
FRAUD AND CORRUPTION CONTROL POLICY



PURPOSE

This policy recognises the importance of fraud and corruption control management in corporate governance. It contributes to public value through mandating reporting of improper conduct and supports the organisation's core value of integrity and protecting public resources.

SCOPE

This policy applies to all people elected to, employed by, and working within Wyndham City Council: Councillors, Advisory Committee Members, Staff (including temporary and contracted) and Volunteers (registered and student).

Note: A minimum appointment period of 1 month is required for scope inclusion of temporary and contracted staff and students

POLICY STATEMENT

Wyndham City Council has zero tolerance for fraudulent or corrupt behaviour and is committed to preventing, detecting, investigating and responding to improper conduct in all aspects of its business.

We recognise that acting with integrity is central to developing a constructive culture. Guiding the conduct of our people to avoid or manage challenging situations involving perceived or potential fraud and corruption is crucial. Motivation to commit such action typically requires a combination of incentive, opportunity and rationalisation. We will maintain an effective control environment, which is key to limiting opportunity and minimising risk. Everyone is expected to contribute to this through maintaining an awareness of fraud and corruption controls and identifying improvement opportunities within their business processes, activities and functions.

This policy should be read in conjunction with the Risk Management Policy and Public Interest Disclosure Policy.

POLICY OBJECTIVES

1. Wyndham City Council will seek to balance public value creation and public value preservation in line with community expectations and integrity standards.
2. Wyndham City Council will foster a constructive culture which values integrity and takes proportionate action in circumstances where conduct is not appropriate.
3. Wyndham City Council will embed fraud and corruption control management practices at all levels of the organisation to deliver procedural fairness and facilitate natural justice.
4. Wyndham City Council will require our people to act with integrity in the performance of their roles and promptly report conduct which is improper and/or unethical.



DEFINITIONS

Fraud and Corruption Management System – the process of planning, organising leading and controlling activity, in order to direct and control the organisation with regard the implementation of anti-fraud and anti-corruption strategies (including anti-bribery strategies).

Improper conduct – at its lowest threshold level, is either criminal or serious enough to result in a person’s dismissal. It may include taking or offering bribes, dishonestly using influence, committing fraud, theft, misusing information or material acquired at work, conspiring or attempting to engage in the above corrupt activity. It can also arise from the inaction of an individual or group.

Fraud – Dishonest activity causing actual or potential gain or loss to any person or organisation including theft of moneys or other property by persons internal or external to the organisation and/or where deception is used at the time, immediately before or immediately following the activity.¹

Corruption – Dishonest activity in which a person associated with an organisation acts contrary to the interests of the organisation and abuses their position of trust in order to achieve personal advantage or advantage for another person or organisation.¹

Bribery – A type of corruption involving offering, promising, giving, accepting or soliciting of an undue advantage of any value (which could be financial or non-financial), directly or indirectly, and irrespective of location(s), in violation of applicable law, as an inducement or reward for a person acting or refraining from acting in relation the performance of that person’s duties.²

Disclosure – is a report about improper conduct or detrimental action of Wyndham City Council or its officer(s) made by an individual or group. The conduct may have occurred in the past, is currently occurring or may happen in future. It is not a disclosure if the complaint or allegation is already in the public domain.

Assessable Disclosure – is a disclosure which has been assessed by the Public Interest Disclosure Officer(s), subject to mandatory reporting to IBAC, which satisfies one of two tests:

1. the information shows or tends to show that there is improper conduct or detrimental action; or
2. the discloser believes on reasonable grounds that the information shows or tends to show that there is improper conduct or detrimental action.

The Coordinator(s) will consider the seriousness of the conduct in terms of consequences and identify that there is a link between the conduct and the official function of Wyndham City Council or its officer(s).

Public Interest Disclosure – has been assessed by IBAC and meets the following criteria:

- it has been made by an individual or group of people;
- it is made verbally (in private) or in writing to a person authorised to receive a disclosure;
- it is about conduct which has, is or will adversely affect the honest performance of Wyndham City Council or it’s officer(s) official function; and
- there is information or reasonable grounds for the discloser to believe that there is information, which shows or tends to show improper conduct or detrimental action.

¹Definition as per the standard *AS 8001:2021 Fraud and Corruption Control*

²Definition based on the standard *AS ISO 37001:2019 Anti-bribery management systems – Requirements with guidance for use*; noting that bribery in the context of the Wyndham City Fraud and Corruption Management System will be considered as a type of corrupt conduct.

BREACH OF POLICY

Our people are bound to act in line with our Code of Conduct and in compliance with the law. As public sector employees, we are required to perform our duties in accordance with our values and meet the obligations of our roles, as communicated in our organisations policies. Contravention of policy may constitute misconduct and result in disciplinary outcomes, including termination of employment.

There are circumstances where breach of these obligations may result in civil or criminal prosecution of individuals. The *Crimes Act 1958* (VIC) classifies all acts of deception, dishonesty, and illicit financial advantage against public or civil citizens as fraud offences. Section 81 of the Act defines and prescribes punishments for all offenders. The crime of fraud and obtaining by deception carries a maximum penalty of 10 years imprisonment and is considered a Level 5 offence.

REFERENCES

[Charter of Human Rights and Responsibilities Act 2006](#)

[Independent Broad-based Anti-Corruption Commission Act 2011](#)

[Public Interest Disclosures Act 2012](#)

[AS 8001:2021 Fraud and Corruption Control](#)

[AS ISO 37001:2019 Anti-bribery management systems – Requirements with guidance for use](#)

IBAC: [Guidelines for making and handling public interest disclosures](#)

IBAC: [Guidelines for public interest disclosure welfare management](#)

IBAC: [Reference guide: Managing an internal investigation into misconduct](#)