

# FRAUD AND CORRUPTION POLICY



## 1. POLICY OBJECTIVES

This document is designed to assist Primary Industry and Regions (PIRSA) employees in the prevention, detection and control of fraud, corruption and or other criminal conduct, misconduct and maladministration in public administration. Compliance with this policy is mandatory.

## 2. SCOPE

This policy applies to all employees and statutory officers in PIRSA. Volunteers and contractors are expected to comply with this policy. This policy also covers conduct that amounts to aiding and abetting conduct or causing another person to engage in conduct that is covered by this policy.

## 3. POLICY DETAILS

PIRSA will not tolerate fraud, corruption, misconduct, or maladministration by PIRSA employees or members of Boards and Committees administered by PIRSA, and will address any conduct which is suspected, alleged or proven. PIRSA is committed to an environment of sound governance, robust internal controls and an ethical and honest culture which safeguards public resources and interests.

All those within scope of this policy are expected to comply with their legal obligations, including those described in:

- *Independent Commission Against Corruption Act 2012 (ICAC Act)*
- *Ombudsman Act 1972**Public Sector Act 2009*
- *Public Sector (Honesty and Accountability) Act 1995*
- *Public Interest Disclosure Act 2018*
- *Criminal Law Consolidation Act 1935*
- South Australian Public Sector Code of Ethics

**Further information:**

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Responsible Executive: Chief Executive

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### 3.1 *Detection and Response*

PIRSA has adopted a control framework consistent with the Office of the Commissioner for Public Sector Employment's Fraud and Corruption Control Policy and Australian Standard AS 8001-2021 Fraud and Corruption Control. These documents establish a procedural framework for fraud and corruption control of five controls, which are replicated in the PIRSA Fraud and Corruption Plan:

- Governance and ethics strategies
- Awareness and training strategies
- Fraud prevention strategies
- Detection and investigation strategies
- Monitoring and reporting strategies

PIRSA is responsible for implementing a robust internal control environment and promoting a sound ethical culture amongst its employees and for ensuring a high level of awareness relating to the risks of fraud, corruption, misconduct, and maladministration in public administration through provision of relevant training.

PIRSA will ensure that the risk of fraud, corruption, misconduct, and maladministration in public administration are identified, analysed, and evaluated on a regular basis in accordance with the department's Risk Management Framework. This includes:

- establishment of proactive prevention strategies and ongoing monitoring of their effectiveness
- implementing practical detection mechanisms and internal controls.

### 3.2 **Reporting Requirements**

If an employee has reasonable suspicion of fraud, or corruption, intentional or serious misconduct, or substantial maladministration in public administration, they must comply with the PIRSA Public Interest Disclosure Procedure HR R 016, and the reporting responsibilities outlined below:

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- Must report any reasonably suspected corruption in public administration to a PIRSA Responsible Officer, or directly to the Office for Public Integrity (OPI).
  - Strongly encouraged to report reasonably suspected fraud or other criminal conduct to SAPOL, or to the OPI where the conduct may also comprise misconduct or maladministration in public administration. If in any doubt, it should be reported to the OPI (refer [Office for Public Integrity Directions and Guidelines](#)).
- Strongly encouraged to report any responsibly suspected intentional or serious misconduct in public administration, or substantial maladministration in public administration to a PIRSA Responsible Officer, or directly to the OPI, or Ombudsman SA.

## 4. ROLES AND RESPONSIBILITIES

Role	Responsibilities
Chief Executive	<ul style="list-style-type: none"><li>• Approving this policy and the Fraud and Corruption Plan</li><li>• Ensuring sufficient resources are allocated to implementation and annual review of this policy, including appointing responsible officers for the carriage of this policy</li><li>• Leading and modelling by example a culture that demonstrates PIRSA's commitment to fraud and corruption control, including endorsing <a href="#">the Code of Ethics for the South Australian Public Sector</a> and <a href="#">South Australian Public Sector Values and ensuring staff are aware of their ethical obligations as public sector employees and officers.</a></li><li>• Ensuring implementation of the Fraud and Corruption Plan, including governance and ethics, awareness and training, prevention, detection, reporting and response controls</li><li>• Ensuring that conduct reasonably suspected of being fraud or other criminal conduct or corruption, misconduct or</li></ul>

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	maladministration in public administration is reported in accordance with this policy
Executive Directors	<ul style="list-style-type: none"> <li>Leading and modelling by example a culture that demonstrates PIRSA's commitment to fraud and corruption control, including endorsing the Code of Ethics for the South Australian Public Sector and South Australian Public Sector Values</li> <li>Assisting the Chief Executive to implement this policy and the Fraud and Corruption Plan within their business division(s) including governance and ethics, awareness and training, prevention, detection, reporting and response controls</li> <li>Taking active steps to identify, report and investigate, suspected fraud or other criminal conduct, corruption, misconduct or maladministration by employees and other public officers within PIRSA, including compliance with requirements under the Public Interest Disclosure Act 2018 in line with the PIRSA Public Interest Disclosure Procedure</li> <li>Ensuring recommendations to reduce fraud (and related) risks, are implemented within acceptable timeframes</li> <li>Identifying and assessing fraud, corruption, misconduct and maladministration risks (in conjunction with the relevant teams), including when implementing new activities or procedures and ensuring adequate internal financial controls and systems are implemented, reviewed and maintained</li> <li>Performing internal control reviews (including in conjunction other officers or investigation teams after instances of fraud are detected)</li> </ul>
Risk & Performance Committee	<ul style="list-style-type: none"> <li>Periodically monitor and review this policy, the Fraud and Corruption Plan and any other PIRSA internal processes or procedures and making recommendations to the Chief Executive for amendment as appropriate</li> </ul>

