



# **Evaluation of SAFECOM and the Country Fire Service, Metropolitan Fire Service and State Emergency Service**

on the management of  
conflicts of interests



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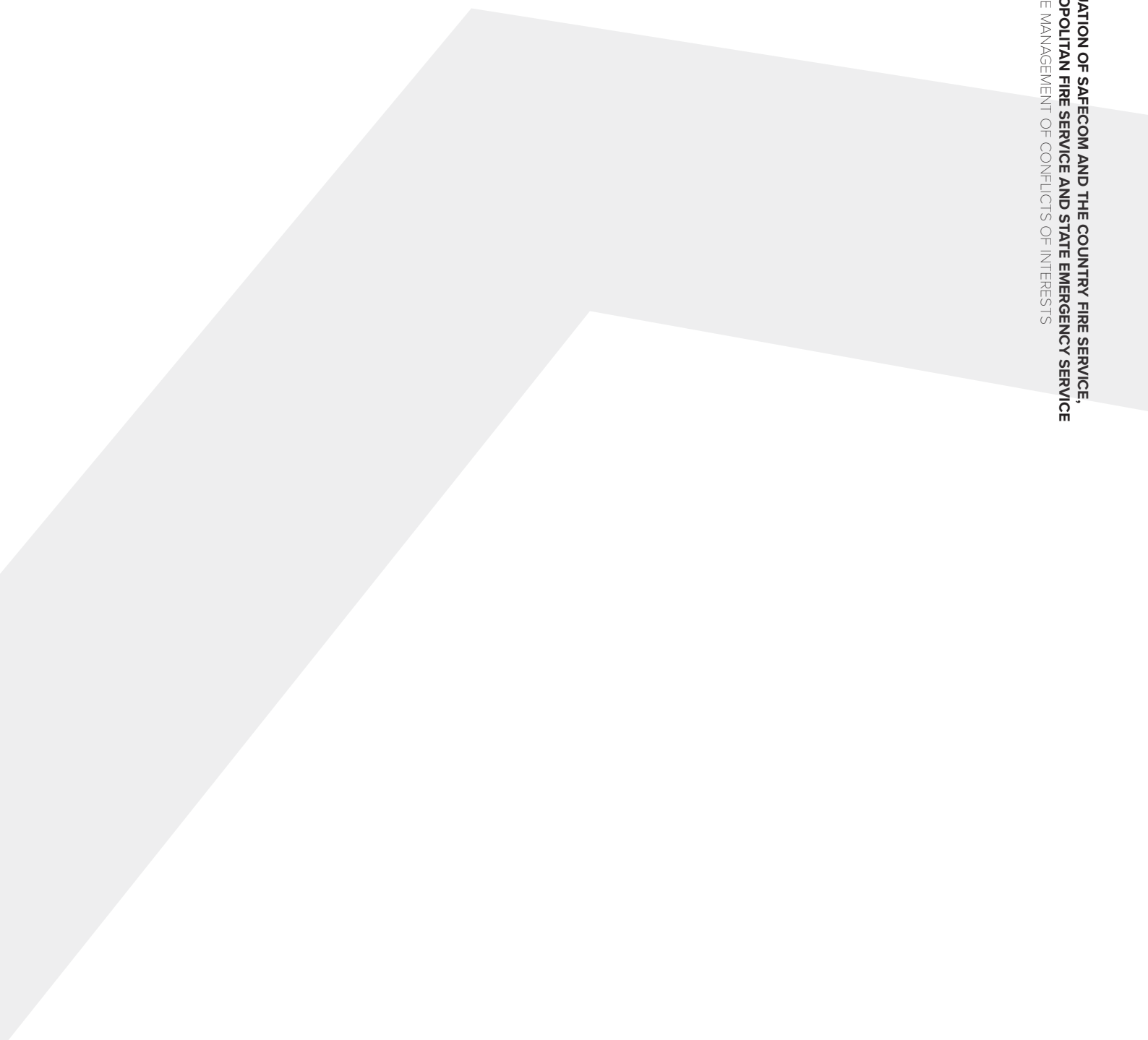
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# Letter of transmittal

2 April 2025

**The Hon. Leon Bignall MP**  
**Speaker of the House of Assembly**  
**Parliament House**  
**North Terrace**  
**ADELAIDE SA 5000**

**The Hon. Terrance Stephens MLC**  
**President of the Legislative Council**  
**Parliament House**  
**North Terrace**  
**ADELAIDE SA 5000**

Dear Speaker

In accordance with sections 40(3) and 41(2) of the *Independent Commission Against Corruption Act 2012 (SA)*, I present the report entitled *Evaluation of the South Australian Fire and Emergency Services Commission and the Country Fire Service, Metropolitan Fire Service and State Emergency Service on the management of conflicts of interests*.

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

Yours sincerely



Emma Townsend  
**COMMISSIONER**



## **COMMISSIONER'S FOREWORD**

## Commissioner's foreword



The work of the emergency services is vital to the people and communities of South Australia. To best serve the public interest, they must ensure that resources are properly directed to their core purpose and that they are trusted by the communities they serve. Corruption poses a threat to the work of these agencies and can erode public confidence in their functioning.

When not identified, disclosed and adequately managed, conflicts of interests heighten the risk that corruption will occur.

The former Commissioner, the Hon. Ann Vanstone KC, commenced this evaluation of the South Australian Fire and Emergency Services Commission (SAFECOM) and the Country Fire Service (CFS), Metropolitan Fire Service (MFS) and State Emergency Service (SES) in August 2024 in respect to the management of conflicts of interests. The evaluation was well underway when I commenced as Commissioner.

As a result of this evaluation, the Commission has made twenty-five recommendations to improve policies, procedures and supporting documents relating to conflicts of interests in all four agencies and the ways in which they are communicated, monitored and enforced.

I am grateful for the cooperation of the SAFECOM Chief Executive, the Chair of the SAFECOM Board, and Chief Officers of the CFS, MFS and SES. I would like to thank staff of all four agencies who met with the Commission's evaluation team, made a written submission to the evaluation, or otherwise assisted the evaluation team in gathering information.

Several previous reports released by the Commission have observed that the poor management of conflicts of interests is a significant corruption vulnerability in public administration – in the public sector, local government and university sector. The observations and recommendations in this report should contribute to improving the management of conflicts of interests not just in the emergency services, but in public administration more broadly.

A handwritten signature in black ink that reads "Emma Townsend". The signature is written in a cursive, flowing style.

Emma Townsend  
Commissioner

**INDEPENDENT COMMISSION AGAINST CORRUPTION**



## **EXECUTIVE SUMMARY**

## Executive summary

Poorly managed conflicts of interests are a significant corruption risk in South Australian public administration. When conflicts are not identified, disclosed, or adequately managed, corruption and other wrongdoing can be easier to undertake and conceal.

Any actions that public authorities can take to improve the management of conflicts of interests are likely to prevent or minimise corruption and other impropriety.

All four emergency services agencies have taken positive steps in recent years to improve management of conflicts of interests, including endorsing a generally sound Conflict of Interest and Disclosure Policy which applies uniformly across the sector.

SAFECOM is currently developing a training package on ethical decision making to improve awareness of integrity issues, including conflicts of interests. Similarly, the CFS has encouraged its staff and volunteers to undertake relevant conflicts of interests training.

The MFS has developed a clear and appropriate Conflicts of Interests Procedure and Disclosure Form.

These actions are to be commended.

However, areas for improvement remain. Most importantly, the uniform Conflict of Interest and Disclosure Policy must be fully implemented across all agencies. Key requirements of this policy – such as the creation of conflict of interests registers and a system to monitor management of conflicts of interests – remain unmet. Further, all related procedures and other supporting documents (both at a sector-wide and agency-specific level) should be reviewed to ensure consistency with this overarching policy.

Other policies and supporting documents in relevant areas including gifts and benefits, human resources management and procurement contain useful information. However, they require amendment to strengthen the guidance they contain on conflicts of interests.

Overall, there is a lack of written communication and training materials available to staff, volunteers and contractors in all agencies about conflicts of interests. This can in part be addressed by the completion, adoption by all agencies, and dissemination of the ethical decision making training package currently being developed by SAFECOM.

The Commission has made twenty-five recommendations to strengthen policies and procedures, communication, training, monitoring and compliance relating to conflicts of interests. By addressing these, SAFECOM and the CFS, MFS and SES will be taking significant action to promote improved awareness and understanding of conflicts of interests and the importance of their identification, disclosure and management.



## **ACRONYMS AND ABBREVIATIONS**

## Acronyms and abbreviations

A number of acronyms and abbreviations are used throughout this report.

CFA	Victorian Country Fire Association
(SA)CFS	Country Fire Service
COID Policy	ESS Conflict of Interest and Disclosure Policy
CPSE	Commissioner for Public Sector Employment
ESS	Emergency Services Sector
ESS Checklist	Emergency Services Sector New Employee Induction Checklist
FES Act	<i>Fire and Emergency Services Act 2005</i>
FES Regulations	<i>Fire and Emergency Services Regulations 2021</i>
HRM Instrument	Emergency Services Sector Human Resource Management Instrument of Delegations and Authorisations
ICAC Act	<i>Independent Commission Against Corruption Act 2012</i>
MFS	Metropolitan Fire Service
Public Sector Act	<i>Public Sector Act 2009</i>
Procurement Services	Procurement Services South Australia
PSHA Act	<i>Public Sector (Honesty and Accountability) Act 1995</i>
SAFECOM	South Australian Fire and Emergency Services Commission
(SA)SES	State Emergency Service
The Framework	Emergency Services Sector Policy Framework



**RECOMMENDATIONS**

# Recommendations

## RECOMMENDATION 1

SAFECOM to review and take appropriate steps to amend the ESS Policy Framework to:

- ▶ Make clear on the face of the document that it is an ESS policy, approved and accepted by the SAFECOM Chief Executive and the Chief Officers of the services. In doing so, it ought to be clearly stated that the Policy Framework is to be used for the development, review and decommissioning of ESS and individual service policies and supporting documents. The Framework should look similar to other ESS policies, with the logos of all four agencies clearly visible.
- ▶ Set out the process by which each individual service develops, reviews and decommissions its own policies (or alternatively each service adopts its own Policy Framework to operate in conjunction with the ESS Policy Framework).
- ▶ State that the review cycle of the Policy Framework, like other policies, is three years.

After amending the Framework, SAFECOM and the services to ensure:

- ▶ That their existing policies and supporting documents are in alignment with the Framework, including having a three-year review cycle.
- ▶ That the Framework is communicated and distributed through all four agencies as necessary.

## RECOMMENDATION 2

In consultation with the services, SAFECOM to develop an action plan to improve the implementation of, adherence to and compliance with the Conflict of Interest and Disclosure Policy in the emergency services sector.

## RECOMMENDATION 3

In consultation with the services, SAFECOM to:

- ▶ Review the Human Resource Management Instrument of Delegations and Authorisations to ensure consistency with the ESS Conflict of Interest and Disclosure Policy and ensure the level of delegation and authorisation for managing conflicts of interests in the four agencies are appropriate.
- ▶ Amend the ESS Conflict of Interest and Disclosure Policy to clarify the roles suitable to perform the duties of the delegate, and in doing so, ensure this information is consistent with the information in the ESS Human Resources Management Instrument of Delegations and Authorisations.

**RECOMMENDATION 4**

In consultation with the services, SAFECOM to review and amend the ESS Conflict of Interest and Disclosure Policy to incorporate volunteers. Information in the policy should be consistent with both the CFS and SES Codes of Conduct and the Guideline of the CPSE – Volunteers.

**RECOMMENDATION 5**

SAFECOM and the CFS and SES to develop conflict of interests procedures that sit under the Conflict of Interest and Disclosure Policy. This may involve adapting all or part of the MFS procedure into an ESS procedure or developing separate procedures for each agency. The procedure/s should reference and align with the Conflict of Interest and Disclosure Policy.

**RECOMMENDATION 6**

The CFS and SES to review their Codes of Conduct to:

- ▶ Remove a focus on the *avoidance* of conflicts of interests.
- ▶ Clarify that it is not unethical to have a conflict of interests.
- ▶ State that the most appropriate way to deal with a conflict is to ensure it is identified, disclosed and appropriately managed.

**RECOMMENDATION 7**

In consultation with the services, SAFECOM to review the MFS Conflict of Interest Procedure and the CFS and SES Codes of Conduct along with the ESS Conflict of Interest and Disclosure Policy and Human Resource Management Instrument of Delegations and Authorisations to ensure:

- ▶ The guidance provided by these documents on the management of conflicts of interests is aligned.
- ▶ That the MFS procedure and the CFS and SES Codes of Conduct refer to the ESS Conflict of Interest and Disclosure Policy.

**RECOMMENDATION 8**

In consultation with the services, SAFECOM to adapt the MFS Conflict of Interest Declaration Form into an ESS conflict of interest declaration form for all four agencies. This should involve amending the form to document a management plan for conflicts of interests rather than 'management discussion', and to include reference to volunteers for the CFS and SES versions of the form. The adapted form should also clarify whether contractors are expected to use it to disclose conflicts of interests.

**RECOMMENDATION 9**

In consultation with the services, SAFECOM to review and amend the ESS Gifts and Benefits Policy, and the CFS to review and amend its Gifts and Benefits Procedure to:

- ▶ Include volunteers.
- ▶ Improve clarity on the actual, as well as perceived impropriety that can result from the inappropriate acceptance of gifts and benefits.

**RECOMMENDATION 10**

The CFS to:

- ▶ Amend its Code of Conduct to include guidance for volunteers relating to gifts and benefits.
- ▶ Review its Gifts and Benefits Procedure to improve clarity and consistency of information, and take action to ensure the procedure is approved and does not remain in draft.

**RECOMMENDATION 11**

SAFECOM to ensure that all gifts and benefits for SAFECOM, the CFS, MFS and SES are publicly disclosed, in line with the ESS Gifts and Benefits Policy.

**RECOMMENDATION 12**

In consultation with the services, SAFECOM to amend the draft ESS Procurement Framework to set out the process for managing a conflict of interests when disclosed by the *chair* of a procurement evaluation panel.

**RECOMMENDATION 13**

In consultation with the services, SAFECOM to amend the draft Contract Management Framework prior to finalisation so that it refers to the ESS Conflict of Interest and Disclosure Policy (and any associated procedures).

**RECOMMENDATION 14**

The SES to amend wording of its Recruitment of Staff Procedure to clarify that:

- ▶ The responsibility for identifying and disclosing conflicts of interests rests with selection panel members instead of the chairperson.
- ▶ Panel members *must* disclose any conflicts of interest after reviewing the initial list of applicants, rather than after short-listing has occurred.

**RECOMMENDATION 15**

In consultation with the services, SAFECOM to develop, review and amend recruitment procedures and associated supporting documents in all four agencies to:

- ▶ Include clear guidance relating to the identification and management of conflicts of interests in recruitment panels
- ▶ Ensure that all discussions about conflicts of interests in recruitment panels are documented in writing. This could be achieved by SAFECOM developing an ESS conflicts of interests disclosure form for recruitment panel members, or another mechanism for documenting discussions in writing that SAFECOM and the services deem appropriate.

**RECOMMENDATION 16**

The CFS and SES to outline in writing a process for managing conflicts of interests when appointing a decision maker to investigate complaints of poor volunteer conduct.

**RECOMMENDATION 17**

To the extent they do not already, the CFS and SES to provide regular (at least annual) reminders to volunteers to consult the Managing Local Funds Information Sheet through whatever means each organisation deem appropriate.

**RECOMMENDATION 18**

Each agency to provide regular (at least annual) written reminders to staff on the topic of conflicts of interests.

**RECOMMENDATION 19**

SAFECOM and the CFS, MFS and SES to review all relevant document templates (including forms, meeting agendas and minutes) to ensure that the requirement to disclose conflicts of interests is included, and to avoid the prefilling of text to suggest there will be no conflicts of interest to disclose.

**RECOMMENDATION 20**

SAFECOM to amend the ESS Induction Checklist so that in the 'On Commencement' section or in another appropriate location, it specifically requires new employees to become familiar with integrity related policies and procedures, including the ESS:

- ▶ Fraud, Corruption, Misconduct and Maladministration Policy.
- ▶ Conflict of Interest and Disclosure Policy.
- ▶ Public Interest Disclosure policy.

**RECOMMENDATION 21**

The SES to ensure that its New Employee Induction Checklist:

- ▶ Includes the requirement for new employees to review the ESS Conflict of Interest and Disclosure Policy and other integrity related policies, in addition to its own Codes of Conduct and other integrity related procedures and supporting documents.
- ▶ Is reviewed and updated as soon as possible, and provision made for it to be reviewed every three years, in line with the ESS Policy Framework.

**RECOMMENDATION 22**

SAFECOM and the CFS, MFS and SES to encourage staff and volunteers (where appropriate) to complete the Commission's online conflicts of interests and preserving integrity in public administration training courses.

**RECOMMENDATION 23**

SAFECOM to finalise the ethical decision making training package and all four agencies to endorse it as an ESS resource for delivery in the sector, ensuring that:

- ▶ In consultation with the CFS and SES, consideration is given to how a version of the package can be tailored to be useful for all volunteers in the sector. This may be different to the final package for employees.
- ▶ That the final package/s are disseminated to staff and volunteers of all four agencies and are mandatory to complete.

**RECOMMENDATION 24**

In consultation with the services, SAFECOM take action to increase contractor awareness of their obligations to identify and disclose conflicts of interests. This should include:

- ▶ Developing ESS induction materials for contractors to set out their integrity obligations according to sector-specific policies, procedures and codes of conduct and broader public sector guidelines.
- ▶ Ensuring that all agencies set out in their conflicts of interests procedures and codes of conduct the penalties that apply to contractors who breach their obligations to identify and disclose conflicts of interest (in addition to penalties for breaches of other integrity obligations).

**RECOMMENDATION 25**

In consultation with the services and to ensure compliance with the Conflict of Interest and Disclosure Policy, SAFECOM to coordinate the establishment of conflicts of interests registers for each organisation. In doing so, SAFECOM should consider the feasibility of having central responsibility for managing and maintaining all registers. This may require amending the ESS Conflict of Interest and Disclosure Policy.



**CHAPTER ONE**  
**EVALUATION**  
**INTRODUCTION**

# Chapter one: Evaluation introduction

The *Independent Commission Against Corruption Act 2012* enables the Commission to evaluate the practices, policies and procedures of a public authority or inquiry agency for the purpose of preventing or minimising corruption in public administration.<sup>1</sup>

The Commission has examined numerous allegations of corruption involving undisclosed or poorly managed conflicts of interests,<sup>2</sup> including in the emergency services sector.<sup>3</sup>

Conflicts of interests that are poorly managed increase the risk that corruption will occur. The risk of corruption undermines the important work of the emergency services and diverts public resources which would otherwise be put towards saving lives, homes and livelihoods. It can erode public confidence in emergency service agencies.

The Commission commenced this evaluation to assist the South Australian Fire and Emergency Services Commission (SAFECOM) and the South Australian Country Fire Service (CFS), South Australian Metropolitan Fire Service (MFS) and South Australian State Emergency Service (SES) to prevent or minimise corruption arising from conflicts of interests.

