

1 Policy Statement

The Town of Gawler is committed to acting in the best interest of the community and to upholding the principles of honesty, integrity and transparency, which are all key components of good governance.

A culture of acting lawfully, ethically and in a socially responsible manner is promoted throughout the organisation, and all staff, Council Members, and contractors are expected to act in an ethical manner at all times in the performance and discharge of duties in association with their role with Council.

The Council is strongly committed to an environment of sound governance, robust internal controls and a culture that safeguards Council resources. This Policy reflects best practice in accordance with the Australian Standard for Fraud and Corruption Control, and a commitment to the prevention and detection of fraud, corruption and other criminal conduct, misconduct, and maladministration.

This Policy, together with relevant procedures, is intended to:

- Reinforce that Council has a zero tolerance to fraud, corruption and other criminal conduct, misconduct and maladministration.
- Promote and foster an environment that upholds the prevention of fraud, corruption and other criminal conduct, misconduct and maladministration.
- Maintain procedures which ensure workers understand their obligations to prevent fraud, corruption and other criminal conduct, misconduct and maladministration.
- Implement detection, prevention, and response strategies.

2 Scope

This Policy applies to all Council Members, employees, contractors, consultants and volunteers of the Council.

3 Legislation and References

Council has established a number of policies and procedures to assist with the prevention and control of fraud, corruption, misconduct and maladministration in accordance with relevant legislation. This Policy is also intended to complement and be implemented in conjunction with other Council policy documents.

- *Independent Commissioner Against Corruption Act 2012 (ICAC Act)*
- *Ombudsman Act 1972*
- Public Interest Disclosure Procedure
- Audit and Internal Control Policy
- Risk Management Policy
- *Council Member Behavioural Standards*
- Council Member Behavioural Management Policy
- Council Members Allowances and Benefits Policy

4 Definitions

The following definitions are provided in the Public Interest Disclosure Procedure:

- Responsible Officer
- Relevant Authority
- Public administration information
- Public Interest Disclosure Guidelines

Some definitions are repeated the Public Interest Disclosure Procedure as they directly relate to the operation and process outlined in the document for managing a Disclosure.

For the purposes of this Policy the following definitions apply:

Commission	The Independent Commission Against Corruption
Commissioner	The person holding or acting in the office of the Independent Commissioner Against Corruption
Corruption in public administration	Is defined in section 5(1) of the ICAC Act and means conduct that constitutes: <i>an offence against Part 7 Division 4 (Offences relating to public officers) of the Criminal Law Consolidation Act 1935, which includes the following offences:</i> • <i>bribery or corruption of public officers;</i> • <i>threats or reprisals against public officers;</i> • <i>abuse of public office;</i> • <i>demanding or requiring benefit on basis of public office;</i> • <i>offences relating to appointment to public office; or</i> • <i>an offence against the Public Sector (Honesty and Accountability) Act 1995 or the Public Corporations Act 1993, or an attempt to commit such an offence; or</i> • <i>an offence against the Lobbyists Act 2015, or an attempt to commit such an offence; or</i> <i>any of the following in relation to an offence referred to in a preceding paragraph:</i> • <i>aiding, abetting, counselling or procuring the commission of the offence;</i> • <i>inducing, whether by threats or promises or otherwise, the commission of the offence;</i> • <i>being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;</i> • <i>conspiring with others to effect the commission of the offence.</i>
False disclosure	A disclosure of information relating to fraud or corruption, maladministration or misconduct that is made by a person who knows the information to be false.
Fraud	Includes an intentional dishonest act or omission done with the purpose of deceiving. There is no statutory or agreed common law definition of Fraud. Offences addressed under Part 5 and Part 6 of the <i>Criminal Law Consolidation Act 1935</i> are considered to constitute Fraud offences. An ordinary or lay meaning of Fraud is 'to obtain dishonestly that which the person is not entitled to'. Fraud is a broad label applicable to conduct / practices that involve knowingly dishonest or deceitful behaviour meant to obtain an unjust benefit. Dishonesty is the key element in fraudulent behaviour, as provided for under section 131 of the <i>Criminal Law Consolidation Act 1935</i>.
Maladministration in public administration	As per section 4(2) of the <i>Ombudsman Act 1972</i> (the Ombudsman Act): <i>Means:</i> • <i>conduct of a public officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or</i> • <i>conduct of a public officer involving substantial mismanagement in or in relation to the performance of official functions; and</i> • <i>includes conduct resulting from impropriety, incompetence or negligence; and</i> <i>is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.</i>
Misconduct in public administration	As per section 4(1) of the Ombudsman Act <i>means an intentional and serious contravention of a code of conduct by a public officer while acting in their capacity as a public officer that constitutes a ground for disciplinary action against the officer.</i>
Ombudsman Directions and Guidelines	Means the directions and guidelines issued pursuant to section 12D(1) of the Ombudsman Act relating to reporting matters of suspected misconduct or maladministration in public administration.

