



# **Leadership and Governance Standing Committee Meeting**

Meeting of the Central Highlands Regional Council held  
in the **Council Chambers, 65 Egerton Street, Emerald**  
on

**Tuesday, 11 September 2018**  
**Commenced at 12.00pm**

**COUNCIL MINUTES**

**CENTRAL HIGHLANDS REGIONAL COUNCIL**

**LEADERSHIP AND GOVERNANCE STANDING COMMITTEE MEETING OF COUNCIL**

**TUESDAY 11 SEPTEMBER 2018**

**MINUTES CONTENTS**

<b>PRESENT .....</b>	<b>2</b>
<b>APOLOGIES .....</b>	<b>2</b>
<b>LEAVE OF ABSENCE .....</b>	<b>2</b>
<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....</b>	<b>2</b>
4.1 Minutes – Leadership and Governance Standing Committee Meeting – 7 August 2018 .....	2
<b>BUSINESS ARISING OUT OF MINUTES .....</b>	<b>2</b>
<b>REVIEW OF OUTSTANDING MEETING ACTIONS .....</b>	<b>2</b>
<b>REVIEW OF UPCOMING AGENDA ITEMS .....</b>	<b>2</b>
<b>PETITIONS .....</b>	<b>2</b>
<b>MATERIAL PERSONAL INTEREST, CONFLICT OF INTEREST, PERSONAL GIFTS AND BENEFITS .....</b>	<b>2</b>
<b>CORPORATE SERVICES .....</b>	<b>3</b>
10.1 Asset Accounting Policy .....	3
10.2 Enterprise Risk Management Framework and Policy .....	10
10.3 Public Interest Disclosure Policy .....	10
10.4 Complaints about the Chief Executive Officer Policy .....	25
<b>CHIEF EXECUTIVE OFFICER .....</b>	<b>31</b>
11.1 Bi-Monthly Safety and Wellness Update .....	31
<b>GENERAL BUSINESS .....</b>	<b>31</b>
<b>CLOSED SESSION .....</b>	<b>31</b>
13.1 Departmental Updates (Customer and Commercial Services) .....	32
<b>CLOSURE OF MEETING .....</b>	<b>32</b>

**MINUTES – LEADERSHIP AND GOVERNANCE STANDING COMMITTEE MEETING  
HELD AT 12.00PM TUESDAY 11 SEPTEMBER 2018 IN THE CENTRAL HIGHLANDS REGIONAL  
COUNCIL CHAMBERS, EMERALD OFFICE**

**PRESENT**

**Councillors**

Councillor (Crs) C. Rolfe (Chair),  
Councillors (Crs) K. Hayes (Mayor), C. Brimblecombe, G. Nixon and G. Sypher

**Officers**

General Manager Corporate Services J. Bradshaw, General Manager Customer and Commercial Services M. Webster, General Manager Infrastructure and Utilities G. Joubert, Coordinator Communications A. Ferris and Minute Secretary S. Chant

**Observers**

Councillor M. Daniels

**APOLOGIES**

Councillor P. Bell AM

***Resolution:***

Cr Nixon moved and seconded by Cr Sypher “That an apology be received from Cr P. Bell AM as previously granted for today’s meeting be recorded.”

**LGSC 2018 / 09 / 11 / 001**

Carried (5-0)

**LEAVE OF ABSENCE**

Nil

**CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**4.1 Minutes – Leadership and Governance Standing Committee Meeting – 7 August 2018**

***Resolution:***

Cr Brimblecombe moved and seconded by Cr Nixon “That the minutes of the previous Leadership and Governance Standing Committee Meeting held on 7 August 2018 be confirmed.”

**LGSC 2018 / 09 / 11 / 002**

Carried (5-0)

**BUSINESS ARISING OUT OF MINUTES**

Nil

**REVIEW OF OUTSTANDING MEETING ACTIONS**

Updates provided by General Manager Corporate Services.

**REVIEW OF UPCOMING AGENDA ITEMS**

Updates provided by General Manager Corporate Services.

**PETITIONS**

Nil

**MATERIAL PERSONAL INTEREST, CONFLICT OF INTEREST, PERSONAL GIFTS AND BENEFITS**

Nil

Attendance

Manager Asset Management M. Gatt attended the meeting at 12.05 pm.

**CORPORATE SERVICES**

**10.1 Asset Accounting Policy**

**Executive summary:**

The Asset Accounting Policy outlines key decisions made in respect of the application of Australian Accounting Standards, particularly as they apply to thresholds for capitalisation of expenditure, revaluation of assets and determining the holding value of assets in the asset register, and determination of useful lives for the calculation of annual depreciation expense.

**Resolution:**

Cr Nixon moved and seconded by Cr Brimblecombe “That the Central Highlands Regional Council approve the Asset Accounting Policy to support the financial reporting and disclosure requirements of Council.”

**LGSC 2018 / 09 / 11 / 003**

Carried (5-0)

POLICY PROCEDURE NUMBER: [TBA]

DEPARTMENT: Corporate Services

EFFECTIVE DATE: 01 APRIL 2018

UNIT: Asset Management

## 1.0 Purpose and Scope

Council has an obligation to ensure that all assets are managed efficiently in accordance with the Council's Asset Management Plan. This policy outlines the mandatory asset management accounting requirements to maintain compliance with the Local Government Act and Australian Accounting Standards.

The purpose of this policy is to provide guidance, clarity and consistency regarding the treatment of capital expenditure, depreciation, revaluations, disposals and acquisitions which will provide greater understanding and accuracy of Council's capital requirements.

## 2.0 Reference

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- Australian Accounting Standards
  - AASB 13 Fair Value
  - AASB 116 Property Plant and Equipment
  - AASB 136 Impairment of Assets
  - AASB 1031 Materiality
  - AASB 138 Intangible Assets
  - AASB 1051 Land under Roads
  - AASB 1041 Revaluation of Non-Current Assets

## 3.0 Definitions

For the purpose of this policy, the following definitions shall apply:

**Accumulated Depreciation** is the total of the entire annual depreciable amount that has been applied to the asset since the asset has been used by the entity

**Asset Class** refers to the categories of assets used by the Council for asset management and accounting purposes, such as land, buildings, facilities, infrastructure assets, plant and equipment, furniture and fittings.

**Capital Works in Progress** refers to Capital Works not completed within the financial year and needs to be carried in to the next financial year.

**Comprehensive Revaluation** is a revaluation which entails significant levels of physical inspection and evaluation of all appropriate aspects such as methodology, assumptions and Unit Rates.

**Cost** refers to amount of cash or cash equivalents paid or the fair value of other consideration given to acquire an asset at the time of its acquisition or construction.

**Council** refers to Central Highlands Regional Council.

**Depreciation** is the systematic allocation of the depreciable amount of an asset over its useful life.

**Fair Value** refers to the amount for which an asset could be exchanged between knowledgeable, willing parties in an arm's length transaction. For infrastructure assets, replacement cost represents fair value.

**Financially completed projects** occur after the practical completion of a project where all of the project expenditure is processed to the general ledger, excluding any retention costs.

**Future Economic Benefit** (or service potential) are the goods and services to be provided by the asset, whether or not the entity receives a net cash inflow for their provision

**Maintenance** of an asset is periodic expenditure required to ensure that the asset lasts as long as it is expected to last (useful life) and that it provides and continues to provide future economic benefits. Maintenance can also include expenditure on non-current assets that do not meet the capitalization criteria.

