



COMPLAINTS ABOUT THE CHIEF EXECUTIVE OFFICER POLICY

1. POLICY STATEMENT

To comply with the requirements of Section 48A of the *Crime and Corruption Act 2001*.

2. POLICY OBJECTIVES

The objective of this policy is to set out how Council will deal with a complaint that involves or may involve corrupt conduct of the Chief Executive Officer.

3. DEFINITIONS

To assist with interpreting the policy the following definitions are relevant:-

CCC means Crime and Corruption Commission.

CC Act means *Crime and Corruption Act 2001*.

CEO means the Chief Executive Officer of the Cherbourg Aboriginal Shire Council.

Complaint includes information or matter – refer to the definition in Section 48A(4) of the CC Act.

Corrupt Conduct see Section 15 of the CC Act.

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

Council means Cherbourg Aboriginal Shire Council.

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

Nominated Person see Item 5 of this policy.

This policy should also be interpreted consistently with the CCC's publication "Corruption in Focus", available here: <https://www.ccc.qld.gov.au/publications/corruption-focus>; see chapter 2, page 2.6.

4. SCOPE

This policy applies if there are grounds to suspect that a Complaint may involve corrupt conduct of the CEO of Council.

5. NOMINATED PERSON

Having regard to Section 48A(2) and (3) of the CC Act, this policy nominates the Mayor as the Nominated Person to notify the CCC of a Complaint and to deal with the Complaint under the CC Act.

The Mayor as at the date of this policy is Cr Elvie Sandow. Complaints may be directed to the Mayor as follows:

- by email, mayor@cherbourg.qld.gov.au;
- by telephone, 07 4168 1866;
- by post or hand delivery, addressed to the Mayor, 22 Barambah Avenue, Cherbourg Qld 4605.

The CC Act applies if a reference about notifying or dealing with the Complaint to CEO is a reference to the Nominated Person.

6. COMPLAINTS ABOUT THE CEO

If the Complaint involves an allegation of Corrupt Conduct of the CEO of Council the Complaint must be reported to:

- (i) the Nominated Person; or
- (ii) a person to whom there is an obligation to report under the CC Act.

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; and
- (b) deal with the complaint, subject to the CCC's monitoring role.

If the CEO reasonably suspects that the complaint may involve corrupt conduct on their 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 Council.

If directions issued under Section 40 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 Council.

7. RECORD KEEPING REQUIREMENTS

Should the Nominated Person decide that a Complaint, or information or matter, about alleged Corrupt Conduct of 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.

8. RESOURCING THE NOMINATED PERSON

If the Nominated Person is required to deal with a 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.
- (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 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 Council as if the Nominated Person is the CEO of 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 Council 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 either Council or the CEO, to the Nominated Person.

9. LIAISING WITH THE CCC

The CEO is to keep the CCC and the Nominated Person informed of any proposed changes to this policy.

10. CONSULTATION 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.

11. STATUTORY REFERENCES

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

12. APPROVAL

This Policy has been approved by Council at its ordinary meeting on 18th August 2021.



Chief Executive Officer