



FRAUD, CORRUPTION AND SERIOUS WRONGDOING POLICY

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Policy Custodian:	Executive Director, Commercial and Legal	Document No:	UOWE-LGL-POL-90													
Purpose:	<p>UOWGE is committed to operating in accordance with all applicable laws and regulations and in accordance with the highest standards of ethical behaviour at all times, and in every jurisdiction in which it operates.</p> <p>UOWGE prohibits any activity that seeks to Bribe or otherwise improperly influence a Public Official, or any other individual or entity in the public or private sector, to act (or omit to act) in a way that differs from the proper performance of their role or function.</p> <p>Laws prohibiting bribery and the other types of improper payments covered by this Policy apply in all of the countries in which UOWGE has operations and/or engages in activities. Staff may be found liable in the country where the offending conduct occurs or in their home jurisdiction, and the liability may reach across jurisdictions.</p> <p>The purpose of this Policy is to:</p> <ol style="list-style-type: none"> 1. Form the basis of an ethical corporate culture resistant to all forms of corrupt conduct including fraud, corruption, Bribery and related improper conduct; 2. Outline responsibilities of UOWGE staff in complying with our prohibition on Bribery and related improper conduct; 3. Provide guidance on recognising and addressing instances of fraud, corruption, Bribery and related improper conduct (Serious Wrongdoing); 4. Outline UOWGE's approach to managing Public Interest Disclosures and reports of suspected wrongdoing; and 5. Ensure compliance with the <i>Public Interest Disclosures Act 2022 (PID Act)</i> and other relevant legislation governing bribery or other forms of corrupt conduct. 															
Scope:	<table border="1"> <tr> <td>UOWGE</td> <td>✓</td> <td>UOWCA</td> <td>✓</td> <td>UOWD</td> <td>✓</td> <td>UOWCHK</td> <td>✓</td> <td>UOWM</td> <td>✓</td> <td>UOWI</td> <td>✓</td> </tr> </table>	UOWGE	✓	UOWCA	✓	UOWD	✓	UOWCHK	✓	UOWM	✓	UOWI	✓	<p>This Policy applies to, and for the benefit of:</p> <ol style="list-style-type: none"> 1. All UOW Global Enterprises (UOWGE) Staff and Operations including: <ol style="list-style-type: none"> a. UOW College Australia (UOWCA); b. University of Wollongong in Dubai (UOWD); 		
UOWGE	✓	UOWCA	✓	UOWD	✓	UOWCHK	✓	UOWM	✓	UOWI	✓					



	<ul style="list-style-type: none">c. University of Wollongong Malaysia, UOW Malaysia KDU Penang University College, UOW Malaysia KDU College, and UOW Malaysia College (collectively, UOWM);d. UOW College Hong Kong (UOWCHK);e. University of Wollongong- India Branch (UOWI); andf. UOWGE. <ul style="list-style-type: none">2. Affiliates;3. Contractors, and their Staff working for UOWGE; and4. Individuals, such as volunteers, who may perform public duties on behalf of UOWGE. <p>This Policy does not apply to:</p> <ul style="list-style-type: none">1. People who have received services from UOWGE and want to make a complaint about those services. For information on how to do this, refer to the UOWGE website; and2. People, such as providers, who provide services to UOWGE, for example, employees of a company that sold computer software to UOWGE.
Related Documents:	Code of Conduct Fraud, Corruption and Serious Wrongdoing Reporting Procedure Gift Acceptance and Recognition Policy Records Management Policy Report Wrongdoing Form
References and Legislation:	<i>Independent Commission Against Corruption Act 1988 (NSW)</i> <i>GIPA Act</i> <i>Members of Parliament Staff Act 2013</i> <i>Public Finance and Audit Act 1983 (NSW)</i> <i>Public Interest Disclosures Act 2022</i> <i>Public Interest Disclosures Regulation 2022</i> <i>State Records Act 1998</i> <i>Criminal Code Act (1995) (Cth)</i>



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1. Definitions

Capitalised terms throughout this policy have the following definitions:

Word/Term/Acronym:	Definition:
Affiliate	People engaged by UOWGE as agents or contractors (as opposed to employees), volunteers (including volunteer company directors or board members) and work experience students.
Agency	is as defined in clause 16 of the <i>PID Act</i> , and for the purposes of this Policy, includes all UOWGE institutions as agencies – in this policy, “agency” may refer to a UOWGE institution, or a different institution as defined in the <i>PID Act</i> , depending on the context.
Bribe / Bribery	A Bribery offence is committed if a person undertakes any of the following actions with the intention of improperly influencing a Government Official or any other person in order to obtain or retain business or a business or personal advantage (whether or not for themselves): <ul style="list-style-type: none">a) provides a benefit to another person; orb) causes a benefit to be provided to another person; orc) offers to provide, or promises to provide, a benefit to another person; ord) causes an offer of the provision of a benefit, or a promise of the provision of a benefit, to be made by another person
Contractor(s)	Individuals or entities who perform a task or provide a service to UOWGE, whether or not they are bound by a written contract to do so, e.g. security, cleaners.
Corrupt Conduct	Corrupt Conduct, as defined in the <i>Independent Commission Against Corruption Act 1988 (NSW)</i> (“the ICAC Act”), is “deliberate or intentional Wrongdoing, not negligence or a mistake.” The conduct must involve or affect a NSW Public Official or public sector organisation (which by extension includes all UOWGE Institutions). While it can take many forms, Corrupt Conduct occurs when: <ul style="list-style-type: none">1. Staff improperly use, or try to improperly use, the knowledge, power or resources of their position for personal gain or the advantage of others;2. Staff dishonestly exercise their official functions, or improperly exercise their official functions, breach public trust or misuse information or material acquired in their official functions;



