

Evaluation of the Practices,
Policies & Procedures of the
City of Playford Council



ICAC (SA) Evaluation of the
Practices, Policies and Procedures
of the City of Playford Council
Published November 2019

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Letter of Transmittal

The Honourable Vincent Tarzia MP
Speaker of the House of Assembly

The Honourable Andrew McLachlan CSC MLC
President of the Legislative Council

In accordance with sections 40(3) and 41(2) of the *Independent Commissioner Against Corruption Act 2012* (SA) I present the report of my evaluation of the practices, policies and procedures of the City of Playford Council.

Sections 40(4) and 41(3) of the *Independent Commissioner Against Corruption Act 2012* (SA) require that you lay the report before your House of Parliament on the first sitting day after receiving it.

Yours sincerely

A handwritten signature in black ink, consisting of a series of overlapping loops and a long horizontal stroke extending to the right.

Michael Riches
Deputy Independent Commissioner Against Corruption
27 November 2019



EXECUTIVE SUMMARY

Executive Summary

The City of Playford Council is one of 68 councils established in South Australia by the *Local Government Act 1999*. The council plays an important role in delivering services for its community. In turn those who live in the community and contribute to the City of Playford's revenue streams should have an expectation that the council manages its resources responsibly and its elected members and staff act with the highest standards of integrity.

I have prepared this report as a consequence of my evaluation of the practices, policies and procedures of the City of Playford. In the report I will explain why I conducted the evaluation, its scope and my observations and recommendations that might support improvements to those practices, policies and procedures.

I am pleased that I have been able to deliver a relatively short evaluation report. That is because many of the practices that I observed did not raise in my mind significant unmanaged integrity risks.

In some cases where gaps or weaknesses were identified, through regular dialogue with council executive during the course of the evaluation I was pleased to see active steps taken to address those matters. In that way the process of the evaluation has been effective before any report has been delivered.

In the end I only considered it necessary to report on a limited number of matters that are important to integrity, not only in the City of Playford, but in other councils and public authorities. Indeed, much of this report will focus upon issues that are not unique to local government, but are indicative of issues observed across public administration.

Before turning to my observations I think it important to make two preliminary points.

First, I received a considerable body of information which was either critical of or supportive of council activities under the former Chief Executive Officer. As I indicated to all of those I spoke to, the purpose of this evaluation is not to adjudicate upon the appropriateness of historical behaviours or activities. Rather, the evaluation focussed upon current practices, policies and procedures.

I acknowledge that many ratepayers, together with current and former employees and elected members have robust views about the course that the council has taken over the past five years. Understanding those views has assisted me to appreciate the environment in which the council now operates. However, beyond using that information to understand the general context and environment, it is not the purpose of this evaluation to inquire into historical events nor to express views about them.

Secondly, it is not the purpose of this evaluation to comment upon or determine whether the council is performing well in delivering services to its community. That is properly a matter for those members of the public who are entitled to vote at council elections.

My role is limited to evaluating processes in the context of protecting the integrity of a public institution and to offer recommendations that might improve integrity measures.

During the course of this evaluation my team and I met with numerous members of staff, former staff and some current and former elected members. We were given a significant number of documents and engaged with a large number of City of Playford employees by way of a survey.

I formed the view that staff employed in the City of Playford are committed and passionate about delivering services to the local community. Indeed, many of the staff with whom my team and I met lived within the community and took great pride in the services that the City of Playford delivers.

I observed a number of processes and activities either already in place or in development which are geared towards protecting the integrity of the council's operations, some of which will be highlighted in this report.

However, there remain a number of weaknesses in current council operations that leave it susceptible to corruption, misconduct or maladministration. As this report will illustrate, those weaknesses primarily relate to the manner in which policies and procedures are implemented and adhered to, and the manner in which important records are maintained.

I observed that while the City of Playford has a suite of policies and procedures said to bind employees, many of those policies and procedures have not been the subject of consistent review. Indeed a number of policies which I consider to be of significant importance to maintaining good governance are in desperate need of review, such as the council's records management policy which has not been reviewed in 13 years and is largely obsolete. In light of such an outdated policy it was no surprise to find that the manner in which many important records are managed within the City of Playford is poor.

'In some cases where gaps or weaknesses were identified, through regular dialogue with council executive during the course of the evaluation I was pleased to see active steps taken to address those matters. In that way the process of the evaluation has been effective before any report has been delivered.'

Indeed, the general approach to preparing, approving, disseminating and reviewing policies, together with ensuring adherence to those policies, fell short of my expectations. Therefore I have spent some time in this report setting out what I think are useful principles that should guide the development of a policy governance framework, including the critical importance of executive leadership in driving adherence to policies.

This report also addresses opportunities to improve integrity measures in respect of procurement and human resource management.

For reasons which I will explain in the body of the report this evaluation focussed upon activities engaged in by the council administration. Nevertheless I have made some observations of direct relevance to the elected body. Those observations relate to the elected body's interaction with council administration, informal gatherings and council committees.

I have made 21 recommendations which I hope will be of assistance to the City of Playford and to other public authorities as they strive to minimise the risks of corruption, misconduct and maladministration in public administration.

I am pleased that the council has largely accepted the recommendations I have made.

I acknowledge the cooperation given to me by the Mayor, the Chief Executive Officer, the Senior Manager Corporate Services and other staff with whom my team and I engaged during the course of the evaluation. All of my requests for information were addressed without question or delay. The evaluation was able to progress in a timely fashion because of that cooperation.

I also express my gratitude to City of Playford staff generally for the manner in which they supported this evaluation.

Finally, I express my appreciation to Kate Schell and Sally Fox, both of whom are ICAC employees and who provided me with tremendous assistance throughout the evaluation and in the preparation of this report.



RECOMMENDATIONS

Recommendations

In accordance with section 41 of the *Independent Commissioner Against Corruption Act 2012* (ICAC Act) I recommend that the City of Playford:

RECOMMENDATION 1

Develops an agreed set of organisational values which underpin the day to day activities and conduct of staff.

RECOMMENDATION 2

Develops a policy governance framework that addresses the lifecycle of a policy including creation, approval, dissemination, education and review. The framework should be consistent with the principles articulated in this report.

RECOMMENDATION 3

Mandates the review by the council governance team of all draft policies prior to presentation of the draft policy for approval.

RECOMMENDATION 4

Amends its practices to ensure that council policies may only be approved by the Chief Executive Officer or the elected body.

RECOMMENDATION 5

When approving a new or amended policy the Chief Executive Officer or the elected body also determine and approve an appropriate dissemination and education strategy to be applied in respect of that new or amended policy.

RECOMMENDATION 6

Prepares a schedule for the review of all existing policies and for that review to be completed within 12 months of the tabling of this report.

RECOMMENDATION 7

Within 18 months of the tabling of this report ensures that all current policies represent expected contemporary practice.

RECOMMENDATION 8

Develops and implements, in accordance with the proposed policy governance framework, a fraud and corruption control policy modelled on Australian Standard AS8001 – 2008.

RECOMMENDATION 9

Develops a new records management policy with accompanying procedures which reflect contemporary records management practices and, in particular:

- ▶ mandates the use of an established records management system for the storage of official records except for limited circumstances that are prescribed in the policy;
- ▶ makes express reference to the appropriate storage of emails in a manner consistent with the State Records Act;
- ▶ defines the precise responsibility of each employee in respect of the management of official records together with the particular responsibilities given to the records management team.

RECOMMENDATION 10

Engages in an audit of records currently held on network drives and within email servers to identify those records that ought to be stored on an approved records management system and, upon the conclusion of such an audit, develop and implement a process for those records to be transferred to those systems.

RECOMMENDATION 11

Develops and delivers an education program to all elected members and employees in respect of their records management obligations and the requirements contained within the updated records management policy and procedures.

RECOMMENDATION 12

Develops and implements a process for regular audits to ensure records management practices are consistent with policy.

RECOMMENDATION 13

Reconsiders its approach to managing actual or perceived conflicts of interest during recruitment and selection processes in light of the observations made in this report.

RECOMMENDATION 14

Introduces a requirement that members of a selection panel be required to complete and sign a selection summary report which outlines the candidates who applied for a position, the performance of each candidate during the selection process, the deliberations of the panel in respect of the suitability of each candidate together with the reasons the panel recommended the selection of a particular candidate.

RECOMMENDATION 15

Reinforces the need to complete selection panel interview notes in a consistent manner and that the notes bear the name and signature of the panel member completing the notes.

RECOMMENDATION 16

Considers incorporating a requirement that selection panels include at least one panel member who does not work within the workgroup for which a recruitment is being conducted.

RECOMMENDATION 17

Ensures that any performance management process adopted by the council includes safeguards that ensure all employees are given consistent and timely feedback on their performance and that there is a consistent approach to performance management for all council employees.

RECOMMENDATION 18

Amends its procurement policy and guidelines to prescribe the key responsibilities for procurement decisions and the documents that must be created and retained for each stage of a procurement. The amendments should include an express requirement that all records relating to a procurement must be stored on an established records management system (i.e. not stored on a network drive or in an employee email mailbox).

RECOMMENDATION 19

Reminds staff of the importance of adhering to prescribed procurement policies and guidelines and that an unauthorised departure from those policies and guidelines will not be tolerated.

RECOMMENDATION 20

Gives consideration to extending the role of council procurement officers to require that those officers be consulted in respect of council procurements under the current threshold of \$100,000.

RECOMMENDATION 21

Extends the role of finance officers to require that those officers be consulted in respect of council procurements of a value of more than \$100,000.



CHAPTER ONE

INTRODUCTION

Chapter One: Introduction

1.1 Legislative Basis for Evaluation

The *Independent Commissioner Against Corruption Act 2012* (ICAC Act) invests in the Independent Commissioner Against Corruption (Commissioner) a range of statutory functions. One of those functions is:

*to evaluate the practices, policies and procedures of inquiry agencies and public authorities with a view to advancing comprehensive and effective systems for preventing or minimising corruption, misconduct and maladministration in public administration.*¹

The ICAC Act does not prescribe any threshold to be met before determining to embark upon an evaluation except that the evaluation must be conducted for the purpose of advancing comprehensive and effective systems for preventing or minimising corruption, misconduct and maladministration in public administration. Where a decision is made to conduct an evaluation certain procedural steps must be taken.²

On 25 October 2018 I was appointed the Deputy Independent Commissioner Against Corruption (Deputy Commissioner) in accordance with section 9 of the ICAC Act.

Section 9(1) of the ICAC Act states that the Deputy Commissioner is '*responsible for assisting the Commissioner as directed by the Commissioner*'.

The Commissioner may, by instrument in writing, delegate a function or power under the ICAC Act to another person.³

By instrument dated 26 October 2018 the Commissioner delegated to me all of the functions and powers given to the Commissioner under the ICAC Act.

This evaluation is the consequence of my decision to conduct an evaluation of the kind contemplated in section 7(1)(d) of the ICAC Act.

1: *Independent Commissioner Against Corruption Act 2012 (SA) s 7(1)(d).*

2: *Independent Commissioner Against Corruption Act 2012 (SA) s 40.*

3: *Independent Commissioner Against Corruption Act 2012 (SA) s 16.*

1.2 What is an Evaluation?

It is appropriate to briefly explain the concept of an evaluation in so far as it relates to the ICAC Act.

An evaluation of practices, policies and procedures is not to be acquainted with an investigation of the kind ordinarily associated with the ICAC.

An evaluation of practices, policies and procedures is, as the phrase suggests, a structured and careful appraisal of the processes in place (whether documented or undocumented) that underpin the operations of an inquiry agency or public authority. The purpose of that appraisal is to assist the inquiry agency or public authority being evaluated to identify gaps or weaknesses in those processes which might make that agency or authority more susceptible to corruption, misconduct or maladministration. Recommendations may then be made to remedy those identified gaps or weaknesses.

‘In some respects an evaluation may be more closely associated with an audit of process rather than an investigation of particular decisions or individuals.’

In some respects an evaluation may be more closely associated with an audit of process rather than an investigation of particular decisions or individuals.

It is, of course, inevitable that during the course of an evaluation information will be received that might raise a potential issue of corruption, misconduct or maladministration in public administration. In such cases it has been the practice to provide that information to the Office for Public Integrity (OPI) in order for it to be assessed and dealt with in accordance with the ICAC Act. That process was adopted in this evaluation.

The conduct of an evaluation does not carry with it any powers to compel the provision of information, although *‘an inquiry agency or public authority must assist the Commissioner in the conduct of the evaluation as requested by the Commissioner.’*⁴

In the present case I was pleased to have received absolute cooperation from the City of Playford.

4: *Independent Commissioner Against Corruption Act 2012 (SA) s 40(2).*

1.3 The Decision to Conduct the Evaluation

Since the conclusion of the Commissioner's evaluation of the practices, policies and procedures of Safework SA, the Commissioner and I had discussed on a number of occasions the conduct of further evaluations. While there are a number of public authorities that, in our opinion, would benefit from an evaluation, inevitably consideration must also be given to the capacity to effectively and efficiently conduct an evaluation with resources that are not already committed to the multitude of other functions invested in the ICAC and the OPI.

Prior to the commencement of this evaluation, the Commissioner had completed an evaluation of the practices, policies and procedures of both the Public Trustee and Safework SA. There has not been an evaluation of a local council under the ICAC Act.

There are 68 local councils in South Australia, comprising more than 700 elected members⁵ and nearly 9,000 employees⁶. Councils generate around \$2.3 billion in income each year and manage around \$25 billion worth of assets.⁷

Local councils perform a particularly important function within the local community and it is critical that their functions are carried out appropriately and in a manner that is free of corruption, misconduct and maladministration.

Elected members and employees of all local councils in South Australia are public officers under the ICAC Act. Every local government body (such as a council) is a public authority under that Act.

Between 2 September 2013 and 1 April 2019 the OPI received 53 complaints and reports about the City of Playford. The number of complaints and reports varied each year but 2018 saw the highest number (15).

Those complaints and reports related to a variety of matters including allegations of bullying and harassment, failures to declare conflicts of interest, improper recruitment and procurement practices and poor records management practices.

Beyond the complaints and reports received I was aware that the City of Playford had experienced changes in its executive ranks. In 2018 the council terminated the employment of the then Chief Executive Officer and, as a consequence, many senior members of the council administration were in acting roles. Clearly the council was in a period of transition.

I thought it would be beneficial that an evaluation of the City of Playford be conducted and I was satisfied that there were sufficient resources to enable the evaluation to be conducted in a timely manner.

I discussed the matter with the Commissioner who supported my view.

5: EXH 0458, pp.4, 2.

6: EXH 0672, p.4.

7: EXH 0672, pp.7, 17.

1.4 Scope of the Evaluation

The scope of the evaluation was as follows:

- ▶ The extent to which the City of Playford's governance framework adequately guards against the risks of corruption, misconduct and maladministration.
- ▶ Practices, policies and procedures in respect of:
 1. Human resource management within the City of Playford and whether those practices, policies and procedures efficiently manage human resources and control the risks of corruption, misconduct and maladministration.
 2. Financial management and whether those practices, policies and procedures adequately manage the risks of corruption, misconduct and maladministration.
 3. Information management and whether those practices, policies and procedures adequately protect the City of Playford's information assets from misuse.
 4. The availability and use of assets and resources by public officers employed within the City of Playford and whether those practices, policies and procedures provide a sufficient safeguard to minimise the misuse of those assets and resources.

While I had identified at the outset the possibility that the scope of the evaluation may change, it was completed in accordance with its original terms.

This report does not follow a format similar to the scope of the evaluation. That is because I do not think it necessary to address in detail every aspect of my review. Rather, this report is designed to highlight aspects of the council's practices, policies and procedures that I think exemplify a strong integrity focus or, alternatively, represent integrity risks to the organisation that ought to be resolved.

1.5 Public Inquiry

Section 7(5) of the ICAC Act permits an evaluation to be conducted by way of a public inquiry. What is meant by 'public inquiry' is not defined in the ICAC Act but in my view it is a process that is to be contrasted to provisions in the ICAC Act directed towards investigations, which presuppose that such investigations will be conducted in secret.

In light of the role councils play in the community, and given an evaluation is not an investigation into the conduct of any individual(s), I thought it appropriate to conduct the evaluation by way of a public inquiry.

I sought submissions from members of the public and stakeholders who might have an interest in the evaluation. I have published information about the evaluation, including information that I received in the course of the evaluation, on the ICAC website.

I am mindful that some information has been provided to me in confidence, while other information is either defamatory or irrelevant to the scope of the evaluation.

