

1.27 Fraud & Corruption Control Policy

Policy Owner	Executive Director Corporate & Commercial Services
Responsible Officers	Manager Governance & Risk Manager Finance
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Objective

The objective of this policy is to outline Council's approach to fraud and corruption prevention, deterrence and detection. Council is committed to meeting its legislative obligations under the *Local Government Act 1995* including: ensuring that resources are maintained in a responsible and accountable manner.

Council's commitment to fraud control will be met by ensuring an environment in which fraudulent or corrupt conduct is discouraged, and conflicts of interest are avoided.

This policy is consistent with, and supported by, Council's legislative obligations and Council's formal Code of Conduct.

Scope

This policy statement applies to all Councillors, employees, contractors, and volunteers.

Councillors are also obliged to maintain standards as mandated by the *Local Government Act 1995*.

Relevant training on legislative obligations is to be provided at elected member and staff induction sessions.

Further guidance on the City's responsibilities under this policy and guideline is detailed at:

- Department of Local Government and Communities – Fraud & Corruption (Guidelines)
- Australian Standard AS/ISO 8001:2021
- Crime Protection Policy (LGIS Insurance).
- Local Government Professionals (Australia) WA
- [Integrity framework resources \(www.wa.gov.au\)](http://www.wa.gov.au)

Purpose

Council Objective: The objective of this policy is to outline Council's approach to fraud and corruption prevention, deterrence, and detection. Council is committed to meeting its legislative obligations under the *Local Government Act 1995* including: ensuring that resources are maintained in a responsible and accountable manner.

Council's commitment to fraud control will be met by ensuring an environment in which fraudulent or corrupt conduct is discouraged, and conflicts of interest are avoided.

This policy is consistent with, and supported by, Council's legislative obligations and Council's formal Code of Conduct.

Policy Statement

Executive Summary: The City of Albany is committed to the prevention, deterrence, monitoring and investigation of all forms of fraud and corruption. Fraud and corruption can be damaging to Council through financial loss, loss of public confidence (either perceived or real), reputational damage and adverse publicity.

Council is the custodian of significant public funds and assets therefore it is important that the community has assurance that these are adequately protected from fraud and corruption.

Fraud and corruption control forms part of Council's risk management framework. It is a risk that Council actively seeks to identify and limit its exposure to, by reducing the potential opportunity (risk likelihood) for fraud and corruption to occur.

This Fraud and corruption control plan is to clearly document Council's approach to controlling fraud and corruption at both strategic and operational levels and is to be read in conjunction with the City's Risk & Opportunity Management Framework (Strategy) and relevant legislation.



Background

Context: Elected Members (Councillors) and Council's administration are committed to policies and practices that prevent, deter and detect fraudulent and corrupt behaviour in the performance of Council activities.

The Western Australian Auditor-General has recommended all Councils adopt specific fraud control policies that address the risk of fraud and corrupt conduct.

The City of Albany has established an internal group which monitors, reports and guides the implementation of this policy.

The Finance and Governance/Risk Teams provide reports on its activity to Council's Audit & Risk Committee.

Communication: This Policy's contents are communicated across the organisation through articles on Council's Intranet site, presentations to directorate and team meetings.

Our Attitude to Fraud and Corruption

The City of Albany has zero tolerance for corrupt conduct or fraudulent activities. Council is committed to preventing, deterring, and detecting fraudulent and corrupt behaviour in the performance of Council activities. Employees must not engage in practices that may constitute fraud or corruption.

Council has developed a structured framework and approach to the implementation and review of fraud and corruption prevention, detection, monitoring and reporting.

This plan is based on the **Australian Standards for Fraud and Corruption Control (AS/ISO 8001:2021)** and has been endorsed by the Executive.

The desired outcome of this commitment is the elimination of fraud and corruption throughout Council operations both internally and externally. Council will prosecute people identified as committing fraud or undertaking corrupt behaviour. Employees may also face disciplinary action under the Council Disciplinary Guidelines and Procedures, and restitution of money or property lost through fraudulent activity will be pursued through legislative means.

Corporate & Regulatory Framework

Corporate Framework: This policy is informed by the Albany 2032 "Community Strategic Plan" and the Council's Corporate Business Plan directly informs our budgets, strategies, policies and actions.