Word/Term/Acronym:	Definition:
	<ol style="list-style-type: none"> 3. Staff influence, or try to influence, a Public Official (including UOWGE Staff) to use their position in a way that affects the probity of the Public Official's exercise of functions; 4. Staff commit Fraud; or 5. Staff engage in conduct that impairs, or could impair, public confidence in public administration.
Detrimental Action	<p>Any action causing, comprising or involving:</p> <ol style="list-style-type: none"> 1. Injury, damage or loss; 2. Intimidation or harassment; 3. Discrimination, disadvantage or adverse treatment in relation to employment; 4. Dismissal from, or prejudice in, employment; or 5. Disciplinary proceedings.
Disclosure Officer	<p>Includes any Nominated Disclosure Officers and the Heads of Agency.</p>
Fraud	<p>A subset of Corrupt Conduct. Deliberate and premeditated activity that involves the use of deception to gain advantage and/or obtain a financial benefit to the detriment of UOWGE.</p> <p>Examples include, but are not limited to:</p> <ol style="list-style-type: none"> 1. Acts or omissions; 2. Theft; 3. Making false statements; 4. Evasion; and 5. Manipulation of information.
Fraud and Corruption Control Committee (FCCC)	<p>The Fraud and Corruption Control Committee is a high-level committee that assists the relevant Heads of Agency to discharge UOWGE's responsibilities regarding the management of, and response to, allegations of Serious Wrongdoing at UOWGE.</p>
Government Information Contravention	<p>A failure to comply with the system through which people can access government information, i.e., a failure to properly fulfil functions under the <i>GIPA Act</i>. Examples include, but are not limited to:</p> <ol style="list-style-type: none"> 1. Destroying, concealing, or altering records to prevent them from being released;



Word/Term/Acronym:	Definition:
	<ol style="list-style-type: none"> 2. Knowingly making decisions that are contrary to the <i>GIPA Act</i>, and 3. Directing another person to make a decision that is contrary to the <i>GIPA Act</i>.
Government Official	<p>Government Officials include:</p> <ol style="list-style-type: none"> a) an employee, official or contractor of a government body or a wholly or partially state-owned enterprise; b) a person performing the duties of an office or position created under a law of a country or by the custom or convention of a country; c) a person in the service of a governmental body including a member of the military or the police force; d) a politician, judge, or member of the legislature of a state, province or country; e) an employee, contractor or person otherwise in the service of a public international organisation (such as the United Nations); f) an individual who is or who holds themselves out to be an authorised intermediary of a Government Official; g) a political party, party official or candidate for public office; h) a member of a royal family; or i) a commercial entity, or the directors, officers or employees of a commercial entity, in which a government body has a significant ownership interest or over which it otherwise exerts control (ie a foreign public enterprise or public university).
Head of Agency	<p>Is defined in the <i>PID Act</i>. For the purposes of this Policy and UOWGE, the Head of Agency refers to:</p> <ol style="list-style-type: none"> 1. UOWM - CEO Asia; 2. UOWD - President, UOWD; 3. UOWGE – Group CEO and Managing Director; 4. UOWCHK - President, UOWCHK; 5. UOWI - Campus Director; and 6. UOWC - General Manager.
Investigation	<p>An enquiry or enquiries regarding a specific matter, which can include auditing.</p>
Maladministration	<p>An act or omission of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory and based wholly or partly on improper motives. Examples include, but are not limited to:</p>



Word/Term/Acronym:	Definition:
	<ol style="list-style-type: none"> 1. Awarding contracts and tenders to parties that are related by family, friendship, or association without merit; 2. Failing to decide in accordance with official policy for no appropriate reason; 3. Breaches of natural justice and procedural fairness; 4. Unauthorised disclosures of confidential information; and 5. Failure to provide information where there is a legal obligation to do so.
Manager	A Public Official to whom the Public Official Reports directly or indirectly, or a Public Official who directly, or indirectly supervises the Public Official in the exercise of the Public Official's function.
Mandatory PID	A Report about Serious Wrongdoing that is made by a person because they have a legal obligation to make the Report, or because making that Report is an ordinary aspect of their role or function at UOWGE.
Nominated Disclosure Coordinator	A person responsible for receiving Public Interest Disclosures (PID) on behalf of UOWGE, who also acts as the Fraud and Corruption Prevention Officer. For the purposes of this Policy, the Nominated Disclosure Coordinator (NDC) is the UOWGE Executive Director, Commercial and Legal, whose responsibilities are set out in clause 12.4.
Nominated Disclosure Officer (NDO)	A person responsible for receiving Public Interest Disclosures (PIDs) for UOWGE.
Public Interest Disclosure (or PID)	A Report of Serious Wrongdoing that involves Corrupt Conduct, Maladministration, Serious and Substantial Waste of Public Money, or Government Information Contravention. It may be a Voluntary PID, Mandatory PID or Witness PID, as defined in the <i>PID Act</i> .
Public Official	<p>Public Official is defined in the <i>PID Act</i>, and means:</p> <ol style="list-style-type: none"> 1. a person employed in or by an Agency or otherwise in the service of an Agency; 2. a person whose conduct or activities an integrity agency is authorised by another Act or law to investigate; 3. an individual in the service of the Crown 4. a statutory officer; 5. A person providing services or exercising functions on behalf of an Agency, including a Contractor, subcontractor or volunteer;