## 1.1 Evaluation terms of reference

The evaluation examined the policies and procedures of SAFECOM that apply to the CFS, MFS and SES in respect of the management of conflicts of interests. It considered how these policies and procedures are:

- ▶ Developed and reviewed by SAFECOM.
- ▶ Communicated to staff, contractors and volunteers in each agency (as applicable).
- ▶ Enforced among staff, contractors and volunteers in each agency (as applicable).

The evaluation considered whether these practices, policies and procedures provide adequate safeguards to control against corruption.

1: *Independent Commission Against Corruption Act 2012* (SA) s 40.

2: See Integrity State reports for examples - Independent Commission Against Corruption (SA), Integrity State 2023–24 (2024) <<https://www.icac.sa.gov.au/indexable-assets/reports/investigation-reports/integrity-state-202324>>; Independent Commission Against Corruption (SA), Integrity State 2022–23 (2023) <<https://www.icac.sa.gov.au/indexable-assets/reports/investigation-reports/integrity-state-2022-23>>; Independent Commission Against Corruption (SA), Integrity State (2022) <<https://www.icac.sa.gov.au/indexable-assets/reports/investigation-reports/integrity-state2>>.

3: Ibid.

## 1.2 Evaluation approach


This evaluation involved a review of all policies, procedures and supporting corporate documents (including forms and training materials) relating to conflicts of interests from each of SAFECOM, the CFS, MFS and SES, in addition to a small number of meetings with key staff from each agency for additional information about how policies are developed, reviewed, communicated and enforced.

The Commission requested all written policies, procedures and supporting documents relating to conflicts of interests and other policies, procedures and corporate documents that mention conflicts of interests (for example, policies relating to gifts and benefits, procurement, recruitment and outside employment).

This report is based upon an analysis of all the information provided to the Commission for the evaluation, in addition to relevant publicly available material.

The Commission provided SAFECOM and the CFS, MFS and SES with the opportunity to review a draft version of this report and provide comment prior to its finalisation.





**CHAPTER TWO  
GOVERNANCE  
ARRANGEMENTS  
BETWEEN SAFECOM,  
THE COUNTRY  
FIRE SERVICE,  
METROPOLITAN  
FIRE SERVICE AND  
STATE EMERGENCY  
SERVICE**

# Chapter two: Governance arrangements between SAFECOM, the Country Fire Service, Metropolitan Fire Service and State Emergency Service

## 2.1 Background to current governance arrangements

SAFECOM was established by the *Fire and Emergency Services Act 2005 (SA)* (FES Act) to provide strategic oversight and policy coordination to the CFS, MFS and SES.

In 2002, the Minister for Fire and Emergency Services established a task force to conduct a review into the emergency services sector. The taskforce report, referred to as the 'Dawkins Report', was tabled in the South Australian Parliament in 2003.<sup>4</sup> It highlighted a number of issues within the emergency services sector, including:

- ▶ A complex and unclear governance structure.
- ▶ Inconsistent allocation of resources between the agencies.
- ▶ Confusing reporting arrangements.

The report recommended a revised structure for the emergency services sector. As a result, the FES Act established SAFECOM as a centralised authority. It consolidated the *South Australian Metropolitan Fire Service Act 1936* and the *Country Fires Act 1989* and brought the three emergency services agencies under the FES Act.

These changes were intended to ensure consistent governance of the emergency services sector while ensuring the agencies retained their operational autonomy.

4: John Dawkins, Stephen Baker, & Richard McKay, 'Emergency Services Review: Report of the Taskforce' (2003) <[https://resources-production.safecom.sa.gov.au/current/docs/dawkins\\_review\\_of\\_emergency\\_services\\_2003.pdf](https://resources-production.safecom.sa.gov.au/current/docs/dawkins_review_of_emergency_services_2003.pdf)>.

## 2.2 Overview of emergency services

### 2.2.1 SAFECOM

SAFECOM is administered by a board established under the FES Act.<sup>5</sup> The board is responsible for the strategic direction of SAFECOM and ensuring that the functions of SAFECOM are effectively exercised in accordance with the FES Act. The board is comprised of the presiding member appointed by the Governor, SAFECOM's Chief Executive, the Chief Officers of each of the emergency services agencies, and other members appointed by the Governor, including volunteer members from the CFS and SES.<sup>6</sup>

The Chief Executive of SAFECOM<sup>7</sup> is responsible for managing SAFECOM's staff and resources, giving effect to the policies and decisions of the board, undertaking other executive management roles associated with SAFECOM's activities, and any other functions assigned to the Chief Executive by the board.

SAFECOM is responsible for several key functions to support the state's fire and emergency services sector.<sup>8</sup>

These functions include:

- ▶ Providing strategic leadership and direction for the emergency services sector, including by developing and maintaining a strategic and policy framework across the sector, and implementing a framework of sound corporate governance across the sector.
- ▶ Ensuring the observance of high ethical standards within the emergency services sector.
- ▶ Ensuring the agencies maintain appropriate systems and practices, and that they comply with their statutory responsibilities and any relevant legislation.
- ▶ Coordinating resource management between the agencies and ensuring appropriate financial and asset management plans are in place.
- ▶ Employment matters, including career and personal development for officers, staff and volunteers in the emergency services sector.

In light of these functions, it would seem appropriate for SAFECOM to be responsible for conflicts of interests policies, procedures and supporting corporate documents, in addition to other integrity related policies.

SAFECOM may give directions to the emergency services agencies, except in relation to procedures relevant to responding to emergencies<sup>9</sup> and on organisational 'operations', for which the Chief Officer of each agency has ultimate responsibility.<sup>10</sup>

'Emergency' is defined in s 3 of the FES Act as 'an event that causes or threatens to cause death or injury or damage the health of any person, destruction of or damage to property, disruption to essential services or services usually enjoyed by the community, or harm to the environment, flora or fauna'.

5: *Fire and Emergency Services Act 2005 (SA)* s 10.

6: *Fire and Emergency Services Act 2005 (SA)* s 11.

7: Established by s 16 of the *Fire and Emergency Services Act 2005 (SA)* and appointed by the Minister.

8: *Fire and Emergency Services Act 2005 (SA)* s 8(1).

9: *Fire and Emergency Services Act 2005 (SA)* s 9(2).

10: *Fire and Emergency Services Act 2005 (SA)* s 27(4) (SAMFS), s 60(4) (SACFS), & 109(4) (SASES).

Neither 'operations' nor 'operational matters' is defined in the legislation. Identification of what amounts to 'operational' and 'non-operational' matters is therefore dependent upon the interpretation taken by the SAFECOM Board and each of the Chief Officers.

### 2.2.2 CFS

The CFS is a largely volunteer-based organisation operating in outer metropolitan, regional and rural South Australia. The CFS Board was established under the (now repealed) *Country Fires Act 1989* and continues under s 58 of the FES Act.

The functions and powers of the CFS include:<sup>11</sup>

- ▶ Responding to bushfires, structural fires and vehicle fires in rural and semi-rural areas.
- ▶ Assisting with rescue operations including motor vehicle accident rescues.
- ▶ Responding to hazardous materials incidents.
- ▶ Providing assistance during major emergency incidents including natural disasters.

The CFS is made up of over 400 individual brigades, organised into over 50 groups. These brigades and groups operate in six regions<sup>12</sup> covering South Australia.

The CFS is led by the Chief Officer, who is responsible for the management and administration of the CFS and has ultimate responsibility for the 'operations' of the CFS.<sup>13</sup>

The CFS has approximately 13,500 volunteers and 190 employed staff. The interests of volunteers are represented by the Country Fire Service Volunteers Association.<sup>14</sup>

### 2.2.3 MFS

The MFS provides firefighting and emergency response in metropolitan areas of Adelaide and other urban centres. The MFS is comprised of approximately 1,200 personnel including firefighters and non-operational personnel. MFS firefighters are employed under the South Australian Metropolitan Fire Service Enterprise Agreement 2022.<sup>15</sup>

The MFS was established under the (now repealed) *South Australian Metropolitan Fire Service Act 1936* and continues under s 24 of the FES Act.

The functions of the MFS include:<sup>16</sup>

- ▶ Providing services for the purposes of fighting fires, reducing the impact of fires, and preventing the outbreak of fires.
- ▶ Providing response services for motor vehicle accidents.
- ▶ Providing specialised rescue operations in urban environments.
- ▶ Conducting fire safety inspections of buildings and industrial sites.
- ▶ Engaging in community education and awareness.

11: *Fire and Emergency Services Act 2005* (SA) s 59.

12: South Australia Country Fire Service, CFS regions (22 March 2024) <<https://www.cfs.sa.gov.au/about/about/cfs-regions/>>.

13: *Fire and Emergency Services Act 2005* (SA) s 60(4).

14: Country Fire Service Volunteers Association <<https://cfsva.org.au/>>.

15: South Australian Metropolitan Fire Service Enterprise Agreement 2022 (2022) <<https://www.agd.sa.gov.au/industrial-relations/current-agreements/SA-Metropolitan-Fire-Service-Enterprise-Agreement-2022.pdf>>.

16: *Fire and Emergency Services Act 2005* (SA) s 26.

The MFS is led by the Chief Officer, who is responsible for the management and administration of the MFS and has ultimate responsibility for the 'operations' of the MFS.<sup>17</sup>

Unlike the CFS and SES, the MFS does not have a volunteer workforce.

#### 2.2.4 SES

The SES is a volunteer-based organisation that primarily responds to extreme weather events, motor vehicle accidents and rescue operations. The SES supports the CFS during major bushfires and assists South Australia Police in land search operations and traffic management.

The functions of the SES include:<sup>18</sup>

- ▶ Responding to extreme weather events.
- ▶ Assisting the MFS and CFS in responding to emergencies.
- ▶ Assisting the South Australia Police in responding to emergencies.
- ▶ Assisting the State Co-ordinator in operations under the *Emergency Management Act 2004*.
- ▶ Undertaking rescue operations.

The SES is led by the Chief Officer, who is responsible for the management and administration of the SES and has ultimate responsibility for the 'operations' of the SES.<sup>19</sup>

The SES volunteer workforce is significantly smaller than that of the CFS, with approximately 1,300 volunteers and 80 paid employees. The interests of volunteers are represented by the South Australian State Emergency Service Volunteers Association.<sup>20</sup>

17: *Fire and Emergency Services Act 2005* (SA) s 27(4).

18: *Fire and Emergency Services Act 2005* (SA) s 108.

19: *Fire and Emergency Services Act 2005* (SA) s 109(4).

20: South Australian State Emergency Service Volunteers Association <<https://www.sasesva.org.au/>>.

## 2.3 Reviews of current governance arrangements

Since 2005, three reviews have identified that the positive outcomes anticipated from the reforms in the FES Act have not been realised.

In 2008, a review was conducted pursuant to s 149 of the FES Act (the 2008 review). This review identified that the new governance structure was not being accepted and adopted by the agencies in practice. Two issues noted by the review are relevant for considering how conflicts of interests are managed in the sector: ambiguity in the interpretation of operational and non-operational matters, and the membership of the SAFECOM Board.

The review noted significant issues with the division of responsibility between SAFECOM and the agencies. The FES Act gives SAFECOM responsibility for matters of *policy, strategy and resource allocation* between the agencies,<sup>21</sup> and gives the Chief Officers of each agency ultimate responsibility for the 'operations' of their respective agencies.<sup>22</sup>

The Chief Officers:

- ▶ Control all resources of the agency.
- ▶ Manage the staff of the agency and give directions to its members.
- ▶ Assume control of any of the agency's operations.
- ▶ Perform any other function or exercise any other power that may be conferred by or under the FES Act or any other Act, or that may be necessary or expedient for, or incidental to, maintaining, improving or supporting the operation of the agency.<sup>23</sup>

The 2008 review observed that Chief Officers were able to interpret 'operational matters' broadly, allowing them to retain a bias towards organisational autonomy. The review recommended amendments to the legislation to include definitions of 'operations' and 'operational'. This has not been implemented.

The SAFECOM Board consists of a presiding member, the Chief Executive of SAFECOM, the Chief Officer of each agency, and five members appointed by the Governor, which must include:

- ▶ One person appointed on the nomination of the Country Fire Service Volunteers Association.
- ▶ One person appointed on the nomination of SES Volunteers Association Incorporated.
- ▶ One person appointed on the nomination of United Firefighters Union.
- ▶ Two persons appointed on the nomination of the Minister who meet certain requirements relating to expertise and volunteer experience.

The 2008 review recommended amending s 11 of the FES Act to give the presiding member of the board more authority relative to the other board members. This was not adopted.

21: *Fire and Emergency Services Act 2005* (SA) s 8(1).

22: *Fire and Emergency Services Act 2005* (SA) s 27(4) (SAMFS), s 60(4) (SACFS), & 109(4) (SASES).

23: *Ibid.*

The review noted that the inclusion of the Chief Officers of each agency on the board may give rise to a conflict between their duty to act in the best interests of their respective agencies, and their duty to the board. Further, in relation to the inclusion of board members from the two volunteer associations and a union, it was also observed that these three stakeholders have specific interests for their members, and while this would be suitable for an advisory board, it may be inappropriate for the SAFECOM Board as it fails to produce 'independent, critical and objective thinking'.<sup>24</sup>

This issue still exists in 2025. The composition of the board gives rise to competing interests that can potentially hamper SAFECOM in effectively performing its functions.

### 2.3.1 2013 REVIEW OF THE FIRE AND EMERGENCY SERVICES ACT 2005

A further review of the FES Act was conducted in 2013 (the 2013 review).<sup>25</sup> This review noted that the findings made in the Dawkins Report regarding governance of the sector 'could equally apply in 2013 to SAFECOM'.

Those findings were that:

- ▶ The current structure of the sector is complex, confusing and unclear.
- ▶ The relationships, reporting arrangements and accountabilities between organisations and the Minister, and amongst the organisations themselves, are confusing and difficult to understand.
- ▶ The current method of allocating resources lacks rigour and consistency, in that there is no single body or person, other than the Minister, with a government wide perspective.
- ▶ The almost unanimous perception of stakeholders is that the current hybrid governance model is not working.

Notably, this review raised that most other states have moved away from boards and manage their emergency services with one Chief Executive at the apex of emergency services. Consistent with the interstate approach, the first recommendation made in the 2013 review was:

*That the MFS, CFS and SES be incorporated into a departmental structure under the direction of a Chief Executive. The MFS, CFS and SES would operate as separate units under the ultimate direction of the Chief Executive Officer.*

The composition of the board was also considered. It was noted that the 2008 review recommendation that the presiding member have stronger authority was not adopted. Conversely, in 2009 the FES Act was amended to increase the number of voting members on the board from four to nine, further diluting their influence. The 2013 review recommended that consideration was given to reducing the size of the board to consist of the three Chief Officers and no more than two independent members.

24: John Murray, The Review of the Fire and Emergency Services Act 2005 (2008) p. 61. <<https://www.safecom.sa.gov.au/public/download.jsp?id=693>>.

25: Paul Holloway, Review of the Fire and Emergency Services Act 2005 (2013) p. 10. <[https://resources-production.safecom.sa.gov.au/current/docs/review\\_of\\_the\\_fire\\_and\\_emergency\\_services\\_act\\_2005.pdf](https://resources-production.safecom.sa.gov.au/current/docs/review_of_the_fire_and_emergency_services_act_2005.pdf)>.

The 2013 review proposed three options to address the apparent dissatisfaction with SAFECOM's performance:

1. Adopt the 'one chief' model where a Fire and Rescue Chief is appointed to head a single Department which comprises the three agencies, each headed by Deputy Chief Officers but subject to the overall direction of the Chief.<sup>26</sup>
2. Remodel the SAFECOM Board along the lines suggested in the 2008 review so the presiding member had greater authority. The review considered this a watered down, inferior version of the first option.
3. Return the shared services performed by SAFECOM back to the agencies, or to other agencies, and resolve sector-wide issues through a board headed by an independent chair. This option was the option proposed by the Chief Officers of each agency.

None of these options were adopted.

### **2.3.2 INDEPENDENT REVIEW INTO SA'S 2019-20 BUSHFIRE SEASON**

In 2020, an independent review was conducted following the 2019-2020 extended bushfire season. The review observed that recommendations made in previous reviews were not implemented, and if they had been, some of the issues in 2020 would already have been addressed.

The review's terms of reference did not include an examination of SAFECOM. However there were issues raised during the review about matters falling within SAFECOM's remit, and therefore examining their role was, to a degree, necessary.

The review recommended amending the FES Act to appoint an independent chair of the SAFECOM Board. Section 11 of the FES Act was amended following this review so that the presiding member of the board is appointed by the Governor and is not an officer, member or employee of any of the emergency services.

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<sup>26</sup>: The review noted that this option, or some variation of it, was inevitable at some time in the future.

## 2.4 Current operating context for the emergency services sector

As previously noted, the lack of a clear definition of the terms ‘operations’ and ‘non-operational’ as they appear in the FES Act leaves open the possibility that SAFECOM and each of the Chief Officers may interpret these terms inconsistently. This could limit SAFECOM’s ability to meet its statutory obligation to ensure high standards of ethical conduct in the emergency services sector. Inconsistent interpretations could also constrain SAFECOM’s ability to maintain consistent integrity related policies and supporting guidance, and to ensure that they are both effectively communicated and complied with across the sector.

The Commission was provided information about factors in the sector’s operating context that impact on how integrity related policies and supporting documents (including those relating to conflicts of interests) are implemented, communicated and enforced.

First, funding constraints across the sector; SAFECOM staff expressed concerns over funding and resource constraints, particularly in relation to undertaking corporate, as opposed to ‘operations’ and emergency response, functions.<sup>27</sup> CFS and SES staff identified challenges in managing various business functions with limited or diminishing assistance available from SAFECOM.<sup>28</sup> This was viewed as placing an increasing burden on a volunteer workforce.

This issue is particularly acute for the CFS, given the size and geographical spread of its voluntary workforce. Most emergencies that CFS volunteers respond to are not bushfires. In some communities the CFS is the only emergency service with a local presence, and CFS members respond to traffic accidents, medical emergencies, building and other structural fires, floods and other emergencies. The CFS regularly assists the South Australian Ambulance Service, South Australia Police, the MFS and the SES.<sup>29</sup>

Second, the relative separation of the MFS from SAFECOM; with some exceptions (for example, procurement) the MFS operates relatively autonomously from SAFECOM and seems content with this arrangement. The MFS employs most of its workforce under a separate award,<sup>30</sup> and the evaluation team was informed that, as a consequence, MFS management had a better understanding of the needs of its workforce than SAFECOM. It was submitted that it is more appropriate in these circumstances for the MFS itself to develop and communicate many organisational policies and procedures.<sup>31</sup> While this may be the case for some business areas, the fragmentation of policy development impacts upon SAFECOM’s ability to ensure that integrity related policies and procedures are consistent in the sector.

These broader governance and funding challenges create an environment in which it is difficult to effectively and consistently manage conflicts of interests across the sector.

27: INT002; INT006.


28: INT002; INT004.

29: INT009; INT004.

30: South Australian Employment Tribunal, ‘South Australian Metropolitan Fire Service Enterprise Agreement 2022’ (2022) <<https://www.agd.sa.gov.au/industrial-relations/current-agreements/SA-Metropolitan-Fire-Service-Enterprise-Agreement-2022.pdf>>.

