



Complaints about the President of the Land Court of Queensland: section 48A of the *Crime and Corruption Act 2001*

1 Objective

The President of the Land Court of Queensland is the public official of the Land Court of Queensland.

The objective of this policy is to set out how the Land Court of Queensland will deal with a complaint (also information or matter) that involves or may involve corrupt conduct of its President as defined in the *Crime and Corruption Act 2001* (CC Act).

2 Policy rationale

The policy is designed to assist the Land Court of Queensland to:

1. Comply with s48A of the *Crime and Corruption Act 2001*,
2. Promote public confidence in the way suspected corrupt conduct of the President of the Land Court of Queensland is dealt with (s34(c) CC Act), and
3. Promote accountability, integrity and transparency in the way the Land Court of Queensland deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the President.

3 Definitions

Crime and Corruption Commission (CCC)	the Commission continued in existence under the <i>Crime and Corruption Act 2001</i>
CC Act	<i>Crime and Corruption Act 2001</i>
Complaint	includes information or matter. See definition provided by s48A(4) of the <i>Crime and Corruption Act 2001</i>
Contact details	<u>Contact details for the nominated person:</u> chiefjustice.bowskill@courts.qld.gov.au Telephone: 07 3738 7662 Postal Address: PO Box 15167, City East Qld 4001
Corruption	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Corrupt conduct	see s15 of the <i>Crime and Corruption Act 2001</i>
<i>Corruption in Focus</i>	http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus ; see chapter 2, page 2.6
Deal with	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Nominated person	see item 5 of this policy
Public Official/CEO	see Schedule 2 (Dictionary) and also s48A of the <i>Crime and Corruption Act 2001</i>



Crime and Corruption Commission (CCC)	the Commission continued in existence under the <i>Crime and Corruption Act 2001</i>
Unit of public administration (UPA)	see s20 of the <i>Crime and Corruption Act 2001</i>

4 Policy application

This policy applies:

1. if there are grounds to suspect that a complaint may involve corrupt conduct of the President of the Land Court of Queensland, and
2. to all persons who hold an appointment in, or are employees of, the Land Court of Queensland.

For the purpose of this policy, reference to the Land Court of Queensland is as the UPA and not the administration provided by the Department of Justice and Attorney-General (DJAG).

For the purpose of this policy a complaint includes information or matter.¹

5 Nominated person

Having regard to s48A(2) and (3) of the CC Act, this policy nominates the Chief Justice of the Supreme Court of Queensland as the nominated person to notify² the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act.³

The CC Act applies as if a reference about notifying or dealing with the complaint to the public official/CEO is a reference to the nominated person⁴.

6 Complaints about the President

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

- (i) report the complaint to the Chief Justice of the Supreme Court of Queensland 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 Chief Justice of the Supreme Court of Queensland in consultation with the Attorney-General.

If a complaint may involve an allegation of corrupt conduct of the President of the Land Court of Queensland, the complaint may be reported to the Chief Justice of the Supreme Court of Queensland.

¹ See s48(4) CC of the CC Act.

² Under s38 of the CC Act.

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

⁴ See s48A(3) CC Act.



If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the Chief Justice of the Supreme Court of Queensland.

If the Chief Justice of the Supreme Court of Queensland reasonably suspects a complaint may involve corrupt conduct of the President of the Land Court of Queensland, they are to:

- (a) notify the CCC of the complaint⁵, 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 Chief Justice of the Supreme Court of Queensland⁶.

If directions issued under s40 apply to a complaint:

- (i) the Chief Justice of the Supreme Court of Queensland is to deal with the complaint, and
- (ii) the President is to take no further action to deal with the complaint unless requested to do so by the Chief Justice of the Supreme Court of Queensland in consultation with the Attorney-General.

7 Recordkeeping requirements

Should the nominated person decide that a complaint, or information or matter, about alleged corrupt conduct of the President of the Land Court of Queensland 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.

8 Resourcing the Chief Justice of the Supreme Court of Queensland

If pursuant to ss40 or 46, the Chief Justice of the Supreme Court of Queensland has responsibility to deal with the complaint⁷:

- (i) the Land Court of Queensland will ensure that sufficient resources are available to the Chief Justice of the Supreme Court of Queensland to enable them to deal with the complaint appropriately⁸, and
- (ii) the Chief Justice of the Supreme Court of Queensland 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

⁵ Under s38, subject to s40 of the CC Act.

⁶ Under ss43 and 44 of the CC Act.

⁷ Under ss43 and 44 of the CC Act.

⁸ See the CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 and the Land Court of Queensland's relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint.



- the consent of the Chief Justice of the Supreme Court of Queensland responsible for dealing with the complaint,
- (iii) the Chief Justice of the Supreme Court of Queensland must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
- purposes of the CC Act⁹,
 - the importance of promoting public confidence in the way suspected corrupt conduct in the Land Court of Queensland is dealt with¹⁰, and
 - the Land Court of Queensland's statutory, policy and procedural framework.

If the Chief Justice of the Supreme Court of Queensland has responsibility to deal with the complaint, they:

- are delegated the same authority, functions and powers as the President of the Land Court of Queensland to direct and control members of the Land Court of Queensland as if the nominated person is the President of the Land Court of Queensland for the purpose of dealing with the complaint only;
- are delegated the same authority, functions and powers as the President of the Land Court of Queensland to enter into contracts on behalf of the Land Court of Queensland 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 Attorney-General and Minister for Justice or the President of the Land Court of Queensland, to the Chief Justice of the Supreme Court of Queensland; and
- may contact the Executive Director, Ethical Standards Unit, DJAG as necessary, who has authority to direct Land Court of Queensland administrative staff (DJAG) for the purpose of dealing with alleged corrupt conduct.

9 Liaising with the CCC

The President of the Land Court of Queensland is to keep the CCC and the Chief Justice of the Supreme Court of Queensland informed of:

- the contact details for the President of the Land Court of Queensland and the Chief Justice of the Supreme Court of Queensland, and
- any proposed changes to this policy.

10 Consultation with the CCC

The President of the Land Court of Queensland will consult with the CCC when preparing any policy about how the Land Court of Queensland will deal with a complaint that involves or may involve corrupt conduct of the President of the Land Court of Queensland.¹¹

⁹ See ss57 and the CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 of the CC Act.

¹⁰ See s34(c) CC Act.

¹¹ Section 48A of the CC Act.



11 Statutory references

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

12 Approval

This policy is approved by:

President FY Kingham
Land Court of Queensland

Date 11 / 07 / 2022

Review date: This policy will be reviewed before 31 July 2027