



Complaints about the State Librarian and Chief Executive Officer

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1 Document control

Version	Approved by	Approval date	Revisions
V1	Library Board of Queensland	4 April 2019	New policy requirement as advised by the Crime and Corruption Commission to comply with section 48A of the <i>Crime and Corruption Act 2001</i> .
V2	Library Board of Queensland	27 April 2021	Scheduled review. Updated contact details for nominated person; added 'Essential considerations' section.

2 Authority

This Policy is applied by the authority of the Library Board of Queensland.

3 Policy statement

The State Librarian and Chief Executive Officer (CEO) is the public official of State Library of Queensland (State Library).

The objective of this policy is to set out how State Library will deal with a complaint (or information or matter) that involves or may involve corrupt conduct of the State Librarian and CEO as defined in the *Crime and Corruption Act 2001* (CC Act).

4 Purpose

The policy is designed to assist State Library to:

1. comply with s48A of the CC Act
2. promote public confidence in the way suspected corrupt conduct of the State Librarian and CEO for State Library is dealt with (s34(c) CC Act)
3. promote accountability, integrity and transparency in the way State Library deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the State Librarian and CEO.

5 Scope

This policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct of the State Librarian and CEO of State Library
- to all persons who hold an appointment in, or are employees of, State Library.

For the purpose of this policy a complaint includes information or matter (refer s48A (4) of the CC Act for definition).

6 Definitions

Word/Term	Definition
Crime and Corruption Commission (CCC)	the Commission continued in existence under the CC Act
CC Act	<i>Crime and Corruption Act 2001</i>
Complaint	includes information or matter. See definition provided by s48A(4) of the CC Act
Contact details (of nominated person)	Chairperson, Library Board of Queensland Telephone: 07 3365 6204 Email: execdean@bel.uq.edu.au Postal address: Faculty of Business, Economics and Law The University of Queensland Room 545, Level 5, Sir Llew Edwards Building (14) St Lucia Qld 4072 Australia
Corruption	see Schedule 2 (Dictionary) of the CC Act
Corrupt conduct	see s15 of the CC Act
Deal with	see Schedule 2 (Dictionary) of the CC Act
Nominated person	see item 7 of this policy
Police misconduct	see Schedule 2 (Dictionary) of the CC Act
Public official/CEO	see Schedule 2 (Dictionary) and also s48A of the CC Act

7 Nominated person

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

- the Chairperson of the Library Board as the nominated person
- to notify the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act.

Once State Library nominates a person, the CC Act applies as if a reference about notifying or dealing with the complaint to the State Librarian and CEO is a reference to the nominated person.

8 Complaints about the State Librarian and CEO

If a complaint involves an allegation of corrupt conduct of the State Librarian and CEO of State Library, the complaint may be reported to:

- the nominated person, or
- a person to whom there is an obligation to report under an Act (this does not include an obligation imposed by ss37, 38 and 39(1) of the CC Act).

If there is uncertainty about whether 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 State Librarian and CEO, they are to:

- a) notify the CCC of the complaint, 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 Chairperson, Library Board to deal with.

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

- (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 Chairperson, Library Board.

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 State Librarian and CEO is to take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Chairperson, Library Board.

9 Resourcing the nominated person

If pursuant to ss40 or 46, the Chairperson, Library Board has responsibility to deal with the complaint:

- (i) State Library will ensure that sufficient resources are available to the Chairperson, Library Board to enable them to deal with the complaint appropriately, and

- (ii) the Chairperson, Library Board 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:
 - o authorisation under a law of the Commonwealth or the State, or
 - o the consent of the Chairperson, Library Board of Queensland responsible for dealing with the complaint; and
- (iii) the Chairperson, Library Board must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
 - o purposes of the CC Act
 - o the importance of promoting public confidence in the way suspected corrupt conduct in State Library is dealt with, and
 - o State Library's statutory, policy and procedural framework.

If the Chairperson, Library Board has responsibility to deal with the complaint, they:

- are delegated the same authority, functions and powers as the State Librarian and CEO to direct and control staff of State Library as if the nominated person is the State Librarian and CEO of State Library for the purpose of dealing with the complaint only
- are delegated the same authority, functions and powers as the State Librarian and CEO to enter into contracts on behalf of State Library 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 Chairperson, Library Board or the State Librarian and CEO to the nominated person.

10 Liaising with the Crime and Corruption Commission

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

- the contact details for the public official/CEO and the nominated person/s
- any proposed changes to this policy.

11 Consultation with the Crime and Corruption Commission

The State Librarian and CEO will consult with the CCC when preparing any policy about how State Library will deal with a complaint that involves or may involve corrupt conduct of the public official/CEO.

12 Essential considerations

There are no human rights under the *Human Rights Act 2019* that are impeded by this Policy. In acting within the scope of this policy, the impact on the *Human Rights Act 2019* will be considered.

13 References

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

14 Approval

Approved by resolution of the Library Board of Queensland on 27 April 2021 **RES/2021/31**.

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