



FRAUD AND CORRUPTION PREVENTION POLICY

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Custodian title & e-mail address:	Chief Operating Officer		
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Supporting documents, procedures & forms:	Fraud and Corruption Internal Reporting Procedure Conflict of Interest Policy University Code of Conduct		
Relevant Legislation & External Documents:	Fraud and Corruption Control Australian Standard AS8001-2008 Public Interest Disclosures Act 1994 (PID Act) Independent Commission against Corruption Act 1988 (ICAC Act) Government Information (Public Access) Act 2009 (GIPA Act) Ombudsman Act 1974 Public Finance and Audit Act 1983 ICAC Section 11 Report Guidelines for Principal Officers		
Audience:	Public		

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1 Purpose of Policy

1. The purpose of this policy is to:
 - a. Provide the University with an overarching framework upon which to build a culture resistant to fraud, corrupt conduct, maladministration, serious and substantial waste of public money and government information contravention;
 - b. Provide guidance about what constitutes fraud, corrupt conduct, maladministration, serious and substantial waste of public money or government information contravention;
 - c. Outline staff obligations and responsibilities in relation to wrongdoing covered by this policy and the consequences for people who engage in such conduct, and
 - d. Encourage and facilitate staff, consultants, contractors and other individuals performing public duties on behalf of the University to report any known or suspected incidents of wrongdoing as outlined in this policy.

2 Definitions

Word/Term	Definition
Contractors	Individuals or entities who perform a task or provide a service to the University, whether or not they are bound by a written contract to do so, eg security, cleaners.
Consultants	Individuals or entities who provide consultancy services to the University. Consultancy does not refer to the provision of services from the University to external organisations or to the exchange of services within the University.
Corrupt conduct	<p>Any dishonest activity where a staff member acts contrary to the interests of the University and abuses their position of trust in order to achieve some personal gain or advantage for themselves or another person or entity, such as:</p> <ul style="list-style-type: none">• The improper use of knowledge, power or position for personal gain or the advantage of others;• Acting dishonestly or unfairly, or breaching public trust;• A member of the public influencing staff to use their position in a way that is dishonest, biased or breaches public trust. <p>Examples include, but are not limited to:</p> <ul style="list-style-type: none">• Use of University funds or resources for personal use;• Providing false or misleading information;• Giving or accepting gifts or benefits contrary to the Conflict of Interest Policy;• Manipulating a tender process to achieve a desired outcome;• Providing or accepting a bribe. <p>The definition of corrupt conduct within the ICAC Act is intended to capture only</p>



	intentional or deliberate wrongdoing. Mistakes or negligence are not normally considered corrupt conduct however, they may still attract disciplinary action within the University.
Detrimental action	<p>Any action causing, comprising or involving any of the following:</p> <ul style="list-style-type: none">• Injury, damage or loss;• Intimidation or harassment;• Discrimination, disadvantage or adverse treatment in relation to employment;• Dismissal from, or prejudice in, employment; or• Disciplinary proceedings.
Fraud	<p>Deliberate and premeditated activity which involves the use of deception to gain advantage and/or obtain a financial benefit to the detriment of the University.</p> <p>Examples include, but are not limited to:</p> <ul style="list-style-type: none">• Acts or omissions;• Theft;• Making false statements;• Evasion;• Manipulation of information. <p>For this policy, fraud is generally recognised as a subset of corrupt conduct.</p>
Government information contravention	<p>A failure to comply with the system through which people can access government information, ie a failure to properly fulfil functions under the Government Information (Public Access) Act 2009. Examples include, but are not limited to:</p> <ul style="list-style-type: none">• Destroying, concealing or altering records to prevent them from being released;• Knowingly making decisions that are contrary to the GIPA Act;• Directing another person to make a decision that is contrary to the GIPA Act.
Internal reporter	<p>The individual making a report of known or suspected serious wrongdoing. For this policy, this includes staff, consultants, contractors or any other individual performing public duties on behalf of the University.</p>
Investigation	<p>Enquiry or enquiries regarding a specific matter, includes auditing.</p>
Maladministration	<p>An act or omission of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory and based wholly or partly on improper motives. Examples include, but are not limited to:</p> <ul style="list-style-type: none">• Awarding contracts and tenders to parties that are related by family,



