

## Council Policy

Council Policy Name: Misconduct, Fraud and Corruption

Responsible Directorate: Finance and Corporate Services

Version: Adopted

### 1. PURPOSE

- 1.1. The purpose of this Policy is to communicate the City's commitment to a zero tolerance approach to misconduct, fraud and corruption by supporting strategies that prevent, detect and respond to misconduct, fraud and corruption.

### 2. SCOPE

- 2.1. This Policy is applicable to the City of Busselton's Elected Members and employees.

### 3. DEFINITIONS

| Term       | Meaning   |
|------------|---|
| Corruption | dishonest activity that is contrary to the interests of the entity and abuses a person's position/s of trust in order to achieve some personal gain or advantage for themselves or for another person or entity   |
| Fraud      | dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property and where deception is used immediately before or immediately following the activity  |
| Misconduct | behaviour which is improper and which adversely affects the honest and impartial performance of the functions of an Elected Member or employee, and which may also constitute a form of misconduct as defined within applicable legislation, including (but not limited to) the <i>Local Government Act 1995</i> , and the <i>Corruption and Crime Commission Amendment (Misconduct) Act 2014</i> |
| Policy     | this City of Busselton Council policy titled "Misconduct, Fraud and Corruption"   |

### 4. STRATEGIC CONTEXT

- 4.1. This Policy links to the following theme and strategic priority of the City's Strategic Community Plan 2021:

| Strategic Theme        | Strategic Priority   |
|------------------------|--|
| Key Theme 4 LEADERSHIP | 4.2: Deliver governance systems that facilitate open, ethical and transparent decision making. |

## 5. POLICY STATEMENT

- 5.1. The City is committed to providing and promoting ethical and accountable leadership and decision making.
- 5.2. The City will provide Elected Members and employees with education and training in misconduct prevention policies and strategies as they are developed, to ensure that responsibilities and obligations are understood.
- 5.3. This Policy, the City's Codes of Conduct, organisational values, and risk management framework all work together to prevent, detect and respond to potential or actual misconduct, fraud and corruption.
- 5.4. In dealing with allegations of suspected misconduct, fraudulent and/or corrupt activities the City is obliged to report and deal with such allegations in accordance with relevant legislation.
- 5.5. The City may seek to recover any losses incurred from misconduct, fraud or corruption activities, after considering all relevant issues.

### Public Interest Disclosure

- 5.6. The City is committed to the aims and objectives of the *Public Interest Disclosure Act 2003*.
- 5.7. The City will maintain high standards of professional and ethical conduct by receiving disclosures of public interest information in accordance with the requirements and provisions of the *Public Interest Disclosure Act 2003*.

## 6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Local Government Act 1995*
- 6.2. *Public Interest Disclosure Act 2003*
- 6.3. City of Busselton's Guide to Public Interest Disclosure
- 6.4. *Corruption and Crime Commission Amendment (Misconduct) Act 2014*
- 6.5. Standards Australia – AS8001 - 2008

## 7. REVIEW DETAILS

| Review Frequency  |      | 3 yearly        |              |           |
|-------------------|------|-----------------|--------------|-----------|
| Council Adoption  | DATE | 18 October 2023 | Resolution # | C2310/128 |
| Previous Adoption | DATE | 27 August 2019  | Resolution # | C1908/160 |