

COMPLAINTS ABOUT PUBLIC OFFICIAL POLICY

SCOPE

This policy applies where there is a complaint in relation to corrupt conduct of the CEO.

LEGISLATION

Crime and Corruption Act 2001

OBJECTIVE

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 as defined in the Crime and Corruption Act 2001 (CC Act).

DEFINITIONS

CC Act	Crime and Corruption Act 2001
CCC	Crime and Corruption Commission
CEO	Chief Executive Officer of Banana Shire Council
Council	Banana Shire Council

POLICY

Nominated person

Having regard to s48A(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 in relation to the CEO.

Contact details for the nominated person are:

Position Title: Director of Corporate and Community Services
Postal Address: Banana Shire Council
PO Box 412
BILOELA QLD 4715
Email: venkata.peteti@banana.qld.gov.au
Phone: 0429 929 502

Once the Banana Shire Council nominates a person 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.

Complaints about the CEO

Where a complaint may involve an allegation of corrupt conduct of the CEO of the Council, the complaint may be reported to:

- the nominated person; 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 nominated person.

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

- (a) notify the CCC of the complaint; and
- (b) deal with the complaint, subject to the CCC's monitoring role, when —
 - there are directions issued under s40 that apply to the complaint; or
 - pursuant to s46, the CCC refers the complaint to the Director Corporate and Community Services

If the CEO reasonably suspects that the complaint may involve corrupt conduct on their part, the CEO must:

- (i) report the complaint to the nominated person as soon as practicable and may also notify the CCC; and
- (ii) take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Mayor

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

Resources

The Council will ensure that sufficient resources are available to enable the complaints to be dealt with appropriately.

Dealing with the Complaint

All dealing must:

- be confidential unless required by law or there is consent
- independent, impartial and fair
- processed within that statutory, policy and procedural frameworks

Before dealing with the complaint, there is a requirement to report to the Mayor:

- the action taken or not taken
- the reasons the action to be appropriate in the circumstances and
- the results of the action taken that are known at the time of the report

The officer dealing with the complaint will keep the CCC informed of:

- the contact details for the CEO and the nominated person of the Council for the purposes of this policy
- any proposed changes to this policy

PROCEDURE

Procedures as approved and issued by the Chief Executive Officer, and subject to further revision, amendment and issue under the authority of the Chief Executive Officer.

CERTIFICATION



CHIEF EXECUTIVE OFFICER
BANANA SHIRE COUNCIL

3/6/2020

DATE