1. Statement

The Department of Health (the department) has zero tolerance for corrupt conduct, fraud and maladministration. This is supported by a hierarchy of governance and controls which will continue to build an ethical organisational culture.

2. Purpose

The intent of this policy is to ensure:

- There is commitment to an ethical organisational culture from all levels of the department.
- Business areas and fraud risk owners are committed to identifying, monitoring, controlling and treating their respective fraud risks.
- A system of prevention and detection strategies are in place for all instances of actual or suspected corrupt conduct, including fraudulent activities, misappropriation and maladministration occurring within and/or impacting the Department of Health.
- All staff are supported through reporting and complaints management processes
- Governance and responsibilities for fraud control are clear.

3. Scope

This policy applies to all employees, contractors and consultants within the Department of Health divisions and commercialised business units.

4. Principles

The principles outlined in the Code of Conduct for the Queensland Public Service guide the implementation of fraud control measures within the Department of Health:

- Integrity and impartiality
- Promoting the public good
- Commitment to the system of government
- Accountability and transparency

5. Legislative or other Authority

This policy is consistent with the fraud and corruption control provisions contained within the following publications:

- Ambulance Service Act 1991
- Crime and Corruption Act 2001
- Criminal Code Act 1899
- Criminal Proceeds Confiscation Act 2002
- Financial Accountability Act 2009
- Financial and Performance Management Standard 2009
- Hospital and Health Boards Act 2011
- Public Interest Disclosure Act 2010
- Public Sector Ethics Act 1994
6. Supporting documents
Roles, responsibilities and guidance for all staff are outlined in:

- Department of Health Fraud Control Standard
  (This Implementation Standard stipulates the roles and responsibilities of executives and the minimum mandatory requirements of all staff for preventing, detecting and responding to suspected fraud within the Department of Health)
- Department of Health Fraud Control Guideline (The Plan)
  (This Guide provides additional guidance to support compliance with the Implementation Standard including detailing how fraud control activities can be integrated into the work of all business areas within the Department of Health)

7. Related policy or documents

- Workplace Conduct and Ethics HR Policy E1 (QH-POL-113)
- Control Framework for Expenditure (2014)
- Criminal History Checking HR Policy B40 (QH-POL-122)
- Discipline HR Policy E10 (QH-POL-124)
- Corruption in Focus (Crime and Corruption Commission)
- Financial Management Practice Manual (FMPM)
- Risk Management Policy (QH-POL-070)
- Queensland Procurement Policy
- Public Interest Disclosures HR Policy I5 (QH-POL-202)
- Recruitment and Selection Policy HR Policy B1 (QH-POL-212)
- Requirements for Reporting Corrupt Conduct HR Policy E9 (QH-POL-218)

8. Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Collusion</td>
<td>Secret or illegal cooperation or conspiracy in order to deceive others; Law collusion between ostensible opponents in a lawsuit</td>
</tr>
<tr>
<td>Confidential Information</td>
<td>Pursuant to s139 of the Hospital and Health Boards Act 2011 confidential information means information, acquired by a person in the person’s capacity as a designated person, from which a person who is receiving or has received a public sector health service could be identified</td>
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| **Corrupt Conduct**      | Corrupt conduct is the conduct of a person, regardless of whether the person holds or held an appointment, that -  
1. adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of a unit of administration or a person holding an appointment; **and**  
2. is not honest or impartial; or involves a breach of trust (knowingly or recklessly); or involves a misuse of information; **and**  
3. provides a benefit to the person or another person or causes a detriment to another person; **and**  
4. would, if proved, be a criminal offence or a disciplinary breach providing reasonable grounds for termination of the person’s services. For the full definition, please refer to the *Crime and Corruption Act 2001*. |
| **Formal Investigation** | Pursuant to s190 of the *Hospital and Health Boards Act 2011*, a 'formal' investigation process involves the appointment or engagement of an investigator by the Director-General, or delegate. The investigation is a focused and detailed examination or inquiry, for which an investigator(s) is appointed to uncover facts and determine the truth of an allegation. This may include collecting, processing, analysing, storing, and evaluating evidence and providing findings and recommendations. The final product of a formal investigation is an investigation report. After considering the report, the Director-General, or delegate, may take the action he or she considers appropriate in relation to the matters identified in the report. |
| **Fraud**                | A Criminal Offence defined in the *Criminal Code Act 1899*                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| **Fraud (cont)**         | Dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position for personal financial benefit  
  *For example*: false claims on a CV, using a cab voucher for personal travel, falsely making a claim on a timesheet, false invoicing, unauthorised use of credit cards, theft of intellectual property or other confidential information, falsifying time-sheets to claim overtime not worked. |
| **Fraud Risk**           | The effect of possible fraud on the objectives of the department, division and/or business unit.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
### Term | Definition
--- | ---
**Maladministration** | An administrative action that—
(a) was taken contrary to law; or  
(b) was unreasonable, unjust, oppressive, or improperly discriminatory; or  
(c) was in accordance with a rule of law or a provision of an Act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances; or  
(d) was taken—  
   (i) for an improper purpose; or  
   (ii) on irrelevant grounds; or  
   (iii) having regard to irrelevant considerations; or  
(e) was an action for which reasons should have been given, but were not given; or  
(f) was based wholly or partly on a mistake of law or fact; or  
(g) was wrong

**Misconduct** | Inappropriate or improper conduct in an official capacity; or in a private capacity that reflects seriously and adversely on the public service.

**Natural Justice** | Natural justice is an administrative law principle that provides for fairness in decision-making. It is concerned with ensuring that an objective decision maker reaches a procedurally fair decision. Natural justice has two rules:
- Rule against bias: decision-makers are to be objective, free of bias, and have no personal interest in the matter being decided.
- Hearing rule: an individual is to be informed of the substance of an allegation/s against them and have the opportunity to present their case prior to a decision being made.

**Public interest disclosure (PID)** | A public interest disclosure is a disclosure under Chapter 11 of the Public Interest Disclosure Act and includes all information and help given by the discloser to a proper authority for the disclosure.

**Staff/ Employees (including contractors and consultants)** | For the purposes of this policy the term ‘staff’ refers to all Department of Health employees, and all individuals acting as its agents.

**Stealing / Theft** | Theft is dealt with under Sections 391 of the Criminal Code. For example: an employee steals a laptop belonging to Department of Health without consent and with the intention of not returning the laptop.

### Version Control

<table>
<thead>
<tr>
<th>Version</th>
<th>Date</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Version 1.</td>
<td>March 2015</td>
<td>Scheduled review by Risk and Governance Unit</td>
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</tbody>
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