



# Corruption, Misconduct and Maladministration Policy

<b>Responsible Officer</b>	Chief Executive Officer
<b>Relevant Delegations</b>	Director Corporate Services
<b>Legislation and References</b>	Local Government Act 1999 Independent Commission Against Corruption Act 2012 Ombudsman Act 1972 Public Interest Disclosure Act 2018

## 1. Purpose of the Policy

1.1 Council is committed to acting in the best interest of the community and to upholding the principles of honesty, integrity and transparency.

1.2 The purpose of this Policy is to ensure that Council:

- properly fulfils its responsibilities under the *Independent Commissioner Against Corruption Act 2012 (ICAC Act)*, and the *Ombudsman Act 1972*
- takes appropriate steps towards compliance with relevant legislation, policies and instruments;
- provides a clear statement to all employees through practices, policies and procedures that corruption, misconduct and/or maladministration is not acceptable and will not be tolerated;
- protects Council assets, interests and reputation from the risks associated with corruption, misconduct and/or maladministration;
- outlines the Council's approach to the prevention, detection and response to, Corruption, Misconduct and Maladministration;
- fosters an ethical environment and culture which is conscious of, actively discourages, does not tolerate and appropriately deals with Corruption, Misconduct and Maladministration;
- identifies the relevant responsibilities of Council Members, Employees, the Chief Executive Officer, Managers and the Audit and Risk Committee;
- educates Employees and Council Members about their obligations to report conduct reasonably suspected of being Corruption, Misconduct and/or Maladministration;
- evaluates practices, policies and procedures it has in place in order to further advance Council systems for preventing or minimising Corruption, Misconduct and Maladministration; and
- develops a consistent approach to the management of relevant conduct across the organisation through the establishment and maintenance of

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effective systems and internal controls to guard against Corruption, Misconduct and Maladministration.

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

## 2. Definitions

Reference the legislation and Directions & Guidelines as listed below for the relevant definitions:

<b>Independent Commissioner Against Corruption Act 2012</b> <b>Office Public Integrity SA Directions &amp; Guidelines 2022</b>	<b>Ombudsman Act 1972</b> <b>Ombudsman SA Directions &amp; Guidelines Nov 2021</b>
Corruption	Misconduct
Publish	Maladministration
Public Officers	Public Administration
Public Authority	Inquiry Agency
Inquiry Agency	Ombudsman
Commissioner	
Director of OPI	

## 3. Prevention

3.1 The Council recognises that the occurrence of Corruption, Misconduct and Maladministration will be more likely to prevail in an administrative environment where opportunities exist for waste and abuse.

3.2 The Council also recognises that the most effective way to prevent the occurrence of 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, and to support this culture with the implementation of appropriate internal control mechanisms.

3.3 The Council expects Council Members, employees, contractors, consultants and volunteers of the Council will assist in facilitating a sound ethical culture and preventing Corruption, Misconduct and Maladministration by:

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- 3.3.1 understanding the responsibilities of their positions;
- 3.3.2 familiarising themselves with Council policies and procedures and adhering to them;
- 3.3.3 understanding what behaviour constitutes Corrupt conduct, Misconduct and/or Maladministration;
- 3.3.4 maintaining an awareness of the strategies that have been implemented by Council to minimise Corruption, Misconduct and Maladministration;
- 3.3.5 being continuously vigilant to the potential for Corruption, Misconduct and Maladministration to occur in the Council environment; and
- 3.3.6 reporting suspected or actual occurrences of Corruption, Misconduct and Maladministration in accordance with this Policy.

## 4. Roles and responsibilities

4.1 The table in Appendix 1 to this Policy outlines the roles and responsibilities of key individuals and groups with respect to Corruption, Misconduct and Maladministration prevention within Council.

