

Management of Public Official Complaints

Document Number –GOV-POL-36

1.0 Policy Statement

Stanwell will observe its obligations under all laws and regulations that are applicable to its business and is committed to creating and supporting a workplace culture that promotes fair and just ethical standards, as set out in the Stanwell Corporation Limited's (**Stanwell**) *Code of Conduct*.

The *Management of Public Official Complaints Policy* is intended to support this workplace culture by providing a framework for the management of a complaint that involves or may involve corrupt conduct allegedly committed by our Public Official (the Chief Executive Officer).

This Policy will assist Stanwell to:

1. comply with Section 48A of the *Crime and Corruption Act 2001* (Qld) (**CC Act**);
2. promote public confidence in the way reasonably suspected corrupt conduct by Stanwell's Public Official is dealt with under section 34(c) of the CC Act; and
3. promote accountability, integrity and transparency in the way Stanwell deals with a complaint that is suspected to involve, or may involve, corrupt conduct by the Public Official.

2.0 Purpose/Scope

The purpose of this Policy is to set out how Stanwell will manage a complaint that involves or may involve corrupt conduct allegedly committed by its Public Official as defined by the CC Act.

For the purposes of this Policy, a complaint includes information or matter.

3.0 Content

3.1 Nominated Person

Having regard to Section 48A(2) of the CC Act, Stanwell nominates the **Executive General Manager Business Services** (or in his or her absence or if the complaint involves the Executive General Manager Business Services, the **Company Secretary**), 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.

Having appointed a Nominated Person, the CC Act applies as if a reference to the Public Official notifying or dealing with the complaint is a reference to the Nominated Person notifying and dealing with the complaint.

WRITTEN BY: ENDORSED/CHECKED BY: APPROVED BY: DATE:
Name: Karen Buckley: Name: Michael O'Rourke Name: Board

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Approved via Board Memorandum Number: (BD-19-03-9.1)

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3.2 Complaints made about the Public Official

If a complaint is made that involves or may involve corrupt conduct by Stanwell's Public Official, the complaint must be reported to:

- the Executive General Manager Business Services (or in his or her absence or if the complaint also involves the Executive General Manager Business Services, the Company Secretary);
- if the complaint is made by an employee, contractor or director of Stanwell, the Whistle-blower Protection Officer (who will manage the complaint under the direction of the Nominated Person) in accordance with Stanwell's Protected Disclosure Procedure GOV-PROC-36.

Below are the contact details for the Executive General Manager Business Services:

Phone: (07) 3228 4397
 Email: jenny.gregg@stanwell.com
 Mail: The Executive General Manager
 Business Services
 Stanwell Corporation Limited
 GPO Box 800
 Brisbane Qld 4001

Below are the contact details for the Company Secretary:

Phone: 1800 671 902
 Email: company.secretary@stanwell.com
 Mail: Company Secretary
 Stanwell Corporation Limited
 GPO Box 800
 Brisbane QLD 4001

3.3 Receiving a complaint

If the Nominated Person receives a complaint and reasonably suspects that the complaint may involve corrupt conduct by Stanwell's Public Official, they are to:

- notify the CCC of the complaint; and
- deal with the complaint, subject to the CCC's monitoring role.

If the Public Official receives a complaint and reasonably suspects that a complaint may involve corrupt conduct on his or her part, the Public Official must:

- report the complaint to the Nominated Person 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 or the Stanwell Board.

In the event that a direction issued by the CCC under section 40 is relevant, then the Nominated Person must deal with the complaint in accordance with that direction.

3.4 Resourcing to deal with a complaint

If the Nominated Person is responsible for dealing with a complaint:

- Stanwell will ensure that sufficient resources are made available to the Nominated Person to enable them to deal with the complaint appropriately; and
- the Nominated Person must ensure that consultations, if any, for the purpose of securing resources sufficient to appropriately deal with the complaint, are confidential and are not disclosed, other than to the CCC, without:
 - authorisation under a law of the Commonwealth or State; or
 - the consent of the Nominated Person.

3.5 Rights of the Public Official while a complaint is being dealt with

The Public Officer will:

- be treated in accordance with the principles of natural justice;
- be assisted by being able to contact support and assistance; and
- be informed of the progress of the complaint as appropriate, including the outcome of any investigation.