Word/Term/Acronym:	Definition:
	<ol style="list-style-type: none"> 6. An employee, partner or officer of an entity that provides services, under contract, subcontract or other arrangement, on behalf of an Agency or exercises functions of an Agency, and are involved in providing those services or exercising those functions; 7. A judicial officer; 8. A Member of Parliament (MP), including a Minister; and 9. A person employed under the <i>Members of Parliament Staff Act 2013</i>.
Reasonable Grounds	Reasonable Grounds means a set of facts or circumstances that would indicate a judgement to be believed beyond suspicion.
Report	<p>Any report or disclosure of actual or suspected Wrongdoing within UOWGE.</p> <p>Note: some, but not all, Reports or disclosures are Public Interest Disclosures.</p>
Reporter	A person who makes a Report of known or suspected Serious Wrongdoing. This includes Staff, Contractors, consultants or any other individual performing public duties on behalf of UOWGE. A Reporter may also be commonly known as a “whistleblower” or “discloser”.
Serious Wrongdoing	Serious Wrongdoing for the purposes of this Policy generally relates to Wrongdoing that is so serious that it is clearly in the public interest that it be Reported, e.g. Corrupt Conduct, Fraud, Maladministration, Serious and Substantial Waste of Public Money. It does not refer to general misconduct that is covered by other UOWGE Policy documents, e.g. Bullying and Harassment.
Serious and Substantial Waste of Public Money	<p>The uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, resulting in a loss or wastage of public funds or resources. Examples include, but are not limited to:</p> <ol style="list-style-type: none"> 1. Offering, making, soliciting, receiving, providing or accepting a Bribe, facilitation payment, secret commission, or improper gift; 2. False recordkeeping or money laundering; 3. Use of UOWGE funds or resources for personal use; 4. Purchasing unnecessary or inadequate goods and services;



Word/Term/Acronym:	Definition:
	<ol style="list-style-type: none">5. Manipulating a tender process to achieve a desired outcome;6. Misappropriate or misuse of UOWGE property;7. Overstaffing in particular areas without merit;8. Failing to make a decision in accordance with official Policy for no appropriate reason;9. Providing false or misleading information;10. Unauthorised disclosure of confidential information;11. Destroying, concealing or altering records to prevent them from being released;12. Luxurious, indulgent or excessive expenditure without merit; and13. Destroying, concealing or altering records to prevent them from being released luxurious, indulgent or excessive expenditure without merit.
Staff	A person employed by UOWGE including conjoint appointments, whether on continuing, permanent, fixed term, casual or cadet or traineeship basis. Any references to Staff in this Policy should be understood to mean both Staff and Affiliates.
Voluntary PID	A Report made to a Disclosure Officer or their Manager by a person because they decided, of their own accord, to come forward and disclose what they know.
Witness PID	<p>A Witness PID arises where a person discloses information during an Investigation of Serious Wrongdoing, at the request of or in response to a requirement of a person or agency investigating the serious wrongdoing, whether or not the Investigation—</p> <ol style="list-style-type: none">1. Relates to or arises from the making of a Voluntary PID; or2. Constitutes dealing with a Voluntary PID. <p>Note – it is not a Witness PID if such report is a Mandatory PID.</p>
Wrongdoing	See 'Serious Wrongdoing'.
UOW	University of Wollongong.
UOW Global Enterprises / UOWGE	UOWGE Ltd and its subsidiary and managed institutions including UOW College Australia (UOWC Ltd), University of Wollongong in Dubai (UOWD), UOW College Hong Kong (UOWCHK), UOW



Word/Term/Acronym:	Definition:
	Malaysia Group (UOWM) and University of Wollongong- India Branch (UOWI).
UOW Malaysia Group (UOWM)	University of Wollongong Malaysia, UOW Malaysia KDU Penang University College, UOW Malaysia KDU College, and UOW Malaysia College.
UOWCHK	UOW College Hong Kong.
UOWD	University of Wollongong in Dubai.
UOWI	UOW through its international branch campus in India.

2. Principles

- 2.1. UOWGE takes Reports of Serious Wrongdoing seriously. We are committed to building a 'Speak Up' culture where our Staff, students and Affiliates are encouraged to Report any conduct that they reasonably believe involves Wrongdoing.
- 2.2. UOWGE recognises the value and importance of staff reporting identified or suspected instances of Serious Wrongdoing.
- 2.3. It is the responsibility of UOWGE staff to remain alert to any instances anyone engaging in, or attempting to engage Serious Wrongdoing of any kind, or otherwise not meeting the standards of behaviour required under this Policy.
- 2.4. UOWGE encourages Staff to Report all Wrongdoing regardless of whether they think it is Serious Wrongdoing. It is important to understand what is or may be occurring within the UOWGE environment. UOWGE will then ensure the Report is handled appropriately under the *PID Act* and/or in line with legislative requirements, other UOWGE policies and procedures.
- 2.5. UOWGE relies on our Staff and Affiliates speaking up when they become aware or suspicious of Wrongdoing. This Policy, along with the *Fraud, Corruption and Serious Wrongdoing Reporting Procedure*, documents UOWGE's commitment to building a 'Speak Up' culture. Part of that 'Speak Up' culture is having in place a framework that facilitates Reporting of Wrongdoing by:
 1. Protecting those who speak up from Detrimental Action; and
 2. Imposing duties on UOWGE to take appropriate action to investigate or otherwise deal appropriately with Reports of Wrongdoing.
- 2.6. UOWGE is committed to:
 1. Promoting a culture of trust, integrity, ethical behaviour, accountability and transparency where persons are comfortable about Reporting Wrongdoing;
 2. Sincerely investigating all claims of Serious Wrongdoing (both conduct committed by Staff, and conduct committed against UOWGE or Staff by third parties);



