

## Complaints about the Vice Chancellor: Section 48A of the *Crime and Corruption Act 2001*

|                              |   |
|------------------------------|---|
| <b>Approving authority</b>   | University Council  |
| <b>Approval date</b>         | 1 December 2014   |
| <b>Advisor</b>               | Vice President (Corporate Services)   <a href="mailto:vpcorporateservices@griffith.edu.au">vpcorporateservices@griffith.edu.au</a>   (07) 373 57343   |
| <b>Next scheduled review</b> | 2019  |
| <b>Document URL</b>          | <a href="http://policies.griffith.edu.au/pdf/Complaints-about-the-Vice-Chancellor-Section-48A-of-the-Crime-and-Corruption-Act-2001.pdf">http://policies.griffith.edu.au/pdf/Complaints-about-the-Vice-Chancellor-Section-48A-of-the-Crime-and-Corruption-Act-2001.pdf</a>           |
| <b>TRIM document</b>         | 2014/0007088  |
| <b>Description</b>           | The Vice Chancellor is the Chief Executive Officer of Griffith University. This policy sets out how the University will deal with a complaint that involves or may involve corrupt conduct of the Vice Chancellor, as defined in the <i>Crime and Corruption Act 2001</i> (CC Act). |

### Statutory Reference:

[Crime and Corruption Act 2001](#)

## 1. POLICY RATIONALE

This policy is designed to assist the University to:

1. Comply with s48A of the *Crime and Corruption Act 2001* (CC Act).
2. Promote public confidence in the way suspected corrupt conduct of the Vice Chancellor is dealt with.
3. Promote accountability, integrity and transparency in the way the University deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the Vice Chancellor.

## 2. DEFINITIONS

|                                       |   |
|---------------------------------------|---|
| Crime and Corruption Commission (CCC) | the Commission continued in existence under the <a href="#">Crime and Corruption Act 2001</a>   |
| CC Act                                | <a href="#">Crime and Corruption Act 2001</a>   |
| Complaint                             | includes information or matter involving corrupt conduct. See definition provided by <a href="#">s48A(4) of the Crime and Corruption Act 2001</a> |
| Corruption                            | <a href="#">see Schedule 2 (Dictionary) of the Crime and Corruption Act</a>   |

|                     |   |
|---------------------|---|
|                     | <a href="#">2001</a>  |
| Corrupt conduct     | <a href="#">see s15 of the <i>Crime and Corruption Act 2001</i></a>                                   |
| Deal with           | <a href="#">see <i>Schedule 2 (Dictionary) of the Crime and Corruption Act 2001</i></a>               |
| Nominated person    | see item 4 of this policy   |
| Public Official/CEO | <a href="#">see <i>Schedule 2 (Dictionary) and also s48A of the Crime and Corruption Act 2001</i></a> |

---

### 3. POLICY APPLICATION

This policy applies:

- If there are grounds to suspect that a complaint may involve corrupt conduct of the Vice Chancellor of the University;
- To all persons who hold an appointment in, or are employees of, the University.

For the purpose of this policy, a complaint includes information or matter involving corrupt conduct (see definition of complaint in clause 2 of this policy).

---

### 4. NOMINATED PERSON

Having regard to s48A (2) and (3) of the CC Act, the Chancellor of the University is the nominated person to notify the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act.

---

### 5. COMPLAINTS ABOUT THE VICE CHANCELLOR

#### 5.1 Complaints involving a reasonable suspicion of corrupt conduct

If a complaint may involve an allegation of corrupt conduct of the Vice Chancellor of the University, the complaint may be reported to

- the Chancellor of the University (email: [chancellor@griffith.edu.au](mailto:chancellor@griffith.edu.au)); or
- a person to whom there is an obligation to report corruption under another Act.

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

If the Chancellor reasonably suspects the complaint may involve corrupt conduct of the Vice Chancellor, the Chancellor will:

- (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 of the CC Act apply to the complaint, if any, or
  - Pursuant to s46 of the CC Act, the CCC refers the complaint to the Chancellor to deal with.

## **5.2 Vice Chancellor reasonably suspects that a complaint may involve corrupt conduct on their part**

If the Vice Chancellor reasonably suspects that a complaint may involve corrupt conduct on their part, the Vice Chancellor must:

- (i) Report the complaint to the Chancellor 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 Chancellor in consultation with the University Council.

## **5.3 Directions issued under s40 of the CC Act**

If directions issued under s40 of the CC Act apply to the complaint:

- (i) The Chancellor is to deal with the complaint, and
- (ii) The Vice Chancellor is to take no further action to deal with the complaint unless requested to do so by the Chancellor in consultation with the University Council.

---

# **6. RESOURCING THE CHANCELLOR**

## **6.1 Responsibility to deal with complaint pursuant to ss40 or 46 of the CC Act**

If pursuant to ss40 or 46 of the CC Act, the Chancellor has responsibility to deal with the complaint:

- (i) the University will ensure that sufficient resources are available to the Chancellor to enable the Chancellor to deal with the complaint appropriately, and
- (ii) the Chancellor 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 Chancellor.
- (iii) the Chancellor must, at all times, use their 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 the University is dealt with, and
  - the University's statutory, policy and procedural framework.

## **6.2 In dealing with the complaint, the Chancellor:**

- is delegated the same authority, functions and powers as the Vice Chancellor to direct and control staff of the University as if the Chancellor is the Vice Chancellor of the University, for the purpose of dealing with the complaint only;
- is delegated the same authority, functions and powers as the Vice Chancellor to enter into contracts on behalf of the University for the purpose of dealing with the complaint;
- does not have any authority, function or power that cannot – under the law of the Commonwealth or the State – be delegated by either the University Council or the Vice Chancellor.

## **7 LIAISING WITH THE CCC**

The Vice Chancellor is to keep the CCC informed of:

- the contact details for the Vice Chancellor and the Chancellor
  - any proposed changes to this policy.
- 

## **8 CONSULTATION WITH THE CCC**

The Vice Chancellor will consult with the CCC when preparing any policy about how the University will deal with a complaint that involves or may involve corrupt conduct of the Vice Chancellor.

---

## **9 STATUTORY REFERENCES**

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

---