

1. Policy Statement

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

For the purpose of this Policy, Council's Chief Executive Officer (CEO) is its public official.

2. Scope

The policy is designed to assist Council to:

1. Comply with section 48A of the CC Act;
2. Promote public confidence in the way suspected corrupt conduct of the CEO is dealt with in accordance with section 34(c) of the CC Act; and
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.

For the purpose of the policy, a complaint includes information or matter as outlined in section 48A (4) of the CC Act.

3. Responsibility

The Director Corporate and Financial Services (DCFS) is responsible for maintaining this policy and for ensuring that this policy is understood and followed.

4. Definitions

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

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

Complaint includes information or matter. See the definition provided by section 48A (4) of the CC Act.

Contact Details for Nominated Person refer to *Lodging a Complaint* under section 5 of this Policy.

Corruption see Schedule 2 (Dictionary) of the CC Act.

Corrupt conduct see section 15 of the CC Act.

Corruption in Focus see Crime and Corruption Commission website, Corruption in Focus page, Corruption in Focus document, chapter 2, page 2.6

Deal with - see Schedule 2 (Dictionary) of the CC Act.

Nominated person means the person nominated by this policy.

Public official see Schedule 2 (Dictionary) and also section 48A of the CC Act.

5. Policy

Application of this Policy

This policy applies:

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

For the purpose of this policy a complaint includes information or matter¹.

Complaints against the CEO

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

- The nominated person; or
- A person, according to section 39(2) of the CC Act, to whom there is an obligation to report under an Act (this does not include an obligation imposed by sections 37, 38 and 39(1) of the CC Act.

If there is uncertainty about whether 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 sections 37 or 38, subject to section 40 of the CC Act; 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 under sections 41 and 42 and/or sections 43 and 44 of the CC Act.

If the CEO receives a complaint and reasonably suspects that the complaint involves or may involve corrupt conduct on the CEO's part, 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 Mayor, to whom the CEO is accountable.

Where 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 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, to whom the CEO is accountable.

Nominated Person

Having regard to section 48A (2) and (3) of the CC Act, this Policy nominates the Director Corporate and Financial Services (DCFS), as the nominated person, to notify the CCC of the complaint and to deal with the complaint under the CC Act.

¹ See section 48A(4) of the CC Act.

When the nominated person reasonably suspects that a complaint involves or may involve corrupt conduct against the CEO, the nominated person will notify the CCC of the complaint and deal with the complaint under the CC Act.

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

Lodging a Complaint

To lodge a complaint or provide information regarding the suspected corrupt conduct of Council's CEO, refer any written or verbal correspondence to the Director Corporate and Financial Services.

Complaints or information can be lodged:

- By phone: 07 4776 4600
- In person: 25 Lannercost Street,
INGHAM QLD 4850
- Via Post: PO Box 366,
INGHAM QLD 4850
- Via Email: council@hinchinbrook.qld.gov.au

Recordkeeping Requirements

Should the nominated person decide that a complaint, information or matter, about alleged corrupt conduct against the CEO is not required to be notified to the CCC under section 38 of the CC Act, the nominated person must make a record of the decision that complies with section 40A of the CC Act.

Resourcing the Nominated Person

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 Council dealt with; and
 - 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 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;
- 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; 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 elected Council/Mayor for local government CEO or the CEO, to the nominated person.

Liaising with the CCC

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

- The contact details for the CEO and the nominated person; and
- Any proposed changes to this policy.

Consultations with the CCC

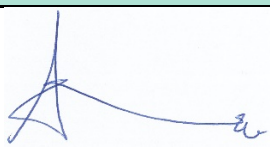
The CEO will consult with the CCC when preparing any policy about how Council will deal with a complaint that involves or may involve corrupt conduct of the CEO.

6. Legal Parameters

- Local Government Act 2009;*
- Local Government Regulation 2012; and
- Human Rights Act 2019.*

7. Associated Documents

- Administrative Action Complaints Management Procedure;
- Administrative Action Complaint Management Form;
- Complaints Management Register; and
- Code of Conduct.

DOCUMENT HISTORY AND STATUS					
Action	Name		Position	Signed	Date
Approved by Council	Kelvin Tytherleigh		CEO		31/08/2021
Policy Version	2	Initial Version Adopted	25/11/2019	Current Version Adopted	31/08/2021
Maintained By	Corporate and Financial Services			Next Review Date	01/09/2023
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