For those reasons not all of the information I received was made available for public review.

1.6 This Report

Section 40(3) of the ICAC Act provides that when an evaluation is conducted under the ICAC Act *'the Commissioner must prepare a report of the evaluation and provide a copy to the President of the Legislative Council and the Speaker of the House of Assembly'*.

Similarly, section 41 of the ICAC Act provides that where recommendations are made as a consequence of an evaluation, a report containing those recommendations must be prepared and delivered to the President of the Legislative Council and the Speaker of the House of Assembly.

This is a report pursuant to sections 40(3) and 41(2) of the ICAC Act.



1.7 References to Council, Elected Body & Administration

The following descriptors will be used in this report:

Section 35 of the *Local Government Act 1999* (LG Act) provides that a council is a body corporate and '[a] council consists of the members appointed or elected to the council in accordance with this Act or the *Local Government (Elections) Act 1999*'.

Accordingly, when I refer to the 'Council' or the 'City of Playford' I am referring to the body corporate. In other words, I am referring to the whole of the public institution.

If I wish to refer exclusively to the elected members I will do so by reference to the 'elected body'. If I wish to refer to that part of the council which comprises only the Chief Executive Officer and council employees (i.e. other than the elected body) I will refer to 'the administration'.

1.8 The Process

This evaluation comprised five stages:

1. Establishment and commencement
2. Collection and review of relevant information
3. Interviews and staff survey
4. Analysis
5. Report preparation.

Some of the stages necessarily overlapped and, accordingly, the commencement and completion of some of the stages were not linear.

FIVE PHASES OF THE EVALUATION

PHASE ONE:
ESTABLISHMENT & COMMENCEMENT

PHASE TWO:
COLLECTION & REVIEW OF
RELEVANT INFORMATION

PHASE THREE:
INTERVIEWS & STAFF SURVEY

PHASE FOUR:
ANALYSIS

PHASE FIVE:
REPORT PREPARATION

PHASE ONE: ESTABLISHMENT AND COMMENCEMENT

Two ICAC employees (1.8 FTE) were assigned to assist me in the conduct of this evaluation (the evaluation team).

On 1 April 2019 I met with the Mayor of the City of Playford, Mr Glenn Docherty, and the then Acting Chief Executive Officer, Mr Sam Green.⁸ During that meeting I advised Mayor Docherty and Mr Green of my decision to conduct the evaluation and I provided them with a letter outlining the intended scope of the evaluation.

On 10 April 2019 the Commissioner and I published a joint public statement (see Appendix 1). That statement signalled the commencement of the evaluation.

PHASE TWO: COLLECTION OF RELEVANT INFORMATION

On 10 April 2019 I delivered to the Chief Executive Officer (CEO) a letter requesting a range of documents which I thought would be relevant to the evaluation. I requested those documents to be provided by 1 May 2019.

Those documents were provided on 18 April 2019 and comprised policies, procedures, guidelines, registers, management plans, charters, forms, job descriptions, statements, reports, memoranda and emails. The documents covered human resource management and organisational development, organisational restructures, finance, procurement, ICT and information management, asset operations, governance, procurement, risk, and work health and safety.

Further documents were sought on 11 June 2019, 23 July 2019 and 31 July 2019.

I received over 550 separate documents from the City of Playford throughout the course of the evaluation.

On 7 May 2019 I invited submissions from City of Playford staff. I did not receive any written submissions but staff were offered the opportunity to provide written feedback via a staff survey or to meet with the evaluation team for an interview.

On 8 May 2019 I invited submissions from elected members. I received one written submission and three elected members were interviewed at their request.

On 13 May 2019 I called for submissions from members of the public. I also sought submissions from persons or organisations who I thought might have a direct interest in the evaluation. I received six written submissions.

8: Mr Green was appointed the Chief Executive Officer toward the conclusion of the evaluation. For convenience Mr Green will be referred to as the Chief Executive Officer throughout this report.

PHASE THREE: INTERVIEWS AND STAFF SURVEY

During the course of the evaluation my team and I interviewed 32 current staff, four current elected members including the Mayor and three former staff or elected members.

On 29 May 2019 a staff survey was disseminated throughout the City of Playford and I received 209 responses.

PHASE FOUR: ANALYSIS

The evaluation team spent considerable time analysing the information gathered during the evaluation. Analysis included:

- ▶ developing an understanding of the business of the City of Playford and local government more generally
- ▶ reviewing the City of Playford's practices, policies and procedures that were relevant to the scope of the evaluation
- ▶ considering the responses to the survey distributed to City of Playford staff.

Further meetings were held with the Mayor, CEO and senior administration staff to clarify issues, seek further information and to offer preliminary observations and suggestions.

PHASE FIVE: REPORT PREPARATION

With the assistance of the evaluation team I commenced writing this report in mid-September 2019. On 21 October 2019 I provided a draft copy of this report to the Mayor and CEO with an invitation to consider the report and make any submission to me by close of business 15 November 2019.

I received a response from the City of Playford Council on 15 November 2019. A copy of that response is appendix 3 to this report. As will become clear to the reader, having considered the council's submission I have amended two recommendations (recommendations six and seven) and have commented further in respect of recommendation 20. Otherwise this report is largely the same as the draft provided to the council.



CHAPTER TWO

OTHER RELEVANT ACTIVITIES

Chapter Two: Other Relevant Activities

At the time of conducting this evaluation I was aware that the Auditor-General was conducting an audit of the use of credit cards within a number of councils, including the City of Playford. In light of that audit I determined at an early stage not to consider the use of credit cards by the City of Playford so as to avoid any duplication in respect of the Auditor-General's activities.

I was also aware during the course of this evaluation that the Minister for Transport, Infrastructure and Local Government had convened a review of Local Government. A paper entitled 'Reforming Local Government in South Australia Discussion Paper' was released on 5 August 2019.⁹ Four key reform areas were identified in that discussion paper:

1. Stronger council member capacity and better conduct
2. Lower costs and enhanced financial accountability
3. Efficient and transparent local government representation
4. Simpler regulation.

In respect of the first of the reform areas, it was noted in the discussion paper that inappropriate or improper conduct by council members can lead to council dysfunction, impairment of local government integrity and performance, and a reduction in community trust and confidence. A number of proposals for reform were included in the discussion paper, including replacing the Code of Conduct and section 62 of the LG Act with an overarching '*council member conduct framework*', and the establishment of a new Commissioner to deal with complaints against elected members.

During consultation on the discussion paper the Commissioner expressed his views about the proposals to the Minister for Local Government.

9: EXH 0458.



CHAPTER THREE **BACKGROUND**

Chapter Three: Background

3.1 The City of Playford

The City of Playford is a council established under the LG Act and is, therefore, a public authority for the purposes of the ICAC Act.

As at 30 June 2019 the council comprised 16 elected members covering five wards and employed 460 staff.¹⁰ The council covers a land area of 345km² and services a population of around 93,500 people.^{11, 12}

In 2018-2019 the council received \$104.4 million in income. Unsurprisingly the council's main source of income was rates revenue, comprising around 75%. The remaining revenue is received by way of grants, subsidies, contributions, statutory and user charges.¹³

The City of Playford spent \$99.3 million on delivering services in 2018-2019.¹⁴

3.2 Council Activities

Councils in South Australia engage in a broad range of activities, many of which extend beyond the activities that most ratepayers would associate with the work of councils.

The City of Playford has, in recent times, focussed upon driving economic development in its region through investment in infrastructure and by attracting business, including through the Stretton Centre which is a joint initiative of the City of Playford, the University of Adelaide and Renewal SA. The council is engaging in a large scale residential renewal project known as Playford Alive.

As is the case with all councils, some activities engaged in by the City of Playford, and some of its infrastructure initiatives, have drawn criticism.

Of course it is not for me to express a view as to the appropriateness or otherwise of the activities that the City of Playford engages in nor the manner in which it prioritises its resources.

I merely observe that the broad range of activities engaged in by the City of Playford in turn creates a variety of impropriety risks which the council must identify and control.

10: EXH 0693, pp. 68, 80.

11: EXH 0693, p 6.

12: EXH 0013.

13: EXH 0693, p 62.

14: EXH 0693, p 62.



CHAPTER FOUR

THE ELECTED BODY

Chapter Four: The Elected Body

This evaluation has not focussed upon the practices, policies and procedures of the elected body, save for three aspects that I will refer to below.

I have not considered in detail the processes of the elected body for two reasons.

First, the practices of the elected body are already heavily regulated by the LG Act.

The LG Act sets out in great detail the role and general duties of council members as well as their responsibilities in respect of conflicts of interest and the registering of those interests. The conduct of council meetings is heavily regulated, as are requirements for the disclosure of meeting minutes and other mechanisms for public engagement.

The LG Act also provides for a Code of Conduct for members. That Code is enshrined in regulation.

Council members have a responsibility to comply with the Code of Conduct. The Code prescribes the duties and responsibilities of council members, including with respect to the relationships with fellow council members and council staff. It also sets out the requirement to report breaches of the Code and the manner by which breaches shall be dealt with.¹⁵

The content of the LG Act is of course a matter for State Parliament.

Secondly, as I have already mentioned, the present Minister for Local Government has released a discussion paper which, in part, invites comments on a number of draft proposals in respect of regulating the conduct and behaviour of elected members. Presumably that process will result in consideration of a Bill that would amend relevant sections of the LG Act.

For those reasons I did not think it appropriate to focus upon practices, policies and procedures of the elected body, save for three aspects upon which I thought it prudent to offer some limited observations:

- ▶ The interaction between the elected body and the administration
- ▶ Informal gatherings
- ▶ Council committees.

15: *Local Government (General) (Employee Code of Conduct) Variation Regulations 2018* under the *Local Government Act 1999 (SA)*.

4.1 Interaction between the Elected Body & the Administration

During the course of this evaluation I was surprised by the varied and at times robust views offered about the interactions between elected members and council staff. While I do not intend to make recommendations on the topic, I think it appropriate that I offer some observations in respect of a prominent theme: the provision of information from the administration to the elected body.

‘The integrity risks inherent in the making of a decision in the absence of all relevant information is obvious.’

A number of individuals expressed concern that the elected body may have been called upon to make important decisions in circumstances where the administration had not provided the elected body with all of the information it held that was relevant to that decision. Some elected members expressed concern to me that there had been occasions where the elected member felt that he or she was being invited to vote on a matter in the absence of all relevant information.¹⁶

In light of those comments I sought to better understand the views of the administration about the provision of information relevant to elected body decision making.

Some executive staff acknowledged that there had been occasions where information held by the council had not been communicated to the elected body, but that such circumstances had been rectified. I was also told that there had been occasions where the elected body were not properly updated on the status of important projects, meaning elected members were not as well informed of council activities as might be expected.¹⁷

The Mayor agreed that there is a need for a more robust process to ensure that the administration provides complete, relevant and accurate information to elected members.¹⁸

The CEO acknowledged that, at present, the elected body must largely trust that the administration is providing the elected body all of the information relevant to its deliberations.¹⁹ There is, at present, no mechanism by which an executive member of the administration is obliged to certify that the information being presented to the elected body has been assessed as true and accurate and that it comprises all of the relevant information held by the council.

16: EXH 0271; EXH 0266; EXH 0281.

17: EXH 0251.

18: EXH 0641.

19: EXH 0643.

The integrity risks inherent in the making of a decision in the absence of all relevant information is obvious. Not only is there the risk that the elected body may make a decision that invites the council to inadvertently mismanage public resources, but those who might restrict information (either intentionally or inadvertently) may be found to have engaged in misconduct, maladministration or, in cases of intentional deception, corruption.

I understand that, since commencing the evaluation, a number of steps have been taken to ensure a more robust process for the provision of information.

The CEO and the Senior Manager Corporate Services told me they are actively working on improving the manner in which reports to the elected body are structured, and the CEO is encouraging his staff to be more open in respect of the information provided to the elected body. A number of activities are planned or have already commenced, including:

- ▶ A business forum held once per week during which the executive, senior managers, subject matter experts and governance staff discuss reports to be presented to the elected body over the following month
- ▶ Weekly meetings between the CEO and individual General Managers to discuss the content of, and recommendations in, reports to be provided to the elected body
- ▶ A review of reporting templates to ensure that reports to the elected body include mandatory information such as risks, opportunities, financial implications and, importantly, how decisions or activities might interact with other aspects of council business or historical decisions
- ▶ Executive oversight over all presentations made to the elected body
- ▶ Driving a culture of 'full disclosure'
- ▶ Full day planning sessions held with elected members on strategic and financial matters to ensure adequate time to fully explain and answer all questions
- ▶ Prudential reviews²⁰ routinely conducted by an independent external party and reviewed by council executive and the Corporate Governance Committee to ensure completeness
- ▶ The agenda for regular informal gatherings of the elected body including a requirement to provide status updates on current major projects
- ▶ The appointment of a full time internal auditor, with a direct reporting line to the Corporate Governance Committee, to support the integrity of internal processes including the preparation of reports for the elected body.²¹

I support all of these initiatives and I encourage other councils to consider them.

20: *Local Government Act 1999 (SA)* s 48.

21: EXH 0669; EXH 0642; EXH 0677.

4.2 Informal Gatherings

Informal gatherings are defined by the council to be ‘an opportunity for Elected Members to exchange information, ideas and or attend training that relates to Council business.’²²

Informal gatherings are contemplated in the LG Act. Section 90(8) of the LG Act provides that:

The duty to hold a meeting of a council or council committee at a place open to the public does not in itself make unlawful informal gatherings or discussion involving –

- a. members of the council or council committee; or*
- b. members of the council or council committee and staff,*

provided that a matter which would ordinarily form part of the agenda for a formal meeting of a council or council committee is not dealt with in such a way as to obtain, or effectively obtain, a decision on the matter outside a formally constituted meeting of the council or council committee.

Section 90 goes on to prescribe certain conditions that must be satisfied in respect of informal gatherings, including the requirement that the council have in place a policy on the holding of informal gatherings and that any such gatherings must comply with the requirements of that policy.

Importantly, the LG Act is clear in its intention that informal gatherings are not a forum for obtaining, or effectively obtaining, decisions of the elected body. That should occur in a formally constituted meeting of the council or council committee.

I was told by some that, on occasions, informal gatherings are used to get direction from the elected body as to whether they would support, or not support, a particular proposal. Depending upon the sentiments expressed during informal gatherings, the proposal is amended or not pursued. It appears to me that an informal gathering is used as a testing ground to determine whether the proposal would receive sufficient support from members if it proceeded to a vote and, if not, how the proposal could be amended to ensure it did receive sufficient support. Inevitably such gatherings would involve an exchange of questions, answers and views between elected members and the administration.

The proposal might then be presented to a council committee (some of which comprise the whole of the elected body) before being voted upon at an ordinary council meeting.

22: <https://www.playford.sa.gov.au/council/council-and-committees/informal-gatherings>, accessed 4 October 2019.

While a number of staff thought that informal gatherings improved efficiency in council decision making, the consequence appears to be that there is often little by way of deliberation during formal council meetings. That is because the views of the elected body have largely been identified and shared during informal gatherings. Some staff expressed concern that informal gatherings had largely become the forum for deliberating council decisions.

Members of the public who have not attended an informal gathering will not have the benefit of hearing and understanding the discussions that have already ensued in respect of significant council activities. While notice is given of informal gatherings, and some portions of informal gatherings are open to the public, minutes of informal gatherings (if taken) are not published. One cannot publicly access what has been discussed and how those discussions may have influenced proposals.

In my view the City of Playford, and other councils, should exercise caution in the way informal gatherings are used to inform proposals that will ultimately be considered in a formal council meeting. I do not suggest that matters that will form part of an agenda for a formal meeting of council or a council committee should not be discussed. Indeed, the *Local Government (General) Regulations 2013* expressly contemplates that such topics will be the subject of discussion at designated informal gatherings.²³

Rather, the vice arises in the extent to which the administration might ‘fish’ for support or otherwise for a proposal, and tailor a proposal based upon the views expressed by elected members during those gatherings.

While it may be a fine line, there is a risk that the council will face an allegation that, in the course of an informal gathering, it was able to ‘effectively obtain’ a decision on a matter outside of a formal council meeting or committee meeting, which is expressly prohibited by section 90(8) of the LG Act.

‘In my view the City of Playford, and other councils, should exercise caution in the way informal gatherings are used to inform proposals that will ultimately be considered in a formal council meeting.’

23: See regulation 8AB(2).

4.3 Council Committees

Both the LG Act and the *Development Act 1993* (Development Act) contemplate the establishment of council committees.

