

## Fraud and Corruption Control

**Version:** 1.0 | **Version effective date:** 25/11/2023

**Supersedes:** Fraud and Corruption Policy and Procedure 2021 V3.

### Scope

This policy applies to all Queensland Public Trustee (QPT) workplace participants, including permanent, temporary, full-time, part-time or casual employees, employees on secondment from another public sector organisation, and other persons who perform work for the QPT including volunteers, contractors, and consultants.

### Purpose

The purpose of this policy is to establish a fraud and corruption control system (FCCS) consistent with the Australian Standard on Fraud and Corruption Control (AS 8001:2021). This policy and supporting documents provides guidance for all staff across the QPT, and outlines the requirements and responsibilities for the effective prevention, detection and response in relation to fraud and corruption within the QPT.

### Policy statement

The QPT is committed to embedding and maintaining a culture of honesty and integrity and will continue to put in place systems and processes to ensure the effective prevention, detection and response to fraud and corruption.

Fraud and corruption undermines the QPT's ability to deliver its strategic vision, purpose and values, and any potential case could cause:

- Reputational loss, by destroying public confidence in the QPT;
- Financial loss to the QPT;
- Reduction in staff morale and performance; and
- Inability to effectively deliver services.

Given the impact that fraud and corruption could have on the QPT and its clients, the QPT has no appetite for fraud and corruption. This is supported by a hierarchy of governance and controls which contributes to and supports our ethical culture.

### Principles

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

- integrity and impartiality;
- promoting the public good;
- commitment to the system of government; and
- accountability and transparency.

## Requirements

### Reporting fraud and corruption

All QPT employees and contractors are obliged to report any incident of suspected fraud or corruption as soon as possible to their manager and or to the Director of Independent Services and the Customer Advocate. For guidance on how to report suspected or actual fraud and corruption, refer to the QPT [Reporting Corrupt Conduct Policy](#).

### External reporting obligations

The QPT has specific obligations to report suspected fraud and corruption to other public sector agencies which provide oversight and assistance in dealing with fraud and corruption. The Ethics and Integrity Unit will facilitate external reporting to the following agencies:

- Queensland Crime and Corruption Commission for allegations of suspected corrupt conduct;
- Queensland Police Service for criminal matters where necessary and where loss is a material loss;
- The Queensland Ombudsman for public interest disclosures (PIDs);
- The Queensland Audit Office in relation to prevention and detection of fraud; and
- The Queensland Auditor-General and Minister for material losses.

### Policy controls and managing non-compliance

Compliance with this policy is mandatory for all staff. Managers must ensure the policy is embedded into practice within their teams, and staff are required to report any instances of non-compliance immediately through their manager to the policy owner or policy delegate listed in this document.

## Roles and responsibilities

| Position  | Responsibility   | Audit criteria   |
|---|--|--|
| The Public Trustee of Queensland and CEO                      | <ul style="list-style-type: none"> <li>• Approve the Fraud and Corruption Control Policy.</li> </ul>   | <ul style="list-style-type: none"> <li>• A record of the approval captured in CM and copies of communiques sent to all staff are captured in SharePoint by the Executive Assistant.</li> </ul> |
| Board of Management (BoM) and Executive Leadership Team (ELT) | <ul style="list-style-type: none"> <li>• Endorsing updated Fraud and Corruption Control Policy.</li> </ul>   | <ul style="list-style-type: none"> <li>• BoM member endorsement captured in BoM minutes and in CM.</li> </ul>  |
| Director Independent Services and the Customer Advocate       | <ul style="list-style-type: none"> <li>• Maintaining the Fraud and Corruption Control Policy including ensuring reviews/updates occur as required.</li> <li>• Developing and maintaining this policy including disseminating the policy for consultation.</li> <li>• Receive reports on incidents of suspected fraud or corruption.</li> </ul> | <ul style="list-style-type: none"> <li>• Fraud and Corruption Control Policy remains current.</li> <li>• A record of the consultative process will be captured in CM.</li> </ul>               |

