

# POLICY



**Date adopted:** 04/12/2018  
**File no:** 1087115-1  
**Minute number:** 394/2018

**Policy title:** **COMPLAINTS INVOLVING CORRUPTION OF THE PUBLIC OFFICIAL**

**Directorate:** ORGANISATIONAL SERVICES

**Branch:** CORPORATE GOVERNANCE

**Policy objective:** The Chief Executive Officer (CEO) is the public official of Logan City Council (Council).

The objective of this policy is to set out how Council will deal with a complaint (or information or matter)<sup>1</sup> that involves or may involve corrupt conduct of its CEO as defined in the *Crime and Corruption Act 2001* (CC Act).

**Policy scope:**

The policy is designed to assist Council to:

- (a) comply with s48A of the CC Act;
- (b) promote public confidence in the way suspected corrupt conduct of the CEO of Council is dealt with (s34(c) of the CC Act); and
- (c) promote accountability, integrity, and transparency in the way that Council deals with a complaint that is suspected to involve, or does involve, corrupt conduct of the CEO.

**Definitions:**

TERM	DEFINITION
CCC	Means the Crime and Corruption Commission continued in existence under the CC Act
CC Act	Means the CC Act
Complaint	Includes information or matter. See definition provided by s48A(4) of the CC Act
Corruption	Is defined in Schedule 2 (Dictionary) of the CC Act
Corrupt conduct	Is defined by s15 of the CC Act
Deal with	Is defined in Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Nominated person	See item 1 of this policy
Public Official	Is defined in Schedule 2 (Dictionary) and s48A of the CC Act

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<sup>1</sup> See s48A of the CC Act and definitions below.

**Policy application:**

This policy applies:

- (a) if there are grounds to suspect that a complaint may involve corrupt conduct of the CEO of Council; and
- (b) to all councillors, employees and contractors of Council, whether employed on a permanent, temporary, contract, paid or unpaid basis.

**1. Nominated person**

Having regard to s48A(2) and (3) of the CC Act, this policy nominates the Director of Organisational Services to notify the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act.

**2. Complaints about the CEO**

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

- (a) a nominated person in accordance with section 1 of this policy; or
- (b) a person to whom there is an obligation to report under an Act (this does not include an obligation imposed by ss38 and 39(1) of the CC Act).

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

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

- (a) notify the CCC of the complaint; and
- (b) deal with the complaint, subject to the CCC's monitoring role, when —
  - (i) directions issued under s40 of the CC Act apply to the complaint, if any; or
  - (ii) pursuant to s46 of the CC Act, the CCC refers the complaint to the nominated person to deal with.

If the CEO suspects that the complaint may involve corrupt conduct on their part 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 the Mayor.

If directions issued under s40 of the CC Act apply to the complaint:

- (a) the nominated person is to deal with the complaint; and
- (b) the CEO is to take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Mayor.

**3. Resourcing the nominated person**

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

- (a) Council will ensure that sufficient resources are available to the nominated person 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 with 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:
  - (i) purposes of the CC Act;
  - (ii) the importance of promoting public confidence in the way suspected corrupt conduct in Council is dealt with; and
  - (iii) Council's statutory, policy and procedural framework.

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

- (a) are delegated the same authority, functions and powers as the CEO to direct and control staff of Council as if the nominated person is the CEO of Council for the purpose of dealing with the complaint only;
- (b) 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; and
- (c) do not have any authority, function, or power that cannot, under the law of the Commonwealth or the State, be delegated by either the Mayor or the CEO to the nominated person.

#### 4. Liaising with the CCC

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

- (a) the contact details for the CEO and the nominated person(s); and
- (b) any proposed changes to this policy.

#### 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.

#### 6. Statutory references

Unless otherwise stated, all statutory references are to the CC Act.

#### Related policies/legislation/other documents:

DOC ID	DOCUMENT TYPE	DOCUMENT NAME
<a href="#">8509372</a>	Policy	Administrative Action Complaints - Complaints Management Process
<a href="#">9353032</a>	Management Directive	Managing Complaints Against Staff
<a href="#">5901705</a>	Management Directive	Grievance Procedure