Section 41 of the LG Act provides that:

1. *A council may establish committees.*
2. *A committee may, according to a determination of the council (and subject to the operation of this Act), be established –*
 - a. *to assist the council in the performance of its functions;*
 - b. *to inquire into and report to the council on matters within the ambit of the council's responsibilities;*
 - c. *to provide advice to the council;*
 - d. *to exercise, perform or discharge delegated powers, functions or duties.*

Similarly section 101A of the Development Act provides that:

1. *A council must establish a strategic planning and development policy committee.*
2. *The functions of the committee are:*
 - a. *to provide advice to the council in relation to the extent to which the council's strategic planning and development policies accord with the Planning Strategy; and*
 - b. *to assist the council in undertaking strategic planning and monitoring directed at achieving-*
 - i. *orderly and efficient development within the area of the council; and*
 - ii. *high levels of integration of transport and land-use planning; and*
 - iii. *relevant targets set out in the Planning Strategy within the area of the council; and*
 - iii.a *the implementation of affordable housing policies set out in the Planning Strategy within the area of the council; and*
 - iv. *other outcomes of a prescribed kind (if any); and*
 - c. *to provide advice to the council (or to act as its delegate) in relation to strategic planning and development policy issues when the council is preparing –*
 - i. *a Strategic Directions Report; or*
 - ii. *a Development Plan Amendment proposal; and*
 - d. *other functions (other than functions relating to the development assessment or compliance) assigned to the committee by the council.*

Section 101A(3) provides that *'the Local Government Act 1999 will apply in relation to a committee established under this section as if it were a committee established under that Act'*.

It appears from the wording of both the LG Act and the Development Act that Parliament intends that local councils may (and in at least one case must) establish committees whose responsibilities include providing advice to council and to exercise, perform or discharge delegated powers given to the committee by the council.

It is unsurprising that councils would wish to establish committees in order for particular aspects of council activity to be the subject of greater consideration and scrutiny concurrently with other activities. The LG Act provides the mechanism by which the elected body can establish such committees.

The City of Playford has two committees to which I wish to offer some observations. They are the Strategic Planning Committee and the Services Committee.

The Strategic Planning Committee charter states that the committee is to provide advice to the council with regard to high level strategy, to act as per the requirements of the Development Act and to monitor the performance of the council. The committee shall also develop the Annual Business Plan and Budget, the Long Term Financial Plan, as well as Asset Management Plans for council consideration²⁴

I understand that the Services Committee's role is to act in an advisory capacity to the council regarding all high level operations and to monitor the operational performance of the council as it relates to the delivery of services. The committee considers regular reports on the performance of council.²⁵

Both the Strategic Planning Committee and Services Committee comprise the whole of the elected body, including the Mayor who is appointed as an ex officio member of each committee.²⁶

24: EXH 0447.

25: EXH 0446.

26: EXH 0447; EXH 0446.

Each of these committees has a presiding member who is paid an annual allowance set by the Remuneration Tribunal of South Australia. At the time of preparing this report that annual allowance was around \$5,000 for each presiding member.²⁷

I thought it odd that a committee established by council to assist the council in the performance of its functions, to provide advice to the council, and to exercise delegated powers of the council, in fact comprises the whole of the elected body.

I was advised by persons within the elected body and the administration that those committees had moved to comprising the whole of the elected body as a consequence of concerns expressed by some elected members about not being privy to information provided to committees or their deliberations.

While that may be a valid concern, I found it curious given my understanding of the average duration of those council meetings over previous years.

Seven Strategic Planning Committee meetings were held during the 2017-2018 financial year. Those meetings ran for an average of 14 minutes each. Over the 2015-2016, 2016-2017 and 2017-2018 financial years, those committee meetings averaged 21 minutes in duration.²⁸

The eight Services Committee meetings held during the 2017-2018 financial year ran for an average of nine minutes each, down from an average of 18 minutes in 2016-2017, and 13 minutes in 2015-2016.²⁹

27: EXH 0690.

28: EXH 0431.

29: EXH 0431.

While I appreciate that elected members may not wish to miss important deliberations, in my opinion neither the LG Act nor the Development Act contemplates a council establishing a committee comprising the whole of the elected body.

Even if I am wrong about that, one might question the utility of a committee comprising the entire elected body that conducts meetings that span the average lengths of time alluded to above.

I have been advised that in more recent times there has been a shift in the matters the subject of consideration by those committees and, as a consequence, the average length of committee meetings has increased considerably.

I am told, however, that the committees still comprise the whole of the elected body.

I invite the elected body of the City of Playford to consider whether or not the committees established by the council are consistent with the relevant provisions of the LG Act and the Development Act and, where such committees are established, whether the work of the committee justifies the expenses associated with their establishment.



CHAPTER FIVE

ORGANISATIONAL CULTURE

Chapter Five: Organisational Culture

An organisational culture which has as one of its hallmarks a commitment to integrity is one of the best safeguards a public institution can have against corruption, misconduct or maladministration. Executive commitment to modelling and insisting upon values and behaviours that support a strong ethical culture is fundamental to good governance. This 'tone from the top' is critical in setting the standards to be expected of all employees.

However, whether or not such standards are realised cannot rest entirely with the executive. Indeed, much depends upon the attitude of an organisation's middle management. Those in middle management roles bear the responsibility for supervising the majority of staff and leading the day to day delivery of services. Without the support of middle management, the executive members of an organisation face an uphill battle in establishing and maintaining a culture of integrity. The attitude of middle management in turn drives the environment in which the majority of staff carry out duties.

As part of the evaluation I sought to better understand the City of Playford's culture and employees' perceptions of the environment in which they worked.

It is clear to me, through interviews conducted with staff and information gathered as a consequence of an employee survey, that the City of Playford has experienced a period of turbulence over the last two years. There remains some instability within the council in light of a number of management positions being filled by persons in acting roles. Only recently was Mr Sam Green formally appointed the CEO and I hope that with that appointment remaining acting positions will now be filled. That in turn should promote greater stability.

As I have already said, it is not necessary nor appropriate for me to revisit events that occurred prior to the commencement of this evaluation. It is sufficient to observe that many within the council regard its culture as shifting. Most of those who presently work in the council regard the cultural changes as positive. Others indicated that they had not noticed any change in the culture and, in any event, were not personally impacted by instability in the executive over the last two years.

During the evaluation I conducted a survey of City of Playford staff. I received 209 responses. I asked two questions relevant to organisational culture. They were:

1. *Describe the culture of your team*
2. *Describe the culture of the City of Playford.*

'Executive commitment to modelling and insisting upon values and behaviours that support a strong ethical culture is fundamental to good governance. This 'tone from the top' is critical in setting the standards to be expected of all employees.'

The responses to those questions were surprisingly different.

Of the answers to the first question, 73% responded positively about their team culture. Twelve percent responded neutrally while 14% responded negatively.³⁰

Staff members offered a variety of views about the culture of their teams:³¹

'My team has a great culture ... In my current team I feel more valued than other teams I have worked for'

'Great team culture, supportive and respectful'

'All information is shared openly and honestly and we are all dedicated to providing the best value for money for the community that we can'

'Friendly, professional, collaborative'

Other comments were not as favourable:

'... behaviours are not strongly managed due to issues with finding an agreed way to deal with inappropriate behaviours'

'... inconsistent leadership style which can work well to balance elements however also cause confusion with inconsistent messages'

'Road blocks are hit when trying to implement due to managements fear of upsetting the elected members'

'... so many management and structure changes, staff are becoming change fatigued'

'They talk about culture alot but believe Management do not really live what they say'

'Lacks support from management'

'... there is definitely favouritism in my team'

While 73% responded positively in respect of their team's culture, only 29% responded positively in respect of the broader organisational culture. Thirty four percent of respondents commented negatively while most responded neutrally (37%).

Some positive comments included:

'Open and approachable for discussion'

'It is a friendly, professional environment to work in'

'It is open and transparent, you feel valued and listened to, achievements are recognised, staff here are certainly all about putting the greater good of the community first'

'Getting better... There are no more 'games:'

'... we are moving in the right direction'

30: Does not total 100% due to rounding.

31: Quoted survey responses have not been corrected in any way and contain typographical errors. For the sake of brevity the traditional use of [sic] to highlight such errors has not been used.

Mixed or negative comments included:

'Unfortunately events at a higher level have high lighted a big gap between executive + field staff culture'

'There is a real passion to assist the Community, and the new upper Management appear to be focussed on changing the current culture of the organisations and they can be felt in the air. However there are individuals that are not open to change'

'The culture has been poor with a very competitive internal approach and a sense of favouritism toward a select few. This seems to be changing with a strong focus from Executive and OD to effect change. This is a long process with many people not trusting of the organisation'

'Culture of bullying harrasment intimidation and cover up & lies'

'There is a lack of understanding of what other teams do and how everyone can and does contribute. Some teams maybe viewed as favourites and able to hire more staff and other support than other teams'

'The culture is very much a blame culture without anyone wanting to take responsibility to fix issues. Organisation has a silo mentality. Managers/Senior Managers work very hard to protect the interests of their own teams instead of doing what is best for the organsiation/community'

'... we have changed for the sake of change without a clear direction even though we have 5, 10 and 20 year plans'

'City of playford HR encourages honesty / courageous conversations with managers but unfortunately there is little you can do- if your honest it just gets you in more trouble so you say nothing There is no accountability for managers to have these conversations with each employee and nothing is done to stop bad behaviour'

'Overall, I believe there is a good working culture with a genuine desire to do the right thing. However, I believe that the staff aren't always as dynamic as they should be and, at times, it appears not all are called to account for their actions when they don't perform at their optimum or make serious mistakes. I believe a number of staff, some in management positions, are out of their depth or possibly inadequately trained'³²

The survey responses may suggest that individuals within the organisation have developed a team centric approach. In a climate where perceived behaviours at management level may not have aligned with expected standards, individual teams appear to have become more inward looking and focussed upon their team environment. Information silos can develop which reduces collaboration and can lead to decision making in the absence of important and relevant information. While the responses indicate improvement, there remains scope for more activity in an effort to drive a more cohesive integrity based culture.

32: EXH 0430.

Agreed organisational values may assist in guiding appropriate behaviour and setting the standards to be expected of all employees. While I observed some references to values in corporate induction information and some job and person specifications, I was unable to identify clear organisational values that were widely disseminated and understood, and which formed a settled basis upon which standards of behaviour and service would be measured.

I think it would be a positive step for the council to develop a set of agreed organisational values which will underpin the day to day activities of every employee. Those values should be widely publicised within the council and should be incorporated into performance discussions, strategic and corporate planning, executive and management team meetings and other discussions throughout the council. Agreed values assist in setting benchmarks against which behaviour is measured, and can assist in promoting a positive integrity culture.

I recommend that the City of Playford develops an agreed set of organisational values which underpin the day to day activities and conduct of staff.

RECOMMENDATION 1

5.1 Culture Umbrella

Two initiatives ought to be highlighted and applauded.

First, field staff have developed a 'culture umbrella'³³, a document that identifies agreed values which aim to foster a positive working culture within that team. I understand that the culture umbrella was the product of a consultative forum held by a senior manager and staff members elected by the administration. The culture umbrella is designed to address all aspects of the team's environment, including innovation, safety, quality and teamwork.

'Those responsible for the creation of the culture umbrella should be rightly proud of the document.'

I understand that all field staff had input into the preparation of the culture umbrella.

A copy of the culture umbrella is appendix 2 to this report.

The culture umbrella is a simple document, divided into four headings. Under each heading the words 'We Stand For' appear followed by a number of dot points identifying team norms and acceptable behaviours. A manager responsible for field staff commented that the culture umbrella is an excellent tool to initiate conversations about behaviour, and is the subject of discussion at regular meetings, including meetings at team level.³⁴ In this way the culture umbrella has formed a benchmark for the way in which staff within the field team conduct themselves.

33: EXH 0018.

34: EXH 0272.

Those responsible for the creation of the culture umbrella should be rightly proud of the document. Indeed I understand that the culture umbrella received a local government award earlier this year.

What is perhaps unfortunate is that the culture umbrella was and remains an initiative developed and implemented exclusively by the field staff. It was not and has not been picked up or expanded upon throughout the remainder of the council.

I have already made a recommendation in respect of the development of agreed organisational values. I believe the culture umbrella may be a useful document in helping to define those values and behaviours and I encourage council executive to reflect upon how the culture umbrella may be expanded to have broader application.

5.2 Development of Governance Document

The second initiative is more recent.

Toward the latter part of this evaluation I was briefed by the CEO and the Senior Manager Corporate Services on work undertaken by the administration to create a document entitled '*Essential conditions of good governance*.'³⁵ As I understand it the purpose of the document is to support the administration in identifying its integrity vulnerabilities and to track its progress in respect of key integrity measures.

The document comprises two parts.

The first is styled as a matrix which identifies key integrity risks together with risk mitigation strategies. Colour coding is applied to track the extent to which the administration has implemented the measures proposed.

The second part of the document sets out '*key lines of defence*' which comprise varied reporting lines to ensure that allegations of improper conduct or process can be addressed appropriately. Once finalised I understand the document will provide guidance to the council's executive and management team and will be reviewed and maintained by the council's Corporate Governance Committee.

I had offered to include the document as an appendix to this report. However, the CEO expressed his wish that the document remain internal to the council, largely because the document had not been finalised at the time of finalising this report. The document is very much a work in progress which may undergo a number of iterations before reaching its final form.

For that reason I have not included the document. Once the document is finalised it may be that the council will reconsider its appetite for sharing the document, at least within the local government sector.

In any event I think the development of the document is a positive sign of the administration's willingness to proactively address a number of issues identified during the evaluation and I applaud them for that initiative.

35: EXH 0688.



CHAPTER SIX

COUNCIL POLICY & PROCEDURE

Chapter Six: Council Policy & Procedure

6.1 Introduction

Public institutions must be trusted to deliver appropriate, timely and efficient services to the communities they serve. The careful and prudent expenditure of public money in the delivery of such services is key in ensuring public confidence in the public institution.

‘The absence of clear and relevant policies that guide conduct and decision making creates an environment in which consistency in approach and accountability for actions is compromised.’

Leaders of public institutions have an obligation to ensure that those who work in the institution deal with public resources in a responsible, consistent and accountable manner. A fundamental way in which leaders can maximise the integrity of their agencies is to establish defined and robust processes that guide, and in some cases direct, the manner in which activities are conducted. Those processes become a ready source of information as to the legal and organisational expectations imposed upon all staff and become a mechanism by which the conduct and performance of staff can be measured.

Often such processes are distilled into written policies and procedures.³⁶

In my opinion it is a fundamental requirement of every public institution to have clear, concise and contemporary policies which identify and guide expected standards of conduct and decision making and define the processes necessary to ensure the appropriate discharge of duties. Staff benefit from the knowledge that adherence to a policy means that they are acting in accordance with standards and processes endorsed by those responsible for leading the institution.

It is also fundamental that those who lead public institutions ensure that such policies remain current and, importantly, are consistently adhered to.

The absence of clear and relevant policies that guide conduct and decision making creates an environment in which consistency in approach and accountability for actions is compromised.

Similarly, the opportunity for leaders to maintain oversight and control of process and decision making is lost where policies are not followed, not enforced or intentionally ignored.

In such environments the risks of corruption, misconduct and maladministration are greatly amplified.

It is against that backdrop that this evaluation considered the existing state of policies within the City of Playford, together with perceptions and attitudes towards adherence to those policies.

³⁶: Herein referred to collectively as ‘policies’.

CITY OF PLAYFORD'S POLICIES – GENERAL OBSERVATIONS

On 10 April 2019 I wrote to the CEO and requested that he provide to me a copy of:

1. *All written policies, procedures or guidelines, in force as at today's date, in respect of:*
 - a. *Human resource management (including authorisations and delegations)*
 - b. *Financial management (including financial delegations and authorisations)*
 - c. *Information management*
 - d. *Asset management*
 - e. *Fraud and corruption control*
 - f. *The establishment and functions of any governance, audit or risk committees*
2. *All relevant documents pertaining to the following:*
 - a. *Job and Person Specification documents (or equivalent) in respect of all Executive and Senior Management positions*
 - b. *A copy of any reports or memoranda evidencing the rationale for organisational restructuring over the last 2 years*
 - c. *Workforce profile (current FTEs, duration of employment, staff turnover, status (ongoing/contract/casual))*
 - d. *Any corporate risk register*
 - e. *Tender process guidelines*
 - f. *Committee structures and roles*
 - g. *Staff register of interests*
3. *A list of relevant stakeholders who you think may have an interest in the evaluation.*

Over the following two weeks I received over 220 policies, procedures and other miscellaneous documents.

