



# **Blackall-Tambo**

## Regional Council

# Complaints about Chief Executive Officer Policy

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| Version Number: Two                         | Effective Date: 17/06/2020 |
| Policy Compiled by: Chief Executive Officer | Review Date: 17/06/2022    |
| Policy Approved by: Chief Executive Officer |                            |

## 1. SCOPE

This policy applies:

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

## 2. PURPOSE

The Chief Executive Officer is the public official of Blackall-Tambo Regional Council.

The purpose of this policy is to set out how the Blackall-Tambo Regional Council will deal with a complaint that involves or may involve corrupt conduct of its Chief Executive Officer as defined in the Crime and Corruption Act 2001.

This policy is designed to assist the Blackall-Tambo Regional Council:

1. Comply with s48A of the *Crime and Corruption Act 2001*.
2. Promote public confidence in the way suspected corrupt conduct of the Chief Executive Officer for the Blackall-Tambo Regional Council is dealt with (s34© CC Act).
3. Promote accountability, integrity and transparency in the way the Blackall-Tambo Regional council deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the Chief Executive Officer.

## 3. REFERENCES/POLICIES

- *Crime and Corruption Act 2001*

## 4. 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>   |
| Contact details   | Mayor 0427 574 114 <a href="mailto:mayor@btrc.qld.gov.au">mayor@btrc.qld.gov.au</a><br>CEO 0488 574 035 <a href="mailto:ceo@btrc.qld.gov.au">ceo@btrc.qld.gov.au</a><br>PO Box 21 Blackall Qld 4472                          |
| 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="http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus">http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus</a> :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 7.1 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 (CHIEF EXECUTIVE OFFICER) | See s20 of the <i>Crime and Corruption Act 2001</i>  |

## 5. POLICY APPLICATION

This policy applies:

- If there are grounds to suspect that a complaint may involve corrupt conduct of the Chief Executive Officer of the Blackall-Tambo Regional Council.
- To all persons who hold an appointment in or are employees of the Blackall-Tambo Regional Council.

## 6. STANDARDS AND PROCEDURES

### 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 Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act.

### 6.2. Complaints about the Chief Executive Officer

Where there is a nominated person, if a complaint may involve an allegation of corrupt conduct of the Chief Executive Officer of the Blackall-Tambo Regional Council, the complaint may be reported to:

- The nominated person,
- A person to whom there is an obligation to report under an Act.

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 Mayor 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 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 council.

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 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 Council.

### **6.3. Resourcing the Nominated Person**

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

- (i) The Blackall-Tambo Regional Council will ensure that sufficient resources are available to the Mayor to enable the to deal with the complaint appropriately, and
- (ii) The Mayor 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 Mayor responsible for dealing with the complaint
- (iii) The Mayor 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 Blackall-Tambo Regional Council is dealt with, and
  - The Blackall-Tambo Regional Council's statutory, policy and procedural framework.

### **6.4. Nominated Person Responsibilities**

If the Mayor 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 Blackall-Tambo Regional Council as if the nominated person is the Chief Executive Officer of the Blackall-Tambo Regional 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 Blackall-Tambo 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 of the State - be delegated by either the Mayor or the Chief Executive Officer, to the nominated person.

### **6.5. Liaising with the CCC**

The Chief Executive Officer is to keep the CCC and the Mayor informed of:

- The contact details for the Chief Executive Officer and the Mayor.
- Any proposed changes to this policy.



### 6.6. Consultation with the CCC

The Chief Executive Officer will consult with the CCC when preparing any policy about how the Blackall-Tambo Regional Council will deal with a complaint that involves or may involve corrupt conduct of the Chief Executive Officer.

### POLICY REVIEW

This policy will be reviewed when any of the following occur:

1. As required by legislation.
2. The related documents are amended or replaced.
3. Other circumstances as determined by the Chief Executive Officer.

Notwithstanding the above, this policy is to be reviewed at intervals of no more than two (2) years.

### Version Control

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|-------------|-------------------|
| Version One | 19 September 2018 |
| Version Two | 17 June 2020      |