



FRAUD AND CORRUPTION CONTROL POLICY P3.0103.4

FRAUD AND CORRUPTION CONTROL POLICY

DIRECTORATE: Customer and Corporate Strategy
BRANCH: Legal and Governance
CATEGORY: 2

1. Purpose

- 1.1. The purpose of this Policy is to set standards and provide guidance on how Council controls fraud and corruption.

2. Alignment with Community Strategic Plan

- 2.1. Council's Community Strategic Plan 2025-2040 identifies five key directions to guide Council towards achievement of the vision that "Camden is a diverse, vibrant community embracing sustainable growth, honouring heritage, and protecting our environment together".

The following objectives and strategies are applicable to this Policy and relevant to the key direction of Leading:

- L3 – Our Council decisions are informed, accountable and transparent
 - L3.3 – Integrate long-term financial planning, safety, risk and strong governance across all Council operations.

3. Background

- 3.1. Council is committed to acting in the best interest of the community and upholding the principles of honesty, integrity and transparency, which are all key elements of good governance.
- 3.2. This Policy has been formulated in line with the Fraud and Corruption Control Framework developed by NSW Treasury, the Audit Office's Fraud Control Improvement Kit, the Independent Commission Against Corruption (ICAC's) Sample Fraud and Corruption Control Policy and the Australian Standard AS 8001:2021 Fraud and Corruption Control.

4. Scope

- 4.1. This Policy applies to all staff, Councillors, contractors, consultants, volunteers and third party providers across all Council activities.

5. Objectives

- 5.1. To clearly specify Council's attitude and approach to confront and reduce the risks of fraud and corruption affecting Council's staff, operations and services.

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- 5.2. To clearly demonstrate that Council does not and will not tolerate fraudulent and corrupt practices either by its own staff, Councillors, volunteers, contractors, consultants, third party providers or others working for Council and will not tolerate others using fraudulent and corrupt practices against Council, its staff or the functions and services it provides to the community.
- 5.3. To clearly demonstrate Council's commitment to:
- Minimising opportunities for fraudulent and corrupt conduct
 - Detecting, investigating and disciplining/prosecuting fraudulent and corrupt conduct
 - Reporting fraudulent and corrupt conduct to, and cooperating with, the ICAC, NSW Police and other integrity agencies where relevant
 - Taking a risk management approach to the identification and management of fraud and corruption risks, and
 - Educating staff, Councillors and other stakeholders on fraud and corruption awareness.

6. Policy Statement

Council is committed to protecting its revenue, expenditure, property, intellectual capital and reputation from any attempt, either by members of the public, contractors, sub-contractors, consultants, third party providers, volunteers, Councillors or its own staff to gain by deceit any financial or other benefits.

This Policy outlines the general principles and responsibilities for fraud and corruption control.

6.1. Principles

6.1.1. The principal elements of Council's Fraud and Corruption Control Policy include:

- Preventing fraud and corruption at its origin, in particular, implementing effective control structures and procedures that aim to eliminate the prospect of fraud and corruption occurring
- Making all staff, Councillors, contractors, consultants and volunteers aware of their obligation to act ethically and to follow Council's Code of Conduct at all times
- Making all contractors, consultants, third party providers and those dealing with Council aware of the ethical standards that Council applies and of the ethical standards of others in their dealings with Council
- Committing to a policy of detection, investigation and prosecution of individual cases of fraud and corruption
- Respecting the civil rights of individuals and committing to natural justice.

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6.1.2. Council has a Fraud and Corruption Control Plan that underpins this Policy and details responsibilities of positions within Council and the community. It also outlines steps involved in identifying, investigating, reporting and taking action concerning fraud and corruption.

6.1.3. The Fraud and Corruption Control Plan and Council's Code of Conduct also outline the policies and procedures implemented by Council to ensure that any allegations and subsequent investigations into fraud and corruption are handled confidentially and in accordance with applicable legislation.

7. Roles and Responsibilities

7.1. General Manager

The General Manager:

- Is responsible for ensuring that a Council-wide fraud and corruption control framework is in place, modelling the highest standards of ethical behaviour and ensuring compliance with all relevant legal obligations.
- Has a responsibility to ensure that instances of fraud and corruption involving Council that arise are investigated.
- Must, under section 11 of the *Independent Commission Against Corruption Act 1988*, report any matter that he or she reasonably suspects involves or may involve corrupt conduct to the Commission.

7.2. Councillors

Councillors:

- Lead and demonstrate a culture of ethical behaviour.
- Act in accordance with the Code of Conduct and related Council policies.
- Adopt strategic policies relating to fraud and corruption control, including this Policy.

7.3. Executive Leadership Group

The Executive Leadership Group:

- Are responsible for ensuring that this Policy is fully and effectively executed.

