



CHIEF MINISTER'S DEPARTMENT

ACTPS

Integrity Policy

2010

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The ACT Government is committed to:

- encouraging its employees, and all persons who perform functions on its behalf, to act with the highest integrity;
- ensuring that its employees do not abuse their office; and
- protecting its revenue, expenditure and property from any attempt, either by members of the public, contractors, sub-contractors, agents, intermediaries or its own employees to gain by deceit financial or other benefits.

This policy is designed to protect public money and property, protect the integrity, security and reputation of our public sector agencies while maintaining a high level of services to the community consistent with the good government of the ACT.

While this document has been prepared to inform all ACT public employees of their obligations, it is specifically aimed at:

- Chief Executives and Senior Managers to inform them of the obligations upon them to include issues of integrity in their day-to-day management;
- Senior Executives Responsible for Business Integrity Risk, who will bear the primary responsibility for the implementation of this Policy; and
- Chairs of Audit Committees who will be required to include the issues covered by this Policy in their responsibilities of reviewing and monitoring governance, risk and control issues.

1. Definitions

In this policy:

- **'Agencies'** means all 'administrative units' and 'Territory Instrumentalities' as defined for the purposes of the *Public Sector Management Act 1994*, as well as Territory Owned Corporations;
- **'corruption'** in relation to an employee means that the employee seeks, obtains or receives any benefit, other than lawful salary and allowances, on the understanding that the employee will do or refrain from doing anything in the course of their duties or will attempt to influence any other employee on behalf of any person;
- **'employee'** means an officer or employee of an Agency and includes a person who performs functions on behalf of an Agency¹;
- **'fraud'** means taking or obtaining by deception, money or another benefit from the government when not entitled to the money or benefit, or attempting to do so - this includes evading a liability to government;
- **'integrity'** means the exercise of authority in accordance with the stated values and principles of the ACT Public Service and the control of fraud and corruption; and
- **'SERBIR'** means Senior Executive Responsible for Business Integrity Risk.

The values and principles of the ACT Public Service (ACTPS) mentioned in the definition of integrity include the general obligations of public employees detailed in Section 9 of the *Public Sector Management Act 1994* (PSM Act).

The definitions of fraud and corruption include a range of offences under the *Criminal Code 2002* (including but not limited to):

- obtaining money or benefit, etc., from the Territory by false pretences or by false representation;
- defrauding the Territory;
- unlawfully removing property;
- stealing or fraudulently misappropriating Territory property; and
- bribing Territory officers, or accepting a bribe by a Territory officer.

2. Legal underpinnings of the Integrity Policy

Because this policy covers agencies with differing legislative standings, the legal underpinnings vary.

2.1. **Agencies covered by the Public Sector Management Act 1994**

- general obligations of public employees detailed in Section 9 of the PSM Act;

¹ Section 9 requires contracts for the performance of functions by contractors to be in accordance with the intent of this policy.

- general obligation upon agencies to implement the values and principles of fairness and integrity (Paragraphs 6 (c) (d) and (e) of the PSM Act);
- responsibility of a chief executive for the administration and business of administrative units under the chief executive's control (Paragraph 29 (1) (a) of the PSM Act);
- disciplinary provisions of Part 9 of the PSM Act, particularly provisions relating to the failure to fulfill the duties as an officer (Section 179);
- Public Sector Management Standard (PSM Standard) Chapter 2 – Ethics;
- financial management responsibilities of chief executives (Section 31 of the *Financial Management Act 1996* (FM Act));

2.2. Territory Owned Corporations

Territory Owned Corporations have been requested to comply with the policy. It is open to those entities to amend the policy to appropriately reflect a more commercial focus. However, given the emphasis on governance for commercial entities, the core elements of the policy are likely to be relevant.

2.3. Legislation with general applicability

- *Ombudsman Act 1989*;
- *Public Interest Disclosure Act 1994*; and
- *Criminal Code 2002*.

This document contains references to the PSM Act and the PSM Standards. Not all Agencies covered by the policy are bound by these provisions. For those agencies, it is suggested that they adopt procedures that implement the intent of those provisions, insofar as they are necessary to implement this policy.

3. Coverage

This policy covers all the agencies as defined in Section 1. At APPENDIX A is a list of the agencies that have separate financial reporting obligations for the purposes of the ACT Budget and are therefore required to take implementation action as a result of this policy².

4. Key components of the integrity procedures

4.1. Chief Executive Financial Instruction

The Department of the Treasury has developed a suite of Model Chief Executive Financial Instructions. Section 31 of the FM Act sets down responsibilities upon chief executives and Agencies are strongly urged to adopt these to assist in meeting these responsibilities. CEFI 1.7 has been expanded to include the obligations arising from this policy. That document provides detailed guidance on the action necessary

² As described in the transitional arrangements in Section 13, some agencies may opt to be covered by the integrity procedures of an administrative unit.

to fully implement the policy and Agencies are encouraged to adopt the Model Instruction, with any modification considered necessary to meet individual Agency needs.

4.2. Public Interest Disclosure

The *Public Interest Disclosure Act 1994* (PID Act) deals with whistle blowing and the protection of people who report certain types of conduct dealt with in this Policy. The Act sets down processes for reporting cases, investigating them and dealing with any unlawful reprisals made as a result of the reporting.

Agencies are reminded that they have specific obligations under the PID Act and that these perform a crucial role in the integrity framework.

A Guide to the PID Act, which sets out in detail the policy and procedures relating to this scheme can be accessed at

<http://www.cmd.act.gov.au/governance/public/publications> .

4.3. Other components of the integrity procedures

The *ACT Public Service Code of Ethics* is a booklet that describes in practical terms the ethical obligations upon staff. It is available at

<http://www.cmd.act.gov.au/governance/public/publications>.

As well as the elements described above, the package of integrity procedures includes the following detailed practical guidance:

- Model Training package – training material on the whole-of-government elements of the integrity framework will be developed by CMD. This will be made available to Agencies to augment or modify as they see fit; and
- Fraud Investigation Standards – detailed standards for the conduct of investigations will be developed, based upon the work the Commonwealth has done in this field.

What has been described above forms the core of the integrity framework in the ACTPS. Other procedures that support integrity are:

- ACT Procurement Policy, Guidelines and Circulars;
- reports and guidelines issued by the ACT Auditor-General;
- Chief Minister’s Annual Reporting Directions; and
- ownership agreements.