Of particular relevance is:

- **Pillar:** Leadership. A well governed city that uses resources wisely to meet local needs.
- **Outcome:** Proactive, visionary leaders who are aligned with community needs and values.
- **Objective:** Provide strong, accountable leadership.

Regulatory Framework: The *Local Government Act 1995* (the Act) requires Council to develop and maintain adequate internal control systems, and to establish codes of conduct and an Audit & Risk Committee.

The *Public Interest Disclosure Act 2003* (PID Act) requires Council to establish written procedures for handling of any protected disclosures.

This Fraud Control Plan operates within an existing legislative and strategic framework. The diagram below shows the interdependency of a good plan with complimentary programs and processes.



Role and Responsibilities for Fraud and Corruption Control

Roles and responsibilities for fraud and corruption control are clearly laid out in the City of Albany Public Interest Disclosure Procedures (PID) Policy and Procedure.

Planning and resourcing

Program for fraud and corruption control planning and review: The Act requires that all local governments establish an audit committee. An audit committee plays a key role in assisting a local government to fulfil its governance and oversight responsibilities concerning financial reporting, internal control structure, risk management systems, legislative compliance, ethical accountability and internal and external audit functions.

In 2012 the Victorian Auditor-General's Office tabled a report on the findings of Fraud Prevention Strategies in Local Government. The audit found that Councils had not effectively managed exposure to fraud and have not been sufficiently vigilant or effective in dealing with the risks associated with fraud.

The recommendations of the Auditor General were that Councils should:

- Develop and maintain an up-to-date fraud control plan.
- Conduct thorough, periodic fraud risk assessments.
- Provide induction and periodic fraud awareness training to all council staff.
- Systematically monitor and report effectiveness of fraud control strategies.
- Establish arrangements that assure effective ongoing scrutiny by executive management, internal audit, and audit committees.

This plan is designed to achieve compliance with each of these recommendations.

The plan operates in association with existing programs and initiatives throughout the City and forms an integral part of the overall risk management program and framework.

This plan will be reviewed annually by the Chief Executive Officer with oversight from the Audit & Committee. In reviewing the plan, the CEO shall give regard to the following:

- Significant changes in business conditions
- Strategies arising out of recently detected fraud or corruption control incidents.
- Results of fraud and corruption risk assessments completed.
- Changes in fraud and corruption control practices locally and internationally.
- Resourcing requirements.
- Any identified changing nature of fraud and corruption within the sector

Fraud control responsibility and resources: The responsibility for implementation of this Plan sits with the Manager Governance & Risk. The Manager Governance & Risk will report six monthly to the Executive, on the progress of delivery on the outcomes from this Plan.

The City of Albany is committed to allocating the required resources across the organisation to ensure appropriate controls in regard to fraud and corruption. In particular, resources will be made available to:

- Implement the Plan and Policy initiatives.
- Undertake fraud and corruption risk assessments.
- Deliver organisational training and awareness.
- Review incidents reports.
- Undertake investigations.

Important resources within Council, in terms of controlling fraud and corruption, includes:

- All senior staff.
- People & Culture (Human resources).
- Governance.
- Continuous Improvement.
- Records management.
- Risk management.
- Finance and Procurement.

External assistance: Where required, external assistance will be engaged, to support the delivery of any aspects of this plan.

Internal audit activity in fraud and corruption control: Under this plan the primary responsibility for the identification of fraud and corruption rests with management, however, it is also recognised that internal audit activity can also be an effective part of the overall control environment to identify fraud and corruption.

The Strategic Internal Audit Plan is a key independent governance tool that plans and conducts a series of reviews, which incorporates the detection and prevention of fraud and corruption throughout the organisation.

If deemed necessary Council will utilise the role of the internal auditor in the investigation and reporting of any suspected fraud or corrupt activity.

Fraud and Corruption Prevention

Implementing and maintaining our integrity framework: The Codes of Conduct are key enablers in delivering the sound and ethical culture required in the prevention of fraud and corruption throughout the organisation.

Senior staff shall set the example in regard to exercising and demonstrating high levels of integrity in the execution of their roles and functions by regularly reminding Staff of the importance of complying with Councils Code of Conduct and the Public Interest Disclosure Procedures (PID) Policy and Procedure.