7.4. Senior Management Team

The Senior Management Team:

- Are responsible for the development and implementation of effective policies and procedures to prevent, detect, report and control fraud and corruption, based on a risk management approach.
- Are specifically accountable for the prevention and detection of fraud and corruption in areas respectively under their control.

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7.5. Managers, Coordinators and Team Leaders

Managers, Coordinators and Team Leaders:

- Are responsible for understanding and implementing this Policy, the Code of Conduct and other relevant Council policies and procedures.
- Must inform the Senior Risk Advisor of any undocumented or emerging fraud and corruption risks.

7.6. Staff

Council staff:

- Are responsible for their behaviour and are to act honestly in accordance with the Code of Conduct and related Council policies.
- Are to follow diligently the procedures and controls detailed in this Policy to prevent and mitigate fraud and corruption. Those procedures and controls must not be bypassed or avoided.

7.7. Public Officials

Public officials, as defined under the *Public Interest Disclosures Act 2022*:

- Are responsible for reporting corrupt conduct in line with Council's Public Interest Disclosures Act Internal Reporting Policy.

7.8. Audit, Risk and Improvement Committee

The Audit, Risk and Improvement Committee:

- Must keep fraud control at Council under review, in accordance with the section 428A of the *Local Government Act 1993*.
- Will receive a report annually as a minimum outlining the status of fraud and corruption controls for their review. Reporting can occur more frequently if there are particular items to be reviewed.

7.9. Manager Legal and Governance

The Manager Legal and Governance:

- Is the owner of this Policy and is responsible for coordinating Council's overall fraud and corruption control framework.
- Will ensure that this Policy is available via Council's website and intranet.

8. Reporting and Public Interest Disclosures

- 8.1. Council is committed to a 'speak up' culture where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing. Any suspected or actual incidence of fraud or corruption must be reported immediately. Public officials should do so in accordance with the provisions of the Public Interest Disclosures Act Internal Reporting Policy.

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- 8.2. Council is committed to protecting public officials who report suspected fraud and/or corruption in line with the provisions of the *Public Interest Disclosures Act 2022* and the Public Interest Disclosures Act Internal Reporting Policy.
- 8.3. Council will deal with allegations of fraud and corruption in accordance with the provisions of the Code of Conduct and the Public Interest Disclosures Act Internal Reporting Policy.

9. Evaluation

- 9.1. The success of this Policy will be measured by
- No reported breaches of this Policy.

10. Review

- 10.1. This Policy will be reviewed every two years or more frequently as required.

11. Definitions

Corrupt Conduct	The same as in the <i>Independent Commission Against Corruption Act 1988</i> and includes conduct by any person that commonly involves the dishonest or preferential use of power or position, a breach of public trust or the misuse of information or material acquired in the course of official business. In other words, corrupt conduct is deliberate or intentional wrongdoing, not negligence or a mistake.
Fraud	<p>As defined in Australian Standard 8001:2021, dishonest activity causing actual or potential gain or loss to any person or organisation including theft of moneys or other property by persons internal and/or external to the organisation and/or where deception is used at the time, immediately before or immediately following the activity. The following notes apply to this definition:</p> <ul style="list-style-type: none"> (i) Property in this context also includes intellectual property and other intangibles such as information. (ii) Fraud also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position for personal financial benefit. (iii) While conduct must be dishonest for it to meet the definition of "fraud", the conduct need not necessarily represent a breach of the criminal law. (iv) The concept of fraud within this meaning can involve fraudulent conduct by internal and/or external parties targeting the organisation or fraudulent or corrupt conduct by the organisation itself targeting external parties.

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Fraud and Corruption Control	Actions taken to stop or at least reduce the risk of fraud and/or corruption occurring and are designed to provide reasonable assurance that fraud and corruption risks are managed in such a manner as to ensure that the achievement of Council's objectives will not be adversely affected by fraudulent or corrupt practices.
Staff	Refers to permanent, fixed term, temporary and casual employees of Council.

12. Related Materials

12.1. Related Legislation

- *Independent Commission Against Corruption Act 1998*
- *Local Government Act 1993*
- *Local Government Award*
- *Local Government (General) Regulation 2021*
- *Public Interest Disclosures Act 2022*

12.2. Related Policies, Procedures and Other Guidance Material

- Audit, Risk and Improvement Committee Terms of Reference
- Code of Conduct
- Conflict of Interest Procedure
- Discipline Policy
- Enterprise Risk Management Framework
- Fraud and Corruption Control Plan
- Gifts and Benefits Procedure
- Guidelines for Contacts Requested by External Parties
- Pre-Employment Screening Procedure
- Public Interest Disclosures Act Internal Reporting Policy
- Purchasing and Procurement Policy
- Secondary Employment Policy
- Statement of Business Ethics

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Responsible Branch	Legal and Governance
Responsible Manager	Manager Legal and Governance
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2	24/09/2019	Council	17/305372	Minor amendments
3	13/10/2022	ELG	17/305372	Minor amendments including revision of title
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