

- POLICY -

# Fraud and Corruption

## Policy Statement

TAFE SA is strongly committed to an environment of sound governance, robust internal controls and a culture that will safeguard public resources. This policy reflects TAFE SA's commitment to the prevention and management of fraud, corruption and other criminal conduct, misconduct and maladministration and the promotion of ethical and honest behaviour in the workplace and creation of an appropriate workplace culture.

TAFE SA will not tolerate fraud, corruption and other criminal conduct, misconduct or maladministration and will investigate or otherwise address any suspected, alleged or proven instances of such conduct. Proven instances of fraud, corruption, misconduct or maladministration by public officers including TAFE SA employees, contractors, volunteers or members of Boards and Committees administered by TAFE SA could result in sanctions, including dismissal.

This policy has been developed in line with the South Australian Public Sector Fraud and Corruption Control Policy and should be read in conjunction with the TAFE SA Fraud and Corruption Procedure and the TAFE SA Fraud and Corruption Control Plan.

## Scope

This Policy applies to all public officers including TAFE SA employees (including employees seconded from other agencies or organisations), contractors, volunteers as well as members of Boards and Committees administered by TAFE SA.

All allegations of fraud and corruption (excluding vexatious or frivolous allegations) will be fully investigated regardless of the position, title or length of service of any parties who might be involved.

## Policy

TAFE SA has a zero tolerance stance towards fraud, corruption and other criminal conduct, misconduct and maladministration.

All allegations of this nature (excluding vexatious or frivolous allegations) will be fully investigated and appropriate action taken against any staff member, contractor or volunteer found to have misappropriated TAFE SA resources or acted inappropriately in the performance of their official duties.

## Strategic Plan

This policy is consistent with TAFE SA's commitment to having a diverse workforce that is professional, client focused and is supportive, collaborative, transparent and accountable.

## Roles and Responsibilities

Position	Responsibility
TAFE SA Board	<p>Develop and monitor compliance with the TAFE SA risk appetite statement.</p> <p>Ensure appropriate governance arrangements are in place to effectively manage and monitor the risk of fraud, corruption, misconduct and maladministration across TAFE SA.</p>
TAFE SA Audit & Risk Committee	<p>Review the adequacy of the processes in place to identify and manage fraud, corruption, misconduct and maladministration risks across TAFE SA.</p> <p>Bi-annually review and approve the TAFE SA Fraud and Corruption Policy, the TAFE SA Fraud and Corruption Procedure and the TAFE SA Fraud and Corruption Control Plan.</p> <p>Review and approve the annual internal audit plan including projects aimed at preventing and detecting fraud, corruption, misconduct and maladministration across TAFE SA.</p> <p>Monitor all current investigations into allegations of fraud, corruption, misconduct and maladministration across TAFE SA to ensure appropriate action(s) are taken to address any potential internal control weaknesses or breakdowns.</p>
Chief Executive	<p>Has ultimate responsibility for managing fraud, corruption, misconduct and maladministration risks across TAFE SA. This includes ensuring that TAFE SA has an effective internal control framework in place to adequately mitigate the risk of fraud.</p> <p>Design and implement an effective risk management framework including risk management processes that provide for the identification and mitigation of key risks, including those relating to fraud, corruption, misconduct and maladministration.</p> <p>Foster a culture that makes active control of fraud, corruption other criminal conduct, misconduct and maladministration the responsibility of all employees.</p> <p>Ensure that TAFE SA Executive members periodically confirm in writing (through the FMCP process) that the Directorate for which they are responsible has adequate</p>

	<p>processes and controls in place to identify and mitigate the risk of fraud.</p>
<p>All TAFE SA Executive Directors and Directors</p>	<p>Implement and maintain processes, systems and a workplace culture that protects TAFE SA against fraud, corruption, misconduct and maladministration risks in TAFE SA.</p> <p>Ensure key fraud, corruption, misconduct and maladministration risks are recorded in their respective Directorate risk profiles, including strategies in place to mitigate such risks.</p> <p>Periodically confirm in writing (through the FMCP process) that the Directorate for which they are responsible has adequate processes and controls in place to identify and mitigate the risk of fraud.</p>
<p>People &amp; Culture Directorate</p>	<p>Ensure all allegations of fraud and corruption (excluding vexatious or frivolous allegations) are fully investigated and appropriate action taken.</p> <p>Oversee the delivery of fraud awareness training across TAFE SA to promote ethical conduct and an ethical culture.</p>
<p>Manager, Internal Audit &amp; Risk</p>	<p>Review the key fraud and corruption risks, controls and treatments identified by Executive as part of the risk management process.</p> <p>Consider the risk of fraud and corruption and associated key controls as part of the annual internal audit planning process.</p> <p>Conduct fraud related internal audits in line with the approved Internal Audit Plan and ensure appropriate action is taken to address any control deficiencies identified.</p> <p>Provide a central point for managing fraud and corruption risks across TAFE SA, including advice to management on the strategies in place to mitigate fraud and corruption risks.</p> <p>Ensure appropriate action is taken to address any control weaknesses identified as part of any fraud and corruption investigations undertaken.</p>
<p>All staff</p>	<p>Expected to comply with their conditions of employment and to contribute to a culture of ethical and lawful behaviour.</p>