31: INT005.





**CHAPTER THREE  
CONFLICTS OF  
INTERESTS IN  
EMERGENCY  
SERVICES:  
WHAT ARE  
THE RISKS?**

## Chapter three: Conflicts of interests in emergency services: What are the risks?

### 3.1 What are conflicts of interests?

Conflicts of interests occur when the personal interests of a public officer<sup>32</sup> or the interests of someone close to them (such as a family member, friend or associate) come into conflict – or could be perceived as coming into conflict – with their professional duties and responsibilities.

The personal interests may be financial or non-financial. They can include business or outside employment, memberships in clubs, groups or associations, or animosities, grievances or biases against other individuals or groups.

Wherever a personal interest conflicts, or has the potential to conflict, with the performance of a public officer's public duties and responsibilities, a conflict of interests exists. It is not enough for a public officer to regard themselves as not being influenced by their personal interest. A public officer has a conflict of interests when a 'fair and reasonable' observer could perceive that the officer's personal interest might be favoured by exercising their duties and responsibilities.<sup>33</sup>

### 3.2 Should conflicts of interests be avoided?

The mere existence a conflict of interests is not in itself unethical. All public officers have interests outside of their work, and it is practically impossible for some public officers to avoid having a conflict between their personal interests and their professional responsibilities.

However, integrity is compromised where a public officer's private interest interferes with or undermines their ability to act impartially in the public interest. The situation to be avoided is not having the conflict itself, but the *adverse outcome* of a conflict; that is, a decision influenced, or perceived to be influenced, by a private interest.

To prevent an adverse outcome occurring, it is important that any conflicts are identified, disclosed in writing and appropriately managed.<sup>34</sup> Management strategies involve separating the public officer's personal interest from their professional role, and vary depending on the nature of the conflict and the risk of an adverse outcome.

32: The categories of 'Public Officer' are defined in schedule 1 of the *Independent Commission Against Corruption Act 2012* (SA). They include (but are not limited to): public sector employees, local government employees, members of Parliament, elected members of local government, judicial officers, members of a governing body of a statutory authority, and police officers.

33: See Independent Commission Against Corruption (SA), Identify, Disclose and Manage: Conflicts of Interest in Public Administration (2021) <[https://www.icac.sa.gov.au/documents/ICAC\\_Identify\\_Disclose\\_Manage\\_2021.pdf](https://www.icac.sa.gov.au/documents/ICAC_Identify_Disclose_Manage_2021.pdf)>.

34: Ibid.

They may include:

- ▶ Documenting the private interest and monitoring any circumstances where a conflict may arise.
- ▶ Restricting or removing a public officer from involvement in a matter (such as a procurement evaluation or recruitment) where they have a private interest.
- ▶ Recruiting an independent party to oversee all or part of a matter where a conflict of interests means a public officer cannot be impartial, or in some cases, the public officer relinquishing their private interest.

It is important that public officers understand that having a conflict in itself is not wrong and they will not be punished for declaring it. In the vast majority of cases, conflicts can be managed effectively without the need for a public officer to relinquish any aspect of either their professional role or their private interest.

### 3.3 Conflicts of interests and corruption

When conflicts of interests are not identified, disclosed and managed, the risk of corruption and other wrongdoing arising is heightened. The Commission has consistently reported that many of the matters it investigates arise from undisclosed or poorly managed conflicts of interests.<sup>35</sup>

In general, some types of corruption that can arise from undisclosed conflicts of interests include:

- ▶ Circumventing competitive tender processes and awarding contracts to pre-identified suppliers who are associates of the decision maker (family members, friends, business associates), or to a public officer's own private business.
- ▶ Leaking confidential information to an associate to advantage them (for example, to help them win a contract or job), or to disadvantage, harass or intimidate another person.
- ▶ Collusion between a public officer and a supplier who is an associate to gain a benefit (for example, to overcharge a public authority or gain payments for goods and/or services that have not been provided).
- ▶ Awarding jobs to associates who are not the best candidates (that is, nepotism or cronyism).
- ▶ Collusion between a public officer and an associate to misappropriate public assets (such as surplus assets).
- ▶ Using information, assets or other resources and leave entitlements gained from public duties to benefit secondary employment or outside business interests.

35: See Integrity State reports for examples - Independent Commission Against Corruption (SA), Integrity State 2023–24 (2024) <<https://www.icac.sa.gov.au/indexable-assets/reports/investigation-reports/integrity-state-202324>>; Independent Commission Against Corruption (SA), Integrity State 2022–23 (2023) <<https://www.icac.sa.gov.au/indexable-assets/reports/investigation-reports/integrity-state-2022-23>>; Independent Commission Against Corruption (SA), Integrity State (2022) <<https://www.icac.sa.gov.au/indexable-assets/reports/investigation-reports/integrity-state2>>.

## 3.4 Conflicts of interests obligations

### 3.4.1 PUBLIC SECTOR EMPLOYEES AND CONTRACTORS

All employees of SAFECOM, the CFS, MFS and SES are public sector employees and are bound by the *Public Sector Act 2009* (Public Sector Act) and the *Public Sector (Honesty and Accountability) Act 1995* (PSHA Act).<sup>36</sup>

Section 6 of the Public Sector Act provides that public sector employees must comply with the Code of Ethics for the South Australian Public Sector.<sup>37</sup> In relation to conflicts of interests, the Code of Ethics states,<sup>38</sup>

*Employees will disclose in writing to their chief executive or agency head any actual or potential conflicts of interest at the earliest available opportunity and comply with any lawful and reasonable direction issued by a person with authority to issue such direction to resolve the conflict or potential conflict, including written direction by a relevant authority pursuant to the Public Sector (Honesty and Accountability) Act 1995.*

A failure to comply with this provision of the Code of Ethics may constitute misconduct and result in disciplinary action under the Public Sector Act.

The Code of Ethics reflects obligations on public sector employees created by ss 27(1) and (2) of the PSHA Act to disclose pecuniary or other personal interests that conflict or may conflict with an employee's duties, and to comply with written directions to resolve the conflict. Failure to comply with these obligations constitutes grounds for termination of employment.<sup>39</sup>

Contractors have similar obligations under the PSHA Act. Section 30(1) provides:

*'If a person performing contract work for a public sector agency or the Crown has a pecuniary or other personal interest that conflicts or may conflict with duties that the person has in that capacity and the conflict relates to a contract or proposed contract binding the agency or the Crown (other than the contract for the performance of the contract work), the person must—*

- (a) disclose in writing to the relevant authority the nature of the interest and the conflict or potential conflict; and*
- (b) not take action or further action in relation to the matter except as authorised in writing by the relevant authority.'*

A failure to comply with this provision is an offence punishable by a fine of up to \$20,000.<sup>40</sup> Civil penalties may also be imposed<sup>41</sup> and the contract is liable to be avoided.<sup>42</sup>

36: *Public Sector Act 2009* s 5(6) and *Public Sector (Honesty and Accountability) Act 1995* s 27.

37: *Public Sector Act 2009* ss 6 and 15.

38: Office of the Commissioner for Public Sector Employment, Code of Ethics for the South Australian public sector (2024) p. 7. <<https://www.publicsector.sa.gov.au/hr-and-policy-support/code-of-ethics/files/OCPSE-CodeofEthics-18042024.pdf>>.

39: *Public Sector (Honesty and Accountability) Act 1995* s 27(4).

40: Section 30(1) of the *Public Sector (Honesty and Accountability) Act 1995* provides that the penalty is a Division 4 fine. Section 54 of the *Legislation Interpretation Act 2021* provides that a Division 4 fine is a fine not exceeding \$20 000.

41: *Public Sector (Honesty and Accountability) Act 1995* s 31.

42: *Public Sector (Honesty and Accountability) Act 1995* s 30(4).

The disclosure obligations created by the PSHA Act for ‘senior officials’ – which includes the Chief Executive of SAFECOM and the Chief Officers of each of the services – are more onerous and are not dependent upon the existence, or possible existence, of a conflict.

Senior officials must disclose to the relevant Minister *all* pecuniary interests on appointment as a senior official, and *all* pecuniary interests of a kind specified in the regulations<sup>43</sup> upon acquisition of the interest, regardless of whether they conflict with their public duties.<sup>44</sup> Where a pecuniary or other personal interest conflicts, or may conflict, with a senior official’s duties, the senior official must disclose this to the Minister in writing and take no further action in relation to the matter, except as authorised in writing by the Minister.<sup>45</sup> A senior official must comply with any written directions given by the Minister to resolve the conflict.<sup>46</sup>

A failure to comply with these obligations is an offence punishable by a fine of up to \$20,000.<sup>47</sup>

### 3.4.2 EMERGENCY SERVICES EMPLOYEES

In addition to the obligations created by the Public Sector Act and PSHA Act, some members of the MFS, CFS and SES are bound by Codes of Conduct applicable to those services.

The MFS Code of Conduct is contained in Schedule 2 to the FES Act and applies to officers and firefighters (but not other employees). A breach of the Code of Conduct constitutes misconduct and may result in disciplinary proceedings.<sup>48</sup>

The Code of Conduct does not address ‘conflicts of interests’ as such but does provide that an officer or a firefighter ‘must not use his or her position as an officer or firefighter to obtain an ulterior pecuniary or material benefit’.<sup>49</sup> Although expressed differently, this provision can be understood as prohibiting *actual* conflicts of interests resulting in personal financial or material gain.

The CFS and SES Codes of Conduct apply to employees and volunteers, and, in the case of the CFS, contractors.<sup>50</sup> These Codes set out expected standards of behaviour and contain information relevant to conflicts of interests. They are made and published by the Chief Officers of each service. Pursuant to the *Fire and Emergency Services Regulations 2021* (the FES Regulations), a member of the CFS or SES who breaches the Code of Conduct may be liable to disciplinary action.<sup>51</sup>

The CFS and SES Codes of Conduct are discussed in more detail in chapter four, which addresses service-level controls in respect of conflicts of interests.

43: *Public Sector (Honesty and Accountability) Regulations 2010* regulation 4.

44: *Public Sector (Honesty and Accountability) Act 1995* s 17(1)(a) and (b).

45: *Public Sector (Honesty and Accountability) Act 1995* s 17(1)(c).

46: *Public Sector (Honesty and Accountability) Act 1995* s 17(3).

47: Section 17(1) and (3) of the *Public Sector (Honesty and Accountability) Act 1995* provides that the penalty is a Division 4 fine.

48: *Fire and Emergency Services Act 2005* (SA) part 3, Division 7, Subdivision 2.

49: *Fire and Emergency Services Act 2005* (SA) schedule 2, clause (l).

50: The Commission was provided with two versions of the SES Code of Conduct. EXH029, 2015 version, does not mention contractors. EXH033, draft version, does apply to contractors.

51: *Fire and Emergency Services Regulations 2021*, CFS: reg 21(1)(a)(ii), SES: reg 61(1)(a)(ii).

## 3.5 Conflicts of interests and volunteers

Many public authorities in both the public sector and local government engage volunteers. Some volunteer roles include making decisions about, for example, spending public money and using public resources. Volunteers are not bound by the same legislative obligations as employees and contractors. Nevertheless, the integrity risks of engaging volunteers need to be managed.

In most cases, volunteers are not public officers for the purposes of the ICAC Act. They therefore do not have the same obligations to report reasonable suspicions of corruption, and the circumstances in which they might be investigated for alleged corruption are more limited than public officers.

However, volunteers *will be* public officers if they are:

- ▶ A person who is a member of a governing body of a statutory authority or an employee of a statutory authority.
- ▶ A person to whom a function or power of a public authority or a public officer is delegated in accordance with an Act.
- ▶ A person who is, in accordance with an Act, assisting a public officer in the enforcement of the Act.<sup>52</sup>

Regardless of whether volunteers fall into one of the categories above, they have an obligation to act in accordance with the law and can be investigated for alleged corruption if they, for example, aid, abet, counsel or procure the commission of a corruption offence, or conspire with others to effect the commission of a corruption offence.<sup>53</sup>

The Commissioner for Public Sector Employment (CPSE) *Guideline – Volunteers*<sup>54</sup> sets out volunteer conduct standards, including expectations relating to conflicts of interests. This guideline is based on the Public Sector Code of Ethics, and states:

*Public sector volunteers must guard against a conflict of interest by ensuring that personal interest does not improperly influence the way in which they carry out their duties. Volunteers must declare any known conflict of interest and not participate in any decision-making process where they have a conflict of interest.*

Public authorities that engage volunteers ought to have clear policies and procedures to provide integrity related guidance to volunteers, including on conflicts of interests that reinforce the CPSE volunteer conduct standards.<sup>55</sup>

Both the CFS and SES have volunteer workforces spread throughout regional, rural and remote South Australia, some of whom have power to decide how public money is spent or other public resources used. The CFS volunteer workforce of approximately 13,500 people is particularly significant. If CFS and SES volunteers are not appropriately trained and are unfamiliar with public integrity standards, the risk of unintentional or intentional wrongdoing is heightened.

52: *Independent Commission Against Corruption Act 2012* (SA) schedule 1.

53: *Independent Commission Against Corruption Act 2012* (SA) s 5.

54: Office of the Commissioner for Public Sector Employment 'Guideline of the Commissioner for Public Sector Employment – Volunteers' (2022) <[https://www.publicsector.sa.gov.au/hr-and-policy/Determinations,-Premiers-Directions-and-Guidelines/Guidelines/guideline-volunteers/Volunteers\\_Guideline\\_Final\\_250722.pdf](https://www.publicsector.sa.gov.au/hr-and-policy/Determinations,-Premiers-Directions-and-Guidelines/Guidelines/guideline-volunteers/Volunteers_Guideline_Final_250722.pdf)>.

55: See Independent Commission Against Corruption (SA), Factsheet: Volunteering with State and Local Government authorities (2024) <[https://www.icac.sa.gov.au/\\_data/assets/pdf\\_file/0004/984757/Factsheet-Volunteers.pdf](https://www.icac.sa.gov.au/_data/assets/pdf_file/0004/984757/Factsheet-Volunteers.pdf)>.

This risk may be further exacerbated in regional and rural areas where many emergency services volunteers work. There may be a lack of choice of suppliers from which to procure goods and services, and local business owners may also be CFS and/or SES volunteers or well known to local volunteers.

## 3.6 Conflicts of interests and corruption vulnerabilities

Any area of business operations is vulnerable to being corrupted by the adverse outcome of conflicts of interests. Business areas at an elevated risk are those in which public officers have a higher degree of discretion in decision making.

Such areas include:

- ▶ Procurement - including all stages of the procurement 'lifecycle' (for example, initial sourcing, engagement and ongoing contract management).
- ▶ Financial management - including accounts management, invoicing, purchasing, and use of corporate purchase and credit cards.
- ▶ Human resources - including recruitment, promotions, management of performance and disciplinary matters, approval of and undertaking secondary employment, and the management of employee exits.
- ▶ Information and records management - including how information is stored, saved, accessed and disseminated.
- ▶ Resource and asset management - including acquiring, storing and disposing of assets.

Public authorities should undertake risk assessments for particular areas of business operations to identify whether the risks posed by conflicts of interests warrant specific disclosures when undertaking a particular task (for example, participating on a recruitment panel) or whether certain roles are required to provide more regular conflicts of interests disclosures.

## 3.7 Observations from previous Commission investigations, surveys and other integrity agencies

The Commission's 2021 Public Integrity Survey found 40 percent of respondents from the CFS and MFS perceived their agencies to be highly or extremely vulnerable to undeclared or unmanaged conflicts of interests,<sup>56</sup> compared with 26 percent overall. Further, a higher rate of respondents from both the CFS and MFS<sup>57</sup> responded that they had personally encountered undeclared or unmanaged conflicts of interests in their agency in the previous three years, compared with the broader public sector.<sup>58</sup>

The 2024 Public Integrity Survey yielded a low response rate from the CFS and MFS. Initial results indicate a slight increase<sup>59</sup> of respondents perceiving their agencies to be highly or extremely vulnerable to undeclared or unmanaged conflicts of interests, compared with the 2021 survey. Approximately half of the respondents indicated they had personally observed or suspected the non-disclosure of conflicts of interests in their workplace.<sup>60</sup>

Information available to the Commission from the last three years demonstrates that public officers in the sector and others have *perceived* that conflicts of interests have improperly influenced business decisions or otherwise led to adverse outcomes in SAFECOM, the MFS and CFS in the following areas:

- ▶ Human resources, including recruitment, and the provision of professional opportunities for staff.
- ▶ Procurement, including the engagement of contractors and consultants.
- ▶ Secondary employment.
- ▶ Information use.
- ▶ Use of entitlements and allowances.
- ▶ Use of purchase cards.
- ▶ Use of agency assets.<sup>61</sup>

At a minimum, suspicions that conflicts of interests have led to adverse outcomes in such a wide range of business functions are a cause for concern for the sector.

56: The Commission's 2021 Public Integrity Survey asked respondents to identify if they worked within certain areas of the public sector. The CFS and MFS were included as one category to identify respondents in the firefighting workforce. However, the SES was not included in this, or in any grouping of agencies, so SES responses could not be separated from the main data set.

57: Responses from both the CFS and MFS were grouped together for the purposes of survey analysis. 36 percent of all respondents from both services responded that they had encountered undeclared or unmanaged conflicts of interest, as compared with 21 percent of respondents from the public sector overall.

58: EXH177.

59: 41 percent of respondents from both services perceived their agencies to be highly or extremely vulnerable to undeclared or unmanaged conflicts of interests.

60: Due to the limited number of respondents, any unfavourable experiences in these areas may have motivated respondents to complete the survey and should not be viewed as a typical of perceptions across the wider CFS and MFS.

61: EXH0156.

Matters previously considered, investigated and publicly reported by the Commission and other integrity agencies demonstrate the types of risks posed by conflicts of interest in the emergency services sector, particularly in the areas of procurement and human resources management.

For example:

- ▶ A public officer working in a CFS region was alleged to have improperly directed a large amount of work for fleet vehicle servicing to one local business with which they had an undisclosed conflict of interests.<sup>62</sup> Procurements were undertaken at the level of individual transactions, rather than the overall volume. The relatively low value of each transaction afforded the public officer a higher degree of discretion than if vehicle servicing had been managed as a larger procurement.<sup>63</sup>
- ▶ A regional emergency services volunteer was alleged to have improperly procured supplies for the agency from their own business. Ultimately the allegations were not substantiated, but the investigation revealed the risk that volunteers could act improperly due to a conflict of interests, particularly in regard to purchasing decisions. The agency's guidelines about conflicts of interests and outside employment applied only to staff, and not to volunteers. Both staff and volunteers lacked awareness about their conflict of interests obligations.<sup>64</sup>
- ▶ An internal investigation by the MFS<sup>65</sup> into allegations that a staff member had procured equipment from a business operated by a family member revealed that, at the time, MFS staff lacked guidance on how to identify, disclose and manage conflicts of interests. The MFS' Conflict of Interest Policy was out of date and the procedure it referenced did not exist. The Commission recommended that the MFS develop a separate, standalone Conflict of Interest Policy. The MFS has subsequently developed a standalone Conflict of Interest Procedure.<sup>66</sup>
- ▶ In Victoria, a private company was alleged to have incorrectly and fraudulently invoiced the Victorian Country Fire Association (CFA) for fire equipment maintenance work, and it was alleged that these invoices were improperly verified by members of the CFA brigade due to conflicts of interests. An Independent Broad-based Anti-Corruption Commission investigation confirmed that invoices had been inflated. The allegation of undisclosed and improper financial benefit to members of the CFA brigade was not supported. However, this investigation revealed the risks that can occur in interactions between CFA officers and contractors providing maintenance services.<sup>67</sup>

62: See Independent Commission Against Corruption (SA), Integrity State 2022–23 (2023) p.10. <<https://www.icac.sa.gov.au/indexable-assets/reports/investigation-reports/integrity-state-2022-23>>.

