

DEALING WITH A COMPLAINT INVOLVING THE PUBLIC OFFICIAL GENERAL POLICY

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

For the purpose of this policy, Council's Chief Executive Officer (CEO) is its public official.

Scope The policy is designed to assist Council to:

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

Definitions

Crime and Corruption Commission (CCC)	the Commission continued in existence under the <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 Bob Manning Email: mayorspa@cairns.qld.gov.au Phone: (07) 4044 3083 Post: Attention Mayor Manning PO Box 359 Cairns QLD 4870
Corrupt conduct	see s15 of the <i>Crime and Corruption Act 2001</i>
Deal with	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Nominated person	means the Mayor of Cairns Regional Council
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>

PROVISIONS

Application

This policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct by Chief Executive Officer of Cairns Regional Council;
- to all persons who hold an appointment in, or are employees, contractors or volunteers of Cairns Regional Council.

For the purpose of this policy a complaint includes information or matter.

Nominated person

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

- Mayor as the nominated person to notify the CCC of the complaint and to deal with the complaint under the CC Act.

Once 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

If a complaint may involve an allegation of corrupt conduct by the CEO of Cairns Regional 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, the nominated person must:

- (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 nominated person to deal with.

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.

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.

Resourcing the nominated person

If, pursuant to s40 or s46, the nominated person has responsibility to deal with the complaint:

- Council will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately, and
- 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
 - o authorisation under a law of the Commonwealth or the State, or
 - o the consent of the nominated person;
- the nominated person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
 - o purposes of the CC Act
 - o the importance of promoting public confidence in the way suspected corrupt conduct in Council is dealt with, and
 - o 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 Council as if the nominated person is the CEO of Council for the purpose of dealing with the complaint only
- may be delegated any authority, function or power, under the law of the Commonwealth or the State, as required to deal 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 Council or CEO, to the nominated person.

Liaising with the CCC

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

- the contact details for the CEO and the nominated person
- any proposed changes to this policy.

Consultation with the CCC

The CEO will consult with the CCC when preparing any policy about how Council will deal with a complaint that involves or may involve corrupt conduct of the public official/CEO.

Statutory references

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

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This policy is to remain in force until otherwise determined by Council.

General Manager Responsible for Review:

Human Resources & Organisational Change

ADOPTED: 12/06/2019

DUE FOR REVISION: 12/06/2023

REVOKED/SUPERSEDED:



John Andrejic
Chief Executive Officer