

COMPLAINTS ABOUT THE PUBLIC OFFICIAL (CHAIR) POLICY



BRISBANE GIRLS
GRAMMAR SCHOOL

(Section 48A of the *Crime and Corruption Act 2001*)

1 Purpose

The purpose of this policy is to set out how the Board of Trustees of Brisbane Girls Grammar School (BGGGS Board of Trustees) will deal with a complaint (also information or matter)¹ that involves or may involve corrupt conduct² of the Chair of the Board of Trustees (BGGGS Chair) as defined in the *Crime and Corruption Act 2001* (CC Act). The BGGGS Chair is the Public Official of the BGGGS Board of Trustees within the meaning of the CC Act.

2 Scope

This policy applies:

- (a) if there are grounds to suspect that a complaint may involve corrupt conduct of the BGGGS Chair
- (b) to all persons who hold an appointment in, or are employees of, the BGGGS Board of Trustees.

For the purpose of this policy a complaint includes information or matter.³

3 Policy

The BGGGS Board of Trustees is committed to:

- (a) complying with s48A of the *Crime and Corruption Act 2001*
- (b) promoting public confidence in the way suspected corrupt conduct of the BGGGS Chair is dealt with (s34(c) CC Act)
- (c) promoting accountability, integrity and transparency in the way the BGGGS Board of Trustees deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the BGGGS Chair.

4 Roles and responsibilities

Having regard to s48A(2) and (3) of the CC Act, this policy nominates the Deputy Chair of the BGGGS Board of Trustees (Deputy Chair), or such other member of the BGGGS Board of Trustees as agreed by all Trustees other than the BGGGS Chair or Deputy Chair recorded by resolution, as the nominated person/s to notify⁴ the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act.⁵

The CC Act applies as if a reference about notifying or dealing with the complaint to the BGGGS Chair is a reference to the Deputy Chair⁶.

Nominated Person means the Deputy Chair of the BGGGS Board of Trustees (Deputy Chair) or such other member of the BGGGS Board of Trustees as agreed by all Trustees other than the BGGGS Chair or Deputy Chair recorded by resolution.

¹ See s48A of the CC Act and definitions below

² See s15 of the CC Act and definitions below

³ See s48(4) CC of the CC Act

⁴ Under ss37 or 38 of the CC Act

⁵ Under Chapter 2, Part 3, Division 4, Subdivisions 1 & 2 of the CC Act

⁶ See s48A(3) CC Act

5 Review and monitoring

This policy shall be reviewed every two years or in the event of any information, incident, legislative changes or organisational practice that would demonstrate the need for a review.

Document title	Complaints about the Chair Policy	Author	Board of Trustees
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6 Definitions

Crime and Corruption Commission (CCC): the Commission continued in existence under the *Crime and Corruption Act 2001*

CC Act: *Crime and Corruption Act 2001*

Complaint: includes information or matter. See definition provided by s48A(4) of the *Crime and Corruption Act 2001*

Contact details: should include a direct telephone number, email address and postal address to enable confidential communications

Corruption means corrupt conduct or police misconduct in accordance with the *Crime and Corruption Act 2001*

Corrupt conduct: see s15 of the *Crime and Corruption Act 2001*

Corruption in Focus: <http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus>; see chapter 2, page 2.5

Deal with a complaint about corruption or information or matter involving corruption, in accordance with the *Crime and Corruption Act 2001*, includes— (a) investigate the complaint, information or matter; and (b) gather evidence for— (i) prosecutions for offences; or (ii) disciplinary proceedings; and (c) refer the complaint, information or matter to an appropriate authority to start a prosecution or disciplinary proceeding; and (d) start a disciplinary proceeding; and (e) take other action, including managerial action, to address the complaint in an appropriate way.

Police misconduct: see Schedule 2 (Dictionary) of the *Crime and Corruption Act 2001*

Public Official/CEO, in accordance with the *Crime and Corruption Act 2001*, means - (a) the ombudsman; or (b) the chief executive officer of a unit of public administration, including the commissioner of police; or (c) a person who constitutes a corporate entity that is a unit of public administration. For the purposes of this Policy, the Chair of the Brisbane Girls Grammar School Board of Trustees (Chair) is the Public Official.

