



Complaints about the Public Official Policy

Brief description

This Policy sets out how GPC will deal with a complaint that involves or may involve Corrupt Conduct of the CEO, so that transparency and integrity are maintained.

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Custodian	Senior Employment Lawyer

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If you require any further information, please contact the Custodian.

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The current version of this Policy is available on GPC's Intranet.

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1 Terms and definitions

In this Policy:

“**CC Act**” means the *Crime and Corruption Act 2001* (Qld).

“**Complaint**” includes information or matter (see sections 38 and 48A (4) of the CC Act).

“**Corrupt Conduct**” has the meaning given in section 15 of the CC Act.

“**CCC**” means the Crime and Corruption Commission as established under the CC Act.

“**Nominated Person**” means the person nominated to deal with a complaint that involves or may involve Corrupt Conduct of the CEO. The Nominated Person for this Policy is specified in section 3.1 below.

“**Vendor**” has the meaning of the current approved Consultant, awarded Contract through market testing. Terms that are capitalised and not otherwise defined in this Policy are defined in the GPC Corporate Glossary Instruction (as listed in Appendix 1 – Related documents).

2 Introduction

2.1 Purpose

The purpose of this Policy is to set out how GPC will deal with a complaint that involves or may involve Corrupt Conduct of its CEO. It is not appropriate for the CEO to deal with any complaints of Corrupt Conduct made against him/her for the obvious reason that he/she will have a conflict of interest. For that reason, this Policy nominates the Nominated Person to deal with such complaints.

GPC, as a GOC, is not strictly required to have a Policy under section 48A of the CC Act, but has elected to have such a policy as a matter of best practice.

2.2 Scope

This Policy applies:

- if there are grounds to suspect that a complaint involves or may involve Corrupt Conduct by the CEO; and
- to all GPC Representatives, Contractors and Consultants.

2.3 Objectives

This Policy is designed to:

- promote public confidence in the way suspected Corrupt Conduct of the CEO is dealt with;
- promote accountability, integrity and transparency in the way GPC manages a complaint that is suspected to involve, or may involve, Corrupt Conduct of the CEO;
- implement best practice in managing conflicts of interest and principles of procedural fairness; and
- protect both the CEO and GPC against claims of bias.

3 Commitments

3.1 Nominated Person

Having regard to s48A (2) and (3) of the CC Act, this Policy nominates the Vendor to be the Nominated Person.

The Vendor can be contacted at:

Phone: 1800 693 362

Mail:
PO BOX 730
Milsons Point
NSW 1565

Email: gpcspeakup@coreintegrity.com.au

In the event that the Vendor is unavailable, this Policy nominates the Chair to be the Nominated Person. The Chair will only be the Nominated Person in the event that the Vendor is unavailable.

3.2 Complaints about the CEO

All complaints that may give rise to a reasonable suspicion of Corrupt Conduct by the CEO must be reported to the Nominated Person. If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the Nominated Person.

If the Nominated Person reasonably suspects that a complaint involves or may involve Corrupt Conduct by the CEO, the Nominated Person must:

- (a) notify the Chair of the Board of GPC and [representatives of Queensland Treasury] so that a determination can be made to notify the CCC of the complaint (consistent with section 156(3) and (4) of the GOC Act); and
- (b) deal with the complaint, subject to the CCC's monitoring role and oversight by representatives of Queensland Treasury, when, pursuant to section 46 of the CC Act, the CCC refers the complaint to the Nominated Person to deal with.

There does not need to be a formal complaint from an aggrieved person – other information or matter may give rise to a reasonable suspicion such that notification to the CCC is required (for example, through the findings of an internal audit report or in the course of resolving a grievance). Notification is not required if the Nominated Person and representatives of Queensland Treasury do not hold a reasonable suspicion.

For every complaint about alleged corrupt conduct of the CEO, including those that the Nominated Person decides are not required to be notified to the CCC under section 38 of the CC Act, the Nominated Person must ensure that a Corrupt Conduct Assessment Form is completed. GPC, as a GOC, is not strictly required to comply with section 40A of the CC Act (when records of alleged corrupt conduct not notified to the CCC must be made) but has elected to adopt the practice of completing a Corrupt Conduct Assessment Form for all complaints as a matter of best practice.