| Position                          | Responsibility  | Audit criteria   |
|-----------------------------------|---|--|
|                                   | <ul style="list-style-type: none"> <li>Report corruption and complaints about corrupt conduct to CCC.</li> <li>Make a record of alleged corrupt conduct not notified to the CCC, in accordance with section 40A of the CC Act (where the nominated person is the decision-maker).</li> </ul>  |  |
| Ethics and Integrity Unit         | <ul style="list-style-type: none"> <li>Facilitating external reporting of suspected fraud and corruption to agencies identified in this policy.</li> <li>Ensuring every policy and related policy document is managed in accordance with this Policy.</li> <li>Progressing requests for approval, review or rescission as appropriate to the relevant endorser and/or approver.</li> <li>Ensuring policies and policy documents are published on the QPT intranet.</li> <li>Reporting on compliance when required.</li> <li>Notifying Strategy and Governance of any changes in policy custodianship.</li> <li>Advising Strategy and Governance and QPT staff when a policy document has been rescinded.</li> </ul> | <ul style="list-style-type: none"> <li>Policies submitted for approval or rescission have been developed or reviewed in accordance with the requirements in this Policy and the Policy Management Procedure.</li> <li>Timely policy reviews are conducted as required.</li> <li>Policy compliance is monitored and reported, and remedial action developed as required.</li> <li>All rescinded policies are filed for audit purposes.</li> </ul> |
| Policy delegate / contact officer | <ul style="list-style-type: none"> <li>Undertaking tasks associated with the development, review or management of a particular policy, under direction of the policy owner.</li> <li>Developing policy documents in accordance with the Policy Management Policy and Policy Management Procedure.</li> <li>Undertaking consultation with stakeholders (including external stakeholders as appropriate) to inform policy content.</li> <li>Consulting with Strategy and Governance on the process to develop the policy document.</li> </ul>   |  |

| Position                  | Responsibility   | Audit criteria |
|---------------------------|--|----------------|
| Managers                  | <ul style="list-style-type: none"> <li>Receiving reports of incidents of suspected fraud or corruption.</li> <li>Reporting details of relevant reports received to the Director Independent Services and the Customer Advocate.</li> <li>Ensuring the policy is embedded into practice withing their teams.</li> </ul>             |                |
| Employees and contractors | <ul style="list-style-type: none"> <li>Reporting any incident of suspected fraud or corruption as soon as possible to their manager and or to the Director of Independent Services and the Customer Advocate (or through other reporting channels as outlined in the <a href="#">Reporting Corrupt Conduct Policy</a>).</li> </ul> |                |

## Definitions

| Term              | Definition  |
|-------------------|---|
| <b>Corruption</b> | <p>Corruption is dishonest activity in which a person associated with an organisation (e.g., director, executive, manager, employee or contractor) acts contrary to the interest of the organisation and abuses their position of trust in order to achieve personal advantage or advantage for another person or organisation.</p> <p>Corruption can also involve corrupt conduct by the organisation, or a person purporting to act on behalf of and in the interest of the organisation, in order to secure some form of advantage for the organisation either directly or indirectly.</p> <p>Examples of corruption include:</p> <ul style="list-style-type: none"> <li>abuse of position or power for personal gain, such as seeking or obtaining bribes, gifts, or other benefits in exchange for favourable treatment;</li> <li>nepotism in staff appointments;</li> <li>favouritism in awarding contracts and collusive tendering, favouring suppliers who are not as competitive as others for personal gain and manipulation of the tender process to achieved desired outcome;</li> <li>unauthorised release of confidential information;</li> <li>allowing a conflict of interest to undermine independence; and</li> <li>payment or receipt of secret commissions (bribes).</li> </ul> |

| Term                          | Definition   |
|-------------------------------|--|
| <p><b>Corrupt conduct</b></p> | <p>As defined in section 15 of the CC Act. Under the Act, there are two different types of corrupt conduct.</p> <p>"Type A" corrupt conduct involves conduct that affects, or could affect, a public officer (an employee of a public sector agency such as the QPT) so that the performance of their functions or the exercise of their powers:</p> <ul style="list-style-type: none"> <li>• is not honest or impartial, or</li> <li>• knowingly or recklessly breaches public trust, or</li> <li>• involves the misuse of agency-related information or material.</li> </ul> <p>Common examples of Type A corrupt conduct include fraud and theft, extortion, unauthorised release of information, obtaining or offering a secret commission and nepotism.</p> <p>"Type B" corrupt conduct involves specific types of conduct that impair, or could impair, public confidence in public administration. This may include:</p> <ul style="list-style-type: none"> <li>• collusive tendering, or</li> <li>• fraud relating to an application for a licence, permit or other authority relating to public health or safety; the environment; or the State's natural, cultural, mining or energy resources, or</li> <li>• dishonestly obtaining public funds or State assets, or</li> <li>• evading a State tax, levy or duty or fraudulently causing a loss of State revenue, or</li> <li>• fraudulently obtaining or retaining an appointment.</li> </ul> <p>Both Type A and Type B corrupt conduct must be either a criminal offence or serious enough to warrant dismissal. See the Reporting Corrupt Conduct Policy for more information.</p> |
| <p><b>Fraud</b></p>           | <p>Fraud is dishonest activity which causes actual or potential gain or loss to any person or organisation including theft of moneys or other property by internal (employee or contractor of an organisation) or external persons (customer, or external service provider), and/or where deception is used at the time, immediately before or immediately following the activity.</p> <p>Examples of fraud include:</p> <ul style="list-style-type: none"> <li>• falsely recording work time to gain additional flexitime or over-payment of wages</li> <li>• misuse of cab charge vouchers or corporate credit cards (i.e., not using them for travelling on official business or work related purchases)</li> <li>• theft of petty cash</li> <li>• using work resources for private business purposes</li> <li>• using Public Trustee information to gain a personal advantage</li> <li>• using personal relationships to gain an advantage in recruitment/procurement processes</li> <li>• deliberate misrepresentation of qualifications or experience in recruitment process</li> <li>• individuals making false declarations or fraudulently completing forms (e.g., court forms, statutory declarations)</li> <li>• an external vendor knowingly providing a false invoice for payment</li> <li>• individuals creating a false vendor in order to request payment from the Public Trustee for goods and/or services that were not provided</li> <li>• theft or misappropriation of customer or Public Trustee assets</li> <li>• colluding with external providers to influence the outcomes of procurement processes.</li> </ul>         |