Unit of public administration (UPA): see s20 of the *Crime and Corruption Act 2001*

7 Related documents

Crime and Corruption Act 2001

APPENDIX A: PROCEDURES

1 Complaints about the BGGGS Chair

Where a complaint may involve an allegation of corrupt conduct against the BGGGS Chair, the complaint may be reported to:

- (a) the Deputy Chair; or
- (b) a person to whom there is an obligation to report under an Act⁷ (this does not include an obligation imposed by ss37, 38 and 39(1) of the CC Act).

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

If the Deputy Chair reasonably suspects the complaint may involve corrupt conduct of the BGGGS Chair, they are to:

- (a) notify the CCC of the complaint⁸; 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 Deputy Chair to deal with⁹.

If the BGGGS Chair reasonably suspects that the complaint may involve any allegations of corrupt conduct on their part, the BGGGS Chair must:

- (a) report the complaint to the Deputy Chair 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 Deputy Chair in consultation with the BGGGS Board of Trustees.

If directions issued under s40 apply to the complaint:

- (a) the Deputy Chair is to deal with the complaint; and

- (b) the BGGGS Chair is to take no further action to deal with the complaint unless requested to do so by the Deputy Chair in consultation with the BGGGS Board of Trustees.

2 Recordkeeping

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

3 Resourcing the BGGGS Chair or Deputy Chair

If pursuant to s40 or s46, the BGGGS Chair or Deputy Chair has responsibility to deal with the complaint¹⁰:

- (a) the BGGGS Board of Trustees will ensure that sufficient resources are available to the BGGGS Chair or Deputy Chair to enable them to deal with the complaint appropriately¹¹; and
- (b) the BGGGS Chair or Deputy Chair 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 BGGGS Chair or Deputy Chair responsible for dealing with the complaint.
- (c) the BGGGS Chair or Deputy Chair must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:

⁷ See s39(2) of the CC Act

⁸ Under ss37 or 38, subject to s40 of the CC Act

⁹ Under ss41 and 42 and/or ss43 and 44 of the CC Act

¹⁰ Under ss41 and 42 and/or ss43 and 44 of the CC Act

¹¹ See the CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 and the BGGGS Board of Trustees' relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint

- purposes of the CC Act¹²;
- the importance of promoting public confidence in the way suspected corrupt conduct in the BGGs Board of Trustees is dealt with¹³; and
- the BGGs Board of Trustees' statutory, policy and procedural framework.

If the Deputy Chair has responsibility to deal with the complaint, they:

- are delegated the same authority, functions and powers as the BGGs Chair as if the Deputy Chair is the BGGs Chair of the BGGs Board of Trustees for the purpose of dealing with the complaint only;
- are delegated the same authority, functions and powers as the BGGs Chair to enter into contracts on behalf of the BGGs Board of Trustees 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 BGGs Board of Trustees or the BGGs Chair, to the Deputy Chair.

If the BGGs Chair has responsibility to deal with the complaint, they must:

- disclose the complaint to the BGGs Board of Trustees;
- deal with the complaint; and
- before finally dealing with the complaint, report to the BGGs Board of Trustees about:
 - the action taken or not taken;
 - the reasons the BGGs Chair considers the action to be appropriate in the circumstances; and
 - the results of the action taken that are known at the time of the report¹⁴.

4 Liaising with the CCC

The BGGs Chair is to keep the CCC and the Deputy Chair informed of:

- the contact details for the BGGs Chair and the Deputy Chair; and
- any proposed changes to this policy.

5 Consultation with the CCC

The BGGs Chair will consult with the CCC when preparing any policy about how the BGGs Board of Trustees will deal with a complaint that involves or may involve corrupt conduct of the BGGs Chair.¹⁵

6 Statutory references

Unless otherwise stated, all statutory references are to the *Crime and Corruption Act 2001*.

7 Approval

This policy is approved by:

BGGs Chair

Date

BGGs Board of Trustees

Date

Review Date

¹² See ss57 and the CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 of the CC Act

¹³ See s34(c) CC Act

¹⁴ See ss42 and 44 of the CC Act

¹⁵ Section 48A of the CC Act