	<p>friendship or association without merit;</p> <ul style="list-style-type: none">• Failing to make a decision in accordance with official policy for no appropriate reason;• Breaches of natural justice / procedural fairness;• Unauthorised disclosures of confidential information;• Failure to provide information where there is a legal obligation to do so.
Public Interest Disclosure	A report of serious wrongdoing that involves corrupt conduct, maladministration, serious and substantial waste of public money or government information contravention and which satisfies, and is made in accordance with, the requirements of the Public Interest Disclosure Act.
Reasonable grounds	As described in the ICAC Section 11 Report Guidelines for Principal Officers, means there is a real possibility that corrupt conduct is or may be involved. There needs to be more than idle speculation but there can be less than a firm belief.
Serious and substantial waste of public money	<p>The uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, resulting in a loss or wastage of public funds or resources. Examples include, but are not limited to:</p> <ul style="list-style-type: none">• The purchase of unnecessary or inadequate goods and services;• Misappropriation or misuse of University property;• The absence of appropriate safeguards to prevent the theft or misuse of University property;• Overstaffing in particular areas without merit;• Not following a competitive tendering process for a large scale contract contrary to University policy;• Luxurious, indulgent or excessive expenditure without merit.
Wrongdoing	In this policy, collectively means any corrupt conduct, maladministration, serious and substantial waste of public money or government information contravention.

3 Application & Scope

1. This policy applies to:
 - a. All staff of the University;
 - b. Consultants and contractors while working for the University;
 - c. Individuals, such as volunteers, who may perform public duties on behalf of the University; and
 - d. All work performed and duties carried out for the University, as well as related activities such as work-related functions, travel, conferences and any other circumstances when a person is representing the University.



2. Staff, consultants, contractors or other individuals performing public duties on behalf of the University who report wrongdoing as defined by this policy may be entitled to certain legal protections under the Public Interest Disclosures Act 1994 (PID Act). To help meet the requirements for protection under the PID Act this policy should be read in conjunction with the Fraud & Corruption Internal Reporting Procedure.
3. Reports of wrongdoing relating to conduct not covered by this policy may still be considered unacceptable by the University and may amount to misconduct or serious misconduct. Such reports will be dealt with according to the University Code of Conduct and other policies and procedures regulating conduct, performance and behaviour.
4. This policy does not apply to:
 - a. Complaints by individuals with a personal grievance;
 - b. Complaints associated with workplace safety, workplace bullying, discrimination or harassment, or equal employment opportunity; or
 - c. Allegations of staff or student misconduct.

4 Policy Principles

1. The University is committed to:
 - a. Promoting a culture of trust, integrity, ethical behaviour, accountability and transparency where persons are comfortable about reporting wrongdoing;
 - b. Encouraging and supporting persons to come forward if they have witnessed what they consider to be wrongdoing within the University;
 - c. Treating all reports of wrongdoing with confidentiality and care, regardless of whether or not they meet the criteria for protection under the Public Interest Disclosure Act;
 - d. Dealing with reports impartially, promptly and reasonably and, if some form of wrongdoing has been found, taking appropriate action;
 - e. Keeping an internal reporter informed of the progress of their report and broadly of any outcomes;
 - f. Ensuring Managers and Supervisors at all levels understand the benefits of reporting wrongdoing, are familiar with this policy and procedures for internal reporting of wrongdoing, and aware of the needs of those who make or are the subject of a report.

5 Policy Statement

1. The University strictly prohibits fraud, corrupt conduct, maladministration, serious and substantial waste of public money or government information contravention.
2. Disciplinary action, which may include termination of employment, may be taken against any staff member who engages in, participates in, covers up or in any way assists in such conduct. Where deemed appropriate, the University may refer the matter to a relevant external authority, such as the Independent Commission Against Corruption, the NSW Ombudsman, the NSW Police or Federal Police. The University may also initiate civil action to recover losses.
3. The University will not tolerate any detrimental action including harassment or victimisation of individuals who make reports of known or suspected fraud, corrupt conduct, maladministration, serious and substantial waste of public money or government information contravention.



4. The University will not tolerate persons wilfully providing false or misleading information. The University may take disciplinary action against any person determined to have engaged in such conduct and/or, where deemed appropriate, refer the matter to a relevant external authority.