3. Encouraging and supporting persons to come forward if they have witnessed what they consider to be Wrongdoing within UOWGE;
 4. Immediate Reporting of any case of suspected or detected Serious Wrongdoing as per the *Fraud, Corruption and Serious Wrongdoing Reporting Procedure*;
 5. Treating all Reports of Wrongdoing with confidentiality and care, regardless of whether they meet the criteria for protection under the *Public Interest Disclosures Act 2022*;
 6. Dealing with Reports impartially, promptly and reasonably and, if some form of Wrongdoing has been found, taking appropriate action;
 7. Keeping an internal Reporter informed of the progress of their Report and broadly of any outcomes;
 8. An ongoing risk-management approach to the prevention, detection and Investigation of Serious Wrongdoing;
 9. Ensuring Staff receive regular training focusing on identifying and Reporting Serious Wrongdoing;
 10. Ensuring Managers and supervisors at all levels understand the benefits of Reporting Wrongdoing, are familiar with this Policy and procedures for internal Reporting of Wrongdoing, and aware of the needs of those who make or are the subject of a Report; and
 11. Responding appropriately where acts of Serious Wrongdoing have been found to have been committed.
- 2.7. UOWGE will not tolerate any Detrimental Action, including harassment, or victimisation of individuals who make a Report of known or suspected Serious Wrongdoing.

3. Consequences of Non-compliance

- 3.1. Conduct prohibited by this Policy is prohibited under the laws of the countries in which UOWGE operates or trades. Breaches of such laws may expose UOWGE's bodies corporate and UOWGE staff to criminal penalties and/or civil action.
- 3.2. For UOWGE's bodies corporate, possible consequences include the imposition of substantial fines, withdrawal of funding, exclusion from tendering for government or private contracts and reputational damage.
- 3.3. For individuals, possible consequences include criminal and civil liability with associated significant fines and/or lengthy terms of imprisonment.
- 3.4. Further, failure to observe this Policy by UOWGE staff will be regarded as serious misconduct and lead to disciplinary action, which may include dismissal from employment, or termination of any engagement contract.
- 3.5. Conscious disregard, deliberate ignorance and willful blindness will not avoid liability in relation to any of the matters set out in this Policy.
- 3.6. Disciplinary action, which may include termination of employment, will be taken against any Staff who commits, or participates in, any Serious Wrongdoing or conceals, or covers up Serious Wrongdoing. Where appropriate, UOWGE may refer the matter to a relevant external authority and/or initiate civil action to recover losses.

4. Fraud and Corruption Prevention Framework



- 4.1. UOWGE has adopted a three-faceted strategy to build and maintain culture that is resistant to Serious Wrongdoing, Fraud and Corruption:
 1. Increase awareness of UOWGE's corporate values and its Code of Conduct;
 2. Minimise Serious Wrongdoing by promotion, development and implementation of appropriate policies, procedures, mechanisms, and controls; and
 3. Facilitate detection, Reporting, and Investigation of suspected Serious Wrongdoing.
- 4.2. Any joint venture or partnership that is effectively controlled by UOWGE through ownership, management or other involvement must comply with the standards set out in this Policy. UOWGE is also committed to working with its partners to achieve the standards outlined in this Policy where UOWGE does not exercise effective control of the joint venture/partnership.

5. Fraud and Corruption Prevention Committee (FCCC)

- 5.1. UOWGE has established and will maintain, a Fraud and Corruption Control Committee to assist UOWGE management and the UOWGE Audit and Risk Committee to discharge its responsibility to implement and maintain effective Serious Wrongdoing prevention within the organisation and its institutions. The Audit and Risk Committee will approve the Terms of Reference for this Committee.
- 5.2. The Fraud and Corruption Control Committee Reports to the Audit and Risk Committee on its functions.
- 5.3. The Fraud and Corruption Control Committee will appoint a Fraud Prevention Officer. Contact details for the Fraud and Corruption Prevention Officer are included in the *Fraud, Corruption and Serious Wrongdoing Reporting Procedure*.

6. Public Interest Disclosures (PIDs)

- 6.1. This Policy relates primarily to Reports of Voluntary PIDs and how UOWGE will manage Voluntary PIDs.
- 6.2. People who make Mandatory PID or a Witness PID are still entitled to protection. More information about protections is available in Section 8 of this Policy.
- 6.3. Public Interest Disclosures protected by the *PID Act* are:
 1. **Voluntary PID:** This is where the person makes a Report of Serious Wrongdoing because they decided, of their own accord, to come forward and disclose what they know;
 2. **Mandatory PID:** This is where the person has made a Report about Serious Wrongdoing because they have a legal obligation to make the Report, or because making that Report is an ordinary aspect of their role or function at UOWGE; and
 3. **Witness PID:** This is where a person discloses information during an Investigation of Serious Wrongdoing at the request of or in response to a requirement of a person or agency Investigating the Serious Wrongdoing.
- 6.4. For a Report to be considered a Voluntary PID it must meet all of the following requirements under the *PID Act*:
 1. The Report must be made by a Public Official;
 2. The Report must be made to a person who can receive Reports of Serious Wrongdoing as specified in section 7 of this Policy; and



3. The Reporter must honestly and reasonably believe that the information shows or tends to show Serious Wrongdoing;
 4. The Report is made orally or in writing;
 5. The Report is voluntary (meaning it is not a Mandatory or Witness PID); and
 6. Actual proof of the Serious Wrongdoing is not required, however a mere allegation with no supporting information is unlikely to meet the requirement of belief on Reasonable Grounds.
- 6.5. The *PID Act* does not apply where a Report is:
1. Wilfully false, misleading or an attempt to mislead; or
 2. Made solely or substantially to avoid disciplinary action, including dismissal.
- 6.6. Where UOWGE determines during the course of any Investigation that the Reporting Staff has deliberately provided a false statement, or has provided or attempted to provide misleading information, that conduct may amount to misconduct and UOWGE may:
1. Impose disciplinary action under its policies and procedures;
 2. Notify *Independent Commission against Corruption (ICAC)* of possible Corrupt Conduct under the *ICAC Act*, and/or
 3. Refer the matter to relevant authorities such as police, or in-country government authorities.

