

Dealing with a complaint involving the Chief Executive Officer Policy

NOTE: Council regularly reviews and updates its policies. The latest controlled version can be obtained from the Policy Register on Council's intranet or by contacting Council's Corporate, Governance & Strategy Branch. **A hard copy of this electronic document is considered uncontrolled when printed.**

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1. POLICY STATEMENT

This policy provides the framework about how South Burnett Regional Council ('Council'), will deal with a complaint that involves, or may involve, corrupt conduct by the Chief Executive Officer ('CEO'), so that transparency and integrity are maintained in accordance with the *Crime and Corruption Act 2001* ('Act').

2. SCOPE

This policy applies to all Council representatives.

3. GENERAL INFORMATION

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 ('CEO') as defined in the Act. This policy is designed to assist Council to:

- comply with *Section 48A* of the Act;
- promote public confidence in the way suspected corrupt conduct of the CEO of 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 CEO.

3.1. Nominated Person

In accordance with the Act, the Manager People & Culture is the nominated person to notify the Crime and Corruption Commission ('CCC') of the complaint and to deal with the complaint under the Act.

The provisions of the Act that regulate how the CEO as the public official of the Council is to notify or deal with a complaint also apply to the nominated person.

3.2. Complaint involving a reasonable suspicion of corrupt conduct

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

- nominated person; or
- a person to whom there is an obligation to report under another Act.

If there is uncertainty about whether or not a complaint should be reported, it is to be reported to the nominated person.

If the nominated person reasonably suspects the complaint may involve corrupt conduct of the CEO, they are to:

- notify the CCC of the complaint; and
- deal with the complaint, subject to the CCC's monitoring role, when:
 - pursuant to *Section 46*, the CCC refers the complaint to the nominated person to deal with.

If the 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.

3.3. Resourcing the nominated person

If pursuant to the Act, the nominated person has responsibility to deal with the complaint:

- the Council 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; and
- 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; and
 - the importance of promoting public confidence in the way suspected corrupt conduct in Council is dealt with; and
 - the 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 the Council as if the nominated person is the CEO of the Council for the purpose of dealing with the complaint only.

3.4. 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/s; and
- any proposed fundamental changes to this policy.

3.5. Consultation with the CCC

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

3.6. Recordkeeping requirements

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

4. DEFINITIONS

Act means *Crime and Corruption Act 2001* (Qld).

Chief Executive Officer ('CEO') means a qualified person who holds an appointment of a local government.

Complaint means including information or matter.

Contact details means the following as direct contact details for the nominated person:

- Postal address: Manager People & Culture, South Burnett Regional Council, PO Box 336, Kingaroy Q 4610
- Phone: (07) 4189 9100, Email: complaint@sbrc.qld.gov.au

Corrupt conduct means *Section 15* of the Act.

Council means South Burnett Regional Council.

Council representative means all Councillors and Council employees including permanent, casual and temporary employees, contractors, volunteers, apprentices, trainees and work experience students.

Crime and Corruption Commission ('CCC') means the Commission which exists under the Act.

Deal with means dealing with a complaint about corruption or information or matter involving corruption, includes:

- (a) investigate the complaint, information or matter; and
- (b) gather evidence for:
 - (i) prosecutions for offences; or
 - (ii) disciplinary proceedings; and
- (c) refer the complaint, information or matter to an appropriate authority to start a prosecution or disciplinary proceeding; and
- (d) start a disciplinary proceeding; and
- (e) take other action, including managerial action, to address the complaint in an appropriate way.

Nominated Person means Manager People & Culture of the South Burnett Regional Council.

5. LEGISLATIVE REFERENCE

Crime and Corruption Act 2001 (Qld)

6. RELATED DOCUMENTS

South Burnett Regional Council Employee Code of Conduct – Statutory011

South Burnett Regional Council Employee Complaints Procedure – Procedure057

South Burnett Regional Council Fraud and Corruption Prevention Management Policy – Statutory021

7. NEXT REVIEW

As prescribed by legislation or August 2027.

8. VERSION CONTROL

Version	Revision Description	Adopted Date	ECM Reference
1	Development of policy	10 October 2018	2539619
2	Review of policy	22 September 2021	2539619
3	Administrative amendment – organisational structure review – resolution 2022/432	27 April 2022	2539619
4	Review of policy	21 August 2024	2539619


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CHIEF EXECUTIVE OFFICER

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