63: Vehicle servicing, maintenance and refurbishment was listed as \$1.4 million in South Australian Country Fire Service in the 2022-23 Annual Report- Country Fire Service SA, Annual Report 2022-23, (2023) p. 8 of Appendix <<https://resources-production.safecom.sa.gov.au/current/docs/sa-country-fire-service-20222023-annual-report.pdf>>; EXH001.

64: See Independent Commission Against Corruption (SA), Integrity State (2022) p. 13. <<https://www.icac.sa.gov.au/indexable-assets/reports/investigation-reports/integrity-state2>>.

65: This occurred before the legislative changes to the ICAC Act in 2021, when the Commission had oversight of reports and complaints of misconduct and maladministration and could request that agencies undertake internal investigations of this conduct and report back; see Integrity State (2022) p. 12. <<https://www.icac.sa.gov.au/indexable-assets/reports/investigation-reports/integrity-state2>>.

66: EXH042.

67: Independent Broad-based Anti-corruption Commission, Annual Report 2017/18, (22 September 2018) <<https://www.ibac.vic.gov.au/media/590/download>>.

- ▶ An employee of the MFS was alleged to have claimed sick leave to work in a second job. The public officer was a longstanding employee of both the MFS and the second employer. During that time, they did not declare their secondary employment, despite a clear obligation to do so under both the agency's internal secondary employment procedure and the Public Sector Code of Ethics.<sup>68</sup> The investigation revealed deficiencies in the MFS' processes and procedures relating to secondary employment, conflicts of interests and sick leave.<sup>69</sup> The Commission was informed that the MFS subsequently undertook a review of secondary employment processes and procedures to increase compliance and ensure better management and monitoring. The revised procedure was in development at the time of this evaluation and was provided to the Commission.<sup>70</sup>

Conflicts of interests can readily arise in the MFS relating to secondary employment. The evaluation team was informed that the nature of the shift work undertaken by firefighters means that they have time for additional jobs.<sup>71</sup> Secondary employment can give rise to competing interests between a public officer's role and the requirements, demands and benefits of the additional employment.

The interests of the firefighting workforce in the MFS are represented by the United Firefighters' Union, and some employees represent the United Firefighters' Union at work, just as employees in other agencies may serve as representatives of the Public Service Association. This is another potential conflict that requires management.

The Victorian Independent Broad-based Anti-corruption Commission<sup>72</sup> has summarised factors that heighten corruption risks in emergency services, noting the key drivers of corruption risks as:

- ▶ High stress and unpredictable operational environments.
- ▶ The need for quick decision making during emergencies.
- ▶ Political and economic pressures on service delivery.
- ▶ Workplace cultures that promote solidarity but can also lead to staff protecting one another inappropriately.
- ▶ Interactivity of responsibilities across agencies.
- ▶ A reliance on volunteers who may be unfamiliar with public sector values and principles.

It is crucial that in such situations conflicts of interests are identified, disclosed and managed.


68: See Office of the Commissioner for Public Sector Employment, Code of Ethics for the South Australian public sector (2022), p.4. <<https://www.publicsector.sa.gov.au/hr-and-policy-support/code-of-ethics/files/OCPSE-CodeofEthics-18042024.pdf>>

69: Independent Commission Against Corruption (SA), Integrity State 2023–24 (2024), pp.4-5. <<https://www.icac.sa.gov.au/indexable-assets/reports/investigation-reports/integrity-state-202324>>.

70: EXH060.

71: INT005.

72: See Independent Broad-based Anti-corruption Commission, Sector Profile: Emergency services (2024) <<https://ibac.vic.gov.au/emergency-services-sector>>.



**CHAPTER FOUR  
CONFLICTS  
OF INTERESTS  
POLICIES,  
PROCEDURES  
AND SUPPORTING  
DOCUMENTS**

## Chapter four: Conflicts of interests policies, procedures and supporting documents

One critical aspect of effective governance for any public authority is to have a clearly documented framework of policies (and associated procedures, processes and guidelines). These instruments guide the activities and conduct of all workers by clearly setting out principles, rules, processes and expectations. Policies and all associated corporate documents must be clear, consistent, relevant, accessible, effectively communicated and followed. All procedures and guidelines should be consistent with the policy to which they relate.

If policies and associated procedures and guidelines are not available, accessible and seen as relevant, day-to-day operations will become characterised by inconsistent practices. This heightens the risk that staff may adopt ways of working that do not align with the authority's values and expectations, or with its obligations under legislation or regulations.

This applies to the management of conflicts of interests and other integrity policies. In the absence of clear and accessible guidance, conflicts of interests may go unidentified and be poorly managed. Adverse outcomes, including corruption, may occur as a result.

### 4.1 Emergency Services Sector Policy Framework

The Emergency Services Sector Policy Framework<sup>73</sup> (the Framework) was adopted by all agencies in November 2023.<sup>74</sup> It is in effect a 'policy about policies'. It applies across all agencies – SAFECOM, the CFS, MFS and SES – and governs the lifecycle of both SAFECOM-specific and emergency services sector (ESS) policies. It does not appear to govern the lifecycle of policies that only apply individually to the CFS, MFS or SES.

The stated purpose of the Framework is twofold:

1. To provide the executive leadership, employees and volunteers across the emergency services sector with assurance that organisational standards are clearly defined in policies and procedures.
2. To ensure a consistent approach to the development, implementation, access and approval of policies, guidelines, procedures and supporting documents that apply across the emergency services sector.

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73: EXH059.

74: EXH171.

The Framework addresses:

- ▶ Document hierarchy and the purpose of each kind of document: legislation, SAFECOM Board Charter/Statements, policies, frameworks, supporting documents (forms, registers, guidelines, manuals, procedures).
- ▶ Stages in policy development: identifying gaps, drafting and consultation, approval, communication and implementation, and management and review.
- ▶ Storage of and access to policies (internally and publicly, depending upon the policy audience).
- ▶ Compliance requirements for policies and supporting documents.

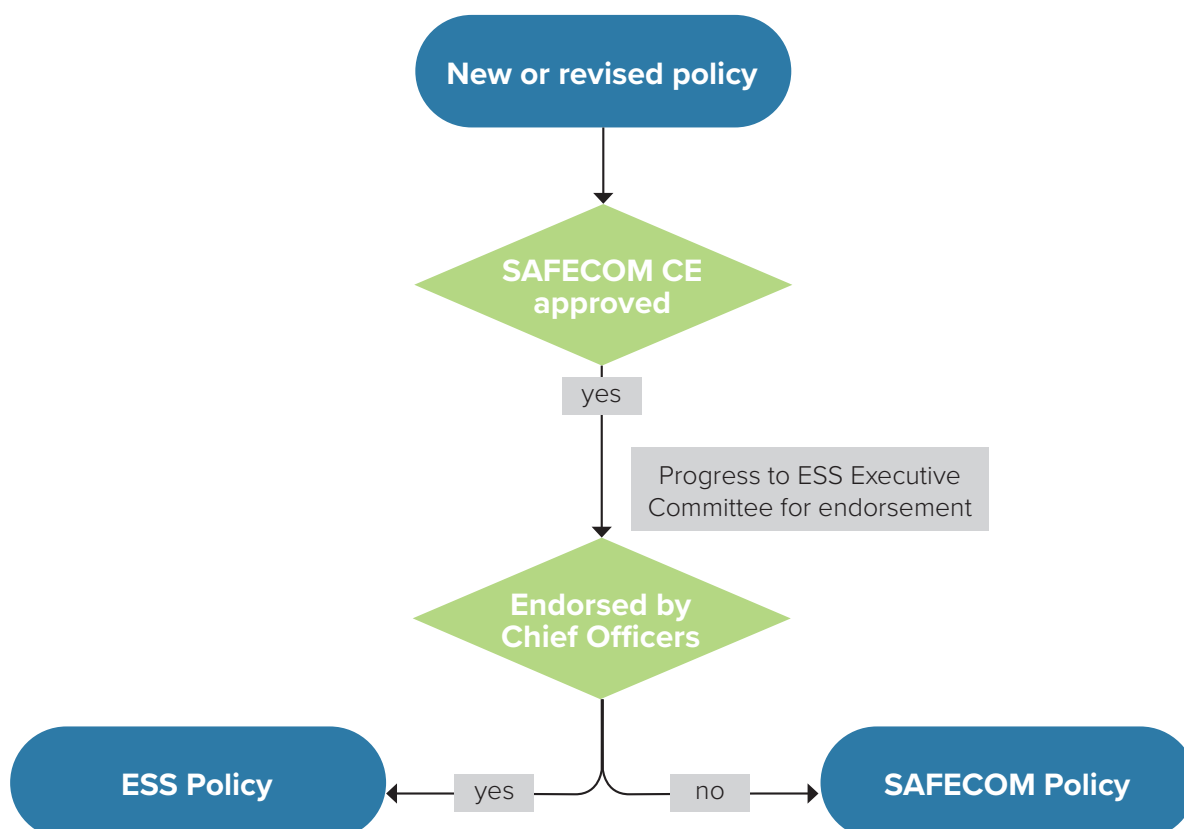
The Framework provides the ‘policy architecture’ across the emergency services sector; that is, the structure of policies and supporting documents across the four agencies. This structure is apparent from both the stages of policy development, and the approval process set out in the Framework.

The first stage in policy development is, ‘identifying the need for a new policy or updating an existing policy’. In relation to this stage, the Framework provides that ‘SAFECOM is responsible for identifying the need to create, update or decommission an emergency services sector policy’.

In relation to policy approval, the Framework states,

*All policy documents, except for supporting documents, must be approved by the Chief Executive, SAFECOM. Chief Officers of the CFS, MFS and SES will determine whether they will adopt the policy. Where the CFS, MFS and SES endorse the policy, the policy will become an emergency services sector policy.*

A diagram included in the Framework makes this process clear:



The effect of this is that ESS policies (policies developed by SAFECOM and approved by the Chief Executive and *all* Chief Officers) have the status of a policy of *each* agency. Therefore, they are binding on each agency. Although the Framework makes clear that agencies can also make their own policies, guidelines or procedures to meet their agency's specific business needs,<sup>75</sup> agency-level policies should not be inconsistent with ESS policies.

The Framework includes a useful quality assurance checklist for policy and supporting document development, together with prompt questions to ensure that policies and supporting documents both comply with the Framework and are consistent with the CFS and SES volunteer charters (as appropriate).<sup>76</sup>

A policy framework is important for documenting review periods to ensure that all policies, procedures and supporting documents remain current and relevant.

The Framework states:

*All policies will be due for review every 3 years after the commencement date, or earlier when specified by the policy, or if required earlier due to legal or other changes to ensure the policy remains applicable.*<sup>77</sup>

A three-year review cycle is appropriate and necessary to ensure that all policies, procedures and supporting documents remain current and relevant. However, the Framework itself does not comply with this, as it has a four-year review cycle. Further, documents provided to the Commission from the services suggested that some policies, procedures, guidelines and other supporting documents were not consistently reviewed and updated in a timely manner.<sup>78</sup>

The ESS Policy Framework is overall quite clear and provides a good level of guidance for all stages of the policy lifecycle. This is helpful for developing and maintaining policies and supporting documents in many areas (including conflicts of interests).

However, questions arise about how well understood and well communicated the Framework is across the emergency services sector.

In reviewing the Framework, it was unclear to the evaluation team whether the Framework was an ESS policy or a SAFECOM specific policy.<sup>79</sup> It was also unclear whether the CFS, MFS and SES utilise their own policy framework/s to guide agency-level policy making.

75: EXH059, p.10.

76: Sections 58A (CFS) and 107A (SES) of the *Fire and Emergency Services Act 2005* (SA) provide for Parliamentary recognition of the CFS and SES volunteer charters. The charters are statements of commitments and principles between the Government of South Australia and CFS or SES volunteers, and require that the government, SAFECOM and the CFS or SES respect, value and promote the contribution of volunteers. They also require consultation with the relevant volunteer association for each service on any matters relevant to their volunteers.

77: EXH059, p.10.

78: Examples include: CFS: EXH035 and EXH036 were overdue for review and EXH039 did not indicate a review cycle. MFS: has a five year review cycle. A three year review interval would be more appropriate to ensure it remains consistent with updates to the COID Policy. SES: EXH031, EXH032 and EXH034 did not have review dates. EXH030 was reviewed 'as required.' EXH0109 and EXH0108 had not been reviewed since 2011 despite being scheduled for review in 2012.

79: The copy of the Framework provided to the evaluation team had been signed by the Chief Executive of SAFECOM only, not the Chief Officers, and was described as the 'SAFECOM Policy Framework'.

In clarifying the position, SAFECOM informed the Commission that the Framework had been adopted by all Chief Officers in November 2023.<sup>80</sup> Further, the evaluation team was informed that the Framework has ‘widespread acceptance’ across the services, therefore *negating the need for each service to have its own framework*.<sup>81</sup> The latter statement appears to misunderstand the effect of the Framework.

Importantly, the approval process in the Framework (set out above) provides for the making of SAFECOM and ESS policies *only*. This much is apparent from the fact that it specifies that *all* policies must be approved by the Chief Executive of SAFECOM. It cannot be the case that policies applicable only to the CFS, for example, must be approved by the Chief Executive of SAFECOM. It does not set out how the individual *services* – the CFS, MFS and SES – make *their own* policies.

This remains an important policy gap for the CFS, MFS and SES. The need for a consistent approach in policy drafting, approval and review processes was evident from the evaluation team’s examination of numerous policies and supporting documents (procedures, guidelines etc) across the three services. This could be achieved either by amending the ESS Policy Framework to include service-specific ‘policy lifecycle’ provisions, or by each service adopting its own policy framework to operate in conjunction with the ESS Policy Framework. If the second option is preferred, it would be appropriate to adapt the ESS Policy Framework for each service.

## RECOMMENDATION 1

SAFECOM to review and take appropriate steps to amend the ESS Policy Framework to:

- ▶ Make clear on the face of the document that it is an ESS policy, approved and accepted by the SAFECOM Chief Executive and the Chief Officers of the services. In doing so, it ought to be clearly stated that the Policy Framework is to be used for the development, review and decommissioning of ESS and individual service policies and supporting documents. The Framework should look similar to other ESS policies, with the logos of all four agencies clearly visible.
- ▶ Set out the process by which each individual service develops, reviews and decommissions its own policies (or alternatively each service adopts its own policy framework to operate in conjunction with the ESS Policy Framework).
- ▶ State that the review cycle of the Policy Framework, like other policies, is three years.

After amending the Framework, SAFECOM and the services to ensure:

- ▶ That their existing policies and supporting documents are in alignment with the Framework, including having a three-year review cycle.
- ▶ That the Framework is communicated and distributed through all four agencies as necessary.

80: EXH0170, EXH0171.

81: EXH0170.

## 4.2 Conflict of Interest and Disclosure Policy

The overarching policy for all four agencies on conflicts of interests is the ESS *Conflict of Interest and Disclosure Policy* (COID Policy).<sup>82</sup> The COID Policy was adopted in October 2023 and is the most recently approved instrument governing conflicts of interests across the four agencies. It applies to all employees and contractors of SAFECOM, the CFS, MFS, SES and the SAFECOM Board.

The COID Policy sets out the mandatory requirements for all four agencies to ensure that conflicts are identified, disclosed and managed, and refers to a list of relevant legislation and other instruments (including the *Independent Commission Against Corruption Act 2012*, the *Public Sector (Honesty and Accountability) Act 1995*, the Code of Ethics for the South Australian Public Sector and the South Australian Public Sector Fraud and Corruption Control Policy).

Importantly, the policy states that *each agency* must implement a process of identifying, assessing and managing conflicts of interests and must establish a conflict of interests management system that includes:

- a. A process of recording interests declared and nil declarations.
- b. An assessment as to whether the declared interest constitutes an actual, potential or perceived conflict.
- c. Where a conflict is identified, an appropriate management plan approved by an appropriate delegate.
- d. An escalation pathway to resolve disagreements regarding the appropriateness of the management plan.
- e. Monitoring of the implementation of the management plan.
- f. A suitably skilled and qualified delegate to manage and escalate cases of non-compliance.
- g. An appropriate records management system for the secure storage of conflicts of interests documentation.
- h. Clear roles and responsibilities for SAFECOM and service executives for managing conflicts of interest.

The COID Policy states that it is the responsibility of each agency to ensure that their employees understand their obligations to disclose actual, potential or perceived conflicts.

The COID Policy contains relevant information, including a clear and accurate explanation of conflicts of interests. However, the evaluation team were provided with little evidence to suggest that SAFECOM and the CFS, MFS and SES are complying with the policy, and no evidence that they are maintaining conflict of interests management systems that meet the requirements listed above.

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82: EXH004.

None of the four agencies maintains a central conflicts of interests register and, surprisingly, none could provide *any* examples of disclosed conflicts of interests (and associated management plans) for the previous three financial years. This illustrates a complete absence of declared conflicts (points a and g), assessments as to whether the declared interest constitutes an actual, potential or perceived conflict (point b), management plans (point c), and systems for documenting, registering, escalating and monitoring them (points a, d, e, f, and g).

In addition, three out of the four agencies<sup>83</sup> do not have a general form or other clear mechanism for declaring any conflict of interests *outside* participating in a procurement evaluation panel,<sup>84</sup> as required by the COID Policy (point a, above).

While the COID Policy itself is clear and well considered, it appears to be largely ignored. Although it has been in place since October 2023, there remains a lack of practices, processes and systems in the sector to support and enforce it. Consequently, it is of limited utility.

## RECOMMENDATION 2

In consultation with the services, SAFECOM to develop an action plan to improve the implementation of, adherence to and compliance with the Conflict of Interest and Disclosure Policy in the emergency services sector.

The COID Policy refers to the position of ‘delegate’ (points c and f, above). Delegates are given responsibilities which include approving conflict of interests management plans, reviewing conflict of interests registers and escalating cases of non-compliance with the COID Policy.

However, the policy does not define ‘delegate’ and is silent on important matters including:

- ▶ Which functional roles might fulfill the position of delegate.
- ▶ Whether each agency has their own delegate.
- ▶ Whether there is a single delegate, or whether the identity of the delegate varies based on the circumstances of each declared conflict of interests.

This lack of clarity is problematic, particularly when the COID Policy is read in conjunction with other relevant ESS and agency-specific policies and supporting documents; in particular, the ESS Human Resource Management Instrument of Delegations and Authorisations (the HRM Instrument).<sup>85</sup>

The HRM Instrument is executed by the Chief Executive of SAFECOM and the Chief Officers of the CFS, MFS and SES and delegates the powers, functions, duties and responsibilities they hold in relation to human resources management by virtue of the FES Act and other instruments. It addresses numerous aspects of human resources management, including performance, misconduct and discipline, flexible work arrangements, outside employment and conflicts of interests.

