

SECTION 48A OF THE CRIME AND CORRUPTION ACT 2001 POLICY

Complaints about the Chief Executive Officer (CEO): section 48A of the Crime and Corruption Act 2001

1. Objective

- 1.1 Section 48A of the [Crime and Corruption Act 2001 \(Qld\)](#) (**CC Act**) requires the Racing Queensland Board (**RQ**), as a unit of public administration, to have a policy for how RQ will deal with a Complaint that involves, or may involve, corruption of the public official.
- 1.2 The Chief Executive Officer (**CEO**) is the public official of RQ.
- 1.3 The objective of this policy is to set out how RQ will deal with a Complaint (or information or matter)¹ that involves, or may involve, corrupt conduct as defined in the CC Act, by the CEO.

2. Policy rationale

- 2.1 The policy is designed to assist RQ to:
- (a) Comply with section 48A of the CC Act;
 - (b) Promote public confidence in the way suspected corrupt conduct of the CEO of RQ is dealt with (section 34(c) CC Act); and
 - (c) Promote accountability, integrity and transparency in the way that RQ deals with a Complaint that is suspected to involve, or may involve, corrupt conduct of the CEO.

3. Definitions

Crime and Corruption Commission (CCC)	the Commission constituted and operating under the CC Act
CC Act	Crime and Corruption Act 2001 (Qld)
Complaint	includes information or matter (as defined in section 48A(4) of the CC Act)
Complainant	means a person reporting an incident or making a Complaint pursuant to this policy
Contact details for Nominated person	(a) Email to: ceocomplaints@racingqueensland.com.au ; or (b) By post to: <i>Private and Confidential</i> Attention: Executive General Manager - Legal, Risk & Insurance Racing Queensland PO Box 63 SANDGATE QLD 4017

¹ See s48A of the CC Act and definitions below.

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Corruption	see Schedule 2 (Dictionary) of the CC Act
Corrupt conduct	see section 15 of the CC Act
Corruption in Focus	https://www.ccc.qld.gov.au/publications/corruption-focus ; see chapter 2, page 26
Deal with	see Schedule 2 (Dictionary) of the CC Act
Nominated person	see item 5.1 of this policy
Public Official/CEO	see Schedule 2 (Dictionary) and also section 48A of the CC Act
Unit of public administration (UPA)	see section 20 of the CC Act

4. Policy application

4.1 This policy applies:

- (a) If there are grounds to suspect that a Complaint may involve corrupt conduct by the CEO of RQ; and
- (b) To all persons who hold an appointment in, or are employees of, RQ.

4.2 For the purpose of this policy, a Complaint includes information or a matter.²

5. Nominated person to receive and deal with Complaints

5.1 Having regard to sections 48A(2) and (3) of the CC Act, this policy nominates the Executive General Manager – Legal, Risk & Insurance as the Nominated person to notify³ the CCC of the Complaint and to deal with the Complaint under the CC Act⁴.

5.2 The provisions of the CC Act that regulate how the CEO as the public official of RQ is to notify or deal with a Complaint also apply to the Nominated person⁵.

6. Complaints about the CEO

6.1 If a Complaint may involve an allegation of corrupt conduct by the CEO of RQ, the Complaint may be reported to:

- (a) The Nominated person; or
- (b) A person to whom there is an obligation to report under an Act⁶ (this does not include an obligation imposed by sections 38 or 39(1) of the CC Act).

6.2 If there is uncertainty about whether or not a Complaint should be reported, it is best to report it to the Nominated person.

² See s48(4) of the CC Act.

³ Pursuant to s38 of the CC Act.

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

⁵ See s48A(3) of the CC Act.

⁶ See s39(2) of the CC Act.



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Complaints received by the Nominated person

- 6.3 If the Nominated person reasonably suspects that a Complaint involves or may involve corrupt conduct by the CEO, they are to:
- (a) Notify the CCC of the Complaint⁷; and
 - (b) Deal with the Complaint, subject to the CCC's monitoring role, when —
 - a. directions issued by the CCC under section 40 apply to the Complaint, if any, or
 - b. pursuant to section 46, the CCC refers the Complaint to the Nominated person to deal with⁸.

Complaints received by the CEO

- 6.6 If the CEO receives a Complaint and reasonably suspects that it involves or may involve corrupt conduct on their part, they must:
- (a) Report the Complaint to the Nominated person as soon as practicable and may also notify the CCC; and
 - (b) Take no further action to deal with the Complaint unless requested to do so by the Nominated person.

7. Recordkeeping requirements

- 7.1 Should the Nominated person decide that a Complaint, or information or matter, about alleged corrupt conduct by the CEO is not required to be notified to the CCC under section 38 of the CC Act, the Nominated person must make a record of the decision that complies with section 40A of the CC Act.

8. Resourcing and assisting the Nominated person

- 8.1 If pursuant to sections 40 or 46 of the CC Act, the Nominated person has responsibility to deal with the Complaint:
- (a) RQ will ensure that sufficient resources are available to the Nominated person to enable them to deal with the Complaint appropriately⁹; and
 - (b) The Nominated person is to ensure that any consultations for the purposes of securing resources sufficient to deal with the Complaint appropriately are confidential and are not disclosed, other than to the CCC, without:
 - a. authorisation under a law of the Commonwealth or the State; or
 - b. the consent of the Nominated person.
 - (c) The Nominated person must, always use their best endeavours to act independently, impartially and fairly having regard to the:
 - a. purposes of the CC Act¹⁰;

7 Under ss37 or 38, subject to s40 of the CC Act.

8 Under ss41 and 42 and/or ss43 and 44 of the CC Act.

9 See the CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 and RQ's relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint.

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



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- b. the importance of promoting public confidence in the way suspected corrupt conduct of the CEO is dealt with¹¹; and
- c. RQ's statutory, policy and procedural framework.

8.2 If the Nominated person has responsibility to deal with the Complaint, they are delegated the same authority, functions and powers as the CEO to direct and control staff of RQ as if the Nominated person is the CEO for the purpose of dealing with the Complaint only.

9. *Liaising with the CCC*

9.1 The CEO shall keep the CCC informed when preparing any policy about how RQ will deal with a Complaint that involves or may involve corrupt conduct by the CEO.

10. *Consultation with the CCC*

10.1 The CEO will consult with the CC when preparing any policy about how RQ will deal with a Complaint that involves or may involve corrupt conduct by the CEO.

11. *Statutory references*

11.1 Unless otherwise stated, all statutory references are to the [Crime and Corruption Act 2001 \(Qld\)](#).

12. *Rules of Racing*

12.1 Rules of Racing will not be made for this policy.

13. *Approval*

13.1 This policy is approved by the Chief Executive Officer:



Signed:

Date: September 18, 2024

14. *Version History*

Current Version:	3	Date Made:	17 / 09 / 2024	Effective Date:	18 / 09 / 2024
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Version	Effective	Document Owner	Changes Made
1	10/06/2015	CEO	New policy
2	26/04/2017	GM Strategy, Projects and Reporting	Policy reviewed, updated nominated persons
3	18/09/2024	EGM Legal, Risk & Insurance	Updates to policy and transition to current RQ style.

¹¹ See s34(c) CC Act