

NUMBER	PP22/8	VERSION	1.0
CATEGORY	Policy	SUBJECT	Governance
ISSUED BY	Executive	APPROVAL DATE	22/03/2022
AUTHORISED BY	Executive	ISSUED DATE	01/04/2022
DISTRIBUTION	Internal	REVIEW DATE	01/04/2023

Fraud and Corruption Control

Purpose

This Policy:

- provides a framework for dealing with fraud and corruptions risks faced by SARA & SLM
- provides guidance to employees in the risk-based approach adopted by SARA & SLM for control of fraud and corruption
- ensures all employees are aware of their responsibilities relating to fraud and corruption

Scope

This policy applies to all workers undertaking work for, or engaged by, SARA & SLM in either a paid or unpaid capacity. This includes:

- All SARA & SLM employees (ongoing, temporary, casual)
- Contractors or agency staff engaged to perform work for, or on behalf of SARA
- Work experience students and volunteers
- Consultants where their engagement requires adherence to the SARA Code of Conduct

POLICY

1. What is Fraud and Corruption?

For full definitions refer to sections 8 and 9 of the [Independent Commission Against Corruption Act 1988](#). In summary this includes the definitions below.

ICAC definitions of fraud and corruption include:

- Fraud: the dishonest obtaining of a financial or other benefit by deception
- Corruption: improper acts or omissions, improper use of influence or position and/or improper use of information.

Categories of fraud or corruption include, but are not limited to:

- theft of equipment, consumables/stores, funds, information, intellectual property
- unauthorised use of equipment, staff resources, consumables/stores, system passwords, building access cards, corporate credit cards, corporate identity, confidential information, intellectual property
- falsification/fabrication of information, e.g. leave and attendance records, travel claims, petty cash claims, academic qualifications, records of work experience, purchase orders, and payment vouchers
- misuse of position or authority for personal gain or benefit of associates, e.g. seeking of bribes, providing biased advice to the NSW Government, nepotism in staff appointments, favouring uncompetitive suppliers, failure to obtain competitive quotes, accessing restricted areas, ordering of equipment or stores for personal use.

2. Risk Management

Conforming to the Policy will considerably reduce the following risks:

- misuse of position or authority
- loss of funds, equipment, stores and confidential information
- unauthorised use of equipment, staff resources, stores, confidential information
- damage to the reputation of SARA & SLM
- inability to meet corporate objectives
- detrimental effect on morale and performance.

3. Confidentiality

All staff have rights and responsibilities in relation to confidentiality. Information about fraud and corruption allegations made under the *Public Interest Disclosures Act 1994* should only be provided under the exceptions listed in section 22 of the Act. Those involved in fraud and corruption allegation have both the right to confidentiality, and the responsibility for maintaining confidentiality in respect of both the identity of those involved, as well as the subject matter. Documentation will be kept on a confidential file retained by the Public Interest Disclosure coordinator. Failure on the part of employees to maintain the confidentiality is a breach of the Code of Conduct and may breach the *Public Interest Disclosures Act*. This could result in action against the relevant employee.

4. Procedural Fairness

Decisions must be made fairly and respectfully. Before a finding of fraud and corruption is made against a person, the person should be informed of the substance of the allegation against them and provided with an opportunity to be heard. Additional support mechanisms may be available for all parties, where the party/ies choose to use them.

Procedural fairness is afforded to all parties by adhering to the Organisations prescribed process, including the Public Interest Disclosures Policy and Procedures.

5. Implementation

A copy of this policy will be placed on the intranet.

This policy will be implemented by staff through:

- undertaking risk assessments in accordance the SARA& SLM Risk Management Policy
- staff training
- updating information on the intranet
- following appropriate delegations, including the procurement, financial and employment delegations.
- adhering to SARA & SLM and NSW Government policy including the Code of Conduct, Gifts, Benefits and Hospitality policy, Purchase Card policy, travel procedure, privacy obligations, ICT policies.
- avoiding Conflicts of Interest and declare any actual, potential or perceived conflicts of interest.
- reporting any suspicion of fraud and corruption under the Public Interest Disclosures Policy and Procedures
- All policies and procedures that govern the work of SARA & SLM are documented and available through the SARA & SLM Intranets.

Roles and responsibilities

- Chief Executive Officer
 - approving the policy and ensuring fraud and corruptions risks are addressed by SARA & SLM
 - reporting instances of suspected fraud and corruption to ICAC and where appropriate to NSW Police
- Directors and Managers:
 - coordinating implementation of the Policy
 - receiving and actioning reports of suspected fraud and corruption
 - taking a leadership role in promoting ethical behaviour

- ensuring effective risk management and internal control systems are operating
- considering new risks on a regular basis and adjusting systems where necessary
- ensuring workers understand the purpose of, and comply with, the internal control systems
- reporting suspected cases of fraud and corruption
- Head of Governance:
 - regular review of the policy
 - reporting to the Audit and Risk committee on risk management processes and associated procedures for the effective identification and management of fraud and corruption
- Workers:
 - complying with internal control systems, policies and procedures
 - reporting suspected case of fraud and corruption
- Public Interest Disclosure Officers (nominated officers to receive allegations of fraud and corruption):
 - dealing with disclosures impartially
 - complying with the confidentiality obligations in the confidentiality section of this document
 - supporting public officials who make public interest disclosures and take all reasonable steps to prevent them from victimisation, harassment or any other form of reprisal
 - ensuring officers who are the subject of a disclosure are treated fairly and reasonably
 - assessing each disclosure to determine whether the disclosure appears to be a public interest disclosure within the meaning of the Act
 - determining the appropriate action to be taken in relation to the disclosure
 - if considered appropriate, carry out or co-ordinate any internal investigation arising out of a disclosure
 - report on the findings of any investigation and recommend or determine any further action
- Audit and Risk Management Committee:
 - reviewing whether SARA & SLM has in place current and appropriate enterprise risk management processes and associated procedures for effective identification and management of fraud and corruption

Delegations

- Finance Delegations
- Employee Delegations
- Relevant Travel Delegations
- Procurement Delegations

Legislation

- *Independent Commission Against Corruption Act 1988*
- *Public Interest Disclosures Act 1994*
- *Government Information (Public Access) Act 2009 (GIPA Act)*
- *Public Finance and Audit Act 1983*
- *Ombudsman Act 1974*
- *Public Sector Employment Act 2013*

Related policies

- Code of Conduct
- Gifts and Benefits Policy
- Public Interest Disclosure Policy
- Purchase Card Policy
- Procurement Policy
- Risk Management Policy
- All relevant Delegations

- Appropriate use of Digital Technologies Policy
- [Travel and transport policy](#)

Further Information

- [Fraud Control Improvement Kit February 2015 – Audit Office of NSW](#)
- [Independent Commission Against Corruption website](#)
- [Australian Auditing Standard AUS 240](#)
- [ICAC publications: “What is corrupt conduct”, “Corruption prevention policy” and “Corruption prevention plan”](#)
- [Travel and Transport Policy](#)

Definitions

- Workers: Means anyone who performs paid work in any capacity for an employer, business or organisation. This includes an employee, volunteer, contractor or sub contractor, an employee or a contractor of a sub contractor, an employee of a labour hire company

Revision history

Version	Date issued	Notes	By
1	01/04/2022	New Code of Conduct for SARA Executive Agency	Head of Governance

Review date

This policy will be reviewed on 1 April 2023.

Contact

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