**Materiality** as defined by AASB 1031 is 'Information is material, if its omission, misstatement or non-disclosure has the potential, individually or collectively to:

- a) Influence the economic decisions of users taken on the basis of financial statements or
- b) Affect the discharge of accountability by the management or governing body of the entity.'

**Non-Current Asset** refers to assets controlled by the Council that have an economic life greater than one year and are capitalised where the cost of acquisition exceeds materiality thresholds.

**Network assets** are a chain of interconnected but dissimilar assets connected for the provision of the one simultaneous service. Individually, these assets are below capitalization thresholds, but require recognition in the financial statements due to their collective value.

**Practically completed projects** are where the majority of the project is practically complete or the core asset is placed in service and commissioned.

**Residual Value** is the estimated amount that an entity would currently obtain from disposal of the asset, after deducting the estimated costs of disposal, if the asset were already of the age and in the condition expected at the end of its useful life.

**Retention costs** are costs due to the contractor withheld by the Council for a period of time as stipulated in the construction contract.

**The Act** shall mean the *Local Government Act 2009*.

**The Regulation** shall mean the *Local Government Regulation 2012* (as amended).

**Useful Life** is, the period over which an asset is expected to be available for use.

**Valuation** refers to the process of determining the value of an asset.

**Written down value (WDV)** refers to the amount at which after deducting the accumulated depreciation and accumulated impairment losses.

## 4.0 Procedure Statement

### **Recognition of Non-Current Assets**

This section of the policy sets out when Council's Non-Current assets should be recognised in the Balance Sheet and how to treat assets which do not satisfy the recognition criteria.

## Recognition Criteria:

Where an asset is constructed the cost will be recognised as it is incurred. Projects are to be capitalised within three months of being financially complete, or prior to a comprehensive revaluation whichever occurs first.

Where an asset is contributed/donated by a developer it is recognised when the Council assumes responsibility for the asset.

This is:

- where the construction of contributed assets has been completed prior to the lodgment of a Plan of Survey, the date of registration of a Plan of Survey with the Department of Lands; or
- where the construction of contributed assets has not been commenced or completed prior to the lodgment of a Plan of Survey, the date of the first day in the 'on maintenance' period; or
- in cases where no Plan of Survey is involved, the date of the first day in the 'on maintenance' period.

Council will recognize a Non-Current asset when:

- The recognition criteria have been met; and
- The cost exceeds the recognition threshold set by Council

All non-current assets are initially recognised at cost when it exceeds the recognition threshold, with the exception of network assets.

- Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition, including architects' fees and engineering design fees and all other planning costs incurred.
- For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition.
- The cost of non-current assets constructed by Council includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overhead.
- Capital work-in-progress is to be disclosed as a separate category for financial reporting purposes, at accumulated cost.
- Once the project is completed the total costs should be transferred from work in progress to the relevant property, plant and equipment asset class.
- At completion of project, a Capital Completion Form is required as formal documentation recognising the capitalisation of the work-in-progress.
- Costs on assets incurred after initial recognition are to be capitalised whenever the associated work either renewals, extensions or upgrades the asset's completed or underlying service potential.
- Capital expenditure below the asset recognition threshold will be treated as an operational expenditure and expensed during the financial accounting period unless the cost is associated with a network asset, or unless construction is staged over different accounting periods.

### **Renewal / Upgrade / Improvement for Existing Non-Current Assets**

After initial recognition of all non-current assets at cost, assets are maintained to their optimum service potential through annual capital programs. Each year capital programs are budgeted, and the asset custodians will have their inputs for each asset classes. Based on the asset conditions, the use or consumption of assets and service potential, projects will be budgeted. This will include renewals, upgrades or improvements to the assets.

- Renewals - Re-establishing an existing asset's service potential; required once an asset's condition degrades to the point the related service can no longer be adequately provided.
- Upgrade - Enhancement to existing assets to provide a higher level of service from the Current level of service.
- Improvement - Improve an existing assets condition from the current condition or service potential which will then improve the useful Life and remaining useful life.

A similar accounting process will be carried out for the above three capital treatments to the assets. During capitalisation process the relevant asset will be added with the actual capital sent and the condition will be improved based on the in-house engineer's condition assessment.

**Table of asset classes and asset recognition threshold.**

Asset Financial Class	Asset Class	Asset Recognition Threshold	Useful life (Years)	Measurement Model	Valuation Approach
Land	Land	\$1	N/A	Fair Value	Market Value
Building	Buildings	\$10,000	15 - 150	Fair Value	Market Value and Current Replacement Cost
Facilities	Site Improvements	\$10,000	10 - 70	Fair Value	Current Replacement Cost
Road Infrastructure	Roads	\$10,000	15 - Infinite	Fair Value	Current Replacement Cost
	Bridges	\$10,000	75 - 100	Fair Value	Current Replacement Cost
	Culverts	\$10,000	70	Fair Value	Current Replacement Cost
	Footpaths	\$10,000	20 - 70	Fair Value	Current Replacement Cost
	Kerbs & Channels	\$10,000	70	Fair Value	Current Replacement Cost
	Carparks	\$10,000	12 - 100	Fair Value	Current Replacement Cost
	Floodways	\$10,000	12 - 60	Fair Value	Current Replacement Cost



Asset Financial Class	Asset Class	Asset Recognition Threshold	Useful life (Years)	Measurement Model	Valuation Approach
	Stormwater Pits	\$10,000	60 - 70	Fair Value	Current Replacement Cost
	Stormwater Pipes	\$10,000	70 - 80	Fair Value	Current Replacement Cost
Plant & Equipment	Plant & Equipment	\$5,000	2 - 35	Historical Cost	Not applicable
ICT Plant & Equipment	Plant & Equipment	\$1,000	2-10	Historical Cost	Not applicable
Intangible Asset	Intangible Assets	\$10,000	3-15	Historical Cost	Not applicable
Heritage & Cultural	Heritage & Cultural	\$10,000	7-100	Historical Cost	Not applicable
Furniture & Fitting	Furniture & Fitting	\$5,000	2 - 10	Historical Cost	Not applicable
Sewer Infrastructure	Sewer Mains	\$10,000	50 - 70	Fair Value	Current Replacement Cost
	Sewer Nodes	\$10,000	30 - 50	Fair Value	Current Replacement Cost
	Sewer Pump Stations	\$10,000	10 - 100	Fair Value	Current Replacement Cost
	Sewer Treatment Facility	\$10,000	10 - 100	Fair Value	Current Replacement Cost
	Sewer Equipment's	\$10,000	10 - 100	Fair Value	Current Replacement Cost
Water Infrastructure	Water Mains	\$10,000	60 - 90	Fair Value	Current Replacement Cost
	Water Nodes	\$10,000	30 - 50	Fair Value	Current Replacement Cost
	Water Meter & Service	\$10,000	20 - 55	Fair Value	Current Replacement Cost
	Water Pumps Stations	\$10,000	10 - 100	Fair Value	Current Replacement Cost
	Water Treatment Facility	\$10,000	10 - 100	Fair Value	Current Replacement Cost
	Water Equipment's	\$10,000	10 - 100	Fair Value	Current Replacement Cost

### **Depreciation or Amortisation**

The straight-line depreciation or amortisation method is adopted by Council to reflect patterns of consumption for all non-current assets other than parcels of land, which are not subject to depreciation or amortisation. Asset depreciation and amortisation parameters, useful lives, asset condition and residual values are to be reviewed with sufficient regularity to ensure that they are representative of current conditions and

Attendance

Manager Asset Management M. Gatt left the meeting at 12.09 pm.

