

Fraud, Bribery and Corrupt Conduct Prevention Policy

INTRODUCTION

The University is committed to high standards of professional conduct and honest and ethical business practices.

Staff members and students must conduct themselves professionally, fairly and with integrity in all business dealings and relationships wherever the University operates, in accordance with the University's [Code of Conduct](#) and relevant legislation.

The University has a zero tolerance towards corrupt conduct which can take on many forms including conflicts of interest, taking or offering bribes, dishonestly using influence, blackmail, fraud, theft, embezzlement, tax evasion, forgery, nepotism and favouritism.

All staff members have a fiduciary duty to be vigilant and take an active role in the prevention and detection of fraud, bribery and corrupt conduct against the University, whether by other staff members, students or persons external to the University.

The University will support staff members who come forward to report conduct, which does not meet the standards required by the University. Reports of suspected wrongdoing are encouraged will be taken seriously and addressed in accordance with the requirements of the University's governing documents and the law.

STATEMENT OF AUTHORITY

The authority behind this policy is the [Charles Darwin University Act 2003](#) part 3, section 15.

COMPLIANCE

This is a compliance requirement under the [Australian Charities and Not-for-profits Commission Regulation 2013](#) and part 8, section 33 of the [Charles Darwin University Act 2003](#).

INTENT

This document outlines the University's commitment and framework for fraud, bribery and corrupt conduct prevention.

For matters specifically relating to academic fraud, refer to the [Academic and Scientific Misconduct Policy](#).

RELEVANT DEFINITIONS

In the context of this document

Bribery means the offering, promising, giving, accepting or soliciting of an advantage as an inducement for action which is illegal or a breach of trust. A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage;

Corrupt conduct means, dishonest activity in which employee staff member or contractor of the University acts contrary to the interests of the University and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity. It may also involve conduct by a student or staff member, or a person purporting to act on behalf of and in the interests of the University, in order to secure some form of improper advantage for the University either directly or indirectly;

Evidence means according to the [Australian Standard AS 8001-2008, Fraud and Corruption Control](#), oral testimony either given in legal proceedings or which a witness indicates he or she is prepared to give under oath or affirmation in legal proceedings and documents of any description than can legally be admitted as evidence in a Court of Law;

Fraud means according to the [Australian Standard AS 8001-2008, Fraud and Corruption Control](#), dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by staff members or persons external to the entity and whether or not deception is used at that 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. The theft of property belonging to the University by staff members, students or contractors where deception is not used is also considered fraud;

Governance document means a formally approved document that outlines non-discretionary governing principles and intentions, in order to guide University practice. Governance documents are formal statements of intent that mandate principles or standards that apply to the University's governance or operations or to the practice and conduct of its staff members and students they include the Charles Darwin University Act (2003), by-laws, policies, procedures, guidelines, rules, codes and the Enterprise Agreement;

Investigation means a search for evidence connecting or tending to connect a person with conduct that infringes the criminal law and/or the Governing Documents of the University;

Serious means according to the [Australian Standard AS 8001-2008, Fraud and Corruption Control](#), in the context of a risk or event, likely to have more than an immaterial impact on the University, if it occurred, with the potential to threaten the business' economic viability in the short, medium or long term or to have a noticeable impact on the University's business reputation;

Staff member means anyone engaged by or associated with the University and includes all permanent, casual, adjunct, honorary or contracted staff (whether full-time or part-time), volunteers or those holding University offices or who are a member of a University committee;

Student means a person prescribed as a student of the University in By-law 2 of the [Charles Darwin University \(Student of the University\) By-laws](#); and

Theft means inappropriate disposal of a University asset with the intent to deprive the University of it permanently.

POLICY

The University is committed to preventing incidences of fraud, bribery and corrupt conduct is underpinned by the following best practice strategies.

Prevention

The University will:

- Incorporate fraud, bribery and corrupt conduct risk assessment and monitoring in the annual University-wide risk assessment process to:
 - Determine fraud, bribery and corrupt conduct risks;
 - Determine the strength of existing controls; and
 - Identify additional risk treatments to manage or mitigate current exposure;
- Ensure Council and relevant senior staff members understand the fraud, bribery and corrupt conduct risks the University is exposed to;
- Establish and maintain adequate internal controls that provide for the security and accountability of resources and prevent/reduce the opportunity for fraud, bribery or corrupt conduct to occur;
- Establish, promote and maintain a culture and environment from the top down that makes active fraud, bribery and corrupt conduct control a responsibility of all staff members; and
- Establish training programs incorporating the University's [Code of Conduct](#), [Procedure for Reporting and Responding to Suspected Fraud, Bribery and Corrupt Conduct](#) and [Public Interest Disclosure Procedure](#) to ensure staff members are aware of their responsibilities to the University in relation to fraud, bribery and corrupt conduct.

Detection

The University will:

- Monitor and obtain assurance of the adequacy and efficacy of internal controls;
- Foster an environment that encourages students and staff members to report suspected incidents of fraud, bribery and corrupt conduct; and
- Articulate clear standards and procedures to encourage deterrence of fraud, bribery or corrupt conduct.

Monitoring

The University will:

- Maintain oversight across internal controls over identified high risk areas as directed by the Audit and Risk Committee and Internal Audit programs to mitigate identified risks; and
- Demonstrate compliance through constant monitoring, reviewing and the continuous improvement of risk management and internal controls.

