

Intent

The Chief Executive Officer (CEO) is the public official of TRC. This policy outlines how TRC will deal with a complaint that involves or may involve corrupt conduct of its CEO in accordance with the requirements of the *Crime and Corruption Act 2001* (CC Act).

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. Complaints about the CEO that are not reasonably suspected to involve corrupt conduct are dealt with separately under the TRC policy or process most appropriate to handle the complaint.

This policy does not apply to complaints about other TRC employees or Councillors, which are dealt with separately under the TRC Complaints Policy.

Policy Statement

1. Principles

The policy is designed to:

- Ensure compliance with s48A of the Crime and Corruption Act (CC Act)
- Promote public confidence in the way suspected corrupt conduct of the CEO is dealt with and
- Promote accountability, integrity and transparency in the way TRC deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the CEO.

2. Nominated person

Having regard to sections 48A (2) and (3) of the CC Act, this policy nominates the:

- General Manager Community and Corporate Services
- General Manager Infrastructure and Environment and
- Manager People and Culture

as nominated persons to notify the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act.

As there is more than one nominated person:

- the nominated persons will — with or without consulting the CCC or the Mayor — decide who will be the nominated person for a particular complaint and
- the nominated person for that particular complaint will inform the CCC and the Mayor that they are the nominated person for the particular complaint.

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

3. Complaints about the public official

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

- any one of the nominated persons or
- a person to whom there is an obligation to report under an Act (this does not include an obligation imposed by s37, 38 and 39(1) of the CC Act).

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

If the nominated person dealing with a particular complaint reasonably suspects the complaint involves or may involve corrupt conduct of the CEO, they must:

- notify the CCC of the complaint; and
- deal with the complaint, subject to the CCC's monitoring role, when —
 - directions issued under s40A of the CC Act apply to the complaint or
 - pursuant to s46 of the CC Act, the CCC refers the complaint to the nominated person to deal with.

If the CEO receives a complaint that involves corrupt conduct on their part, the CEO must:

- report the complaint to one of the nominated persons 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 the Mayor.

If directions issued under s40A of the CC Act apply to the complaint:

- the nominated person is to deal with the complaint and
- the CEO is to take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Mayor.

4. Record Keeping 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 s38 of the CC Act, the nominated person must make a record of the decision that complies with section 40A of the CC Act

5. Resourcing the nominated person

If, pursuant to sections 40A or 46 of the CC Act, a nominated person has responsibility to deal with the complaint:

- TRC will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately 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;
 - importance of promoting public confidence in the way suspected corrupt conduct in TRC is dealt with; and
 - TRC's statutory, policy and procedural framework.

If a nominated person has responsibility to deal with the complaint, they:

- are delegated the same authority, functions and powers as the CEO to direct and control staff of TRC as if the nominated person is the CEO 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 TRC 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 the Mayor, Council or the CEO, to the nominated person.

6. Liaising with the CCC

The CEO is to keep the CCC and the nominated persons informed of:

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

7. Consultation with the CCC

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

Context

Definitions

CC Act means the *Crime and Corruption Act 2001*.

Complaint includes information or matter. See definition provided by s48A(4) of the CC Act.

Contact Details

General Manager Community and Corporate Services
Phone: 1300 362 242
Email: info@trc.qld.gov.au
Post: PO Box 573
ATHERTON QLD 4883

General Manager Infrastructure and Environment
Phone: 1300 362 242
Email: info@trc.qld.gov.au
Post: PO Box 573
ATHERTON QLD 4883

Manager People and Culture
Phone: 1300 362 242
Email: info@trc.qld.gov.au
Post: PO Box 573
ATHERTON QLD 4883

Corruption refer to Schedule 2 (Dictionary) of the CC Act

Corrupt conduct refer to s15 of the CC Act

Crime and Corruption Commission (CCC) is the Commission constituted into existence under the CC Act

Deal with refer to Schedule 2 (Dictionary) of the CC Act

Nominated persons see item 2 of this policy

Public Official refer to Schedule 2 (Dictionary) and also s48A of the CC Act

TRC means Tablelands Regional Council
Unit of Public Administration (UPA) refer to s20 of the CC Act

Alignment to Risk Register

This policy operates to mitigate the risks identified in the TRC Corporate Risk Register

Relevant Legislation

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Crime and Corruption Act 2001*

Related Documents

- Code of Conduct
- Complaints Policy
- The Crime and Corruption Commission - *Corruption in Focus: A guide to dealing with corrupt conduct in the Queensland public sector*, accessible at: <https://www.ccc.qld.gov.au/publications/corruption-focus>

Corporate Plan Links

This policy aligns with the following Corporate Plan 2021– 26 themes:

- Our organisation is progressive, efficient, transparent and collaborative.

Human Rights Commitment

TRC has considered the human rights protected under the *Human Rights Act 2019* (Qld) when adopting and/or amending this policy. When applying this policy, TRC will act and make decisions in a way that is compatible with human rights.

Responsibility

Council is responsible for the adoption, amendment and repeal of this policy and the General Manager Community and Corporate Services is responsible for the development and amendment of any associated procedures and guidelines relevant to the policy.

This policy is to remain in force until otherwise amended or repealed by resolution of Council.

Adopted By	Council	Responsible Officer	General Manager Community and Corporate Services
Adopted Date	27 June 2024	Review Date	27 June 2028
Version	2	This policy repeals any previous versions.	