

Policy Title: Fraud and Misconduct Control and Resilience

Policy Statement:

In adopting a zero tolerance approach to Fraud and Misconduct, the Mindarie Regional Council (MRC) will appropriately address all allegations and suspected instances of Fraud and Misconduct. This includes notifying, reporting or referring any such instances to the appropriate authority for investigation and possible prosecution. The MRC will seek to recover any losses incurred after considering all relevant issues.

Policy Objective

To articulate the MRC's commitment to a zero-tolerance approach to Fraud, Misconduct, Bribery and Corruption and to building resilience through the implementation of strategies to prevent, detect and respond to Fraud and Misconduct.

Scope

The management of Fraud and Misconduct is a collective responsibility of all persons engaged or closely associated with the MRC in any capacity, which includes but is not limited to Council Members, Employees and contractors.

Policy Procedure

The MRC has adopted a Risk Management Plan and Appetite Statement ("the Risk Plan") and all policies and procedure relating to the management of risk of fraud are aligned with the Australian Standard AS8001:2008 Fraud and Corruption Control.

This Policy along with the MRC Code of Conduct for employees, the Local Government Model Code of Conduct for Elected Member, the MRC's values, culture and its governance all operate in synergy to prevent, detect and respond to potential or actual Fraud and Misconduct.

The Risk Plan and the related council policies and procedures establishes the strategies and processes by which the MRC will determine specific practices, plans and procedures to manage the prevention and detection of fraudulent activities, the related investigation and, where appropriate, referral of incidents to the appropriate authorities.

Reporting Serious or Minor Misconduct

A Public Officer or any other person may report to the Corruption and Crime Commission or the Public Sector Commission any matter which that person suspects on reasonable grounds concerns or may concern serious or minor misconduct respectively. Information on reporting to the appropriate authority is available on the MRC's website.

Public Interest Disclosure

Any person may make an appropriate disclosure of public interest information to a proper authority which includes a local government. The legislation which governs such disclosures is the Public Interest Disclosure Act 2003 (PID Act).

A disclosure can be made by anyone and may be made anonymously. If disclosures are made in accordance with the PID Act, the person making them is protected from reprisal. This means that the person enjoys immunity from civil or criminal liability and is protected from any disciplinary action or dismissal.

The PID Act requires local governments to appoint a PID Officer to whom disclosures may be made. The PID Officer should be consulted when considering whether to make a disclosure. Information on public interest disclosures and the MRC's PID Officer is available on the MRC's website.

Disciplinary and Recovery Action

The MRC will respond to all instances of Fraud and Misconduct in accordance with its disciplinary process which may lead to termination. The MRC will also seek to recover any losses it may have suffered through Fraud and Misconduct.

ROLES AND RESPONSIBILITIES:

The roles and responsibilities of the CEO, Executive Managers, Managers, Council Members, and all Employees in respect of this Policy are articulated in detail in the Risk Plan.

DISPUTE RESOLUTION:

All disputes in respect of this Policy must be referred to the CEO.

EVALUATION AND REVIEW PROVISIONS

This Policy will be reviewed annually, however the Risk Plan is dynamic and will be reviewed as frequently as required to ensure it is implemented appropriately and that it remains relevant to address the identified risks.

DEFINITIONS

Any definitions listed in the following table apply to this Policy only.

Term	Definition
Bribe	The offering, giving, receiving, or soliciting of something of value for the purpose of influencing the action of an official in the discharge of his or her public or legal duties
CEO	Chief Executive Officer
Code of Conduct	The documented code that sets out the principles, values, ethical standards, appropriate behaviour and accountability that guides the conduct and decisions of all Employees
Corruption	Dishonest activity in which a director, executive, manager, employee, or contractor of an entity acts contrary to the interests of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity. The concept of "corruption" [within this standard] can also involve corrupt conduct by the entity, or a person purporting to act on behalf of and in the interests of the entity, in order to secure some form of improper advantage for the entity
Employee	A person employed by a local government in accordance with section 5.36 of the LGA including the CEO, Directors, Managers, officers, casual and contract employees

Fraud	<p>Dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal purpose or the improper use of information or position for personal financial benefit.</p> <p>The theft of property belonging to an entity by a person or persons internal to the entity but where deception is not used is also considered 'fraud' [for the purposes of this standard] (Source: AS8001:2008).</p>
LGA	Local Government Act 1995
Minor Misconduct	<p>Minor misconduct occurs if a Public Officer engages in conduct that:</p> <ul style="list-style-type: none"> (a) adversely affects the honest or impartial performance of the functions of a Public Authority or Public Officer, whether or not the Public Officer was acting in their Public Officer capacity at the time of engaging in the conduct; or (b) involves the performance of functions in a manner that is not honest or impartial; or (c) involves a breach of the trust placed in the Public Officer; or (d) involves the misuse of information or material that is in connection with their functions as a Public Officer, whether

Legislation	Local Government Act 1995 s.9.49A
Responsible Officer	Chief Executive Officer
Council Meeting Date	30 May 2024
Created on	08.08.2023
Review History	14.05.2024 no change
Next Review Date	01.05.2025