

Dealing with a Complaint involving the Chief Executive Officer Policy



Collaboration



Communication



Integrity



Efficiency



Leadership

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1. Statement

- 1.1. The Chief Executive Officer (CEO) or person acting in the role is the public official of the Ipswich City Council.
- 1.2. The objective of this policy is to set out how Ipswich City Council will deal with a complaint (also information or matter) ¹ that involves or may involve corrupt conduct of its CEO as defined in the Crime and Corruption Act 2001 (CC Act)

2. Purpose and Principles

The policy is designed to assist Ipswich City Council to:

- 2.1 Comply with s48A of the CC Act 2001.
- 2.2 Promote public confidence in the way suspected corrupt conduct of the CEO for Ipswich City Council is dealt with (s34(c) CC Act).
- 2.3 Promote accountability, integrity and transparency in the way Ipswich City Council deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the CEO.

3. Strategic Plan Links

This policy aligns with the following iFuture 2021-2026 Corporate Plan theme:

- A Trusted and Leading Organisation

4. Regulatory Authority

Crime and Corruption Act 2001, S48A

5. Human Rights Commitment

Ipswich City Council (Council) has considered the human rights protected under the *Human Rights Act 2019 (Qld)* (the Act) when adopting and/or amending this policy. When applying this policy, Council will act and make decisions in a way that is compatible with human rights and give proper consideration to a human right relevant to the decision in accordance with the Act.

¹ See s48A of the CC Act and definitions below

6. Scope

This policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct of the CEO of Ipswich City Council.
- to all persons who hold an appointment in, or are employees of, Ipswich City Council.

For the purpose of this policy a complaint includes information or matter;²

If there is not a reasonable basis upon which to suspect that a complaint may involve corrupt conduct of the CEO of Ipswich City Council, the complaint will be directed to the appropriate officer in accordance with Ipswich City Council's policies and procedures, including but not limited to the Reporting and investigating suspected missing, stolen or maliciously damaged Council property or asset and corrupt conduct procedure.

7. Key Stakeholders

The Mayor and Legal and Governance Branch are to be consulted if any major changes are made. Others such as the CEO, Chief Audit Executive and Ethical Standards Manager will be involved in the review of this policy.

8. Roles and Responsibilities

Having regard to s48A(2) and (3) of the CC Act, if a complaint may involve an allegation of corrupt conduct against the CEO of Ipswich City Council, this policy nominates the Mayor as the person/s to notify³ the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act.⁴

Once Ipswich City 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 person⁵

9. Complaints about the public official/CEO

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

- the nominated person in accordance with section 7 of this Policy, or
- a person to whom there is an obligation to report under an Act⁵ (this does not include an obligation imposed by ss37, 38 and 39(1) of the CC Act).

The following non-exhaustive list includes indicators of the types of conduct which may form a reasonable basis to suspect corrupt conduct:

- fraud and theft;
- extortion;
- unauthorised release of information.
- obtaining or offering a secret commission; and

² See s48(4) CC of the CC Act

³ Under ss37 or 38 of the CC Act

⁴ Under Chapter 2, part 3, Division 4, Subdivisions 1 & 2 of the CC Act

⁵ See s39(2) of the CC Act

- (e) nepotism.

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 complaint⁶; 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 Mayor to deal with⁷

If the CEO reasonably suspects that the subject matter of 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.

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.

10. Recordkeeping requirements

Should the nominated person decide that a complaint, or information or matter, about alleged corrupt conduct of the CEO is not required to be notified to the CCC under s. 38 of the CC Act, the nominated person make a record of the decision that complies with s. 40A of the CC Act.

11. Resourcing the CEO or the nominated person

If pursuant to ss40 or 46, the nominated person has responsibility to deal with the complaint⁸:

- (i) Ipswich City Council will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately⁹; and
- (ii) 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.

⁶ Under ss37 or 38, subject to s40 of the CC Act

⁷ Under ss41 and 42 and/or ss43 and 44 of the CC Act

⁸ Under ss41 and 42 and/or ss43 and 44 of the CC Act

⁹ See CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 and the Ipswich City Council's relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint.

- (iii) 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 Act¹⁰;
 - the importance of promoting public confidence in the way suspected corrupt conduct in Ipswich City Council is dealt with¹¹; and
 - Ipswich City Council's statutory, policy and procedural framework.

Subject to the *Local Government Act 2009*, the nominated person, in dealing with the complaint, may direct senior executive employees, where appropriate, to provide assistance.

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

- disclose the complaint to the Council
- deal with the complaint, and
- before finally dealing with the complaint, report to the Council about
 - the action taken or not taken;
 - the reasons the nominated person considers the action to be appropriate in the circumstances; and
 - the results of the action taken that are known at the time of the report¹².

12. Liaising with the CCC

The CEO is to keep the CCC and the nominated person informed of:

- the contact details for the CEO and the nominated person (if there is a nominated person);
- any proposed changes to this policy.

13. Consultation with the CCC

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

14. Monitoring and Evaluation

This policy's use will be reviewed as part of the matter that has to be reported to the CCC and any updates as suggested by them.

15. Definitions

Crime and Corruption Commission (CCC)	the Commission continued in existence under the <i>Crime and Corruption Act 2001</i>
CC Act	<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	should include a direct telephone number, email address and postal address to enable confidential communications
Corruption	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>

¹⁰ See ss57 and the CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 of the CC Act

¹¹ See s34(c) CC Act

¹² See ss42 and 44 of the CC Act

Corrupt conduct	see s15 of the <i>Crime and Corruption Act 2001</i>
<i>Corruption in Focus</i>	https://www.ccc.qld.gov.au/publications/corruption-focus ; see chapter 2, page 2.6
Deal with	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Nominated person	see item 5 of this policy
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>

16. Policy Owner

The Internal Audit Branch (Office of the CEO) is the policy owner and the Chief Audit Executive is responsible for authoring and reviewing this policy.