

Fraud and Corruption Prevention Rule

Section 1 - Overview

- (1) This Rule outlines the University of New England's commitment to fraud and corruption prevention.
- (2) This Rule is designed to mitigate the University's exposure to maladministration, fraud and corrupt conduct by establishing a governance framework that will identify and reduce the possibility of these type of incidents occurring.
- (3) The UNE [Fraud and Corruption Prevention Rule](#) is based on the Australian Standard AS 8001-2008 Fraud and Corruption Control (pending revision), ASX Corporate Governance Principles and Recommendations 4th edition February 2019, and the NSW Auditor-General Better Practice Guide Fraud Control Improvement.

Section 2 - Scope

- (4) This Rule applies to all UNE Representatives and Students.

Section 3 - Rule

Principles

- (5) The University is committed to upholding the highest standards of academic, business and personal integrity.
- (6) The University promotes an organisational culture that will not tolerate any act of maladministration, fraud or corrupt conduct.
- (7) The University will develop a [Fraud and Corruption Control Plan](#) which will:
- a. enhance the protections afforded to the University's assets, interests and reputation in order to eliminate internally and externally instigated fraud and corrupt conduct against the University;
 - b. detect instances of fraud and corrupt conduct against the University in the event that preventative strategies fail;
 - c. establish a coordinated approach for the investigation of suspected or alleged fraud, maladministration and corrupt conduct;
 - d. safeguard the reputation of individuals involved in the process; and
 - e. ensure external reporting obligations are met.
- (8) Any suspected or actual incidence of maladministration, fraud or corrupt conduct must be reported immediately. Staff should do so in accordance with the University's [Fraud and Corruption Control Plan](#) or the [Public Interest Disclosure and Whistleblower Policy](#) and [Procedures](#). Students should do so in accordance with the provisions of the [Student \(Related\) Grievance Handling Policy](#).
- (9) The University will investigate allegations of fraudulent or corrupt conduct. Staff misconduct will be dealt with in accordance with the provisions of the Code of Conduct and the Misconduct/Serious Misconduct provisions in the UNE

Enterprise Agreements current at that time. Student misconduct will be dealt with in accordance with [Student Behavioural Misconduct Rules](#), the [Student Coursework Academic Misconduct Rule](#) and the [HDR – Higher Degree Research Student Responsible Research Conduct Policy](#).

Authorisation

(10) This is a Council Rule and vested authority is granted for decisions made under this Rule to the nominated parties. The Council retains discretion over decisions made under this Rule.

(11) The Director Audit and Risk is the nominated authority to administer this Rule and to coordinate the creation of procedures that apply under this Rule. The procedures must be consistent with this Rule.

Compliance

(12) All UNE Representatives and Students must comply with this Rule. A failure to comply with this Rule may amount to misconduct/serious misconduct and/or unsatisfactory performance.

Section 4 - Definitions

In the context of this Rule the following definitions apply.

(13) Corrupt conduct is defined in sections 7 and 8 of the Independent Commission Against Corruption Act 1988 and includes:

- a. any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority;
- b. any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions;
- c. any conduct of a public official or former public official that constitutes or involves a breach of public trust; or
- d. the misuse of information or material acquired in the course of official functions.

(14) Note: A full definition is available in section 8 of the Independent Commission Against Corruption Act 1988.

(15) Fraud means an intentional act by one or more individuals among UNE representatives or students involving the use of deception to obtain an unjust or illegal advantage.

(16) Fraud Control Plan means the fraud management approach for the University and, where applicable, it's controlled entities.

(17) Maladministration is defined by Section 11(2) of the Public Interest Disclosures Act 1994 and involves action or inaction of a serious nature that is:

- a. contrary to law;
- b. unreasonable unjust, oppressive or discriminatory; or
- c. based wholly or partly on improper motives.

(18) Public official - as defined in section 3(1) of the [Independent Commission Against Corruption Act 1988](#). A Public official means an individual having public official functions or acting in a public official capacity, and includes the following:

- a. a person employed in a Public Service agency or any other government sector agency within the meaning of

the Government Sector Employment Act 2013;

- b. an individual who constitutes or is a member of a public authority; or
- c. a person in the service of the Crown or of a public authority.

(19) Note: The University is a public authority under sub section (d) of the definition of a public authority in section 3(1) of the [Independent Commission Against Corruption Act 1988](#).

(20) Note: A full definition of a Public Official is available in section 3(1) of the [Independent Commission Against Corruption Act 1988](#).

Status and Details

Status	Historic
Effective Date	27th July 2015
Review Date	23rd October 2017
Approval Authority	Council
Approval Date	23rd October 2014
Expiry Date	30th March 2023
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Glossary Terms and Definitions

"UNE Representative" - Means a University employee (casual, fixed term and permanent), contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.

"Student" - Is an admitted student or an enrolled student, at the relevant time: 1. an admitted student is a student who has been admitted to a UNE course of study and who is entitled to enrol in a unit of study or who has completed all of the units in the UNE course of study; 2. an enrolled student is a student who is enrolled in a unit of study at UNE.

"Council" - Means the Council of the University of New England, being the governing body of the University.

"Code of Conduct" - A document (variously referred to as a 'Code of Ethics', 'Code of Behaviour' and various other titles) broadly communicated within the entity setting out the entity's expected standards of behaviour.