

## STATEMENT

Resource Recovery Group expects Employees, Council & Committee members to act in compliance with the Code of Conduct and behave ethically and honestly when performing their functions and during their interactions with each other and our stakeholders.

Resource Recovery Group does not tolerate misconduct, fraud or corruption. We are committed to minimising opportunities for misconduct, fraud and corruption to occur through robust systems and procedures and policies, implementing systems for detecting and investigating any instances of misconduct, fraud and corruption and reporting suspected instances to the appropriate authorities.

## SCOPE

This Policy applies to Elected Members, Committee Members and all Workers including employees, volunteers, stakeholders and any external party providing goods and services such as contractors and consultants.

## OBJECTIVE

The Resource Recovery Group is committed to:

- Minimising the opportunities for misconduct, fraud and corruption and ensuring that we protect our assets, interests and reputation from harmful events.
- Detecting, investigating and disciplining or prosecuting any instances of misconduct, fraud and corruption.
- Reporting suspected misconduct, fraud and corruption to the Public Sector Commission or serious misconduct matters to the Corruption & Crime Commission and, where appropriate, the WA Police.
- Meeting our reporting obligations under section 28 of the *Corruption, Crime & Misconduct Act 2003*.
- Ensuring that a coordinated approach is utilised in dealing with all suspected acts of misconduct, fraud and corruption.

## DEFINITIONS

| Term           | Definition  |
|----------------|---|
| CCM Act        | <i>Corruption, Crime &amp; Misconduct Act 2003.</i>                                     |
| CCC/Commission | The Corruption and Crime Commission established under Section 8 of the <i>CCM Act</i> . |

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| Term             | Definition   |
|------------------|--|
| Corrupt Conduct  | <p>Is taken from s4 of the <i>CCM Act</i> to describe where a public officer has:</p> <ul style="list-style-type: none"> <li>Engaged in the dishonest or preferential use of power or position;</li> <li>Committed a breach of public trust;</li> <li>Misused information or material acquired in the course of official functions;</li> <li>Acted corruptly or failed to act honourably in the performance of functions of his or her office or employment; or</li> <li>Corruptly taken advantage of his or her office or employment as a public officer to obtain any benefit for himself or herself or for another person.</li> </ul>   |
| Corruption       | <p>As defined in section 83 of the <i>Criminal Code (WA)</i>:</p> <p>Any public officer who, without lawful authority or a reasonable excuse -</p> <ol style="list-style-type: none"> <li>acts upon any knowledge or information obtained by reason of his or her office or employment; or</li> <li>acts in any matter, in the performance or discharge of the functions of his or her office or employment, for which he or she has, directly or indirectly, any pecuniary interest; or</li> <li>acts corruptly in the performance or discharge of the functions of his or her office or employment,</li> </ol> <p>so as to gain a benefit, whether pecuniary or otherwise, for any person, or so as to cause a detriment, whether pecuniary or otherwise, to any person, is guilty of a crime and is liable to imprisonment for 7 years.</p>   |
| Fraud            | <p>Is defined by Australian Standard AS 8001-2021 (Fraud and Corruption Control) as: 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.</p> <p>Property also includes intellectual property and other intangibles such as information.</p> <p>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 benefit.</p>  |
| Minor Misconduct | <p>As defined in the <i>CCM Act</i>, occurs if a public officer engages in conduct that:</p> <ol style="list-style-type: none"> <li>Adversely affects the honest or impartial performance of the functions of a public authority or public officer, whether or not the public officer was acting in their public officer capacity at the time of engaging in the conduct; or</li> <li>Involves the performance of functions in a manner that is not honest or impartial; or</li> <li>Involves a breach of the trust placed in the public officer; or</li> <li>Involves the misuse of information or material that is in connection with their functions as a public officer, whether the misuse is for the benefit of the public officer or the benefit or detriment of another person;</li> </ol> <p>And</p> <p>Constitutes or could constitute a disciplinary offence providing reasonable grounds for termination of a person's office or employment.</p> |

