



AUTHORITY

Local Government Act 2009

1. Policy Objective

This policy is designed to inform all Council officers of Council's position regarding fraud and corruption and the consequences of failing to comply with the provisions of the policy.

This policy applies to all facets of Council's operations, including administration, service delivery and performance. The policy also applies to all officers, employees, elected representatives, consultants and contractors engaged by Council regardless of whether they are permanent, temporary, full-time, part-time or casual employees.

The Council will develop and maintain a Fraud and Corruption Prevention Framework.

2. DEFINITION

To assist in interpretation, the following definitions shall apply: -

Under the *Crime and Corruption Act 2001*, **corrupt conduct ("Type A")** means conduct of a person, regardless of whether the person holds or held an appointment, that—

- (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—
 - (i) a unit of public administration; or
 - (ii) a person holding an appointment; and
- (b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—
 - (i) is not honest or is not impartial; or
 - (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or
 - (iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and
- (c) would, if proved, be—
 - (i) a criminal offence; or
 - (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Corrupt conduct ("Type B") also means conduct of a person, regardless of whether the person holds or held an appointment, that—

- (a) impairs, or could impair, public confidence in public administration; and
- (b) involves, or could involve, any of the following—

- (i) collusive tendering;
- (ii) fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)—
 - (A) protecting health or safety of persons;
 - (B) protecting the environment;
 - (C) protecting or managing the use of the State’s natural, cultural, mining or energy resources;
- (iii) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;
- (iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;
- (v) fraudulently obtaining or retaining an appointment; and
- (c) would, if proved, be—
 - (i) a criminal offence; or
 - (ii) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.

Fraud: - Is deliberate deception to facilitate or conceal the misappropriation of assets or the taking of unlawful advantage or benefit.

Fraud may include:-

- Theft
- Obtaining property, a financial advantage or any other benefit by deception;
- Causing a loss or avoiding or creating a liability by deception;
- Knowingly providing false or misleading information to council or failing to provide information where there is an obligation to do so;
- A breach of trust in the performance of official duties, by which, an employee or Councillor acts contrary to the interest of the council in order to achieve some personal gain or advantage for themselves or for another person or entity;
- Using forged or falsified documents for an improper purpose;
- Deliberate misstatement of accounting information for an improper purpose.

3. POLICY PROVISIONS

3.1 RESPONSIBILITY

Cherbourg Aboriginal Shire Council is committed to the control and elimination of all forms of fraud and corruption and the creation of an ethical environment and culture that discourages and prevents fraud.

Everyone acting for or on behalf of the Council is responsible for the prevention and detection of fraud and corruption and must comply with the Council’s Fraud and Corruption Prevention Framework.

Everyone acting for or on behalf of the Council must act with integrity at all times.

All allegations and suspicions of fraud or corruption will receive attention and will be dealt with appropriately – including by criminal, disciplinary or administrative mechanisms suitable to the particular case.

3.2 RISK ASSESSMENT

Council will undertake a fraud and corruption risk assessment at least every two years. After each review, Council will update its Fraud and Corruption Prevention Framework.

3.3 INTERNAL CONTROLS

Council will maintain an internal control structure to minimise exposure to fraud and corruption. The primary mechanism for this control will be the Council's established internal controls, operating in conjunction with established audit and financial management practices.

3.4 REPORTING

Staff must report any concerns or suspicions that they have about fraudulent or corrupt activity to their immediate Supervisor. If the staff member believes that the supervisor may be involved in the activity, then the report must be made to a more senior person.

Concerns and suspicions must be reported as soon as possible. An employee must not attempt to investigate matters further by themselves.

The Council must ensure that any report of suspicious fraud or corruption is treated confidentially to the fullest extent under the law.

3.5 EXTERNAL REPORTING

By law, all allegations of corrupt conduct, which includes allegations of fraudulent or corrupt conduct, must be reported to the Crime and Corruption Commission (CCC) by the Chief Executive Officer (CEO) or other person appointed by the Chief Executive Officer.

The CEO must ensure that reports of fraudulent or corrupt conduct are made to the Queensland Audit Officer and the Minister for Local Government as appropriate.

3.6 KEEPING OF RECORDS

The CEO must ensure that written records are kept of alleged and proven fraud related losses.

3.7 PUBLIC INTEREST DISCLOSURE

The Council acknowledges that under the *Public Interest Disclosure Act 2010*, it has obligations to any person who makes a public interest disclosure. Those obligations may extend to a person who discloses fraud or corruption.

3.8 INVESTIGATIONS

There is a particular process that must be followed when investigating allegations of fraudulent or corrupt conduct. Staff members must not commence or pursue investigations unless authorised by the Chief Executive Officer. The Council recognises

that the CEO also has statutory obligations to report to the Crime and Corruption Commission and nothing in this policy can be taken as impinging upon the CEO's statutory obligations.

4. ASSOCIATED POLICIES

- Code of Conduct for Councillors
- Code of Conduct for Staff

5. POLICY REVIEW

This policy will be reviewed every 2 years or when any of the following occur:

- Related legislation is amended or replaced.
- Other circumstances as determined from time to time by the CEO.

Adopted by Council on _____