My team and I were given access to the City of Playford intranet, which I was told was the primary mechanism by which staff could access policies.

Having considered those policies and received the views of a number of staff, I have formed the following views.

While the City of Playford has in place a large number of policies, there are significant opportunities to improve the manner in which those policies are developed, approved, disseminated and reviewed.

So too is there significant room for improvement in terms of attitude towards adherence to those policies. It was a surprise to me when a senior executive member of the City of Playford told me that his focus was on delivering quality services to the community rather than ensuring up to date policies. In my view the existence of up to date, clear and relevant policies and the adherence to those policies is fundamental to ensuring the delivery of quality services, not a barrier to it.

6.2 Policy Governance Framework

The City of Playford does not have in place an overarching policy governance framework which sets out the manner in which policies will be created, approved, disseminated and reviewed.

In my opinion all public institutions should have in place a policy governance framework which sets out in clear terms each stage in the lifecycle of a policy. The absence of such a policy framework can lead to shortcomings of the kind observed at the City of Playford.

Accordingly I recommend that the City of Playford develops a policy governance framework that addresses the lifecycle of a policy including creation, approval, dissemination, education and review. The framework should be consistent with the principles articulated in this report.

RECOMMENDATION 2

In order to assist the City of Playford and other public authorities I have set out later in this report what I consider to be the underlying principles that should guide the development of a policy governance framework.

6.3 Policy Creation & Approval

The manner in which the City of Playford creates and implements policies is curious.

As I understand it the power to create and approve a policy is not limited to the CEO or the three General Managers who report to the CEO. The authority to create and approve a policy (which may bind all staff across the organisation) also rests with the 13 Senior Managers within the City of Playford.³⁷ I was told that a number of policies, including policies of wide application, had been distributed without ever having been the subject of executive review and approval.³⁸

‘... a number of policies, including policies of wide application, had been distributed without ever having been the subject of executive review and approval.’

Similarly, it appears that the council’s Corporate Services Section, which includes a governance team, has no overarching responsibility for coordinating organisational policies. Indeed, I was told that there is no requirement for a manager to consult with the governance team in respect of the development, approval, review or dissemination of a policy.³⁹

I found all of this surprising. A lack of coordinated approach to the content of policies can lead to ambiguity and inconsistency.

I received a great deal of information in respect of the accuracy, clarity and adequacy of the City of Playford’s policies. In many cases individuals within the administration highlighted ambiguity and confusion in respect of the content of certain policies. For example, some identified a lack of definitions which meant that certain terms or phrases within policies were open to a variety of interpretations, which in turn lead to inconsistencies in application.⁴⁰

In other cases, individuals within the administration brought to my attention the difficulty in identifying whether or not a particular policy comprised the whole of the directions or guidance to be given in respect of a particular activity or subject, because many policies do not contain cross references to other policies that might also impact upon the subject matter referred to.⁴¹ As an example, it was brought to my attention that the Performance Improvement and Misconduct (PIM) policy⁴² is referred to in the Bullying, Discrimination and Harassment policy⁴³ but this related document is not referenced back to the PIM policy.

In another example, important terms relating to sensitivity of information were not properly defined, leaving a significant deal of ambiguity as to how certain records should be stored to ensure they meet appropriate confidentiality requirements.

37: EXH 0242; EXH 0274; EXH 0255.

38: EXH 0261.

39: Some staff did tell me that the Governance Team might be consulted to finalise changes to a policy: EXH 0247.

40: EXH 0262; EXH 0430.

41: EXH 0430.

42: EXH 0043.

43: EXH 0022.

Finally a number of policies have become so outdated that they refer to processes, activities and systems that are no longer utilised by the City of Playford. This creates an obvious difficulty for an employee who wishes to seek guidance as to executive expectations regarding a process or activity, when the policy that is said to underpin that process or activity is substantially out of date and no longer reflective of contemporary practice.⁴⁴

‘... a number of policies have become so outdated that they refer to processes, activities and systems that are no longer utilised by the City of Playford.’

In order to ensure that all council policies are clear, adequately detailed and not inconsistent with one another, it is important that the council have in place a mechanism by which draft policies can be scrutinised. That should extend beyond the review process that is presently conducted by the Workplace Relations Consultative Committee (WRCC), which is a committee that I will comment upon later.

In my opinion it should be mandatory for all draft policies to be reviewed by a section within the council with overarching responsibility for ensuring policies are clear, consistent with one another and relevant. There already exists a governance team within the City of Playford and it seems sensible that that team ought to be responsible for reviewing draft policies before they are submitted to the executive for approval. The governance team should liaise with the author of the draft policy in respect of any improvements that might be required. Where there is a disagreement between the governance team and the policy author, the resolution of the disagreement should rest with either the CEO or the elected body, depending upon who is ultimately approving the policy.

A policy ought not be implemented until it is approved by the CEO or the elected body. In that way employees can be assured that the content of the policy represents the expectations of the CEO or elected body in respect of the manner in which certain activities are conducted or the expected behaviour of individual staff members.

I therefore make two recommendations:

I recommend that the City of Playford mandates the review by the council governance team of all draft policies prior to presentation of the draft policy for approval.

RECOMMENDATION 3

I recommend that the City of Playford amends its practices to ensure that council policies may only be approved by the Chief Executive Officer or the elected body.

RECOMMENDATION 4

44: EXH 0430.

I make one final point in respect of the creation and approval of policies.

A number of staff members expressed concern about the role played by the WRCC.

Some staff suggested that the role of the WRCC was to ultimately determine whether or not certain policies would be implemented. In other words, some staff members (including some staff members who were members of the WRCC) understood that the role of the WRCC included the power to veto certain policies.⁴⁵

According to the City of Playford Enterprise Agreement 2016 the WRCC's role is:

to operate as the consultative structure for reviewing and monitoring enterprise agreements and to assist in the resolution of concerns and/or disputes arising from the operation of said agreements and other major employee related issues, as well as to work with employees in providing a productive and positive place to work.

One of the terms of reference of the WRCC referred to in the enterprise agreement is to '*discuss and review current employee relations, Code of Conduct and policies and procedures with an industrial relations impact and their associated guidelines.*'⁴⁶

Nowhere in the material that has been provided to me is it suggested that the WRCC has final decision making responsibility in respect of policies. Such a decision must, ordinarily, rest with the CEO of the agency or in the case of councils, alternatively the elected body.

Of course the work of the WRCC is critically important, as consultation and the sharing of views is a fundamental driver of better decision making. However, to the extent that employees misunderstand the role and responsibilities of the WRCC, that misunderstanding ought to be resolved. It should be clear to all employees that whilst consultation is a critical component to developing effective policies the decision as to the content and application of policies must rest with the CEO or the elected body.

'A policy ought not be implemented until it is approved by the CEO or the elected body.'

45: EXH 0242; EXH 0275; EXH 0246; EXH 0255; EXH 0277; EXH 0243; EXH 0256.

46: EXH 0151.

6.4 Policies – Communication & Education

The City of Playford does not have a structured process for determining the most appropriate method of communicating the content of new or amended policies to staff. As I understand it the dissemination strategy is largely left to the policy author. This lack of a centralised and structured approach leads to inconsistencies in the way the content of new or amended policies is communicated.⁴⁷

As I understand it the existence of new or amended policies is generally promulgated by way of an all of staff email. Where a new or amended policy relates to human resource management or industrial issues, I am advised that the human resources team facilitates information sessions for staff. However because these information sessions are not mandatory they are not well attended.⁴⁸

Responses to my survey of employees suggests that internal communication of policies could be improved.⁴⁹ A number of employees have identified the need to improve the manner in which new and amended policies are communicated and in particular, ensure adequate training is provided:

*'You are just bombarding people with email. People will delete it, they need to do more of an information session to explain it'*⁵⁰

*'There are no presentations/training on policies'*⁵¹

*'If there is significant change there is the opportunity to do training'*⁵²

A number of senior managers I spoke to during the evaluation accepted that the council is falling short of expectations in the way in which it educates staff about new or amended policies.

Reliance is placed upon the council's intranet page as the mechanism by which staff access current policies. The intranet page lists its policies in alphabetical order, rather than being grouped into subject matter or activities. The effect is that an employee would have to scroll through the entirety of the list of policies in an attempt to discern which policies might be relevant to a particular activity or issue for which they seek guidance.⁵³

A more effective way of presenting policies electronically may be to collate policies based upon activity or subject matter. For example, all policies relating to human resource management, such as recruitment, induction and performance management and discipline, could be grouped together so as to enable an employee to more readily identify those policies which might bear upon the matter at hand. Alternatively, policy key words could be distilled into a list which again would provide a ready tool for employees to be able to identify which policy or policies might be relevant.

47: EXH 0242; EXH 0254; EXH 0255.

48: EXH 0262.

49: EXH 0430.

50: EXH 0265.

51: EXH 0250.

52: EXH 0260.

53: EXH 0272.

Aside from the intranet, I was told that the existence of policies are communicated to field staff through frequent 'toolbox' meetings. However, many staff acknowledged that little by way of detailed explanation is provided when new or amended policies are disseminated.⁵⁴

In my view little consideration is given as to the extent of training required to ensure staff are cognisant of the content of new or amended policies. This may, in part, flow from the ad hoc way in which policies are created and approved.

When releasing a new or amended policy, consideration must be given to how best ensure that the content of the policy is understood by staff. A policy that is not understood, or whose existence is not known, stands little prospect of being adhered to.

As part of the approval process, all new and amended policies should be reviewed to determine whether dissemination by way of addition to the intranet and toolbox meetings is sufficient to ensure staff are adequately appraised of the policy's content. A dissemination and education strategy should be determined at the point of policy approval by the CEO or the elected body. The content of the strategy will be largely dependent upon the nature and complexity of the policy.

I recommend that when approving a new or amended policy the Chief Executive Officer or the elected body also determine and approve an appropriate dissemination and education strategy to be applied in respect of that new or amended policy.

RECOMMENDATION 5

'A policy that is not understood, or whose existence is not known, stands little prospect of being adhered to.'

54: EXH 0430.

6.5 Policy Review

Essential to good governance is the regular review of an agency's policies. A policy that no longer represents contemporary practice or expectation is of little utility and is more likely to be ignored.

The council has in place a policy entitled '*Internal Controls*'. That policy states that the '*Council will ... Review Council policies on a regular basis.*'⁵⁵

In my view the council is not meeting its own expectations.

A number of policies considered during the evaluation, which were said to be current, had not been recently reviewed:

- ▶ Personnel Files Policy – last reviewed in 2004⁵⁶
- ▶ Records Management Policy – last reviewed in 2006⁵⁷
- ▶ Reclassification of Staff Policy – not reviewed since its adoption in 2007⁵⁸
- ▶ Accounting for Property, Plant, Equipment and Infrastructure Policy – not reviewed since its adoption in 2008⁵⁹
- ▶ Treasury Policy – last reviewed in 2014⁶⁰
- ▶ Bullying, Discrimination and Harassment Policy – not reviewed since its adoption in 2015⁶¹
- ▶ Recruitment and Onboarding Policy – last reviewed in 2015⁶²
- ▶ Children and Vulnerable Persons Policy – last reviewed in 2015⁶³
- ▶ Induction Procedure – last reviewed in 2015⁶⁴

While there are no doubt many reasons for the failure to ensure the regular and timely review of policies, I think the lack of leadership focus on policy development, combined with little in the way of enforcement of policy review are the main drivers. Indeed, a number of employees who provided information during the evaluation (including by way of the staff survey) identified a lack of focus from senior management as the main driver of the current state of council policies.⁶⁵

In so far as policy review is concerned, I understand the current practice revolves around a council governance officer monitoring a council policy register and notifying a 'policy owner' when a policy is due for review.⁶⁶ In most cases I understand the policy owner to be a senior manager or manager. Once that notification is made, it

55: EXH 0102.

56: EXH 0045.

57: EXH 0124.

58: EXH 0050.

59: EXH 0082.

60: EXH 0112.

61: EXH 0022.

62: EXH 0051.

63: EXH 0024.

64: EXH 0053.

65: EXH 0430.

66: EXH 0255.

appears that there is no further follow-up, nor any consequence when a policy owner does not review the policy in a timely fashion.

That process is clearly not working.

I received comments from a number of employees about the impact that outdated policies have on consistency and quality of service delivery.

There exists an opportunity for the council to improve its practices in respect of policies. That must necessarily include taking steps to update its suite of existing policies.

Accordingly, I recommend that the City of Playford prepares a schedule for the review of all existing policies and for that review to be completed within 12 months of the tabling of this report.

RECOMMENDATION 6

I further recommend that the City of Playford, within 18 months of the tabling of this report ensures that all current policies represent expected contemporary practice.

RECOMMENDATION 7

In my draft report I proposed a period of six months in respect of recommendation six, and 12 months in respect of recommendation seven. In its submission in response to my draft report the City of Playford Council said:

RECOMMENDATION 6:

'Agreed. However, Council is concerned with the proposed timeframe due to the need to fill critical organisational roles, ensure an appropriate cultural change process, and to ensure that the revised policies have been adequately considered. A timeframe of 12 months is considered more reasonable to achieve the desired outcome.'

RECOMMENDATION 7:

'Agreed. Consistent with the response to recommendation 6, this recommendation is supported however the timeframe is of concern and an 18 month timeframe is considered more realistic to achieve the intent of the recommendation.'

I have accepted the council's submission in respect of the timeframes. While it is important that the council attends to its policies as expeditiously as possible, it must be done properly. I think the timeframes set in the final recommendations offer ample time for the council to ensure its policies reach the standards expected of a public institution.

6.6 Fraud & Corruption Control Policy

I have already commented upon the volume of policies in place at the City of Playford. Most activities engaged in by the council are underpinned by policy (albeit a number of those policies were outdated and, in many respects, ineffective).

There is one omission from the existing suite of policies that is of relevance to this evaluation. The City of Playford does not have a fraud and corruption control policy or similar policy. Most public institutions do have such a policy, often prepared by reference to the Australian Standard AS8001-2008. Fraud and corruption control policies achieve two purposes. First, they prescribe processes for preventing, detecting and responding to instances of fraud and corruption. Second, their existence further demonstrates an executive commitment to integrity within the organisation.

I recommend that the City of Playford develops and implements, in accordance with the proposed policy governance framework, a fraud and corruption control policy modelled on Australian Standard AS8001 – 2008.

RECOMMENDATION 8

6.7 Adherence to Policies

I received a great deal of information during the course of the evaluation which suggested a lax attitude to adherence to council policies. Numerous examples were given where processes were adopted that did not align with policy. Various reasons were given. Many centred upon the poor state of policies that necessitated a non-compliant approach. Others suggested that there was little drive by those in management roles towards ensuring adherence.

During the course of investigations into potential corruption or maladministration it is not unusual to identify an environment where there is poor adherence to policies. That lack of adherence creates an environment where improper behaviour is more difficult, if not impossible, to detect.

Indeed there is little utility in developing and implementing policies unless there is a willingness to drive compliance.

Inevitably the effectiveness of policies is not dictated by policy content alone. Managers within public institutions have a responsibility to drive effective performance, including adherence to established policies.

Where a policy might not offer sufficient flexibility where innovation or alternative approaches are necessary, or where the policy no longer represents the most appropriate way of doing business, the policy should be amended, not simply ignored.

‘... lack of adherence
creates an environment
where improper
behaviour is more
difficult, if not
impossible, to detect.’

6.8 Developing Effective Policies

In order for policies to meet the objectives I have already alluded to there should be in place a robust framework for the creation, approval, dissemination, review and amendment of policies.

I have already recommended that the City of Playford develop and implement a policy governance framework. In order to assist the council, and other public authorities, I set out my views as to some of the fundamental criteria against which a policy, and indeed a policy governance framework, should be measured.

CLARITY

A policy loses its usefulness where its content is unclear, confusing or inconsistent. Such policies are more likely to be ignored by staff because the guidance sought in the policy is too difficult to ascertain.

A policy should identify with precision its purpose, be written in language which caters to those who will be required to adhere to it and avoid repetitious or irrelevant content. It should clearly identify the allocation of responsibilities and decision making processes so that there is no ambiguity to the reader.