3.6 Delegated Power and Authority to deal with a complaint

For the purposes of **dealing with a complaint only**, the Nominated Person:

- is delegated the same authority, functions and power as the Public Official has to direct and control Stanwell's employees and contractors;
- is delegated the same authority, functions and power as the Public Official to enter into contracts on behalf of Stanwell; and
- does not have any authority, functions and power that cannot under the law of the Commonwealth or the State be delegated by either the Stanwell Board or the Public Official

4.0 Responsibilities

Refer to the Whistleblower Protection Policy (GOV-POL-29) and the Protected Disclosure Procedure (GOV-PROC-36).

The **Public Official** must:

- consult with the CCC when preparing the *Management of Public Official Complaints Policy*;
- advise the CCC that the Stanwell Executive General Manager Business Services (or in his or her absence, or if the complaint also involves the Executive General Manager Business Services, the Company Secretary) is the nominated person in accordance with s48A(2) of the CC Act; and
- advise the CCC of any amendments made to the *Management of Public Official Complaints Policy*.

The **Nominated Person** must:

- notify the CCC when he or she reasonable suspects that a complaint may involve corrupt conduct of Stanwell's Public Official;
- at all times, use his or her best endeavours to act independently, impartially and fairly having regard to the:
 - purposes of the CC Act;
 - the importance of promoting the public confidence in the way suspected corrupt conduct in Stanwell is dealt with; and
 - Stanwell's statutory, policy and procedural framework.
- appoint appropriately qualified parties to undertake an investigation of the complaint; and
- report to the Stanwell Board as required.

5.0 Review, Consultation and Communication

This Policy is required to be reviewed, as a minimum, every 2 years.

6.0 Definitions

CCC	means the Crime and Corruption Commission in existence under the <i>Crime and Corruption Act 2001</i> (Qld).
CC Act	means the <i>Crime and Corruption Act 2001</i> (Qld).
Complaint	means information or matter.
Contact Details	means the contact details provided in section 3.2 of this Policy.
Corruption	means corrupt conduct.
Corrupt Conduct	is defined by s15 of the <i>Crime and Corruption Act 2001</i> (Qld). The conduct in question must satisfy a number of cumulative threshold tests, being whether the conduct: <ul style="list-style-type: none"> • adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of an agency or a public office holder; and • results, or could result, directly or indirectly, in the performance of functions or exercise of powers in a way that is not honest or impartial; involves a breach of the public trust; or involves a misuse of information; and • is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and • would, if proved, be a criminal offence or a disciplinary breach providing reasonable grounds for terminating the person's services.
Nominated Person(s)	means the Executive General Manager Business Services (or in his or her absence or if the complaint also involves the Executive General Manager Business Services, the Company Secretary).
Deal with	means deal with a complaint about corruption or information or matter involving corruption, and includes: <ul style="list-style-type: none"> • investigating the complaint, information or matter; and • gathering evidence for: <ul style="list-style-type: none"> ○ prosecutions for offences; or ○ disciplinary proceedings; and • referring the complaint, information or matter to an appropriate authority to start a prosecution or disciplinary proceeding; and • start a disciplinary proceeding; and • take other action, including managerial action, to address the complaint in an appropriate way.
Public Official	means Stanwell's Chief Executive Officer or a person appointed by the Stanwell Board to act in that role.
Protected Disclosure	means a disclosure made in accordance with Stanwell's Protected Disclosure Procedure (GOV-PROC-36).
Stanwell	means Stanwell Corporation Limited.

7.0 References

GOV-POL-30	The Code of Conduct – the way we work at Stanwell
GOV-POL-29	The Whistleblower Protection Policy
GOV-PROC-36	The Protected Disclosure Procedure

8.0 Revision History

Rev. No.	Rev. Date	Revision Description	Author	Endorse/Check	Approved By
0	28.10.2014	New Policy developed to accord with requirements of section 48A of the Crime and Corruption Act 2001	K Buckley	M O'Rourke	Board
1	06.12.2016	Biennial review undertaken no amendments made	Karen Buckley	Michael O'Rourke	Board
2	04.03.2019	Biennial review undertaken, minor amendments made to correct typographical errors and clarify contact details	Karen Buckley	Michael O'Rourke	Board