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# Complaints about the Chief Executive Officer Policy

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**CONTROL:**

Policy Type:	Governance
Authorised by:	Council
Head of Power:	Section 48A of the Crime and Corruption Act 2001
Responsible Officer:	Chief Executive Officer
Adopted / Approved:	August 20 2018; Minute No. 2018.08.20-OM-9
Last Reviewed:	August 2018
Review:	August 2020
Version	3

## 1. INTRODUCTION

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**1.1 PURPOSE:**

To comply with the requirements of section 48A of the Crime and Corruption Act 2001 (CC Act).

**1.2 POLICY OBJECTIVES:**

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 Chief Executive Officer as defined in the CC Act.

**1.3 COMMENCEMENT OF POLICY:**

This Policy will commence on adoption.

**1.4 SCOPE:**

This policy applies:

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

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

## 2. POLICY

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### 2.1 CONTEXT:

The policy is designed to assist Council and its officers to:

1. Comply with s48A of the Crime and Corruption Act 2001;
2. Promote public confidence in the way suspected corrupt conduct of the CEO is dealt with (s34(c) CC Act) ;
3. 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.

### 2.2 POLICY STATEMENT:

Council will maintain community confidence in its organisation and operations by promoting accountability, integrity and transparency and ensuring suspected corrupt conduct is managed effectively in accordance with the requirements of the Crime and Corruption Act 2001

## 3. STANDARDS AND PROCEDURES

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### 3.1 Nominated Person

Having regard to s48A(2) and (3) of the CC Act, this policy nominates:

- the Mayor 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.

### 3.2 Complaints about the CEO

Where there is a nominated person, if a complaint may involve an allegation of corrupt conduct of the CEO, the complaint may be reported to:

- the nominated person, or
- a person to whom there is an obligation to report under s39(2) of the CC 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 the nominated person.

If the nominated person reasonably suspects the complaint may involve corrupt conduct of the CEO, they are to:

- (a) notify the CCC of the complaint under s37 or 38, subject to s 40 of the CC Act, 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 Mayor to deal with under s41 and 42 and/or s43 and 44 of the CC Act.

If the CEO reasonably suspects that the complaint may involve corrupt conduct on their part, and there is a nominated person, the CEO must:

- (i) report the complaint to the nominated person 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 nominated person in consultation with the Council.

Where there is a nominated person, and if directions issued under s40 apply to the complaint:

- (i) the nominated person is to deal with the complaint, and
- (ii) 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 Council.

### 3.3 Resourcing the CEO

If pursuant to ss40 or 46 the Nominated Person has responsibility to deal with the complaint:

- (i) The Council will ensure that sufficient resources are available to the Mayor to enable them to deal with the complaint appropriately; and
- (ii) 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.
- (iii) 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 (See ss57 and the CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 of the CC Act);
  - the importance of promoting public confidence in the way suspected corrupt conduct in the Council is dealt with; and
  - the Council's statutory, policy and procedural framework.

### 3.4 Nominated Person responsibilities

If the 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 the Council as if the nominated person is the CEO of the Council 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 the Council 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 Mayor or the CEO, to the nominated person.

### 3.5 Liaising with the CCC

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

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

### 3.6 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 (s48A of the CC Act).

## 4. REFERENCE AND SUPPORTING INFORMATION

### 4.1 DEFINITIONS:

To assist in interpretation, the following definitions shall apply:

Word / Term	Definition
CCC	Crime and Corruption Commission
CC Act	Crime and Corruption Act 2001
CEO	Diamantina Shire Council Chief Executive Officer
Complaint	includes information or matter. See definition provided by s48A(4) of the Crime and Corruption Act 2001
Contact details	should include a direct telephone number, email address and postal address to enable confidential communications
Council	means Diamantina Shire Council.
Corruption	see Schedule 2 (Dictionary) of the Crime and Corruption Act 2001
Corrupt conduct	see s15 of the Crime and Corruption Act 2001
Deal with	see Schedule 2 (Dictionary) of the Crime and Corruption Act 2001

### 4.2 RELATED POLICIES, LEGISLATION AND DOCUMENTS:

Links to supporting documentation
Crime and Corruption Act 2001
Corruption in Focus <a href="http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus">http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus</a> ; see chapter 2, page 2.5
Local Government Act 2009

### 4.3 VERSION CONTROL:

Previous Version Number	Adopted/Approved Date
Original Version 1	October 20 2014, Minute No. 2014.10.20-OM-15
2	October 23 2017, Minute No. 2017.10.23-OM-18