

Dealing with a complaint of corrupt conduct against the Ombudsman

Statement

The Energy and Water Ombudsman (**Ombudsman**) is the public official of the Office of the Energy and Water Ombudsman Queensland (**EWOQ**) within the meaning of the Crime and Corruption Act 2001 (**CC Act**).

The objective of this procedure is to set out how EWOQ will deal with a complaint (also information or matter).

Scope

The procedure is designed to assist EWOQ to:

- Comply with s48A of the CC Act.
- Promote public confidence in the way suspected corrupt conduct of the Ombudsman is dealt with (s34(c) CC Act).
- Promote accountability, integrity and transparency in the way EWOQ deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the Ombudsman.

This procedure applies:

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

Having regard to s48A(2) and (3) of the CC Act, this procedure nominates the General Manager, SOG 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.

General Manager, SOG contact details are as follows:

Eleanor Bray

Telephone 07 3087 9453

Email eleanor.bray@ewoq.com.au

PO Box 3640, South Brisbane BC Qld 4101

The CC Act applies as if a reference about notifying or dealing with the complaint to the Ombudsman is a reference to the General Manager, SOG.

Procedures

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

- the General Manager, SOG, or

- a person to whom there is an obligation to report under an Act (this does not include an obligation imposed by s37, s38 and s39(1) of the CC Act).

If there is uncertainty about whether or not a complaint should be reported, EWOQ officers should err on the side of caution and report the conduct to the General Manager, SOG.

If the General Manager, SOG reasonably suspects the complaint may involve corrupt conduct of the Ombudsman, the General Manager, SOG will:

- notify the CCC of the complaint in accordance with the CC Act (provisions 38 and 39); and
- deal with the complainant, subject to the CCC's monitoring role, when -
 - directions issued under s40 CC Act apply to the complaint, if any; or
 - pursuant to s46 CC Act, the CCC refers the complaint to the General Manager, SOG to deal with.

If the Ombudsman receives a complaint directly and they reasonably suspect that the complaint may relate to corrupt conduct on their part, the Ombudsman must:

- report the complaint to the General Manager, SOG 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 General Manager, SOG in consultation with the Minister.

Where there is a nominated person and directions issued under s40 of the CC Act apply to the complaint:

- the General Manager, SOG is to deal with the complaint; and
- the Ombudsman is to take no further action to deal with the complaint unless requested to do so by the General Manager, SOG in consultation with the Minister.

Confidentiality

The Ombudsman, the General Manager, SOG, and persons responsible for dealing with the complaint about corrupt conduct (including external investigators) have a duty to maintain confidentiality in relation to the complaint. The duty to maintain confidentiality extends to the identity of the person making the complaint, the person who is the subject of the complaint, and sometimes even the existence of the complaint.

Consideration will also need to be given to whether the complainant is making a public interest disclosure and is therefore subject to the provisions of the *Public Interest Disclosure Act 2010*. In particular, the following should be kept confidential:

- The identity of the source of information (including the names of any disclosers).
- The identity of those involved in the investigation including witnesses.
- The nature and content of oral and documentary evidence gathered during the investigation.

Resourcing the General Manager, SOG

If pursuant to s40 or s46 of the CC Act, the General Manager, SOG has responsibility for dealing with the complaint:

- EWOQ will ensure that sufficient resources are available to enable the General Manager, SOG to deal with the complaint appropriately, and

- the General Manager, SOG will 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.

The General Manager, SOG 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 EWOQ is dealt with.

If the General Manager, SOG has responsibility to deal with the complaint, they are delegated the same authority, functions and powers as the Ombudsman to direct and control employees of EWOQ as if the General Manager, SOG is the Ombudsman of EWOQ for the purpose of dealing with the complaint only.

Liaising with the CCC

The General Manager, SOG is to keep the CCC and the Ombudsman informed of:

- the contact details for the Ombudsman and the General Manager, SOG; and
- any proposed changes to this procedure.

Consulting with the CCC

The Ombudsman and the General Manager, SOG will consult with the CCC when preparing any procedure about how EWOQ will deal with a complaint that involves or may involve corrupt conduct of the Ombudsman.

Approval

<p>Approved by: Jane Pires, EWO</p> <p><i>Jane Pires</i> <small>Jane Pires (Jun 30, 2021 14:28 GMT+10)</small></p> <p>Signed:</p> <p>Date:</p>	<p>Endorsed by: Eleanor Bray, GM SOG</p> <p><i>Eleanor Bray</i> <small>Eleanor Bray (Jun 30, 2021 14:28 GMT+10)</small></p> <p>Signed:</p> <p>Date:</p>	<p>Authored by: Lyndal Bubke, PPO</p>	<p>Effective Date:</p> <hr/> <p>Date for review:</p>
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