Manager Governance (Fixed-Term) C. Joosen and Governance Officer M. Ryan attended the meeting at 12.10 pm.

**10.2 Enterprise Risk Management Framework and Policy**

**Executive summary:**

At the Strategy and Briefing Forum on 13 March 2018, the Enterprise Risk Management Framework, Policy and Guideline were presented by Protiviti consultant, Geoff Hirst, and workshopped with Council.

The Enterprise Risk Management Framework, Policy and Guideline provide the basis for managing risks across Council.

This report provides an update of the Enterprise Risk Management documentation and implementation process.

**Resolution:**

Cr Brimblecombe moved and seconded by Cr Sypher “That the Central Highlands Regional Council adopt the updated Enterprise Risk Management Framework.”

**LGSC 2018 / 09 / 11 / 004**

Carried (5-0)

**10.3 Public Interest Disclosure Policy**

**Executive summary:**

The Office of the Queensland Ombudsman have conducted a “Visibility Review” to ascertain Central Highlands Regional Councils’ compliance with Section 28 of the *Public Interest Disclosure Act 2010* (PID Act). In response to this review, the Central Highlands Regional Council Public Interest Disclosure Policy has been reviewed and amended accordingly.

**Resolution:**

Cr Brimblecombe moved and seconded by Cr Sypher “That Central Highlands Regional Council adopt the Public Interest Disclosure Policy.”

**LGSC 2018 / 09 / 11 / 005**

Carried (5-0)



POLICY NUMBER: CHRC0009  
EFFECTIVE DATE: TBA

DEPARTMENT: Corporate Services  
UNIT: Governance

**1.0 Purpose and Scope**

This policy is drafted to:

1. Publicly state Council’s commitment to professionally manage any disclosures that are made to it about matters of public interest as defined in *Public Interest Disclosure Act 2010*.
2. Encourage the reporting of wrongdoing and protect the interests of persons making such disclosures in the public interest.
3. Outline publicly the manner in which Public Interest Disclosures will be managed.

In making this statement of commitment, Council acknowledges its obligations as a public sector entity as defined in the *Public Interest Disclosure Act*.

This policy covers all Public Interest Disclosures made to the Council and all persons making those disclosures.

**2.0 Reference**

*Public Interest Disclosure Act 2010*

**3.0 Definitions**

**CEO** means Council’s Chief Executive Officer.

**Confidential information** includes –

- a) information about the identity, occupation, residential or work address or whereabouts of a person -
  - I. who makes a Public Interest Disclosure; or
  - II. against whom a Public Interest Disclosure has been made; and
    - a. information disclosed by a Public Interest Disclosure; and
    - b. information about an individual’s personal affairs; and
    - c. information that, if disclosed, may cause detriment to a person.

**Corrupt Conduct** has the same meaning as in the *Crime and Corruption Act 2001* (as amended).

**Council** means Central Highlands Regional Council.

**Discloser** means a person reporting a Public Interest Disclosure.

**EBA** means Enterprise Bargaining Agreement.

**Employee** means a member of staff who is employed on a permanent, part-time, fixed term or casual basis under award and EBA conditions. It also includes the Chief Executive Officer, senior executive employees and other staff engaged under contracts of employment. An employee, for the purposes of the *Public Interest Disclosure Act 2010*, does not include unpaid volunteers or contract for service contractors.

Electronic version current – uncontrolled copy valid only at time of printing

Adoption Date: TBA	Amended Date: 8 January 2018	Public Interest Disclosure (Whistle Blower) Policy
Revokes: Public Interest Disclosure (Whistle Blower Policy adopted 20 January 2016)	Review Date: September 2022	Page 1 of 14

**Proper authority** - as defined in s. 5 of the *Public Interest Disclosure Act 2010*.

**Public Interest Disclosure** (refer s. 11, *Public Interest Disclosure Act 2010*) - A Public Interest Disclosure can be made by a person who honestly believes, on reasonable grounds, that wrongdoing has occurred or who has information that tends to show that wrongdoing has occurred. In order to be considered a Public Interest Disclosure, the matter must meet one of the following:

Disclosure Description	Proper person to make the disclosure
A substantial and specific danger to the health or safety of a person with a disability	Member of the public Council employee or Councillor
A substantial and specific danger to the environment caused by Council operations	Member of the public Council employee or Councillor
Corrupt conduct occurring in the cause of Council operations	Council employee or Councillor
Maladministration that adversely affects a person's interests in a substantial and specific way	Council employee or Councillor
A substantial misuse of public resources occurring in the cause of Council operations	Council employee or Councillor

Table 1

A general request for service is not a Public Interest Disclosure. An administrative action complaint (s. 268.2 of the *Local Government Act 2009*) is not classed as a Public Interest Disclosure unless assessment of the complaint indicates that it has the attributes of a Public Interest Disclosure.

Members of the public may make disclosures about other matters (Corrupt Conduct, maladministration, etc.) and while it may still be a matter of public importance, is not considered a Public Interest Disclosure. E.g.:

- *Corrupt Conduct* – commit an offence under the *Local Government Act* or undertake fraud (stealing and misappropriation of finances)
- *Maladministration* – inefficient, dishonest administration or mismanagement of Council that leads to wastage, financial loss or an inability to service the community
- *Misuse of public resources* – using Council resources for personal gain or incurring unfair wear and tear on machinery due to careless operations.

**Public Officer** means an employee, member or officer of the entity.

**Reprisal** means where a person causes or attempts to cause detriment because they believe (whether or not this is actually the case) a person:

- 1) Has or intends to make a Public Interest Disclosure; or
- 2) Has or intends to participate in proceedings under the *Public Interest Disclosure Act 2010*.

The detriment may be an action (or threats of action) that results in:

- a) personal injury or prejudice to safety; or
- b) property damage or loss; or
- c) intimidation or harassment; or

Electronic version current – uncontrolled copy valid only at time of printing

Adoption Date: TBA	Amended Date: 8 January 2018	Public Interest Disclosure (Whistle Blower) Policy
Revokes: Public Interest Disclosure (Whistle Blower Policy adopted 20 January 2016)	Review Date: September 2022	Page 2 of 14
Version: 2		

- d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; or
- e) financial loss; or
- f) damage to reputation, including, for example, personal, professional or business reputation.

**Subject Officer** means the person about who a Public Interest Disclosure is made.

**Substantial** means of a significant or considerable degree. It must be more than trivial or minimal and have some weight or importance.

#### 4.0 Policy Statement

In relation to Public Interest Disclosures, Council will:

- ensure there are Public Interest Disclosure procedures in place to encourage disclosures and manage any disclosures received by Council
- provide protection and maintain confidentiality in relation to disclosures made by public officers or appropriate persons
- ensure employees and Councillors understand how they can make a Public Interest Disclosure
- ensure the risk of reprisals are assessed and managed
- ensure records of Public Interest Disclosures are managed appropriately.

##### Who receives the Public Interest Disclosure?

The Chief Executive Officer receives all Public Interest Disclosures. In the case of a Public Interest Disclosure in relation to the Chief Executive Officer, the Mayor would receive the complaint.

The Chief Executive Officer may delegate the management and processing of Public Interest Disclosures to others.

##### How can a Public Interest Disclosure be made?

The disclosure can be made verbally, electronically or in writing. Where possible, the disclosure should be addressed 'Confidential for the attention of the Chief Executive Officer'. Council will accept disclosures addressed to other employees, Councillors and the Mayor.

