

COMPLAINTS INVOLVING THE CHIEF EXECUTIVE OFFICER POLICY

Policy Owner:	Finance Governance and Risk Business Unit
Adoption:	Insert Date and Resolution Number
Version:	
Link to Corporate Plan:	Accountable Council – We are providing good stewardship built on a foundation of trust
Head of Power:	<i>Crime and Corruption Act 2001</i>
Review Date:	

1 PURPOSE

This policy establishes guidelines to deal with¹ complaints alleging corrupt conduct involving the Chief Executive Officer and provides direction on the reporting and management of any associated real or suspected corrupt conduct.

2 SCOPE

This policy applies:

1. If there are grounds to suspect that a complaint² may involve corrupt conduct by the Chief Executive Officer; and
2. To all persons who hold an appointment in, or are employees of, Gladstone Regional Council.

3 POLICY STATEMENT

3.1 Policy Principles

This policy aims to:

1. Promote public confidence in the way reports of suspected corrupt conduct involving the Chief Executive Officer are dealt with as required under Section 34(c) of the *Crime and Corruption Act 2001*.
2. Ensure that Council meets its obligations under Section 48A of the *Crime and Corruption Act 2001* which requires Council to have a policy in place.
3. Embed the principles of natural justice in dealing with alleged corrupt conduct complaints and affording confidentiality and protection to those involved where it is appropriate to do so.

¹ See definitions for the meaning of 'deal with' under the *Crime and Corruption Act 2001*

² See Section 48A(4) of the *Crime and Corruption Act 2001*.

3.2 Nominated Persons

Having regard to Section 48A(2) and (3) of the *Crime and Corruption Act 2001*, this policy nominates the:

1. Mayor; and
2. General Manager People and Strategy;

as nominated persons for the purposes of dealing with real or suspected corrupt conduct involving the Chief Executive Officer.

Nominated persons have the responsibility to report and deal with alleged corrupt conduct complaints involving the Chief Executive Officer in accordance with the *Crime and Corruption Act 2001*.

As there is more than one nominated person at Gladstone Regional Council:

- a) The nominated persons will, with or without consulting the Queensland Crime and Corruption Commission, decide who will be the nominated person for a particular complaint; and
- b) The nominated person's advice to the Queensland Crime and Corruption Commission will include for a particular complaint:
 - The nominated person's title; and
 - The entity the Chief Executive Officer is accountable to (the elected Council); and
 - That they are the nominated person for the particular complaint.

For nominated persons the *Crime and Corruption Act 2001* applies as if a reference about notifying or dealing with a complaint to the Chief Executive Officer, is a reference to the nominated person.

3.3 Complaints about the Chief Executive Officer

3.3.1 Obligation to Report

If a complaint involves an allegation of corrupt conduct by the Chief Executive Officer, the complaint may be reported to:

1. A nominated person of Gladstone Regional Council (refer section 3.2); or
2. The Queensland Crime and Corruption Commission; or
3. A person to whom there is an obligation to report to under another Act³ (this does not include an obligation imposed by Sections 38 or 39(1) of the *Crime and Corruption Act 2001*). For example, reporting under the *Local Government Act 2009*.

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

3.3.2 Nominated Person Reporting

If the nominated person reasonably suspects that a complaint involves or may involve corrupt conduct by the Chief Executive Officer, they are to:

1. Notify the Queensland Crime and Corruption Commission of the complaint⁴; and
2. Deal with the complaint, subject to the Queensland Crime and Corruption Commission's monitoring role when —
 - a) Directions issued under Section 40 of the *Crime and Corruption Act 2001* apply to the complaint; or
 - b) The complaint is referred to a nominated person to deal with under Section 46 of the *Crime and Corruption Act 2001*⁵.

³ See Section 39(2) of the *Crime and Corruption Act 2001*.

⁴ Pursuant to Section 38 of the *Crime and Corruption Act 2001*.

⁵ Under Sections 43 and 44 of the *Crime and Corruption Act 2001*.

Should the nominated person decide that a complaint reported to them is not required to be notified to the Queensland Crime and Corruption Commission under Section 38 of the Act, the nominated person must make a record of the decision under Section 40A of the *Crime and Corruption Act 2001*.

3.3.3 Self-Reporting by Chief Executive Officer

If the Chief Executive Officer receives a complaint and reasonably suspects that the complaint may involve corrupt conduct on their part, the Chief Executive Officer must report the complaint to a nominated person as soon as practicable and may also notify the Queensland Crime and Corruption Commission.

3.3.4 Limitation placed on Chief Executive Officer

With the exception of Section 3.3.3, the Chief Executive Officer must take no action to deal with a complaint alleging corrupt conduct involving them, unless requested to do so by the nominated person in consultation with Council, or if required to do so by the Queensland Crime and Corruption Commission.