RELEVANCE

A policy that no longer represents contemporary practice or is largely devoid of relevant content is more likely to be ignored by staff in favour of alternative processes. As the Commissioner observed in his evaluation of the practices, policies and procedures of SafeWork SA:

[p]olicies and procedures which are not regularly reviewed and updated risk being discarded in favour of 'workarounds' applied by staff, often in circumstances where the policy or procedure is no longer considered the best approach.⁶⁷

Where alternative processes are deployed it is more difficult to ensure a consistent and appropriate approach is taken to agency activities. In turn the ability to detect impropriety is diminished.

An agency's policy framework should include a mechanism by which policies are regularly reviewed. The frequency of the review will depend upon the nature and scope of the policy. Care must be taken when determining the length of time between policy reviews in order to avoid the potential for the content of policies to lose their currency.

67: EXH 0684, p 7.

CONSISTENCY WITH OTHER POLICIES

Policies which conflict or are otherwise inconsistent with each other serve little purpose but to confuse and frustrate staff. A centralised approach to the review and approval of policies can ameliorate the risk of disseminating policies which may conflict. New or amended policies should be assessed against existing policies in order to remove potential inconsistencies.

COMMUNICATION

Policies must be accessible to all staff. Care must be taken when relying exclusively upon electronic means of accessibility (e.g. use of an intranet). Some staff may not have access, or may not regularly access, those electronic mediums.

Where a new or amended policy might include a new or significantly different process or activity, consideration should be given to whether its dissemination should be accompanied by suitable explanation or training.

Finally, consideration must be given to the ease at which relevant information can be found within a suite of policies. The title of a policy may provide some guidance but in circumstances where more than one policy might be relevant to a particular activity or decision, consideration should be given to other means, such as decision or activity charts which identify relevant policies, or the capacity to search for policies by way of key words.

EXECUTIVE MANDATE AND A COMMITMENT TO ADHERENCE

Every policy applicable to staff should have the backing of the executive. Those in management positions must promote adherence to policies and effectively address non-compliance. A clear and detailed collection of policies is rendered useless unless there is effective adherence.

6.9 Fundamentals of Policy Governance Framework

Taking into account the principles already laid out, the following might be considered the fundamental features of a policy governance framework:

1. **Executive Commitment** – The framework includes reference to executive and management commitment to ensuring the introduction of high quality policies and a culture that promotes adherence to them.
2. **Policy Development Protocol** – The process for the creation of policies involves subject matter experts together with centralised policy writing experts. This ensures that policies provide targeted and accurate guidance, are written clearly and concisely and do not conflict with each other.
3. **Principal Officer Approval** – Once a policy has been drafted it is subject to review by relevant agency staff and executive before final review and approval is given by the CEO or equivalent principal officer (in the case of a council this may be the elected body). In this way staff can be assured that the policy is reflective of executive expectations.
4. **Effective Communication and Accessibility Strategy** – Before releasing a new or amended policy, consideration is given to how that policy will be disseminated and what, if any, explanation or training ought to be delivered. Processes must be developed so that all relevant policies are available to staff. This may include processes that extend beyond making policies available on an electronic system.
5. **Regulated Review** – a staff member or team of staff members should be given the responsibility for facilitating the periodic review of policies with a view to:
 - a. *assessing whether a policy refers to outdated or superseded legislation, regulation, systems or processes*
 - b. *are still relevant in light of the institution's functions and activities*
 - c. *still represent the most efficient and effective way to conduct the institution's work*
 - d. *determine whether the wording of the policy can be further refined to reduce ambiguity and improve clarity.*

Such reviews should be conducted in accordance with an approved policy review schedule which is routinely audited to ensure review compliance.

I make one last point about policies.

Public institutions should always exercise care in the development of its suite of policies in order to avoid an overabundance. When creating or reviewing policies, consideration must always be given to whether there is a genuine need for the policy and whether policies can be revoked or consolidated to minimise duplication and confusion.



CHAPTER SEVEN

RECORDS MANAGEMENT

Chapter Seven: Records Management

For most public institutions its two most important assets are its people and its information. Excellent management of information drives efficiency and effectiveness in the delivery of services. Most information held by a public institution takes the form of hardcopy or digital records. It follows that public institutions must have in place strong and effective records management systems.

Effective records management is also a key driver of integrity. Records are often the only source of information about why decisions were made, who made those decisions and the factors that were considered in coming to the decision. Often such decisions can involve the rights and interests of individuals or groups of individuals and, accordingly, accurate records surrounding such decisions provide a mechanism for ensuring accountability. The requirement to keep accurate records relevant to decision making in turn encourages the decision maker to ensure the decision is appropriate.

Records that are recorded in a fragmented and inconsistent way create risks for a public institution, not least of which is the compromised ability to justify and explain the making of important decisions. Lax records management systems create further integrity risks by creating an environment where records can be altered or deleted for improper purposes.

Finally, most public institutions have statutory obligations in respect of the management of records. *The State Records Act 1997* (State Records Act), which applies to all councils, establishes a mandatory framework for the receipt, management and disposal of official records. Indeed, it is a criminal offence for a person, without proper authority, to damage, alter or dispose of an official record other than in accordance with the State Records Act.⁶⁸

The *Freedom of Information Act 1991* (FOI Act), which also applies to all councils, creates a mechanism by which a person can seek documents held by a public institution. In order for a public institution captured by the FOI Act to effectively discharge its obligations to review and release documents in its custody, there must be in place an effective records management system that enables all such records relevant to an application to be collated and reviewed.

‘Records are often the only source of information about why decisions were made, who made those decisions and the factors that were considered in coming to the decision.’

68: *State Records Act 1997* (SA) s 17.

The hallmarks of an effective records management system should include:

- ▶ effective records management policies and procedures
- ▶ effective staff training in respect of records management policies and processes
- ▶ a consistent approach to the creation and storage of records
- ▶ ongoing oversight and monitoring of compliance with records management requirements
- ▶ the mandated use, where available, of dedicated records management repositories that allow for records to be stored, tracked and ultimately disposed of in accordance with legislation
- ▶ sufficient resources are deployed to support appropriate records management.

In my opinion, and indeed in the opinion of almost all of the staff members to whom my team and I spoke to during the evaluation, the City of Playford performs poorly in respect of its management of official records.

The staff survey conducted during the evaluation highlighted the need for:

- ▶ better training about records management
- ▶ the creation of a relevant and up to date policy in relation to records management
- ▶ reducing the use of network drives to store records in favour of using the established records management system
- ▶ improving the measures taken to secure confidential information (including personal information about employees).

7.1 Current Arrangements

The City of Playford has in place a records management policy.⁶⁹

Unfortunately that policy has not been reviewed for 13 years.

The policy itself refers to the use of systems that have long since ceased to exist. In short, the policy is largely worthless. Staff are given no clear guidance as to executive expectation as it relates to records management.

Despite the City of Playford investing in a dedicated records management system (or electronic content management (ECM) system as it is otherwise referred to), that system is not widely used in the council. Preference is instead placed upon the use of network drives, which while convenient render it difficult to track the disposition of records, meaning records could be altered or destroyed without trace.

69: EXH 0124.

What is concerning is the general perception amongst staff that there has been little focus from executive or senior management on appropriate records management, as is highlighted by views conveyed to me by staff:

*'High percentage of staff that either don't use or refuse to use ECM, there needs to be a 'push down' from upper management for people to comply, perhaps set clear targets and KPIs for document registration as a start.'*⁷⁰

*'Management support of records management and staff requirements to meet obligations as public officers.'*⁷¹

*'The system is there, training has been undertaken, but staff don't see the need to use the corporate document management system, its use is not encouraged or enforced.'*⁷²

*'For staff and management to be more accountable for ensuring records are managed properly, all staff, including management are responsible for their own records management.'*⁷³

*'I know there is a high percentage of staff that either don't use or refuse to use ECM. The Records Management Improvement plan should stem this somewhat but it really needs to be 'pushed down' from upper management for people to really start to comply.'*⁷⁴

*'30% - 40% of staff use ECM.'*⁷⁵

*'There would be people in this organisation who don't even know we have a records system.'*⁷⁶

*'Past culture of 'it's not my job' – records management used to be centralised.'*⁷⁷

*'Managers place no importance on records until he wants something.'*⁷⁸

*'Hold teams accountable if they are not record keeping – this is a legal requirement.'*⁷⁹

*'Records not managed properly therefore there is risk of improper access to confidential information.'*⁸⁰

Similar comments were made during interviews with those in management roles. Indeed, during one interview a staff member admitted to not knowing how to log on to the records management system.⁸¹ Others suggested 'push back' from some managers who did not see it as their role to ensure proper records management.⁸²

70: EXH 0430.

71: EXH 0430.

72: EXH 0430.

73: EXH 0430.

74: EXH 0430.

75: EXH 0258.

76: EXH 0255.

77: EXH 0258.

78: EXH 0430.

79: EXH 0430.

80: EXH 0430.

81: EXH 0241.

82: EXH 0430.

I was able to observe first-hand the practical difficulties associated with existing records management practices when I sought all records relating to a number of recruitment and procurement processes. I will comment upon those processes in more detail later.

For present purposes it is sufficient to observe that despite the council having in place a records management system there is no uniform requirement to use it and, in some cases, it would appear that management actively encourage employees to use alternatives.

It has been conveyed to me that official records of value to the City of Playford may be held in a variety of ways, including in email servers, on hard drives (including portable hard drives), on individual computers or mobile devices, as well as team and group drives. It was clear to me that no one in the organisation, including those in the executive or those responsible for overseeing records management processes, would know the whereabouts of, or be able to gain ready access to, all of the council's official records.

In those circumstances I doubt the ability of the City of Playford to ensure compliance with its obligations under the State Records Act and the FOI Act.

Put simply, the controls in place to manage council records are lacking and need to be improved.

USE OF NETWORK DRIVES

As I have explained, there appears to be heavy reliance placed upon the storage of important records on network drives. While network drives may be useful for ephemeral records or where an agency has no other mechanism, their use for records of importance to an organisation ought to be discouraged where there is a more secure option.

Network drives, such as those heavily utilised by the City of Playford, allow those with access to the drive to save records, delete records and alter records. Integrity risks arise because there is little capacity to track who has uploaded, amended or deleted records. Documents that may be of relevance to a council decision may be inadvertently or intentionally deleted. Similarly, records that have been amended may no longer represent a truthful account of activities engaged in by the council and there are few mechanisms by which those responsible for altering records can be identified. Finally, there is a risk that individuals may improperly access and/or use information held in such records with minimal risk of detection.

There are also practical difficulties. The council has in place a records management team comprising four staff. As I understand it that team does not have access to all network drives, meaning the team is effectively blind to a large proportion of the records held by the council.

All official records must be disposed of in accordance with records disposal schedules approved in accordance with the State Records Act. It was suggested to me that the practical challenges associated with the storage of records on network drives made it most unlikely that official records were being sentenced and destroyed appropriately.

In light of the fact that the City of Playford has a dedicated records management system, it was not apparent to me why that system is not properly utilised.

The explanations I received as to why network drives are favoured over the designated records management system varied:

- ▶ a lack of training and education in records management
- ▶ an expectation that records management is primarily the responsibility of the records management team
- ▶ laziness amongst staff
- ▶ a lack of drive from executive and senior management to ensure proper process.

Some also suggested that the dedicated records management system was not user friendly, although others did not share that view.⁸³

Information received during the course of the evaluation lends support to some of those explanations.

There appears to have been little by way of records management training, either during the induction process or as an ongoing topic.

Similarly, there does not appear to have been any real executive drive to ensure official records are managed appropriately using systems purchased for the very purpose of capturing those records.

That is perhaps why the council's records management policy has not been reviewed or updated in 13 years. One might not be surprised that the council's management of records falls short of the standards expected in light of that fact.

To the extent that some within the City of Playford believe that the management of official records is solely the responsibility of those within the records management team, those individuals should be disabused of that view. Every public officer has a responsibility to manage official records responsibly and in a way that complies with legislative and regulatory requirements.

What is perhaps not clear to staff is the precise role of the records management team. The role given to the records management team will, of course, depend upon the team's resources and shared expertise. In my view the CEO should determine the duties and responsibilities given to the records management team and those duties and responsibilities should be communicated to all staff. This should form a component of a new records management policy.

'... the council's records management policy has not been reviewed or updated in 13 years. One might not be surprised that the council's management of records falls short of the standards expected in light of that fact.'

83: EXH 0430; EXH 0277.

EMAIL SERVERS

It also became clear during the evaluation that important records, including records relevant to procurement activities, are held by way of email within individual employee's email 'inbox' or 'sent items'. That practice makes searching for and locating records relevant to a particular activity more difficult and means reliance must be placed upon staff members remembering who may have been involved in a process in order to approach that staff member to obtain those records.

I suspect that there have been occasions where such challenges have resulted in records not being considered for the purposes of FOI applications or other reviews.

An email can constitute an official record and must be created, stored and disposed of in accordance with the State Records Act. Many council employees no doubt hold a significant number of emails that evidence important council decisions or the processes that lead to such decisions. Emails such as these should be captured on a suitable records management system to enable ease of search and audit.

7.2 Summary and Recommendations

There is a need for the City of Playford to reconsider its approach to records management. Council policy is significantly outdated, electronic systems designed to store official records are poorly utilised and there is widespread misunderstanding of the role of the records management team.

In my opinion there are two things that should occur promptly.

First, the CEO together with council executives should commit to the development and implementation of more robust records management practices.

Second, work should immediately commence on the development and implementation of a suite of updated records management policies that are tailored to council systems and needs. It may be that the council will need to engage the services of an experienced external records management expert to assist the council in its review.

Once new policies have been established, a comprehensive training program must be designed and delivered to all staff. The training program must include elements such as individual records management responsibilities, appropriate storage and disposal of records, and the role of the records management team.

The council must set about ensuring that, to the extent that may be reasonably possible, historical records are captured and stored in accordance with the new regime.

Accordingly, I recommend that the City of Playford:

Develops a new records management policy with accompanying procedures which reflect contemporary records management practices and, in particular:

- ▶ mandates the use of an established records management system for the storage of official records except for limited circumstances that are prescribed in the policy;
- ▶ makes express reference to the appropriate storage of emails in a manner consistent with the State Records Act;
- ▶ defines the precise responsibility of each employee in respect of the management of official records together with the particular responsibilities given to the records management team.

RECOMMENDATION 9

Engages in an audit of records currently held on network drives and within email servers to identify those records that ought to be stored on an approved records management system and, upon the conclusion of such an audit, develop and implement a process for those records to be transferred to those systems.

RECOMMENDATION 10

Develops and delivers an education program to all elected members and employees in respect of their records management obligations and the requirements contained within the updated records management policy and procedures.

RECOMMENDATION 11

Develops and implements a process for regular audits to ensure records management practices are consistent with policy.

RECOMMENDATION 12



CHAPTER EIGHT

HUMAN RESOURCE MANAGEMENT

Chapter Eight: Human Resource Management

In 2018 the ICAC conducted a survey of public officers in South Australia.⁸⁴ That survey sought to measure perceptions of integrity. More than 12,500 public officers responded to the survey including 985 public officers who identified as working in local government.

Interestingly, survey responses from those who worked in local government were generally more favourable than those from the whole sample. Nevertheless, concern around human resource management related issues, such as nepotism / favouritism and bullying and harassment remained a strong theme. Indeed, of those local government respondents who reported encountering corruption or inappropriate conduct over the last five years, human resource issues were most commonly encountered.⁸⁵

A public institution carries out functions and delivers services through its public officers. Those public officers are entitled to work in a safe and fair environment but must also be accountable for behavioural expectations and standards commensurate with their role.

Poor human resource management creates, directly and indirectly, risks of impropriety.

The LG Act provides that one of the CEO's functions is:

*to give effect to the principles of human resource management prescribed by this Act and to apply proper management practices.*⁸⁶

Section 107 of the LG Act sets out those principles and, in particular, prescribes a number of human resource related requirements, including:

- ▶ that selection processes are based on an assessment of merit, and are fair and equitable⁸⁷
- ▶ that employees are given reasonable access to training and development, and are afforded equal opportunities to secure promotion and advancement⁸⁸
- ▶ that employees are given regular reports on their performance.⁸⁹

84: EXH 0691.

85: EXH 0678, p. 17.

86: *Local Government Act 1999* (SA) s 99(1)(i).

87: *Local Government Act 1999* (SA) s 107(2)(a).

88: *Local Government Act 1999* (SA) s 107(2)(b).

89: *Local Government Act 1999* (SA) s 107(2)(e).

During the course of the evaluation I received a great deal of information about the City of Playford's management of its human resources. Much of the information was positive. Some other information suggested that there were opportunities to improve.