##### What should be contained in the disclosure?

The member of the public, employee or Councillor should include the following in the disclosure:

- their name and contact details (unless they are making an anonymous disclosure);
- the nature of the disclosure;
- the person who is undertaking the disclosure activity (employee/s or Councillor/s);
- correspondence or other supporting documentation; and
- details of the disclosure activity including times, dates, amounts, resources, action and locations that might assist any investigation.

A person may make a Public Interest Disclosure whether or not the person is able to identify a particular person to whom the information disclosed relates. The disclosure may relate to events that:

- have happened or may have happened;
- are or may be happening; or
- will or may happen.

Electronic version current – uncontrolled copy valid only at time of printing

Adoption Date: TBA	Amended Date: 8 January 2018	Public Interest Disclosure (Whistle Blower) Policy
Revokes: Public Interest Disclosure (Whistle Blower Policy adopted 20 January 2016)	Review Date: September 2022	Page 3 of 14
Version: 2		

## Confidentiality, Anonymity and Protection

Council encourages the reporting of Public Interest Disclosures and is committed to protecting and supporting those making disclosures. Any person making a disclosure should feel confident and comfortable about the report and shall be protected from being victimised as a result of making the report.

The discloser must be protected in a number of ways including, but not limited to the following:

- Ensuring confidentiality in the investigation.
- Protecting, as far as legally possible, the discloser's identity.
- Offering a staff member leave of absence while a matter is investigated.
- Relocation of staff or changes to reporting lines if necessary.

Upon receipt of an allegation of fraud and/or corruption, appropriate support for the discloser must be considered to safeguard against potential acts of reprisal. Others associated with the discloser (including those who may be suspected of being a discloser) should also be considered at this time. Protective measures implemented (including those above) must be proportionate to the risk of reprisal and the potential consequences of a reprisal.

To the extent practicable, the identity of a discloser **MUST NOT** be revealed. In the case that the identity of the discloser may be apparent or necessary in investigating the allegations, this should be discussed firstly with the discloser. With this in mind, the officer responsible for the investigation will advise all involved parties of the legal provisions for protection and legal consequences attached, as well as Council disciplinary action applicable.

To ensure the confidentiality of disclosers, Council will accept reports in any manner, including anonymously. Reports from anonymous sources will be considered for investigation providing sufficient information has been received.

In addition to protecting the discloser, the identity of the Subject Officer(s) must also be protected.

### **5.0 Policy Review**

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

1. As required by legislation;
2. The related information is amended or replaced;
3. Other circumstances as determined from time to time by a resolution of Council.

Notwithstanding the above, this policy is to be reviewed at intervals of no more than four (4) years.

---

Electronic version current – uncontrolled copy valid only at time of printing		
Adoption Date: TBA	Amended Date: 8 January 2018	Public Interest Disclosure (Whistle Blower) Policy
Revokes: Public Interest Disclosure (Whistle Blower Policy adopted 20 January 2016	Review Date: September 2022	Page 4 of 14
Version: 2		

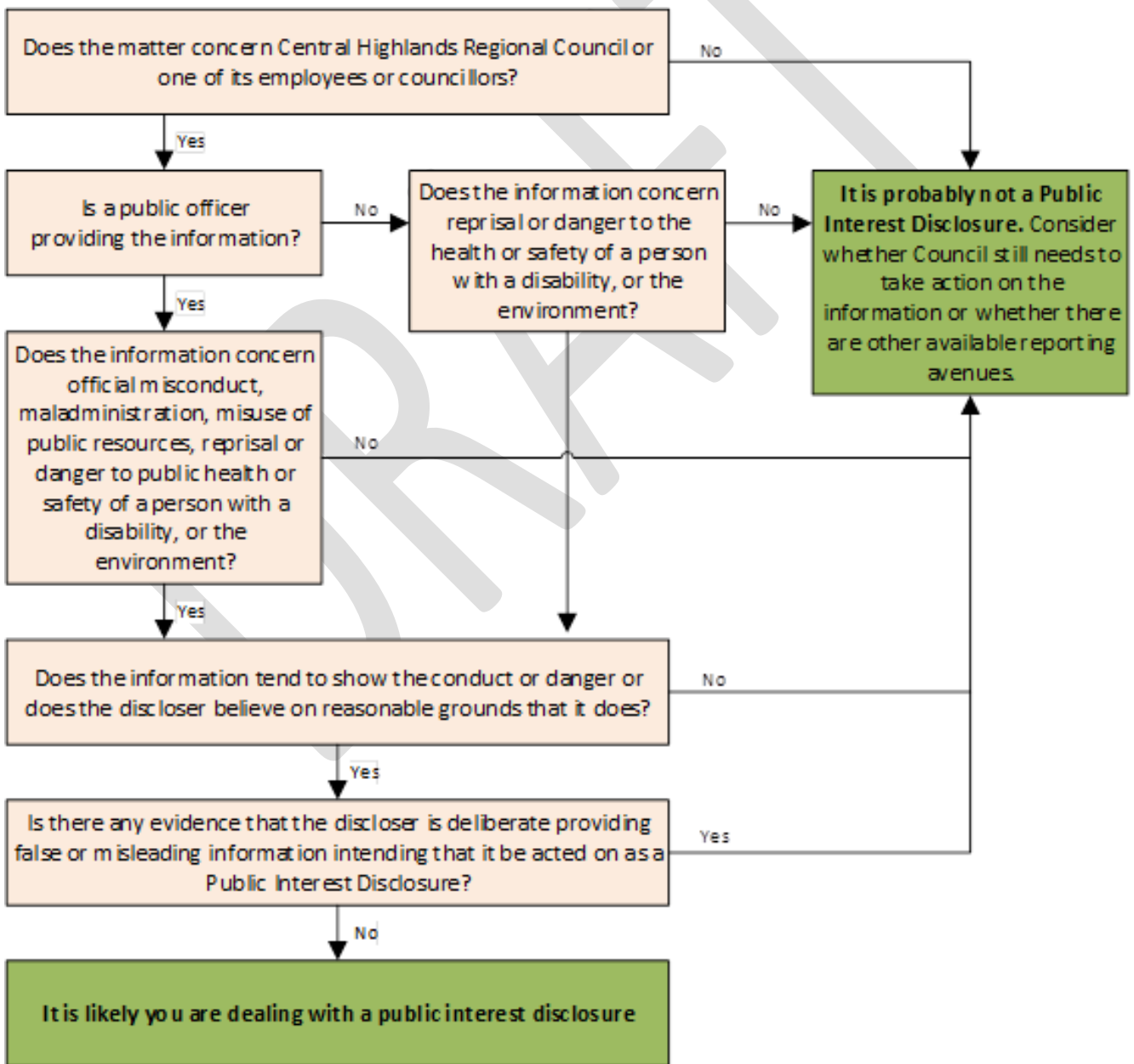
## PROCEDURE FOR MANAGING DISCLOSURES

The correct processing of disclosures is imperative to ensure that both disclosers and Subject Officer(s) are afforded procedural fairness, provided with protection against reprisal, supported and are investigated without prejudice or bias.

The following process outlines the steps taken when managing a Public Interest Disclosure.

### 1. Assessment

The disclosure will be assessed to determine that the matter relates to an activity of Council and has been made by a proper person (as outlined in Table 1 in the definitions). If it is not a Public Interest Disclosure, then referral through other available reporting avenues will be considered. Regardless of whether the matter is a proper disclosure or not, Council must still investigate or take other appropriate action.