3.4 Complaint Investigation

3.4.1 Investigation and Resources

Where a nominated person has the responsibility to deal with a complaint, Council will:

1. Ensure that sufficient resources are available to enable the complaint to be dealt with; and
2. Ensure that consultations, if any, for the purpose of securing sufficient resources to deal with the complaint, are confidential and are not disclosed other than to the Queensland Crime and Corruption Commission, unless the release of information to other parties is:
 - a) Authorised under a law of the Commonwealth or the State; or
 - b) With the consent of the nominated person responsible for dealing with the complaint.
3. Ensure that investigations are conducted independently, impartially and fairly, having regard to the:
 - a) Purposes of the *Crime and Corruption Act 2001*; and
 - b) The principles of natural justice; and
 - c) The importance of promoting public confidence in the way suspected corrupt conduct is dealt with; and
 - d) Council's legislative, policy, corporate standard and procedural frameworks.
4. In investigating the complaint, a nominated person may have regard to the resources provided by the Queensland Crime and Corruption Commission regarding dealing with corrupt conduct in the Queensland public sector (refer to related documents).

3.4.2 Authority of Nominated Person

If a nominated person has responsibility to deal with the complaint, they:

1. Are delegated the same authority, functions and powers as the Chief Executive Officer for the purpose of dealing with the complaint only and may direct and control work participants of Council as if the nominated person is the Chief Executive Officer.
2. Do not have any authority, function or power that cannot, under the law of the Commonwealth or the State, be delegated by Council to the nominated person.

3.4.3 Outcome and Reporting

If a nominated person has responsibility to deal with the complaint, they must, subject to any direction of the Queensland Crime and Corruption Commission:

1. Report to Council in-confidence about:
 - a) The action taken or not taken to investigate the complaint;

- b) The reasons the nominated person considers the investigation action to be appropriate in the circumstances; and
 - c) The reasons the nominated person considers that taking or not taking disciplinary or other action against the Chief Executive Officer to be appropriate in the circumstances.
2. In finally dealing with the complaint, provide a response to the complainant consistent with Section 44(5) of the *Crime and Corruption Act 2001* and to the Chief Executive Officer.

3.5 Information and Consultation - Queensland Crime and Corruption Commission

The Queensland Crime and Corruption Commission will be kept informed of the contact details for the Chief Executive Officer and nominated persons and will be consulted on any proposed changes to this policy.

3.6 Recordkeeping and Information Privacy

A copy of complaints alleging corrupt conduct involving the Chief Executive Officer and all associated records must be placed on file in the records management system (ECM) with the appropriate privacy classification assigned.

4 RELATED LEGISLATION

Crime and Corruption Act 2001

5 RELATED DOCUMENTS

Corruption in focus, A guide to dealing with corrupt conduct in the Queensland public sector, December 2024, published by the Queensland Crime and Corruption Commission.

6 CONSIDERATION OF HUMAN RIGHTS

Gladstone Regional Council has considered the human rights protected under the *Human Rights Act 2019 (Qld)* when adopting and/or amending this policy. When applying this policy, Council will act and make decisions in a way that is compatible with human rights and give proper consideration to any human rights relevant to the decision.

7 ATTACHMENTS

Nil.

8 EVALUATION OF POLICY

This policy will be successful when alleged corrupt conduct complaints involving the Chief Executive Officer are managed in a fair, respectful and timely way applying the principles of natural justice and privacy for all those involved. The measure of success being that alleged corrupt conduct complaints regarding the Chief Executive Officer are managed in accordance with the requirements of the *Crime and Corruption Act 2001*.

9 DEFINITIONS

To assist in interpretation of this policy the following definitions apply:

Term	Definition
Chief Executive Officer	Gladstone Regional Council's 'public official' for the purposes of Section 48A and Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Corrupt Conduct	See Section 15 of the <i>Crime and Corruption Act 2001</i>
Deal with	See Section 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Natural justice	Also referred to as 'procedural fairness' which applies to any decision that can affect the rights, interests or expectations of individuals in a direct or

	immediate way. The rules of natural justice, provide a framework that ensures decision-making is fair and reasonable, free from bias and provides the opportunity for all parties to a fair hearing.
Nominated Person	See Section 48A(2) and (3) of the <i>Crime and Corruption Act 2001</i>
Privacy Classification	Is the level of digital security assigned to a document which restricts access to those that are authorised to view the information.

10 REVIEW

This policy is to be reviewed upon the earlier of:

1. Five years from the date of adoption of the most recent version;
2. Any relevant statutory review periods;
3. The related legislation or governing documents are amended or repealed; or
4. A request from the Chief Executive Officer or Council.

11 DOCUMENT CONTROL

Version	Reason/Change	Date	Council Resolution
1	Adoption		
2			
3			