

AP229 COMPLAINTS ABOUT THE CHIEF EXECUTIVE OFFICER PROCEDURE

1. OVERVIEW

The Chief Executive Officer (CEO) is the public official of the Brisbane City Council (Council).

The objective of this procedure is to set out how the Council will deal with a complaint (also information or matter)¹ that involves or may involve corrupt conduct² of its CEO as defined in the *Crime and Corruption Act 2001* (CC Act).

2. PROCEDURE RATIONALE

The procedure is designed to assist the Council to:

- comply with s48A of the CC Act
- promote public confidence in the way suspected corrupt conduct of the Council CEO is dealt with (s34(c) CC Act)
- 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 CEO.

3. PROCEDURE APPLICATION

This procedure applies:

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

For the purpose of this procedure a complaint includes information or matter.³

4. 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	General Manager, Ethical Standards, Governance and Legal Services 07 3403 6797 Jack.Meyer@brisbane.qld.gov.au Level 23 Brisbane Square 266 George Street Brisbane Qld 4000

¹ See s48A of the CC Act and definitions below

² The CCC's Corruption function encompasses both "corrupt conduct" and "police misconduct". For the purposes of the Queensland Police Service, wherever the term "corrupt conduct" is used in the policy, they would also have to consider police misconduct, as per s37 of the CC Act

³ See s48(4) CC of the CC Act

Corruption	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Corrupt conduct	see s15 of the <i>Crime and Corruption Act 2001</i>
<i>Corruption in Focus</i>	http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus ; see chapter 2, page 2.5
Deal with	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Nominated person	see item 5 of this procedure
Police misconduct	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
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>

5. NOMINATED PERSON

Having regard to s48A(2) and (3) of the CC Act, this procedure nominates:

- the General Manager, Ethical Standards, Governance and Legal Services, as the nominated person⁴ to notify⁵ the CCC of the complaint and to deal with the complaint under the CC Act.⁶

Once the 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 person⁷.

6. COMPLAINTS ABOUT THE CEO

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

- the nominated person, or
- a person to whom there is an obligation to report under an Act⁸ (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 nominated person.

If the nominated person reasonably suspects the complaint may involve corrupt conduct of the CEO, they are to:

- notify the CCC of the complaint⁹, and
- deal with the complaint, subject to the CCC's monitoring role, when —
 - directions issued under s40 of the CC Act apply to the complaint, if any, or

⁴ See footnote 2 'Suggested outline of policy'

⁵ Under ss37 or 38 of the CC Act

⁶ Under Chapter 2, Part 3, Division 4, Subdivisions 1 & 2 of the CC Act

⁷ See s48A(3) CC Act

⁸ See s39(2) of the CC Act

⁹ Under ss37 or 38, subject to s40 of the CC Act

- pursuant to s46 of the CC Act, the CCC refers the complaint to the General Manager, Ethical Standards to deal with¹⁰.

If the CEO reasonably suspects that the complaint may involve corrupt conduct on their part, and there is a nominated person, the CEO must:

- report the complaint to the nominated person 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 nominated person in consultation with the Lord Mayor.

Where there is a nominated person, and if directions issued under s40 of the CC Act apply to the complaint:

- the nominated person 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 nominated person in consultation with the Lord Mayor.

7. RESOURCING FOR THE GENERAL MANAGER, ETHICAL STANDARDS

If pursuant to s40 or 46 of the CC Act, the General Manager, Ethical Standards has responsibility to deal with the complaint¹¹:

- the General Manager, Ethical Standards 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 CCC¹², without:
 - authorisation under a law of the Commonwealth or the State, or
 - the consent of the nominated person responsible for dealing with the complaint
- the General Manager, Ethical Standards must, at all times, act independently, impartially and fairly having regard to the:
 - purposes of the CC Act¹³
 - the importance of promoting public confidence in the way suspected corrupt conduct in the Council is dealt with¹⁴, and
 - the Council's statutory, policy and procedural framework.

If the General Manager, Ethical Standards has responsibility to deal with the complaint, they:

- 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 of the Council for the purpose of dealing with the complaint only
- are 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; and
- do not have any authority, function or power that cannot — under the law of the Commonwealth or the State — be delegated by either the Lord Mayor or the CEO, to the nominated person.

¹⁰ Under ss41 and 42 and/or ss43 and 44 of the CC Act

¹¹ Under ss41 and 42 and/or ss43 and 44 of the CC Act

¹² See the CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 and the Brisbane City Council's relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint

¹³ See ss57 and the CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 of the CC Act

¹⁴ See s34(c) CC Act

8. LIAISING WITH THE CCC

The CEO is to keep the CCC and the nominated person/s (if any) informed of:

- the contact details for the public official/CEO and the nominated person/s (if there is a nominated person)
- any proposed changes to this procedure.

9. CONSULTATION WITH THE CCC

The CEO will consult with the CCC when preparing any policy or procedure about how the Council will deal with a complaint that involves or may involve corrupt conduct of the CEO.¹⁵

10. STATUTORY REFERENCES

Unless otherwise stated, all statutory references are to the *Crime and Corruption Act 2001*.

11. AUTHORITY

Executive Management Team: 20 January 2016

Minor changes approved by Divisional Manager, City Administration and Governance: 24 July 2018

Minor amendments approved by CEO: 21 September 2023

12. PROCEDURE OWNER

Group Executive and General Counsel, Governance and Legal Services

13. FILE REFERENCE

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14. FURTHER ASSISTANCE

Ethical Standards, Governance and Legal Services (340 36797)

City Legal, Governance and Legal Services (340 35313)

15. REVIEW DATE

Due: 31 October 2027

Last reviewed: 31 October 2025

¹⁵ Section 48A of the CC Act