



WUJAL WUJAL ABORIGINAL SHIRE COUNCIL

Complaints Involving Corruption of the Public Official (CEO) Policy

Section 48A of the *Crime and Corruption Act 2001* Policy Template

Document Control

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1. Origin / Authority

Complaints about the Chief Executive Officer: section 48A of the Crime and Corruption Act 2001

2. Objective

- 2.1 The Chief Executive Officer is the public official of the Wujal Wujal Aboriginal Shire Council (Council) for the purposes of the *Crime and Corruption Act 2001* (CC Act).
- 2.2 The Public Sector Commission has published a “Framework for oversight of senior public service employee complaints devolved by the CCC” (the Framework), which applies to complaints about the Chief Executive Officer of the Council.
- 2.3 The objective of this policy is to set out how the Council will deal with a complaint (or information or matter)¹ that involves or may involve corrupt conduct, as defined in the CC Act, by the Chief Executive Officer.

3. Policy Statements

3.1 Policy Rationale

This policy is designed to assist the Council to:

- 3.1.1 Comply with s. 48A of the CC Act and the Framework.
- 3.1.2 Promote public confidence in the way suspected corrupt conduct by the Chief Executive Officer of the Council is dealt with (s. 34(c) CC Act).
- 3.1.3 Promote accountability, integrity, and transparency in the way the Council deals with a complaint that is reasonably suspected to involve, or may involve, corrupt conduct by the Chief Executive Officer.

3.2 Definitions

Term	Definition
Crime and Corruption Commission (CCC)	the Commission continued in existence under the CC Act
CC Act	Crime and Corruption Act 2001
Complaint	includes information or matter: see the definition in s. 48A(4) of the CC Act
Contact details for Nominated person	Finance Manager, Wujal Wujal Aboriginal Shire Council Arminda David 121 Hartwig Street, Wujal Wujal 4895 E: financemanager@wujal.qld.gov.au P: 0402 755 380
Corrupt conduct	see s. 15 of the CC Act
<i>Corruption in Focus</i>	www.ccc.qld.gov.au/publications/corruption-focus ; see chapter 2, page 26
Deal with	see Schedule 2 (Dictionary) of the CC Act.

1. This template is to be used by all departments declared under s. 197 of the Public Sector Act 2022, except for the Department of the Premier and Cabinet, the Queensland Police Service and the Queensland Fire Department.
2. See s. 48A(4) of the CC Act and the definitions in clause 3.

Term	Definition
Framework	means the “Framework for oversight of senior public service employee complaints devolved by the CCC” that has been published by the PSC (as varied from time to time) – see Attachment 1
Nominated person	see item 3.5 of this policy
Public official	see s. 48A & Schedule 2 (Dictionary) of the CC Act
PSC	Public Sector Commission

3.4. Policy Application

This policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct by the Chief Executive Officer of the Council; and
- to all persons who hold an appointment in, or are employees of, the Council.

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

3.5. Nominated Person

Having regard to s. 48A(2) and (3) of the CC Act, this policy nominates: Finance Manager, Wujal Wujal Aboriginal Shire Council, Arminda David as the nominated person to notify⁴ the CCC of the complaint and, subject to the Framework, to deal with the complaint under the CC Act.⁵

The provisions of the CC Act that regulate how the Chief Executive Officer as the public official of the Council is to notify or deal with a complaint also apply to the nominated person.⁶

3.6. Complaints about the Chief Executive Officer

If a complaint may involve an allegation of corrupt conduct by the Chief Executive Officer of the Council, the complaint may be reported to:

- the nominated person; or
- the CCC directly, via this [form](#) on the CCC’s website; or
- a person to whom there is an obligation to report under an Act⁷ (this does not include an obligation imposed by ss. 38 or 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.

3.6.1 Complaints received by the nominated person

If the nominated person reasonably suspects that a complaint involves or may involve corrupt conduct by the Chief Executive Officer, they are to notify the CCC of the complaint.⁸

Where, pursuant to s. 46 of the CC Act, the CCC refers a complaint back to the nominated person to deal with,⁹ or pursuant to directions issued under s. 40 of the CC Act, the nominated person is entitled to commence dealing with a complaint, the nominated person shall:

- *not* commence investigating the complaint
- advise the Director-General of the Department of the Premier and Cabinet about the referral and/or complaint so a delegation from the Premier to deal with the complaint can be sought; and
- cooperate with any requests for assistance made by another agency that is investigating or managing the investigation of the complaint.

3.6.2 Complaints received by the Chief Executive Officer

If the Chief Executive Officer receives a complaint that may involve corrupt conduct on their part, they 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 or another agency that is investigating or managing the investigation of the complaint.

3.7 Recordkeeping requirements

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

3.8 Resourcing the nominated person

If pursuant to s. 46 of the CC Act, the CCC refers a complaint back to the nominated person to deal with, or pursuant to directions issued under s. 40 of the CC Act, the nominated person is entitled to commence dealing with a complaint:

- the Council will ensure that sufficient resources are available to the nominated person to enable them to perform their obligations under clause 6 of this policy; and
- the nominated person is delegated the same authority, functions, and powers as the Chief Executive Officer to direct and control staff of the Council as if the nominated person is the Chief Executive Officer of the Council for the purpose of dealing with the complaint only.

3.9 Liaising with the CCC

The Chief Executive Officer is to keep the CCC and the nominated person informed of:

- the contact details for the Chief Executive Officer and the nominated person; and
- any proposed changes to this policy.

3.10 Consultation with the CCC

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 by the Chief Executive Officer.

4. Associated Policies

- Code of Conduct- Employees

6. Relevant Legislation

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

7. Review

This policy will be reviewed when any of the following occur:

1. The related legislation or governing documents are amended or replaced; or
2. Two years from date of adoption.

This Policy will commence on adoption by Council.

It replaces all other policies (whether written or not).

A handwritten signature in black ink, appearing to read 'G King', with a stylized, cursive script.

Mr Graham King

Acting Chief Executive Officer

Wujal Wujal Aboriginal Shire Council