6 Public Interest Disclosures

1. A key objective of the Public Interest Disclosures Act 1994 is to encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration, serious and substantial waste of public money and government information contravention. The PID Act provides legal protections for persons who make disclosures of such wrongdoing.
2. Relevant reports of wrongdoing at the University will be dealt with under the Public Interest Disclosures Act 1994. For a report to be considered a public interest disclosure it must meet the following requirements under the PID Act:
 - a. The report must be made by:
 - i. A University staff member, or
 - ii. A consultant, contractor or other individual performing public duties on behalf of the University;
 - b. The report must be about corrupt conduct (including fraud), maladministration, serious and substantial waste of public money or government information contravention;
 - c. The internal reporter must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing;
 - d. The report must be about the conduct of a University staff member, consultant, contractor, or an individual performing public duties on behalf of the University, and
 - e. The report must be made to one of the University's public interest disclosure officer, as identified in the Fraud and Corruption Internal Reporting Procedure.
3. The PID Act will not apply to reports that:
 - a. Deliberately provide false or misleading information;
 - b. Primarily question the merits of government policy;
 - c. Are made to avoid dismissal or other disciplinary action.
4. Any individual who makes a public interest disclosure in accordance with the PID Act is not subject to liability. No action or claim can be made against that individual in relation to the public interest disclosure, including breach of confidentiality.

7 Internal Reporting of Wrongdoing

1. All staff, consultants and contractors have a responsibility to report any known or suspected wrongdoing relating to the University. For information about reporting wrongdoing to the University refer to the Fraud and Corruption Internal Reporting Procedure.
2. For a report of wrongdoing to be protected under the PID Act, it must be made to one of the following nominated officers:
 - a. A Disclosure Officer,
 - b. The Disclosure Coordinator, or



c. The Vice-Chancellor.

Disclosure Officers and the Disclosure Coordinator are identified in the Fraud and Corruption Internal Reporting Procedure.

3. Staff may also report wrongdoing to their immediate Manager or Supervisor. However, these reports may not be protected under the PID Act where the Manager or Supervisor is not a nominated Disclosure Officer. Any Manager or Supervisor who receives a report that they believe may be a public interest disclosure must refer the internal reporter to a nominated Disclosure Officer or the Disclosure Coordinator to ensure any protections under the PID Act are applicable. In cases where the report involves any member of the Fraud and Corruption Control Committee, the internal reporter must instead be referred to the Vice-Chancellor. Membership of the Fraud and Corruption Control Committee is identified in the Fraud and Corruption Internal Reporting Procedure.
4. Reports of wrongdoing will be promptly assessed by the Fraud and Corruption Control Committee to determine how the report will be managed. The University may notify or refer a report to the Independent Commission against Corruption (ICAC), the NSW Police and/or other relevant government agencies, as required under legislation. An investigation, with the objective of locating evidence regarding the claims, may be initiated.
5. Where there is an actual or perceived conflict of interest or a report of wrongdoing pertains to the Disclosure Coordinator or any member of the Fraud and Corruption Control Committee, the Vice-Chancellor will appoint an alternative officer to act in that person's place.
6. In cases where a report of wrongdoing has been made to a member of the Fraud and Corruption Control Committee, that person is to recuse themselves from any deliberations or decision making in regard to that report to avoid any perception of bias or partiality. The Vice-Chancellor may appoint an alternative officer to act in that person's place.
7. Where an internal investigation is initiated, the Fraud and Corruption Control Committee will appoint one or more investigators. The investigator(s) may be University employees or external to the University.

8 Confidentiality

1. To the extent permitted by law, the University is committed to maintaining confidentiality of persons reporting wrongdoing, wherever practical and appropriate.
2. There may be circumstances where it is necessary for information to be disclosed that may identify the internal reporter. This information may be disclosed if:
 - a. The internal reporter gives written consent;
 - b. The internal reporter has voluntarily identified themselves to others as the person who reported the wrongdoing;
 - c. It is essential to ensure natural justice;
 - d. It is necessary for the matter to be effectively investigated; or
 - e. It is in the public interest to do so; or
 - f. The University is required to do so under law.
3. Wherever confidentiality cannot be maintained, a plan will be developed to support and protect the internal reporter as far as possible from the risk of reprisals.