5. Ethical conduct

While the institutions and procedures underpinning the integrity of the ACTPS are very important, the key component of integrity is the way in which individual public employees and office holders perform their day-to-day duties. Those obligations are set down in Section 9 of the PSM Act. An associated document the *ACT Public Service Code of Ethics* provides practical guidance on ethics issues for staff and is described in Section 4.3 above.

Managers themselves are urged to exhibit the highest standard of ethical conduct and to ensure that mechanisms for encouraging that conduct are embedded in the day-to-day operations of the Agency. “Achieves results with integrity” is one of the five identified Senior Executive Capabilities promulgated in February 2010.

In managing staff, particular attention should be paid to the following areas of ethical conduct:

- conflicts of interest;
- accepting gifts;
- second jobs; and
- confidentiality of information.

The following Sections summarise the policy in each of these areas.

5.1. Conflicts of interest

A ‘conflict of interest’ occurs when an employee’s private interests improperly influence the performance of the employee’s official duties and responsibilities.

A conflict of interest can be *actual* in that the improper influence is occurring, or has happened in the past. This is, at the very least, a breach of Section 9 of the PSM Act and should be treated as a disciplinary matter or could even be corruption under the *Criminal Code 2002*.

By contrast, an *apparent* conflict of interest can be said to exist where it appears, to an outsider, that an employee’s private interests could improperly influence the performance of their duties but this is not in fact the case. Failure to avoid or disclose this situation is also a breach of Section 9 of the PSM Act and should be treated as a disciplinary matter. In determining if an apparent conflict of interest exists the test is whether a neutral observer would regard the officer’s actions as reasonable. It is essential that someone other than the officer make this judgment.

A *potential* conflict of interest arises where a public official has private interests that are of such a nature that a conflict of interest would arise if the employee were to become involved in official responsibilities in the future related to those interests.

Private interests are not limited to financial or pecuniary interests, or those interests that generate a direct personal benefit to the employee. A conflict of interest may involve otherwise legitimate private activity, personal affiliations and associations, and family interests, if those interests could reasonably be considered likely to improperly influence the employee’s performance of their duties. A particular case of conflict of interest occurs when the negotiation of future employment by an employee prior to leaving public office involves the use of official information or contacts to give that person an unfair advantage.

As mentioned above, Section 9 of the PSM Act requires employees to avoid or disclose conflict of interest situations. Employees can avoid conflict of interest situations by, for example, disposing of shares or resigning from problematic private positions.

Where a conflict of interest situation cannot be avoided by the action of the employee and has been disclosed, the Agency has an obligation to assist in the resolution of the problem. This can occur by ensuring that the employee is not involved in actions or decisions related to the conflict or even transferring the employee to another position.

5.2. Gifts

One particular example of conflict of interest is the acceptance of gifts. A gift offered to an employee that is related in any way to the performance of official duties has the potential to damage the employee's reputation or affect the public's trust in the Agency's independence and integrity. Because of this, there are strict rules about accepting gifts or other benefits through official duties.

The basic rule is that gifts or benefits cannot be accepted without the specific approval of the Chief Executive, although some discretion may apply to gifts of little financial value and where there is no reasonable possibility that it could cause a real or apparent conflict of interest.

5.3. Second jobs

An issue that could involve a conflict of interest is the holding of a second job. Section 244 of the PSM Act requires formal approval for a wide range of outside employment activities and section 9 of the PSM Standards provides further detailed guidance. While not prohibited, the holding of second jobs has the potential for real and apparent conflicts of interest and the maintenance of high ethical standards requires this issue to be closely monitored.

5.4. Confidentiality of information

Employees often have access to documentation the Government holds, both in electronic and paper form. That information can include sensitive information about the internal workings of Government, commercial-in-confidence information and personal information about ACT citizens. Much of this information has been provided involuntarily, through legislative requirements.

Disclosing official information for personal gain is a serious matter. Employees have ethical responsibilities to safeguard this information and to ensure it is used only for official purposes. These responsibilities also take the form of legal obligations under the PSM Act and PSM Standards, Section 10 of the *Criminal Code 2002*, the *Privacy Act 1988 (Cwlth)* and the *Health Records (Privacy and Access) Act 1997*.

6. Protecting integrity

Section 20 of the PSM Standards, requires Agencies to adopt an active preventative strategy towards the control of all breaches of integrity, including fraud and corruption. Once there has been a breach of integrity, the damage to the reputation of the Service and the loss of resources has already occurred and, no matter how effectively the case is handled, these negative aspects cannot be undone.

6.1. Risk management for integrity

The PSM Standards require Chief Executives to manage risks to the integrity of the Agency through the application of the current Risk Management Standard as issued by Standards Australia. This will involve the assessment of the risks and the treatment of the risks through control mechanisms.

Risk assessment

In applying the Risk Management Standard to the specific area of risk to Agencies' integrity, there are certain issues that need specific attention. Practical guidance on these issues is provided in the Model Chief Executive Financial Instruction 1.7.

The matters that Agencies need to take into account when assessing the risks to integrity are as follows:

- establishing the context of risks to integrity, all relevant issues including fraud, corruption and the conduct issues covered by Section 9 of the PSM Act. At a broader level are a series of factors like waste of public resources, mismanagement and abuse of office that should also be taken into account;
- key stakeholders should be identified and consulted. As well as a broad range of expertise within the Agency, these should include important external service providers. Key institutions in the criminal justice system relevant to the Agency need to be consulted, and Agencies may wish to consider approaching the Ombudsman and the Auditor-General for input;
- as well as monetary loss, damage to the reputation of the Agency or the ACT Public Service as a whole needs to be considered as a risk criteria;
- where possible, the input of investigators familiar with the Agency's systems should be sought, as they develop a deep appreciation of the risks of fraud and corruption;
- Section 20 of the PSM Standards specifically requires that particular attention be paid to the risks of breaches of integrity, including fraud and corruption in the provision of services by providers from outside the ACTPS. Further guidance on this is provided in Section 9 below;
- while not attempting to pre-empt the range of risk areas that Agencies should address experience has shown that there are some areas of public sector administration that are particularly prone to breakdowns in integrity. As a matter of prudence, the Agencies should pay attention to the risks associated with:
 - information technology and information security;
 - electronic commerce, electronic service delivery and the Internet;
 - grants and other payments or benefits programs;
 - tendering processes, purchasing and contract management;
 - services provided to the community;
 - revenue collection;
 - use of Government credit cards;