83: The CFS, SES and SAFECOM.

84: EXH001.

85: EXH097.

The COID Policy does not refer to the HRM Instrument, and it is unclear how the two should fit together. Importantly, it is unclear whether the ‘delegate’ under the COID Policy is the same as the ‘delegate’ in respect of conflicts of interests under the HRM Instrument.

In relation to conflicts of interests, the HRM Instrument<sup>86</sup> authorises *only* the Chief Executive of SAFECOM and the Chief Officers of each service, in relation both to executive and non-executive employees, to:

- ▶ Direct an employee to resolve a conflict of interests or a potential conflict of interests between a pecuniary or other personal interest and their duty as SA Public Sector employee.
- ▶ Note a conflict of interest declaration of an employee.

In relation to non-executive employees, the Chief Executive and Chief Officers are also the sole delegates with authority to:

- ▶ Approve arrangements to resolve a conflict of interests relating to an employee.

The HRM Instrument picks up the language of the Public Sector Act and PSHA Act and accordingly uses terms such as ‘resolve’ in respect of a conflict of interests. As discussed above, the COID Policy refers to ‘managing’ a conflict of interests.<sup>87</sup> As discussed in chapter three, it is not possible or desirable to ‘resolve’ conflicts of interests but rather to manage them appropriately to avoid an adverse outcome.

While it is appropriate that the HRM Instrument adopts this language (as it is used in legislation), the difference in terminology is apt to create confusion. The evaluation team’s interpretation was that a ‘resolved’ conflict is one that has been well managed. If this interpretation is correct, it would be beneficial to provide a brief explanation that to ‘resolve’ a conflict means to effectively manage it. This could be provided in the COID Policy, the HRM Instrument or in a newly developed conflicts of interests procedure (see recommendation five).

In any event, it does not seem feasible or practicable for the Chief Executive and Chief Officers to note all conflict of interests declarations, resolve (or manage) all conflicts of interests for employees, volunteers and contractors in their organisations, or to direct employees to take action to ‘resolve’ their own conflicts of interests.

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**RECOMMENDATION 3**

In consultation with the services, SAFECOM to:

- ▶ Review the Human Resource Management Instrument of Delegations and Authorisations to ensure consistency with the ESS Conflict of Interest and Disclosure Policy and ensure the level of delegation and authorisation for managing conflicts of interests in the four agencies are appropriate.
- ▶ Amend the ESS Conflict of Interest and Disclosure Policy to clarify the roles suitable to perform the duties of the delegate, and in doing so, ensure this information is consistent with the information in the ESS Human Resources Management Instrument of Delegations and Authorisations.

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86: Ibid.

87: Or, rather, to the creation of a ‘management plan’ in respect of declared conflicts of interests.

#### 4.2.1 VOLUNTEERS AND THE ESS CONFLICT OF INTEREST AND DISCLOSURE POLICY

The COID Policy does *not* apply to volunteers. The justification given in the policy for their exclusion is that volunteers are not public officers under the PSHA Act or the ICAC Act. As explained in chapter 3, there are circumstances in which volunteers *may* be public officers according to the ICAC Act. More fundamentally, the status of volunteers as public officers should not determine whether the policy ought to apply to them.

As a large and significant component of both the CFS and SES workforce, it is critical that volunteers understand the integrity risks caused by conflicts of interests and abide by obligations to identify and disclose their conflicts. Moreover, volunteers in the CFS and SES are obliged to follow service specific Codes of Conduct and whole of government guidelines which specifically address conflicts of interests.<sup>88</sup> Their exclusion from the COID Policy is apt to create confusion in these circumstances.

The general issue of whether ESS policies ought to include volunteers has been the subject of discussions between SAFECOM and the SES.<sup>89</sup> The evaluation team was informed that developing policies and supporting documents for volunteers is an ongoing challenge.<sup>90</sup> The evaluation team was told by the SES that it has limited resources to develop this guidance, but that SAFECOM has stated that it did not need to create policies and other written guidance for volunteers.<sup>91</sup>

There is no obvious reason why the COID Policy should *not* be adapted to include volunteers. On the contrary, an obvious reason *to* adapt the COID Policy in this way is to ensure greater consistency with the CFS and SES Codes of Conduct (section 4.3.1 provides more detail on these documents), which apply to *all* members of both agencies (employees and volunteers), and which address conflicts of interests.<sup>92</sup> At present, there is a disconnect between the COID Policy and the Codes of Conduct, which ultimately results in less guidance for volunteers and those who manage them in respect of conflicts of interests.

#### RECOMMENDATION 4

In consultation with the services, SAFECOM to review and amend the ESS Conflict of Interest and Disclosure Policy to incorporate volunteers. Information in the policy should be consistent with both the CFS and SES Codes of Conduct and the Guideline of the CPSE – Volunteers

88: EXH036; EXH033; Office of the Commissioner for Public Sector Employment, Guideline of the Commissioner for Public Sector Employment Volunteers (2022) <[https://www.publicsector.sa.gov.au/hr-and-policy/Determinations,-Premiers-Directions-and-Guidelines/Guidelines/guideline-volunteers/Volunteers\\_Guideline\\_Final\\_250722.pdf](https://www.publicsector.sa.gov.au/hr-and-policy/Determinations,-Premiers-Directions-and-Guidelines/Guidelines/guideline-volunteers/Volunteers_Guideline_Final_250722.pdf)>.

89: INT003.

90: Ibid.

91: Ibid.

92: EXH036.

## 4.3 Other guidance relevant to conflicts of interests

### 4.3.1 CODES OF CONDUCT AND PROCEDURES

In addition to the COID Policy, the services have Codes of Conduct, procedures and supporting documents that provide guidance on conflicts of interests. These documents should be consistent with the COID Policy.

The MFS Conflict of Interests Procedure<sup>93</sup> and Conflict of Interests Disclosure Form<sup>94</sup> apply to all MFS employees and contractors, sub-contractors, temporary agency personnel and consultants.

The MFS procedure provides guidance on how to identify, disclose and manage actual, perceived or potential conflicts of interests. It links to other public sector and MFS policies, procedures and appropriate forms, including the Code of Ethics for the South Australian Public Sector.

The MFS procedure is sound. However, there are inconsistencies with the COID Policy<sup>95</sup> and the HRM Instrument.<sup>96</sup> The MFS procedure describes<sup>97</sup> a role for 'managers' as the appropriate person to which employees should report their conflicts of interests, and as having responsibility for ensuring that conflicts are documented in writing and for developing and monitoring a management plan.

While this is a good approach, it is not consistent with the COID Policy, which assigns these responsibilities to a 'delegate', and with the HRM Instrument, which as discussed previously (see recommendation three), only assigns the Chief Executive and Chief Officers with responsibility to note conflicts of interests declarations and direct employees to 'resolve' their conflicts.

Further, the MFS procedure does not reference the COID Policy. The procedure, COID Policy and HRM Instrument ought to align, particularly as the COID Policy and HRM Instrument apply to MFS employees.

Unlike the MFS, SAFECOM, the CFS and SES do not have conflicts of interests procedures. It would be beneficial if they did, to provide further detailed guidance for employees and volunteers on how to identify, disclose and manage conflicts of interests in different settings. It may be preferable to adapt the MFS procedure (or aspects of the procedure) into an ESS procedure that applies to all four agencies, or for SAFECOM to develop its own procedure, and support the development of procedures in the CFS and SES. Whichever approach is chosen, all procedures should align with the COID Policy.

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93: EXH042.

94: EXH127.

95: EXH004.

96: EXH097.

97: EXH042, pp 8-9.

## RECOMMENDATION 5

SAFECOM and the CFS and SES to develop conflict of interests procedures that sit under the Conflict of Interest and Disclosure Policy. This may involve adapting all or part of the MFS procedure into an ESS procedure or developing separate procedures for each agency. The procedure/s should reference and align with the Conflict of Interest and Disclosure Policy.

The primary documents that provide guidance on conflicts of interests in the CFS and SES are their Codes of Conduct (as previously mentioned in chapter three).<sup>98</sup> These Codes address a broad range of conduct, including conflicts of interests.

The CFS Code of Conduct<sup>99</sup> states that if a member believes they have a conflict they must disclose it to their supervisor (or meeting chair, for verbal disclosures in meetings) as soon as possible, and work cooperatively with them on a strategy to manage it. All contractors (including consultants and employees engaged by an external agency) must abide by the Code while they are performing work for the CFS.

The Code of Conduct creates additional obligations for employees:

*SACFS employees, as a Public Sector employee, must disclose in writing to the Supervisor any actual or potential conflicts of interest at the earliest opportunity, and comply with any lawful and reasonable direction issued by a person with authority.<sup>100</sup>*

The Code of Conduct does not require volunteers or contractors to disclose *in writing*, only to disclose to their supervisor or meeting chair.

The CFS Code of Conduct is in one respect apt to create confusion and potentially to deter people from disclosing conflicts of interests.

The Code states<sup>101</sup> that 'it is not wrong or unethical' to have a conflict of interest, but in the following paragraph states that the most appropriate way to deal with conflicts is to avoid having them. The direction to *avoid having* a conflict infers that it is wrong to have one. However, as previously discussed (in chapter 3) it is not 'wrong' to have a conflict, but it is important to appropriately manage it to avoid an adverse outcome.

The 2015 SES Code of Conduct<sup>102</sup> provides standards of professional conduct and behaviour expected for volunteers and staff to enable them to be effective and safe members of the SES. It does not mention contractors. The Code outlines the risk that conflicts of interests pose to the effective management of public resources.

The 2015 Code explains that it is important that the public have confidence in the SES to act impartially and free from prejudice in its operations. It addresses conflicts of interests and the risk they pose to the impartial performance of duties. It states that '*All members must avoid actual or potential conflicts of interest and ensure that their personal or financial interests do not influence or interfere with the performance of their role.*'

98: EXH029; EXH033; EXH036.

99: EXH036.

100: Ibid, p. 14.

101: Ibid.

102: EXH029.

Like the CFS Code, the 2015 SES Code of Conduct refers to the expectation that members avoid conflicts of interests. For the reasons discussed above, this focus on the avoidance of the conflict itself (rather than adverse outcome of a conflict) is unhelpful.

#### RECOMMENDATION 6

The CFS and SES to review their Codes of Conduct to:

- ▶ remove a focus on the *avoidance* of conflicts of interest
- ▶ clarify that it is not unethical to have a conflict of interests
- ▶ state that the most appropriate way to deal with a conflict is to ensure it is identified, disclosed and appropriately managed.

The 2015 Code gives examples of ‘negative behaviours’ (that is, behaviours to be avoided by SES members) relating to conflicts of interests, such as: ‘mak[ing] decisions that favour your family, friends or yourself’. Such behaviours represent adverse outcomes of conflicts of interests and are appropriate to highlight as examples of conduct to avoid.

The 2015 version of the Code requires updating as it contains out of date information. For example, it references the repealed *Whistleblowers Protection Act 1993 (SA)* instead of the current *Public Interest Disclosure Act 2018 (SA)*. The ‘reporting unethical behaviour’ section of the Code has not been updated since the 2021 amendments to the ICAC Act.

The Commission was also provided with a new Code of Conduct in draft form.<sup>103</sup> The draft Code is expressed to apply to employees, volunteers and contractors. This draft varies significantly from the 2015 version and does not include any information on integrity related legislation.<sup>104</sup> It simply states that, as a professional conduct standard, staff, volunteers and contractors need to ‘avoid and report conflicts of interest’. None of the detail in the 2015 Code about risks and obligations to avoid a circumstance where a personal interest interferes with the performance of SES duties is in the draft version.<sup>105</sup>

Unlike the CFS Code of Conduct, the SES Code of Conduct does not provide detail for members on how to disclose a conflict of interests. The SES informed the evaluation team that this was done deliberately, to simplify the language and content. The Commission agrees with the view expressed by the SES, that this guidance is best provided in a new procedure, as outlined in recommendation five.

Like the MFS conflict of interests procedure, neither the CFS nor the SES Code of Conduct refers to the COID Policy. For the reasons already described, they should.<sup>106</sup>

103: EXH033.

104: EXH178, In response to reviewing a draft version of this report, the SES informed the Commission that the intention in drafting a new Code of Conduct, was to simplify and streamline the Code while ensuring it was aligned with the South Australian Public Sector Code of Ethics. This was in response to feedback received as part of the broader consultative process undertaken by the SES for the review of the disciplinary provisions of the Fire and Emergency Services Regulations.

105: Ibid.

106: It is noted that the most recent published versions of each Code of Conduct pre-date the COID Policy.

## RECOMMENDATION 7

In consultation with the services, SAFECOM to review the MFS Conflict of Interest Procedure and the CFS and SES Codes of Conduct along with the ESS Conflict of Interest and Disclosure Policy and Human Resource Management Instrument of Delegations and Authorisations to ensure:

- ▶ the guidance provided by these documents on the management of conflicts of interests is aligned
- ▶ that the MFS procedure and the CFS and SES Codes of Conduct refer to the ESS Conflict of Interest and Disclosure Policy.

In response to reviewing a draft version of this report, the SES advised that it did not support 'cross-referencing other policies and procedures' in the Code as detailed in recommendation seven.<sup>107</sup> This was because the aim of the new SES Code of Conduct is to be clear and simple.

While the Code of Conduct ought to remain an uncomplicated document that provides high-level principles and expectations, it is nevertheless important to include references or links to other guiding integrity documents in the emergency services sector. For this reason, this recommendation was retained. The SES can decide how to present these links in the Code.

### 4.3.2 CONFLICT OF INTERESTS DISCLOSURE FORMS

The only conflicts of interests disclosure form in SAFECOM, the CFS and SES (designed to capture interests *broader* than purely financial interests) relates specifically to participants on a procurement evaluation panel.<sup>108</sup>

Other forms exist which are designed to capture financial interests only.<sup>109</sup> However, as discussed in chapter three, conflicts of interests pose risks in many business areas and are not limited to *financial* interests. Any decision about how money is spent or how other non-monetary resources (such as information, assets and personnel) are used, acquired or relinquished is vulnerable to being undermined by a conflict of interests.

The MFS Conflict of Interest Declaration Form<sup>110</sup> is designed to capture *any* conflict of interests relevant to an employee's work in the MFS.<sup>111</sup> This form requests information about the type of interest (for example, personal finances, personal businesses, personal interests, other interests, relationships, and other) and how the interest could impact on the employee's ability to carry out, or be seen to carry out, their official duties impartially and in the public interest. It also requires the employee to identify whether the conflict is actual, potential, perceived, financial and/or non-financial.

107: EXH178.

108: EXH001. This is discussed further in chapter 4.5.2.

109: EXH005-028; EXH035, appendix 3. EXH035 only applies to members of the State Bushfire Coordination Committee and Bushfire Management Committees, not the broader emergency services workforce. Point 10 of appendix 3 requests disclosure of any conflicts of interest (whether pecuniary or not).

110: EXH127.

111: It is not clear whether contractors are expected to disclose a conflict of interest through this form. EXH042 applies to contractors and section 6.4.5 states that the responsibilities set out 'above' also apply to contractors. Section 6.3 of the procedure directs employees to use the form to disclose a conflict. As this section is above section 6.4.5 in the procedure, it is possible that the obligation to use the form extends to contractors.

The form requires the documentation of a ‘management discussion’ that outlines appropriate actions ‘to resolve’ the conflict of interests. This must be endorsed by both the manager and the employee. A better term for the ‘management discussion’ which must be documented might be ‘management plan’, to emphasise the need to document how to proceed in light of the declared conflict.

On the whole, the form and the accompanying procedure<sup>112</sup> are sound. SAFECOM, the CFS and SES would benefit from adopting a similar form for their staff and volunteers.

### RECOMMENDATION 8

In consultation with the services, SAFECOM to adapt the MFS Conflict of Interest Declaration Form into an ESS conflict of interest declaration form for all four agencies. This should involve amending the form to document a management plan for conflicts of interests rather than ‘management discussion’, and to include reference to volunteers for the CFS and SES versions of the form. The adapted form should also clarify whether contractors are expected to use it to disclose conflicts of interests

## 4.4 Other policies and supporting documents relevant to conflicts of interests

Public authorities, including emergency services, require policies and supporting documents to provide guidance on other integrity matters that, if not managed appropriately, can give rise to conflicts of interests and the risk that adverse outcomes may result from those conflicts. These include the acceptance and disclosure of gifts and benefits, procurement, human resources processes and secondary employment.

### 4.4.1 GIFTS AND BENEFITS

Accepting a gift or benefit, no matter how seemingly small or trivial, can lead to a conflict of interests, as it may create a sense of affiliation and, ultimately, obligation between a public officer and the gift giver that can undermine the impartial performance of the public officer’s duties. Accepting gifts and benefits (or the mere offer of a gift or benefit) can influence - or be perceived to influence - a public officer in performing their duties. For this reason, public officers and the authorities they work for must be transparent and accountable in relation to gifts or benefits that are offered, whether or not they are accepted.

The ESS Gifts and Benefits Policy<sup>113</sup> applies to all employees in SAFECOM, the CFS, MFS and SES, and to SAFECOM board members and contractors. It does not apply to volunteers. As with the COID Policy, the stated reason for this is that volunteers are not public officers pursuant to the ICAC Act.

112: EXH042.

113: EXH002.

Exclusion of volunteers from the policy creates the potential for confusion and leaves a problematic absence of guidance for volunteers. The CPSE guideline for volunteers states:<sup>114</sup>

*Public sector volunteers will not seek or accept gifts or benefits that could be reasonably perceived to influence themselves or others. Volunteers must comply with any policies of their public sector agency in relation to accepting, declaring, or recording the receipt of gifts or benefits.*

The CPSE guideline therefore directs volunteers to follow their agency policy, but the ESS Gifts and Benefits Policy specifically excludes volunteers. This ought to be rectified by expanding the application of the ESS Gifts and Benefits Policy to volunteers of the CFS and SES.

The ESS Gifts and Benefits Policy could be more strongly worded to acknowledge the corrupt and improper conduct that can arise from the acceptance of gifts and benefits. Currently, the policy is weighted towards highlighting the *perceptions* of bias that accepting gifts and benefits can create, rather than the actual bias that can result.

The ESS Gifts and Benefits Policy permits the acceptance of a gift ‘in an open and formal setting, such as a meeting or function where it is sensible to do so’, and specifically prohibits soliciting a gift, but it suggests that the acceptance of gifts and benefits can be problematic insofar as they may lead to perceptions of impropriety.<sup>115</sup> While the policy goes on to explain that an inappropriate gift or benefit might influence an employee’s decision, this is not its focus.<sup>116</sup>

Similarly, the policy specifically prohibits the acceptance of money, and explains that gifts such as cash, shares, property or land may ‘*be perceived as*’ bribes.<sup>117</sup> However, in many situations such gifts may be perceived as bribes because they are, in fact, bribes.

CFS employees must comply with both the ESS Gifts and Benefits Policy, and the CFS-specific gifts and benefits procedure.<sup>118</sup> This procedure is more detailed than the ESS Gifts and Benefits Policy and sets out the requirements and obligations for accepting, declining and reporting the receipt of gifts, benefits and hospitality. It does not apply to volunteers.