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| Term                               | Definition   |
|------------------------------------|--|
| Public Officer                     | All employees of Resource Recovery Group are considered Public Officers, section 1 of the Criminal Code (WA) defines a Public Officer as: <ul style="list-style-type: none"> <li>(a) A member, officer or employee of any authority, board, corporation, commission, local government, Council of a local government, council or committee or similar body established under a written law.</li> <li>(b) Any other person holding office under, or employed by, the State of Western Australia, whether for remuneration or not.</li> </ul>  |
| Principal Officer                  | At Resource Recovery Group the Principal Officer is the Chief Executive Officer.   |
| Public Sector Commission (PSC)     | Incidents of Minor Misconduct are reported to the Public Sector Commission.  |
| Public Interest Information        | As defined in the <i>Public Interest Disclosure Act 2003</i> , means: Information that tends to show, in relation to its performance of a public function, a public authority, a public officer, or a public sector contractor is, has been, or proposes to be, involved in: <ul style="list-style-type: none"> <li>(a) Improper conduct, or</li> <li>(b) An act or omission that constitutes an offence under a written law; or</li> <li>(c) A substantial unauthorised or irregular use of, or substantial mismanagement of, public resources; or</li> <li>(d) An act done or omission that involves a substantial and specific risk of: <ul style="list-style-type: none"> <li>i. Injury to public health; or</li> <li>ii. Prejudice to public safety; or</li> <li>iii. Harm to the environment;</li> </ul> </li> </ul> <p style="text-align: center;">Or</p> <ul style="list-style-type: none"> <li>(e) A matter of administration that can be investigated under section 14 of the <i>Parliamentary Commission Act 1971</i>.</li> </ul> |
| Public Interest Disclosure Officer | Person nominated to receive Public Interest Disclosures.   |
| Serious Misconduct                 | As defined in the CCM Act occurs when: <ul style="list-style-type: none"> <li>(c) A public officer corruptly acts or corruptly fails to act in the performance of the functions of the public officer's office or employment; or</li> <li>(d) A public officer corruptly takes advantage of the public officer's office or employment as a public officer to obtain a benefit for himself or herself or for another person or to cause a detriment to any person; or</li> <li>(e) A public officer whilst acting or purporting to act in his or her official capacity, commits an offence punishable by two or more years' imprisonment.</li> </ul>  |
| Suspicion on reasonable grounds    | Means a Principal Officer has made an assessment that their suspicion about the alleged serious misconduct is well-founded. Information about the alleged serious misconduct does not have to be in the direct knowledge of the Principal Officer but should be obtained from reliable sources. <p>Suspicion on reasonable grounds requires some factual basis, and a stronger level of knowledge than mere speculation, rumour, gossip or innuendo. (CCC Guidelines for Notification of Serious Misconduct July 2015)</p>   |

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## **ROLES & RESPONSIBILITIES**

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### **Council**

Council are responsible for adhering to the Code of Conduct for Councillors, Committee Members and Group Members. All instances of alleged misconduct, fraud and corruption will be reported to the Audit & Risk Committee.

### **Chief Executive Officer**

The Chief Executive Officer has ultimate responsibility for managing corruption risks. The Chief Executive Officer, under the *Corruption, Crime and Misconduct Act 2003* must notify the Corruption and Crime Commission and/or Public Sector Commission if misconduct is suspected or found.

### **Senior Management**

Model and promote an ethical culture ensuring an environment where all employees are aware of their responsibilities in relation to fraudulent and corrupt activity. Respond proactively to any behaviour that may indicate fraudulent or corrupt activity and ensure that any such instances are proactively reported and investigated.

### **Line Managers**

Support and maintain effective internal controls and ensure compliance with the policy.

### **Employees**

All employees are considered Public Officers and are responsible for reporting any instance, or suspected instance, of misconduct, fraud or corruption.

## **CONTENT**

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### **1. Prevention and Detection**

RRG is committed to preventing misconduct, fraud and corruption through internal controls, sound governance and effective recruitment strategies.

Systems and processes ensure segregation of duties which are designed to help prevent fraud occurring and to detect it if it does occur. Our purchasing policy and procedures form an integral part of this system.

