

## Council Policy

# Complaints about the Public Official (Chief Executive Officer)

## Section 48A of the Crime and Corruption Act 2001

<b>Policy Reference Number</b>	CP00009	<b>Choose an item Date</b>	20/12/2023
<b>Portfolio</b>	Council Sustainability	<b>Next Review Date</b>	20/12/2026
<b>Business Unit</b>	Governance	<b>Document ID</b>	10552626

### 1. Purpose/Objective

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

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

This policy allows Council to:

1. Comply with s48A of the *Crime and Corruption Act 2001* (CC Act);
2. Promote public confidence in the way suspected corrupt conduct of the Chief Executive Officer (Council's public official) is dealt with (s34(c) CC Act; and
3. Promote accountability, integrity and transparency in the way the Council deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the Chief Executive Officer.

### 2. Scope

This policy applies to all Workers including Councillors

### 3. Responsibility

The Principal Specialist Governance and Assurance is responsible for ensuring this policy is understood and adhered to.

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## 4. Policy

### 4.1. APPLICATION

The Complaints about the Public Official (CEO): section 48A of the *Crime and Corruption Act 2001* Policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct of the Chief Executive Officer of the Scenic Rim Regional Council;
- to all persons who hold an appointment in, or are employees of, the Scenic Rim Regional Council.

For the purpose of the policy, a complaint includes information or matter.<sup>ii</sup>

### 4.2. NOMINATED PERSON

Having regard to s48A(2) and (3) of the CC Act, the policy nominates the Principal Specialist Governance and Assurance as the nominated person to notify<sup>iii</sup> the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act.<sup>iv</sup>

Once the Council nominates a person, the CC Act applies as if a reference about notifying or dealing with the complaint to the Chief Executive Officer is a reference to the nominated person.<sup>v</sup>

### 4.3. COMPLAINTS ABOUT THE CEO WHERE THERE IS A NOMINATED PERSON

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

- the nominated person, or
- a person to whom there is an obligation to report under an Act<sup>vi</sup> (this does not include an obligation imposed by s37, s38 and s39(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 Chief Executive Officer, they are to:

- notify the CCC of the complaint,<sup>vii</sup> and
- deal with the complaint, subject to the CCC's monitoring role, when —
  - directions issued under s40 of the CC Act apply to the complaint, if any, or
  - pursuant to s46 of the CC Act, the CCC refers the complaint to the nominated person to deal with.<sup>viii</sup>

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

- report the complaint to the nominated person 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 s40 of the CC Act apply to the complaint:

- the nominated person is to deal with the complaint, and
- the Chief Executive Officer 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.

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#### 4.4. RESOURCING THE CHIEF EXECUTIVE OFFICER OR NOMINATED PERSON

If pursuant to s40 or s46 of the CC Act, the Chief Executive Officer or the nominated person has responsibility to deal with the complaint:<sup>ix</sup>

- (i) the Council will ensure that sufficient resources are available to the Chief Executive Officer or nominated person to enable them to deal with the complaint appropriately,<sup>x</sup> and
- (ii) the Chief Executive Officer or 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 Chief Executive Officer or nominated person responsible for dealing with the complaint
- (iii) the Chief Executive Officer or nominated person, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
  - purposes of the CC Act<sup>xi</sup>;
  - the importance of promoting public confidence in the way suspected corrupt conduct in the Council is dealt with<sup>xii</sup>; and
  - the Council's statutory, policy and procedural framework.

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

- are delegated the same authority, functions and powers as the Chief Executive Officer to direct and control staff of the Council as if the nominated person is the Chief Executive Officer of the Council for the purpose of dealing with the complaint only;
- are delegated the same authority, functions and powers as the Chief Executive Officer to enter into contracts on behalf of the Council for the purpose of dealing with the complaint; and
- 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 Chief Executive Officer, to the nominated person.

#### 4.5. LIAISING WITH THE CCC

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

- the contact details for the Chief Executive Officer and the nominated person; and
- any proposed changes to the policy.

#### 4.6. 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.<sup>xiii</sup>

#### 4.7. STATUTORY REFERENCES

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

## 5. Definitions

**Crime and Corruption Commission (CCC)** is the Commission continued in existence under the *Crime and Corruption Act 2001*

**CC Act** is the *Crime and Corruption Act 2001*

**Complaint** includes information or matter. See definition provided by s48A(4) of the *Crime and Corruption Act 2001*

**Contact details** means

Phone: 0755405111;  
 Email: [integrity@scenicrim.qld.gov.au](mailto:integrity@scenicrim.qld.gov.au) ;  
 Postal Address: PO Box 25 Beaudesert Qld 4285

**Corruption** means the same as Schedule 2 (Dictionary) of the *Crime and Corruption Act 2001*

**Corrupt conduct** means the same as section 15 of the *Crime and Corruption Act 2001*

**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** means the same as Schedule 2 (Dictionary) of the *Crime and Corruption Act 2001*

**Nominated person** means the position identified in section 4.2 of this policy.

**Public Official (Chief Executive Officer)** means the same as Schedule 2 (Dictionary) and also s48A of the *Crime and Corruption Act 2001*

**Unit of Public Administration (UPA)** means the same as section 20 of the *Crime and Corruption Act 2001*

## 6. Related Legislations/Documents

*Crime and Corruption Act 2001*

This policy replaces Attachment D - Corrupt Conduct Complaints Process of Council Policy - Complaints Management (CM03.14CP). As such, Attachment D of the Complaints Management Policy is considered repealed and has no legal effect.

This policy supports the Scenic Rim Regional Council Corporate Plan 2018-2023, in particular Theme - Open and Responsive Government

## 7. Version Information

Version No	Adoption Date	Key Changes	Approved by
1	26/11/2018	Corporate and Community Services Committee Item No. 3.3 New Stand-alone policy as per CCC recommendation. Replaces Attachment D of the Complaints Management Policy	Scenic Rim Regional Council
2	20/12/2023	Attachment 1 subsumed within the main policy document. Item 11.21, Ordinary Meeting 20/12/2023	Scenic Rim Regional Council

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- <sup>i</sup> See section 48A of the CC Act and definitions below
- <sup>ii</sup> See section 48(4) of the CC Act
- <sup>iii</sup> Under ss37 or 38 of the CC Act
- <sup>iv</sup> Under Chapter 2, Part 3, Division 4, Subdivisions 1 & 2 of the CC Act
- <sup>v</sup> See s48A(3) of the CC Act
- <sup>vi</sup> See s39(2) of the CC Act
- <sup>vii</sup> Under s38, subject to s40 of the CC Act
- <sup>viii</sup> Under ss43 and ss44 of the CC Act
- <sup>ix</sup> Under ss43 and ss44 of the CC Act
- <sup>x</sup> See the CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 and Council's relevant statutory, policy and procedural frameworks which help inform decision making about the appropriate way to deal with the complaint
- <sup>xi</sup> See ss57 and the CCC's corruption purposes and functions set out in ss4(1)(b), 33, 34 and 35 of the CC Act.
- <sup>xii</sup> See s34(c) of the CC Act
- <sup>xiii</sup> Section 48A of the CC Act