The CFS procedure also focusses on the perception of influence rather than any actual influence. Both the ESS Gifts and Benefits Policy and the CFS procedure could be clearer about the actual and perceived improper or corrupt conduct that can arise from the acceptance of gifts and benefits.

114: Office of the Commissioner for Public Sector Employment, Guideline of the Commissioner for Public Sector Employment Volunteers (2022) p.18. <[https://www.publicsector.sa.gov.au/hr-and-policy/Determinations,-Premiers-Directions-and-Guidelines/Guidelines/guideline-volunteers/Volunteers\\_Guideline\\_Final\\_250722.pdf](https://www.publicsector.sa.gov.au/hr-and-policy/Determinations,-Premiers-Directions-and-Guidelines/Guidelines/guideline-volunteers/Volunteers_Guideline_Final_250722.pdf)>.

115: EXH002, page 1, states: ‘[A]ccepting a gift, benefit or hospitality could give the impression that will favour a particular person or organisation when making decisions. This may not be the intention of either the employee or person offering the gift, benefit or hospitality, however, perceptions matter.’

116: Ibid, p. 2.

117: Ibid.

118: EXH037.

**RECOMMENDATION 9**

In consultation with the services, SAFECOM to review and amend the ESS Gifts and Benefits Policy, and the CFS to review and amend its Gifts and Benefits Procedure to:

- ▶ Include volunteers
- ▶ Improve clarity on the actual, as well as perceived impropriety that can result from the inappropriate acceptance of gifts and benefits.

Overall, the information contained in the CFS gifts and benefits procedure is not clearly expressed and in some instances is inconsistent. The copy of the procedure provided indicated it was a draft. When the evaluation team enquired about whether there was an approved version, the CFS responded that the draft copy provided was the most recent.<sup>119</sup> The guidance provided in the ESS Policy Framework would be helpful to improve the quality of this procedure, indicating the value for the CFS (and all the services) in adopting the ESS (or their own) policy framework.

The 2015 SES Code of Conduct<sup>120</sup> provides guidance to all members including volunteers (but not contractors) about accepting gifts and benefits, and how gifts ought to be declared.

The guidance relating to gifts and benefits in the CFS Code of Conduct<sup>121</sup> only relates to employees. The CFS gifts and benefits procedure<sup>122</sup> refers to a factsheet for volunteers managing gifts and benefits. However, this factsheet was not included in the gifts and benefits related documents provided to the Commission when requested. The CFS Code of Conduct should also include guidance for volunteers about when gifts should and should not be accepted.

**RECOMMENDATION 10**

The CFS to:

- ▶ Amend its Code of Conduct to include guidance for volunteers relating to gifts and benefits.
- ▶ Review its Gifts and Benefits Procedure to improve clarity and consistency of information, and take action to ensure the procedure is approved and does not remain in draft.

Each agency maintains a gift register, as is required by the ESS Gifts and Benefits Policy. The evaluation team were provided with the gifts and benefits registers for SAFECOM, the CFS, MFS and SES.

Although only gifts over \$50 are required by the policy to be entered on the register, the MFS register contains disclosures of gifts valued at less than \$50, indicating an approach to disclosure that includes *all* gifts received.

119: EXH175.

120: EXH029.

121: EXH036, p. 14.

122: EXH037, p. 1.

The SAFECOM register contains eight entries dated between December 2018 and January 2024. Most recently, basketball tickets worth \$300 were provided by an automotive manufacturer in January 2024. The evaluation team were informed that this company had also recently tendered for a contract with SAFECOM relating to the provision of vehicles to the sector.<sup>123</sup>

The CFS register contains an entry in March 2024 detailing an accepted gift of a corporate suite for the AFL Gather Round given by a telecommunications company, valued at \$900. This company has an existing partnership with the CFS and MFS for a Managed Fire Alarm Service.

It is open to question whether these gifts should have been accepted, given that one company was tendering for a contract with SAFECOM and the other has a partnership with the CFS. It was appropriate that these gifts were disclosed and documented on the register.

The ESS Gifts and Benefits Policy only requires that, in deciding whether to accept a gift, an employee gives consideration to whether the acceptance of the gift will give rise to the perception that the external party may receive favourable treatment. In the SAFECOM example, given that the automotive company had tendered for a contract, it is reasonable to assume this perception would arise.

The ESS Gifts and Benefits Policy also states that all gifts received valued over \$50 will be proactively disclosed to the public monthly, in line with Department of Premier and Cabinet Circular 35.<sup>124</sup> This is an important transparency measure. The evaluation team were informed – and an examination of each agency’s website<sup>125</sup> and annual reports confirms<sup>126</sup> – that neither SAFECOM nor the CFS, MFS and SES currently comply with this aspect of the ESS Gifts and Benefits Policy.

**RECOMMENDATION 11**

SAFECOM to ensure that all gifts and benefits for SAFECOM, the CFS, MFS and SES are publicly disclosed, in line with the ESS Gifts and Benefits Policy.

123: INT001.

124: Department of Premier and Cabinet, Premier and Cabinet Circular PC 035 – Proactive disclosure of regularly requested information (2019) <<https://www.dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars/PC035-Disclosure-of-Regularly-Requested-Information.pdf>>. It is noted that PC035 is not expressed to apply to either SAFECOM, the CFS, MFS or SES. Clearly, however, by including this reference to PC035 in its ESS Gifts and Benefits Policy, the sector has taken the policy position that it will comply with PC035.

125: Online search conducted on 28 October 2024.

126: INT008.

#### 4.4.2 PROCUREMENT

The evaluation team were informed that SAFECOM procurement staff are aware of the risks associated with conflicts of interests.<sup>127</sup> Any potential conflicts are managed by ensuring that nobody with a conflict would be placed on an evaluation panel in the first instance.<sup>128</sup>

The Commission was provided with a draft ESS Procurement Framework (the Procurement Framework) that will apply to all agencies.<sup>129</sup> It has been approved by the SAFECOM Chief Executive but not by the Chief Officers of the services. The Procurement Framework is expressed as being supplementary to, and to be read in conjunction with:

- ▶ Treasurer’s Instructions, particularly Treasurer’s Instruction 18<sup>130</sup> (Procurement) and 11 (Payment of Creditor’s Accounts).<sup>131</sup>
- ▶ Department of Treasury and Finance, Procurement Services SA’s<sup>132</sup> policies, schedules and guidelines.
- ▶ South Australian Industry Participation Policy.
- ▶ Department of the Premier and Cabinet Circulars, particularly PC027 (Disclosure of Government Contracts).

The Procurement Framework provides, ‘Where this Framework is silent refer first to TI18, then Procurement Services requirements.’

The Procurement Framework appropriately refers to the COID Policy. It requires that conflicts of interests (whether actual, perceived or potential) are documented and managed by the chair of a procurement evaluation panel. However, this raises the question of how a conflict of interests is handled when disclosed by the panel chair. The chair should not manage their own conflict, but it should be escalated and managed externally to the panel.

.....

**RECOMMENDATION 12**

In consultation with the services, SAFECOM to amend the draft ESS Procurement Framework to set out the process for managing a conflict of interests when disclosed by the *chair* of a procurement evaluation panel.

.....

The Procurement Framework does not apply to volunteers, even though they may in some instances be involved in procurement.

127: INT006.

128: Ibid.

129: EXH101.

130: Department of Treasury and Finance, Treasurer’s Instructions 18 — Procurement (2023) <<https://www.treasury.sa.gov.au/budget/treasurers-instructions/treasurers-instructions-files/TI18-Procurement.pdf>>.

131: Department of Treasury and Finance, Treasurer’s Instruction 11- Payment of Creditors’ Accounts (2019) <[https://www.treasury.sa.gov.au/\\_data/assets/pdf\\_file/0004/517216/TI11-1-July-2019.pdf](https://www.treasury.sa.gov.au/_data/assets/pdf_file/0004/517216/TI11-1-July-2019.pdf)>.

132: Procurement SA, SA Government Procurement Framework (n.d.) <<https://www.procurement.sa.gov.au/policies-and-schedules>>.

Prior to commencing the procurement evaluation process, all participants must complete the Confidentiality and Conflict of Interest Declaration Form.<sup>133</sup> The declaration asks staff to declare that, to the best of their knowledge *and except as detailed by them on the form*, they do not have any financial interests in the project, or immediate relatives, close friends or associated business relationships with financial interests in the project, personal biases or inclinations, or personal obligations, allegiances or loyalties which would in any way affect their decisions in relation to the project. The declaration includes an undertaking to make further declarations detailing any actual, potential or perceived conflict which may arise over the course of the procurement.

In addition to the Procurement Framework,<sup>134</sup> the Commission was provided with a draft document titled 'ESS Procurement Journey Guidelines' (Journey Guidelines). These Journey Guidelines were approved (as at September 2024) by the Chief Executive of SAFECOM but not by the Chief Officers of each service (and therefore, are not yet an ESS document).<sup>135</sup> The Journey Guidelines appropriately set out the steps for procurement evaluation panel members to complete conflict of interests declarations. No current (that is, up to date and not in draft form) procurement policies or procedures specific to SAFECOM or the CFS, MFS or SES were provided.<sup>136</sup>

The Commission was informed that the Procurement Framework and Journey Guidelines had not yet been approved by the Chief Officers<sup>137</sup> as feedback from the services is still being incorporated into the Framework. It is anticipated that they will be endorsed by the services, and once this has occurred, the intent is that the Procurement Framework and Journey Guidelines will replace the older procurement policy and procedure.

While clear internal processes exist for managing conflicts of interests on procurement evaluation panels, it was not apparent to the evaluation team that either SAFECOM or the three services currently have clear processes in place for addressing possible conflicts of interests in other phases of procurement. The contract management phase, for example, includes assessing deliverables, organising payment of invoices and managing contract variations, all of which are vulnerable to corruption due to conflicts of interests.

The Commission was provided with a draft ESS Contract Management Framework that was not yet approved by the SAFECOM Chief Executive or the Chief Officers.<sup>138</sup> It is positive that this draft Framework *does* state that contract managers and owners are required to conduct themselves in accordance with the Public Sector Code of Ethics and that:

*Contract Mangers are required to declare any conflicts of interest to the Contract Owner and Director, Procurement. The declaration and appropriate treatment of the conflict will be recorded and stored securely on Objective. SAFECOM procurement can assist with this process as required.*<sup>139</sup>

The use of the word 'treatment' to apply to conflicts of interests differs yet again from the language of 'resolve' (as used in the HRM Instrument) and 'management' (as used in the COID Policy). Greater consistency of language in policies, procedures and supporting documents relating to how conflicts of interests are handled would be beneficial.

133: EXH001.

134: EXH101.

135: EXH102.

136: EXH069 and EXH067 were provided, but these had been superseded by whole of government procurement reforms and were out of date.

137: EXH174.

138: EXH173.

139: EXH173, p 11.

The ability of contract managers to abide by the conflicts of interests obligations stated in the Contract Management Framework will be improved when recommendations five and eight are implemented and a conflict of interest procedure and disclosure form are available. It would also be beneficial for the draft Contract Management Framework to be amended to refer to the ESS Conflict of Interest and Disclosure Policy (and any associated procedures once developed, in accordance with recommendation five).

### RECOMMENDATION 13

In consultation with the services, SAFECOM to amend the draft Contract Management Framework prior to finalisation so that it refers to the ESS Conflict of Interest and Disclosure Policy (and any associated procedures).

#### 4.4.3 SECONDARY EMPLOYMENT

In situations where public officers hold other paid jobs (in either the public or private sectors), a conflict of interests may arise whereby the interests of the secondary job conflict with the individual's capability and willingness to perform the responsibilities of their primary public sector role. Further, the risk of corruption or other impropriety is heightened when a public officer may hold a second job for a company that is contracted, tendering for a contract, or is applying for or holds grant funding awarded by the agency where they are employed.

The ESS Outside Employment and Multiple Engagements Policy<sup>140</sup> and Guideline apply to all employees of SAFECOM, CFS and the SES, and to employees of the MFS who are *not* operational firefighters.

The Outside Employment and Multiple Engagements Policy itself is very brief and simply states the policy position:<sup>141</sup>

- ▶ Fair, consistent and equitable consideration of applications by employees to undertake outside employment.
- ▶ Ensuring the proposed outside employment or other remunerative activity will:
  - ▶ Not give rise to a conflict or potential conflict of interest with their duties and/or role as a public sector employee.
  - ▶ Have no detrimental effect on their capacity to perform their public sector duties or on their health or wellbeing.
  - ▶ Not reflect adversely on the Public Sector, the Emergency Services Sector or the legal employer or other employees.

The Outside Employment and Multiple Engagements Guideline provides more detailed information about how to apply the Policy. It has an appropriate emphasis on the need to ensure that outside employment – or multiple engagements across the public sector – do not give rise to conflicts of interests or otherwise impact negatively on the agency, or the employee's work within the agency.

140: EXH070.

141: Ibid.

Applications for outside employment are made in writing<sup>142</sup> to an employee’s manager, who must consider the application and make a recommendation. Applications are ultimately determined by the Chief Executive or Chief Officer (as appropriate), consistent with the HRM Instrument. Applications must be made annually, and ‘approval may be withdrawn at any time if the outside employment may give rise or has given rise to a conflict of interest or potential conflict of interest with their official duties’.

#### 4.4.3.1 MFS operational firefighters

The appropriate management of secondary employment is a particular issue for the MFS, as the working hours for MFS firefighters allow for secondary employment.<sup>143</sup> The Commission has investigated allegations of corruption resulting from secondary employment in the MFS previously.<sup>144</sup>

Firefighters employed by the MFS are covered by *Service Administrative Procedure 13 Secondary Employment*<sup>145</sup> with a new procedure for secondary employment currently under consultation.<sup>146</sup>

The new MFS procedure for secondary employment<sup>147</sup> establishes the process for initial approval and subsequent renewals for outside employment. It refers to CPSE Determination 3.1,<sup>148</sup> the Code of Ethics for the South Australian Public Sector and the appropriate MFS form to disclose secondary employment. It states that all employees must have authorisation to undertake secondary employment, and that authorisation lasts 12 months.

The new procedure does not specifically address the need to obtain authorisation to undertake secondary employment while on leave. However, the MFS has informed the Commission that this will be covered in a new Leave Provisions Procedure.<sup>149</sup>

Overall, secondary or outside employment appears to be an area where there are now clear policies, procedures and guidelines. It will be important to ensure these are enforced appropriately.

142: EXH075.

143: INT005.

144: See Independent Commission Against Corruption (SA), Integrity State 2023–24 (2024) p.5. <<https://www.icac.sa.gov.au/indexable-assets/reports/investigation-reports/integrity-state-202324>>.

145: EXH060.

146: EXH061.

147: EXH061.

148: Office of the Commissioner for Public Sector Employment, Determination 3.1: Employment Conditions – Hours of Work, Overtime and Leave (2023) <[https://www.publicsector.sa.gov.au/\\_data/assets/pdf\\_file/0006/991473/20230901-Determination-3.1-Employment-Conditions-Hours-of-Work,-Overtime-and-Leave.pdf](https://www.publicsector.sa.gov.au/_data/assets/pdf_file/0006/991473/20230901-Determination-3.1-Employment-Conditions-Hours-of-Work,-Overtime-and-Leave.pdf)>.

149: Independent Commission Against Corruption (SA), Integrity State 2023–24 (2024), p.5. <<https://www.icac.sa.gov.au/indexable-assets/reports/investigation-reports/integrity-state-202324>>.

#### 4.4.4 HUMAN RESOURCES POLICIES AND PROCEDURES

To prevent corruption and other impropriety, it is necessary for conflicts of interests to be appropriately managed at all stages of the human resources 'lifecycle'.<sup>150</sup>

##### 4.4.4.1 Recruitment

As discussed in chapter three, recruitment is vulnerable to being improperly influenced by undisclosed and poorly managed conflicts of interests. Conflicts of interests can undermine selection panel decisions, particularly when applicants are known to panel members. The risk of this may be heightened in the emergency services sector given the relatively small and highly specialised workforce, and the likelihood that volunteers will apply for paid roles.

SAFECOM provided the Commission with an ESS recruitment flowchart, and the MFS provided its own proposed recruitment flowchart that applies only to firefighters.<sup>151</sup> Both these flowcharts display steps to undertaking recruitment. Neither addresses how conflicts of interests are managed in selection panels.

The SES provided its own Recruitment of Staff Procedure.<sup>152</sup> This procedure appropriately references the recruitment guideline issued by the Commissioner for Public Sector Employment<sup>153</sup> as it clearly articulates that recruitment should be free of patronage and nepotism.

The SES Recruitment of Staff Procedure states that, as part of the selection panel and shortlisting process, the chairperson should review the list of applicants to ensure there are no conflicts of interests within the selection panel.<sup>154</sup> The procedure appropriately states that a staff member who is also a volunteer for the SES cannot be on the panel if a candidate is from the same unit and/or region.<sup>155</sup> Apart from this, the chairperson may not be aware of any other conflicts between panel members and applicants. It would be more appropriate to place the responsibility upon panel members to disclose conflicts.

The SES Recruitment Procedure states that panel members *should* disclose any conflict of interests relating to short-listed applicants. It would be more appropriate for the identification of any conflict to occur earlier than the short-listing phase, before any decision making has occurred about the suitability of applicants, and to state that panel members *must* disclose any conflicts. This small wording change would reinforce panel members' obligations and remove any perceived discretion as to whether to they ought to disclose a conflict of interests.

150: The Human Resources lifecycle includes all aspects of managing people, including: role design, recruitment, background checking, induction, professional development, performance management, promotion and employee exit.

151: EXH098; EXH064.

152: EXH032.

153: Office of the Commissioner of Public Sector Employment, 'Guideline of the Commissioner for the Public Sector employment – Recruitment' (2020) < [https://www.publicsector.sa.gov.au/\\_\\_data/assets/pdf\\_file/0020/214076/OCPSE-Recruitment-Guideline.pdf](https://www.publicsector.sa.gov.au/__data/assets/pdf_file/0020/214076/OCPSE-Recruitment-Guideline.pdf)>.

154: EXH032, p6.

155: Ibid.

**RECOMMENDATION 14**

The SES to amend wording of its Recruitment of Staff Procedure to clarify that:

- ▶ The responsibility for identifying and disclosing conflicts of interests rests with selection panel members instead of the chairperson.
- ▶ Panel members *must* disclose any conflicts of interests after reviewing the initial list of applicants, rather than after short-listing has occurred.

The CFS guide to recruitment<sup>156</sup> does not address conflicts of interests.

While the MFS, CFS and SES are ultimately responsible for recruitment decisions and must comply with internal recruitment procedures, recruitment within those agencies is coordinated and supported by the SAFECOM Human Resources team.

The evaluation team were informed that, in practice, recruitment processes proceed as follows: after applications have closed, any potential or perceived conflicts of interests that recruitment panel members have with applicants are discussed with the assigned SAFECOM Human Resources Business Partner.