If the CEO reasonably suspects that a complaint involves or may involve Corrupt Conduct on his/her part, the CEO 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, in consultation with the Board.

3.3 Resourcing the Nominated Person

If the Nominated Person has responsibility to deal with a complaint:

- (a) GPC will ensure that sufficient resources are available to the Nominated Person to enable him/her to deal with the complaint appropriately; and
- (b) the Nominated Person 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:
 - (i) authorisation under a law of the Commonwealth or the State; or
 - (ii) the consent of the Nominated Person responsible for dealing with the complaint.

The Nominated Person must, at all times, use his/her best endeavours to act independently, impartially and fairly having regard to the purposes of the CC Act, the importance of promoting public confidence in the way suspected Corrupt Conduct in GPC is dealt with, and GPC's statutory, policy and procedural framework.

In dealing with the complaint, the Nominated Person:

- (a) is delegated the same authority, functions and powers as the CEO to direct and control staff of GPC as if the Nominated Person is the CEO of GPC for the purpose of dealing with the complaint only;
- (b) is delegated the same authority, functions and powers as the CEO to enter into contracts on behalf of GPC for the purpose of dealing with the complaint; and
- (c) does not have any authority, function or power that cannot – under the law of the Commonwealth or the State – be delegated by either the Board or the CEO to the Nominated Person.

To ensure the integrity of any complaint and investigation process, the CEO must not interfere (directly or indirectly), nor do anything that may give rise to a perception of interference, with any decisions relating to any investigation including any resourcing decisions which may impact on the Nominated Person's capacity to properly undertake the investigation.

3.4 Liaising with the CCC

The CEO is required to keep the CCC and the Nominated Person informed of:

- the contact details for the CEO and the Nominated Person (including a direct telephone number, email address and postal address to enable confidential communications); and
- any proposed changes to this Policy.

3.5 Consultation with the CCC

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

4 Implementation framework

This Policy should be read in conjunction with GPC's Fraud and Corruption Policy and Standard, Conflicts of Interest Policy and Procedure, Public Interest Disclosure ("PID") Procedure and Whistleblower Protection Procedure.

When assessing a complaint, the Nominated Person should also consider:

- (a) whether it is a report about Wrongdoing (as defined in the Whistleblower Protection Procedure), in which case the steps and protections in the Whistleblower Protection Procedure may apply; and
- (b) whether it is a PID (as defined in the PID Procedure), in which case the steps and protections in the PID Procedure may apply.

5 Monitoring and review

Adherence to this Policy will be monitored through external and internal audit processes.

Actual or suspected breaches of this Policy should be reported to a Protected Disclosure Officer as listed in the Whistleblower Protection Procedure (but not to any Protected Disclosure Officer that is also the Nominated Person nominated in section 3.1 above).

6 Appendices

6.1 Appendix 1 – Related documents

(a) **Gladstone Ports Corporation documents**

The following documents relate to this Policy:

Type	Document number and title
Tier 1: Policy	#174070 Conflicts of Interest Policy
	#1603663 Fraud and Corruption Policy
Tier 2: Standard/Strategy	#1634161 Fraud and Corruption Standard
Tier 3: Specification/ Procedure/Plan	#941363 Public Interest Disclosure Procedure
	#1522205 Whistleblower Protection Procedure
	#1447372 Conflicts of Interest Procedure
Tier 4: Instruction/Form/ Template/Checklist	#1621179 Corporate Glossary Instruction
	#1658976 Corrupt Conduct Assessment Form
Other	N/A

6.2 Appendix 2 – Revision history

Revision date	Revision description	Author	Endorsed by	Approved by
23/05/2018	v1B – Published	Sohana Maharaj, CGO	FICA Committee	Board
21/09/2018	v1C – CCC Review		Sohana Maharaj, CGO	EMT
13/08/2020	v2 – Legal review by Herbert Smith Freehills and CCC	Rufus Gandhi, General Counsel and Company Secretary	EMT	Board
6/12/2023	V3 – remove reference to General Counsel - replace with Senior Employment Lawyer, update reference to Vendor and contact details.	Adam Butson - Senior Legal Counsel Governance Amelia Davey – Business Planning & Corporate Strategy Lead	CEO	Board