

FRAUD AND CORRUPTION CONTROL POLICY

POLICY ADMINISTRATION

Dates	Policy approved 30/06/2020 This policy is effective upon its approval. Policy is due for review June 2023
Approved by	Executive on 30/06/2020 (Version 3)
Exhibition Period	N/A
Policy Owner	Manager Governance and Risk Management, Business and Corporate Services
Related Documents	Code of Conduct Public Interest Disclosures Reporting Policy Customer Feedback and Complaints Management Policy Fraud and Corruption Control Plan
References & Legislation	Local Government Act 1993 Independent Commission Against Corruption Act 1988 Public Interest Disclosures Act 1994
Document Identifier	Policy #: Pol-012.003 Doc #: D17/91596
Breaches of Policy	Breaches of any policy will be dealt with and responded to in accordance with adopted codes and/or relevant legislation.
Record Keeping	All documents and information obtained in relation to the implementation of this policy will be kept in accordance with the NSW State Records Act 1998, Georges River Council's Corporate Records Policy and adopted internal procedures.

PURPOSE

Georges River Council (Council) is committed to the prevention, detection and investigation of all forms of fraud and corrupt conduct. The Fraud and Corruption Control Policy forms a central part of Council's Ethical Conduct Framework as set out in the Code of Conduct, and ensures the appropriate mechanisms are in place to protect the integrity, security and reputation of Council.

SCOPE

This policy applies to all Council Officials defined in the definitions table. It also applies to others who may perform public official functions, such as volunteers and consultants.

DEFINITION OF TERMS

Term	Meaning
<i>Corrupt conduct</i>	Defined in sections 8 and 9 of the <i>Independent Commission Against Corruption Act 1988 (NSW)</i> generally to mean the conduct of a person involving the dishonest or partial exercise of public official functions or a breach of public trust or the misuse of information or material that a person has acquired in the course of his or her official functions, in all cases involving either a criminal offence or a disciplinary offence or reasonable grounds for dismissing, dispensing with the services of or otherwise terminating the services of a public official.
<i>Council official</i>	As defined in Part 2 of Council's Code of Conduct, a Council Official includes councillors, members of staff of a council, contractors, administrators, community members of wholly advisory committees, members of the Audit Risk and Improvement Committee (ARIC), members of reference panels, council committee members and delegates of council.
<i>Council's consultants and volunteers</i>	Those who perform public official functions on behalf of Council including consultants, sub-consultants and volunteers.
<i>Fraud</i>	Fraud is dishonest activity or a dishonest representation intended to result in financial or personal gain. Fraud includes, but is not limited to: <ul style="list-style-type: none">• theft of money or other property by employees or persons external to the Council, where deception is used;• deliberate falsification, concealment or improper destruction of documentation, or use of falsified documentation• improper use of information or position for personal gain• theft of Council property where deception is not used.

<i>ICAC</i>	Independent Commission Against Corruption
<i>Misconduct</i>	Conduct by a Council official, which constitutes a ground for disciplinary action whilst acting in their capacity as a Council official; where such conduct contravenes Council's Code of Conduct.

POLICY STATEMENT

1. Council is committed to a culture of good governance and ethical behaviour. As such, it will not tolerate misconduct, fraudulent or corrupt conduct by Councillors, employees or any external parties.
2. In accepting its responsibility for good governance, Council will set the example for accountability, integrity and transparency in the provision of services to the community, and the management of Council as an organisation. For that reason, Council is committed to:
 - 2.1. Minimising the opportunities for fraudulent or corrupt conduct by employees, Councillors, members of the public, contractors, consultants, volunteers and clients;
 - 2.2. Detecting, investigating and disciplining/prosecuting fraudulent or corrupt conduct; and
 - 2.3. Reporting fraudulent or corrupt conduct to the Independent Commission Against Corruption (ICAC) and the NSW Police where appropriate.
3. Council's commitment to preventing fraudulent or corrupt activity, and avoiding or managing conflicts of interests, will be addressed through implementing appropriate auditing systems to deter and identify corrupt activities. This approach will be supported by the implementation of Council's Fraud and Corruption Control Plan.
4. All Council officials have an obligation to report suspected fraud or corrupt conduct as soon as possible through Council's internal reporting mechanisms. Staff are encouraged to report wrongdoing as a Public Interest Disclosure - refer to Council's Public Interest Disclosure Reporting Policy if reporting in this manner. The Public Interest Disclosure Reporting Policy also outlines the external authorities, which are the appropriate agencies to report allegations of fraud and corruption.
5. Council's complaints management process as outlined in Council's Customer Feedback and Complaints Management Policy also provides a mechanism for members of the public to report suspected fraud and corruption. Additionally, an online corruption report form as contained on Council's website also facilitates reporting of suspected fraud and corruption by the public.
6. All reports of alleged fraud and corruption received by Council will be investigated and where appropriate, reported to the ICAC, the NSW Police or relevant external agency. Guidelines for the investigation of alleged fraud and corruption are set out in Council's Code of Conduct and Procedures for the Administration of the Code of Conduct.