Electronic version current – uncontrolled copy valid only at time of printing

Adoption Date: TBA	Amended Date: 8 January 2018	Public Interest Disclosure (Whistle Blower) Policy
Revokes: Public Interest Disclosure (Whistle Blower Policy adopted 20 January 2016)	Review Date: September 2022	Page 5 of 14

If the disclosure does not relate to Council or the person making the disclosure is not a proper person to make the disclosure, then Council should advise in writing the reason for the decision by Council not to deal with the disclosure and provide information on the proper authority and/or person to make the disclosure. Other reasons that Council may decide not to proceed include:

- a) the substance of the disclosure has already been investigated or dealt with by another appropriate process; or
- b) Council reasonably considers that the disclosure should be dealt with by another appropriate process; or
- c) the age of the information the subject of the disclosure makes it impracticable to investigate; or
- d) Council reasonably considers that the disclosure is too trivial to warrant investigation and that dealing with the disclosure would substantially and unreasonably divert Council resources from their use by Council in the performance of its functions; or
- e) another entity that has jurisdiction to investigate the disclosure has notified Council that investigation of the disclosure is not warranted.

This assessment should be completed and communicated within fourteen (14) days of the receipt of the disclosure. A person who receives written reasons for a decision not to investigate may apply to the Chief Executive Officer, in writing for a review of the decision within 28 days after receiving the written reasons.

If an initial assessment indicates that Council needs to process the disclosure, a second assessment should be undertaken to determine who should oversee the process. If the disclosure relates to an activity undertaken by the Chief Executive Officer then the Mayor must oversee the disclosure process. All other disclosures will be managed through a process overseen by the Chief Executive Officer.

## 2. Communication

Council must provide disclosers with reasonable information about the matter. Within seven (7) days of receiving the disclosure, an acknowledgement letter should be forwarded to the discloser (if known). The correspondence should include:

- An outline of the process to be followed
- A description of any action taken to date
- If the matter is finalised, a description of the result.

Other information which should be included to assist disclosers in understanding the process includes:

- That the matter raised is a Public Interest Disclosure and what this means
- Outline of the investigation process
- Possible timeframes for completing the investigation
- Information on the referral process to the Crime and Corruption Commission (where the nature of the disclosure required reporting to the Crime and Corruption Commission)
- What their involvement in the process will be
- What protections will apply (how Council will manage the risk of reprisals)
- What their responsibilities are (e.g. confidentiality)
- Other assistance that will be required from the discloser
- Where applicable, advise the discloser that their liability in relation to their own conduct in the disclosure matter is not reduced or protected by the disclosure
- Our commitment to confidentiality
- How Council will communicate the decision on the investigation
- Contact details for further information/assistance

Electronic version current – uncontrolled copy valid only at time of printing

Adoption Date: TBA	Amended Date: 8 January 2018	Public Interest Disclosure (Whistle Blower) Policy
Revokes: Public Interest Disclosure (Whistle Blower Policy adopted 20 January 2016)	Review Date: September 2022	Page 6 of 14
Version: 2		



- Information on the referral process to the Crime and Corruption Commission (where the nature of the disclosure required reporting to the Crime and Corruption Commission)
- Disclosers should be aware that it is an offence under the Public Interest Disclosure act to make false or misleading statements intending that it be acted upon as a Public Interest Disclosure, or intentionally give information that is false or misleading in the investigation of a Public Interest Disclosure; and
- There are certain circumstances a disclosure, for the purposes of the Act, may be made to a journalist.

Information provided to disclosers must be balanced against the requirement to ensure procedural fairness, maintaining confidentiality of the Subject Officer(s) and ensuring the integrity of the investigation process.

The discloser should be provided with information on other avenues to pursue the matter if they are not satisfied that the disclosure has been dealt with correctly by Council. These options may include the Crime and Corruption Commission, Ombudsman or other relevant State Government agency.

Investigations should not be commenced, nor any collection of evidence undertaken until the Chief Executive Officer has appointed an officer to lead the investigation (often staff from the Governance section). Hasty action by those without carriage of the matter may alert those against whom the allegation has been made and compromise the investigation.

Continue to manage the confidentiality, safety and security of the discloser (if known).

Sample letters for your use can be found at Appendices 1 and 2.

Pursuant to Section 31 of the Public Interest Disclosure Act, Council may refer any disclosure to another public sector entity if the disclosure is about the conduct of the referral entity or an officer of that entity, or the referral entity has the power to investigate or remedy.

### 3. Acting on Disclosures

Actions taken should be customised for the circumstances surrounding the matter and will vary depending on the substance of the matter raised. These may include:

- Explaining the circumstances surrounding the matter which caused the appearance of wrongdoing
- Implementation of management strategies, training, guidance or counselling
- A review of a department, unit, process or procedure
- A formal investigation
- Referral to an external agency.

The expectations of the discloser should be managed from the outset to ensure that they are realistic and are deliverable. Managing the expectations from the beginning will assist in reducing unreasonably high expectations which cannot be met and resulting in dissatisfaction.

### 4. Supporting Disclosers

Making a Public Interest Disclosure can be stressful and supporting disclosers is imperative to ensure that impacts from the experience are as minimal as possible.

All disclosers are encouraged to seek support (while being mindful of confidentiality) such as:

Electronic version current – uncontrolled copy valid only at time of printing		
Adoption Date: TBA	Amended Date: 8 January 2018	Public Interest Disclosure (Whistle Blower) Policy
Revokes: Public Interest Disclosure (Whistle Blower Policy adopted 20 January 2016)	Review Date: September 2022	Page 7 of 14
Version: 2		

- Co-workers
- Family and friends
- Employee assistance programs
- Support agencies
- Professional counselling agencies.

Provide active support to the discloser by:

- Acknowledging the steps they have taken so far
- Assuring them of the Council's commitment to managing disclosures
- Actively offering support
- Assuring them of the steps taken to protect them against reprisals
- Committing to keeping them informed

## 5. Maintaining Confidentiality

The identity of the discloser and Subject Officer(s) must be protected to ensure their confidentiality and allow for procedural fairness. Information obtained under the *Public Interest Disclosure Act* must not be disclosed, whether wilfully, or unintentionally.

Care should be taken to ensure that disclosers and Subject Officer(s) are not identifiable by others drawing their own conclusions. Where the identity of a discloser needs to be revealed, they **MUST** be informed beforehand and the reasoning provided. Risk of reprisal or harm to the discloser must also be considered when assessing whether a discloser's identity is revealed.

## 6. Managing Risks of Reprisal

Risk of reprisal must be managed for all Public Interest Disclosures and must be considered as early as possible.

Consideration should be given to the following:

- Who the discloser has told
- Likelihood of confidentiality being maintained
- How disclosures have been received in the past
- Seniority of the Subject Officer(s)
- Size of the work unit
- Seriousness of the wrongdoing

A risk assessment should be completed to ensure that all identified risks and controls associated with this process are in place prior to the need to protect the discloser. When the identity of a discloser is required to be revealed and further controls are required, then the risk assessment should be reviewed and new controls added to risk assessment.

On completion of the risk assessment, implement controls to ensure that the discloser has been protected. Ensure that discussions surrounding risks are conducted considerately to ensure it is not perceived as being a deterrent to making a disclosure.

Information on assessing risks can be found [here](#) on the Queensland Ombudsman's website.

Pursuant to section 45 of the Public Interest Disclosure Act in the processing of any PID reasonable management action does not amount to a reprisal action.