If it is considered that there is no actual conflict, or that the conflict is not significant enough to warrant removing a panel member, the discussion is not documented. The discussion is only documented if the conflict of interests management strategy involves removing a panel member. It is unclear whether the Human Resources Business Partner, the panel chair or someone else would determine whether a panel member ought to be removed and discussion of the conflict documented.<sup>157</sup>

The Commission recommends against this approach. It is important to document all discussion of perceived, potential or actual conflicts of interests in writing with justification of the decisions made about their management. Where it is determined that the identified conflict of interests does not warrant a management strategy, or a limited management strategy, the reasons for this need to be documented.

At present, none of the agencies use a recruitment-specific conflicts of interests declaration form. There would be value in adopting this approach to ensure that conflicts of interests are addressed at an appropriate stage of the recruitment process, all identified conflicts of interests (whether perceived, potential or actual conflicts) are recorded consistently and that, in respect of all disclosed conflicts, notes of a management plan are consistently documented, including reasons for a determination that a management plan is not necessary.

It would be beneficial if all four agencies clearly documented when and how conflicts of interests are identified, disclosed and documented in recruitment processes (including procedures, guides, flow charts or other supporting documents). Procedures and supporting documents ought to provide clarity that discussions about conflicts of interests must be documented in writing (either through using a form or another mechanism).

156: EXH096.

157: INT007.

**RECOMMENDATION 15**

In consultation with the services, SAFECOM to develop, review and amend recruitment procedures and associated supporting documents in all four agencies to:

- ▶ include clear guidance relating to the identification and management of conflicts of interests in recruitment panels
- ▶ ensure that all discussions about conflicts of interests in recruitment panels are documented in writing. This could be achieved by SAFECOM developing an ESS conflicts of interests disclosure form for recruitment panel members, or another mechanism for documenting discussions in writing that SAFECOM and the services deem appropriate.

**4.4.4.2 Grievance and disciplinary procedures**

Conflicts of interests may arise in the management of grievance and disciplinary matters. A clear and accessible conflicts of interests policy, procedure and disclosure form are important in grievance and disciplinary issues, so that managers and other officers involved in conciliating grievances have a clear mechanism for declaring conflicts of interests.

All agencies are required to manage conduct and disciplinary issues relating to employees and volunteers in accordance with relevant legislation and other instruments, including the FES Act (in respect of MFS firefighters),<sup>158</sup> FES Regulations (in respect of CFS and SES members),<sup>159</sup> the PSHA Act, the ICAC Act, the *Ombudsman Act 1974*, the Code of Ethics for the Public Sector<sup>160</sup> and the Guideline: Management of Misconduct issued by the CPSE.<sup>161</sup>

The ESS Grievance Resolution Policy for Employees and Volunteers<sup>162</sup> and associated Guideline<sup>163</sup> apply to all employees of SAFECOM, the CFS, MFS and SES covered by the South Australian Public Sector (Salaried) Employees Interim Award and the *South Australian Modern Public Sector Enterprise Agreement: Salaried 2017*, and to CFS and SES volunteers. They do not apply to operational firefighters in the MFS or non-operational MFS employees not covered by this Award and Enterprise Agreement.

The grievance resolution guideline specifies that in situations where employees or volunteers are unhappy at the outcome of a conciliation process, they have the option of applying to the Chief Officer or Chief Executive for an internal review. When an application is received, an impartial person is appointed to conduct the internal review. The employee or volunteer is notified of the person undertaking the review and provided with an opportunity to raise concerns about any potential conflicts of interests.<sup>164</sup>

158: Part 3, Division 7 (s45-51) of the *Fire and Emergency Services Act 2005* sets out disciplinary processes for MFS firefighters.

159: Fire and Emergency Services Regulations 2021 Part 3, division 2, subdivision 4, s 21 (CFS), Part 4, division 4, s 61 (SES)

160: Office of the Commissioner for Public Sector Employment, Code of Ethics for the South Australian public sector (2024) <<https://www.publicsector.sa.gov.au/hr-and-policy-support/code-of-ethics/files/OCPSE-CodeofEthics-18042024.pdf>>.

161: Office of the Commissioner for Public Sector Employment, Guideline: Management of Misconduct (2023) <<https://www.publicsector.sa.gov.au/hr-and-policy/Determinations,-Premiers-Directions-and-Guidelines/Guidelines/Files/2023-03-31-CPSE-Guideline-on-Management-of-Misconduct.pdf>>.

162: EXH137.

163: EXH136.

164: Ibid, p. 5.

It is positive that this opportunity to raise concerns relating to conflicts of interests is documented in the guideline. This enables employees and volunteers to have confidence in disciplinary processes. It is necessary that conflicts of interests are managed appropriately, and that any person responsible for reviewing complaints of poor behaviour and conciliating grievances will be impartial.<sup>165</sup>

The evaluation team was informed that it is particularly important for volunteers to feel confident that processes to manage grievance and disciplinary issues are undertaken in an impartial manner.<sup>166</sup>

The CFS Guide to Managing Misconduct of a Volunteer<sup>167</sup> sets out a process for examining allegations of volunteer misconduct, and contains a section titled 'conflict of interest' that states:

*'The principles of natural justice require that a Decision Maker/Delegate must act in good faith and without bias. It is important to ensure there is no perception of bias or conflict of interest that could be interpreted as prejudicing the process.'*<sup>168</sup>

It is appropriate that this guide contains a commitment to ensuring that a decision maker does not have any conflicts of interests. However, there is a lack of guidance about how to assess and identify whether a conflict exists (for example, whether there are scenarios that would automatically rule someone out as a decision maker, like being based in the same region as the volunteer who is the subject of a complaint), and how to disclose it.

The SES Volunteer Disciplinary Procedure<sup>169</sup> is a guide for conducting volunteer disciplinary procedures in accordance with regulation 61 of the FES Regulations. It identifies the disciplinary process for dealing with complaints of misconduct where a potential breach of regulation 61 of the FES Regulations has been identified or reported. If an inquiry is to occur an Inquiry Officer may be appointed as outlined in section 3.3. The evaluation team was informed that if an Inquiry Officer was to be appointed, they would not be appointed to investigate conduct in their own region. They would only investigate outside of their region to avoid conflicts of interests.<sup>170</sup> This is not expressed in the procedure.

#### RECOMMENDATION 16

The CFS and SES to outline in writing a process for managing conflicts of interests when appointing a decision maker to investigate complaints of poor volunteer conduct.

165: INT007; INT009; SUB002.

166: INT009.

167: EXH158.

168: Ibid, p. 2.

169: EXH118.

170: INT003.

#### 4.4.5 GUIDANCE FOR MANAGING LOCAL FUNDS IN THE CFS AND SES

CFS and SES brigades, groups and units can receive and manage charitable donations at a local level for the purposes of improving some aspect of the services or facilities of their group, brigade or unit.<sup>171</sup> The SES defines 'local funds' as:

*'Funds raised through donations and fundraising activity within the local community for the purpose of funding non-operational unit activities, and equipment and facility enhancements over operational budget allocations. These funds are managed locally by individual SES Units.'*<sup>172</sup>

The evaluation team was informed that the risk arises in both organisations that decisions regarding expenditure of local funds may be affected by conflicts of interests.<sup>173</sup>

The ESS Volunteer Finance Information Sheet, *Managing Local Funds*, applies to both the CFS and SES.<sup>174</sup> It addresses the responsibilities of CFS groups and brigades and SES units in managing local funds, good financial management practices, and conduct that constitutes fraud and dishonesty. It provides that transactions must be approved by two people that have financial authorisation. Group, brigade and unit authorisations are set at \$3,000.

In relation to conflicts of interests, it states that:

*'Transactions must avoid conflict of interest. Volunteers cannot authorise purchases that directly relate to them. Volunteers cannot authorise or exert influence over the process for the purchase of goods or services from businesses they own, control or are employed by (purchases can still be made from these businesses but the volunteer must not be involved in the purchase decision).'*<sup>175</sup>

The Information Sheet also provides that '[p]urchases must achieve value for money *and be able to withstand public scrutiny*'. Although not specified, it can be inferred that 'public scrutiny' may refer to issues of probity, as well as value for money, and in this regard can be considered a further requirement to avoid conflicts of interests.

This Information Sheet is clear and provides important and useful information on good financial practices for managing funds at a local level. While the Information Sheet is available to volunteers on the volunteer portal, it was unclear to the evaluation team what positive steps are undertaken to ensure volunteers are aware of and comply with the Information Sheet.

#### RECOMMENDATION 17

To the extent they do not already, the CFS and SES to provide regular (at least annual) reminders to volunteers to consult the *Managing Local Funds Information Sheet* through whatever means each organisation deem appropriate.

171: EXH134.

172: EXH103.

173: INT002; INT008.

174: EXH134.

175: Ibid, p. 1.

The evaluation team were also informed that in 2024 SAFECOM has run between 2-4 regional training forums for CFS and SES staff and volunteers on finance, procurement and human resources. These forums raise awareness about good financial management practices and cover conflicts of interests.<sup>176</sup> These training forums can also reinforce the principles set out in the Information Sheet, and it is appropriate that they are coordinated by SAFECOM, as providing such training to both services is within its role to support good governance in the emergency services sector.

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176: INT002; INT008.





**CHAPTER FIVE**  
**COMMUNICATION**  
**AND COMPLIANCE**

## Chapter five: Communication and compliance

While it is important that public authorities such as SAFECOM, CFS, MFS and SES have clear policies, procedures and supporting documents to provide guidance on the identification, disclosure and management of conflicts of interests, it is just as critical that these policies and supporting documents are communicated, understood and compliance is enforced in organisations. If this is not the case, then the policies and supporting documents are of limited value.

If compliance with policies is not enforced, then an agency may not be able to hold staff accountable for breaches. This decreases an authority's capacity to prevent, deter and detect corruption and other adverse outcomes arising from conflicts of interests.

The responsibility for the implementation of ESS policies (including communication, monitoring and compliance) lies with each individual service.

### 5.1 Awareness of conflicts of interests policies and procedures

None of the four agencies provided the Commission with any evidence of written communication to staff or volunteers reminding them of their conflict of interests obligations.

Each agency reported that conflicts of interests were regularly discussed verbally. The evaluation team was told that in meetings, conflicts of interests were placed on agendas as standard practice, which meant that the staff and volunteers attending were aware of the need to disclose conflicts from the outset.<sup>177</sup>

However, other views expressed to the evaluation team indicated that this approach does not adequately allow for the circumstances in which conflicts of interests might become relevant as various topics of discussion are raised during the meeting, and attendees are unlikely to declare a conflict once a meeting was underway.<sup>178</sup>

A regular written reminder would be beneficial to complement verbal communication in meetings and other forums. This could be in the form of an item in a newsletter on the intranet, or another form of internal communication appropriate to the organisation. It could be combined with other periodic reminders (for example, relating to the need to disclose secondary employment), and could include links to relevant policies, procedures, forms and educational materials.

177: INT005; INT004; INT003.

178: INT001.

**RECOMMENDATION 18**

Each agency to provide regular (at least annual) written reminders to staff on the topic of conflicts of interests.

In relation to the CFS, MFS and SES, the Commission was provided with mixed information about the level of awareness of the risks posed by conflicts of interests and the obligations to identify and disclose conflicts. While each agency reported that conflicts of interests were discussed verbally and placed on meeting agendas as standard practice,<sup>179</sup> the evaluation team was also informed that conflicts of interest were not well understood, and communication about conflicts of interests (and other topics) could be ad-hoc and dependent upon individual managers.<sup>180</sup> This observation regarding the ad-hoc nature of communication was supported by the lack of written communication provided to the Commission and the reliance on only verbal means.

The CFS provided the Commission with guidelines for the State Bushfire Coordination Committee and Bushfire Management Committees.<sup>181</sup> This document contained templates and forms for meetings of these committees. Although agendas did include items relating to conflicts of interests, the template for meeting minutes contained prefilled example text: *'No conflict of interest or any other business was disclosed throughout the course of the meeting.'*<sup>182</sup>

This prefilled text both presupposes that in most (if not all) meetings no conflicts will be reported, and increases the likelihood that a proper consideration of conflicts of interests will be overlooked.

**RECOMMENDATION 19**

SAFECOM and the CFS, MFS and SES to review all relevant document templates (including forms, meeting agendas and minutes) to ensure that the requirement to disclose conflicts of interests is included, and to avoid the prefilling of text to suggest there will be no conflicts of interests to disclose.

The evaluation team was informed that SAFECOM, the CFS and SES were lacking in guidance about *how* to appropriately raise, discuss and disclose conflicts of interests.<sup>183</sup> This was evident in SAFECOM, the CFS and SES by the lack of a general conflicts of interests disclosure form (for those who need to disclose a conflict in situations other than participation in a procurement evaluation panel).

For the CFS, the Code of Conduct provides some guidance about this. However, for staff it specifies that the declaration ought to be 'in writing' and it is not clear beyond this what format it should take. This reiterates the importance of recommendation eight.

179: INT005; INT004; INT003.

180: INT001.

181: EXH035.

182: Ibid, p. 91.

183: INT008.

## 5.2 Induction and training

It is important that all employees, volunteers and contractors in the sector have access to accurate information about their obligations to identify and disclose conflicts of interests, and the processes for how this is undertaken. This information should be provided upon induction and other training opportunities.

### 5.2.1 CURRENT INDUCTION ARRANGEMENTS - EMPLOYEES AND VOLUNTEERS

All new employees in SAFECOM, the CFS, SES, and non-operational firefighters in the MFS<sup>184</sup> complete the New Employee Induction Checklist (the ESS Checklist).<sup>185</sup> The ESS Checklist is to be completed *in addition to* any agency or site-specific induction processes.<sup>186</sup>

The 'procurement' section of the ESS Checklist requires those onboarding new employees to 'reiterate conflict of interest as outlined in the Code of Ethics and its application to procurement of goods and/or services of any value'.<sup>187</sup> Conflicts of interests are not mentioned other than in relation to procurement.

The ESS Checklist refers to South Australian integrity agencies and associated resources<sup>188</sup> and directs new employees to complete training on the Code of Ethics for the Public Sector but does not require new employees to read or familiarise themselves with their conflicts of interests obligations as outlined in the COID Policy, or with other integrity related policies and procedures.

#### RECOMMENDATION 20

SAFECOM to amend the ESS Checklist so that in the 'On Commencement' section or in another appropriate location, it specifically requires new employees to become familiar with integrity related policies and procedures, including the ESS:

- ▶ Fraud, Corruption, Misconduct and Maladministration Policy.
- ▶ Conflict of Interest and Disclosure Policy.
- ▶ Public Interest Disclosure Policy.

184: MFS firefighters are employed under a different industrial award to those specified in the checklist and so are not required to complete this checklist.

185: EXH071.

186: Ibid.

187: Ibid, p. 5.

188: This includes the Commission, Office for Public Integrity and Ombudsman SA and the OPI Directions and Guidelines and Ombudsman SA Directions and Guidelines.

Apart from the ESS Checklist, the only other induction document provided to the Commission was from the SES. The SES New Employee Induction Checklist<sup>189</sup> requires new employees to familiarise themselves with various policies and procedures and online training, including the Code of Ethics for the Public Sector online training, but does not mention conflicts of interests specifically. Other information in the SES New Employee Induction Checklist relating to integrity obligations (including directions and guidelines issued in accordance with the ICAC Act) is out of date.

## RECOMMENDATION 21

The SES to ensure that its New Employee Induction Checklist:

- ▶ Includes the requirement for new employees to review the ESS Conflict of Interest and Disclosure Policy and other integrity related policies, in addition to its own Codes of Conduct and other integrity related procedures and supporting documents.
- ▶ Is reviewed and updated as soon as possible, and provision made for it to be reviewed every three years, in line with the ESS Policy Framework.

The evaluation team was informed that operational firefighters at the MFS undergo an initial 16 weeks of training, which includes training about the Public Sector Code of Ethics. However, they are not provided with general reminders about their obligations under the Code of Ethics after this time unless they have breached the Code.<sup>190</sup> Obligations to abide by the Code of Ethics and the MFS Code of Conduct are included in firefighters' contractual arrangements.<sup>191</sup>

The evaluation team was provided with evidence that the CFS encourages its members to undertake conflict of interests specific training during induction.<sup>192</sup> CFS records provided to the Commission indicate that 29 staff members and volunteers have completed the Commission's online conflicts of interests course,<sup>193</sup> and 70 staff members and volunteers have completed the Commission's previous online induction for public officers course (now titled 'Preserving integrity in public administration').<sup>194</sup>

The CFS is to be commended for encouraging its staff *and* volunteers to complete these courses. It would be beneficial for SAFECOM, the MFS and SES to do the same, particularly for staff and volunteers who are involved in areas that face a high risk of adverse outcomes arising from conflicts of interests (for example, procurement, purchasing and accounts management, recruitment and others). It would be useful for existing staff and volunteers to complete this course, as well as new members during induction processes.

189: EXH087.

190: INT005.

191: Ibid.

192: INT004.

193: EXH040; Independent Commission Against Corruption (SA), 'Introduction to conflicts of interests' online <<https://education.icac.sa.gov.au/login/index.php>>; Independent Commission Against Corruption (SA), 'Preserving integrity in Public Administration' <<https://education.icac.sa.gov.au/enrol/index.php?id=52>>.

194: EXH038.

The evaluation team was informed that the training needs of CFS volunteers were not being met in general, particularly in the context of the increasing burden they face to respond to a diverse range of emergency situations (not only bushfires).<sup>195</sup> Despite the positive steps being taken to educate staff and volunteers about integrity matters, conflicts of interests were nevertheless identified as an area where there had been a lack of training, further highlighting the need for the CFS to encourage more volunteers to complete the Commission's online course.<sup>196</sup>

#### RECOMMENDATION 22

SAFECOM and the CFS, MFS and SES to encourage staff and volunteers (where appropriate) to complete the Commission's online conflicts of interests and preserving integrity in public administration training courses.

### 5.2.2 ETHICAL DECISION MAKING TRAINING PACKAGE

SAFECOM is developing an 'ethical decision making' training package<sup>197</sup> (currently in draft form), which is intended to complement existing training and increase awareness of ethical issues (including conflicts of interests) in the emergency services sector. The package is scenario-based and covers a range of integrity topics such as conflicts of interests, gifts and benefits, the Code of Ethics for the Public Sector, obligations to report corruption, misconduct and maladministration to the Office for Public Integrity, and an approach to ethical decision making. It has a focus on low-level procurements but includes other relevant scenarios relating to the acceptance of gifts and recruitment decisions.

SAFECOM is to be commended for developing this package. It contains important material that ought to be disseminated to employees and volunteers in all four agencies. It has been designed to be useful for emergency service staff and volunteers. It can also support the material provided in SAFECOM's regional finance training forums (as discussed in section 4.4.5).

The evaluation team was informed<sup>198</sup> that it has not yet been determined whether completion of the training package will be mandatory for any staff, whether it will be available for volunteers and whether SAFECOM will direct agencies to ensure their staff receive training.

Given the importance of increasing awareness and understanding of conflicts of interests, this training package ought to be mandated for staff and volunteers throughout all four agencies, perhaps with appropriate adaptations based on the audience. For example, volunteers with limited or no financial decision making authority might undertake a shorter and more general version that does not include procurement or finance-based scenarios.

195: INT009; INT004.

196: INT009; INT001.

197: EXH128.

198: INT008.