- travel allowance and other common allowances;
- salaries; and
- property and other physical assets including physical security;
- Agencies should carefully examine records of cases that have been investigated to ascertain where control processes have broken down;
- The adequacy of controls should be carefully assessed. This is extremely important in the area of integrity – particularly fraud. This step highlights the importance of a broad participation base in the risk assessment process. Generally, managers have limited day-to-day experience of detailed control mechanisms. Therefore in this element of the risk assessment process, managers should actively seek the valuable insights of those employees who implement the controls;
- Agencies need to take care when converting ratings of consequence and likelihood into numeric weightings so as to enable risk priorities to be set involving a wide variety of functions. This is a challenge when attempting to measure in a comparable way financial risks and risks to reputation across a wide range of functions;
- the decisions made during the risk assessment process needs to be recorded and filed. This will enable the risk assessment methodology that has been developed to be replicated, or more likely, to be fine-tuned to deal with future developments;
- in the process of identifying and analysing risks, there will be a lot of information from the participants on what needs to be done to reduce or eliminate risks. This information also needs to be recorded in detail to inform the next stage in the process; and
- even though the risk assessment and the development of the fraud and corruption prevention plan are described as separate processes, it is essential that they be undertaken together. The end product of this effort is to develop a series of action items that will reduce risks to Agencies’ integrity.

It needs to be noted that there is no one ‘template’ risk assessment methodology for assessing the risks to an organisation’s integrity. Best practice suggests a separate methodology be developed for every risk management exercise. While this may be an unnecessarily purist approach, certainly any existing risk assessment methodology needs to be examined very thoroughly to ensure that it fully meets the Agency’s needs.

It is open to the Agencies to engage an outside service provider to assist in the process. Where this is done, it does not in any way detract from the formal responsibility of the Chief Executive to deal with the Department’s integrity issues. As well, when an outside provider has been engaged to undertake any part of the risk management process, the SERBIR is responsible for ensuring that the methodology used meets the Department’s needs.

Fraud and Corruption Prevention Plan.

Under subsection 20(3) of the PSM Standards, the Department is required to develop and implement a Fraud and Corruption Prevention Plan. The preparation of this plan follows on from the formal risk assessment of the Agency.

There is no set format for a fraud and corruption prevention plan. The following are the matters that will be contained in the Agency plans:

- it should be based upon a recent assessment of the risks to the Agency and will deal with those risks in priority order;
- the Risk Management Standard allows for a number of responses for dealing with risks, including accepting risks, insuring against risks and transferring risks. These responses are not appropriate when dealing with integrity. With risks to the integrity of the Agency, these should all be dealt with through reducing their likelihood by improving controls and raising employee awareness;
- the plan should clearly identify which line area of the Agency is responsible for dealing with the risk;
- the SERBIR's primary role will be monitoring that the plan is implemented and coordinating any risk treatments that involve more than one area of the Agency;
- against each of the risks identified, the plan should set detailed and clearly identified actions. These action items will be cast in such a way as to easily identify when the action has been completed. Risks should not be dealt with by creating another monitoring mechanism;
- the plan should have a realistic timetable for implementation. That timetable should reflect the priority afforded the risk in the risk assessment process; and
- the plan should coordinate the response to integrity risks with other governance mechanisms including – internal audit, physical security and IT security.

Private Sector Providers

Many Agencies draw upon the expertise and experience of the private sector in the assessment of the risks to integrity and the preparation of the Fraud and Corruption Prevention Plan. Risk management is one aspect of management generally and while external assistance can be valuable, the responsibility and accountability must lie with the Agency.

In engaging private sector providers for these sorts of tasks, Agencies are urged to couch the requirements to include skills transfer from the private sector rather than purely the delivery of a discrete product.

Certification

As noted above, responsibility and accountability for integrity matters lies with the Agency. PSM Standard, subsection 21(6), specifies that the Chief Executive certify in the Annual Report that a risk assessment has been undertaken in accordance with the Risk Management Standard and in accordance with the requirements set down in this document.

Secondly, the Standard requires that the Chief Executive certify in the Annual Report that treatments for adequately dealing with the integrity risks identified have been addressed in the Fraud and Corruption Plan and in accordance with the requirements set down in this document.

Finally, the Standard requires that the Chief Executive certify in the Annual Report the progress during the reporting year on the implementation of the fraud and corruption prevention plan.

Role of Audit Committee in certification process.

The primary responsibility for management of an agency's risks is with the senior management of the agency. One of the functions of the Audit Committee is to provide an independent opinion to the Chief Executive regarding the adequacy of risk management processes. To perform this function, the Audit Committee will need to be provided by the SERBIR with risk assessments for the agency, proposed strategies to address risks, and action being taken to address unacceptable risk levels.

The Audit Committee may arrange for independent reviews to be undertaken of any of the management processes in regard to risk management. Results of these reviews will be directly reported to the Chief Executive.

6.2. Awareness of integrity

Agencies have a responsibility to ensure that the relevant ACT whole-of-government policies and Agency specific policies are made available to all staff.

Chief Executives are urged to use every available opportunity to highlight to staff the importance of integrity and role they play in its maintenance. This can involve encouraging managers to discuss the issue at staff meetings, running articles on integrity in staff newsletters, issuing a staff circular on the integrity policy and making integrity one of the criteria in staff awards.

Further, Chief Executives and all senior staff are urged to provide leadership by example and to exemplify honesty, integrity and probity in all work related activities.

6.3. Detection

The processes for reporting fraud and corruption outlined in Section 8 below perform an invaluable function in bringing cases to the attention of Agencies.

These mechanisms are essentially reactive in that they come into effect only after the wrongdoing has occurred. Agencies are urged to adopt, and publicise, programs of actively seeking out cases of fraud and corruption, based upon Agency records. Such actions will perform a valuable deterrence role.

In actively seeking out cases of fraud and corruption, Agencies need to be sensitive to:

- the requirements of the *Privacy Act 1988* not to use information disclosed for one purpose for an unrelated purpose;
- the rights of clients and employees not to be the subject of surveillance unless a serious criminal offence is suspected; and
- the cost-effectiveness of detection activity.

6.4. Review of Fraud and Corruption Prevention Plan

Agencies are required to review the Fraud and Corruption Prevention Plan every two years and that review will entail:

- determining that the risk assessment methodologies are valid;
- conducting another risk assessment;
- reviewing changes in the programs operation and environment since the last plan;
- addressing recommendations in the last fraud and corruption prevention plan not yet implemented; and
- developing a further two year program for fraud and corruption prevention which will rectify residual shortcomings in the procedures.