7. What is Serious Wrongdoing?

- 7.1. Serious Wrongdoing is:
1. Maladministration;
 2. Government Information Contravention;
 3. Privacy contravention, such as unlawfully accessing a student's personal information on the UOWGE's database;
 4. Corrupt Conduct (including Fraud); or
 5. A Serious and Substantial Waste of Public Money (which includes Bribery).
- 7.2. When making a Report, there is no need to state that Serious Wrongdoing is being Reported and/or what category of Serious Wrongdoing is being Reported.
- 7.3. The definitions of Maladministration, Government Information Contravention and Privacy contravention (found in section 1 of this Policy or in Privacy legislation) provide adequate information relating to how to identify those kinds of conduct. This Policy seeks to clarify subsets of Corrupt Conduct and Serious and Substantial Waste of Public Money and how to identify them, so all Wrongdoing can be identified and reported.

8. Prohibition of Corrupt Conduct

- 8.1. UOWGE prohibits all forms of Corrupt Conduct.
- 8.2. While it can take many forms, Corrupt Conduct occurs when:
1. Staff improperly use, or try to improperly use, the knowledge, power or resources of their position for personal gain or the advantage of others;
 2. Staff dishonestly or improperly exercise their official functions, breach public trust or misuse information or material acquired in their official functions;



3. Staff influence, or try to influence, a Public Official (including UOWGE Staff) or Government Official to use their position in a way that affects the probity of that Official's exercise of functions;
4. Staff engage in conduct that impairs, or could impair, public confidence in public administration; or
5. Staff commit Fraud.

9. Prohibition of Fraud

- 9.1. UOWGE prohibits all forms of Fraud, a subset of Corrupt Conduct.
- 9.2. Fraud is considered to be deliberate and premeditated activity that involves the use of deception to gain advantage and/or obtain a financial benefit to the detriment of UOWGE.
- 9.3. Examples of Fraud include, but are not limited to theft, making false statements, or falsifying documents.

10. Prohibition of Bribery

- 10.1. UOWGE prohibits the offering, promising, giving, authorising, making, soliciting, requesting, receiving, providing or accepting of Bribes.
- 10.2. A bribery offence is committed if a person undertakes any of the following actions with the intention of improperly influencing a Government Official or any other person in order to obtain or retain business or a business or personal advantage (whether or not for themselves):
 1. provides a benefit to another person;
 2. causes a benefit to be provided to another person;
 3. offers to provide, or promises to provide, a benefit to another person; or
 4. causes an offer of the provision of a benefit, or a promise of the provision of a benefit, to be made by another person.
- 10.3. Whether the person sought to be influenced works in the public or private sector is irrelevant. The relevant laws apply to the bribery of Government Officials as well as Bribery in relation to any commercial transaction in the private sector.
- 10.4. Bribery can involve offering or providing the benefit directly to the person sought to be influenced, or doing so indirectly, for instance:
 1. by procuring an agent or other intermediary to provide or offer the illegitimate benefit to the person sought to be influenced; or
 2. by giving the illegitimate benefit to a relative or business associate to the person sought to be influenced, or to a political party or charitable organisation with which the person is associated.
- 10.5. It is irrelevant whether the Bribe is accepted or ultimately paid. Offering the Bribe is a contravention of this Policy and usually is sufficient for an offence to be committed; further, business or a business advantage does not need to be actually obtained or retained for an offence to have been committed.
- 10.6. UOWGE prohibits the giving or receiving of gifts or entertainment in circumstances which could be considered to give rise to undue influence. Gifts and entertainment must only be provided or accepted in accordance with the *Gift Acceptance and Recognition Policy*.

11. Prohibition of Facilitation Payments

- 11.1. UOWGE prohibits the making, of facilitation payments.

- 11.2. Facilitation payments are typically minor unofficial payments to Government Officials either directly or indirectly to expedite or secure the performance of routine government action (for example, to facilitate the expedition of applications for visas or licences).
- 11.3. If asked by a Government Official for a facilitation payment or told that one is required in order for the routine government service to be obtained, or to be obtained by a particular time, you should firmly state that it is UOWGE's Policy that no such payment can be made. If pressed, you should refuse to make the payment and inform the Fraud and Corruption Prevention Officer of the request/demand as appropriate.

12. Prohibition of Secret Commissions

- 12.1. UOWGE prohibits the paying or receiving of secret commissions to any person or entity, including any private party or Government Official. It is also an offence in Australia, the United Kingdom and most countries around the world to pay a secret commission.
- 12.2. Secret commissions arise where a person who is the agent or representative of another person or entity takes or solicits a commission from a third party without disclosing that commission to their principal. The secret commission is given as an inducement to the agent or representative to use their position to influence the conduct of their principal's business. This would include, for instance, making a payment to an agent of a customer of UOWGE, where that agent does not disclose the payment to the customer and, in return, the agent facilitates favourable commercial terms for UOWGE with that customer.

13. Prohibition of Money Laundering

- 13.1. UOWGE prohibits any form of money laundering in connection with its business activities.
- 13.2. Money laundering is the process by which a person or entity conceals the existence of an illegal source of income and then disguises that income to make it appear legitimate.
- 13.3. UOWGE using proceeds of illegal activity can give rise to liability UOWGE and/or the Staff involved in that conduct.
- 13.4. If you suspect that any transaction might involve the payment or receipt of proceeds of any unlawful activity, you should contact the Fraud and Corruption Prevention Officer immediately.

14. Accounting, Books and Recordkeeping

- 14.1. UOWGE is required to maintain internal financial recording and accounting systems and procedures to make and keep books and records which accurately and fairly reflect, in reasonable detail, the parties, the payment arrangements and the purpose of all transactions and disposition of assets.
- 14.2. No undisclosed or unrecorded fund or account may be established for any purpose.
- 14.3. False, misleading or incomplete record keeping is a criminal and civil offence in many countries in which the UOWGE operates or trades.

