



G17. Dealing with a Complaint involving the Chief Executive Officer Policy

1	OBJECTIVE	1
2	SCOPE	1
3	STATEMENT	1
	3.1 Nominated Person	1
	3.2 Complaints about the Chief Executive Officer	2
	3.3 Resourcing the Nominated Person.....	2
	3.4 Liaising with the CCC	3
	3.5 Consulting with the CCC	3
4	HUMAN RIGHTS COMPATIBILITY STATEMENT	3
5	DEFINITIONS	4
6	RELATED POLICIES LEGISLATION OTHER DOCUMENTS	4
7	VERSION CONTROL	4

Responsible Officer: Chief Executive Officer
Policy Owner: Council
Policy No: G.17 **Version:** 4
Council Resolution Number: QSC 256-11-24
Effective Date: 27 November 2024

UNCONTROLLED DOCUMENT WHEN PRINTED
Review Due: November 2027
IX: 256500

G17. Dealing with a Complaint involving the Chief Executive Officer Policy

1 OBJECTIVE

The objectives of this policy are to:

- set out how Quilpie Shire Council (Council) will deal with a complaint (also information or matter)¹ that involves or may involve corrupt conduct of its Chief Executive Officer (the public official) as defined in the *Crime and Corruption Act 2001* (CC Act);
- comply with section 48A of the CC Act;
- promote public confidence in the way suspected corrupt conduct of the Chief Executive Officer is dealt with (s34 (c) CC Act); and

promote accountability, integrity and transparency in the way Council deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the Chief Executive Officer.

2 SCOPE

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

All other complaints regarding the Chief Executive Officer should be referred to the Mayor or the Manager Human Resources to be dealt with following Council's Performance and Misconduct Policy.

3 STATEMENT

3.1 NOMINATED PERSON

In accordance with section 48A(2) and (3) of the CC Act, this policy nominates the Director of Corporate and Community Services as the nominated person to notify the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act.

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.

Contact details for the nominated person are:

Mrs Lisa Hamlyn
PO Box 57
QUILPIE QLD 4480
Telephone: (07) 4656 0504
Mobile: 0427 861 133
Email: dceo@quilpie.qld.gov.au

¹ See section 48A of the CC Act and definitions below

3.2 COMPLAINTS ABOUT THE CHIEF EXECUTIVE OFFICER

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

- The Director of Corporate and Community Services; or
- The Mayor; or
- A person to whom there is an obligation to report under an Act (this does not include an obligation imposed by ss37, 38 and 39(1) of the CC Act).

If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the Director of Corporate and Community Services.

If the Director of Corporate and Community Services reasonably suspects (*Schedule 2 of the CCA defines reasonably suspects as reasonably suspects means suspects on grounds that are reasonable in the circumstances*) the complaint may involve corrupt conduct of the Chief Executive Officer, they are to:

- Notify the CCC of the complaint, and
- Deal with the complaint, subject to the CCC's monitoring role, when:
 - o Directions issued under s40 apply to the complaint, if any; or
 - o Pursuant to s46, the CCC refers the complaint to the Director of Corporate and Community Services to deal with.

If the Chief Executive Officer reasonably suspects that the complaint may involve corrupt conduct on their part the Chief Executive Officer must:

- Report the complaint to the Director of Corporate and Community Services as soon as practicable and may also notify the CCC; and
- Take no further action to deal with the complaint unless requested to do so by the Director of Corporate and Community Services in consultation with the Mayor.

If directions issued under s40 apply to the complaint:

- The Director of Corporate and Community Services is to deal with the complaint; and
- The Chief Executive Officer is to take no further action to deal with the complaint unless requested to do so by the Director of Corporate and Community Services in consultation with the Mayor.

3.3 RESOURCING THE NOMINATED PERSON

If pursuant to s40 or 46 of the CC Act, the Director of Corporate and Community Services has responsibility to deal with the complaint:

- Council will ensure that sufficient resources are available to the Director of Corporate and Community Services to enable them to deal with the complaint appropriately; and
- The Director of Corporate and Community Services 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

G17. Dealing with a Complaint involving the Chief Executive Officer Policy

- The consent of the Director of Corporate and Community Services; and
- The Director of Corporate and Community Services must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
 - Purposes of the CC Act;
 - The importance of promoting public confidence in the way suspected corrupt conduct in the Council is dealt with; and
 - Council's statutory, policy and procedural framework.

If the Director of Corporate and Community Services 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 Council as if the Director of Corporate and Community Services is the Chief Executive Officer 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 Council for the purpose of dealing with the complaint; and
- Do not have any authority, function or power that cannot – under the law of the Commonwealth or the State – be delegated by either the Council, Mayor or the Chief Executive Officer, to the Director of Corporate and Community Services.

3.4 LIAISING WITH THE CCC

The Chief Executive Officer is to keep the CCC and the Director of Corporate and Community Services informed of:

- The contact details for the Chief Executive Officer and the Director of Corporate and Community Services; and
- Any proposed changes to this policy.

3.5 CONSULTING 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.

4 HUMAN RIGHTS COMPATIBILITY STATEMENT

This Policy has been assessed as compatible with the Human Rights protected under the Human Rights Act 2019 when adopting and/or amending this policy.

5 DEFINITIONS

Crime and Corruption Commission	The Commission continued in existence under the <i>Crime and Corruption Act 2001</i>
Complaint	Includes information or matter. See definition provided by S48A(4) of the <i>Crime and Corruption Act 2001</i>
Corrupt conduct	See S15 of the <i>Crime and Corruption Act 2001</i>
Deal with	See schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Employee	Local government employee as defined pursuant to the <i>Local Government Act 2009</i>
Nominated Person	The Director of Corporate & Community Services

6 RELATED POLICIES | LEGISLATION | OTHER DOCUMENTS

Crime and Corruption Act 2001

Local Government Act 2009

Local Government Regulation 2012

Public Sector Ethics Act 1994

Public Interest Disclosure Act 2010

Criminal Code Act 1899

IX #	Details
176905	Quilpie Shire Council Code of Conduct
91102	G.107 Performance and Misconduct Policy

7 VERSION CONTROL

Version	Date	Details
V1	08-Jul-16	Developed and adopted
V2	13-Apr-18	Reviewed – no changes
V3	12-Apr-19	Reviewed – minor amendments
V4	27-Nov-24	Reviewed – minor changes and adopted

Responsible Officer: Chief Executive Officer
Policy Owner: Council
Policy No: G.17 **Version:** 4
Council Resolution Number: QSC 256-11-24
Effective Date: 27 November 2024

UNCONTROLLED DOCUMENT WHEN PRINTED

Review Due: November 2027

IX: 256500

Page 4