Commitment to controlling the risk of fraud and corruption: Senior Management will not be complacent and will treat fraud and corruption risks as a serious threat to the organisation.

- The City of Albany Executive Management Team (EMT) will regularly be briefed on the following:
- Councils' current fraud and corruption plan and policy.
- Information on the program and robustness of the internal control environment in regard to preventing and detecting fraud.
- The types of fraud and corruption common with the sector.
- Incidence of fraud and corruption generally in Australia.
- Information on the types of fraud and corruption that have been detected at Council over the previous five years.
- Information of new or emerging trends in this area.

Maintaining strong internal control systems and internal control culture: The City of Albany has an existing culture of continuous improvement. The implementation of effective systems of internal control is an integral part of this program, particularly for activities assessed as having a high predisposition to the risk of fraud and corruption.

Well planned and documented internal controls will be a major defence for avoiding fraud and corruption. When undertaking projects or reviewing existing practices into the future consideration will be given to appropriate fraud and corruption controls in the development of outcomes.

Internal controls will be:

- Appropriately documented.
- Accessible.
- Reviewed and amended regularly.
- Communicated effectively to all relevant staff.
- Subject to review of adherence.

Fraud and corruption risk assessment.

Risk assessments will be undertaken for all identified fraud and corruption risks in accordance with Council's current Risk & Opportunity Framework's management approach.

As a minimum the following risks will be assessed:

- Theft of cash
- Theft/misuse of assets
- Misuse of confidential corporate information
- Conflict of Interest
- Accounts payable
- Payroll practices
- Procurement
- IT and information security
- Recruitment
- Misuse of credit cards

Additional risks will be identified through normal business unit operations and through the regular review of the risk register in accordance with the Risk & Opportunity Framework Strategy.

Communication and awareness of fraud and corruption.

It is important that fraud and corruption is identified and reported at an early stage and that staff have understanding and confidence in the system.

Staff will be provided with information on the Public Interest Disclosure Procedures (PID) Policy and Procedure so that they have confidence in knowing how to respond if this type of activity is detected or suspected.

The awareness of Councils risk of fraud and corruption controls will be made available to staff through the following:

- Copy of the City's Code of Conduct and Public Interest Disclosure Procedures (PID) Policy and Procedure will be included in packs for all new staff.
- A dedicated page will be maintained on the Council intranet in regard to fraud and corruption, this will include links to all relevant documents in particular the process for reporting allegations.
- Fraud & Corruption awareness training will be conducted annually (this may include e-learning).
- Any substantive changes in the Code, Plan or Policy will be communicated to all staff.

Employment screening: Employment screening will be undertaken for all new 'senior officer' positions and to nominated positions that have been identified by the Executive to be 'higher risk' in terms of potential exposure to fraud and corruption due to their role within the organisation. This screening process will reduce the risk of a potential security breach and will provide a high level of assurance as to the integrity, identity and credentials of prospective employees.

Prior to the appointment of senior and nominated officer positions the following screening shall be undertaken with the express consent of the individual concerned, irrespective of whether they are internal or external applicants:

- Verification of identity requiring at least two forms of identity (passport, birth certificate, drivers' licence, rate certificate, at least one must include photo identification).
- Police criminal history check – relevant identified positions.
- Working with children check – relevant identified positions.
- Reference checks with two most recent employers
- Consideration of any gaps on employment history and the reasons for the gaps
- Verification of formal qualifications claimed – where relevant or required for position.

Policy dealing with annual leave and job rotation: Individual Directorates and/or Business Units will regularly consider job rotation for positions where there are multiple officers undertaking the same or similar functions and the position is deemed a high risk from a fraud or corruption perspective, local law enforcement, parking enforcement, planning officers, contract management, for example.

Excess annual leave will be monitored on a quarterly basis to ensure excess leave is managed.

Supplier vetting: The City of Albany will continue to undertake supplier vetting for new and ongoing suppliers in accordance with existing practices.

In accordance with the Procurement Policy, new suppliers with prospective business in excess of \$150,000, the minimum checks will include:

- Search of Company Register.
- ABN verification.
- Insurance currency.