Electronic version current – uncontrolled copy valid only at time of printing		
Adoption Date: TBA	Amended Date: 8 January 2018	Public Interest Disclosure (Whistle Blower) Policy
Revokes: Public Interest Disclosure (Whistle Blower Policy adopted 20 January 2016)	Review Date: September 2022	Page 8 of 14
Version: 2		

## 7. Protecting against Reprisals

Any allegations of reprisal must be individually assessed and acted upon (where it is deemed necessary) separately to the initial disclosure. Awareness of any act of reprisal (which may constitute a criminal offence, misconduct or a disciplinary offence) requires immediate action rather than waiting for a complaint of victimisation. Failure to deal with such matters in a timely manner may impede or compromise the substantive investigation.

## 8. Recording Details

All Public Interest Disclosures must be registered including how and when the disclosure was received, all conversations relating to the matter, allegations of reprisals, follow-up action and decisions made. All notes and documents relating to the disclosure must also be retained and should be collected at the earliest instance to ensure that evidence is not destroyed. Contents of records should be factual and free from personal opinion or bias comments.

Public Interest Disclosure documentation will be managed outside of Council's enterprise content management (ECM) system. The Governance section is responsible for ensuring the security, access and storage requirements for all records and documentation are met.

## 9. Subject Officers

The Subject Officer(s) of a Public Interest Disclosure should also be notified of the matter. This may not happen immediately (in the instance where disclosing may adversely affect or compromise the investigation). Subject Officers must also be provided with the same confidentiality, protection of their identity and support as the discloser. In ensuring that the Subject Officer is afforded procedural fairness, the following should be provided:

- Knowledge of the substance of the allegations made
- An opportunity to present their case
- Resolution based on fact and decided without bias.

Impacts of any investigation must be monitored and managed to reduce any workplace tensions which arise. Remaining attentive will ensure that gossip and innuendo are managed early and staff morale is sustained. Open communication (while maintaining confidentiality and being aware of the sensitive nature of the matter) will provide staff with an avenue for expressing any feelings or questions they may have in regards to the investigation.

## 10. Investigations

Investigations into Public Interest Disclosures must ensure that:

- the person undertaking the investigation has the skills and resources required
- there is adequate separation of duties and reporting lines between the person subject to the disclosure and the person investigating the disclosure
- natural justice/procedural fairness is provided to all parties involved in the disclosure
- that an investigator does not have a conflict or personal interest or a perceived conflict or personal interest in the disclosure matter
- the disclosure investigation is thorough but timely and efficient
- the quality records are kept regarding the process, evidence, discussion, interviews and observations of the investigator
- a written report on the findings, recommendations and actions is to be completed as part of the investigation.

---

Electronic version current – uncontrolled copy valid only at time of printing

Adoption Date: TBA	Amended Date: 8 January 2018	Public Interest Disclosure (Whistle Blower) Policy
Revokes: Public Interest Disclosure (Whistle Blower Policy adopted 20 January 2016)	Review Date: September 2022	Page 9 of 14
Version: 2		

Where a referral has been made to the Crime and Corruption Commission on the matter, Council will need to work in conjunction with the Crime and Corruption Commission processes and timelines in relation to the disclosure.

Learnings from investigations should be included in (or alongside) the final investigation report, viz:

- improvement of processes and internal controls
- increased focus on risk assessments
- increased separation of duties
- changes in policies and procedures
- training of employees and Councillors
- disciplinary actions.

## 11. Record Keeping

All documentation relating to Public Interest Disclosures must be secured in an appropriate corporate area, currently the Governance section. This includes how and when the disclosure was received, all conversations relating to the matter, allegations of reprisals, follow-up action and decisions made. All notes and documents relating to the disclosure must also be retained and should be collected at the earliest instance to ensure that evidence is not destroyed.

As a minimum the following records must be kept:

- a. the name of the person making the disclosure, if known; and
- b. the information disclosed; and
- c. any action taken on the disclosure; and
- d. any other information required under a standard made under section 60 of *Public Interest Disclosure Act*.

Confidential information may only be recorded by officers for the purposes of meeting Council's recordkeeping requirements. No other records of confidential information may be made and information must not be intentionally or recklessly disclosed to anyone other than as required under section 65 of the *Public Interest Disclosure Act 2010*.

## 12. Training

Council will ensure employees are made aware of the Public Interest Disclosure policy and associated procedures, including how to identify a Public Interest Disclosure and the rights and responsibilities of employees and disclosures under the Act and this policy.

## 13. Review

An annual review of disclosure matters should be undertaken to ensure that the policies, procedures and processes of Council reduce Public Interest Disclosure issues due to an improved operation of the activities of Council. Additionally, a report will be submitted to the Executive Management team (ELT) regarding the PID policy and its operation, including a summary of any recommendations made or improvements proposed as a result of any investigation. Information including documentation and anonymized data, will be provided to any oversight agency, such as the Crime and Corruption Commission or the Queensland Ombudsman where it is Governance best practice or reasonably required by the agency, or by law.

---

Electronic version current – uncontrolled copy valid only at time of printing

Adoption Date: TBA	Amended Date: 8 January 2018	Public Interest Disclosure (Whistle Blower) Policy
Revokes: Public Interest Disclosure (Whistle Blower Policy adopted 20 January 2016	Review Date: September 2022	Page 10 of 14
Version: 2		

## Appendix 1: Acknowledgement Letter

Dear [Mr/Ms] [Surname]

### Acknowledgement of report

I am writing in relation to your [letter/email] addressed to [Officer's Name], received on [date]. You reported [brief description of report].

[or]

I am writing in relation to your conversation with [Officer's Name], on [date]. I understand that you reported [brief description of report].

Thank you for bringing to our attention suspected wrongdoing at Central Highlands Regional Council. I have assessed your report and decided to treat this matter as a Public Interest Disclosure, in accordance with the requirements of the Public Interest Disclosure Act 2010.

### What we will do with your report

Having received your report, it is now up to Central Highlands Regional Council to decide how to deal with this information and to take appropriate action. We expect you to assist us in this process and provide further information you may be aware of, if requested.

We will advise you of what action we have taken or intend to take by [date no later than three months after date received]. Please be aware, however, that we [may/will] not be able to provide you with personal or employment related information about those involved in the conduct you have reported.

### Protection from reprisal

As you may be aware, under Section 40 of the Act it is a criminal offence for someone to take detrimental action against another person which is substantially in reprisal for that person having made a Public Interest Disclosure.

Central Highlands Regional Council will take appropriate steps to help protect you from reprisal action that may result from having made a report. If practicable, we will make every effort to keep your identity confidential. Please be aware, however, that this may not be possible or appropriate in some circumstances. We will be in contact in the near future to discuss whether maintaining confidentiality is possible and appropriate in your case.

To minimise the risk of your identity being disclosed, it is important that you only discuss this matter with me, the Principal Officer, or someone authorised to deal with this matter. In particular, do not inform any person involved in the alleged wrongdoing that you have made a report about them.

Failure to maintain confidentiality may limit Council's ability to protect you from reprisal action and could be detrimental to any investigation.

Please contact me immediately if you believe someone has taken, or intends to take, detrimental action against you in reprisal for making this report. My phone number is [direct phone number].

