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## COMPLAINTS ABOUT PUBLIC OFFICIALS: SECTION 48A OF THE CRIME AND CORRUPTION ACT 2001

### **INTENT**

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The purpose of this policy is to set out how Cook Shire Council (Council) will deal with a complaint that may involve the corrupt conduct of its Chief Executive Officer (CEO). The policy is designed to comply with Section 48A of the *Crime and Corruption Act 2001* (the Act).

### **SCOPE**

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This policy applies to the Chief Executive Officer and to all persons who hold an appointment with, or are employees of, Cook Shire Council.

This policy applies if there are grounds to suspect that a complaint may involve corrupt conduct by the CEO. The policy is designed to promote accountability, integrity, public confidence and transparency in the way that Council deals with a complaint that is suspected to involve corrupt conduct.

A complaint includes 'information or matter' as defined by Section 48A (4) of the Act.

### **DEFINITIONS**

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TERM	DEFINITION
<b>Crime and Corruption Commission (CCC)</b>	The Commission continued in existence under the <i>Crime and Corruption Act 2001</i>
<b>Contact details</b>	Mobile: 0418 878 370 Email: pscott@cook.qld.gov.au

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TERM	DEFINITION
<b>Corrupt conduct</b>	See s15 of the <i>Crime and Corruption Act 2001</i>
<b>Deal with</b>	See Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
<b>Nominated person</b>	The Mayor of Cook Shire Council

## ***POLICY STATEMENT***

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Having regard to Section 48A (2) and (3) of the Act, the nominated person for the notification of a complaint to the CCC and to deal with the complaint is:

- The Mayor of Cook Shire Council (the Nominated person).

The Act applies to the Nominated person as if a reference about notifying or dealing with the complaint to the CEO is a reference to the Nominated person (see Section 48(3) of the Act).

If a complaint may involve an allegation of corrupt conduct of the CEO, 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 CEO they must:

- a) Notify the Crime and Corruption Commission; and
- b) Deal with the complaint, subject to the Crime and Corruption Commission monitoring role, when –
  - Directions issued under Section 40 apply to the complaint, if any, or
  - Pursuant to Section 46, the CCC refers the complaint to the Nominated person to deal with.

If the Chief Executive Officer is in receipt of a complaint and reasonably suspects the complaint may involve corrupt conduct on their part, the CEO must:

- a) Report the complaint to the Nominated person as soon as practicable and may also notify the CCC; and

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- b) Take no further action to deal with the complaint unless requested to do so by the Nominated person.

If directions are issued by the CCC under Section 40 of the Act regarding the complaint:

- a) The Nominated person must deal with the complaint; and
- b) The CEO must take no further part in the matter unless requested to do so by the Nominated person.

### Resourcing the Nominated Person

If pursuant to Section 40 or 46 of the Act the 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 appropriately with the complaint;
- b) The Nominated person is to ensure that any consultations for the purpose of securing resources are confidential and not disclosed (other than to the CCC) without authorisation under a law of the Commonwealth or State or the consent of the Nominated person; and
- c) The Nominated person must at all times use their best endeavours to act independently, impartially and fairly having regard to the purposes of the 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.

The Nominated person:

- is 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;
- is 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; and
- does not have any authority, function or power that cannot – under the law of the Commonwealth or the State – be delegated by either the Council, Mayor or CEO, to the Nominated person.

### Liaising with the Crime and Corruption Commission

The CEO is to keep the CCC and the Nominated person informed of their contact details and any proposed changes to this policy. The CEO will consult with the CCC when proposing any changes to how Council will deal with a complaint that involves or may involve the CEO.

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## **KEY RESPONSIBILITIES**

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<b>RESPONSIBLE OFFICER</b>	<b>RESPONSIBILITY</b>
<b>The Mayor of Cook Shire Council</b>	Nominated Person

## **REFERENCES, LEGISLATION AND GUIDELINES**

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- *Crime and Corruption Act 2001*

## **RELATED DOCUMENTS**

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- *Council's Code of Conduct Policy*

## **IMPLEMENTATION/COMMUNICATION**

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Council Resolution 2019/88 – Ordinary Council Meeting Minutes 22 May 2019

## **APPROVED BY**

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Council Resolution 2019/88

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## **REVIEW**

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<b>SPONSOR:</b>	Director Organisational Business Services
<b>OFFICER RESPONSIBLE FOR REVIEW:</b>	Governance and Risk Manager
<b>ADOPTION DATE:</b>	22 May 2019
<b>REVIEW DATE:</b>	As required

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***THIS POLICY IS TO REMAIN IN FORCE UNTIL OTHERWISE DETERMINED BY COUNCIL***

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## **AMENDMENT HISTORY**

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<b>VERSION</b>	<b>AMENDMENT DETAILS</b>	<b>AMENDMENT DATE</b>	<b>APPROVAL</b>
1.0	New policy	22 May 2018	Resolution 2018/86
2.0	Amendment	22 May 2019	Resolution 2019/88

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