| Term                                    | Definition   |
|---|--|
| <b>Material loss</b>                    | Material Loss the <i>Financial and Performance Management Standard 2009</i> defines a material loss as: <ul style="list-style-type: none"><li>a) a loss of money with a value greater than \$500; or</li><li>b) (b) for other property with a value greater than \$5000.</li></ul> |
| <b>Public Interest Disclosure (PID)</b> | A public interest disclosure is a disclosure under Section 12 and 13 of the public Interest disclosure Act 2010 and includes all information and help given by the discloser to a proper authority for the disclosure.   |

## Legislation and other compliance obligations

- [Crime and Corruption Act 2001](#)
- [Criminal Code Act 1899](#)
- [Human Rights Act 2019](#)
- [Public Sector Ethics Act 1994](#)
- [Public Sector Act 2022](#)
- [Information Privacy Act 2009](#)
- [Public Interest Disclosure Act 2010](#)
- [Financial and Performance Management Standard 2019](#)
- [Financial Accountability Act 2009](#)
- [Anti-Money Laundering and Counter-Terrorism Compliance Financing Act 2006](#)

## Supporting documents

- [Financial Management Practice Manual](#)
- [Complaints about the Public Official Policy](#)
- [Reporting Corrupt Conduct Policy](#)
- [Public Interest Disclosure Policy and Procedure](#)
- [Declaration of Interests Policy & Procedure](#)
- [Gifts and Benefits Policy and Procedure](#)
- [Risk Management Policy](#)
- [Risk Management Procedure](#)
- [Contact with Lobbyists Policy](#)

## Related resources and information

- [Australian Standard on Fraud and Corruption Control \(AS 8001:2021\)](#)
- [CCC Fraud and Corruption Control: Best Practice Guide 2018](#)
- [Corruption in focus: a guide to dealing with corrupt conduct in the Queensland public sector](#)
- [Code of Conduct for the Queensland Public Service](#)
- [Queensland Audit Office: Fraud Risk Management Report 6: 2017-18](#)
- [Audit Office of New South Wales: Fraud and Corruption Control Policy 2022](#)

## Contact

For further information, please contact: Ethics and Integrity, Independent Services

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## Document information (for internal use only)

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|------------------------|---|
| <b>Policy Owner</b>    | Director, Independent Services and the Customer Advocate. |
| <b>Policy Delegate</b> | The Public Trustee of Queensland and CEO.                 |

| Current Version   |                            |                |                   |             |
|---|----------------------------|----------------|-------------------|-------------|
| Approver's title  | Approval date              | Effective date | Next review date* | File number |
| Mr Samay Zhouand, The Public Trustee of Queensland and CEO. | 25/11/2023                 | 25/11/2023     | 25/11/2026        | T23/2716    |
| <b>Keywords</b>   | Fraud, corruption, control |                |                   |             |

| Revision history |  |               |  |
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| 1.0              | The Public Trustee of QLD                        | 21/08/2007    | Final document approved  |
| 1.3              | A/Director, Governance and Executive Directorate | 18/06/2012    | Review   |
| 1.4              | Audit and Risk Management Committee (ARMC)       | March 2017    | Review   |
| 1.5              | Governance Officer                               | 19/09/2014    | Annual review  |
| 1.6              | Governance Officer                               | Nov 2014      | Review   |
| 1.7              | A/Director GED                                   | Nov 2015      | Annual review  |
| 1.8              | A/Senior Director, Governance and Risk           | Nov 2016      | Annual review  |
| 1.9              | Senior Director, Governance and Risk             | Nov 2017      | Annual review  |
| 2.0              | Senior Advisor, Governance                       | 13/11/2018    | Combined policy and procedure to reduce duplication and improve clarity; revised to reflect updated legislation and other best practice standards. |
| 2.1              | Senior Advisor, Governance                       | 09/04/2019    | Revised to reflect legislative amendments concerning the definition of corrupt conduct   |
| 3.0              | Principal Advisor, Risk                          | July 2021     | Review of policy and procedure. Updated the fraud and corruption control plan.   |
| 1.0              | Policy Delegate                                  | 25/11/2023    | Complete review of policy and procedure. Updated to comply and reflect requirements of AS 8001:2021.   |