

Purpose

The purpose of this policy is to:

- set out how the *Council* will deal with complaints that involve or may involve corrupt conduct of its *public official (CEO)*;
- ensure compliance with section 48A of the *Crime and Corruption Act 2001* 'the Act';
- promote public confidence in the way suspected corrupt conduct of Council's public official (*CEO*) is dealt with; and
- promote accountability, integrity and transparency in the way the Council deals with a complaint that is suspected to involve, or may involve, corrupt conduct of its public official (*CEO*).

Scope

The Chief Executive Officer (CEO) is the public official of the Whitsunday Regional Council within the meaning of the *Crime and Corruption Act 2001* (CC Act).

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

Policy Statement

1. For the purpose of s48A of the CC Act, the person holding the position of Mayor of Whitsunday Regional Council shall be the *nominated person* to receive complaints about a public official (*CEO*).

The contact details for the nominated person are:

Mayor - Whitsunday Regional Council

Phone: (07) 4945 0206

Email: info@whitsundayrc.qld.gov.au

Post: PO Box 104 PROSERPINE QLD 4800

2. Complaints involving a reasonable suspicion of corrupt conduct shall be reported to the Mayor and to other persons to whom there is an obligation to report under legislation, even if uncertainty exists as to whether or not a complaint should be reported.
3. The Mayor may appoint, with or without consulting the Crime and Corruption Commission ("the Commission"), 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 CEO throughout the process of managing the complaint.
4. 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 such delegate.
5. If the nominated person is of the opinion that a complaint requires technical expertise, they may outsource the management of the complaint to a suitably qualified professional; if the nominated person is not the Mayor, they must consult with the Mayor prior to the engagement of an external party.

6. If the nominated person reasonably suspects the complaint may involve corrupt conduct of the public official (CEO) they shall:
 - 6.1. notify the Commission of the Complaint; and
 - 6.2. deal with the complaint, subject to the Commission's monitoring role, when –
 - 6.2.1. direction issued under section 40 of the Act apply to the complaint; or
 - 6.2.2. the omission refers the complaint to the nominated person to deal with.
7. If the public official (CEO) reasonably suspects that a complaint may involve corrupt conduct on their part, the public official (CEO) must:
 - 7.1. report the complaint to the nominated person as soon as practicable and may also notify the Commission; and
 - 7.2. take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Council.
8. If directions are issued under section 40 of the Act, the nominated person shall deal with the complaint and the public official (CEO) shall take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Council.
9. The Council shall ensure that sufficient resources are available to the nominated person to enable them to deal with complaints appropriately.
10. The nominated person shall ensure that consultations, if any, for the purpose of securing resources to deal with a complaint appropriately are confidential and not disclosed, other than to the Commission, without authorisation under a law of the Commonwealth or the State.
11. The nominated person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
 - 11.1. purposes of the Act;
 - 11.2. the importance of promoting public confidence in the way suspect corrupt conduct in the Council is dealt with;
 - 11.3. the Council's statutory, policy and procedural framework; and
 - 11.4. declare any conflicts of interests they may have in handling the complaint.
12. If the nominated person has responsibility to deal with the complaint, they:
 - 12.1. are delegated the same authority, functions and powers as the public official (CEO) to direct and control staff of the Council as if the nominated person is the public official (CEO) of the Council for the purpose of dealing with the complaint only;
 - 12.2. are delegated the same authority, functions and powers as the public official (CEO) to enter into a contract on behalf of the Council for the purpose of dealing with the complaint;
 - 12.3. 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 or the public official (CEO) to the nominated person.; and
 - 12.4. must declare immediately of any conflict of interest they may have in handling the complaint.

13. The public official (CEO) must keep the Commission and the nominated persons informed of:
 - 13.1. the contact details for the public official and the nominated persons; and
 - 13.2. any proposed changes to this policy.
14. The public official (CEO) shall consult with the Commission when preparing or amending any policy about how the Council will deal with a complaint that involves or may involve corrupt conduct of the CEO.
15. The nominated persons must maintain confidentiality as far as practicable in dealing with complaints.

Applicable Legislation

This policy is in reference to section 48A of the Act.

Definitions

CEO refers to the Chief Executive Officer of the Whitsunday Regional Council appointed in accordance with the Local Government Act 2009.

Commission refers to the Crime and Corruption Commission.

Council refers to the Whitsunday Regional Council

Corruption refers to corrupt conduct

Corrupt Conduct refers to section 15 of the Act

Crime and Corruption Commission refers to the Commission form under the Act

Employee refers to any employee, contractor, volunteer etc. of the Council

Nominated Person refers to the Mayor or a delegate authorised by the Mayor

Public Official refers to the CEO

Related Documents

N/A

Human Rights Compatibility Statement

This Policy has been assessed as compatible with the Human Rights protected under the *Human Rights Act 2019*.

COUNCIL POLICY			
Date Adopted by Council	23 November 2022	Council Resolution	OM2022/11/23.6
Effective Date	23 November 2022	Next Review Date	23 November 2024
Responsible Officer(s)	Manager Governance and Administration	Revokes	LSP_OMCEO_02
Public Consultation: Yes / No	No		