### Support options

Central Highlands Regional Council acknowledges that making a report can be difficult, and we appreciate

---

Electronic version current – uncontrolled copy valid only at time of printing		
Adoption Date: TBA	Amended Date: 8 January 2018	Public Interest Disclosure (Whistle Blower) Policy
Revokes: Public Interest Disclosure (Whistle Blower Policy adopted 20 January 2016)	Review Date: September 2022	Page 11 of 14
Version: 2		

that you have brought this to our attention.

I am enclosing a copy of our Public Interest Disclosure Policy for your reference.

If you are experiencing difficulties or require support you can contact [employee assistance program] on [phone number of employee assistance program]. If you require additional support throughout this process, please contact me to arrange a support officer.

[or]

You are welcome to call me on [direct phone number] if you are experiencing difficulties, require support, have any questions about this letter or would like further information about how Council will be dealing with your report.

Yours faithfully

[Name]  
[Position]

DRAFT

---

Electronic version current – uncontrolled copy valid only at time of printing		
Adoption Date: TBA	Amended Date: 8 January 2018	Public Interest Disclosure (Whistle Blower) Policy
Revokes: Public Interest Disclosure (Whistle Blower Policy adopted 20 January 2016	Review Date: September 2022	Page 12 of 14
Version: 2		

## Appendix 2: Assessment of a Report

Dear [Mr/Ms] [Surname]

### Concern raised

Thank you for taking the time to discuss your concern about [topic] on [date] with me.

I have carefully assessed your concern and the supporting information/evidence you provided. As advised in our conversation on [date], the Central Highlands Regional Council cannot treat your concern as a Public Interest Disclosure because it does not meet at least one of the requirements of the *Public Interest Disclosures Act 2010*. In this regard, it is my assessment that the concern you have raised: [Explain why the concern raised is not a Public Interest Disclosure using one of the following criteria]

- Was made primarily to evade liability for your conduct [contrary to s. 39 of the Public Interest Disclosure Act].
- It is not a Public Interest Disclosure because you are not a public officer as defined by the *Public Interest Disclosure Act* / or were not a public officer as defined by the *Public Interest Disclosure Act* when you raised the concern [as required by s. 13 of the Public Interest Disclosure Act].
- It is not about the conduct of Central Highlands Regional Council or any of its public officers [s. 15 of the Public Interest Disclosure Act].
- It is about a matter for which Central Highlands Regional Council does not have the power to investigate or remedy [s. 15 of the PID Act].
- It is not about serious wrongdoing (i.e. a report about a matter of sufficient importance to be categorised as a public interest issue).
- It is not about one of the categories of conduct defined in the *Public Interest Disclosure Act*, i.e.:
  - a substantial and specific danger to the health or safety of a person with a disability;
  - the commission of an offence or contravention of a condition that would be a substantial and specific danger to the environment;
  - the conduct of a person that could be a reprisal for an earlier Public Interest Disclosure;
  - corrupt conduct;
  - maladministration that adversely affects a person's interests in a substantial and specific way;
  - a substantial misuse of public resources;
  - a substantial and specific danger to public health or safety or the environment.
- It is a mere allegation that contains little or no information/evidence that shows or tends to show that the alleged conduct has occurred/is occurring [contrary to the requirements of the Public Interest Disclosure Act].
- It is more appropriately categorised as a performance management issue.
- It is a workplace grievance or interpersonal conflict.
- It alleges bullying or harassment of an individual, i.e. it does not show or tend to show a course of conduct or systemic workplace issue.
- It has already been investigated or dealt with by another appropriate process.
- It should be dealt with by another appropriate process.
- It is impractical to investigate because of its age.

Although your concern cannot be treated as a Public Interest Disclosure, Central Highlands Regional Council values [employees/members of its community] raising concerns and it has been decided that your concern will be: [Explain what action will be taken]

---

Electronic version current – uncontrolled copy valid only at time of printing		
Adoption Date: TBA	Amended Date: 8 January 2018	Public Interest Disclosure (Whistle Blower) Policy
Revokes: Public Interest Disclosure (Whistle Blower Policy adopted 20 January 2016)	Review Date: September 2022	Page 13 of 14
Version: 2		

- Resolved managerially and your concern will be forwarded to your supervisor for their information/ or action.
- Handled as a grievance in line with the Grievance Resolution Policy.
- Handled as a complaint in line with the Administration Action Complaints Policy.
- Handled as a harassment, bullying or an unlawful discrimination complaint in line with the [title of the anti-harassment, bullying or anti-discrimination policy].
- Dealt with as a work, health and safety concern because there is the possibility of a health and safety risk to public officials or the public.
- Dealt with under the Code of Conduct of Central Highlands Regional Council.
- Dealt with through the performance management process.
- Referred to the police as it is a criminal matter.

Council will keep you updated about how your concern will be handled. You are also welcome to contact [name of contact] directly on [direct phone number].

Raising a concern can be difficult, and we appreciate that you brought this matter to our attention.

If you are experiencing difficulties or require support you can contact [employee assistance program] on [phone number]. If you fear or experience any adverse action resulting from having brought this matter to our attention, please contact your supervisor and myself as soon as possible.

[or]

If you fear or experience any adverse action resulting from having brought this matter to our attention, please contact me as soon as possible.

You are welcome to call me if you have any questions about this letter. My phone number is [direct phone number].

If you disagree with the assessment/outcome, you may contact the Queensland Ombudsman's Office on 1800 068 908 for advice.

Yours faithfully

[Name]  
[Position]

Electronic version current – uncontrolled copy valid only at time of printing		
Adoption Date: TBA	Amended Date: 8 January 2018	Public Interest Disclosure (Whistle Blower) Policy
Revokes: Public Interest Disclosure (Whistle Blower Policy adopted 20 January 2016)	Review Date: September 2022	Page 14 of 14
Version: 2		



#### **10.4 Complaints about the Chief Executive Officer Policy**

**Executive summary:**

The Crime and Corruption Act 2001 requires Council to adopt a stand-alone policy on the processing of complaints about its Chief Executive Officer. In consultation with the Crime and Corruption Commission (CCC), the attached 'Complaints about the Chief Executive Officer (section 48A of the Crime and Corruption Act 2001)' policy has been prepared to satisfy that requirement.

**Resolution:**

Cr Nixon moved and seconded by Cr Brimblecombe "That Central Highlands Regional Council adopt the Complaints about the Chief Executive Officer (section 48A of the Crime and Corruption Act 2001) policy and advise the Crime and Corruption Commission.

**LGSC 2018 / 09 / 11 / 006**

Carried (5-0)



POLICY NUMBER:

DEPARTMENT: Corporate Services

EFFECTIVE DATE:

UNIT: Governance

## 1.0 Purpose and Scope

The objective of this policy is to set out how Council will deal with a complaint (also information or matter)<sup>1</sup> that involves or may involve corrupt conduct<sup>2</sup> of its Chief Executive Officer as defined in the *Crime and Corruption Act 2001* (CC Act).

The Chief Executive Officer is the public official of Central Highlands Regional Council.

## 2.0 Policy Rationale

The policy is designed to assist Council to:

1. Comply with s48A of the *Crime and Corruption Act 2001*
2. Promote public confidence in the way suspected corrupt conduct of the Chief Executive Officer for the Council is dealt with (s34(c) CC Act)
3. 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 Chief Executive Officer.

