

Policy

Complaints about the Chief Executive Officer: Section 48A of the *Crime and Corruption Act 2001* Policy

Purpose

The Central SEQ Distributor-Retailer Authority trading as Urban Utilities (**Urban Utilities**) is a unit of public administration under the *Crime and Corruption Act 2001* (**CC Act**). The Chief Executive Officer (**CEO**) of Urban Utilities is the public official responsible for ensuring Urban Utilities compliance with the CC Act.

This policy, which is required under section 48A of the CC Act, sets out how complaints that involve or may involve corrupt conduct of the CEO must be dealt with, to:

- (a) ensure Urban Utilities' compliance with the CC Act; and
- (b) promote accountability, integrity, transparency and public confidence in the way Urban Utilities deals with such complaints.

Scope

This policy applies to:

- (a) complaints that involve or may involve corrupt conduct of the CEO;
- (b) Nominated Persons (as defined in this policy); and
- (c) all persons, including the CEO, who hold an appointment in, are employees of, or are otherwise engaged by Urban Utilities.

Related Legislation

- *Crime and Corruption Act 2001*
- *Criminal Code Act 1899*
- *Financial Accountability Act 2009*
- *Public Interest Disclosure Act 2010*
- *Public Sector Ethics Act 1994*
- *Statutory Bodies Financial Arrangements Act 1982*
- *South East Queensland Water (Distribution and Retail Restructuring) Act 2009*

Policy Statement

Nominated Persons

In relation to a complaint that involves or may involve corrupt conduct of the CEO:

- (a) having regard to sections 48A(2) and (3) of the CC Act, each of the Board Chair and the General Counsel of Urban Utilities is a "**Nominated Person**" under this policy for the purposes of notifying the Crime and Corruption Commission (**CCC**) of and dealing with the complaint in accordance with the CC Act;
- (b) the provisions of the CC Act that regulate how the CEO as the public official of Urban Utilities must notify or deal with a complaint apply to a Nominated Person;
- (c) the Nominated Persons will, after consulting with each other and with the Urban Utilities Board, decide who will be the Nominated Person for the complaint; and

- (d) where a Nominated Person notifies the CCC of the complaint, the Nominated Person must inform the CCC and the Urban Utilities Board that that person is the Nominated Person for that complaint.

If a complaint that involves or may involve corrupt conduct of the CEO also involves the Board Chair and/or General Counsel, then the Board Chair and/or General Counsel, as applicable, cannot act as a Nominated Person, and the following persons will be Nominated Persons in the alternative:

- (e) for the Board Chair – the Deputy Board Chair;
- (f) for the General Counsel – a person, who may be an executive of Urban Utilities or another person of equivalent experience from outside of Urban Utilities, nominated by the Board in the absence of any Board member who is the subject of the complaint.

Complaints about the CEO

A complaint that involves or may involve corrupt conduct of the CEO must be reported to:

- (a) a Nominated Person (in the first instance); or
- (b) another person to whom there is an obligation to report under an Act, other than the CC Act.

If a Nominated Person receives a complaint and reasonably suspects the complaint involves or may involve corrupt conduct of the CEO, the Nominated Person must:

- (c) consult with the other Nominated Person and the Urban Utilities Board in relation to the management of the complaint; and
- (d) if that person is the Nominated Person for the complaint:
 - (i) notify the CCC of the complaint; and
 - (ii) subject to the CCC's monitoring role, deal with the complaint if the CCC refers the complaint to the Nominated Person to deal with.

If the CEO (as the public official for Urban Utilities) receives a complaint about alleged corrupt conduct and the complaint relates to (or the CEO reasonably suspects that the complaint relates to) the CEO, the CEO must:

- (e) report the complaint to a Nominated Person as soon as practicable and may also notify the CCC; and
- (f) take no further action to deal with the complaint unless requested to do so by the Nominated Person if that person is the Nominated Person for the complaint.

Recordkeeping requirements

The Nominated Person for a complaint about alleged corrupt conduct of the CEO must ensure:

- (a) records are made of all communications relating to the complaint, including any communications with the CCC, the Urban Utilities Board or the other Nominated Person; and
- (b) those records are kept confidential and secure.

If a Nominated Person receives a complaint about alleged corrupt conduct of the CEO, and the Nominated Person, after first consulting with the other Nominated Person and the Urban Utilities Board, determines that the complaint 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 determination that complies with section 40A of the CC Act.

Resourcing the Nominated Person

If the CCC directs a Nominated Person to deal with a complaint about alleged corrupt conduct of the CEO, then:

- (a) Urban Utilities must ensure that sufficient resources are available to the Nominated Person to enable the complaint to be dealt with appropriately;
- (b) the Nominated Person must ensure that consultations (if any) for the purpose of securing resources sufficient to deal with the complaint appropriately are confidential and not disclosed, other than to the CCC or the Urban Utilities Board, without:
 - (i) authorisation under a law of the Commonwealth or the State; or
 - (ii) the written consent of the Nominated Person;
- (c) the Nominated Person must, at all times, act independently, impartially and fairly having regard to the:
 - (i) purposes of the CC Act;
 - (ii) the importance of promoting public confidence in the way suspected corrupt conduct in Urban Utilities is dealt with; and
 - (iii) Urban Utilities' statutory, policy and procedural framework; and
- (d) the Nominated Person:
 - (i) is delegated the same functions and powers as the CEO to direct and control personnel of Urban Utilities as if the Nominated Person is the public official of Urban Utilities for the purpose of dealing with the complaint only;
 - (ii) is delegated the same functions and powers as the CEO to execute contracts on behalf of Urban Utilities for the purpose of dealing with the complaint only; and
 - (iii) does not have any function or power that cannot — under the law of the Commonwealth or the State of Queensland — be delegated by either the Urban Utilities Board or the CEO to the Nominated Person.

Liaising with the CCC

The CEO must keep the CCC, the Urban Utilities Board and the Nominated Persons informed of:

- (a) the contact details for the CEO and the Nominated Persons (as applicable); and
- (b) any proposed changes to this policy.

Consultation with the CCC

The CEO must consult with the CCC when preparing any policy about how Urban Utilities will deal with a complaint that involves or may involve corrupt conduct of the CEO.

Definitions

Unless otherwise stated, terms defined in the CC Act and used in this policy, including *corrupt conduct*, *complaint*, *deal with*, *public official* and *unit of administration*, have the meanings given in the CC Act.

Related Documents

Internal Documents

- MAN3 Delegation of Authority: Authorities and Delegations from Board to CEO
- MAN33 Sub Delegations Register
- POL11 Risk Management Policy
- POL78 Fraud, Corruption and Whistleblower Policy
- REF205 Fraud and Corruption Control Plan
- POL81 Procurement Policy
- POL20 Conflicts of Interest Policy
- POL16 Gifts and Benefits Policy
- PRO315 Public Interest Disclosure Procedure
- PRO711 Workplace Complaints Procedure

Review Date

This policy will be reviewed every 2 years or in accordance with changes to relevant legislation or business objectives.

Authorising Officer

Urban Utilities Board.

Approval

This policy was approved by the Urban Utilities Board on 24 February 2025.