If there has been a major change in the functions, responsibilities or procedures of the Agency, a further risk assessment will be conducted and if new risks are identified the plan will need to be altered accordingly. The sort of events that may precipitate a risk assessment outside the usual cycle is a Machinery of Government change.

7. Case handling

It is unrealistic to expect that prevention mechanisms alone will eliminate fraud and corruption.

7.1. Procedures for Dealing with Allegations or Reports of Suspected Fraud or Corruption

Agencies should establish and promulgate procedures that fully inform staff of their obligations to report suspicions about all breaches of integrity, including fraud and corruption, and set down the formal Agency processes as to how the allegations will be handled.

Detailed practical guidance is provided in the Model Chief Executive Financial Instruction.

Within each Agency, the SERBIR is responsible for determining whether the allegation:

- is without foundation;
- should be dismissed as trivial, mischievous or vexatious;
- is of a disciplinary nature and should be dealt with in accordance with the agency's disciplinary procedures;
- should be referred to the Auditor-General;
- should be referred to the Chief Executive;
- is one that may be resolved by the application of administrative or civil action to recover losses; or
- is of a serious criminal nature and warrants investigation with a view to handling as a criminal matter.



With the exception of cases of a criminal nature, the Agency should have regard to the likelihood of a successful outcome when making decisions on what action to take about a particular case.

With cases of a criminal nature, the decision on what action is to be taken is made by the Director of Public Prosecutions. It should be noted that no person or authority other than the DPP may offer or imply that a suspect will not be prosecuted or that information provided by the suspect will not be used in evidence against him or her.

Where an allegation is received about a worker's compensation issue, the Agency should refer the matter to the ACT's workers' compensation provider, Comcare at <http://www.comcare.gov.au/>.

7.2. Using the Public Interest Disclosure Act 1994

The PID Act creates a statutory scheme to encourage the disclosure of improper conduct or wrongdoing (sometimes known as 'whistle blowing'). The Act has powerful provisions for the protection of people, which includes ACTPS employees, who report fraud, corruption, abuse of office, waste or endangering health or safety of the public.

Every government agency is obliged to put in place procedures for receiving and dealing with disclosures made under the Act. These procedures must deal with:

- making public interest disclosures;
- assisting and providing information to people to make public interest disclosures;
- protection from unlawful reprisals; and
- acting on unlawful reprisals

Under this legislation the Agencies must facilitate the making of disclosures. This is best achieved by identifying a contact officer for the receipt of disclosures. It is desirable that this contact officer is the SERBIR.

Further information on Public Interest Disclosure can be located at <http://www.cmd.act.gov.au/governance/public/publications>.

7.3. Determining Investigation Action

In making a decision as to whether fraud and corruption cases should be referred to the AFP, handled by formally qualified investigators or handled by resources from within the agency, the table at APPENDIX B should be used to assist in making that decision.

Agencies are strongly urged to keep the AFP informed of fraud and corruption cases that have the potential for prosecution action. Early notification increases the chances of a successful prosecution. Such notification should be undertaken even where early indications are that the case may not be accepted as a formal referral in line with the guidelines set down in APPENDIX B. Information from early referrals can assist in maintaining the AFP's criminal intelligence capacity in the ACT and will enable the AFP to better serve Agencies where concerted criminal action is

suspected. As well, the AFP will be able to provide assistance to agencies in considering whether to make a formal referral.

Requirement for investigator qualifications

The Policy is written on the assumption that most Agencies do not have access to in-house qualified investigators. For those that do, they may not need to utilise the processes outlined in Section 7.4 below.

With the exception of cases handled by the AFP, Agencies need to be satisfied that the person undertaking the investigation:

- is not involved in the matter and has no conflicts of interest; and
- possesses sufficient skills and experience to undertake the investigation.

With regard to the latter issue, the Agency will need to assess whether the complexity of the case warrants an investigation by a person with formal investigation qualifications. For other than AFP officers, the minimum formal qualification is a Certificate IV in Government (Fraud investigation).

Referral of cases to the AFP

As outlined above, where cases fulfil the criteria for being serious and complex, the Agency must refer it to the AFP. If there is any doubt about what action to take, the Agency should consult with the AFP.

The point of contact in the AFP is:

Superintendent Territory Investigations, Fraud Investigation
Territory Investigations Group
Telephone: 6256 7777

Where a matter is referred in writing to the AFP by an Agency, the referral should provide as a minimum:

- the allegations(s);
- the names of the suspected offender(s) (where known);
- a chronological account of the facts giving rise to the allegation(s);
- details of witnesses;
- copies of relevant documents;
- references to any relevant legislation; and
- contact details of the SERBIR.

The AFP will make a decision, based upon its workload at the time and available resources, as to what action it will take. The AFP will notify the agency referring the matter, within 28 working days of receiving the referral of the action it will be taking. That action could be:

- take over the investigation entirely;

- jointly manage the investigation with the Agency; or
- refer the matter back to the Agency for investigation.

Should the AFP take over an investigation, it will keep the Agency informed of progress, notify the Agency of the outcome and, if applicable, provide the Agency with any observations it may have about how fraud control and anti-corruption systems can be improved.

7.4. Panel of investigators

Chief Minister's Department will establish and maintain a whole-of-government panel of service providers capable of providing agencies with qualified investigators. All providers on that Panel, as well as fulfilling all the requirements of the ACT Procurement Policy and Guidelines, will:

- possess formal qualifications at, at least, to the Certificate IV in Government (Fraud investigation) level;
- demonstrate a comprehensive understanding of the ACT criminal justice system;
- demonstrate an understanding of relevant legislative provisions, specifically the requirements to treat employees and clients fairly and to respect their privacy; and
- agree to meet the Investigation Standards as described in Section 7.5 below.

Unless there are specific needs that cannot be met by any of the providers on the Panel, Agencies will select investigators from that Panel.

Before taking action to engage a provider from the Panel, Agencies are urged to prepare an investigation plan, as described in the Model Chief Executive Instruction.

Upon completion of engagements from the Panel, Agencies will be requested to maintain records on the performance of the provider. CMD will take steps to reconstitute the Panel prior to the expiration of the specified term of the Panel as set out in the services agreement between Panel providers and the Territory. Prior to any extension of current service agreements or tender process for new Panel providers, Agencies will be requested to provide assessments of providers used during the previous service agreement period.

