



**Brisbane 2032**

Olympic and Paralympic  
Games Host

*Queensland*



# **Brisbane Organising Committee for the 2032 Olympic and Paralympic Games**

## **Complaints about the public official: section 48A of the *Crime and Corruption Act 2001***

**December 2023**

PREPARED BY:

General Counsel

ACCOUNTABLE EXECUTIVE:

Chief Executive Officer

## Document Control

### Document properties

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### Key dates

Policy commenced	22 December 2023
Last review date	Click or tap to enter a date.
Next review date	24 March 2024

### Version History

Version	Approved by	Date	Change
1.0	Board	22 December 2023	Policy adopted

## 1. Purpose

The CEO is the public official of Brisbane 2032. The purpose of this policy is to outline Brisbane 2032's approach to dealing with a complaint (also information or matter) that involves or may involve Corrupt Conduct of the CEO, as defined in the *Crime and Corruption Act 2001* (CC Act).

## 2. Objectives

The policy provides a framework to:

- assist Brisbane 2032 to comply with s 48A of the CC Act;
- promote public confidence in the way suspected Corrupt Conduct of the CEO for Brisbane 2032 is dealt with; and
- promote accountability, integrity and transparency in the way Brisbane 2032 deals with a complaint that is suspected to involve or may involve Corrupt Conduct of the CEO.

## 3. Principles

The following principles guide Brisbane 2032's approach to suspected Corrupt Conduct that involves or may involve the CEO:

- Brisbane 2032 is a high-profile organisation and effective management of suspected Corrupt Conduct that involves or may involve the CEO is a critical means of managing reputational risk and maintaining public and stakeholder confidence;
- the process for dealing with a complaint that is suspected to involve or may involve Corrupt Conduct of the CEO must comply with s 48A of the CC Act; and
- Brisbane 2032 is responsible for providing and implementing a policy environment that promotes accountability, integrity and transparency.

## 4. Scope

This policy applies if there are grounds to suspect that a complaint involves or may involve Corrupt Conduct of the CEO. For the purpose of this policy a complaint includes information or matter.<sup>1</sup>

Reports or complaints of suspected Corrupt Conduct that involves or may involve a Director, C-Suite Executive or Personnel should follow the process for making a report or complaint in accordance with the Brisbane 2032 *Fraud and Corrupt Conduct Policy*.

Compliance with this policy is the responsibility of all Personnel, irrespective of an individual's particular role or responsibilities.

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<sup>1</sup> See s. 48A(4) of the CC Act.

## 5. Definitions

Term	Meaning
The Act	The <i>Brisbane Olympic and Paralympic Games Arrangements Act 2021</i> (Qld).
The CC Act	<i>Crime and Corruption Act 2001</i> (Qld).
Board	The Brisbane 2032 board of Directors.
Brisbane 2032	Brisbane Organising Committee for the 2032 Olympic and Paralympic Games.
Chief Executive Officer / CEO	Current Chief Executive Officer of Brisbane 2032 appointed by the Board under the Act.
C-Suite Executive	Current Band 7 (C-Suite) employee of Brisbane 2032 reporting directly to the Chief Executive Officer.
Complaint	Includes information or matter: see definition provided by s. 48A(4) of the CC Act.
Contact details for Nominated person	<ul style="list-style-type: none"> <li>• Brisbane 2032 President</li> <li>• Level 22, 53 Albert Street Brisbane QLD 4000</li> </ul> Email: president@brisbane2032.com.au
Corruption	See Schedule 2 (Dictionary) of the CC Act.
Corrupt conduct	See s. 15 of the CC Act.
Crime and Corruption Commission (CCC)	The Commission continued in existence under the CC Act.
Deal with	See Schedule 2 (Dictionary) of the CC Act.
Director(s)	Current members of the Board appointed under the Act, except as provided in s 8(2) of the CC Act, where the Director is also a member of the Parliament of the Commonwealth.
Nominated person	See item 7 of this policy.
Personnel	Brisbane 2032 employees, directors, officers, volunteers and, where applicable, contractors engaged and undertaking work on behalf of Brisbane 2032, wherever they may be located.
President	Current President of Brisbane 2032 appointed under the Act.
Public Official/CEO	See Schedule 2 (Dictionary) and also s. 48A of the CC Act.

