Dealing with a Complaint Involving the Public Official (*Crime and Corruption Act 2001*, s48A)

CONTROL:

Policy Type:	Executive
Authorised by:	Council
Head of Power:	Crime and Corruption Act 2001 (CC Act)
Responsible Officer:	Mayor of Bulloo Shire Council
Adopted / Approved:	21 September 2026; Resolution 2026/199
Last Reviewed:	September 2026
Review:	September 2027 This policy will be reviewed on an annual basis.

1. INTRODUCTION

1.1 OBJECTIVES:

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

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

1.2 COMMENCEMENT OF POLICY:

This Policy will commence on adoption.

1.3 SCOPE:

This policy applies:

- If there are grounds to suspect that a complaint may involve the corrupt conduct of the public official of the Bulloo Shire Council.
- To all employees of Bulloo Shire Council (whether full-time, part-time or casual) and all persons performing work at the direction of, or on behalf of Bulloo Shire Council (for example contractors, subcontractors, agents, consultants, and temporary staff) (collectively referred to as "workers");

For the purpose of this policy a complaint, about corrupt conduct, includes information or matter involving corrupt conduct

2. POLICY

2.1 CONTEXT:

The policy is designed to assist Council to:

- Comply with s48A of the Crime and Corruption Act 2001.
- Promote public confidence in the way suspected corrupt conduct by the CEO is dealt with.
- Promote accountability, integrity and transparency through the way in which Council deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the public official.

3. STANDARDS AND PROCEDURES

3.1 NOMINATED PERSON

Having regard to s48A(2) and (3) of the CC Act, this policy nominates the Mayor of Bulloo Shire Council as the nominated person to notify the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act.

The CC Act applies as if a reference about notifying or dealing with the complaint to the public official is a reference to the nominated person.

3.2 COMPLAINTS ABOUT THE PUBLIC OFFICER

If a complaint may involve an allegation of corrupt conduct by the CEO the complaint may be reported to:

- the Mayor, 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 Mayor.

If the Mayor reasonably suspects the complaint may involve corrupt conduct of the public official, the Mayor 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
    - if pursuant to s46, the CCC refers the complaint to the nominated person to deal with.

If the CEO reasonably suspects that a complaint may involve an allegation of corrupt conduct on his/her part, the CEO must:

- report the complaint to the Mayor as soon as practicable and may also notify the CCC, and
- take no further action to deal with the complaint unless requested to do so by the Mayor

If directions issued under s40 apply to the complaint the Mayor is to deal with the complaint and the CEO is to take no further action to deal with the complaint unless requested to do so by the Mayor.

3.3 RESOURCING THE PUBLIC OFFICIAL OR NOMINATED PERSON

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

- Council will ensure that sufficient resources are made available to the Mayor to enable the Mayor to deal with the complaint appropriately, and
- the Mayor 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 Mayor.

The Mayor must at all times use his/her best endeavours to act independently, impartially and fairly having regard to the:

- purposes of the CC Act
- the importance of promoting public confidence in the way suspected corrupt conduct in the Council is dealt with, and
- Council's statutory, policy and procedural framework.

Where the Mayor has responsibility to deal with the complaint, the Mayor:

- is delegated the same authority, functions and powers as the CEO to direct and control Council staff as if the Mayor is the CEO for the purpose of dealing with the complaint only
- is delegated the same authority, functions and powers as the CEO to enter into contracts on behalf of the Council for the purpose of dealing with the complaint
- may be delegated any authority, function or power, under the law of the Commonwealth or the State, as required to deal with the complaint.
- Will acknowledge the complaint in writing to confirm receipt of the complaint promptly.
- Will maintain an accurate register of complaints.

3.4 LIAISING WITH THE CRIME AND CORRUPTION COMMISSION

The CEO is to keep the CCC informed of the contact details for the public official and the Mayor. Further, the CEO is to inform the CCC of any proposed changes to this policy.

3.5 CONSULTATION WITH THE CRIME AND CORRUPTION COMMISSION

The CEO 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 public official.

4. REFERENCE AND SUPPORTING INFORMATION

4.1 DEFINITIONS:

To assist in interpretation, the following definitions shall apply:

Word / Term	Definition
Council	means Bulloo Shire Council.
CC Act	Crime and Corruption Act 2001
CEO	means the Chief Executive Office of Council
Commission	Crime and Corruption Commission, shortened to CCC
Complaint	a complaint about corrupt conduct includes information or matter involving corrupt conduct. Refer definition provided by s48A(4) of the Crime and Corruption Act 2001. See also s36(3) of the CC Act for examples of 'information or matter'.
Contact Details	Chief Executive Officer (07) 4621 8010 CEO@bulloo.qld.gov.au Bulloo Shire Council PO Box 46 THARGOMINDAH QLD 4492
Corruption	means corrupt conduct or police misconduct
Corrupt Conduct	1) Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of - i. a unit of public administration; or ii. a person holding an appointment; and b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that - i. is not honest or is not impartial; or ii. involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or iii. involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and c) would, if proved, be i. a criminal offence; or ii. a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment. 2) Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that –

	a) impairs, or could impair, public confidence in public administration; and b) involves, or could involve, any of the following – i. collusive tendering; ii. fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described) – A) protecting health or safety or persons; B) protecting the environment; C) protecting or managing the use of the State's natural, cultural, mining or energy resources; iii. dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets; iv. evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue; v. fraudulently obtaining or retaining an appointment; and c) would, if proved, be – i. a criminal offence; or ii. a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.
Deal with	a complaint about corruption or information or matter involving corruption, includes a) investigate the complaint, information or matter; and b) gather evidence for i. prosecutions for offences; or ii. disciplinary proceedings; and c) refer the complaint, information or matter to an appropriate authority to start a prosecution or disciplinary proceeding; and d) start a disciplinary proceeding; and e) take other action, including managerial action, to address the complaint in an appropriate way.
Nominated Person	Refer to Section 3.1 of this policy
Public Official	means— a) the Chief Executive Officer of the Council

4.2 RELATED POLICIES, LEGISLATION AND DOCUMENTS:

Links to supporting documentation
Crime and Corruption Act 2001 (CC Act)