The information that will be requested will be based upon the following criteria:

- capacity of the provider to keep within the parameters of the investigation plan;
- if the case proceeded to prosecution, the brief of evidence meeting the requirements of the DPP;
- the overall outcome of the investigation process; and
- rights of employees and the community being protected.

7.5. Investigation standards

All investigations undertaken in the ACTPS should be conducted in accordance with the investigation standards promulgated by CMD.

Where the investigation is of a minor nature, Agencies may determine that parts of the standards do not need to be applied.

7.6. Recovery of Public Monies

If public money has been improperly obtained and it is likely that criminal proceedings will occur, consideration should be given to action to recover that money. It is possible that the *Confiscation of Criminal Assets Act 2003* may apply. The DPP should be consulted about any recovery action in such circumstances.

Agencies should also give consideration to instituting civil proceedings to recover monies that have been improperly obtained. Any monetary or other losses that are unable to be recovered by other means - for example reparation ordered by the court in criminal cases, or direct recovery from the debtor - should be referred to the ACT Government Solicitor's Office (ACTGSO) for consideration of civil action to recover the loss.

If ACT Government benefits are involved, and are ongoing, deductions should be made from those payments.

7.7. Model Litigant Guidelines

In the event that matters result in action before the courts, Agencies should note their obligations under the ACT Model Litigant Guidelines.

8. Reporting

For Agencies to deal effectively with threats to its integrity, it is essential that breaches of internal integrity are recorded.

8.1. Management information system

Section 20 of the PSM Standards requires that each Agency establish and maintain a management information system that records:

1. all instances of fraud and corruption;
2. losses to the Agency or potential for damage to the reputation of the Department or ACTPS as a whole;
3. investigative action taken;
4. disciplinary action taken or outcomes of matters which have been prosecuted; and
5. any changes to procedures and practices arising from the incident.

Details of the information to be recorded, relating to points 1 to 4 above, are set down in APPENDIX C.

That information is vital in tracking where problems are occurring and forms the basis upon which the integrity risk assessment is undertaken.

The SERBIR is responsible for the establishment and maintenance of the management information system described above. As well, the SERBIR will be

responsible for the recording of all reports and allegations of fraud or corruption as soon as practicable.

The Agency SERBIR will also report regularly to the Audit Committee on the cases that are being dealt with by the Agency. The Committee has responsibility for ensuring as far as practicable, and from an independent perspective, that all reports and allegations of fraud or corruption are properly dealt with by the Agency.

8.2. Annual Reports

Certain information about the integrity program is required to be published in annual reports, as set down in the Chief Minister's Annual Reports Directions. The information required is as follows:

- Prevention
 - details of risk assessments conducted;
 - fraud and corruption prevention plans prepared (or revised);
 - other integrity strategies adopted;
 - integrity awareness training.
- Detection
 - the total number of reports or allegations of fraud or corruption received and investigated during the year.
- Cases finalised – For cases of fraud and corruption where formal action has been finalised during the course of the year under report:
 - if in the course of the investigation and adjudication process, a quantification of the cost of the case has been made, that cost;
 - without revealing the personal identity of any of the parties, descriptions of how each case was perpetrated;
 - the outcome of the investigation and adjudication process; and
 - remedial action that was taken as a result of the investigation and adjudication process.

8.3. Using Data for Strategic Planning

CMD will regularly convene meetings of SERBIRs. Once a year, a meeting will be convened to commence the process of assembling a whole of government report on fraud and corruption that will be submitted to Management Council.

A working group of SERBIRs, chaired by CMD will examine all the information collected under Section 8.1 above, along with extracts from Agency risk assessments relating to risks of fraud and corruption. On the basis of that analysis, the working group will prepare a report that will:

- assess any changes in the overall levels of fraud and corruption;
- alert Management Council to emerging risks;
- summarise whole of government efforts to combat fraud and corruption; and



- evaluate the overall effectiveness of the policy.

9. External Service Providers

In some circumstances, the provision of services to the ACTPS is most appropriately provided by the private sector. The [Government Procurement Act 2001](#) and Government Procurement Regulation 2007 set out the framework within which these sorts of services are obtained. Within that framework, there are two elements of particular relevance promulgated by the Government Procurement Board:

- [Risk Management Procurement Circular 2009/24](#); and
- [Probity and Ethical Behaviour Procurement Circular 2007/21](#).

Once the procurement for a service provider has been completed and the provision of the service commences, that process falls within the ambit of this Policy. Chief Executives are responsible and accountable for the provision of these services in the same way as the Chief Executive is responsible for services provided by public sector employees.

Ongoing provision of services by external providers, are subject, as far as is practicable, to the requirements of this Policy.

In addition to the requirements on the public service, Agencies should ensure that, in relation to external service providers, the contractual arrangements include provision for:

- staff of the external service provider to meet the necessary security requirements of the Agency;
- the external service provider is made aware of the legislation, standards and procedures relevant to this Policy;
- the external service provider participates, in consultation with the agency, in an ongoing processes of assessing integrity risks to the program and dealing with those risks; and
- procedures are in place to receive, record and investigate any allegations of fraud and corruption involving the staff of the external service provider.

10. Roles and functions of players

While every agency in the ACTPS plays a part in the integrity structure, only the participants with whole-of-government responsibilities are described below.

APPENDIX F sets out the relationships between the participants with whole-of-government responsibilities in a diagrammatic form.

10.1. Audit Committee framework

In 2003, the Department of the Treasury promulgated a policy document entitled *Internal Audit Framework*. Among other things, this document dealt with the establishment of Agency Audit Committees that monitor and review the effectiveness

of corporate governance mechanisms in Agencies. Audit Committees therefore play an important role in assisting Agencies in establishing and maintaining integrity.

As a part of the audit function, Audit Committees are encouraged to review the operation and management of risk within the Agency, this review should include an assessment of the effectiveness of management's oversight responsibilities in relation to this promoting and maintaining integrity.

A description of the extended role and functions of Audit Committees with respect to this Policy is at Appendix D to this policy.

10.2. Senior Officer Responsible for Business Integrity Risk

Integrity is an issue of such high priority that in each agency an Executive should be appointed to take responsibility for the implementation of the integrity strategies and processes for the detection and investigation of fraud and corruption. These officers are known as Senior Executive Responsible for Business Integrity Risk (SERBIR) - Appointment and Role are detailed at APPENDIX E.

