

1. Policy intent

The Chief Executive Officer (CEO) is the public official of Council.

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

The policy is designed to assist Council to:

- a) comply with s48A of the CC Act;
- b) promote public confidence in the way suspected corrupt conduct of the CEO is dealt with; and
- c) promote accountability, integrity and transparency in the way Council deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the CEO.

2. Scope

This policy applies:

- a) if there are grounds to suspect that a complaint may involve corrupt conduct of the CEO of Council;
- b) to all persons who hold an appointment in, or are employees of, Council.

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

3. Background/Supporting information

Crime and Corruption Act 2001

4. Policy statement

4.1 Nominated person

Having regard to s48A(2) and (3) of the CC Act, this policy nominates the holders of the following positions as nominated persons to notify the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act:

- a) General Manager Organisational Services; and
- b) General Manager Infrastructure Services; and
- c) General Manager Community, Planning and Environment.

As there is more than one nominated person:

- a) 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
- b) 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/CEO is a reference to the nominated person.

4.2 Complaints about the public official

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

- a) any one of the nominated persons; or
- b) a person to whom there is an obligation to report under an Act (this does not include an obligation imposed by ss37, 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 may involve corrupt conduct of the CEO, they are to:

- a) notify the CCC of the complaint; and
- b) deal with the complaint, subject to the CCC's monitoring role, when —
 - i. directions issued under s40 apply to the complaint, if any; or
 - ii. pursuant to s46, the CCC refers the complaint to the nominated person to deal with.

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

- a) report the complaint to one of the nominated persons as soon as practicable and may also notify the CCC; and
- b) take no further action to deal with the complaint unless requested to do so by the nominated person for that particular complaint in consultation with the Mayor.

If directions issued under s40 apply to the complaint:

- a) the nominated person is to deal with the complaint, and
- b) the CEO is to take no further action to deal with the complaint unless requested to do so by the nominated person for that particular complaint in consultation with the Mayor.

4.2.1 Resourcing the nominated person

If, pursuant to ss40 or 46, a nominated person has responsibility to deal with the complaint:

- a) Council will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately; and
- b) 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:

- i. authorisation under a law of the Commonwealth or the State; or
 - ii. the consent of the nominated person responsible for dealing with the complaint;
- c) the nominated person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
- i. purposes of the CC Act;
 - ii. the importance of promoting public confidence in the way suspected corrupt conduct in Council is dealt with; and
 - iii. Council's statutory, policy and procedural framework.

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

- a) are delegated the same authority, functions and powers as the CEO to direct and control staff of Council as if the nominated person is the CEO of Council for the purpose of dealing with the complaint only;
- b) are delegated the same authority, functions and powers as the CEO to enter into contracts on behalf of Council for the purpose of dealing with the complaint;
- c) do not have any authority, function or power that cannot — under the law of the Commonwealth or the State — be delegated by either the Mayor or Council or the CEO, to the nominated person.

4.2.2 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.

4.2.3 Consultation with the CCC

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

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

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

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>
Corruption in Focus	http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus ; see chapter 2, page 2.5
Deal with	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Nominated persons	see item 4.1 of this policy
Public Official	see Schedule 2 (Dictionary) and also s48A of the <i>Crime and Corruption Act 2001</i>

6. Responsibility

Council is responsible for the adoption, amendment and repeal of the Policy and the Chief Executive Officer is responsible for the development and amendment of any associated procedures and guidelines relevant to the Policy.

7. Review

It is the responsibility of the General Manager Organisational Services to monitor the adequacy of this policy and recommend appropriate changes. This policy will be formally reviewed every three years or as required by Council.

This policy repeals and replaces the policy adopted by Council on 24 May 2018.

This Policy is to remain in force until otherwise amended by resolution of Council.

JUSTIN COMMONS
CHIEF EXECUTIVE OFFICER