

# Fraud and corruption control

## 1. Statement

The Department of Health (the department) has zero tolerance for fraud and corruption. This is supported by a hierarchy of governance and controls which contributes to and supports our ethical culture. The Department recognises that fraud and corruption prevention and control are integral components of good governance and risk management.

## 2. Purpose

The intent of this policy, supporting standard and guideline is to ensure:

- There is commitment to maintaining an ethical organisational culture at all levels of the department.
- Business areas and fraud risk owners are committed to identifying, monitoring, controlling and implementing treatment plans for their respective fraud and corruption risks.
- A system of prevention and detection strategies are in place for all instances of actual or suspected fraud and corrupt conduct, misappropriation and maladministration occurring within and/or impacting the department.
- All employees are supported through reporting and complaints management processes.
- Appropriate processes are in place to respond, investigate, report and monitor remedial actions for actual or suspected fraud and corrupt conduct.
- There are relevant processes in place for managing, disciplining or facilitating the prosecution of those responsible for incidents of fraud and corruption as appropriate.
- Governance and responsibilities for fraud and corruption control are clear.

## 3. Scope

This policy applies to all employees, contractors and consultants within the Department of Health Divisions and Business Units. The Queensland Ambulance Service will maintain a local Fraud and Corruption Control framework which aligns with this policy.

## 4. Principles

The principles outlined in the *Public Sector Ethics Act 1994* and *Code of Conduct for the Queensland Public Service* guide the implementation of fraud and corruption control measures within the department:

- **Integrity and impartiality**- being honest, fair and respectful and ensuring decisions are unprejudiced, unbiased and just.
- **Promoting the public good**- delivering the program and services that benefit the people of Queensland.
- **Commitment to the system of government**- respecting the government and its institutions and upholding the law

- **Accountability and transparency**- taking responsible actions and decisions that can be explained and easily understood.

## 5. Legislation

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*
- *Public Service Act 2008*

## 6. Supporting documents

### Related Documents

- **Department of Health Fraud and Corruption Control Standard**

This Implementation Standard stipulates the roles and responsibilities of executives and the minimum mandatory requirements of all employees for preventing, detecting and responding to suspected fraud and corruption within the Department of Health

- **Department of Health Fraud and Corruption Control Guideline**

This Guideline provides additional guidance to support compliance with the department Standard including detailing how fraud and corruption control activities can be integrated into the work of all business areas within the department.

### External Publications

- Australian Standard Fraud and Corruption Control AS 8001-2008
- Code of Conduct for the Queensland Public Service 2011
- Crime and Corruption Commission, Queensland Ombudsman, and Public Service Commission "Managing a Public Interest Disclosure Program. A guide for public sector organisations 2011"
- Crime and Corruption Commission (Qld) Fraud and Corruption Control- Best Practice Guide March 2018
- Corruption in Focus (Crime and Corruption Commission)
- Public Service Commission: Discipline Guidelines 01/17

- Public Service Commission: Directive 22/09 Gifts and Benefits
- Public Service Commission: Guidelines Gifts and Benefits 2010
- Queensland Procurement Policy
- Queensland Ombudsman: Public Interest Disclosure Standard 2019

### Internal policy

- Control Framework for Expenditure (2016)
- Criminal History Checking HR Policy B40 (QH-POL-122)
- Discipline HR Policy E10 (QH-POL-124)
- Employee Complaints HR Policy E12
- Financial Management Practice Manual (FMPM)
- 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)
- Risk Management Policy (QH-POL-070)
- Workplace Conduct and Ethics HR Policy E1 (QH-POL-113)

## 7. Definitions

Term	Definition
Confidential Information	<p>Confidential information means all information that is:</p> <ul style="list-style-type: none"> <li>a) by its nature confidential to Queensland Health;</li> <li>b) is designated or described as being confidential;</li> <li>c) an employee, contractor or consultant knows or ought to know is confidential to Queensland Health</li> </ul> <p>and includes:</p> <ul style="list-style-type: none"> <li>d) information which relates to Intellectual Property Rights of Queensland Health and its Personnel;</li> <li>e) information concerning clinical processes, policies, commercial operations, financial arrangements, information technology systems and programs or other affairs of Queensland Health;</li> <li>f) information that is defined as ‘confidential information’ by Queensland Health portfolio legislation, including the <i>Hospital and Health Boards Act 2011 (Qld)</i> and <i>Public Health Act 2005 (Qld)</i>; and</li> <li>g) information that is defined as ‘personal information’ under the <i>Information Privacy Act 2009 (Qld)</i>.</li> </ul>

Term	Definition
Corruption	Dishonest activity in which an employee of an organisation acts contrary to the interest of the organisation, in order to achieve some gain or advantage, or to avoid loss or disadvantage, for the employee or for another person or entity. Corruption can include, but is not limited to, behaviour such as fraud, deception, misuse of position or authority (Australian Standard 8001:2008 <i>Fraud and Corruption Control</i> ).
Corrupt Conduct	<p>As per Section 15(1) of the <i>Crime and Corruption Act 2001</i>, corrupt conduct is conduct that:</p> <ul style="list-style-type: none"> <li>• adversely affects, or could adversely affect, the performance of functions or the exercise of powers of a unit of administration or a person holding an appointment; and</li> <li>• is not honest or impartial; or involves a breach of trust (knowingly or recklessly); or involves a misuse of information; and</li> <li>• would, if proven, be a criminal offence or a disciplinary breach providing reasonable grounds for termination of the person's employment.</li> </ul> <p>As per Section 15(2) of the <i>Crime and Corruption Act 2001</i>, corrupt conduct is conduct that:</p> <ul style="list-style-type: none"> <li>• impairs, or could impair, public confidence in public administration; and</li> <li>• involves, or could involve: <ul style="list-style-type: none"> <li>▪ collusive tendering;</li> <li>▪ fraud relating to an application for a licence, permit or other authority under an Act with a purpose of protecting health or safety of persons, protecting the environment, or protecting or managing the use of the State's natural, cultural, mining or energy resources;</li> <li>▪ dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;</li> <li>▪ evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;</li> <li>▪ fraudulently obtaining or retaining an appointment; and</li> <li>▪ would, if proven be a criminal offence or a disciplinary breach providing reasonable grounds for termination of the person's services, if the person is or were the holder of an appointment.</li> </ul> </li> </ul> <p>For the full definition, please refer to section 15 of the <i>Crime and Corruption Act 2001</i>.</p>

Term	Definition
Fraud	<p>Dishonest activity causing actual or potential 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 (from Australian Standard 8001:2008 <i>Fraud and Corruption Control</i>).</p> <p>A Criminal offence as defined in Section 408C of the <i>Criminal Code Act 1899</i>.</p> <p><i>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.</i></p>
Fraud Risk	The effect of possible fraud on the objectives of the department, division and/or business unit.
Employees (including contractors and consultants)	For the purposes of this policy the term employees refers to all Department of Health employees, and all individuals acting as its agents and consultants.

## Version Control

Version	Date	Comments
Version 1	March 2015	Scheduled review by Risk and Governance Unit
Version 1.1	17 June 2015	Policy Rationalisation Project- Minor editorial changes. Migration of content
Version 2.0	21 August 2019	Scheduled review by Risk, Assurance and Information Management Branch - Title change, update of the corrupt conduct definition and other general updates