

Policy title	Fraud Control
Responsible manager	General Manager
Contact officer	Chief Financial Officer
Directorate	General Manager
Approval date	26 April 2022
Outcome area	5. Our engaged community with progressive leadership
Strategy	5.3 Work together to achieve our collective vision
Delivery Program	5.3.3 Provide effective and professional administration, technical and trade services to support the delivery of services to the community
Operational Plan	5.3.3.3 Provide risk and insurance services

Purpose

This policy is designed to protect public funds and assets, protect the integrity, security and reputation of Eurobodalla Shire Council and its staff, and maintain a high level of services to the community.

Policy aims:

- Facilitate the development of controls which will aid in detection and prevention of fraud against the Council.
- Promote a culture of awareness that fraud and corruption will not be tolerated.

Policy statement

1	Application This policy applies to all Eurobodalla Shire Council councillors, staff, contractors, volunteers and delegates.
2	Legislation Council will comply with the <i>Public Interest Disclosures Act 1994</i> , <i>Local Government Act 1993</i> (Chapter 14 Honesty and Disclosure of Interests), and <i>ICAC Act 1998</i> .
3	General Requirements (a) Management is responsible for the detection and prevention of fraud, misappropriations and other inappropriate conduct. (b) Management and each member of the Management Team should be familiar with the types of improprieties that might occur within his or her area of responsibility, and be alert for any indication of irregularity. (c) All councillors and employees have a responsibility to report fraud and suspected corrupt activity, through the appropriate notification, which may include taking advantage of the Public Interest Disclosures Act.

Implementation

Requirements	Responsibility
1 Code of Practice This policy will be implemented by following council's <i>Corruption Prevention Code of Practice</i> , which specifies in detail the plan, procedures and matters to be considered.	Chief Financial Officer

2	Staff Under supervision, all Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received relevant training to do so.	Council managers and officers
3	Concerns Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to analyse the history of reported concerns.	Council officers
4	Consultation Audit, Risk and Improvement Committee and consultation with Management Team. Dissemination to Council staff via divisional managers, intranet and e-mail. Other Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other relevant legislation, industry guidelines, and public comment.	Audit & Risk Committee Management team As appropriate

Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages fraud and corruption control.

The policy may be revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council updates or revokes it sooner.

Note: *The next general local government election is expected to be held in September 2024.*

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
<ul style="list-style-type: none"> Council and Management publicly support the policy. Managers actively and positively contribute to the development and maintenance of controls. Any fraud detected is dealt with in accordance with this policy. There is staff awareness and/or use of appropriate reporting lines. 	Council records Internal Audit
Reduction of incidence to nil	Council Records
Internal or external audit	Audit

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
<i>Corruption Prevention</i>	Corruption Prevention Code of Practice (nsw.gov.au)
<i>Code of Conduct</i>	Code of Conduct Policy (nsw.gov.au)
<i>Procurement Policy</i>	Procurement policy (nsw.gov.au)
<i>Procurement Code of Practice</i>	
<i>Local Government Act 1993</i>	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/

<i>Independent Commission against Corruption Act 1998</i>	www.austlii.edu.au/au/legis/nsw/consol_act/icaca1988442/
<i>Public Interest Disclosures Act 1994</i>	www.austlii.edu.au/au/legis/nsw/consol_act/pida1994313/

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au
Independent Commission against Corruption (ICAC)	www.icac.nsw.gov.au

Definitions

Term	Definition
Corruption	A breach of trust in the performance of official duties, acted or failed to act in the performance of the functions of their duties, or taken advantage of their employment to obtain any benefit for themselves or another person. Normally this will involve: a criminal offence, a disciplinary offence, or reasonable grounds for terminating the services of a public official.
Fraud	<p>Fraud is not restricted to monetary benefits. For the purpose of this policy, fraud against Council is described as: <i>"The dishonest misuse of Council's resources or using one's position and power for personal gain."</i></p> <p>A basic test for fraud could include the following questions: Was deceit employed? Was the action unlawful? Did it result in money/ benefits being received to which the person was not entitled?</p> <p>Some examples of fraud include:</p> <ul style="list-style-type: none"> • Unauthorised use of Council plant and equipment • Private use of Council's inventory and stores • Claiming unworked overtime on time sheets • Providing confidential Council information to unauthorised people or bodies • Allowing contractors to not fully meet contract requirements.

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	27 Jun 2006	Council	06/139	E05.9513	Policy Commenced
2	22 Sep 2009	Council	09/291	E09.3418	Policy reviewed and updated
3	27 Aug 2013	Council	13/246	E13.7095	Updated, added references and links
4	July 2015	Council	-	E06.0380	Minor referencing updates only (no substantive changes)
5	27 Jun 2017	Council	17/214	E16.0297 E06.0380	Reviewed at start of Council term. Report GMR 17/021
6	26 July 2022	Council	22/154	E16.0297 E06.0380	Reviewed at start of Council term. Report GMR22/072

Internal use

Responsible officer		Director Corporate & Commercial Services		Approved by	Council
Min	22/154	Report	GMR22/072	Effective date	26 July 2022
File	E16.0297 E06.0380	Review date	April 2022	Pages	4