
DEALING WITH COMPLAINTS INVOLVING SUSPECTED CORRUPT CONDUCT OF THE CHIEF EXECUTIVE OFFICER POLICY

APPROVALS

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CATEGORY	Statutory Policy		
POLICY OWNER	Governance and Corporate Services		
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OBJECTIVE

The Chief Executive Officer (CEO), is the public official of the Isaac Regional Council (IRC) for the purposes of the *Crime and Corruption Act 2001* (CC Act).

This policy sets out how the IRC will deal with a complaint, information or matter that involves or may involve corrupt conduct of its CEO as defined in the CC Act.

The policy is designed to assist IRC to:

- Comply with s48A of the Crime and Corruption Act 2001.
- Promote public confidence in the way suspected corrupt conduct of IRC's CEO is dealt with (s34(c) of the CC Act).
- Promote accountability, integrity and transparency in the way the IRC deals with a complaint that may involve corrupt conduct of the CEO.

SCOPE

This policy applies to the treatment of a complaint that involves, or may involve, corrupt conduct by the CEO.

This policy is to guide the general public, community, staff of IRC and agencies in how to deal or make a complaint against the CEO.

DEFINITIONS

TERM / ACRONYM	MEANING
Crime and Corruption Commission (CCC)	The Commission continued in existence under the <i>Crime and Corruption Act 2001</i> .
CC Act	<i>Crime and Corruption Act 2001</i> .
CEO	Chief Executive Officer.
Complaint	includes information or matter. See definition provided by s48A(4) of the <i>Crime and Corruption Act 2001</i> .
Contact details (of Nominated Person)	Phone: (07) 4846 3549 Email: Darren.Fettell@isaac.qld.gov.au Postal: PO Box 97 MORANBAH QLD 4744 Grosvenor Complex, Batchelor Parade MORANBAH QLD 4744
Corruption	corrupt conduct or police misconduct (Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>).

Corrupt conduct	See s15 of the <i>Crime and Corruption Act 2001</i> .
Deal with	See Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i> .
IRC	Isaac Regional Council.
Nominated person	Director Corporate, Governance & Financial Services.
Public Official/CEO	See Schedule 2 (Dictionary) and also s48A of the <i>Crime and Corruption Act 2001</i> . For the purposes of this Policy, IRC's Public Official is its CEO.

POLICY STATEMENT

This policy applies:

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

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

NOMINATED PERSON

Having regard to s48A(2) and (3) of the CC Act 2001, this policy nominates the Director Corporate, Governance & Financial Services to notify the CCC of the complaint and to deal with the complaint under the CC Act.

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

COMPLAINTS ABOUT A CEO

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

- The nominated person
- A person to whom there is an obligation to report under an 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 a CEO they are to:

- Notify the CCC of the complaint;
- 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 Nominated person to deal with.

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

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

- The nominated person is to deal with the complaint; and
- 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.

RESOURCING THE NOMINATED PERSON

If, pursuant to s40 or s46 of the Act, the Nominated person has responsibility to deal with the complaint:

- IRC will ensure that sufficient resources are available to the Nominated Person to enable them to deal with the complaint appropriately; and
- 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.

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.
- Importance of promoting public confidence in the way suspected corrupt conduct in the IRC is dealt with.
- IRC'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 the IRC, for the purposes 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 IRC 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 the Council, Mayor or CEO, to the Nominated person.

LIAISING WITH THE CCC

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

- Contact details for the CEO and the nominated person.
- Any proposed changes to this policy.

CONSULTATION WITH THE CCC

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

STATUTORY REFERENCES

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

LEGISLATIONS AND RELATED GUIDELINES

- *Local Government Act 2009*
- *Local Government Regulations 2012*
- *Crime and Corruption Act 2001*
- *Right to Information Act 2009*
- *Information Privacy 2009*
- *Public Sector Ethics Act 1994*

REFERENCES

ID	DOCUMENT ID/NAME
CORP-POL-079	Code of Conduct