.	Definitions .....	2
4.	Policy application .....	3
5.	Nominated person.....	3
6.	Complaints about the Chairman .....	3
7.	Record keeping requirements.....	4
8.	Resourcing the nominated person.....	4
9.	Liaising with the CCC.....	4
10.	Consultation with the CCC.....	5
11.	Statutory references.....	5
12.	Policy Management .....	5



# POLICY FOR DEALING WITH A COMPLAINT OF CORRUPT CONDUCT OF THE CHAIRMAN OF THE BOARD OF TRUSTEES V2 2309

## 1. Objective

The CCC considers the Chairman of the Board of Trustees of the Brisbane Grammar School ('BGS' or 'School') constituted pursuant to the *Grammar Schools Act 2016* (Qld) is the public official as defined in the CC Act.

The objective of this policy is to set out how BGS will deal with a Complaint that involves or may involve corrupt conduct of the Chairman.

## 2. Policy rationale

The policy is designed to assist BGS to:

1. Comply with s48A of the CC Act;
2. Promote public confidence in the way suspected corrupt conduct of the Chairman is dealt with (s34(c) CC Act); and
3. Promote accountability, integrity and transparency in the way BGS deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the Chairman.

## 3. Definitions

Crime and Corruption Commission (CCC)	the Commission continued in existence under the CC Act
CC Act	<i>Crime and Corruption Act 2001</i> (Qld)
Complaint	includes information or matter. See definition provided by s48A(4) of the CC Act
Contact details	The Headmaster; <a href="mailto:headmaster@brisbanegrammar.com">headmaster@brisbanegrammar.com</a> ; 07 3834 5200; 24 Gregory Terrace BRISBANE QLD 4000
Corruption	see Schedule 2 (Dictionary) of the CC Act
Corrupt conduct	see s15 of the CC Act
<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 2.6
Deal with	see Schedule 2 (Dictionary) of the CC Act
Nominated person	Headmaster
Public Official/CEO	see Schedule 2 (Dictionary) and also s48A of the CC Act
Unit of public administration (UPA)	see s20 of the CC Act



## **POLICY FOR DEALING WITH A COMPLAINT OF CORRUPT CONDUCT OF THE CHAIRMAN OF THE BOARD OF TRUSTEES V2 2309**

### **4. Policy application**

This policy applies to all persons who hold an appointment in, or are employees of, BGS.

This policy applies if there are grounds to suspect that a complaint may involve corrupt conduct of the Chairman.

### **5. Nominated person**

Having regard to s48A(2) and (3) of the CC Act, this policy nominates the Headmaster as the nominated person to notify<sup>1</sup> the CCC of the complaint and to deal with the complaint under the CC Act.<sup>2</sup>

For the purposes of this policy, 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>3</sup>

### **6. Complaints about the Chairman**

If there are grounds to suspect that a complaint may involve an allegation of corrupt conduct of the Chairman, the complaint may be reported to the Headmaster.

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

If the Headmaster receives the complaint and reasonably suspects the complaint may involve corrupt conduct of the Chairman, they are to notify the CCC of the complaint<sup>4</sup> and deal with the complaint, subject to the CCC's monitoring role, when:

- i. any directions issued under s. 40 of the CC Act apply to the complaint; or
- ii. pursuant to s46 of the CC Act, the CCC refers the complaint to the Headmaster to deal with<sup>5</sup>.

If the Chairman receives a complaint and reasonably suspects that the complaint may involve corrupt conduct on their part, the Chairman must:

- i. report the complaint to the Headmaster 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 Headmaster in consultation with the Board of Trustees.

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<sup>1</sup> Under s38 of the CC Act

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

<sup>3</sup> Under s48A(3) of the CC Act

<sup>4</sup> Under ss37 or 38, subject to s40 of the CC Act

<sup>5</sup> Under ss41 and 42 and/or ss43 and 44 of the CC Act



## **POLICY FOR DEALING WITH A COMPLAINT OF CORRUPT CONDUCT OF THE CHAIRMAN OF THE BOARD OF TRUSTEES V2 2309**

### **7. Record keeping requirements**

Should the Headmaster decide that a complaint about alleged corrupt conduct of the Chairman is not required to be notified to the CCC under s38 of the CC Act, the Headmaster must make a record of the decision that complies with s40A of the CC Act.

### **8. Resourcing the nominated person**

If pursuant to ss40 or 46 of the CC Act, the Headmaster has responsibility to deal with the complaint<sup>6</sup>:

- i. BGS will ensure that sufficient resources are available to the Headmaster to enable the Headmaster to deal with the complaint appropriately<sup>7</sup>, and
- ii. the Headmaster 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
- iii. the Headmaster must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
  - purposes of the CC Act<sup>8</sup>;
  - the importance of promoting public confidence in the way suspected corrupt conduct in BGS is dealt with<sup>9</sup>; and
  - BGS's statutory, policy and procedural framework.

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

- are delegated the same authority, functions and powers as the Chairman to direct and control staff of BGS as if the Headmaster is the Chairman of BGS for the purpose of dealing with the complaint only;
- are delegated the same authority, functions and powers as the Chairman to enter into contracts on behalf of BGS 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 Board of Trustees or the Chairman, to the Headmaster.

### **9. Liaising with the CCC**

The Chairman is to keep the CCC and the Headmaster informed of:

- the contact details for the Chairman and the Headmaster; and
- any proposed changes to this policy.

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<sup>6</sup> Under ss41 and 42 and/or ss43 and 44 of the CC Act

<sup>7</sup> See the CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 and the UPA's (i.e. BGS') relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint

<sup>8</sup> See ss57 and the CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 of the CC Act

<sup>9</sup> See s34(c) of the CC Act



## POLICY FOR DEALING WITH A COMPLAINT OF CORRUPT CONDUCT OF THE CHAIRMAN OF THE BOARD OF TRUSTEES V2 2309

### 10. Consultation with the CCC

The Chairman will consult with the CCC when preparing any policy about how BGS will deal with a complaint that involves or may involve corrupt conduct of the Chairman.<sup>10</sup>

### 11. Statutory references

Unless otherwise stated, all statutory references are to the CC Act.

### 12. Policy Management

The School may, from time to time, review and update this document to take account of new laws and technology, changes to the School's operations and practices and to make sure it remains appropriate to the changing school environment.

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<sup>10</sup> Section 48A of the CC Act