## 3.0 Definitions

**CEO** refers to Chief Executive Officer

**Complaint** - includes information or matter. See definition provided by s48A(4) of the *Crime and Corruption Act 2001*

**Contact Details** – should include a direct telephone number, email address and postal address to enable confidential communications

**Corrupt conduct** - see s15 of the *Crime and Corruption Act 2001*

**Corruption** - see Schedule 2 (Dictionary) of the *Crime and Corruption Act 2001*

**Corruption in Focus** - <http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus>; see chapter 2, page 2.5

<sup>1</sup> See s48A of the CC Act and definitions below

<sup>2</sup> 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

**Council** refers to Central Highlands Regional Council

**Crime and Corruption Commission (CCC)** - the Commission established by the *Crime and Corruption Act 2001*.

**CC Act** – *Crime and Corruption Act 2001*

**Deal with** - see Schedule 2 (Dictionary) of the *Crime and Corruption Act 2001*

**LG Act** shall mean the *Local Government Act 2009* (as amended).

**LG Regulation** shall mean the *Local Government Regulation 2012* (as amended).

**Nominated person** - see item 5 of this policy

**Public official/CEO** - see Schedule 2 (Dictionary) and also s48A of the *Crime and Corruption Act 2001*

**Unit of Public Administration (UPA)** - see s20 of the *Crime and Corruption Act 2001*

#### 4.0 Policy Application

This policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct of the Chief Executive Officer of Council
- to all persons who hold an appointment in, or are councillors or employees of, the Council
- for the purpose of this policy a complaint includes information or matter.<sup>3</sup>

#### 5.0 Nominated Person

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

- The Mayor and/or the General Manager Corporate Services as the nominated person/s<sup>4</sup> to notify<sup>5</sup> the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act.<sup>6</sup>

Where there is more than one nominated person:

- the nominated persons will — with or without consulting the CCC — decide who will be the nominated person for a particular complaint; and
- the nominated person for that particular complaint will inform the CCC that they are the nominated person for the particular complaint.

Once the Council nominates a person, 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<sup>7</sup>.

<sup>3</sup> See s48(4) CC of the CC Act

<sup>4</sup> See footnote 2 'Suggested outline of policy'

<sup>5</sup> Under ss37 or 38 of the CC Act

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

<sup>7</sup> See s48A(3) CC Act

---

Electronic version current – uncontrolled copy valid only at time of printing

Adoption Date:	Amended Date:	Document Name
Revokes:	Review Date:	Page 2 of 5
Version:		

## 6.0 Complaints about the Chief Executive Officer

Where there is a nominated person/s, if a complaint may involve an allegation of corrupt conduct of the Chief Executive Officer of the Council, the complaint may be reported to:

- the nominated person/s, or
- a person to whom there is an obligation to report under an Act<sup>8</sup> (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 Chief Executive Officer, they are to:

- a) notify the CCC of the complaint<sup>9</sup>, 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 nominated person to deal with<sup>10</sup>.

If the Chief Executive Officer reasonably suspects that the complaint may involve corrupt conduct on their part, and there is a nominated person, the Chief Executive Officer 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 Chief Executive Officer is to take no further action to deal with the complaint unless requested to do so by the nominated person.

## 7.0 Resourcing the Nominated Person

If pursuant to ss40 or 46, the nominated person has responsibility to deal with the complaint<sup>11</sup>:

- (i) The Council will ensure that sufficient resources are available to the nominate person to enable them to deal with the complaint appropriately<sup>12</sup>, and

---

<sup>8</sup> See s39(2) of the CC Act

<sup>9</sup> Under ss37 or 38, subject to s40 of the CC Act

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

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

<sup>12</sup> See the CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 and the [UPA]'s relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint

---

Electronic version current – uncontrolled copy valid only at time of printing

Adoption Date:	Amended Date:	Document Name
Revokes:	Review Date:	Page 3 of 5
Version:		

- (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
- (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 Act<sup>13</sup>
  - the importance of promoting public confidence in the way suspected corrupt conduct in the Council is dealt with<sup>14</sup>, and
  - the Council's statutory, policy and procedural framework.

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

- are 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
- are delegated the same authority, functions and powers as the Chief Executive Officer to enter into contracts on behalf of the Council for the purpose of dealing with the complaint
- do not have any authority, function or power that cannot — under the law of the Commonwealth or the State — be delegated by either the Council or the Chief Executive Officer, to the nominated person; and

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 report<sup>15</sup>.

## 8.0 Communication & Consultation with the CCC

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

- the contact details for the CEO and the nominated person/s
- any proposed changes to this policy.

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

<sup>14</sup> See s34(c) CC Act

<sup>15</sup> See ss42 and 44 of the CC Act

Electronic version current – uncontrolled copy valid only at time of printing		
Adoption Date:	Amended Date:	Document Name
Revokes:	Review Date:	Page 4 of 5
Version:		

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 of the public official/CEO.<sup>16</sup>

## 9.0 Statutory References

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

DRAFT

---

<sup>16</sup> Section 48A of the CC Act

---

Electronic version current – uncontrolled copy valid only at time of printing		
Adoption Date:	Amended Date:	Document Name
Revokes:	Review Date:	Page 5 of 5
Version:		

Attendance

Manager Governance (Fixed-Term) C. Joosen and Governance Officer M. Ryan left the meeting at 12.27 pm.

Manager Safety and Wellness S. Schofield attended the meeting at 12.27 pm.

**CHIEF EXECUTIVE OFFICER**

**11.1 Bi-Monthly Safety and Wellness Update**

**Executive summary:**

provided is to highlight to Council any issues, risks and opportunities impacting the safety and health of workers at Central Highlands Regional Council.

**Resolution:**

Cr Brimblecombe moved and seconded by Cr Nixon that Central Highlands Regional Council receive the WHS Bi-Monthly Report.

**LGSC 2018 / 09 / 11 / 007**

Carried (5-0)

Attendance

Manager Safety and Wellness S. Schofield left the meeting at 12.43 pm.

**GENERAL BUSINESS**

Councillor M. Daniels following attendance at the Queensland Training Awards State Finals in Brisbane, trainees, other work experience and training opportunities. In response to this question, a report will be provided to the next Leadership and Governance Standing Committee Meeting in October 2018.

Attendance

General Manager Infrastructure and Utilities G. Joubert and Coordinator Communications A. Ferris left the meeting at 12.46 pm.

**CLOSED SESSION**

**Into Closed Session**

**Resolution:**

Cr Brimblecombe moved and seconded by Cr Sypher in accordance with Section 275 (1) (h) of the Local Government Regulation 2012 and that only Council staff involved in the closed discussions remain in the room.

**LGSC 2018 / 09 / 11 / 008**

Carried (5-0)

The meeting was closed at 12.46 pm.

Attendance

General Manager Corporate Services J. Bradshaw, General Manager Customer and Commercial Services M. Webster remained in the room.

**13.1 Departmental Updates (Customer and Commercial Services)**

**Out of Closed Session**

***Resolution:***

Cr Nixon moved and seconded by Cr Sypher “That the meeting now be re-opened to the public.”

**LGSC 2018 / 09 / 11 / 009**

Carried (5-0)

The meeting was opened at 12.53 pm.

**13.1 Departmental Updates (Customer and Commercial Services)**

**Executive Summary:**

The following report provides an update on key activities for the Customer and Commercial Services Department for the month of August 2018.

***Resolution:***

Cr Brimblecombe moved and seconded by Cr Sypher “That Central Highlands Regional Council receive the Customer and Commercial Services departmental update report, highlighting key activities for the month of August 2018.”

**LGSC 2018 / 09 / 11 / 010**

Carried (5-0)

**CLOSURE OF MEETING**

There being no further business, the Chair closed the meeting at 12.54 pm.

CONFIRMED

MAYOR

DATE