	<p>Will not, for themselves or others seek or accept gifts or benefits that could be reasonably perceived as influencing their decision making process.</p> <p>Expected to report all instances of conduct alleged or reasonably suspected to be fraud, corruption and other criminal conduct, misconduct and maladministration. Failure to report in compliance with the ICAC Directions and Guidelines and/or the 'Code of Ethics for the South Australian Public Sector' is misconduct and will render an employee liable to disciplinary action and may render other public officers subject to adverse action.</p> <p>Fully cooperate with any investigation into allegations of fraud, corruption, misconduct or maladministration undertaken by TAFE SA or other external inquiry agencies including the Independent Commission Against Corruption, SAPOL and SA Ombudsman.</p>
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## Definitions

Term	Definition
Fraud <sup>^</sup>	A dishonest activity causing actual or potential financial loss to any person or entity including the theft of moneys or other property by employees or persons external to the entity (this includes the deliberate falsification, concealment, destruction or use of falsified documents used or intended for normal business purposes and the improper use of information or position/status for personal benefit).
Corruption*	<p>Corruption refers to conduct that constitutes an offence against Part 7 Division 4 (Offences relating to public officers) of the <i>Criminal Law Consolidation Act, 1935</i>, and includes:</p> <ul style="list-style-type: none"> <li>• Bribery and corruption of public officers;</li> <li>• Threats or reprisals against public officers;</li> <li>• Abuse of public office;</li> <li>• Demanding or requiring benefit based on public office; and</li> <li>• Offences relating to appointment to public office.</li> </ul>
Misconduct in public administration*	<p>Misconduct means:</p> <ul style="list-style-type: none"> <li>• Contravention of a code of conduct by a public officer while acting in his or her capacity as a public officer that constitutes a ground for disciplinary action against the officer; or</li> </ul>

	<ul style="list-style-type: none"> <li>• Other misconduct of a public officer while acting in his or her capacity as a public officer.</li> </ul>
Maladministration in public administration*	<p>Maladministration means:</p> <ul style="list-style-type: none"> <li>• Conduct of a public officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or</li> <li>• Conduct of a public officer involving substantial mismanagement in or in relation to the performance of official functions.</li> </ul>
Gift	Any item offered to an employee by a person or organisation which may be interpreted as payment for recognition of service provided or as enticement to enhance or build a business relationship which could be considered advantageous to the person providing the gift. These items include but are not limited to meals, tickets to concerts or events, bottles of wine, money or vouchers.
Conflict of Interest	A situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity.
Vexatious	Causing or tending to cause annoyance, frustration, or worry.
Frivolous	Not having any serious purpose or value.

^ As per the South Australian Public Sector Fraud and Corruption Policy

\* As per the *Independent Commissioner Against Corruption Act, 2012*

## Associated Documents and References

Document/Reference Title
<a href="#"><u>TAFE SA Fraud and Corruption Procedure</u></a>
<a href="#"><u>TAFE SA Fraud and Corruption Control Plan</u></a>
<a href="#"><u>Public Interest Disclosure Policy</u></a>
<a href="#"><u>Public Interest Disclosure Procedure</u></a>
<a href="#"><u>Gift Register Procedure</u></a>
<a href="#"><u>Conflict of Interest Policy</u></a>
<a href="#"><u>Australian Standard on Fraud and Corruption Control</u></a>
<a href="#"><u>Independent Commissioner Against Corruption Act, 2012</u></a>

[Public Interest Disclosure Act, 2018](#)

[Public Sector Act, 2009](#)

[Public Sector \(Honesty and Accountability\) Act, 1995](#)

[Criminal Law Consolidation Act, 1935](#)

[Directions and Guidelines for Public Officers](#) issued by the Independent Commissioner Against Corruption

[Code of Ethics for the South Australian Public Sector](#)

## Document Control

Approved by			
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