RESPONSIBILITIES

Position	Responsibility
<i>General Manager</i>	<p>The General Manager has ultimate responsibility for managing fraud and corruption risks in Council. In accordance with the Independent Commission Against Corruption Act 1988 and Council's Code of Conduct, the General Manager is obliged to report any matter to the ICAC or relevant external agency such as the Office of Local Government, the NSW Ombudsman or the Police, that they suspect on reasonable grounds, or may concern, corrupt conduct whether on the part of Council officials or any party with whom it conducts business. In cases of complaints against the General Manager, the Mayor or Administrator assumes the aforementioned responsibilities. In accordance with the Public Interest Disclosures Act 1994, such reports must be made to an investigating authority including:</p> <ul style="list-style-type: none"> • The Independent Commission Against Corruption (ICAC) – for corrupt conduct. • The NSW Ombudsman – for maladministration. • The Law Enforcement Conduct Commission (LECC) – for law enforcement misconduct. • The Police Integrity Commission Inspector – for disclosures about the PIC or its staff. • The Office of Local Government, Department of Premier and Cabinet – for serious and substantial waste in local government (reports about serious and substantial waste in State government agencies should be made to the Auditor General). • The ICAC Inspector – for disclosures about the ICAC or its staff. • The Information and Privacy Commissioner – for disclosures about a government information contravention.
<i>Council officials</i>	<p>All Council officials have a responsibility and an obligation to report cases of suspected fraud or corrupt conduct either through Council's internal reporting framework in accordance with Council's Public Interest Disclosures Reporting Policy, or directly to the ICAC or relevant external agency.</p> <p>It is the responsibility of all Council officials to behave honestly and in accordance with Council's Code of Conduct and other Council policies.</p>
<i>Council's consultants and volunteers</i>	<p>Consultants, sub-consultants, volunteers and any other people who perform public official functions on behalf of Council, are encouraged to support Council's commitment to preventing fraud and corruption through reporting suspicious behaviour in accordance with the Code of Conduct or Public Interest Disclosures Reporting Policy.</p>
<i>External parties</i>	<p>All external parties who engage in business with Council are expected to observe Council's Statement of Business Ethics, comply with Council policies and refrain from engaging in fraudulent and corrupt conduct.</p>

<i>Residents and members of the public</i>	Residents, customers and members of the public are encouraged to support Council's commitment to preventing and addressing fraudulent or corrupt behaviour by reporting suspicious behaviour and suspected fraud and corruption to the General Manager or appropriate authority.
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VERSION CONTROL AND CHANGE HISTORY

Version	Amendment Details	Policy Owner	Period Active
HCC	Former Hurstville Council Policy discontinued	Hurstville Governance	20/06/2012 – 03/07/2017
KCC	Former Kogarah Council Policy discontinued	Kogarah Governance	24/03/2014 – 03/07/2017
1.0	New Georges River Council Fraud and Corruption Prevention Policy	Manager Governance and Risk Management	03/07/2017 – 18/12/2017
2.0	Minor amendments – minor change to Policy title and changes to the definition of 'Council official' (to include 'Mayor') & separate definition created for 'Council contractors, consultants and volunteers' to align with responsibilities.	Manager Governance and Risk Management	18/12/2017 – 30/6/2020
3.0	Minor amendments as outlined in ET report dated 30 June 2020, including updating definition of 'Council Official' to align with definition contained in Code of Conduct and newly adopted PID Reporting Policy.	Manager Governance and Risk Management	30/6/2020 - ongoing