

Complaints against a Public Official Policy

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Approved by:	General Meeting
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Version:	2

Head of Power

Section 48A of the *Crime and Corruption Act 2001* (“the Act”) requires the Chief Executive Officer (“the CEO”) to prepare a policy about how the Council will deal with a complaint that involves or may involve corruption of the Public Official, so that transparency and integrity are maintained. The CEO is the public official of the Council within the meaning of the Act.

Policy Objective

To promote public confidence in the way suspected corrupt conduct of the Public Official is dealt with as well as accountability, integrity and transparency in the way Council deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the Public Official, while complying with s.48A of the Act and information from Crime and Conduct Commission (CCC).

Policy Statement

Redland City Council, through its Corporate Plan is committed to enriching community lifestyles and making a positive difference in our customers’ lives through the services we provide. We are forward thinking, engaged and strive to maintain the highest standards of service to ensure we are delivering real value.

Council is committed to dealing with complaints that may involve, or are suspected to involve, Corrupt Conduct of the Public Official using the following directing principles:

- If there are reasonable grounds to suspect that a Complaint may involve Corrupt Conduct of the Public Official.
- To all persons, employees, contractors, councillors who hold an appointment with Council must report a Complaint in accordance with this policy.
- A Complaint or information involving an allegation of corrupt conduct of the Public Official must be reported to a Nominated Person (as outlined in this policy) to assess the Complaint. If the particular Complaint also involves a Nominated Person then the Complaint must be referred to another Nominated Person and they must notify the CCC of the Complaint.
- If a Nominated Person reasonably suspects the Complaint may involve corrupt conduct of the Public Official, they must:
 - Notify the CCC of the Complaint.
 - Deal with the Complaint subject to the CCC direction and monitoring.
- If the Public Official reasonably suspects the Complaint may involve corrupt conduct on their part, they must:
 - Report the Complaint to a Nominated Person as soon as practicable and may also notify the CCC.

For Corporate Governance Use Only

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- Take no further action to deal with the Complaint unless requested to do so by the Nominated Person in consultation with the Council.
- The Nominated Person responsible for dealing with the Complaint about Corrupt Conduct has a duty to maintain confidentiality of the Complaint and related information, subject to notice and direction from the CCC or as required by law.
- The Nominated Person will be provided sufficient resources to deal with the Complaint appropriately. Any consultations regarding resourcing must ensure that the Complaint remains confidential and is not disclosed except in accordance with the above paragraph.
- The Nominated Person must at all times use their best endeavours, to act independently, impartially and fairly in assessing, recording and keeping relevant parties informed about the Complaint process and outcome, having regard to:
 - Purposes of the Act
 - The importance of promoting public confidence in the way suspected corrupt conduct in Redland City Council is dealt with.
 - The Council's statutory, policy and procedural framework.
- Having regard to s48A(2) and (3) of the Act, this Policy nominates the following persons to notify the CCC of the Complaint and to Deal with the Complaint under the act:
 - The Mayor
 - CCC Liaison Officer (General Counsel)
- When a Complaint is received the Nominated Persons will:
 - With or without consulting the CCC, decide who will be the Nominated Person for a particular Complaint.
 - Nominated Person for that particular Complaint will inform the CCC that they are the Nominated Person for the particular Complaint.
- Once a Nominated Person for a Complaint is appointed, the Act applies as if a reference about notifying or dealing with the Complaint to the Public Official is a reference to the Nominated Person.
- The Nominated Persons 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.
 - Delegated the same authority, functions and powers as the CEO to enter into contracts on behalf of 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 Council or the CEO to the Nominated Person.
- The Public Official is to keep the CCC and the Nominated Person/s (if any) informed of:
 - The contact details for the Public Official and the Nominated Persons.
 - Any proposed changes to this policy.

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Definitions

In this policy, unless context otherwise requires:

Term	Definition
Crime and Corruption Commission (CCC)	Means 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	Includes a direct telephone number, email address and postal address to enable confidential communications
Corrupt Conduct	see s15 of the <i>Crime and Corruption Act 2001</i>
Deal With	Means refer the Complaint, information or matter to the CCC Manage the Complaint as directed by the CCC See the Act Schedule 2 Dictionary for a more detailed definition
Nominated Person	Means the persons nominated by Redland City Council to manage and report Complaints of corrupt conduct by a public official to the CCC
Public Official	Means the Chief Executive Officer

Associated Documents

Nil.

Document Control

Only Council can approve amendments to this document by resolution of a Council Meeting, with the exception of administrative amendments which can be approved by the relevant ELT member. Refer to *Policy Instrument Development Manual* for an explanation on administrative amendments ([A4063988](#)).

Any requests to change the content of this document must be forwarded to relevant Service Manager(s).

Approved documents must be submitted to the Corporate Meetings and Registers Team for registration.

Version Information

Version number	Date	Key Changes
1	May 2018	New policy
2	2019	Changes as required under Policy Framework review