

## 1. Heads of Power

Crime and Corruption Act 2001 (Qld), section 48A.  
*Local Government Act 2009* (Qld), Chapter 5A – Office of the Independent Assessor  
*Independent Assessor Regulation 2018* (Qld)

## 2. Intent

The purpose of this policy is to set out how Council will deal with a complaint (also information or matter) that involves or may involve corrupt conduct of its Chief Executive Officer as defined in the CC Act.

## 3. Scope

This policy applies to all Council employees, Councillors, Councillor Advisors, contractors, volunteers, and any other persons associated with the Council's activities.

## 4. Definitions

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

**CCC** means the Crime and Corruption Commission.

**Complaint** includes information or matter as defined in section 48A(4) of the CC Act.

**Contact details** refers to clause 2 of this Policy.

**Corrupt conduct** means corrupt conduct as defined in section 15 of the CC Act.

**Crime and Corruption Commission (CCC)** means the Commission in existence under the CC Act.

**Deal with** means deal with in Schedule 2 (Dictionary) of the CC Act.

**Employee** means a local government employee as defined in the *Local Government Act 2009* (Qld).

**Nominated person** means the [#insert].

**Office of the Independent Assessor (OIA):** An independent statutory body responsible for receiving and assessing complaints about the conduct of councillors under the *Local Government Act 2009* (Qld).

## 5. Policy Statement

5.1. This policy is designed to:

- 5.1.1. Comply with section 48A of the CC Act;
- 5.1.2. Assist Council to promote public confidence in the way suspected corrupt conduct of the Chief Executive Officer for Council is dealt with; and
- 5.1.3. Promote accountability, integrity and transparency in the way Council deals with a complaint that is reasonable suspected to involve, or may involve, corrupt conduct of the Chief Executive Officer.

This policy applies if there are grounds to suspect that a complaint may involve corrupt conduct of the Chief Executive Officer of Council.

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

## 6. Nominated Person

This policy nominates the Legal and Governance Officer as the nominated person to notify the CCC of a complaint and to deal with the complaint under the CC Act.

- 6.1. Once Council nominates a person, the CC Act applies as if a reference about notifying or dealing with the complaint to the Chief Executive Officer is a reference to the nominated person.

Complaints may be made to the Legal and Governance Officer by email to [complaints@aurukun.qld.gov.au](mailto:complaints@aurukun.qld.gov.au)

## 7. Complaints about the Chief Executive Officer

- 7.1. If a complaint involves an allegation of corrupt conduct of the Chief Executive Officer, the complaint may be reported to the nominated person.
- 7.2. If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the nominated person.

*Complaints received by the nominated person*

- 7.3. If the nominated person reasonably suspects the complaint involves or may involve corrupt conduct of the Chief Executive Officer, they are to:
  - 7.3.1. Notify the CCC of the complaint; and
  - 7.3.2. Deal with the complaint, subject to the CCC's monitoring role, when:
    - 7.3.2.1. Directions issued under section 40 of the CC Act apply to the complaint; or
    - 7.3.2.2. Pursuant to section 46 of the CC Act, the CCC refers the complaint to the nominated person to deal with.

*Complaints received by the Chief Executive Officer*

- 7.4. If the Chief Executive Officer receives a complaint that may involve corrupt conduct on their part, the Chief Executive Officer must:
  - 7.4.1. Report the complaint to the nominated person as soon as practicable and may also notify the CCC; and
  - 7.4.2. Take no further action to deal with the complaint unless requested to do so by the nominated person.

## 8. Councillor Conduct in Complaints Process

Councillors involved in handling complaints about the Chief Executive Officer must act in accordance with the *Councillor Code of Conduct* and maintain impartiality and confidentiality. Any concerns regarding a councillor's conduct in the complaint handling process may be referred to the Office of the Independent Assessor (OIA) for assessment under the *Local Government Act 2009* (Qld).

## 9. Recordkeeping Requirements

Should the nominated person decide that a complaint, or information or matter, about alleged corrupt conduct by the Chief Executive Officer 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.

## 10. Resourcing the Nominated Person

10.1. If pursuant to section 40 or 46 of the CC Act, the nominated person has responsibility to deal with the complaint:

10.1.1. Council will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately; and

10.1.2. 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:

10.1.2.1. Authorisation under a law of the Commonwealth or the State; or

10.1.2.2. The consent of the nominated person responsible for dealing with the complaint

10.1.3. The nominated person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:

10.1.3.1. Purposes of the CC Act;

10.1.3.2. The importance of promoting public confidence in the way suspected corrupt conduct in the Council is dealt with; and

10.1.3.3. 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 Chief Executive Officer to direct and control employees of Council as if the nominated person is the Chief Executive Officer of Council for the purpose of dealing with the complaint only.

## 11. Liaising with the CCC

The Chief Executive Officer is to keep the CCC and the nominated person informed of:

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

## 12. Consultation with the CCC

The Chief Executive Officer 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 Chief Executive Officer.

## 13. Related Documents

Corruption in Focus – A guide to dealing with corrupt conduct in the Queensland public sector.

## 14. Document Controls

Council will review this policy every two years or as required by changes in law or best practice.

## **15. Policy Owner**

Legal and Governance Officer.