Office for Public Integrity (OPI)	Established by the ICAC Act to <i>manage complaints about public administration with a view to—</i> • <i>the identification of corruption, misconduct and maladministration in public administration; and</i> • <i>ensuring that complaints about public administration are dealt with by the most appropriate person or body.</i>¹ The functions of OPI are: (a) <i>to receive and assess complaints about public administration from members of the public;</i> (b) <i>to receive and assess reports about corruption, misconduct and maladministration in public administration from inquiry agencies, public authorities and public officers;</i> <i>to refer complaints and reports to inquiry agencies, public authorities and public officers or to determine to take no action in accordance with the relevant section.</i>²
Office for Public Integrity Directions and Guidelines	Is a reference to the directions and guidelines issued by OPI pursuant to section 18B of the ICAC Act in relation to reporting matters of suspected corruption in public administration.
Public administration	As per section 4(1) of the ICAC Act - an administrative act carried out in the course of public administration. An administrative act is as per the definition in the Ombudsman Act 1972 and means: (a) <i>an act relating to a matter of administration on the part of an agency to which this Act applies or a person engaged in the work of such an agency; or</i> (b) <i>an act done in the performance of functions conferred under a contract for services with the Crown or an agency to which this Act applies,</i> (c) <i>but does not include—</i> (d) <i>an act done in the discharge of a judicial authority; or</i> (e) <i>an act done by a person in the capacity of legal adviser to the Crown or an agency to which this Act applies; or</i> <i>an act of a class declared by the regulations not to be an administrative act for the purposes of this definition.</i>
Public Officer	Has the meaning given by section 4 and Schedule 1 of the ICAC Act and includes council members and an employee or officer of the Council.
Publish	Is defined in section 4 of the ICAC Act, and means publish by: • newspaper, radio or television; • internet or other electronic means of creating and sharing content with the public or participating social networking with the public; or • any similar means of communication with the public.

5 Roles and Responsibilities

5.1 Prevention

- 5.1.1 The Council recognises that the occurrence of fraud, corruption, misconduct and maladministration will be more likely to prevail in an administrative environment where opportunities exist for waste and abuse.

The most effective way to prevent the occurrence of fraud, corruption, misconduct and maladministration is to instil and continually reinforce a culture across the Council of acting lawfully, ethically and in a socially responsible manner. This culture is driven through a focus of continual improvement and implementation of appropriate internal control mechanisms and an environment that promotes ongoing learning and knowledge of the frameworks in place to prevent fraud, corruption and maladministration.

¹ ICAC Act, section 3(1)(b)

² ICAC Act, section 17(1)

- 5.1.2 Employees and council members will assist in facilitating a sound ethical culture to prevent fraud, corruption, misconduct and maladministration by ensuring they:
- Maintain an awareness of Council policies and procedures and ensure they commitments and processes documented are adhered to.
 - Understand what behaviour constitutes fraudulent or corrupt conduct, misconduct and/or maladministration.
 - Recognise the strategies implemented by Council and the legislative frameworks in place to minimise fraud, corruption, misconduct and maladministration.
 - Are conscious of the potential for fraud, corruption, misconduct and maladministration to occur in the council environment.
 - Report suspected or actual occurrences of fraud, corruption, misconduct and maladministration in accordance with this Policy and legislative requirements.