Chief Executives are required to provide details of all such appointments to the Director, Public Sector Management Group within the Chief Minister's Department.

10.3. Australian Federal Police (AFP)

The Australian Federal Police (AFP) is a Commonwealth authority established under the *Australian Federal Police Act 1979*. It is the Australian Government's primary law enforcement agency. Under a purchase agreement with the ACT Government, the AFP provides a range of policing services for the ACT. This includes crime and safety management, traffic law enforcement and road safety, prosecution and judicial support, and crime prevention. Within this framework, the AFP undertakes the detection, investigation and prevention of fraud and corruption for ACT agencies, including both internal and external fraud committed on Government programs.

Details of referring matters to the AFP are described in Section 7.3, including details of the point of contact. The criteria for such referrals are described in APPENDIX B.

10.4. Director of Public Prosecutions (DPP)

The Director of Public Prosecutions (DPP) has responsibility for the conduct of prosecutions in the ACT and matters relating to the proceeds of crime.

The Office of the DPP is generally not involved in the actual investigation of criminal offences. However, DPP officers are available to provide legal advice or policy guidance in regard to the manner in which investigations are conducted. Specifically, DPP officers are able to provide legal advice in relation to the sufficiency or otherwise of evidence required to proceed with prosecution.

Advice may also be sought from the DPP as to whether or not alleged misconduct constitutes a breach of law and if so, what course of action is most appropriate in the public interest. Such advice is of benefit to managers who are faced with the responsibility of deciding whether to proceed with disciplinary action or alternatively, institute criminal proceedings.

Once a matter has been referred to the DPP and a decision is being made as to whether or not a prosecution should be launched and/or what charge or charges should be laid, any views put forward by the agency concerned will be taken into consideration.

The Director of Public Prosecutions has produced a booklet entitled '*Prosecution Policy and Guidelines in the Australian Capital Territory*' which details the general criteria used during the consideration of prosecution action against an alleged offender. The guide covers a range of issues including the prosecution of juveniles, and is available from the office of the DPP upon request.

10.5. Ombudsman

Under the *Ombudsman's Act 1989* the Ombudsman may at any time, whether in response to a complaint, Ministerial request, or at his or her own initiative, investigate any aspect of an agency's actions, practices or procedures. This may include allegations of impropriety by an agency - or allegations about the way in which allegations are themselves investigated internally by the agency.

Public interest disclosures

Under provisions of the PID Act, the Ombudsman may receive a public interest disclosure from any person and exercise any of his or her investigative powers under provisions of the *Ombudsman's Act 1989* to act on the matter.

Additionally, if in relation to a public interest disclosure received, if the Ombudsman considers that:

- there is no other authority that can adequately or properly act on a public interest disclosure; or
- any proper authority that should have acted on a public interest disclosure has failed, or been unable for any reason, to adequately act on the disclosure;

the Ombudsman may then exercise his or her powers to act on the public interest disclosure.

10.6. Auditor-General

The Auditor-General and his or her Office carry out the duties which are set out in the *Auditor-General Act 1996*, by undertaking audits of management performance and the financial statements of public sector bodies. The aim is to improve public sector management and accountability by firstly, ensuring the Legislative Assembly and the community are provided with accurate and useful information about the management of public sector resources and secondly, by providing independent advice and recommendations for improving the management of public resources.

As part of their responsibilities, the Auditor-General is concerned to ensure that all reports or allegations of fraud and corruption are properly examined and dealt with by public sector bodies.

10.7. Commissioner for Public Administration

The Commissioner for Public Administration (the Commissioner) advises the Chief Minister on matters affecting the ACTPS. Under section 20 of the PSM Act, the Commissioner is responsible for:

- advising the Chief Minister on the management of the ACTPS;
- implementing administrative arrangements at the direction of the Chief Minister;
- undertaking management reviews into the operation of Government agencies; and
- maintaining core employment rules for the ACTPS through the PSM Standards. The Commissioner may make Management Standards under Section 251 of the PSM Act subject to the agreement of the Chief Minister.

10.8. ACT Government Solicitor

The ACT Government Solicitor (ACTGSO) provides legal services to the Territory, its Ministers, departments and agencies. Its responsibilities include the provision of advice, and representation in all courts and tribunals of the ACT. However, the ACTGSO does not handle criminal proceedings (which are the responsibility of the DPP).

The ACTGSO is able to provide advice regarding the rights and responsibilities of persons under any of the Acts referred to in this Policy. As indicated in section 7.6 the ACTGSO can also assist with civil action to recover loss.

10.9. Chief Minister's Department

As a part of its responsibility for exhibiting leadership in public sector reform, the Chief Minister's Department (CMD) has overall responsibility for this Policy, maintaining all the supporting documentation for the policy and advising and assisting SERBIRs with fulfilling their responsibilities under the Policy.

CMD will host meetings of SERBIRs every six months and that group will prepare an 'over the horizon' report for Management Council based upon risk assessments undertaken in each of the Agencies. These reports will alert the ACTPS to any emerging trends in fraud and corruption that may need a whole-of-government approach.

10.10. Management Council

Management Council is a body made up of Chief Executives of portfolio Departments and the Commissioner. Its function is to provide leadership for the ACTPS, including major whole of government initiatives. This integrity policy is one of those initiatives.

With regard to this Policy, Management Council will consider emerging trends in breaches of integrity, including fraud and corruption, that may have whole of government implications and make recommendations to CMD for any necessary changes to the Policy

11. Training

Because integrity issues are crucial to so many dimensions of the ACTPS activities, Agencies are urged to include reference to it in all training and development activities. The responsibility for determining training needs and delivering the training lies primarily with Agencies. However, Agencies are strongly urged to arrange for all new starters with the Agency to undergo at least one-half day training in this area as well as regular courses to refresh employees on the importance of integrity.

Model training package

CMD will provide a template set of training materials designed primarily for new starters. Agencies can augment the package with material specific to the agency. The package contains:

- a brief outline of the legislative structure supporting integrity (PSM Act, Financial Management Act, PSM Standards and Public Interest Disclosure Act);
- a description of the Integrity Policy and its intent;
- a series of scenarios that highlight integrity issues to promote group discussion;
- a training manual and Powerpoint presentation.

