



Gladstone Regional Council

Council Policy

Title	DEALING WITH COMPLAINTS INVOLVING THE CHIEF EXECUTIVE OFFICER
Policy Number	P-2018-23
Business Unit/s	PEOPLE, CULTURE & SAFETY
Date of Adoption	18 SEPTEMBER 2018
Resolution Number	G/18/3526
Review Date	18 SEPTEMBER 2021
Date Repealed	

1.0 PURPOSE:

The purpose of this policy is to establish clear guidelines for managing corruption complaints and reporting real or suspected corrupt conduct involving the Chief Executive Officer (Public Official) to the Crime and Corruption Commission.

2.0 SCOPE:

This policy applies to all workplace participants engaged at Gladstone Regional Council and identifies circumstances that trigger the application of the policy.

3.0 RELATED LEGISLATION:

- *Local Government Act 2009 (Qld)*
- *Crime & Corruption Act 2001 (Qld)*
- *Crime & Corruption Regulations 1995 (Qld)*
- *Public Sector Ethics Act 1994 (Qld)*
- *Work Health & Safety Act 2011 (Qld)*

4.0 RELATED DOCUMENTS:

The following has been developed to help facilitate the implementation of this policy:

- Code of Conduct Policy
- Anti-Discrimination Policy
- Anti-Harassment Policy
- Reporting Corrupt Conduct Corporate Standard
- Investigating Allegations & Complaints Corporate Standard
- Employee Assistance Program Corporate Standard
- Corruption in Focus: a guide to dealing with corrupt conduct in the Queensland public sector <http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus>

5.0 DEFINITIONS:

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

“CEO” means Chief Executive Officer

“Crime and Corruption Commission (CCC)” means the Commission continued in existence under the *Crime and Corruption Act 2001*

“CC Act” means *Crime and Corruption Act 2001*

“Complaint” includes information or matter involving or may involve suspected corrupt conduct

“Corruption” involves wrongdoing by a public official in carrying out their official duties or exercising their powers. Refer to Schedule 2 (Dictionary) of the CC Act.

“Corrupt Conduct” see Section 15 of the *Crime and Corruption Act 2001*

“Nominated Person” refer to section 6.1 of this policy.

“Public Official” means the Chief Executive Officer (including any person acting in the position of CEO for the duration of the acting placement)

“Unit of Public Administration (UPA)” means the local government of Gladstone Regional Council

“Workplace Participants” means employees, volunteers and contractors.

6.0 POLICY STATEMENT:

Council is committed to eliminating corrupt conduct and preventing its occurrence and believes:

- in ensuring an honest and impartial work environment that enhances the standing and reputation of Council
- corrupt conduct is unfair, wastes public money and resources, leads to inefficiency, and destroys trust
- workplace participants have a role to play in reporting real or suspected corrupt conduct and in maintaining effective work practices to combat corruption.

The CCC and the Council are committed to protecting the reputation of those who report suspected corrupt conduct and those who are the subject of the complaint. Strict confidentiality must be maintained by all involved in the process.

6.1 Nominated Person

Having regard to the *CC Act*, specifically section 48A (2) and (3), this policy nominates:

- Mayor as the nominated person; and
- General Manager People, Culture & Safety as the nominated person.

Nominated persons must notify the Crime and Corruption Commission of the complaint and are required to manage the complaint in accordance the *CC Act 2001*.

Where there is more than one nominated person:

- the nominated persons will, with or without consulting the CCC, decide who will be the nominated person for a particular complaint; and
- the nominated person for that particular complaint will inform the CCC, and include;
 - the title of person; and
 - the entity with to whom the CEO is accountable (the elected Council); and
 - that they are the nominated person for the particular complaint.

Once the person is nominated, 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.

6.2 Complaints involving a reasonable suspicion of corrupt conduct, where there is a nominated person

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

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

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

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

- (a) notify the CCC of the complaint, and
- (a) deal with the complaint, in accordance with the CCC's monitoring role, at times when —
 - directions issued under s40 apply to the complaint, if any, or
 - pursuant to s46, the CCC refers the complaint to the nominated person to deal with.

If the CEO is in receipt of a complaint and reasonably suspects that the complaint may involve corrupt conduct on their part, and there is a nominated person, the CEO must:

- (a) report the complaint to the nominated person as soon as practicable and may also notify the CCC; and
- (b) take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with Council.

Where there is a nominated person, and if directions issued under s40 of the *CC Act* 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 Council.

6.3 Provision of resources to the nominated person

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

- ensure that sufficient resources are available to enable them to deal with a complaint efficiently and appropriately; and
- ensure that consultations, if any, for the purpose of securing sufficient resources to deal with the complaint appropriately are confidential and are not disclosed, other than to the CCC, without:
 - I. authorisation under a law of the Commonwealth or the State, or
 - II. 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:
 - I. purposes of the CC Act,
 - II. the importance of promoting public confidence in the way suspected corrupt conduct in the Council is dealt with, and
 - III. Council's statutory, policy and procedural framework.
- The nominated person may have regard to Corruption in Focus: a guide to dealing with corrupt conduct in the Queensland public sector
<http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus>

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

- are delegated the same authority, functions and powers as the CEO
- are to direct and control work participants of Council as if the nominated person is CEO of Council for the purpose of dealing with the complaint only
- are 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 Council to the nominated person; and

If the nominated person has responsibility to deal with the complaint, they must, subject to any direction of the CCC:

- deal with the complaint, and
- before finally dealing with the complaint, report to Council in-confidence about
 - I. the action taken or not taken to investigate the complaint
 - II. the reasons the nominated person CEO considers the investigation action to be appropriate in the circumstances; and
 - III. the reasons the nominated person considers that taking or not taking disciplinary or other action against the CEO to be appropriate in the circumstances.
- In finally dealing with the complaint, provide a response to the complainant consistent with s. 44(5) of the CC Act and to the CEO sufficient to comply with procedural fairness obligations, if any.

6.4 Liaising with the Crime and Corruption Commission

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

- the contact details for the CEO and the nominated person,
- any proposed changes to this policy.

6.5 Consultation with the Crime and Corruption Commission

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.

7.0 ATTACHMENTS:

Nil

8.0 REVIEW MECHANISM:

This policy will be reviewed when any of the following occur:

1. The related legislation or governing documents are amended or replaced; or
2. Other circumstances as determined by resolution of Council or the CEO; or
3. Three years from date of adoption.

TABLE OF AMENDMENTS			
Document History	Date	Council Resolution No.	Notes (including the prior Policy No, precise of change/s, etc)
Originally Approved	16 December 2014	G/14/2270	
Amendment 1	18 September 2018	G/18/3526	Prior Policy was P-2014-33. Changes as recommended by the CCC
Amendment 2			
Amendment 3			

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ACTING CHIEF EXECUTIVE OFFICER