The Annual Internal Audit process includes a review of high-risk areas to ensure controls are adequate and are working as intended. Audits are carried out by independent Auditors external to the organisation.

Policies integral to prevention include:

- Code of Conduct - Elected Members
- Code of Conduct – Employees
- Risk Management
- Procurement Policy
- Purchasing Card Policy
- Recruitment and Selection Policy

In accordance with the *Local Government Act 1995* and associated regulations, RRG maintain a number of Registers which make information publicly available via our website.

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## 2. Staff Training and Awareness

RRG undertakes a range of training to ensure that staff are aware of their responsibilities. Training includes:

- Employee Induction
- Misconduct Training
- Purchasing & Budgeting Induction
- Code of Ethics Training
- ICT Training

## 3. Public Interest Disclosure

Any person may make an appropriate disclosure of public interest information to a proper authority (includes a local government). The legislation which governs such disclosures is the Public Interest Disclosure Act 2003.

A disclosure can be made by anyone and may be made anonymously. If disclosures are made in accordance with the Act, the person making them is protected from reprisal. This means that the person enjoys immunity from civil or criminal liability and is protected from any disciplinary action or dismissal.

The Act requires local governments to appoint a person, known as the Public Interest Disclosure Officer (PID Officer), to whom disclosures may properly be made.

More information about making a Public Interest Disclosure is available on our website.

## 4. Response and Reporting

All incidents of misconduct, or suspected misconduct, will be thoroughly investigated and whenever necessary the appropriate reporting and notification lines followed.

Serious or Minor Misconduct of a public officer will be reported to the Public Sector Commission or the Corruption & Crime Commission. The *Corruption, Crime and Misconduct Act 2003* which requires that the Chief Executive Officer notifies the Corruption and Crime Commission or the Public Sector Commission in writing of any matter that they suspect, on reasonable grounds, of either serious or minor misconduct by a public officer.

The outcome of any investigation may result in disciplinary action and will be managed in accordance with our policies and Industrial instruments.

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### REFERENCES & REVIEW

|                                  |   |                     |
|----------------------------------|---|---------------------|
| <b>Statutory Compliance</b>      | <i>Public Interest Disclosure Act 2003<br/>Corruption, Crime and Misconduct Act 2003</i>  |                     |
| <b>Organisational Compliance</b> | Misconduct, Fraud & Corruption Investigation Policy 1.3<br>Risk Management Policy 4.2<br>Code of Conduct's<br>Grievance Management Policy 9.10<br>Managing Poor Performance Policy 6.10 |                     |
| <b>Approved by</b>               | Regional Council  |                     |
| <b>Next Revision Date</b>        | August 2027   |                     |
| <b>Policy Administration</b>     | <b>Responsible Officer</b>  | <b>Review Cycle</b> |
| Corporate                        | Executive Manager Governance & Culture  | Biennial            |
| <b>Risk Rating</b>               | High – A02 Employee Fraud or Corruption   |                     |
| <b>Location of document</b>      | RRG Website<br>Staff Intranet<br>9 Aldous Place, Booragoon<br>350 Bannister Road, Canning Vale  |                     |

### DOCUMENT CONTROL REGISTER

| Date    | Review   | No. | Author | Resp Officer | Council    |
|---------|----------|-----|--------|--------------|------------|
| 2011/03 | Original | 1   | CSM    | DCS          | 27/10/2011 |
| 2013/08 | Review   | 2   | EMCS   | EMCS         | 22/08/2013 |
| 2015    | Review   | 3   | EMCS   | EMCS         | 27/08/2015 |
| 2017    | Review   | 4   | EMCS   | EMCS         | 24/08/2017 |
| 2020    | Review   | 5   | EMCS   | EMCS         | 26/11/2020 |
| 2021    | Review   | 6   | EMCS   | EMCS         | 26/08/2021 |
| 2023    | Review   | 7   | EMGC   | SMG          | 24/08/2023 |
| 2025    | Review   | 8   | EMGC   | CEO          | 21/08/2025 |

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