For new or contracts exceeding, or potential to exceed, **\$500,000**, the following additional checks should be considered:

- Corporate scorecard check which looks at Bankruptcy search.
- Assessment of credit rating.
- Search of legal proceedings pending or judgements pending.

Fraud and corruption detection

Fraud and corruption detection program:

As part of the development of the annual internal audit program the Audit & Risk Committee will consider opportunities to undertake pro-active fraud and corruption detecting activities that might include:

Post transactional reviews: A review of transactions after they have been processed. This option may identify or uncover altered documents or missing documentation, falsified, or altered authorisations or inadequate documentary support.

Data mining: The application of sophisticated (and sometimes unsophisticated) software applications and techniques where a series of suspect transactions can be identified and then investigated which can identify anomalies at an early stage.

Analysis of management accounting reports: Using relatively straight forward techniques in analysing management accounting reports, trends can be examined and investigated which may be indicative of fraudulent or corrupt conduct.

External auditor's role in the detection of fraud

Consistent with recent changes to international and Australian auditing standards, the auditor's accountability for the detection of fraud will form part of any audit. These provisions will increase the likelihood of detecting material mis-statements or errors in the City's financial statements.

Mechanisms for reporting suspected fraud and corruption incidents.

The City's Public Interest Disclosure Procedures (PID) Policy and Procedure provides clear direction in regard to staff reporting suspicious or known illegal or unethical conduct. The policy also provides for alternative internal means by which to report matters of concern.

As a further support mechanism if any officer would prefer to make an external report this can be done directly to **Council's Internal Auditing contractors**.

Reports can be made anonymously. Anonymous reports will be examined and investigated on the available evidence.

All employees have the right to make a disclosure in accordance with the *Public Interest Disclosure Act 2003*. This is encouraged where any person wishes to access the protections afforded by the Act. The City's Public Interest Disclosure Procedures (PID) Policy and Procedure is available on the City's website: www.albany.wa.gov.au

Responding to Detected Fraud and Corruption Incidents

Procedures of the investigation of detected or suspected incidents.

The City's Public Interest Disclosure Procedures (PID) Policy provides:

- Appropriate measures for the comprehensive investigation of such matters based on the principles of independence, objectivity, and fair due process (rules of natural justice).
- Systems for internal reporting of all detected incidents.
- Process for reporting the matters of suspected fraud and corruption to the appropriate enforcement agency.
- For the recovery of stolen funds or property.

The policy will be reviewed annually to ensure that it continues to meet these objectives.

Internal reporting

The Manager Governance & Risk is to ensure that all incidents reported and investigated are documented and registered on the appropriate (Confidential File).

The documentation placed on the file must include the following minimum information:

- Date and time of report
- Date and time the incident was detected
- How the incident came to the attention of management
- The nature of the incident
- Value of loss (if any) to the entity
- Action taken following discovery of the incident.

Disciplinary procedures

The City's disciplinary guidelines and procedures outline the potential disciplinary outcomes that apply in regard to the application of this Plan and associated policy.

External reporting (Local Government, Public Sector Commission, Police or Crime & Corruption Commission)

The City’s Public Interest Disclosure Procedures (PID) Policy and Procedure provides clear direction in regard to reporting any suspected fraudulent or corrupt conduct to any external enforcement agencies including:

From 1 July 2015 you can report any reasonable suspicion of minor misconduct involving a public officer to the Public Sector Commission (PSC). These powers come from the *Corruption, Crime and Misconduct Act 2003*.

It is important you consider what behaviours and circumstances constitute minor misconduct and whether the person/s involved is a public officer for the purposes of the legislation.

