



# Complaints about the Public Official (CEO)

## 1. POLICY STATEMENT

This policy is to provide Council with direction for dealing with complaint that involve or may involve corrupt conduct of a Public Official. The Chief Executive Officer (CEO) is a public official in accordance with the Crime & Corruption Act 2001.

The objective of this policy is to set out how the Balonne Shire Council will deal with a complaint (also information or matter) that involves or may involve corrupt conduct of its Chief Executive Officer.

## 2. PRINCIPLES

The policy is designed to assist the Balonne Shire Council to:-

- ensure compliance with *section 48A of the Crime and Corruption Act 2001*
- promote public confidence in the way suspected corrupt conduct of Council Public Official is dealt with and
- promote accountability, integrity and transparency in the way Council deals with the complaint that is suspected to involve, or may involve corrupt conduct of its public official

## 3. SCOPE

The Chief Executive Officer (CEO) is the public official of the Balonne Shire Council within the meaning of *the Crime & Corruption Act 2001*.

## 4. RESPONSIBILITY

Councillors and Directors

## 5. DEFINITIONS

Crime and Corruption Commission (CCC)	The commission continued in existence under the Crime Corruption Act 2001
CC Act	Crime and Corruption Act 2001
Contact details	Should include a direct telephone number, email address and postal address to enable confidential communications
Corruption	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Corrupt Conduct	see s15 of the <i>Crime and Corruption Act 2001</i>
Corruption in Focus	<a href="https://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus">https://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus</a>
Nominated Person	See item 5 of this policy
Public Official /CEO	See Schedule2 ( Dictionary) and also s48Aof the Crime and Corruption Act 2001
Unit of Public Administration ( UPA)	See s20 of the Crime and Corruption Act 2001



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## 6. POLICY

This policy applies if there are grounds to suspect that a complaint may involve corrupt conduct of a public official (CEO) of the Balonne Shire Council. This includes information or matter defined in the Crime & Corruption Act 2001.

A public official must deal with a complaint about, or information or matter (also a complaint) involving, corrupt conduct in the accordance with this policy, the Crime & Corruption Act and subject to the Crime & Corruption Commission's (CCC) advice or monitoring requirements.

### 6.1 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 against a public official (the CEO) and to deal with the complaint under the CC Act.

The Mayor may appoint, with or without consulting the CCC, a delegate to perform the functions of the nominated person in respect of a particular complaint. Any delegate thus appointed shall liaise closely with the Mayor throughout the process of managing the complaint.

The Mayor shall notify the Commission if a delegate has been appointed as the nominated person in respect of a particular complaint and provide contact details for the delegate.

### 6.2 Complaints about the Public Official (CEO)

Where there is a nominated person, if a complaint may involve an allegation of corrupt conduct of the Chief Executive Officer of the Balonne Shire Council, the complaint may be reported to the nominated person. If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the nominated person.

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

- (a) notify the CCC of the complaint, and
- (b) deal with the complaint, subject to the CCC's monitoring role, 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 Chief Executive Officer reasonably suspects that the complaint may involve corrupt conduct on their part, and there is a nominated person, the Chief Executive Officer 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.

Where there is a nominated person, and if directions issued under s40 apply to the complaint:

- a) the nominated person is to deal with the complaint, and
- b) the Chief Executive Officer is to take no further action to deal with the complaint unless requested to do so by the nominated person.



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## 6.3 Resourcing the nominated person

If pursuant to ss40 or 46, the nominated person has responsibility to deal with the complaint:

- a) the Balonne Shire Council will ensure that sufficient resources are available to the nominated person, including the secondment of appropriately skilled personnel, to enable them to deal with the complaint appropriately, and
- b) 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 responsible for dealing with the complaint
- c) 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<sup>7</sup>
  - the importance of promoting public confidence in the way suspected corrupt conduct in the Balonne Shire Council is dealt with and
  - the Balonne Shire 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 staff of the Balonne Shire Council as if the nominated person is the Chief Executive Officer of the Balonne Shire Council for the purpose of dealing with the complaint only
- are delegated the same authority, functions and powers as the Chief Executive Officer to enter into contracts on behalf of the Balonne Shire 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 the elected Council or the Chief Executive officer, to the nominated person; and

If the Chief Executive Officer has responsibility to deal with the complaint, they must:

- disclose the complaint to the elected Council
- deal with the complaint, and
- before finally dealing with the complaint, report to the nominated person about:-
  - the action taken or not taken
  - the reasons the Chief Executive Officer considers the action to be appropriate in the circumstances, and
  - the results of the action taken that are known at the time of the report.

## 6.4 Liaising with the CCC

The Chief Executive Officer is to keep the CCC and the nominated person/s (if any) informed of:

- the contact details for the public official/CEO and the nominated person/s (if there is a nominated person)
- any proposed changes to this policy.



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## 6.5 Consultation with the CCC

The Chief Executive Officer will consult with the CCC when preparing any policy about how the Balonne Shire Council will deal with a complaint that involves or may involve corrupt conduct of a Public Official or the CEO.

## 7. LEGAL PARAMETERS

*Crime and Corruption Act 2001*  
*Local Government Electoral Act 2011*  
*Local Government Act 2009*  
*Local Government Regulation 2012*  
*Building Act 1975*  
*Environmental Protection Act 1994*  
*Invasion of Privacy Act 2014*  
*Plumbing and Drainage Act 2002*  
*Regional Planning Interests Act 2014*  
*Water Act 2000*  
*Planning Act 2016*  
*Liquor Act 1992*  
*Public Interest Disclosure Act 2010*  
*Electoral Act 1992.*

## 8. ASSOCIATED DOCUMENTS

Public Interest Disclosure Policy  
Fraud and Corruption Policy  
Confidentiality Policy  
Administrative Action Complaints Management Policy