9 Protection against Reprisals

1. Under the PID Act, it is a criminal offence to take detrimental action against someone who has made a public interest disclosure. Penalties include imprisonment and/or a fine.
2. The University will not tolerate any reprisals against any person who reports wrongdoing. Reprisals or detrimental action may be misconduct or serious misconduct, and the University will take appropriate action regarding such conduct, which may include termination of employment, contract or association with the University.

10 Support for the Subject of a Report

1. The University is committed to ensuring persons who are the subject of a report of wrongdoing are:
 - a. Provided with appropriate guidance and support;
 - b. Treated fairly, impartially and within the principles of natural justice;
 - c. Informed of their rights and obligations;
 - d. Kept informed during the course of any investigation;
 - e. Given the opportunity to respond to any allegations made against them; and
 - f. Informed of the result of any investigation.

11 False or Misleading Reports

1. Under the PID Act, it is a criminal offence when making a public interest disclosure to wilfully make a false or misleading statement or to attempt to mislead and in such cases the protections under the PID Act do not apply. Penalties include imprisonment and/or a fine.
2. Where it is determined during the course of any investigation that the internal reporter has deliberately provided false or misleading information, that conduct may be misconduct or serious misconduct, and the University may:
 - a. Impose disciplinary action as provided for by University policies and procedures;
 - b. Notify the ICAC of possible corrupt conduct under the ICAC Act;
 - c. Notify the NSW Ombudsman Public Interest Disclosures Unit; and
 - d. Consider referring the matter to relevant authorities such as NSW Police for criminal action where appropriate.

12 External Reporting of Wrongdoing

1. Persons are encouraged to report wrongdoing to the University. However, under the Public Interest Disclosures Act persons may elect to report wrongdoing to a relevant external investigating authority such as:
 - a. NSW Ombudsman – for reports of maladministration (www.ombo.nsw.gov.au);
 - b. Auditor-General of the NSW Audit Office – for reports of serious and substantial waste of public money (www.audit.nsw.gov.au);



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- c. The Independent Commission against Corruption – for reports of corrupt conduct including fraud (www.icac.nsw.gov.au);
 - d. NSW Information Commissioner – for reports of government information contravention (www.ipc.nsw.gov.au).
2. Reports of wrongdoing regarding the Vice-Chancellor should be made to the relevant external investigating authority.
3. Reports about wrongdoing may, in limited circumstances, be made to a Member of Parliament or a journalist.
4. To attract the protections of the PID Act when reporting wrongdoing to a Member of Parliament or a journalist:
 - a. The internal reporter must have already made substantially the same report to the Vice-Chancellor, a nominated disclosure officer or an investigating authority in accordance with the PID Act; and
 - b. The University or the investigating authority that received the report must have either:
 - i. Decided not to investigate the matter;
 - ii. Decided to investigate the matter, but not completed the investigation within six months of the original report;
 - iii. Investigated the matter but not recommended any action as a result;
 - iv. Not told the internal reporter, within six months of the report being made, whether the matter will be investigated; and
 - c. The internal reporter must be able to prove that they have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.
5. Making reports of wrongdoing to persons or organisations not listed above, or not in accordance with circumstances listed above, may be a breach of the University’s Code of Conduct and may result in disciplinary action. Such reports will not be protected by the PID Act.

13 Further Information

1. For more information about reporting wrongdoing, contact the UOW Disclosures Coordinator or the NSW Ombudsman’s Public Interest Disclosures Unit.
2. Further information is also available on the NSW Ombudsman’s website at www.ombo.nsw.gov.au.

14 Roles & Responsibilities

1. All staff are responsible for maintaining a culture at the University that is resistant to fraud, corruption and other intentional or deliberate wrongdoing.
2. All staff have a responsibility to:
 - a. Ensure that their behaviour and conduct at all times reflects the standards of the University Code of Conduct;