<p>Department of Local Government and Communities Gordon Stephenson House, 140 William Street, Perth WA 6000 GPO Box R1250, Perth WA 6844 Telephone: (08) 6551 8700 Fax: (08) 6552 1555 Free call (Country only): 1800 620 511 Email: info@dlgc.wa.gov.au Website: www.dlgc.wa.gov.au Translating and Interpreting Service (TIS) – Phone: 13 14 50</p>	<p>Public Sector Commission Phone: (08) 6552 8500 Fax: (08) 6552 8501 Email: admin@psc.wa.gov.au Website: https://publicsector.wa.gov.au Post: Public Sector Commission, Locked Bag 3002, West Perth WA 6872 In person: (Two office locations): _Dumas House, 2 Havelock St, West Perth WA 6005 _Hale House, 1 Parliament Place, West Perth WA 6005</p>
<p>Corruption and Crime Commission Postal address PO Box 330 Northbridge Post Shop WA 6865 Street address Level 5, 45 Francis Street Northbridge WA 6003 Telephone Phone: (08) 9215 4888 Toll-free: 1800 809 000 Fax: (08) 9215 4884 Email: info@ccc.wa.gov.au Report Misconduct: Report serious misconduct online Hearing impairment: If you are deaf, or have a hearing impairment or speech impairment, contact us through the National Relay Service: TTY users’ phone 1800 555 677 then ask for 1800 809 000 Speak and Listen users’ phone 1800 555 727 then ask for 1800 809 000. Internet relay users connect to the NRS then ask: 1800 809 000</p>	<p>Western Australian Police 210 Stirling Terrace, Albany WA 6330 Tel: (08) 9892 9300 Fax: (08) 9892 9350 Hours: 24 hours, 7 days a week</p> <p>There is a good chance that if the public officer/s involved could be the subject of a disciplinary investigation within the authority, then it might be minor misconduct. If you suspect the behaviour, you have seen or experienced is minor misconduct you can report it to the PSC or the City’s Public Interest Disclosure (PID) Officer.</p>

Policy for civil proceeding to recover the proceeds of fraud and corruption.

The City will pursue recovery of any losses due to fraud or corruption where there is clear evidence of fraud and corruption and where the likely benefits of such recovery will exceed the funds and resources required to be invested in the recovery action.

Internal control review following discovery of fraud.

Where fraud or corruption is detected the relevant manager of the team will be responsible to assess the adequacy of the relevant internal control environment and provide a report to the Executive any recommended improvements identified.

Service unit managers will also be responsible for ensuring that recommendations arising out of the assessment are to be clearly allocated in the report with an associated time frame.

Maintaining and monitoring adequacy of Fidelity Guarantee insurance and other insurance related policies dealing with fraudulent or improper conduct

The City will maintain a fidelity guarantee insurance policy that insures the risk of loss arising from internal fraudulent conduct. The level of the policy will be reviewed annually by Executive subject to analysis of cost/benefit analysis.

Insurance for external fraud and corruption, in particular theft of Council property, will also be maintained and reviewed annually by staff in conjunction with the normal annual reassessment of insurance policy cover and limits.

Legislative and Strategic Context

Strategic context (Community Strategic Plan) and/or Federal or State legislation, directives, guidelines, Acts or Regulations:

- *Australian Standards for Fraud and Corruption Control (AS8001-2008)*
- *Public Interest Disclosure Act 2003*
- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations 1996, Regulation 5:*
- *Local Government (Audit) Regulations 1996 Regulation 17 (1):*

Review Position and Date

Document Owner to review annually.

Associated Documents

The following documents and resources have a bearing on this document:

- [Report | Cyber.gov.au](#)
- [Public Sector Commission \(www.wa.gov.au\)](#)
 - Integrity Strategy for WA Public Authorities 2020-2023; and
 - Integrity framework resource.
- [Home Page | CCC | Corruption and Crime Commission](#)
- Code of Conduct (Council Members, Committee Members and Candidates).
- Employee Code of Conduct.
- Risk & Opportunity Management Policy
 - Enterprise Risk & Opportunity Management Framework.
- Purchasing Policy (Tenders and Quotes) Policy
 - Evaluation of Tenders and Quotations Procedure.
- Human Resource Policies & Procedures (Disciplinary Guidelines and procedures)
- IT System Security Guidelines.
- Local Government Operational Guidelines – Number 09 – Revised September 2013 “*Audit in Local Government*”.
- Public Interest Disclosure Procedures (PID) Policy and Procedure.
- Public Sector Commission - Integrity checking of employees managing misconduct allegations.

Definitions

- **Definition of fraud and corruption:** For the purposes of this plan fraud and corruption shall be defined as:

“the use of deception or misrepresentation to obtain an unjust advantage or benefit, or to cause a disadvantage or loss to the Council and includes theft or misappropriation of Council assets”.