## 5. Reporting Corruption, or Serious Impropriety

- 5.1 Any Public Officer who has or acquires knowledge of actual or suspected Corruption, or Serious Impropriety in the Council or in other public administration must report this information to the OPI (Office for Public Integrity) as soon as practicable.
- 5.2 All reasonable suspicions of Corruption or Serious Impropriety must be reported to the OPI in accordance with the Commissioner's reporting requirements as identified in the Officer for Public Integrity Directions and Guidelines 2022
- 5.3 A report to the OPI must be made using the online report form available at: <https://www.publicintegrity.sa.gov.au/>
- 5.4 Nothing in this section is intended to prevent a Public Officer from reporting suspected Corruption or Serious Impropriety Council or in other public administration to a Relevant Authority, like a Council's Responsible Officer, for the purposes of the Public Interest Disclosure Act (PID Act). Such a disclosure may be protected under the PID Act and, if made to the Council's Responsible Officer, will be managed in accordance with the Council's Public Interest Disclosure Policy and

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Procedure. Public Officers are encouraged to have regard to the Council's Public Interest Disclosure Procedure when determining where to direct a disclosure.

5.5 Further information about reporting requirements is available at the OPI website: <https://www.publicintegrity.sa.gov.au/>

## 6. Reporting Misconduct or Maladministration

6.1 Where an employee, Council Member, Audit Committee members contractor or volunteer has or acquires knowledge of actual or suspected Misconduct or Maladministration (and is therefore not required to be reported to OPI), that knowledge should be reported to the Ombudsman and or 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 Policy and Public Interest Disclosure Procedure.

Further information about reporting requirements is available at the Ombudsman website: <https://www.ombudsman.sa.gov.au/make-a-complaint>

## 7. Confidentiality and Publication Prohibitions

7.1 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) and 54 (3a) of the ICAC Act.

7.2 A failure to comply with the requirements in this part 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.

7.3 In addition to the requirements in this part, Council Members and employees should also be mindful of the confidentiality provisions in the Council's Public Interest Disclosure Policy.

## 8. Action by the Chief Executive Officer

8.1 Unless otherwise directed by OPI the Ombudsman or SAPOL, the CEO will investigate how the alleged Corruption, Misconduct or Maladministration occurred to determine the cause for the breakdown in controls and identify if any recommendations as to changes in policies, procedures or internal controls should be made to the Council. The investigation should:

8.1.1 occur as soon as practicable after the alleged incident; and

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- 8.1.2 not impose on or detract from any investigation being undertaken by the OPI, the Ombudsman or SAPOL;
- 8.1.3 have regard to any recommendations in any report received from the Commissioner, the Ombudsman or SAPOL on the incident.

8.2 The CEO will, in conducting the investigation and deciding whether and how to report on the investigation to Council, have regard to the provisions of the Public Interest Disclosure Policy, and any confidentiality requirements under the Public Interest Disclosure Act and/or ICAC Act.

8.3 Action taken by the CEO following an investigation into alleged Corruption, Misconduct or Maladministration may include disciplinary action against any employee involved in the incident.

## 9. False Allegations

9.1 A person who knowingly makes a false allegation 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.

9.2 A Council employee who makes a false allegation may also face disciplinary action which may include dismissal from employment.

## 10. Review and Availability

This policy will be reviewed every four years, or as required.

The public may inspect a copy of this policy without charge at the Council offices during office hours and may obtain a copy for a fee fixed by Council

The policy is also available on Council's website [www.claregilbertvalleys.sa.gov.au](http://www.claregilbertvalleys.sa.gov.au)

## 11. References

- Local Government Act 1999
- Independent Commissioner against Corruption 2012
- Office for Public Integrity Directions & Guidelines 2021
- Ombudsman Act 1972
- Ombudsman Directions & Guidelines 2022
- Public Interest Disclosure Act 2018

### Policies and Procedures

- Risk Management Framework
- Public Interest Disclosure

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Disposal of Land and Other Assets  
Prudential Management  
Internal Financial Controls  
Council Delegations and Sub Delegations

## 12. Document History

Approved by	Issue Date	Minute Reference – Details of Review
CGVC	17/08/2020	New Policy Adopted by Council
CGVC	15/08/2022	Updated and added ICAC and Ombudsman Act changes