Response

The University will:

- Promptly investigate allegations of fraud, bribery or corrupt conduct at a level of inquiry according to the seriousness of the matter in accordance with University's [Procedure for Reporting and Responding to Suspected Fraud, Bribery and Corrupt Conduct](#);
- Instigate disciplinary proceedings, prosecution and/or recovery action according to the seriousness of the matter in accordance with University's [Procedure for Reporting and Responding to Suspected Fraud, Bribery and Corrupt Conduct](#) and relevant state/territory or commonwealth legislation as well as the [Charles Darwin University and Union Enterprise Agreement](#) or [Charles Darwin University \(Student Conduct\) By-laws if applicable](#); and
- Ensure persons who make public interest disclosures under the Northern Territory [Public Interest Disclosure Act](#) are dealt with according to the University's [Public Interest Disclosure Procedure](#) and protected where possible, from acts of reprisal.

ESSENTIAL SUPPORTING INFORMATION

Internal

[Academic and Scientific Misconduct Policy](#)

[Charles Darwin University and Union Enterprise Agreement 2013](#)

[Code of Conduct](#)

[Fraud, Bribery and Corrupt Conduct Prevention Guidelines](#)

[Internal Control Policy](#)

[Procedure for Reporting and Responding to Suspected Fraud, Bribery and Corrupt Conduct](#)

[Public Interest Disclosure Procedure](#)

[Quality Policy](#)

[Risk Management Policy](#)

[Students - Breach of Academic Integrity Procedures](#)

External

[Australian Standard AS 8001-2008, Fraud and Corruption Control](#)

[Charles Darwin University \(Student of the University\) By-Laws \(NT\)](#)

[Charles Darwin University \(Student Conduct\) By-Laws \(NT\)](#)

[Criminal Code Act 1983 \(NT\)](#)

[Public-Interest Disclosure Act 2008 \(NT\)](#)

Document History and Version Control

Last amendment:	15 Dec 2017	Next Review:	Nov 2019
Sponsor:	Vice-Chancellor		
Contact Officer:	Director, Strategic Services and Governance		

Version	Date Approved	Approved by	Brief Description
1.00	4 May 2005	Council	Creation of original document and upload to CDU website.
1.01	24 Oct 2007	Vice-Chancellor	Inclusion of new position titles throughout the document, which reflect the new VET structure EG: Director VET, NT Industry Clusters.
1.02	29 Dec 2010	Governance	<ul style="list-style-type: none"> • Convert document to new template. • Add statement of authority, relevant definitions and essential documents in keeping with new policy format. • Amend minor grammatical and spelling errors. • Amend Deputy Vice-Chancellor Research to Deputy Vice-Chancellor Research and International to reflect change in position title. • Amend Director VET to Pro Vice-Chancellor VET to reflect change in position title. • Amend Chief Financial Officer to Executive Director Finance and Asset Services to reflect change in position title. • Amend Audit and Risk Committee to Finance, Risk and Review Committee to reflect change in committee title. • Senior Staff changed to Senior Executive to implement new title changes. • Word 'Internal Audit function' was removed from document as no longer in use. • Heads of areas (schools, industry cluster, divisions and other organisational units) changed to Senior Managers to reflect new title changes. • Dean of a Faculty / Pro Vice-Chancellor, VET changed to the Pro Vice-Chancellors to reflect title changes.
1.03	14 Jan 2011	Governance	<ul style="list-style-type: none"> • Executive Director Corporate Services changed to Director, Strategic Services and Governance to reflect change in responsibilities.
1.04	10 Jan 2012	Governance	<ul style="list-style-type: none"> • Removal of reference to Finance, Risk and Review Committee as no longer active. • Amended position titles in accordance with new organisational chart. • Updated and added hyperlinks • Minor changes to grammar and formatting
1.05	2 Feb 2013	Governance	<ul style="list-style-type: none"> • Converted document to new template • Minor changes to wording, formatting and grammar

			<ul style="list-style-type: none"> • Updated and added hyperlinks • Assigned document number • Removed general responsibilities section • Added relevant definitions
2.00	11 Dec 2013	Vice Chancellor	<ul style="list-style-type: none"> • Major review • Revised Introduction, Intent, Definitions and Policy • Name change and policy includes relevant definitions, examples, statements and strategies on fraud, bribery and corrupt conduct prevention • Includes reference to new Public Interest Disclosure Procedure • Updated hyperlinks
3.00	2 Nov 2016	Vice-Chancellor	<ul style="list-style-type: none"> • Major review performed – changed title from Fraud, Bribery and Corrupt Conduct Policy to Fraud, Bribery and Corrupt Conduct Prevention Policy • Introduction amended to add Fiduciary Duty requirements • Removed from policy - Examples of Corrupt conduct, Fraudulent activity, Possible Areas of Potential Fraud, Bribery and Corruption and High risk areas and activities and moved to Fraud, Bribery and Corrupt Conduct Prevention Guidelines • Removed definitions for Entity, Maladministration, Secret commissions, Senior executives and Senior Manager and added definition for Student • Added commitments from the previous Fraud, Bribery and Corrupt Conduct Prevention Procedures using the headings, Prevention, Detection, Monitoring and Response • Removed Specific responsibilities and authorities • Updated hyperlinks
3.01	15 Dec 2017	Governance	<ul style="list-style-type: none"> • Conversion to new Governance template due to University branding • Updated hyperlinks • Updated definitions