

# Doomadgee Aboriginal Shire Council Policy



<b>Policy Name:</b>	Complaints about the Public Official
<b>Policy Number:</b>	21
<b>Policy Type:</b>	Governance
<b>Link to Corporate Plan:</b>	Key Governance -
<b>Date Approved:</b>	23/05/2019
<b>Resolution Number:</b>	15-5/19
<b>Approving Officer:</b>	Director of Corporate Services

## **Section 1 – Introduction**

### **Context**

The public official<sup>1</sup>, namely the Chief Executive Officer (“CEO”), of Doomadgee Aboriginal Shire Council (“Council”) is required under section 48A of the *Crime and Corruption Act 2001* (“the Act”) to prepare a policy in relation to how the Council will deal with a complaint that involves or may involve corruption<sup>2</sup> of the CEO.

### **Purpose**

The purpose of this policy is to:

- ) set out how Council will deal with a complaint that involves or may involve corrupt conduct<sup>3</sup> of its CEO;
- ) ensure compliance with section 48A of the Act;
- ) promote public confidence in the way suspected corrupt conduct of its 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 CEO.

### **Scope**

This policy applies:

- ) if there are grounds to suspect that a complaint may involve corrupt conduct of the CEO of the Council;
- ) to all persons who hold an appointment in, or are employees of the Council; and
- ) to all complaints against the CEO, with a complaint including information or matter<sup>4</sup>.

## **Section 2 – Policy**

<sup>1</sup> see Schedule 2 (Dictionary) and section 48A of the *Crime and Corruption Act 2001*

<sup>2</sup> see Schedule 2 (Dictionary) the *Crime and Corruption Act 2001*

<sup>3</sup> S15 *Crime and Corruption Act 2001*

<sup>4</sup> section 48A(4) of the *Crime and Corruption Act 2001*

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## **Principles**

Council is committed to the principles of ethical and transparent governance as well as the principles of natural justice and procedural fairness.

## **Policy**

The Mayor and Director of Corporate Services shall be the nominated persons to notify the Crime and Corruption Commission ("CCC") of the complaint and to deal with the complaint.

The nominated persons will – with or without consulting the CCC or the Council – decide who will be the nominated person for a particular complaint and the nominated person for that particular complaint will inform the CCC and the Council that they are the nominated person for the particular complaint.

Complaints involving a reasonable suspicion of corrupt conduct by the CEO shall be reported to the nominated persons 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.

If the nominated person is of the opinion that a complaint requires technical expertise to enable it to be properly investigated, they may outsource and delegate the management of the complaint to a suitably qualified professional.

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

- ) notify the CCC of the complaint;
- ) deal with the complaint subject to the CCC's monitoring role, when –
  - o directions issued under section 40 of the Act apply to the complaint; or
  - o the CCC refers the complaint to the nominated person to deal with.

If the CEO reasonably suspects that a complaint may involve corrupt conduct on their part, 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 Council.

If directions are issued under section 40 of the Act, the nominated person shall deal with the complaint and the 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.

The Council shall ensure that sufficient resources are available to the nominated person to enable them to deal with complaints appropriately.

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 CCC, without authorisation under a law of the Commonwealth or the State.

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The nominated person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:

- ) purposes of the Act;
- ) the importance of promoting public confidence in the way suspect corrupt conduct in the Council is dealt with; and
- ) the Council's statutory, policy and procedural framework.

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 Council as if the nominated person is the CEO for the purpose of dealing with the complaint only;
- ) are delegated the same authority, functions and powers as the CEO to enter into a contract on behalf of the 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 or the CEO to the nominated person.

The CEO must keep the CCC and the nominated persons informed of:

- ) the contact details for the CEO and the nominated persons; and
- ) any proposed changes to this policy.

The CEO shall consult with the CCC 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.

The nominated persons must maintain confidentiality as far as practicable in dealing with complaints.

## Section 3 – Procedure

Contact details for nominated persons:

**Deborah Glyde – Director of Corporate Services**

Email: [debbie.glyde@doomadgee.qld.gov.au](mailto:debbie.glyde@doomadgee.qld.gov.au)

Ph (07) 4745 8351 Ext. 503

Post: 275 Sharpe Street, DOOMADGEE, QLD 4830 (mark "private and confidential")

**Cr Jason Ned – Acting Mayor**

Email: [jason.ned@doomadgee.qld.gov.au](mailto:jason.ned@doomadgee.qld.gov.au)

Phone: 0448 612 614

Post: 275 Sharpe Street, DOOMADGEE, QLD 4830 (mark "private and confidential")

# Doomadgee Aboriginal Shire Council Policy



## Section 4 – Reference and Supporting Information

### Supporting documentation

Links to supporting documentation:

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## Section 5 – Governance

### Policy is governed by the following legislation

Name	Link

### Responsibility

Responsible Department:	
Policy Administrator:	

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### Review

Review Period:	1 year
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### Privacy Provision

Council respects and protects people's privacy and collects, stores, uses and discloses personal information responsibly and transparently when delivering Council services and business.

### Change History

Review Date	Revision Number	File Reference	Approval Date	Change:	Date of Next Review