I decided to consider in more detail three aspects of human resource management:

- ▶ Recruitment and selection
- ▶ Induction
- ▶ Performance management.

8.1 Recruitment & Selection

The recruitment and selection of suitably skilled and capable employees is critical to ensuring an agency is able to deliver effective and efficient services. The process of recruitment and selection must be, and must be seen to be, a fair and objective process that is designed to ensure the most suitable individual is appointed to a role. Perceptions of nepotism or favouritism can adversely impact upon the trust and respect given to a successful applicant and can be detrimental to an agency's culture. Those who adjudicate upon or influence a recruitment process for improper reasons are corrupting that process.

Regrettably throughout public administration in South Australia there exists a strong perception that recruitment and selection processes are not infrequently infected by nepotism or favouritism.

In a survey of City of Playford staff I asked staff to identify how vulnerable they thought the City of Playford was to particular types of improper conduct. Of the 168 employees⁹⁰ who responded to that question 35% perceived that the council was either highly vulnerable or moderately vulnerable to nepotism and/or favouritism while 50% perceived the council to either be highly vulnerable or moderately vulnerable to improper recruitment practices.

Managing integrity risks in a recruitment process requires a combination of tools and controls. Organisations benefit from having clear written policies for ensuring integrity in the recruitment and selection process.

Those policies should provide a clear framework for the recruitment process, including identifying the need to fill a position, the manner by which the position will be filled, the documentation to be required and clarity as to roles and responsibilities for those who participate in the recruitment process.

In order to better understand the City of Playford's approach to recruitment and selection I considered the council's policies together with documents relating to three recent recruitments.

'The process of recruitment and selection must be, and must be seen to be, a fair and objective process that is designed to ensure the most suitable individual is appointed to a role.'

⁹⁰: Which equates to 80% of all respondents.

RECRUITMENT POLICY

The City of Playford has in place a Recruitment and Onboarding Policy⁹¹ and corresponding Recruitment Procedure.⁹²

As with other policies the Recruitment and Onboarding Policy and Recruitment Procedure have not been reviewed in some time. Both of those policies were last reviewed in 2015, although I did not detect current practices that were significantly out of step with those policies.

MANAGING CONFLICTS OF INTEREST

While the policy requires that an employee who is to participate on a selection panel notify human resources of any relationships with candidates, the procedure does not identify what steps the panel should then take to address that conflict, other than one aspect which I found puzzling.

According to the policy where a panel member does declare a conflict the policy permits the panel member to remain in the recruitment and selection process, but that panel member must not participate in interviews. The policy states:

*Any interview panel member who has a potential or actual conflict of interest (as per Clause 5.1.1) with an applicant shall not take part in the interview process as it could lead to bias in the selection process. In these circumstances the person must withdraw from the interview panel but may be involved in the other stages of the recruitment and selection process.*⁹³

There are a couple of puzzling aspects to this statement. It is unclear to me whether the reference to ‘interviews’ is a reference only to interviews of the candidate to whom the conflict has arisen or in respect of all interviews. If the latter is intended, there would be little utility in the panel member’s involvement in the selection process at all. If, on the other hand, it is intended to capture only interviews with the candidate with whom the conflict has arisen, there is then no guidance as to how that panel member ought to participate in the decision making process.

Indeed, it is unclear what ‘other stages of the recruitment and selection process’ the panel member could readily contribute to that would not also create the same risk as that which necessitated the member’s exclusion from interviews.

Managing actual or perceived conflicts of interest can, at times, be difficult. That is because reasonable views may vary as to whether or not a conflict exists. Individuals may not consider themselves to have a conflict whereas independent observers may consider that individual to have an obvious conflict. Recruitment can be especially difficult, particularly where the pool of candidates includes individuals who already work within the organisation.

A prudent recruitment policy should mandate the requirement for each selection panel member to disclose any actual or perceived conflicts of interest as known to them upon the commencement of a selection process. That disclosure should be documented in an official record created for the recruitment. In many cases the panel

91: EXH 0051.

92: EXH 0052.

93: EXH 0051.

member, having identified the actual or perceived conflict of interest, will determine not to further participate in the recruitment and selection process.

Where the panel member believes that he or she can still bring an independent and impartial mind to the process, it must be for the other panel members to consider whether collectively they are satisfied that the panel member can continue to participate in the selection process without that process being improperly affected. Where a dispute arises as to the continued involvement of that panel member, that dispute should be settled by the CEO. That process too should be documented.

The existing process that permits a panel member to partially participate in a recruitment process due to an identified actual or perceived conflict of interest creates unnecessary risks to the actual or perceived integrity of the process and ought to be reconsidered.

Accordingly I recommend that the City of Playford reconsider its approach to managing actual or perceived conflicts of interest during recruitment and selection processes in light of the observations made in this report.

RECOMMENDATION 13

REVIEW OF PAST RECRUITMENTS

For the purposes of the evaluation I requested and received documents relating to three recent recruitments. I sought the documents in two stages. First, I sought documents that were held only in established records management systems. After receiving those documents I sought documents relevant to the recruitments that were held in locations other than those systems.

The documents I received tended to support the observations I have already made about the council's approach to record keeping. Documents I received were inconsistent across the three recruitments and some key documents were not provided. Many documents relevant to recruitments had to be retrieved from either individual employee emails or third party provider portals.⁹⁴

I noted some inconsistencies between what was required by policy and what I saw in terms of practice. For example, the recruitment policy requires the preparation of a Recruitment and Selection Plan. In none of the three sample recruitments was I provided such a plan.

SELECTION REPORTS

I was provided some interview notes in respect of all three of the recruitments I reviewed. The interview notes were the only documented mechanism by which I could attempt to understand the process adopted by the panel and the rationale for its conclusions. The interview notes that were provided were completed inconsistently. Some notes included scores while others did not.⁹⁵ Some interview

94: EXH 0486.

95: EXH 0307.

notes were missing while others did not record the name of the panel member who completed them.

In the end it was very difficult to identify how a preferred candidate was selected.

There is a need for a better approach.

It is common practice amongst many public institutions to require those who participate as panel members in a selection process to author and sign a document which evidences the recruitment process, the candidates' performance during the process, the deliberations of the panel and the rationale for recommending one candidate over others. Such a document is often referred to as a selection summary report.

I understand that the City of Playford does not require a selection panel to prepare such a document.

In my view a selection summary report or similar document is important for two reasons.

First, it is a useful document in that it explains the recruitment and selection process adopted, summarises the applicants, their performance in the selection process, the panel's deliberations and the ultimate recommendation as to the most suitable candidate. I think this would be particularly beneficial for the City of Playford in light of my observations as to the scant records maintained in respect of recruitments.

Secondly, the requirement for panel members to complete and sign such a report is in itself a useful integrity measure. That is because it forces panel members to articulate, in an official record, why they concluded that a particular candidate was most suitable for appointment to a position. A requirement to document reasons for a decision may well focus the decision maker's mind upon the appropriateness of the decision, and may act as a deterrent from making a decision for an improper reason. While not a complete remedy to risks of nepotism or favouritism, a document akin to a selection summary report is a useful tool in reducing such risks.

Accordingly, I recommend that the City of Playford introduces a requirement that members of a selection panel be required to complete and sign a selection summary report which outlines the candidates who applied for a position, the performance of each candidate during the selection process, the deliberations of the panel in respect of the suitability of each candidate together with the reasons the panel recommended the selection of a particular candidate.

RECOMMENDATION 14

I recommend that the City of Playford reinforces the need to complete interview notes in a consistent manner and that the notes bear the name and signature of the panel member completing the notes.

RECOMMENDATION 15

'... it was very difficult to identify how a preferred candidate was selected.'

Staff suggested to me that human resources staff should be more involved in recruitment in order to ensure greater consistency and control in respect of appointments.⁹⁶ I understand that while human resources staff are approached for advice and sometimes participate on panels, involvement of those staff in recruitment processes is not mandatory.⁹⁷ It was also suggested that selection panels should comprise at least one member who does not work within the workgroup for which a recruitment is being conducted. In other words, the panel should comprise at least one 'independent' panel member.

I think there is merit in both suggestions.

I recommend that the City of Playford considers incorporating a requirement that selection panels include at least one panel member who does not work within the workgroup for which a recruitment is being conducted.

RECOMMENDATION 16

I will not make a recommendation in respect of the involvement of human resources staff in all recruitments. I think that is better left with the CEO to consider in the course of reviewing other recommendations made in this report.

8.2 Induction

Induction processes are an opportunity for an organisation to welcome a new employee while introducing them to the values and behaviours expected.

In his Trusted Insider report, the Commissioner commented on the value of induction processes as a tool to clearly outline expectations around honesty and integrity, and the consequences of wrongdoing.⁹⁸

I was pleased to hear from some City of Playford employees that their induction was thorough and sufficient.⁹⁹ Others reported an induction that missed key information while others still reported receiving no induction at all.¹⁰⁰ One employee remarked to my evaluation team that there is room for improvement with the manner in which the council inducts new staff.¹⁰¹

The council has an induction procedure. The procedure was due for review in March 2017,¹⁰² although it does not appear to be out of step with existing practice.

It appears that the council has a strong induction process but I think it is not always implemented consistently.

96: EXH 0430.

97: EXH 0243.

98: EXH 0692, p 25.

99: EXH 0267; EXH 0261.

100: EXH 0263; EXH 0278; EXH 0250; EXH 0243.

101: EXH 0245.

102: EXH 0053.

I was informed that the induction program begins before the employee commences, when the employee is sent a copy of the Enterprise Agreement, some policies and a list of benefits of working for the council.¹⁰³

Upon commencing, the employee must complete an online corporate induction. The online induction includes:

- ▶ links to the intranet page
- ▶ work health and safety commitments and accountabilities
- ▶ the employee Code of Conduct
- ▶ a link to ICAC training
- ▶ links to a number of policies including procurement, records management, bullying and harassment, children and vulnerable people, dealing with the media, organisational charts and guides on dealing with sensitive and personal information.¹⁰⁴

As I understand it the employee then undertakes a local induction which is led by his or her manager. The local induction is an online checklist covering practicalities such as setting up email accounts, access to council buildings and uniform.¹⁰⁵

Some additional induction activities are included for specific roles. For example field workers are provided with a policy overview form which summarises key policy points.¹⁰⁶ Field workers are also required to complete a checklist of Standard Operating Procedures.¹⁰⁷ There is also a checklist for employees who are undertaking an internal secondment, but a member of the human resources team admitted that they don't perform this particularly well.¹⁰⁸

I understand that work is being completed to enhance the induction process at the council, including the development of a welcome pack and scheduling of quarterly sessions with new employees to provide them with the opportunity to ask questions.¹⁰⁹

In light of the induction process already in place and the steps being taken by the administration to improve that process, I do not intend to make any recommendations. Rather, I encourage the executive to monitor compliance with the induction policy to ensure those inductions are effective.

103: EXH 0685.

104: EXH 0276.

105: EXH 0276.

106: EXH 0276.

107: EXH 0276.

108: EXH 0243.

109: EXH 0685.

8.3 Performance Management

In order to ensure public institutions are maximising the value of public money and that staff are acting consistently with their responsibilities and expectations, public institutions should have in place robust performance management processes.

Such processes are critical to ensure that staff are performing their duties in a manner commensurate with their position in light of organisational and public expectations. Inadequate performance management processes create opportunities for staff to act outside the bounds of what is appropriate. Such environments can create opportunities for corruption, misconduct and maladministration to occur.

In short, effective performance management assists in creating a culture of accountability.

The City of Playford's approach to performance management was somewhat confusing. While the council has in place a performance management policy I received information that the council was transitioning away from a formal performance management meeting process and adopting a less formal process whereby managers will decide how often they would meet with employees and the nature and content of any discussions held between that manager and employee.¹¹⁰

It was suggested to me that the traditional approach to performance management, which involved yearly or biannual meetings between a manager and an employee, did not achieve good performance objectives because often performance management discussions were left until those meetings.¹¹¹

I agree that proper performance management requires frequent and ongoing performance discussions between a manager and an employee. However, the new approach that I understand is being adopted by the City of Playford is not grounded in any established procedure or documented guideline. Rather, it relies upon the discretion of a manager as to how often that manager will meet with employees to discuss performance, the setting of those meetings and the content of any discussions.¹¹²

That is to be contrasted with the existing procedure which provides that monthly documented discussions are to take place on a one on one basis between a manager and employee.¹¹³ The information I was provided in the course of the evaluation suggested that such documented monthly discussions occur infrequently. Indeed, one employee reported not having had a performance discussion in two years.¹¹⁴

A survey of staff conducted during the course of the evaluation suggested that a number of employees did not consider managers to be properly performance managing staff and in some cases it was reported that managers who were not managing under performers had to themselves be managed by more senior members of the administration.¹¹⁵

¹¹⁰: EXH 0256; EXH 0243.

¹¹¹: EXH 0256.

¹¹²: EXH 0256.

¹¹³: EXH 0042.

¹¹⁴: EXH 0252.

¹¹⁵: EXH 0430.

While I appreciate the underlying rationale from wishing to transition from an annual or bi-annual formal performance review process, the risks inherent in an informal performance management process are obvious. Such an informal process relies upon the aptitude and willingness of managers to properly, effectively and regularly review the performance of their employees and to provide relevant feedback. Inconsistencies can arise because managers themselves differ.

Some managers may take their obligation to review the performance of employees seriously and do so diligently while others may, for a variety of reasons, take little or no action in respect of the performance of their employees.

In the absence of a documented and established procedure, such inconsistencies can create difficulties within an organisation and may compromise the strong ethical culture that every public institution ought to strive to create.

For those reasons I recommend that the City of Playford ensures that any performance management process adopted by the council includes safeguards to ensure that all employees are given consistent and timely feedback on their performance and that there is a consistent approach to performance management for all council employees.

RECOMMENDATION 17



CHAPTER NINE **PROCUREMENT**

Chapter Nine: Procurement

In the 2018-2019 financial year the City of Playford spent \$99.3 million on the delivery of services. This included \$40.4 million in employee and labour hire costs and \$34.4 million in materials, contracts and general expenses. The City of Playford 2019-2020 Annual Business Plan and Budget includes expenditure of \$44.2 million on capital projects.¹¹⁶

These sums are not insignificant. As I have said elsewhere in this report, those that are charged with the responsibility of dealing with public resources must ensure they are doing so in a responsible, consistent and accountable manner.

Every public institution is likely to engage in procurement activities. Many public institutions, such as councils, will likely expend significant amounts of public money on procurement activities. In terms of corruption risks, procurement is regarded as a high risk activity. That is because procurement involves discretionary decision making combined with the transfer of public money. Where discretion is involved there is always a risk that discretion will be exercised for an improper purpose.

The LG Act requires that:

A council must develop and maintain procurement policies, practices and procedures directed towards –

- a. obtaining value in the expenditure of public money; and*
- b. providing for ethical and fair treatment of participants; and*
- c. ensuring probity, accountability and transparency in procurement operations.¹¹⁷*

The LG Act also requires that a council must prepare and adopt policies on contracts and tenders, the use of local goods and services, and the sale or disposal of land or other assets.

Effective procurement policies support a public institution in managing integrity risks associated with procurement as well as maximising value for money and improving supplier confidence in dealing with the organisation through demonstrated fair and transparent practices.

This is perhaps of even greater importance for councils where employees often live and work in the local area and may be known to suppliers competing for work. An effective policy framework should provide clarity around staff responsibilities for the management of procurement processes including for the declaration of conflicts, personal interests and outside employment. It should also provide clear guidance as to the effective management of those conflicts for staff with the ability to influence or decide upon procurement activities.

¹¹⁶: EXH 0693, pp. 62, 64.

¹¹⁷: *Local Government Act 1999 (SA)* s 49.

During the evaluation I reviewed the City of Playford's procurement policy and associated guidelines. I also requested that I be provided with all information relating to three recent procurements across varied value thresholds.

I was pleased to observe a complete suite of policies relevant to council procurement activities. However, having reviewed those policies and a number of procurement records, there are some opportunities for improvement.

9.1 Procurement Policy & Guidelines

The policy and guidelines cover the principles by which the council's procurement activities are to be conducted and sets out the manner by which the principles should be applied. The policy deals with the need to identify the most appropriate procurement method depending upon the value of each procurement.