It is important that once finalised, this training package is approved by the SAFECOM Chief Executive and endorsed by the ESS Executive Committee, so that it becomes an ESS training resource.

### RECOMMENDATION 23

SAFECOM to finalise the ethical decision making training package and all four agencies to endorse it as an ESS resource for delivery in the sector, ensuring that:

- ▶ In consultation with the CFS and SES, consideration is given to how a version of the package can be tailored to be useful for all volunteers in the sector. This may be different to the final package for employees.
- ▶ That the final package/s are disseminated to staff and volunteers of all four agencies and are mandatory to complete.

In making this recommendation, the Commission acknowledges that a balance needs to be struck between not adding to the burden already faced by both employees and volunteers while providing them with useful and important information.

However, if volunteers and staff have a greater understanding of corruption risks, including conflicts of interests and their obligations to disclose them, it may assist them in undertaking their duties with integrity, and protecting them if they are wrongly accused of impropriety. Further, it may increase their awareness of the types of corruption and other wrongdoing they could witness (including as a result of conflicts of interests), and the avenues for reporting if they observe such conduct.

### 5.2.3 CONTRACTOR INDUCTION

The Commission requested all induction materials from the four agencies that related to conflicts of interests. No evidence was provided that contractors receive an induction that includes information about their integrity obligations as public officers. The ESS Checklist<sup>199</sup> applies only to employees of the four agencies, not to contractors.

As discussed in section 3.4.1, contractors have obligations to disclose conflicts of interest under the PHSA Act. It would be beneficial if SAFECOM (in collaboration with each service) develop induction materials to provide to contractors working in all four agencies. This could include the expectations of contractors (for example, for the CFS, contractors' obligations under the Code of Conduct), and the penalties for non-compliance.

The Commission's F <https://www.dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars/PC035-Disclosure-of-Regularly-Requested-Information.pdf> actsheet *Are you a government contractor?*<sup>200</sup> could be included in such induction materials.

#### RECOMMENDATION 24

In consultation with the services, SAFECOM take action to increase contractor awareness of their obligations to identify and disclose conflicts of interests. This should include:

- ▶ Developing ESS induction materials for contractors to set out their integrity obligations according to sector-specific policies, procedures and codes of conduct and broader public sector guidelines.
- ▶ Ensuring that all agencies set out in their conflicts of interests procedures and codes of conduct the penalties that apply to contractors who breach their obligations to identify and disclose conflicts of interest (in addition to penalties for breaches of other integrity obligations).

## 5.3 Management of disclosed conflicts of interests

As part of undertaking this evaluation, the evaluation team intended to review a small sample of declared conflicts of interests from each agency in order to assess the nature and quality of information documented, the adequacy of management plans in place and how often the plans were reviewed.

However, as noted in section 4.2, none of the agencies maintained a central conflicts of interests register,<sup>201</sup> and none reported any declared conflicts of interests within the past three financial years.<sup>202</sup> It was therefore not possible to undertake the proposed assessment.

199: EXH071.

200: Independent Commission Against Corruption (SA), 'Factsheet: Are you a government contractor?' (2023) <<https://www.icac.sa.gov.au/documents/Factsheet-Government-contractor>>.

201: INT002; INT003; INT005; EXH125.

202: EXH124.

The fact that none of the agencies could provide the Commission with any documented conflicts of interests for the previous three financial years is remarkable, particularly in light of views expressed to the evaluation team that there is a high level of awareness about the importance of declaring conflicts of interests.<sup>203</sup>

The absence of disclosed conflicts may be reflective of there *being* no conflicts of interests across all agencies over the past three years, but this seems unlikely. The Commission is aware of several issues that have arisen as a result of conflicts of interests in the agencies<sup>204</sup> over that time period (as summarised in chapter three). In addition, past survey data has indicated perceptions that conflicts of interests are poorly managed in the CFS and MFS.<sup>205</sup> This is supported by other views expressed to the evaluation team indicating a low level of awareness of conflicts of interests and the risks they pose throughout all four agencies, and that more education in this area is required.<sup>206</sup>

It may be the case that conflicts are verbally disclosed in meetings, recorded in minutes, and ‘managed’ at the level of the meeting.<sup>207</sup> However, no documented conflicts in meeting minutes are being fed back into a central register or other system for keeping records of disclosed conflicts, as required by the COID Policy.<sup>208</sup> As a result, each agency faces significant limitations in its ability to monitor conflicts of interests when they have been disclosed.

The lack of disclosed conflicts might reflect a lack of awareness of the obligations to identify, disclose and manage conflicts. It may also be due to a perception that having conflicts of interests is negative, conflicts ought to be avoided and concerns that identifying a conflict might be treated in a punitive fashion.

A lack of understanding of conflicts of interests and obligations to identify and disclose them, combined with a possible reluctance to disclose them for fear of negative consequences, poses a significant integrity risk to all four agencies. The absence of disclosed conflicts encountered by the Commission suggests that an understanding of conflicts of interests, the risks they pose, and the importance of their disclosure and management needs to be better communicated and embedded throughout all agencies.

Recommendations eighteen, twenty-two and twenty-three will help to address this.

203: INT003; INT004; INT005

204: See Independent Commission Against Corruption (SA), Integrity State 2022–23 (2023) <<https://www.icac.sa.gov.au/indexable-assets/reports/investigation-reports/integrity-state-2022-23>>; Independent Commission Against Corruption (SA), Integrity State (2022) <<https://www.icac.sa.gov.au/indexable-assets/reports/investigation-reports/integrity-state2>>; Independent Commission Against Corruption (SA), ICAC Public Integrity Survey 2021 (2022) <<https://www.icac.sa.gov.au/indexable-assets/reports/survey-reports/icac-public-integrity-survey-2022>>.

205: EXH177; EXH169; EXH176

206: INT001.

207: EXH125.

208: EXH004.

## 5.4 Ongoing monitoring of conflicts of interests

The Commission was provided with no evidence that any of the agencies has a system for ongoing management, monitoring or auditing of conflicts of interests, contrary to the requirements of the COID Policy.<sup>209</sup>

Given the absence of declared conflicts, this is perhaps unsurprising, but an ongoing management system should be established for each agency and be readily available for when any conflicts *are* disclosed. In future, this will allow for conflict of interests information, including management plans, to be monitored, reviewed and audited.

Although not consistent with the COID Policy in its current form, there is merit in the suggestion<sup>210</sup> that SAFECOM take responsibility for the maintenance of a centralised conflict of interests register and system for ongoing management, monitoring and auditing. Given its centrality to the emergency services sector, and the responsibilities given to it under the FES Act, SAFECOM is well placed to undertake this task.

The COID Policy, although approved in October 2023, is not being adhered to by agencies. A reason for this may be the burden created by requiring *each agency* to create a register and monitoring system. Creation and maintenance of a register and monitoring system is separate to the ongoing recording, management and monitoring of conflicts of interests. Agencies could retain responsibility for the latter, using a register and monitoring system established and maintained by SAFECOM.

A barrier to this may be that SAFECOM's information and records management systems are immature, and not currently able to support a central conflicts of interests register.<sup>211</sup> Given the requirements of the COID Policy, this is problematic. Whether SAFECOM is responsible just for its own register and monitoring system, or for a register and monitoring system for all agencies, it is not a reason to avoid having a central register.

### RECOMMENDATION 25

In consultation with the services and to ensure compliance with the Conflict of Interest and Disclosure Policy, SAFECOM to coordinate the establishment of conflicts of interests registers for each organisation. In doing so, SAFECOM should consider the feasibility of having central responsibility for managing and maintaining all registers. This may require amending the ESS Conflict of Interest and Disclosure Policy.

209: EXH004.

210: INT001.

211: Ibid.

## 5.5 Consequences for non-compliance with conflicts of interests obligations

The Conflict of Interest and Disclosure Policy<sup>212</sup> gives each service the responsibility of maintaining a conflict of interests management system that includes ‘a suitably skilled and qualified delegate to manage and escalate cases of non-compliance.’

As discussed in chapter four, none of the agencies had a conflicts of interests management system, and there was a lack of clarity around the role of the ‘delegate’ as described in the COID Policy. This will be addressed by implementing recommendation three.

Each service had a disciplinary procedure that was referred to in explaining how deliberate breaches of conflict of interests obligations would be managed.<sup>213</sup>

For the MFS, Section 6.71 of the Conflicts of Interest Procedure<sup>214</sup> relates specifically to breaches of the Procedure. It states that a failure to disclose a conflict of interests may be deemed misconduct in some instances and can lead to termination of employment. Even though it applies to contractors, nothing is stated about consequences for contractors if they breach the Procedure.<sup>215</sup>

The CFS Code of Conduct states that a failure to comply with the Code by either a volunteer or an employee may constitute misconduct, and the CFS may be required by law to report criminal or serious breaches of the Code to South Australia Police, the South Australia Ombudsman, or Office of the Guardian. If contractors or volunteers breach the CFS Code of Conduct, this can result in the termination of their contract or membership.

The SES 2015 Code of Conduct states that if a member (including volunteers and employees) fails to comply with the Code they may be liable to investigation and possible disciplinary action.<sup>216</sup> The 2015 version does not mention contractors.

The more recent draft version states that it applies to contractors. However, it also specifies that ‘all volunteers and staff familiarise themselves with their obligations under the Code’<sup>217</sup> (but did not include contractors). Non-compliance with the professional conduct standards in the draft Code of Conduct for employees, volunteers, contractors and anyone undertaking training with the SES will constitute misconduct.

For SES volunteers, any issue that is raised in relation to the Code of Conduct (including a breach of obligations to disclose a conflict of interests) may result in a formal inquiry as outlined in the SES Volunteer and Discipline Policy and Procedure. For staff, the SES follow the CPSE’s Guideline on the Management of Unsatisfactory Performance<sup>218</sup> and the Guideline on Management of Misconduct.<sup>219</sup>

212: EXH004.

213: INT003; INT004; INT005.

214: EXH042.

215: Ibid.

216: EXH029.

217: EXH033, p. 2.

218: Office of the Commissioner for Public Sector Employment, ‘Guideline of the Commissioner for Public Sector Employment: Management of Unsatisfactory Performance’ (2023) <<https://www.publicsector.sa.gov.au/hr-and-policy/Determinations,-Premiers-Directions-and-Guidelines/Guidelines/Files/2023-03-31-CPSE-Guideline-on-Management-of-Unsatisfactory-Performance.pdf>>.

219: Office of the Commissioner for Public Sector Employment, ‘Guideline of the Commissioner for Public Sector Employment: Management of Misconduct’ (2023), <<https://www.publicsector.sa.gov.au/hr-and-policy/Determinations,-Premiers-Directions-and-Guidelines/Guidelines/Files/2023-03-31-CPSE-Guideline-on-Management-of-Misconduct.pdf>>.

The Volunteer Disciplinary Procedure<sup>220</sup> identifies the disciplinary process for dealing with volunteer misconduct.

As outlined in section 6 of the Procedure, at the conclusion of an inquiry the range of sanctions or directions that may impact a volunteer's service include:

- ▶ Reprimanding the member.
- ▶ Suspending the member for a specified period.
- ▶ Demoting the member.
- ▶ Disqualifying the member from holding a rank in SASES.
- ▶ Disqualifying the person from membership of SASES.

It is encouraging that all agencies outline consequences for employees and volunteers for deliberate breaches of conflict of interests (and broader integrity) obligations according to the COID Policy, associated procedures and codes of conduct.<sup>221</sup> The lack of information available to contractors will be addressed by taking action to implement recommendation twenty-five.

As the evaluation team was not provided with evidence of disclosed conflicts or any mechanism for the systematic monitoring of disclosed conflicts (particularly as conflicts may be disclosed verbally in meetings), it is possible that breaches have gone undetected among employees and volunteers. This is also possible for contractors, particularly given the lack of induction materials that apply to them.

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220: EXH119.

221: EXH004; EXH042, EXH036, EXH029.



**CONCLUSION**

## Conclusion

The emergency services sector lacks consistent, clear and adequate guidance regarding the identification, disclosure and management of conflicts of interests.

SAFECOM have developed and introduced a clear and appropriate Conflict of Interest and Disclosure Policy that has been endorsed by all four agencies. This Policy is not effectively implemented or enforced. None of the agencies are compliant with the Policy. The relevant procedure (MFS) and Codes of Conduct (CFS and SES) do not reference the COID Policy.

Only the MFS has a general conflict of interests disclosure form for employees to complete if they identify that they have any conflicts related to their work. Staff and volunteers in SAFECOM, the CFS and SES only have access to a conflict of interests disclosure form that specifically relates to participation in a procurement evaluation panel.

The nature of induction and other training materials available to staff, volunteers and contractors in all agencies about their obligations to identify and disclose conflicts of interests requires improvement. SAFECOM are to be commended for developing a training package on ethical decision making that goes some way to address this. This ought to be finalised and rolled out as a priority.

Both the CFS and SES manage large volunteer workforces. It is appropriate and necessary for SAFECOM to take a leadership role to promote integrity obligations to volunteers. Even though volunteers do not have legislative obligations to the same extent as employees and contractors, they must nevertheless abide by the law and the public sector conduct standards that apply to them.

It is appropriate that the ESS Conflicts of Interests and Disclosure Policy, Gifts and Benefits Policy and other integrity related policies apply to volunteers, and that SAFECOM develop training materials on conflicts of interests for volunteers.

This report contains twenty-five recommendations to improve the clarity, availability and usefulness of policies, procedures and supporting documents relating to conflicts of interests. The recommendations also address staff, volunteer and contractor levels of awareness of their conflict of interests obligations, and all four agencies' monitoring and enforcement of the ESS Conflict of Interest and Disclosure Policy. Implementing these recommendations will contribute towards preventing corruption and impropriety and promoting integrity in the emergency services sector.



**APPENDICIES**

# Appendices

## Appendix 1: Exhibit list

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

EXHIBIT NUMBER	EXHIBIT NAME
EXH001	ESS Confidentiality and Conflict of Interest Declaration
EXH002	ESS Gifts and Benefits Policy
EXH004	ESS Conflict of Interest and Disclosure Policy
EXH005	Key Management Personnel Declaration SES Coversheet
EXH006	Key Management Personnel Declaration SES
EXH007	Key Management Personnel Declaration SES
EXH008	Key Management Personnel Declaration SES
EXH009	Key Management Personnel Declaration MFS Coversheet
EXH010	Key Management Personnel Declaration MFS
EXH011	Key Management Personnel Declaration MFS
EXH012	Key Management Personnel Declaration MFS
EXH013	Key Management Personnel Declaration MFS
EXH014	Key Management Personnel Declaration CFS Coversheet
EXH015	Key Management Personnel Declaration CFS
EXH016	Key Management Personnel Declaration CFS
EXH017	Key Management Personnel Declaration CFS
EXH018	Key Management Personnel Declaration CFS
EXH019	Key Management Personnel Declaration SAFECOM Board Coversheet
EXH020	Key Management Personnel Declaration SAFECOM Board
EXH021	Key Management Personnel Declaration SAFECOM Board
EXH022	Key Management Personnel Declaration SAFECOM Board
EXH023	Key Management Personnel Declaration SAFECOM Board
EXH024	Key Management Personnel Declaration SAFECOM Board
EXH025	Key Management Personnel Declaration SAFECOM Board
EXH026	Key Management Personnel Declaration SAFECOM Board
EXH027	Key Management Personnel Declaration SAFECOM Board
EXH028	Key Management Personnel Declaration SAFECOM Board
EXH029	SES Code of Conduct 2015
EXH030	SES Learning and Development Framework
EXH031	SES Complaints and Appeals Procedure
EXH032	SES Recruitment of Staff Procedure
EXH033	SES Code of Conduct 2024 Draft
EXH034	SES Staff as Volunteers Guideline
EXH035	Guidelines for State Bushfire Coordination Committee and Bushfire management Committees January 2018
EXH036	CFS Standard Administrative Procedure 23.01 Code of Conduct
EXH037	CFS Standard Administrative Procedure 24.05 Gifts and Benefits

EXH038	CFS ICAC Induction for Public Officers Completions Report 11 September 2024
EXH039	CFS Permit to Light and Maintain Fire Policy September 2016
EXH040	CFS ICAC Conflict of Interest Completions Report 11 September 2024
EXH042	MFS Service Administrative Procedure 08 Conflict of Interest
EXH059	SAFECOM Policy Framework
EXH060	MFS Service Administrative Procedure 13 Secondary Employment
EXH061	MFS Service Administrative Procedure 13 Secondary Employment (out for consultation)
EXH064	MFS Firefighter Recruitment Proposed Approach March 2024
EXH067	SAFECOM Procurement Procedure (superseded)
EXH069	SAFECOM 2019-08-15 Procurement Policy
EXH070	ESS Outside Employment and Multiple Engagements Policy
EXH071	ESS New Employee Induction Checklist
EXH075	ESS Approval and evaluation to engage in outside employment
EXH087	SES New Employee Induction Checklist
EXH096	CFS Guide Factsheet Understanding Recruitment in CFS
EXH097	ESS Instrument of Delegations and Authorisations
EXH098	ESS Recruitment Flowchart
EXH101	ESS Procurement Framework
EXH102	ESS Procurement Journey Guidelines 2024
EXH103	SES Volunteer Local Funds Quick Reference Guide
EXH108	SES Human Resource Procedure 002.1 Staff as Volunteers
EXH109	SES Human Resource Policy 002 Staff as Volunteers
EXH118	SES Human Resource Procedure 011 Volunteer Disciplinary Procedure (Consultation Draft)
EXH119	SES and CFS Draft Fire and Emergency Services Regulations 2024 Volunteer Disciplinary Procedures Expected Timeframes
EXH124	Correspondence from SAFECOM 4 October 2024
EXH125	Correspondence from CFS 4 October 2024
EXH127	MFS SP204 Conflict of Interest Disclosure Form
EXH128	SAFECOM Draft Ethical Decision-Making Training Package
EXH134	SES and CFS Volunteer Finance Information Sheet Managing Local Funds
EXH136	ESS Grievance Resolution for Employees and Volunteers Guideline
EXH137	ESS Grievance Resolution for Employees and Volunteers Policy
EXH156	Correspondence from the Office for Public Integrity 4 November 2024
EXH158	CFS Guide to Managing Misconduct of a Volunteer
EXH170	SAFECOM Agenda item ESS Exec Paper Policy Framework
EXH171	Correspondence from SAFECOM 16 January 2025
EXH173	ESS Contract Management Framework 2024
EXH174	Correspondence from SAFECOM 25 January 2025
EXH175	Correspondence from CFS 23 January 2025
EXH176	Public Integrity Survey 2024 data
EXH177	Public Integrity Survey 2021 data
EXH178	Correspondence from SES 17 March 2024
INT001	Interview with staff member of the Emergency Services Sector
INT002	Interview with staff member of the Emergency Services Sector

INT003	Interview with staff member of the Emergency Services Sector
INT004	Interview with staff member of the Emergency Services Sector
INT005	Interview with staff member of the Emergency Services Sector
INT006	Interview with staff member of the Emergency Services Sector
INT007	Interview with staff member of the Emergency Services Sector
INT008	Interview with staff member of the Emergency Services Sector
INT009	Interview with staff member of the Emergency Services Sector
SUB002	Submission from a member of the public

# Notes

