

HEAD OF POWER

- *Crime and Corruption Act*, section 48A

INTENT

The purpose 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.

SCOPE

This policy applies to all employees, Councillors and Councillor Advisor (Mayor's Chief of Staff).

DEFINITIONS

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

Complaint includes information or matter as defined in section 48A(4) of the CC Act.

Contact details refer to clause 2 of this Policy.

Corrupt conduct means corrupt conduct as defined in section 15 of the CC Act.

Crime and Corruption Commission (CCC) means the Commission in existence under the CC Act.

Deal with means deal with in Schedule 2 (Dictionary) of the CC Act.

Employee means a local government employee as defined pursuant to the *Local Government Act 2009*.

Nominated person means the Chief Legal Officer.

POLICY STATEMENT

1. This policy is designed to:
 - comply with section 48A of the CC Act;
 - assist Council to promote public confidence in the way suspected corrupt conduct of the Chief Executive Officer for Council is dealt with; and
 - 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 Chief Executive Officer.

This policy applies if there are grounds to suspect that a complaint may involve corrupt conduct of the Chief Executive Officer of Council.

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

2. Nominated person

This policy nominates the Chief Legal Officer as the nominated person to notify the CCC of a complaint and to deal with the complaint under the CC Act.

Once 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.

Complaints may be made to the Chief Legal Officer by email to complaints@bundaberg.qld.gov.au.

3. Complaints about the Chief Executive Officer

If a complaint involves an allegation of corrupt conduct of the Chief Executive Officer, the complaint may be reported to the nominated person.

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:

- (a) notify the CCC of the complaint; and
- (b) deal with the complaint, subject to the CCC's monitoring role, when:
 - directions issued under section 40 of the CC Act apply to the complaint, if any; or
 - pursuant to section 46 of the CC Act, the CCC refers the complaint to the nominated person to deal with.

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

If directions issued under section 40 of the CC Act apply to the complaint:

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

4. Resourcing the nominated person

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

- (i) Council will ensure that sufficient resources are available to the nominated person 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;
 - the importance of promoting public confidence in the way suspected corrupt conduct in the Council is dealt with; and
 - Council's statutory, policy and procedural framework.

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

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

5. Liaising with the CCC

The Chief Executive Officer 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 this policy.

6. Consultation with the CCC

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

ASSOCIATED DOCUMENTS

- Corruption in focus – A guide to dealing with corrupt conduct in the Queensland public sector

DOCUMENTS CONTROLS

Council will review this policy biennially or in response to changes in law or best practice.

POLICY OWNER

Chief Legal Officer, Governance and Legal Services.