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Responsibility		Council Members	Chief Executive Officer	Directors	Employees	Audit Commit	Other Contract ors and Volunteer
<b>Governance and ethics</b>							
1	Comply with this policy and any related legislation, policy, protocol or procedure.	✓	✓	✓	✓	✓	✓
2	At all times in the performance of duties or in association with their role with Council, act in an ethical manner.	✓	✓	✓	✓	✓	✓
3	Promote a culture and environment in which Corruption, Misconduct and Maladministration is discouraged and not tolerated	✓	✓	✓	✓	✓	✓
4	Remain scrupulous in the use of Council information, assets, funds, property, goods or services	✓	✓	✓	✓	✓	✓
<b>Awareness and training</b>							
1	Promote community awareness of the Council's commitment to the prevention of Corruption, Misconduct and Maladministration.	✓	✓		✓ (as appropriate)		

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Responsibility		Council Members	Chief Executive Officer	Directors	Employees	Audit Commit	Other Contractors and Volunteer
2	Executive employees, directors & managers ensure all employees under their supervision have been educated regarding Corruption, Maladministration and Misconduct.		✓	✓	✓		
3	Undertake awareness training or education regarding Corruption, Maladministration and Misconduct.	✓	✓	✓	✓	✓	✓ (as appropriate)
4	Develop and deliver training to employees and other public officers to promote ethical conduct and an ethical culture.		✓	✓			
5	Act in an ethical manner at all times in the performance of duties, and comply with ethical obligations in accordance with any relevant code or policy regarding conduct and behaviour	✓	✓	✓	✓	✓	✓

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Responsibility		Council Members	Chief Executive Officer	Directors	Employees	Audit Commit	Other Contractors and Volunteer
6	Adopt and model constructive behaviours and approaches to work which promote ethical behaviours in Council employees	✓	✓	✓		✓	
<b>Corruption Misconduct &amp; Maladministration prevention</b>							
1	Provide adequate security, including the provision of secure facilities for storage of assets, to assist in the prevention of Corruption, Misconduct and Maladministration		✓	✓			
2	Develop procedures to deter or corrupt activity from occurring	✓	✓	✓	✓		
3	Where relevant, comply with the <i>Public Interest Disclosure Act 2019</i>	✓	✓	✓	✓	✓	✓
4	Ensure appropriate internal controls are in place and operating effectively to minimise the risks of incidents	✓	✓	✓		✓	

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Responsibility		Council Members	Chief Executive Officer	Directors	Employees	Audit Commit	Other Contractors and Volunteer
5	Ensure effective screening (e.g. criminal history) of employees, prospective employees, volunteers (as relevant) and contractors is undertaken, including by use of appropriate and effective contractual arrangements		✓	✓			
6	Ensure all powers and authorities are appropriately delegated in order to minimise the risk of , Corruption, Misconduct or Maladministration	✓	✓	✓			
<b>Detection and investigation</b>							
1	Ensure that where appropriate, proper investigations are conducted into allegations of Corruption, Misconduct or Maladministration	✓	✓				
2	Facilitate cooperation with any investigations undertaken by an external authority		✓				
3	Undertakes risk assessments on a regular basis	✓	✓			✓	

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Responsibility		Council Members	Chief Executive Officer	Directors	Employees	Audit Commit	Other Contractors and Volunteer
4	Provides mechanisms for receiving allegations of , Corruption, Misconduct and Maladministration	✓	✓				
5	Investigates matters of Corruption, Misconduct and Maladministration	✓	✓				
6	Cooperate as required with any investigations undertaken whether internally or by an external authority	✓	✓	✓	✓		✓
<b>Monitoring and reporting</b>							
1	Report all instances of conduct known or reasonably suspected to be , Corruption, Maladministration or Misconduct in accordance with Council's policies	✓	✓	✓	✓	✓	✓ (report to Responsible Officer)
2	Develop mechanisms for receiving allegations of , Corruption, Misconduct or Maladministration including appointing a responsible officer	✓	✓				

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Responsibility		Council Members	Chief Executive Officer	Directors	Employees	Audit Commit	Other Contractors and Volunteer
3	Work jointly with other areas of Council to co-ordinate activities relating to the control, prevention, detection and management of , Corruption, Misconduct or Maladministration	✓	✓	✓		✓	
4	Review the effectiveness of the implemented policies that ensure risks are identified and that controls implemented by management are adequate	✓	✓			✓	

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