15. Reporting Wrongdoing

Who can make a Report?

- 15.1. The Report must be made by a Public Official, which includes:
 - 1. A UOWGE Staff member;
 - 2. An Affiliate or other individual performing public duties on behalf of UOWGE; or
 - 3. A Public Official from another agency.



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GLOBAL
ENTERPRISES

15.2. A Public Official can make a PID about Serious Wrongdoing related to any agency, not just UOWGE. This means that UOWGE may receive PIDs from Public Officials outside of UOWGE. It also means that a person can make a PID to any agency, including an integrity agency like the *Independent Commission Against Corruption (ICAC)* and the *NSW Ombudsman*. See the *Fraud, Corruption and Serious Wrongdoing Reporting Procedure* for a list of integrity agencies.

Report Format

15.3. Reports can be submitted in the following ways:

1. **In writing:** by using the Report Wrongdoing Form available on the UOWGE Website, or alternatively this could be an email or letter to a person who can receive Reports, or;
2. **Orally:** have a private discussion with a person who can receive Reports. This can be face-to-face, via telephone or virtually; or
3. **Anonymously:** Reports using the Report Wrongdoing Form can also be made anonymously. Alternatively, write an email or letter or call a person who can receive a Report without providing a name or anything that might identify a person as the maker of the Report. Even where the Reporter chooses to remain anonymous, they will still be protected under the *PID Act*. It may be difficult, however, for UOWGE to investigate the matter(s) disclosed where UOWGE cannot contact the Reporter for further information.



Internal Reporting of Serious Wrongdoing

15.4. A Report of Serious Wrongdoing can be made within UOWGE to:

1. The Nominated Disclosure Coordinator, by using the Report Wrongdoing form on the UOWGE Website (this form can be used anonymously);
2. A Nominated Disclosure Officer – a list of Nominated Disclosure Officers for UOWGE can be found at Schedule 1 in the *Fraud, Corruption and Serious Wrongdoing Reporting Procedure*;
3. A Reporter's Manager – this is the person who directly, or indirectly, supervises the Reporter. Staff may have more than one Manager; a Report can be made to any Manager of that supervises the Reporter. The Manager may not be a Nominated Disclosure Officer. If this is the case, the Manager will make sure that the Report is communicated to a Nominated Disclosure Officer on behalf of the Reporter, or they may accompany the Reporter to a Nominated Disclosure Officer to make the Report; and
4. The relevant Head of Agency;

External Reporting of Serious Wrongdoing

15.5. A Report of Serious Wrongdoing can be made outside UOWGE to a Public Official outside of UOWGE including:

1. The head of, or Disclosure Officer for another agency – ways to contact Disclosure Officers for other agencies are located in an agency's PID/Serious Wrongdoing Policy which can be found on their public website;
2. An integrity agency – a list of integrity agencies can be found in the *Fraud, Corruption and Serious Wrongdoing Reporting Procedure*;
3. A member of parliament (MP) or journalist (see Clause 7.7);
4. A Minister or a member of a Minister's Staff, but the Minister shall direct the Reporter to make the Report in writing to the relevant Agency.

15.6. If you choose to make a Report outside of UOWGE, it is possible that the Report will be referred back to UOWGE so that appropriate action can be taken.

Making a Report to a Member of Parliament or Journalist

15.7. Reports to MPs or journalists are different to other Reports. A person may only disclose a Report of Wrongdoing as a Voluntary PID to an MP or journalist in the following circumstances:

1. The person making the Report must have first made substantially the same Report to someone who can receive Reports;
2. The previous Report must be substantially true;
3. The person making the Report did not make the previous Report anonymously;
4. The person making the Report did not give a written waiver of their right to receive information relating to their previous Report;
5. The person making the Report did not receive the following from UOWGE:
 - a. Notification that UOWGE will not investigate the Serious Wrongdoing and will also not refer the previous Report to another agency;
 - b. The following information at the end of the Investigation period:
 - i. Notice of UOWGE's decision to investigate the Serious Wrongdoing;



- ii. A description of the results of an Investigation into the Serious Wrongdoing; and
 - iii. Details of proposed or recommended corrective action as a result of the previous Report or Investigation;
6. Investigation period means:
- a. After six (6) months from the previous Report being made;
 - b. After twelve (12) months if you applied for an internal review of the agency's decision within six (6) months of making the Report ; or
 - c. If all of the above requirements are met, a Report to an MP or journalist may be a Voluntary PID.

Deeming that a Report is a Voluntary PID

- 15.8. The Fraud and Corruption Prevention Officer or the Fraud and Corruption Control Committee can, in certain circumstances, and at their sole discretion, deem that a Report is a Voluntary PID even if the Report does not otherwise have all the features of a Voluntary PID.
- 15.9. Where a Report is deemed as a Voluntary PID, Reporters are provided with protections under the *PID Act*.

16. Protection of Reporters

- 16.1. If UOWGE assesses a Report to constitute a PID, the Reporter is entitled to special protections under the *PID Act*.
- 16.2. UOWGE is committed to maintaining the confidentiality of Reporters as much as possible while the PID is being dealt with.
- 16.3. UOWGE will not tolerate any type of Detrimental Action being taken against a Reporter because they have made a Report or are believed to have made a Report.