Fraud Prevention Competencies

The PSP99 training package includes the following competencies that relate closely to this policy:

- Certificate IV in Government (Fraud Control Investigation)
- Certificate IV in Government (Fraud Control Prevention/Detection)
- Diploma in Government (Fraud Control Investigation)
- Diploma in Government (Fraud Control Prevention/Detection)
- Advanced Diploma in Government (Fraud Control Management)

All investigators selected for the Panel described in Section 7.4 will be expected to have reached the Certificate IV in Government (Fraud Control Investigation) as a minimum standard.

Should any Agency determine that a staff member is likely to be involved in investigating cases of fraud and corruption on a continuing basis, the Certificate IV in Government (Fraud Control Investigation) is the minimum standard. A number of training providers are available to provide training or Recognition of Prior Learning in this course, including the Canberra Institute of Technology.

SERBIRs

CMD will arrange for occasional one and half-day seminars for SERBIRs to assist them in meeting their responsibilities.

12. Evaluation of Policy

CMD will evaluate the effectiveness of this Policy every three years. The evaluation will be undertaken in the light of the following information:

- reports of reviews undertaken by the Auditor-General;
- reports made by the Ombudsman;
- the assessment of emerging risks of fraud and corruption as identified by the biannual meetings of SERBIRs; and
- information reported by Agencies in Annual Reports.

Any changes to the Policy undertaken as a result of that review will be made in consultation with Management Council.

13. Transitional

Agencies in APPENDIX A under the category 'Other entities' may choose to be covered by the procedures of an administrative unit. If they so decide, there must be a formal determination by the Chief Executive within 90 day of the commencement of the this policy and this determination transmitted to the relevant Audit Committee and Chief Minister's Department.

13.1. *Model Chief Executive Financial Instructions*

A major revision of CEFI 1.7 has been undertaken. Agencies are strongly urged to adopt this CEFI. Agencies are encouraged to augment the CEFI with any agency-specific instructions that may be considered useful. To ensure compliance with Sections 31 and 54 of the *Financial Management Act 1996*, agencies will need to address integrity and risk management issues in their Chief Executive's Financial Instructions. Agencies are encouraged to develop their policies based upon those included (refer Section 1.7) in the Model Chief Executive's Financial Instructions produced by the Department of the Treasury.

13.2. *Integrity risk assessments and Fraud and Corruption Prevention Plans*

Agencies must undertake an integrity risk assessment and prepare a Fraud and Corruption Prevention Plan every two years.

Agencies must consult with CMD before the completion of the first integrity risk assessment and Fraud and Corruption Prevention Plans under this Policy. CMD will provide an independent report on the documents to the Agency Audit Committee.

14. APPENDIX A: Coverage of Policy

Administrative Units

ACT Health
ACT Planning and Land Authority
Chief Minister's Department
Department of Disability, Housing and Community Services
Department of Environment, Climate Change, Energy and Water
Department of Education and Training
Department of Justice and Community Safety
Department of Land and Property Services
Department of the Treasury
Department of Territory and Municipal Services

Other entities

ACT Forests
ACT Gambling and Racing Commission
ACT Insurance Authority
ACT Workcover
ACTION Authority
Auditor-General
Agents Board
Australian International Hotel School
Canberra Cemeteries Trust
Canberra Institute of Technology
Canberra Tourism and Events Corporation
Cultural Facilities Corporation
Director of Public Prosecutions
Exhibition Park in Canberra
Healthpact
Independent Competition and Regulatory Commission
Land Development Agency
Legal Aid
Legislative Assembly Secretariat
Public Trustee for the ACT
Stadiums Authority

Territory Owned Corporations

ACTEW Corporation
ACTTAB

15. APPENDIX B: Case handling criteria

Suggested streaming of cases for investigation

Characteristic of case	Refer to the Australian Federal Police	Use formally qualified investigators	Handle in-house
Complexity	Requires detailed analysis of large amounts of evidence, both paper and computer based Use of sophisticated technology	Requires detailed analysis of evidence, both paper and computer based	Analysis of relevant evidence straightforward
Potential damage	High monetary loss Significant damage to the reputation of the ACTPS Harm to the economy, assets or environment of the ACT Impact upon broader national law enforcement issues (eg, organised crime, money laundering)	Medium monetary loss Significant damage to the reputation of the organisation	Minor monetary loss Minor damage to the reputation of the organisation
Nature of offence	Elements of criminal conspiracy Serious breach of trust by an ACT employee	Likely to involve action before a court or tribunal	Likely to be limited to administrative action within the agency
Status of evidence	Preliminary analysis indicates strong possibility of proof beyond reasonable doubt Falls within ACT DPP Prosecution policy	Preliminary analysis indicates possibility of proof to the level of proof beyond reasonable doubt or balance of probabilities	Preliminary analysis indicates strong possibility of proof to the level of balance of probabilities
Scope	Involves known or suspected criminal activities in a number of ACT agencies and/or jurisdictions Collusion between a number of parties	More than one party suspected of being involved in the case.	Isolated incident
Availability of evidence	Evidence is required that can only be obtained by exercise of a search warrant or surveillance	Evidence is required that can be obtained within the agency	Evidence is required that can be obtained within the agency

16. APPENDIX C: Recording information

Types of cases that are included in the recording requirement

What needs to be recorded is information about:

1. all cases of fraud as defined in Section 1 of the policy;
2. all cases of corruption as defined in Section 1 of the policy; and
3. breaches of the disciplinary code as they relate to fraud and corruption, in particular:-
 - breaches of requirements to act impartially and with probity (Sub-paragraph 9 (a) and (b) of the PSM Act);
 - breaches of requirements to avoid or disclose conflicts of interest (Sub-paragraph 9 (j) of the PSM Act);
 - taking improper advantage of position or information (Sub- paragraph 9 (k) and (l) of the PSM Act);
 - improper use of Territory property (Sub- paragraph 9 (o) of the PSM Act); and
 - failure to report corrupt behaviour or maladministration (Sub- paragraph 9 (q) of the PSM Act).

There is no requirement under this policy to record an event where preliminary analysis upon receipt indicates little possibility of proof to the level of balance of probabilities (i.e. the allegation is prime facie vexatious or frivolous).

In considering the threshold of what needs to be recorded, the system should include any matters where charges have been laid for a breach of those parts of Section 9 of the PSM Act described above, or any matters that have been investigated with a view to the prosecution of fraud or corruption.