The City of Playford Procurement Policy sets out (subject to a risk assessment) the following for purchases:

- ▶ under \$1,000 do not require a purchase order
- ▶ between \$1,000 and \$20,000 require a minimum of one quote
- ▶ between \$20,000 and \$100,000 require a minimum of three written quotations or another method of procurement
- ▶ greater than \$100,000, the council will call for tenders.¹¹⁸

What was unclear to me from the policy was who bears responsibility for approving various stages of a procurement and, importantly, what written records are to be created or maintained relevant to each stage of the procurement. In my view the policy and guidelines do not provide sufficient clarity to enable staff to understand precisely how to appropriately document procurement activities. Indeed I was told that while there was a procurement policy in place, staff could never really be sure what they needed to do in respect of procurements of varying levels of expenditure.¹¹⁹

As I have already indicated, during the course of the evaluation I considered documents relevant to a sample of council procurements.

I followed a similar process to that applied in respect of recruitment documents. First I sought only that information that was recorded on established records management systems to identify what auditable trail of documents could be retrieved. Having received those documents¹²⁰ I then sought all other information relating to the procurements that were saved on network drives, hard drives or within employee email mailboxes.¹²¹

118: EXH 0178, p.6.

119: EXH 0274.

120: EXH 0408.

121: EXH 0687.

I was provided with documents relevant to procurements as follows:

- ▶ One procurement valued between \$1,000 - \$20,000
- ▶ One procurement valued between \$20,000 - \$100,000
- ▶ Two procurements valued over \$200,000
- ▶ A request for exemption from the procurement process.

It was conveyed to me that it is common practice for procurement documents to be saved on a network drive with the expectation that key documents would then be registered on the council's corporate records management system.¹²²

I also understand that the council uses a checklist for finalising the records required for a procurement and their storage on the records management system. However, it was acknowledged that this process does not consistently occur.¹²³ That was evident in the sample of procurement records provided during the evaluation.

In respect of a procurement of more than \$200,000, while a purchase recommendation was recorded as an official record there was no evaluation documentation saved on the corporate system which enabled me to understand why a particular supplier was selected. Ultimately those documents were located in network drives and within individual employee email mailboxes. Copies of tender submissions were also saved on a network drive.¹²⁴

This was also the case for a lower value procurement where the justification for choosing a preferred supplier could only be located in email correspondence.

In respect of another high value procurement there was no evidence of the existence of an evaluation panel and no conflict of interest declaration could be found in respect of the employee listed as the contact person for the procurement. Nor was it clear on the documents provided who within the council made the decision as to the preferred supplier.¹²⁵

122: EXH 0241.

123: EXH 0269; EXH 0639.

124: EXH 0408; EXH 0687.

125: EXH 0378; EXH 0379; EXH 0408; EXH 0687.

Business cases or similar documents which set out why the procurements were required were not supplied in any of the sampled procurements. While one of the high value procurements indicated the project was on the Asset Management Plan for renewal this was the only indicator that a rationale for purchase had been considered and approved in respect of any of the procurements reviewed.¹²⁶

While it may be the case that each procurement was attended to with great care, the absence of important, available and auditable records relevant to the procurements puts the council at risk of assertions of unfair and unethical processes. Moreover there is a real risk that an individual or individuals will take advantage of lax processes to engage in impropriety with little chance of detection.

Accordingly, I recommend that the City of Playford amends its procurement policy and guidelines to prescribe the key responsibilities for procurement decisions and the documents that must be created and retained for each stage of a procurement. The amendments should include an express requirement that all records relating to a procurement must be stored on an established records management system (ie. not stored on a network drive or in an employee email mailbox).

RECOMMENDATION 18

‘While it may be the case that each procurement was attended to with great care, the absence of important, available and auditable records relevant to the procurements puts the council at risk of assertions of unfair and unethical processes. Moreover there is a real risk that an individual or individuals will take advantage of lax processes to engage in impropriety with little chance of detection.’

¹²⁶: EXH 0402.

9.2 Procurement Team & Policy Adherence

Procurement is an activity for which staff will likely seek advice and guidance from relevant policies and, where it exists, a dedicated procurement team.

The City of Playford has a dedicated procurement team consisting of seven staff.

The council procurement guidelines state that the procurement team will manage procurements over \$100,000 in value.¹²⁷ There is no requirement for procurement officers to be involved in procurements under \$100,000. This of course limits the ability of procurement staff to maintain oversight of what I would assume to be most procurement activities engaged in by the council.

Some staff I spoke to told me that the procurement team is involved in most procurement activities.¹²⁸ But I was also told of occasions where procurement policy had not been adhered to and that high value procurements had been undertaken without procurement team involvement.¹²⁹

I was also told of instances where procurement policies were not complied with or were deliberately worked around, and that policy breaches were not managed.¹³⁰

I was given examples where in the past, staff had engaged with suppliers verbally in circumstances where purchase orders or quotes were required but not obtained, where staff did not consult with the procurement team as required and where few records were kept of procurements.¹³¹ I was surprised to hear from a senior member of staff that in respect of procurement *'generally people follow policy, sometimes not – it's hard to say why.'*¹³²

Perhaps of most concern were apparent instances where procurements of more than \$100,000 in value had been split into smaller parts, apparently to ensure that the procurement could be managed by a particular team or so that a formal tender was not required.¹³³

If that has, or is, occurring, such conduct represents a significant red flag in relation to integrity risks. If it is continuing it must cease immediately and suspected instances should be investigated carefully.

Procurement is an activity for which there should be no room for departing from required process.

127: EXH 0179, pp. 7, 8.

128: EXH 0260; EXH 0270.

129: EXH 0255.

130: EXH 0269; EXH 0255; EXH 0265; EXH 0430.

131: EXH 0265.

132: EXH 0241.

133: EXH 0642.

I acknowledge the recent efforts of the City of Playford to educate staff as to their responsibilities and obligations in respect of procurement. I understand a process of delivering training to staff commenced at the beginning of this year.¹³⁴

I recommend that the City of Playford reminds staff of the importance of adhering to prescribed procurement policies and guidelines and that an unauthorised departure from those policies and guidelines will not be tolerated.

RECOMMENDATION 19

9.3 Expanding the Role of Procurement Officers & Finance Officers

I discussed with a number of council employees whether there might be value in expanding the role of procurement and finance staff in council procurement activities.

While procurement staff are better placed to support appropriate procurement practices, and to identify unusual activity if they have some involvement in the process, there is also value in incorporating further specialist expertise into procurement processes to achieve improved decision making.

‘Procurement decisions should be made knowing how that decision might financially impact upon other areas of the council.’

I understand that while in some cases the relevant senior manager or the procurement manager may bring significant procurements to the attention of council finance staff, there is no mandatory requirement to do so.¹³⁵ The involvement of council finance staff, who have an understanding of the impact that a procurement decision will have on the financial position of the council as a whole, would also be of benefit.

Procurement decisions should be made knowing how that decision might financially impact upon other areas of the council. Consideration can then be given to prioritising limited public resources and those responsible for making procurement decisions are better informed as to the impact the decision will have on the council as a whole.

Further, the involvement of procurement officers in advising on procurements of less than \$100,000 in value would, in my opinion, be a sensible measure. However, I recognise that the volume of procurements undertaken by the council and the resources available within the procurement team would create difficulties as to the extent of advice and support that could be provided. In those circumstances it would

134: EXH 0269.

135: EXH 0273.

be unfair to recommend that such a process be adopted or to specify a minimum procurement value upon which procurement officers would be required to provide advice or support. It would be more appropriate to simply recommend that such a course be considered.

Mandating the involvement of council finance officers in advising on procurements of more than \$100,000 in value would also, in my opinion, be a sensible measure. Those within council with whom I flagged this measure agreed that it would be a positive step and that it could be accommodated within existing resources.

Accordingly, I recommend that the City of Playford gives consideration to extending the role of council procurement officers to require that those officers be consulted in respect of council procurements under the current threshold of \$100,000.

RECOMMENDATION 20

I also recommend that the City of Playford extends the role of finance officers to require that those officers be consulted in respect of council procurements of a value of more than \$100,000.

RECOMMENDATION 21

In respect of recommendation 20 the council submitted:

RECOMMENDATION 20:

'While the increased involvement of procurement officers in council procurements is supported, the current recommendation is not practical and would lead to significant inefficiency and resource impact. It would be more practical to implement for procurements over \$20,000 and this would be Council's intent for implementation of this recommendation. Council has adequate financial controls to monitor purchases under \$20,000.'

As I have already indicated, the purpose of couching the three recommendations in the terms specified is because I acknowledge that there may be resource difficulties associated with the involvement of procurement officers in respect of every procurement. I note council's intention to implement this recommendation by way of a threshold of \$20,000. That is a matter for them.

The recommendation merely requires the council to give consideration to the matter. Accordingly I am not minded to amend the wording of the recommendation.



CHAPTER TEN

ASSET MANAGEMENT

Chapter Ten: Asset Management

As at 30 June 2019 the City of Playford reported its value of infrastructure, property, plant and equipment at \$1.2 billion.¹³⁶ I was told that the council manages over 150 council facilities and around 350 pieces of plant and equipment.¹³⁷

As part of the evaluation I considered the asset management practices of the City of Playford and noted that there were a number of initiatives that demonstrated a proactive and prudent approach to protecting council assets.

I was very pleased with the manner in which the City of Playford manages its tangible assets.

In 2008 the council adopted the Use of Council Resources for Private Benefit policy which provides:

Council resources (ie. any items that are acquired by any means during the course of Council business by employees or volunteers) must not be used by employees or volunteers for personal/private gain or benefit.

Employees and volunteers must not take surplus materials from Council's work site – this can amount to theft.

Misappropriation of surplus or low-value assets or what appear to be unwanted or forgotten items can amount to theft.

Council resources must not be borrowed by employees or volunteers for private/personal use at any time or under any circumstance.¹³⁸

I did not receive any information to suggest that staff had not adhered to this policy.

136: EXH 0694, p.4.

137: EXH 0270.

138: EXH 0138 (last updated in February 2019).

Purchasing of minor plant and equipment is managed centrally and recorded on a register across categories including buildings, fleet and ICT. Staff will request equipment from this centralised pool with responsibility for the item resting with the officer making the booking. All minor plant is engraved.¹³⁹

I was advised that staff (other than Response Officers) cannot access the depot on weekends or after hours. Access is restricted from 5.00pm each weeknight and CCTV cameras are used to identify unauthorised entry into the depot.¹⁴⁰

I was also impressed with some recent initiatives.

I was told that the council has implemented GPS tracking for vehicles (with some exceptions including executive vehicles)¹⁴¹ and geo-fences¹⁴² that enable alerts to be sent to designated council staff when vehicles are taken outside of a predetermined area. While this information not only assists in tracking the unauthorised use of council assets, it can also provide worthwhile data to manage asset utilisation. Indeed I was advised that this data has already demonstrated the underutilisation of a number of minor plant and vehicles that had justified their disposal.¹⁴³ This is an excellent example of the use of technology to maximise the efficient use of public resources.

Further, the City of Playford has invested in tagging some attractive assets with radio frequency identification (RFID) devices which provide real time data as to the location of the item. In practice this will prove valuable where plant is left behind on a worksite and will reduce the likelihood of theft of those assets.

The City of Playford should be commended for their efforts in this regard and I have not identified any recommendations that I consider would improve integrity measures already in place in respect of asset management.

‘... there were a number of initiatives that demonstrated a proactive and prudent approach to protecting council assets.’

139: EXH 0270.

140: EXH 0270.

141: EXH 0270; EXH 0409.

142: Virtual perimeter for a geographical area.

143: EXH 0270.



CHAPTER ELEVEN

CONCLUSION

Chapter Eleven: Conclusion

Having conducted this evaluation there is no doubt in my mind that the City of Playford Council is largely comprised of staff who are hard-working and committed to the delivery of services to their community. I met many staff who expressed great pride in the activities of the council and the manner in which the City of Playford is developing services and infrastructure for the area.

It is also apparent that the council is emerging from a period of turbulence. It would be fair to say that the City of Playford is experiencing a period of transition in terms of its leadership and culture. It is an ideal time to ensure that the fundamental building blocks of good public administration are in place.

Indeed, during the course of this evaluation I was appraised of a number of activities that the council was undertaking to address gaps and weaknesses that I had identified and conveyed to senior staff. I am pleased with the willingness I observed by senior staff to reflect upon those comments with a view to improving practices.

I am hopeful that the recommendations I have made in this report will further assist the council to minimise its risks of corruption, misconduct and maladministration in public administration.

I am pleased that the City of Playford have accepted the recommendations (subject to some comments which I have addressed in the body of this report) and I look forward to observing the implementation of those recommendations over the coming 18 months.

I again express my appreciation to the large number of individuals who provided me with information during the course of this evaluation, including elected members, former elected members, executives and current and former staff.



APPENDICES

Appendices

Appendix 1: Public Statement – 10 April 2019

BY THE HON. BRUCE LANDER QC INDEPENDENT COMMISSIONER AGAINST CORRUPTION AND DEPUTY INDEPENDENT COMMISSIONER AGAINST CORRUPTION, MICHAEL RICHES

EVALUATION OF THE PRACTICES, POLICIES AND
PROCEDURES OF THE CITY OF PLAYFORD

Statement by Commissioner Lander

One of my statutory functions is to evaluate the practices, policies and procedures of inquiry agencies and public authorities with a view to advancing comprehensive and effective systems for preventing or minimising corruption, misconduct and maladministration in public administration.

I have delegated those functions and powers (amongst others) to the Deputy Independent Commissioner Against Corruption, Michael Riches.

After discussion with me and with my support Deputy Commissioner Riches has determined to conduct an evaluation of the practices, policies and procedures of the City of Playford Council.

Statement by Deputy Commissioner Riches

On 1 April 2019 I informed the Mayor and the Acting Chief Executive of the City of Playford of my decision to conduct an evaluation of the Council's practices, policies and procedures.

The evaluation formally commences today.

After considering a number of complaints and reports made to the Office for Public Integrity about the City of Playford I decided that there may be benefit in conducting an evaluation of its practices, policies and procedures.

The City of Playford, as with all local councils, performs a particularly important function within the local community and it is critical that its functions are carried out appropriately and in a manner that is free of corruption, misconduct and maladministration.

An evaluation is a useful means of gaining an in depth understanding of a public authority's operations and how it guards against risks of corruption, misconduct and maladministration.

The evaluation will result in the preparation of a report for both Houses of Parliament. I am hopeful that my report and any recommendations made will be of assistance not only to the City of Playford but to the 67 other local councils in South Australia.

I emphasise that this is an evaluation of practices, policies and procedures. It is not an investigation of individual conduct. To the extent that matters are identified which require investigation, they will be dealt with separately and in accordance with legislation.

The scope of the evaluation will be as follows:

- ▶ The extent to which the City of Playford's governance framework adequately guards against the risks of corruption, misconduct and maladministration.
- ▶ Financial management practices, policies and procedures and whether those structures adequately manage the risks of corruption, misconduct and maladministration.
- ▶ Practices, policies and procedures in respect of:
 1. Human resource management within the City of Playford and whether those practices, policies and procedures efficiently manage human resources and control the risks of corruption, misconduct and maladministration.
 2. Information management and whether those practices, policies and procedures adequately protect the City of Playford's information assets from misuse.
 3. The availability and use of assets and resources by public officers employed within the City of Playford and whether those practices, policies and procedures provide a sufficient safeguard to minimise the misuse of those assets and resources.

As the evaluation proceeds it may be necessary to amend its scope in light of information received.

I will in due course invite submissions which are relevant to the scope of the evaluation from members of the public. More information about making a submission will be published on the ICAC website in due course (www.icac.sa.gov.au).

While I cannot set a definitive timeframe for the evaluation I hope to be in a position to deliver a report to Parliament by the end of the year.

The publication of this information has been authorised by the Commissioner under section 25 of the ICAC Act.

Appendix 2: City of Playford Field Team's Culture Umbrella

CITY OPERATIONS CULTURE UMBRELLA

SAFETY

WE STAND FOR

- Zero tolerance to bullying
- Go home in the same condition as you arrived
- See something, say something, do something
- A clean safe working environment through good housekeeping
- Relevant training and continual improvement of safety to prevent injuries

INNOVATION

WE STAND FOR

- Being industry leaders
- Finding solutions to problems
- Promoting good ideas
- Feeling empowered to speak up
- Being open minded

TEAMWORK

WE STAND FOR

- Appreciating others' good work
- Being respectful and trustworthy
- Sharing knowledge – communicate
- Teamwork – working together across teams
- Open to constructive criticism that helps us grow as individuals or as a team

QUALITY

WE STAND FOR

- Consistency, pride and quality in work we do
- Striving to do it right first time
- Taking ownership & responsibility of an issue
- Work / life balance
- Smart / good use of time / prioritising work accordingly



Appendix 3: Response of the City of Playford

CALL

(08) 8256 0333

POST12 Bishopstone Road
Davoren Park SA 5113**EMAIL**

playford@playford.sa.gov.au

VISITPlayford Civic Centre
10 Playford Boulevard
Elizabeth SA 5112Stretton Centre
307 Peachey Road
Munno Para SA 5115

15 November 2019

Mr Michael Riches
Deputy Independent Commissioner Against Corruption
GPO Box 11066
ADELAIDE SA 5001

Via email: evaluation@icac.sa.gov.au

Dear Deputy Commissioner,

Evaluation of practices, policies and procedures of the City of Playford

Thank you for the opportunity to provide feedback and response to the draft report on the evaluation of City of Playford's practices, policies and procedures.

