

 Central Highlands Regional Council	CENTRAL HIGHLANDS REGIONAL COUNCIL POLICY	
	Complaints about the Chief Executive Officer	POLICY REF NO CHRCP: 0044

1.0 Policy Purpose

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

2.0 Policy Statement

- 2.1 This policy is designed to assist Council to:
- 2.1.1 Comply with section 48A of the *Crime and Corruption Act 2001*.
 - 2.1.2 Promote public confidence in the way suspected corrupt conduct of the Chief Executive Officer for the council is dealt with (s34(c) *CC Act*).
 - 2.1.3 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 the Chief Executive Officer.
- 2.2 This policy applies if there are grounds to suspect that a complaint may involve corrupt conduct of the Chief Executive Officer of council.
- 2.3 For the purpose of this policy a complaint includes information or matter.

3.0 Nominated Person

- 3.1 This policy nominates the Mayor and General Manager Corporate Services as the nominated person to notify the Crime and Corruption Commission (CCC) of a complaint and to deal with the complaint under the CC Act.
- 3.2 Where there is more than one nominated person:
- 3.2.1 The nominated persons will – with or without consulting the CCC – decide who will be the nominated person for a particular complaint; and
 - 3.2.2 The nominated person for that particular complaint will inform the CCC that they are the nominated person for the particular complaint.
- 3.3 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.

4.0 Complaints about the Chief Executive Officer

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- 4.1 If a complaint may involve an allegation of corrupt conduct of the Chief Executive Officer, the complaint may be reported to the nominated person.
- 4.2 If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the nominated person.
- 4.3 If the nominated person reasonably suspects the complaint may involve the corrupt conduct of the Chief Executive Officer, they are to:
- 4.3.1 Notify the CCC of the complaint, and
- 4.3.2 Deal with the complaint, subject to the CCC’s monitoring role, when –
- Directions issued under section 40 apply to the complaint, if any, or
 - Pursuant to section 46, the CCC refers the complaint to the nominated person to deal with.
- 4.4 If the Chief Executive Officer receives a complaint and reasonably suspects that the complaint may involve corrupt conduct on their part the Chief Executive Officer must:
- 4.4.1 Report the complaint to the nominated person as soon as practicable and may also notify the CCC, and
- 4.4.2 Take no further action to deal with the complaint unless requested to do so by the nominated person.

5.0 Resourcing the Nominated Person

- 5.1 If pursuant to sections 40 or 46 of the Act, the nominated person has responsibility to deal with the complaint:
- 5.1.1 The Council will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately.
- 5.1.2 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:
- Authorisation under a law of the Commonwealth or the State, or
 - The consent of the nominated person responsible for dealing with the complaint.
- 5.1.3 The nominated person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
- Purposes of the CC Act.
 - Importance of promoting public confidence in the way suspected corrupt conduct in the Council is dealt with.
 - Council’s statutory, policy and procedural framework.
- 5.2 If the Mayor is the nominated person with responsibility to deal with the complaint, they:
- 5.2.1 Are delegated the same authority, functions and powers as the Chief Executive Officer to direct and control council staff as if the nominated person is the Chief Executive Officer for the purpose of dealing with the complaint only.

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5.2.2 Are delegated the same authority, functions and powers as the Chief Executive Officer to enter into contracts on behalf of the Council for the purpose of dealing with the complaint.

5.3 If the General Manager Corporate Services is the nominated person with responsibility to deal with the complaint, subject to receiving delegated authority from the Chief Executive Officer, they:

5.3.1 Are delegated the same authority, functions and powers as the Chief Executive Officer to direct and control Council staff as if the nominated person is the Chief Executive Officer for the purpose of dealing with the complaint only.

5.3.2 Are delegated the same authority, functions and powers as the Chief Executive Officer to enter into contracts on behalf of Council for the purpose of dealing with the complaint.

5.4 If the nominated person has responsibility to deal with the complaint, they must:

5.4.1 Before finally dealing with the complaint, report to the Council about:

- The proposed action to be taken or not taken.
- The reasons the nominated person considers the action to be appropriate in the circumstances.

6.0 Communication & Consultation with the CCC

6.1 The Chief Executive Officer is to keep the CCC and the nominated person(s) informed of:

6.1.1 The contact details for the Chief Executive Officer and the nominated person(s).

6.1.2 Any proposed changes to this policy.

6.2 The Chief Executive Officer will consult with the CCC when preparing any policy about how the council will deal with a complaint that involves or may involve corrupt conduct of the Chief Executive Officer.

7.0 Statutory References

7.1 Unless otherwise stated, all statutory references are to the *CC Act 2001*.

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Strategic Link	s 34 , s 38 , s 40 , s 46 , 48A <i>Crime and Corruption Act 2001</i>
Category	Organisational
Lead Business Unit	Governance
Public Consultation	No
Adoption Date	20 October 2021
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Document Number	1308287
Record Keeping	Council website and the Vine
Related Documents	Fraud Risk Assessment, Investigation, Monitoring, Evaluation and Reporting Procedure.

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