Unit of public administration (UPA)	See s. 20 of the CC Act.
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## 6. Context

Under s 48A of the CC Act, Brisbane 2023 must have a policy for dealing with complaints of suspected Corrupt Conduct that involve or may involve the CEO.

This policy has been developed in accordance with those obligations.

## 7. Nominated Person

Having regard to s 48A(2) and (3) of the CC Act, the President is nominated as the Nominated Person to notify<sup>2</sup> the CCC of the complaint and to deal with the complaint under the CC Act.<sup>3</sup>

The CC Act applies as if a reference about notifying or dealing with the complaint to the CEO is a reference to the Nominated Person.<sup>4</sup>

## 8. Complaints about the CEO

If a complaint may involve an allegation of corrupt conduct of the CEO, the complaint may be reported to:

- the Nominated Person; or
- a person to whom there is an obligation to report under an Act.<sup>5</sup>

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 the complaint may involve Corrupt Conduct of the CEO, they are to:

- notify the CCC of the complaint;<sup>6</sup> and
- deal with the complaint, subject to the CCC's monitoring role when pursuant to s 46 of the CC Act, the CCC refers the complaint to the Nominated Person to deal with.<sup>7</sup>

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<sup>2</sup> ss 37 or 38 of the CC Act.

<sup>3</sup> Under Chapter 2, Part 3, Division 4, Subdivisions 1 & 2 of the CC Act.

<sup>4</sup> s 48A(3) of the CC Act.

<sup>5</sup> s 39(2) of the CC Act. This does not include an obligation imposed by ss 37, 38 or 39(1) of the CC Act.

<sup>6</sup> Under ss 37 or 38 of the CC Act, subject to s 40 of the CC Act.

<sup>7</sup> Under ss 41 and 42 and/or ss 43 and 44 of the CC Act.

If the CEO reasonably suspects a complaint may involve Corrupt Conduct on their part, the CEO must:

- report the complaint to the Nominated Person as soon as practicable and may also notify the CCC; and
- take no further action to deal with the complaint unless requested to do so by the Nominated Person in consultation with a person to whom there is an obligation to report under an Act.<sup>8</sup>

## 9. Recordkeeping requirements

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

## 10. Resourcing the nominated person

If pursuant to ss 40 or 46 of the CC Act, the Nominated Person has responsibility to deal with the complaint:<sup>9</sup>

- Brisbane 2032 will ensure that sufficient resources are available to the Nominated Person to enable them to deal with the complaint appropriately;<sup>10</sup> and
- 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:
  - authorisation under a law of the Commonwealth or the State, or
  - the consent of the nominated person responsible for dealing with the complaint
- the Nominated Person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
  - purposes of the CC Act;<sup>11</sup>
  - the importance of promoting public confidence in the way suspected corrupt conduct in Brisbane 2032 is dealt with;<sup>12</sup> and
  - Brisbane 2032's statutory, policy and procedural framework.

If the Nominated Person has responsibility to deal with the complaint, they:

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<sup>8</sup> s 39(2) of the CC Act. This does not include an obligation imposed by ss 37, 38 or 39(1) of the CC Act.

<sup>9</sup> Under ss 41 and 42 and/or ss 43 and 44 of the CC Act.

<sup>10</sup> See the Crime and Corruption Commission's corruption purposes and function set out in ss 4(1)(b), 33, 34, 35 of the CC Act and Brisbane 2032's relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint.