During the process those involved have appreciated your commitment and approach to ensuring that the evaluation was likely to result in a report with observations and recommendations that assist Council to build a stronger governance framework.

Council supports and appreciates your observations, in particular and worth noting, are:

- The committed and passionate staff employed in the City of Playford that deliver services to the local community
- The recognition of improvements either already in place or in development to protect Councils integrity
- The co-operation of Council staff to aide and assist in a timely and efficient evaluation process
- Recognition of the period of transition City of Playford is experiencing with the development of a new leadership and culture.

Councils response to the 21 recommendations you have put forward are enclosed for your reference and inclusion in your final report. I would be happy to discuss these with you if required.

Overall, these recommendations have given the City of Playford a solid grounding to assist in improving policies, practices and procedures that will ensure a robust governance framework and in doing so improve the value provided to the community.

Please do not hesitate to contact me should you require any clarification with regards to Councils response.

Yours sincerely,



Sam Green
CHIEF EXECUTIVE OFFICER

Telephone: [REDACTED]

Email: [REDACTED]

Recommendation	Response
1. Develops an agreed set of organisational values which underpin day to day activities and conduct of staff	Agreed and will implement
2. Develops a policy governance framework that addresses the lifecycle of a policy including creation, approval, dissemination, education and review. The framework should be consistent with the principles articulated in this report.	Agreed and will implement
3. Mandates the review by the council governance team of all draft policies prior to presentation of the draft policy for approval.	Agreed and will implement
4. Amends its practices to ensure council policies may only be approved by the CEO or the elected body.	Agreed and will implement
5. When approving a new or amended policy the CEO or the elected body also determine an approved dissemination and education strategy to be applied in respect of that new or amended policy.	Agreed and will implement
6. Prepares a schedule for the review of all existing policies and for that review to be completed within 6 months of the tabling of this report.	Agreed. However, Council is concerned with the proposed timeframe due to the need to fill critical organisational roles, ensure an appropriate cultural change process, and to ensure that the revised policies have been adequately considered. A timeframe of 12 months is considered more reasonable to achieve the desired outcome.
7. Within 12 months of the tabling of this report ensures that all current policies represent expected contemporary practice.	Agreed. Consistent with the response to recommendation 6, this recommendation is supported however the timeframe is of concern and an 18 month timeframe is considered more realistic to achieve the intent of the recommendation.
8. Develops and implements, in accordance with the proposed Policy Governance Framework, a fraud and corruption control policy modelled on Australian Standard AS8001-2008.	Agreed and will implement

9. Develops a new records management policy with accompanying procedures which reflect contemporary records management practices and, in particular: <ul style="list-style-type: none"> a. Mandates the use of an established records management system for the storage of official records except for limited circumstances that are prescribed in the policy b. Makes express reference to the appropriate storage of emails in a manner consistent with the State Records Act c. Defines the precise responsibility of each employee in respect of the management of official records together with the particular responsibilities given to the records management team. 	Agreed and will implement
10. Engages in an audit of records currently held on network drives and within email servers to identify those records that ought to be stored on an approved records management system and, upon the conclusion of such an audit, develop and implement a process for those records to be transferred to those systems.	Agreed and will implement
11. Develops and delivers an education program to all elected members and employees in respect of their records management obligations and the requirements contained within the updated records management policy and procedures.	Agreed and will implement
12. Develops and implements a process for regular audits to ensure records management practices are consistent with policy.	Agreed and will implement
13. Reconsiders its approach to managing actual and perceived conflicts of interest during recruitment and selection process in light of the observations made in this report.	Agreed and will implement
14. Introduces a requirement that members of a selection panel be required to complete and sign a selection summary report which outlines the candidates who applied for a position, the performance of each candidate during the selection process, the deliberations of the panel in respect of the suitability of each candidate together with the reasons the panel recommended the selection of a particular candidate.	Agreed and will implement
15. Reinforces the need to complete selection panel interview notes in a consistent manner and that the notes bear the name and signature of the panel member completing the notes.	Agreed and will implement
16. Considers incorporating a requirement that selection panels includes at least one panel member who does not work within the workgroup for which a recruitment is being conducted.	Agreed and will implement
17. Ensure that any performance management process adopted by the council includes safeguards that ensure all employees are given consistent and timely feedback on their performance and that there is a consistent approach to performance management for all council employees.	Agreed and will implement

18. Amends its procurement policy and guidelines to prescribe the key responsibilities for procurement decisions and the documents that must be created and retained for each stage of a procurement. The amendments should include an express requirement that all records relating to procurement must be stored on an established records management system (i.e. not stored on network drives or in an employee email mailbox).	Agreed and will implement
19. Reminds staff of the importance of adhering to prescribed procurement policies and guidelines and that an unauthorised departure for those policies and guidelines will not be tolerated.	Agreed and will implement
20. Gives consideration to extending the roles of council procurement officers to require that those officers be consulted in respect of council procurements under the current threshold of \$100,000.	Whilst the increased involvement of procurement officers in council procurements is supported, the current recommendation is not practical and would lead to significant inefficiency and resource impact. It would be more practical to implement for procurements over \$20,000 and this would be Council's intent for implementation of this recommendation. Council has adequate financial controls to monitor purchases under \$20,000.
21. Extends the role of finance officers to require that those officers be consulted in respect of council procurements of a value of more than \$100,000.	Agreed and will implement

Appendix 4: Glossary

Administration	The part of the council which comprises only the Chief Executive Officer and staff (ie. other than the elected body).
City of Playford	City of Playford Council comprising the staff of the council and elected members.
Corruption	<p>Corruption has the meaning in the <i>Independent Commissioner Against Corruption Act 2012</i> which, at the time of writing this report, is in the following terms:</p> <p>Corruption in public administration means conduct that constitutes—</p> <ol style="list-style-type: none"> an offence against Part 7 Division 4 (Offences relating to public officers) of the <i>Criminal Law Consolidation Act 1935</i>, which includes the following offences: <ol style="list-style-type: none"> bribery or corruption of public officers; threats or reprisals against public officers; abuse of public office; demanding or requiring benefit on basis of public office; offences relating to appointment to public office; or an offence against the <i>Public Sector (Honesty and Accountability) Act 1995</i> or the <i>Public Corporations Act 1993</i>, or an attempt to commit such an offence; or an offence against the <i>Lobbyists Act 2015</i>, or an attempt to commit such an offence; or any other offence (including an offence against Part 5 (Offences of dishonesty) of the <i>Criminal Law Consolidation Act 1935</i>) committed by a public officer while acting in his or her capacity as a public officer or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or an attempt to commit such an offence; or any of the following in relation to an offence referred to in a preceding paragraph: <ol style="list-style-type: none"> aiding, abetting, counselling or procuring the commission of the offence; inducing, whether by threats or promises or otherwise, the commission of the offence; being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence; conspiring with others to effect the commission of the offence.
Commissioner	Independent Commissioner Against Corruption
Council	<p>Council has the meaning in the <i>Local Government Act 1999</i> which, at the time of writing this report, provides that:</p> <p>A council is a body corporate and '[a] council consists of the members appointed or elected to the council in accordance with this Act or the <i>Local Government (Elections) Act 1999</i>.'</p>

Deputy Commissioner	Deputy Commissioner Against Corruption
Development Act	<i>Development Act 1993</i>
ECM	Enterprise Content Management
Elected Body	The part of the council that comprises the members appointed or elected to the council in accordance with the <i>Local Government Act 1999</i> or the <i>Local Government (Elections) Act 1999</i> .
Executive	The Executive team of the City of Playford Council comprising the Chief Executive Officer and the three General Managers.
ICAC	Independent Commissioner Against Corruption
ICAC Act	<i>Independent Commissioner Against Corruption Act 2012</i>
ICT	Information and Communications Technology
LG Act	<i>Local Government Act 1999</i>
Maladministration	<p>Maladministration has the meaning in the <i>Independent Commissioner Against Corruption Act 2012</i> which, at the time of writing this report, is in the following terms:</p> <p>Maladministration in public administration—</p> <ul style="list-style-type: none"> a. means — <ul style="list-style-type: none"> i. conduct of a public officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or ii. conduct of a public officer involving substantial mismanagement in or in relation to the performance of official functions; and b. includes conduct resulting from impropriety, incompetence or negligence; and c. is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.
Misconduct	<p>Misconduct has the meaning in the <i>Independent Commissioner Against Corruption Act 2012</i> which, at the time of writing this report, is in the following terms:</p> <p>Misconduct in public administration means —</p> <ul style="list-style-type: none"> a. contravention of a code of conduct by a public officer while acting in his or her capacity as a public officer that constitutes a ground for disciplinary action against the officer; or b. other misconduct of a public officer while acting in his or her capacity as a public officer.
OPI	Office for Public Integrity
State Records Act	<i>State Records Act 1997</i>
WRCC	Workplace Relations Consultative Committee

Appendix 5: Exhibit List

The table below contains the exhibits cited in footnotes in this report.

EXHIBIT NUMBER	EXHIBIT DESCRIPTION
EXH 0013	City of Playford, Estimated Resident Population (2018) < https://profile.id.com.au/playford/population-estimate >.
EXH 0018	City of Playford, City Operations Culture Umbrella.
EXH 0022	City of Playford, Bullying Discrimination and Harassment Policy (March 2015).
EXH 0024	City of Playford, Children and Vulnerable Persons Policy (4 March 2015).
EXH 0042	City of Playford, Performance Development and Management Procedure (May 2016).
EXH 0043	City of Playford, Performance Improvement and Misconduct Policy (12 December 2016).
EXH 0045	City of Playford, Personnel Files Policy (1 February 2006).
EXH 0050	City of Playford, Reclassification of Staff Policy (December 2007).
EXH 0051	City of Playford, Recruitment and Onboarding Policy (4 March 2015).
EXH 0052	City of Playford, Recruitment Procedure (March 2015).
EXH 0053	City of Playford, Induction Procedure (March 2015).
EXH 0082	City of Playford, Accounting for Property, Plant, Equipment and Infrastructure Policy (24 June 2008).
EXH 0102	City of Playford, Internal Controls Policy (22 September 2015).
EXH 0112	City of Playford, Treasury Policy (23 September 2014).
EXH 0124	City of Playford, Records Management Policy (April 2007).
EXH 0138	City of Playford, Use of Council Resources for Private Benefit Policy (February 2019).
EXH 0151	City of Playford, Enterprise Agreement 2016 (16 January 2017).
EXH 0178	City of Playford, Procurement Policy (25 July 2017).
EXH 0179	City of Playford, Procurement Process Guidelines (24 May 2016).
EXH 0241	Contribution by City of Playford staff or elected member via email, written submission or meeting.
EXH 0242	Contribution by City of Playford staff or elected member via email, written submission or meeting.
EXH 0243	Contribution by City of Playford staff or elected member via email, written submission or meeting.
EXH 0245	Contribution by City of Playford staff or elected member via email, written submission or meeting.
EXH 0246	Contribution by City of Playford staff or elected member via email, written submission or meeting.
EXH 0247	Contribution by City of Playford staff or elected member via email, written submission or meeting.

EXHIBIT NUMBER	EXHIBIT DESCRIPTION
EXH 0250	Contribution by City of Playford staff or elected member via email, written submission or meeting.
EXH 0251	Contribution by City of Playford staff or elected member via email, written submission or meeting.
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EXH 0258	Contribution by City of Playford staff or elected member via email, written submission or meeting.
EXH 0260	Contribution by City of Playford staff or elected member via email, written submission or meeting.
EXH 0261	Contribution by City of Playford staff or elected member via email, written submission or meeting.
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EXH 0276	Contribution by City of Playford staff or elected member via email, written submission or meeting.
EXH 0277	Contribution via email, written submission or meeting.

EXHIBIT NUMBER	EXHIBIT DESCRIPTION
EXH 0278	Contribution by City of Playford staff or elected member via email, written submission or meeting.
EXH 0281	Contribution by City of Playford staff or elected member via email, written submission or meeting.
EXH 0307	City of Playford, Recruitment interview notes.
EXH 0378	City of Playford, Procurement Summary Report.
EXH 0379	City of Playford, Procurement Evaluation Report.
EXH 0402	City of Playford, Request for Contract/Procurement Assistance form.
EXH 0408	City of Playford, ICAC Evaluation Procurement Stage One document list.
EXH 0409	Contribution by City of Playford staff or elected member via email, written submission or meeting.
EXH 0430	Evaluation Staff Survey Data (June 2019).
EXH 0431	Contribution by City of Playford staff or elected member via email, written submission or meeting.
EXH 0446	City of Playford, Services Committee Charter (18 December 2018).
EXH 0447	City of Playford, Strategic Planning Committee Charter (18 December 2018).
EXH 0458	Department of Planning, Transport and Infrastructure, Reforming Local Government in South Australia Discussion Paper (August 2019) < https://www.dpti.sa.gov.au/__data/assets/pdf_file/0010/574543/Reforming_Local_Government_in_South_Australia_-_Discussion_Paper_-_August_2019.pdf >.
EXH 0486	Email correspondence from City of Playford to the ICAC (26 July 2019).
EXH 0639	City of Playford, Procurement Close Out form.
EXH 0641	Contribution by City of Playford staff or elected member via email, written submission or meeting.
EXH 0642	Contribution by City of Playford staff or elected member via email, written submission or meeting.
EXH 0643	Contribution by City of Playford staff or elected member via email, written submission or meeting.
EXH 0669	Contribution by City of Playford staff or elected member via email, written submission or meeting.
EXH 0672	SA Local Government Grants Commission, Database Reports (2017-18) < https://www.dpti.sa.gov.au/__data/assets/pdf_file/0003/564177/Database_Reports_2017-18.pdf >.
EXH 0677	Contribution by City of Playford staff or elected member via email, written submission or meeting.
EXH 0678	Independent Commissioner Against Corruption, Local Government Integrity Insights: A Third Report from the Public Integrity Survey 2018 (September 2018) < https://icac.sa.gov.au/system/files/Local-Government-Integrity-Insights.pdf >.
EXH 0684	Independent Commissioner Against Corruption, Evaluation of the Practices, Policies and Procedures of the Regulatory Arm of Safework SA (November 2018) < https://icac.sa.gov.au/report/evaluation-of-safework-sa >.
EXH 0685	City of Playford, Induction email correspondence (June 2019).

EXHIBIT NUMBER	EXHIBIT DESCRIPTION
EXH 0687	City of Playford, ICAC Evaluation Procurement Stage 2 document list.
EXH 0688	City of Playford, Essential Conditions of Good Governance matrix (October 2019).
EXH 0690	Remuneration Tribunal of South Australia, Allowances for Local Government Councils (Determination 6 of 2018) < http://remtribunal.sa.gov.au/sites/default/files/public/attachments/8/256/42051767/20180830%20-%20Determination%206%20of%202018%20-%20Local%20Government%20Councils.pdf >.
EXH 0691	Independent Commissioner Against Corruption, ICAC Public Integrity Survey 2018 (December 2018) < https://icac.sa.gov.au/system/files/ICAC_Public_Integrity_Survey_2018_0.pdf >.
EXH 0692	Independent Commissioner Against Corruption, The Trusted Insider An Examination of Issues from Two ICAC Investigations (June 2019) < https://icac.sa.gov.au/system/files/The-Trusted-Insider_An-Examination-of-Issues-from-Two-ICAC-Investigations.pdf >.
EXH 0693	City of Playford, Annual Report 2018-19 (October 2019) < https://cdn.playford.sa.gov.au/general-images/SC-BU_1810_AnnualReport2018-19.pdf >.
EXH 0694	City of Playford, General Purpose Financial Statements for the year ended 30 June 2019 (October 2019) < https://cdn.playford.sa.gov.au/general-images/Annual_Report_2018_19_Financial_Statements.pdf >.



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