6 Education

6.1 Education for Awareness

- 6.1.1 The Council recognises that the success and credibility of this Policy will largely depend on effective communication and promotion of the suite of documents and measures in place that complement the legislative frameworks aimed to reduce the occurrence of fraud, corruption, misconduct and maladministration.
- 6.1.2 To ensure an awareness of legislative obligations and Council mechanisms in place to prevent fraud, corruption, misconduct and maladministration across the organisation, the following measures are in place:
- All staff upon commencement must complete an induction module regarding their obligations as a public officer.
 - Training and education for staff, Council Members, and Independent Members of Committees who perform official functions and duties in connection with the activities of the Council.
 - Implementation and ongoing maintenance of appropriate internal control mechanisms to detect fraud, corruption, and other criminal conduct, misconduct, and maladministration.
 - Promotion of policy documents and legislative amendments as they may arise, regarding the control and prevention of fraud, corruption, misconduct.
 - Facilitate public access to information about the framework in place to prevent fraud, corruption, misconduct and maladministration by ensuring relevant policy documents are published to the website and what to do if they wish to make a report.

6.2 Reporting fraud, misconduct or maladministration

- 6.2.1 Public Officers are obliged under the OPI's Directions and Guidelines to report any matter that is reasonably suspected of involving corruption in public administration.
- 6.2.2 Details of what a report should include and further information about reporting requirements are prescribed within the Office of Public Integrity's Directions and Guidelines for Public Officers.
- 6.2.3 Reports can be made to the OPI by:
- Completing the online form available on the OPI's website;
 - Calling 1300 782 489;
 - Completing a hard copy form (available via the OPI's website) and mailing it to 'GPO Box 464, Adelaide SA 5000'; or
 - Contacting the OPI to book an appointment to make the complaint or report in person.
- 6.2.4 In accordance with the Ombudsman's Directions and Guidelines, public officers are expected to report any reasonable suspicion of misconduct or maladministration in public administration to the Ombudsman.

- 6.2.5 Details of what a report should include and further information are prescribed within the Ombudsman SA's Directions and Guidelines.
- 6.2.6 Any report to the Ombudsman should be made using the online report form available on the Ombudsman SA website. Reports can also be sent to:
- Ombudsman SA, Karna Country, PO Box 3651, RUNDLE MALL SA 5000.
- 6.2.7 Where a report relates to matters that may be, sensitive, complex or of significant public interest, a report may be made in person to an officer of Ombudsman SA. This can be organised by contacting Ombudsman SA by phone: 8226 8699 or email to ombudsman@ombudsman.sa.gov.au
- 6.2.8 Further information about reporting requirements is available at the ICAC website: <https://icac.sa.gov.au/>
- 6.2.9 Where an employee, council member, contractor or volunteer has or acquires knowledge of actual or suspected Fraud or other similar conduct, that knowledge should be reported to the Council's Responsible Officer. Such a disclosure may be protected under the PID Act and will be managed in accordance with the Council's Public Interest Disclosure Procedure.

7 Confidentiality

7.1 Confidentiality and Publication Prohibitions

- 7.1.1 A person who receives information knowing that the information is connected with a matter that forms or is the subject of a complaint, report, assessment, investigation, referral or evaluation under the ICAC Act must not disclose that information, other than in the limited circumstances set out in section 54(3) of the ICAC Act.
- 7.1.2 A failure to comply with the requirements can constitute an offence. A Council employee who fails to comply with these requirements may also face disciplinary action which may include dismissal from employment.
- 7.1.3 Council members and employees should also be mindful of the confidentiality provisions in the Council's Public Interest Disclosure Policy.

7.2 False Disclosure

- 7.2.1 A person who knowingly makes a false disclosure or a false or misleading statement in a complaint or report will be guilty of an offence under the ICAC Act and the PID Act.
- 7.2.2 Council employee who makes a false disclosure may also face disciplinary action which may include dismissal from employment.

8 Administrative Information

This Policy is available free of charge via Council's website [Codes and Policies | Town of Gawler Council](#). Hard copies may be provided to the public upon request and payment of a fee in accordance with the Council's Schedule of Fees and Charges.

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Review due by	September 2029
Adopting authority	Council

9 Version History

Revision	Date	Change
1	17 September 2025	Policy in new template and legislative changes to the ICAC Act incorporated.