



Policy Name	Complaints about the Public Official Policy (sec 48 of the Crime and Corruption Act 2001)		
Type	Council Policy		
Owner	Executive Manager Governance and Communication		
Responsible Officer	Executive Manager Governance & Communication		
Decision Number	[Decision Number]	Approval Date	19.08.2020
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DOCUMENT VERSION CONTROL			
VERSION	DATE	RESOLUTION NO.	DETAILS
V1	19/08/2015	217/2015	Updated
V2	28/10/2015	2015/283	Responsible Officer CEO – Frank Mills
V3	19.08.2020	2020/131	Responsible Officer Exec Manager Governance & Communication

This is an official copy of the Complaints about the Public Official Policy of Morningson Shire Council, made in accordance with the provisions of Local Government Act and Regulations, Public Records Act, Morningson Shire Council’s Local Laws, Subordinate Local Laws and current Council Policies.

This policy meets the exact requirements of Sec 48A of the Crime & Corruption Act 2001.

Strategic Policies comply with a strategic requirement; the Complaints about the Public Official Policy is approved by the Morningson Shire Council for the operations and procedure of Council.



1 Purpose

The Chief Executive Officer (CEO) is the public official of the Mornington Shire Council (MSC).

The objective of this policy is to set out how the Mornington Shire Council will deal with a complaint, information or matter that involves or may involve corrupt conduct of its Chief Executive Officer as defined in the Crime & Corruption Act 2001 (CC Act).

2 Application of the Policy

The policy is published to assist Mornington Shire Council to:

- Comply with Sec 48A of the Crime & Corruption Act 2001
- Promote public confidence in the way suspected corrupt conduct of the Chief Executive Officer of the Shire is dealt with (ref Sec 34c of the CC Act)
- Promote accountability, integrity and transparency in the way Mornington Shire Council deals with complaints that is suspected to involve, or may involve, corrupt conduct of the Chief Executive Officer.
- The policy should be reviewed periodically and by each new Council.

3 Definitions

For the purposes of this policy, the following definitions apply:

Term	Definition
CCC – Crime & Corruption Commission	Is the Commission in existence empowered under the Crime and Corruption Act 2001
CC Act	Is the Crime and Corruption Act 2001
Complaint	Includes information or matter. See the definition under Sec 48A(4) of the CC Act
Contact Details	Refers to contact details of the CEO being 07 47457801 Email ceo@mornington.qld.gov.au
Corruption	Refer to Schedule 2 (Dictionary) of the CC Act.



Corrupt Conduct	Refer Sec 15 of the CC Act
Corruption in Focus	http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus ; ref Chapter 2 page 2.5
Deal with	Refer Schedule 2 (Dictionary) of the CC Act
Nominated Person	See item 5 of this policy
Public Official/ CEO	Refer Schedule 2 (Dictionary) of the CC Act
Unit of Public Administration (UPA)	Refer Sec 20 of the CC Act

4 Scope & Application

This policy applies

- If there are grounds to suspect that a complaint may involve corrupt conduct of the CEO of MSC.
- To all persons who hold an appointment in, or are employees of MSC

5 Nominated Person

Having regard to the requirements of Sec 48A(2) and (3) of the CC Act, this policy nominates;

- The Executive Manager Corporate Governance & Communications, the Executive Manager Finance & Human Services and the Executive Manager Infrastructure & technical Services as the Nominated Persons to notify the CCC and to deal with the complaint pursuant to CCC directive.

Where more than one person is nominated as the Nominated Person:

- The nominated persons will, with or without consulting with the CCC or the Mayor or Council determine who the nominated person will be for a particular complaint, and
- The Nominate person for that particular complaint will inform the CCC and the Mayor that they are the Nominated Person for the particular complaint.
- The mayor will inform the CEO who the nominated person is.

Once a Nominated Person has been determined, the CC Act applies as if a reference about notifying or dealing with the complaint to the Public Official/ CEO is a reference to the Nominated Person.



6 Complaints about the Chief Executive Officer

Complaints involving a reasonable suspicion of corrupt conduct, where there is a nominated person.

Where there is a nominated person, if a complaint may involve an allegation of corrupt conduct of the CEO, the complaint may be reported to:

- The nominated person, or
- A person to whom there is an obligation to report under and Act (this does not include an obligation imposed by Secs 37, 38 and 39(1) of the CC Act).

If there is uncertainty about whether or not a complaint should be reported, it should be reported 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 at the direction of CCC, when
 - a. Directions pursuant to Sec 40 of the CC Act apply to the complaint, if any, or
 - b. Pursuant to Sec 46, 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, and there is a nominated person, 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 pursuant to Sec 40 apply to the complaint:

- I. The nominated person is to deal with the complaint, and
- II. The Chief Executive Officer 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.



7 Resourcing the Nominated Person

If pursuant to Secs 40 or 46, the Nominated Person has responsibility to deal with the complaint;

- I. The MSC will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately, 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:
 - a. Authorisation under law of the Commonwealth or the State, or
 - b. The consent of the CEO responsible for dealing 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:
 - a. Purposes of the CC Act.
 - b. The importance of promoting public confidence in the way suspected corrupt conduct in MSC is dealt with, and
 - c. The MSC statutory, policy and procedural framework.

8 Liaising/ Consulting with the CCC

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

- The contact details for the public officer/CEO and the nominated person (if there is a nominated person)
- Any changes to this policy.

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

End of Policy