- b. Comply with the internal controls, systems, relevant policies and directions that apply to them from time to time in relation to carrying out their duties or functions for the University;
 - c. Report any known or suspected incidents of wrongdoing regarding the University pursuant to this policy and related procedure;
 - d. Reasonably assist those dealing with a report, including supplying any information on request;
 - e. Not take detrimental action against a person that they suspect has reported wrongdoing;
 - f. Notify a nominated Disclosures Officer of any suspicions they have that detrimental action is occurring or has been threatened.
3. Managers and Supervisors (including Disclosure Officers, the Disclosure Coordinator and the Vice-Chancellor) receiving a report of wrongdoing have an additional responsibility to:
 - a. Treat seriously all reports of wrongdoing;
 - b. Ensure all reports of wrongdoing are dealt with in accordance with the applicable procedure;
 - c. Keep the identity of the internal reporter and anyone who is the subject of a report confidential as far as possible, where it is practical and appropriate to do so;
 - d. Assist the person to put their report in writing or ensuring that any reports received verbally are documented, dated and signed by the person;
 - e. In cases where the Manager or Supervisor receiving the report is not a nominated Disclosure Officer:
 - i. Refer the internal reporter to a nominated Disclosure Officer, the Disclosure Coordinator or Vice-Chancellor to make the report to ensure any protections under the PID Act are applicable; and
 - ii. Within a reasonable timeframe and ensuring confidentiality of the internal reporter is maintained, confirm with the Disclosure Coordinator or Vice-Chancellor that the report of wrongdoing has been made and if not, advise of the information provided so that the report can be given due consideration.
 - f. In cases where the Manager or Supervisor receiving the report is a nominated Disclosure Officer, forward the report as soon as practicable to the Disclosure Coordinator or Vice-Chancellor for assessment;
 - g. Advise the internal reporter to only discuss the matter with authorised people and explain what will happen in relation to the information received.
4. The Disclosure Coordinator has an additional responsibility to:
 - a. Ensure that a written acknowledgement of receipt of the report of wrongdoing and a copy of this policy and the Fraud & Corruption Internal Reporting Procedure within 5 working days of the report being made;
 - b. Ensure that written advice about how the report will be dealt with is given to the internal reporter as soon as possible, and preferably within 10 working days of the report being made;
 - c. Periodically provide relevant information to the internal reporter;



- d. At the end of the investigation and within six months of the internal reporter's report having been received, provide the internal reporter with enough information to show that adequate and appropriate action was taken and/or is proposed to be taken;
 - e. Ensure all records relating to the management of reports of wrongdoing are securely retained.
5. The Fraud and Corruption Control Committee has a responsibility to:
- a. Declare any actual or perceived conflicts of interest prior to any decisions about a report of wrongdoing being assessed or considered;
 - b. Determine if a report is a public interest disclosure and how it will be dealt with;
 - c. Ensure the principles of procedural fairness are adhered to;
 - d. Keep the identities of all parties confidential as far as possible, where it is practical and appropriate to do so, and if it is not possible to maintain confidentiality, develop a strategy for supporting all parties involved and preventing detrimental actions;
 - e. Ensure that adequate support is provided to the internal reporter and the person who is the subject of the report;
 - f. Make recommendations on the systems and strategies that should be established to minimise any risk of detrimental action.
6. The Vice-Chancellor has additional responsibility to:
- a. Establish and maintain a working environment that encourages persons to report wrongdoing regarding the University, appropriately deal with reports of wrongdoing, and support staff by using best endeavours to ensure that detrimental actions are not taken;
 - b. Establish and maintain a framework to minimise the University's exposure to fraud and corrupt conduct;
 - c. Ensure that all relevant persons are aware of the processes for reporting wrongdoing and, where applicable, the protections of the PID Act;
 - d. Provide adequate resources to any person appointed to investigate a report, and to support the internal reporter or the person who is the subject of a report;
 - e. Ensure that the workplace situation is effectively managed, particularly if there is conflict or reprisal is threatened or takes place;
 - f. Take appropriate action against anyone who threatens or takes reprisal against an internal reporter;
 - g. Take appropriate remedial action in response to any findings that substantiate the allegations of wrongdoing;
 - h. Implement any organisational reform that is necessary to address systemic issues identified.



15 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	25 October 2013	University Council	This policy replaces the existing Corruption Prevention Policy & Public Interest Disclosures Policy
2	19 February 2015	Vice-Chancellor	Removed 6.3a in accordance with the Public Interest Disclosures Act. Update logo and apply new cover page template.
3	15 February 2019	University Council	Consequential amendment as a result of the rescission of the Access to Information Policy.