

COMPLAINTS ABOUT THE PUBLIC OFFICIAL

Section 48A of the *Crime and Corruption Act 2001*

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Policy Type: Administrative
Responsible Officer: Chief Executive Officer
Department: Executive Office

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1. OBJECTIVE

The Chief Executive Officer (CEO) is the public official of the Goondiwindi Regional Council.

The objective of this policy is to set out how the Goondiwindi Regional Council will deal with a complaint (also information or matter)¹ that involves or may involve corrupt conduct² of its CEO as defined in the *Crime and Corruption Act 2001* (CC Act).

2. POLICY RATIONALE

The policy is designed to assist the Goondiwindi Regional Council to:

- Comply with s48A of the *Crime and Corruption Act 2001*
- Promote public confidence in the way suspected corrupt conduct of the CEO for the Goondiwindi Regional Council is dealt with (s34(c) CC Act)
- Promote accountability, integrity and transparency in the way the Goondiwindi Regional Council deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the CEO.

3. DEFINITIONS

Crime and Corruption Commission (CCC)	the Commission continued in existence under the <i>Crime and Corruption Act 2001</i>
CC Act	<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>

¹ See s48A of the CC Act and definitions below

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>
<i>Corruption in Focus</i>	http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus ; see chapter 2, page 2.5
Deal with	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Nominated person	see item 5 of this policy
Police misconduct	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Public Official/CEO	see Schedule 2 (Dictionary) and also s48A of the <i>Crime and Corruption Act 2001</i>
Unit of public administration (UPA)	see s20 of the <i>Crime and Corruption Act 2001</i>

4. POLICY STATEMENT

4.1 Policy application

(1) This policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct of the CEO of the Goondiwindi Regional Council.
- to all persons who hold an appointment in, or are employees of, the Goondiwindi Regional Council.

(2) For the purpose of this policy a complaint includes information or matter.³

4.2 Nominated person

(1) Having regard to s48A(2) and (3) of the CC Act, this policy nominates:

- Council's Legal Officer as the nominated person⁴ to notify⁵ the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act.⁶

(2) Once the Goondiwindi Regional Council nominates a person, the CC Act applies as if a reference about notifying or dealing with the complaint to the public official/CEO is a reference to the nominated person⁷.

4.3 Complaints about the CEO

(1) Where there is a nominated person, if a complaint may involve an allegation of corrupt conduct of the CEO of the Goondiwindi Regional Council, the complaint may be reported to:

- (i) the nominated person, or a person to whom there is an obligation to report under an Act⁸ (this does not include an obligation imposed by ss37, 38 and

³ See s48(4) CC of the CC Act

⁵ Under ss37 or 38 of the CC Act

⁶ Under Chapter 2, Part 3, Division 4, Subdivisions 1 & 2 of the CC Act

⁷ See s48A(3) CC Act

39(1) of the CC Act).

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

(3) If the nominated person reasonably suspects the complaint may involve corrupt conduct of the CEO, they are to:

- (a) notify the CCC of the complaint⁹, 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 with¹⁰.

(4) If the CEO reasonably suspects that the complaint may involve corrupt conduct on their part, and there is a nominated person, the CEO must:

- report the complaint to the nominated person 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 nominated person in consultation with the Mayor.

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

- (i) the nominated person is to deal with the complaint, and
- (ii) 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.

4.4 Resourcing the nominated person

(1) If pursuant to ss40 or 46, the nominated person has responsibility to deal with the complaint¹¹:

- (i) the Goondiwindi Regional Council will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately¹², and
- (ii) 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.
- (iii) 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 Act¹³
 - the importance of promoting public confidence in the way suspected corrupt conduct in the Goondiwindi Regional Council is dealt with¹⁴, and
 - the Goondiwindi Regional Council's statutory, policy and procedural

⁸ See s39(2) of the CC Act

⁹ Under ss37 or 38, subject to s40 of the CC Act

¹⁰ Under ss41 and 42 and/or ss43 and 44 of the CC Act

¹¹ Under ss41 and 42 and/or ss43 and 44 of the CC Act

¹² See the CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 and the Goondiwindi Regional Council's relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint

¹³ See ss57 and the CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 of the CC Act

¹⁴ See s34(c) CC Act

framework.

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

- are delegated the same authority, functions and powers as the CEO to direct and control staff of the Goondiwindi Regional Council as if the nominated person is the CEO of the Goondiwindi Regional 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 the Goondiwindi Regional 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 or the CEO, to the nominated person; and

4.5 Contact Details of the Nominated Person

Nominated Person: Krista Roberts, Legal Officer

Email: kroberts@grc.qld.gov.au

Direct Phone Number: 07 46717407

Postal Address: LMB 7, Inglewood QLD 4387

4.6 Liaising with the CCC

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

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

4.7 Consultation with the CCC

(1) The CEO will consult with the CCC when preparing any policy about how the Goondiwindi Regional Council will deal with a complaint that involves or may involve corrupt conduct of the CEO.¹⁵

5. STATUTORY REFERENCES

Unless otherwise stated, all statutory references are to the *Crime and Corruption Act 2001*.

REVIEW DATE

May 2025