<sup>11</sup> See s 57 of the CC Act and the CCC's corruption purposes and function set out in ss 4(1)(b), 33, 34, 35 of the CC Act.

<sup>12</sup> See s 34(c) of the CC Act.

- are delegated the same authority, functions and powers as the CEO to direct and control staff of Brisbane 2032 as if the Nominated Person is the CEO of Brisbane 2032 for the purpose of dealing with the complaint only;
- are delegated the same authority, functions and powers as the CEO to enter into contracts on behalf of Brisbane 2032 for the purpose of dealing with the complaint; and
- do not have any authority, function or power that cannot — under the law of the Commonwealth or the State — be delegated by the CEO to the Nominated Person.

## 11. Liaising with the CCC

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

- the contact details for the CEO and the Nominated Person; and
- any proposed changes to this policy.

## 12. Consultation with the CCC

The CEO will consult with the CCC when preparing any policy about how Brisbane 2032 will deal with a complaint that involves or may involve Corrupt Conduct of the CEO.<sup>13</sup>

## 13. Statutory references

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

## 14. Human Rights

Brisbane 2032 will act and make decisions under this policy that give proper consideration to, and are compatible with, relevant human rights in accordance with the *Human Rights Act 2019*.

## 15. Responsibilities

Position	Responsibilities
The Board	<ul style="list-style-type: none"> <li>• Approves this policy.</li> <li>• Ensures this policy is enforced.</li> <li>• Reports complaints that involve an allegation of suspected corrupt conduct on the part of the CEO in accordance with this policy.</li> </ul>
Chief Executive Officer	<ul style="list-style-type: none"> <li>• Must notify the Nominated Person and may also notify the CCC if they reasonably suspect that a complaint may involve corrupt conduct on their part.</li> </ul>

<sup>13</sup> s 48A of the CC Act.

	<ul style="list-style-type: none"> <li>• Once notified, must not take action to deal with the complaint unless requested to do so by the Nominated Person.</li> <li>• Visibly promotes and communicates within Brisbane 2032 and externally the high standards of honest and ethical business practices that are expected and required by Brisbane 2032.</li> <li>• Keeps the CCC and the Nominated Person informed of the contact details of the CEO and the Nominated Person.</li> <li>• Consults with the CCC in relation to preparing this policy and any proposed changes to this policy.</li> <li>• Maintains confidentiality in any matters under this policy.</li> </ul>
Directors individually	<ul style="list-style-type: none"> <li>• Comply with this policy.</li> </ul>
General Counsel	<ul style="list-style-type: none"> <li>• Provides advice and assistance to the Nominated Person in performing their responsibilities under this policy, as appropriate.</li> <li>• Maintains confidentiality in any matters under this policy.</li> <li>• Report suspected Corrupt Conduct on the part of the CEO in accordance with this policy.</li> </ul>
Personnel	<ul style="list-style-type: none"> <li>• Undertake mandated training about public sector ethics.</li> <li>• Report suspected Corrupt Conduct on the part of the CEO in accordance with this policy.</li> </ul>
President/Nominated Person	<ul style="list-style-type: none"> <li>• Deals with complaints of suspected Corrupt Conduct which involve or may involve the CEO in accordance with the process set out in this policy, subject to the CCC's monitoring role.</li> <li>• Ensures records are kept in connection with the CC Act and this policy.</li> <li>• Maintains confidentiality in any matters under this policy.</li> </ul>

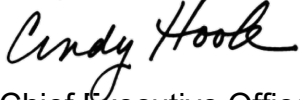
## 16. Related Documents

- *Brisbane 2032 Code of Conduct*
- *Brisbane 2032 Gifts, Benefits, Entertainment and Hospitality Policy*
- *Brisbane 2032 Fraud and Corrupt Conduct Policy*



## 17. Approval

This policy is approved by:



Chief Executive Officer

Date 22 December 2023 .....

Board

Date 22 December 2023 .....

Review date 24 March 2024