Information to be recorded

Details of the information that is to be recorded is as follows:

1 *Case information*

1. Total number of allegations of fraud and corruption
2. Number of cases investigated by the agency
 - a) Internally
 - b) External service provider
 - c) AFP
3. Number of cases referred to the AFP and declined, including reasons for the declination where provided by the AFP

4. Number of cases where the investigation was discontinued and reasons as to why this occurred.
5. Number of cases involving an offence by an external service provider

2 Outcome of cases

Number of cases:

1. Referred to the DPP for prosecution (either directly or through the AFP)
 - Number of convictions (penalty to be recorded)
 - Number of acquittals
 - Number of briefs where insufficient evidence is available to mount a prosecution
2. Administrative remedy applied (e.g. disciplinary provisions)
 - administrative action taken (penalty to be recorded)
3. Civil remedy applied (e.g. recovery of monies)
4. No further action taken (a summary of reasons to be recorded)

3 Losses

1. Financial
2. Physical assets
3. Information (brief description only)
4. Disruption of service (brief description only)
5. Damage to reputation of agency (brief description only)

4 Recoveries

1. By criminal prosecution, including the *Confiscation of Criminal Assets Act 2003*
2. By civil remedy
3. By administrative remedy

5 Offenders

Number (not identity) of individuals considered to be responsible for fraud or corruption that were:

1. Employees of agency
2. Contractors to the agency (please identify whether a) individual or b) corporate)
3. External to the agency (please identify whether a) individual or b) corporate)

6 Methods used by offenders

How many offenders (either individual or corporate) used the following methods:

1. Unauthorised access to a computer
2. Unauthorised access to a secure physical location



3. Falsification of documents
4. Making false statements
5. Bypassing controls to avoid a liability
6. Using the Internet
7. Using electronic transfer of funds
8. Misrepresenting a person's identity
9. Misrepresenting a corporate entity's identity
10. Other (brief description only)

7 *Prevention and detection activity*

1. Number of staff provided with training in:
 - Ethics;
 - Fraud control; or
 - Corruption prevention
2. Date of completion of current fraud and corruption prevention plan
3. Proposed date of next fraud and corruption prevention plan

17. APPENDIX D: Role of Audit Committees

Monitor and advise the Governing Body on:

Integrity Risk Assessment

The Audit Committee is to be provided with copies of the Integrity Risk Assessment. Should the Audit Committee consider it necessary, it will advise the Chief Executive³ of any alternative viewpoints regarding the Integrity Risk Assessment. The Audit Committee may use the Integrity Risk Assessment as a basis for prioritisation of internal audit activity.

Quality of Fraud & Corruption Prevention Plans

The Audit Committee is to be provided with copies of the Fraud and Corruption Prevention Plan and proposed management strategies to address any areas of unacceptable risk. The Audit Committee may independently advise the Chief Minister should it have any concerns regarding the Fraud and Corruption Prevention Plan and implementation of management strategies.

Handling of Fraud & Corruption cases

The Audit Committee is to be advised of all fraud and corruption cases. Handling and management of these is the responsibility of the SERBIR.

Reviews of particular areas of the Agency's activities

Where the Audit Committee:

- considers that the Agency's procedures and practices relating to an area which impacts upon the integrity of the Agency are inadequate, and
- in the view of the Audit Committee, the inadequacies have not been effectively dealt with by the fraud and corruption prevention plan,

the Audit Committee is to undertake a review of those procedures and practices and to report to the Chief Executive on steps necessary to remedy the shortcomings.

The Audit Committee may, after consultation with the Chief Executive, refer a matter relating to a serious breach of integrity to the ACT Ombudsman if the Committee reaches the view that neither investigative action nor internal administrative action is likely to resolve the issue and if is not a matter referred to in Section 6 of the *Ombudsman Act 1989*.

³ Some agencies may have a management structure not including a Chief Executive. In which case the references to a Chief Executive should be read as including some other form of governing body.

18. APPENDIX E: Appointment and role of SERBIRs

Appointment

In accordance with section 21 of the PSM Standards, Chief Executives are required to appoint a senior executive to take responsibility for all integrity issues within their particular agency.

Chief Executives are required to provide details of all such appointments to the Executive Director of the Public Sector Management Labour Policy Group within the Chief Minister's Department.

Role and functions

The principle role of the SERBIR is to regularly report to the Chief Executive, and/or Board of Management as well as the Audit Committee on overall compliance with the Integrity Policy.

One important function of the SERBIR is to be a 'champion' of integrity in the Agency and to promote awareness and acceptance of this policy at every opportunity.

Dealing with allegations

- Directly take reports of suspicious acts where employee not comfortable with raising it with superior;
- Assist managers in handling and recording reports of suspicious acts reported to them;
- Receive reports of suspicious acts from Managers that have been received from employees;
- Report to the Audit Committee on trends in reported suspicious acts and how they have been handled;
- Receive and deal with reports under the PID procedures; and
- Refer worker's compensation issues to Comcover

Reporting

Establishment and maintenance of the management information system as described in Section 8.1 and Appendix C.

Investigations

- Determine how allegations are going to be handled; stream cases to the AFP, external investigators or internal handling
- Refer cases to the AFP where required;
- Determine whether investigators have necessary skills/experience;
- Engage external investigators from panel;



- Draw up investigation plan;
- Be the point of contact for AFP/external investigator; and
- Receive investigation reports, summarise for Audit Committee;
- Monitor the progress of all investigations.
- At the completion of each investigation, undertake a high level quality assurance review⁴, including an examination of the:
 - Protection of the rights of suspects, employees and the community;
 - Protection of evidence;
 - Adequacy of the outcome;
 - Compliance with investigation standards; and
 - Lessons learned from any failures of policies and procedures have been remedied.

Integrity risk assessment and plan

- Determine the appropriate methodology for the assessment of risks to integrity is used;
- Ensure that the risk assessment is conducted in accordance with the Risk Management Standard;
- Oversight that the Fraud and Corruption Prevention Plan is fulfilling the requirements laid down in the policy;
- Monitoring implementation of the plan and report to Audit Committee;
- Where the Fraud and Corruption Prevention Plan requires action by more than one area or Department wide action, coordinate that action; and
- Assess broad trends in integrity within Agency for report to Management Council

Awareness raising

Ensure that the policy is brought to the attention of staff of the agency through training sessions or other media.

⁴ If the investigation was complex and involved external investigators, the SERBIR may wish to consult with the AFP or engage an independent investigator from the panel of investigators described in Section 7.4 of this policy.