17. Protection from Detrimental Action:

Protection generally

- 17.1. A person cannot take Detrimental Action against another person because they have made a Voluntary PID or are considering making a PID. Detrimental Action includes bullying, harassment, intimidation or dismissal.
- 17.2. Once UOWGE becomes aware that a Voluntary PID has been made by a person employed or otherwise associated with UOWGE that concerns Serious Wrongdoing, UOWGE will undertake a risk assessment and take steps to mitigate the risk of Detrimental Action occurring against the Reporter.
- 17.3. It is a criminal offence for someone to take Detrimental Action against a person because they have made or may make a Voluntary PID. It is punishable by a maximum penalty of two hundred (200) penalty units or imprisonment for five (5) years or both.
- 17.4. A person may seek compensation where unlawful Detrimental Action has been taken against them.
- 17.5. A person can apply for a court order (injunction) where Detrimental Action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).

- 17.6. Note that a person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not considered Detrimental Action under the *PID Act*.

Immunity from civil and criminal liability

- 17.7. Some Public Officials are often subject to a duty of confidentiality that prevents them disclosing certain information that they obtain or become aware of at work. Sometimes, in order to make a PID, Public Officials will need to breach or disregard such confidentiality duties. If that happens, a Public Official cannot be disciplined, sued or criminally charged for breaching confidentiality.

Confidentiality

- 17.8. UOWGE is committed to maintaining the confidentiality of persons Reporting Wrongdoing.
- 17.9. Public Officials and agencies must not disclose information tending to identify a person as the maker of a Voluntary PID unless doing so is permitted by the *PID Act*.
- 17.10. UOWGE will protect the identity of Reporters as much as reasonably possible.
- 17.11. The person receiving the Report must discuss any limitations on confidentiality with the Reporter as soon as practical after receiving the Report.
- 17.12. A Reporter may request a meeting at an alternative location away from their immediate work area, the work area of the subject(s) of the Report or the work area of the person receiving the Report .
- 17.13. UOWGE will not disclose the identity the Reporter or any information that is likely to lead to the identification of the Reporter unless the prior consent of the Reporter is obtained in writing.
- 17.14. Breaching the confidentiality of a Reporter may be considered an offence under the relevant Legislation.

Protection from liability for own past conduct

- 17.15. The Attorney General can give the maker an undertaking that a Report of their own past conduct will not be used against them if a person discloses their own Wrongdoing or misconduct while making a Report. This undertaking can only be given on application by an integrity agency to the Attorney General.

Reporting Detrimental Action

- 17.16. If a Reporter experiences adverse treatment or Detrimental Action, such as bullying or harassment, this should be Reported immediately.
- 17.17. A Reporter can Report any experience of adverse treatment or Detrimental Action directly to the relevant Head of Agency or a Nominated Disclosure Officer (contact details of which can be found in Schedule 1 in the *Fraud, Corruption and Serious Wrongdoing Reporting Procedure*).
- 17.18. A Reporter can also Report any experience of adverse treatment to an external integrity agency.
- 17.19. If UOWGE receives any report of Detrimental Action, they must report this to the NSW Ombudsman under s34(4) of the PID Act. This shall be done by the NDC or delegate.

18. General Support



- 18.1. UOWGE will offer any reasonable support to Staff who Report Wrongdoing to ensure their wellbeing and protection against reprisal and/or Detrimental Action.
- 18.2. UOWGE offers Reporters support through the following services:
 1. NSW Ombudsman – can be directly referred to regarding questions about *PID Act* or Reports;
 2. UOWGE Commercial and Legal Team – UOWGE Legal Counsel may be contacted at any time to seek guidance on Reports (the contact for UOWGE Commercial and Legal Team is in Schedule 1)
 3. Personnel within UOWGE People and Culture Division may be consulted in relation to any Detrimental Action, or requests for emotional or professional support.

19. Review and Dispute Resolution

Internal Review

- 19.1. Reporters who make Voluntary PIDs can seek internal review of the following decisions made by UOWGE:
 1. That UOWGE is not required to deal with the Report as a Voluntary PID;
 2. To stop dealing with the Report because UOWGE decided it was not a Voluntary PID;
 3. To not investigate the Serious Wrongdoing and not refer the Report to another agency;
or
 4. To cease investigating the Serious Wrongdoing without either completing the Investigation or referring the Report to another agency for Investigation.
- 19.2. UOWGE will ensure internal reviews are conducted in compliance with the *PID Act*.
- 19.3. Where the Reporter wishes to make an application for an internal review, they must apply in writing within twenty-eight (28) days of being informed of UOWGE's decision. The application should be made to the relevant Head of Agency and state the reasons why the Reporter considers UOWGE's decisions should not have been made. Other relevant material may also be submitted with their application.

Voluntary Dispute Resolution

- 19.4. If a dispute arises between UOWGE and a person who has made a Report which is, or may be, a Voluntary PID, UOWGE may request the NSW Ombudsman to conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where UOWGE and the maker of the Report are willing to resolve the dispute.

20. Roles & Responsibilities

- 20.1. Certain people within UOWGE have responsibilities under the *PID Act*.
- 20.2. The relevant Head of Agency is responsible for:
 1. Fostering a workplace culture where Reporting is encouraged;
 2. Receiving Reports from Public Officials;
 3. Ensuring there is a system in place for assessing Reports;
 4. Ensuring UOWGE complies with this Policy and the *PID Act*;
 5. Taking appropriate action against anyone who threatens or takes reprisal against an internal Reporter;



6. Taking appropriate remedial action in response to any findings that substantiate the allegations of Wrongdoing;
 7. Implementing any organisational reform that is necessary to address systemic issues identified; and
 8. Ensuring that UOWGE has appropriate systems for:
 - a. Overseeing internal compliance with the *PID Act*;
 - b. Supporting those who make Voluntary PIDs, including by minimising the risk of Detrimental Action;
 - c. Implementing corrective action if Serious Wrongdoing is found to have occurred;
 - d. Complying with Reporting obligations under s34(4) of the PID Act regarding allegations or findings of Detrimental Action;
 - e. Complying with annual Reporting obligations to the NSW Ombudsman; and
 - f. Complying with Reporting to the ICAC any matter where there is a reasonable suspicion that Corrupt Conduct has occurred or may occur.
- 20.3. The Fraud and Corruption Control Committee is responsible for:
1. Declaring any actual or perceived conflicts of interest prior to any decisions about a Report of Wrongdoing being assessed or considered;
 2. Determining if a Report is a Public Interest Disclosure and how/if it will be dealt with;
 3. Ensuring the principles of procedural fairness are adhered to;
 4. Keeping the identities of all parties confidential as far as possible, where it is practical and appropriate to do so, and if it is not possible to maintain confidentiality, develop a strategy for supporting all parties involved and preventing Detrimental Actions;
 5. Ensuring that adequate support is provided to the Reporter and the person who is the subject of the Report; and
 6. Making recommendations on the systems and strategies that should be established to minimise any risk of Detrimental Action.
- 20.4. The Fraud and Corruption Prevention Officer is responsible for:
1. Acting as the Nominated Disclosure Coordinator;
 2. Managing UOWGE's response to any Public Interest Disclosures and allegations of Fraud and/or Corrupt Conduct;
 3. Receiving Reports of Serious Wrongdoing from internal or external Reporting persons;
 4. Coordinating the receipt of complaints and the coordination and conduct, where appropriate, of preliminary Investigations of complaints or, if required, referral to an alternative UOWGE process;
 5. Ensuring that complaints and applicable preliminary Investigations are forwarded to the Fraud and Corruption Control Committee;
 6. Implementing strategies to improve Fraud, Corruption and Serious Wrongdoing prevention, and Staff awareness of this Policy and *Fraud, Corruption and Serious Wrongdoing Reporting Procedure* within UOWGE;
 7. Informing the relevant Head of Agency of any Report of Serious Wrongdoing within their Agency;



8. Reporting to the NSW Ombudsman if the FCCC determines neither investigate nor refer a Report under s55(3) of the *PID Act*;
 9. Chairing the Fraud and Corruption Control Committee; and
 10. Being the point of contact for the Reporter.
- 20.5. Nominated Disclosure Officers are responsible for:
1. Receiving Reports from Public Officials;
 2. Receiving Reports passed on to them by Managers; and
 3. Ensuring any oral Reports received are recorded in writing.
- 20.6. Managers are responsible for:
1. Receiving Reports from Staff who they directly or indirectly manage;
 2. Treating all Reports of Serious Wrongdoing seriously in accordance with the this Policy, *Fraud, Corruption and Serious Wrongdoing Reporting Procedure* or other relevant policy documents;
 3. Keeping the identity of the Reporter and anyone who is the subject of a Report confidential as reasonably possible; and
 4. Making sure that the Report is communicated to a Nominated Disclosure Officer on behalf of the Reporter, or they may accompany the Reporter to a Nominated Disclosure Officer to make the Report.
- 20.7. All Staff must:
1. Report suspected Wrongdoing and misconduct in accordance with this Policy and the *Fraud, Corruption and Serious Wrongdoing Reporting Procedure*;
 2. Ensure that they and any Staff Reporting to them fully understand this Policy, the *UOWGE Code of Conduct* and the *Fraud, Corruption and Serious Wrongdoing Reporting Procedure*;
 3. Ensure that their behaviour and conduct at all times reflects the Standards that are expected of all Staff under the *Code of Conduct*;
 4. Use their best endeavours to assist in an Investigation of Serious Wrongdoing if asked to do so by a person dealing with a Voluntary PID on behalf of UOWGE;
 5. Treat any person dealing with or investigating Reports of Serious Wrongdoing with respect; and
 6. Not take Detrimental Action against any person who has made or is suspected to have made (or to soon make), a PID.

21. Recordkeeping and Reporting

- 21.1. UOWGE must keep full and accurate records with respect to all information received in connection with the *PID Act*.
- 21.2. UOWGE must uphold the principles regarding the creation, maintenance, storage and disposal of records in accordance with UOWGE's *Records Management Policy*.
- 21.3. Deidentified Reports are submitted quarterly to UOWGE Audit and Risk Committee (ARC) providing information about Reports of Serious Wrongdoing received, to assist UOWGE in identifying and addressing potential systemic issues.

- 21.4. Each year UOWGE will provide an annual return to the NSW Ombudsman for each of the Agencies/Institutions within the UOWGE Group. The annual return shall include, for each Agency:
1. Information about Voluntary PIDs received by UOWGE during each return period;
 2. Action taken by UOWGE or the agency to deal with Voluntary PIDs during the return period; and
 3. How UOWGE promoted a “Speak Up” culture in the workplace where PIDs are encouraged.

22. Compliance with PID Act

- 22.1. The UOWGE Group agencies have an arrangement under s81(2) of the PID Act whereby UOWGE will complete the following functions of all Agencies in the UOWGE Group:
1. Reporting to NSW Ombudsman
 2. Training for staff
 3. Reporting to ICAC or other Integrity Agencies
- 22.2. The relevant Heads of Agency are responsible for ensuring UOWGE’s compliance with the *PID Act* and the effectiveness of this Policy.
- 22.3. UOWGE will ensure the required training is sent out to the Agencies within the UOWGE Group for completion.
- 22.4. UOWGE’s Audit and Risk Committee (ARC) will receive information about non-compliance of the *PID Act* from the Fraud and Corruption Prevention Officer.

23. Change History

Version	Approved By	Date Effective	Amendment
1	Audit and Risk Committee	10 October 2024	New Policy Implemented along with Prevention Policy, to align with amendments to the Criminal Code of Australia, broadening laws on foreign bribery, and amendments to NSW Public Interest Disclosures Act. Replaces Fraud and Corruption Prevention Policy and Whistleblower Policy- Global and Australia.