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Role	Responsibilities
	<ul style="list-style-type: none"><li>• Reviewing the approach by PIRSA Executive and Managers in maintaining an effective internal control framework and ethical culture to ensure it is sound and internal controls are consistently applied, including identifying any need for internal audits</li><li>• Reviewing steps taken by PIRSA Executive and Managers to embed a workplace culture which is committed to ethical and lawful behaviour</li><li>• Reviewing the process of developing and implementing control arrangements in respect of fraud and other criminal conduct, corruption, misconduct and maladministration in public administration</li><li>• Overseeing and evaluating associated controls in relation to the risk of fraud and other criminal conduct, corruption, misconduct and maladministration in public administration</li><li>• Coordinating risk assessments in relation to fraud and other criminal conduct, corruption, misconduct and maladministration in public administration within PIRSA at least every three years</li><li>• Coordinating follow up of risk assessments to ensure that all timetabled strategies are implemented</li><li>• Establishing and maintaining a Fraud and Corruption Control Compliance Program for annual reporting to the Risk and Performance Committee and/or Chief Executive</li><li>• Providing a central referral point(s) for preliminary consideration of suspected or alleged fraud and other criminal conduct, corruption, misconduct, and maladministration in public administration by PIRSA executive or staff in connection with PIRSA's operations</li><li>• Seeking to ensure conduct reasonably suspected of being fraud or other criminal conduct, corruption, misconduct and</li></ul>

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Role	Responsibilities
	<p>maladministration in public administration by PIRSA Executive or staff is reported in compliance with Office for Public Integrity Directions and Guidelines and/or the Code of Ethics for the South Australian Public Sector; seeking to ensure reporting obligations under the Public Sector (Honesty and Accountability) Act 1995 are complied with</p> <ul style="list-style-type: none"> <li>• Reviewing risk assessments in relation to fraud or other criminal conduct, corruption, misconduct, and maladministration in public administration and consider high risk areas for inclusion in PIRSA's internal audit planning</li> <li>• Where able, assisting the Chief Executive and PIRSA Executives and Managers or staff in dealing with incidents of suspected fraud or other criminal conduct, corruption, misconduct, and maladministration in public administration</li> </ul>
Executive Director, Corporate Services, and Manager Risk and Assurance	<ul style="list-style-type: none"> <li>• Managing, evaluating, monitoring, and reviewing this policy, and the Fraud and Corruption Plan annually</li> <li>• Supporting Executive in oversight of the development, implementation and maintenance of fraud and corruption control systems documented in the Fraud and Corruption Plan</li> <li>• Coordinating training or education (including retraining and refresher education) for PIRSA Executive and staff in relation to awareness and reporting of fraud or other criminal conduct, corruption, misconduct, and maladministration in public administration.</li> </ul>
Public Interest Disclosure Responsible Officers	<ul style="list-style-type: none"> <li>• Ensuring compliance with obligations under the Public Interest Disclosure Act 2018. This includes, receiving disclosures of public interest information, making recommendations to principal officers in relation to disclosures, and advising PIRSA staff about the public interest disclosure scheme. Refer to Public Interest Disclosure Procedure</li> </ul>

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Role	Responsibilities
Employees, contractors, consultants, and other public officers	<ul style="list-style-type: none"><li>• Complying with this policy, the Fraud and Corruption Plan, including implementing appropriate fraud and corruption controls</li><li>• Acting in an ethical manner in the performance of their duties or in association with their role as a public sector employee or other public officer including complying with the Public Sector (Honesty and Accountability) Act 1995 and the Code of Ethics for the South Australian public sector</li><li>• Implementing relevant internal and system controls designed to reduce the risk of fraud and other criminal conduct, corruption misconduct or maladministration in public administration</li><li>• Reporting any potential or actual incidents of fraud and other criminal conduct, corruption misconduct or maladministration in public administration in accordance with the Public Interest Disclosure Procedure and/or the Office for Public Integrity Directions and Guidelines for Public Officers, the Ombudsman SA Directions and Guidelines (for misconduct or maladministration in public administration), Public Sector (Honesty and Accountability) Act 1995 and/or Code of Ethics for the South Australian Public Sector</li><li>• Seeking guidance when required from line managers or General Manager People and Culture</li><li>• Ensuring contractors engaged by PIRSA are made aware that, under the Independent Commission Against Corruption Act 2012 and for the purposes of this policy, the definition of:<ul style="list-style-type: none"><li>• a “public officer” includes a person performing contract work for a public authority or the Crown</li></ul></li></ul>

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Role	Responsibilities
	<ul style="list-style-type: none"><li>“contract work” means work performed by a person as a contractor or as an employee of a contractor or otherwise directly or indirectly on behalf of a contractor.</li></ul>

## 5. DOCUMENT DEFINITIONS

Term	Meaning
Fraud	<p>For the purposes of this policy, fraud is 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 financial benefit).</p> <p>Misuse of Government credit cards; lodging false expense claims; use of government resources, property or equipment for non-approved purposes; identity theft.</p> <p>Falsification of transactions or reports to deceive, mislead or conceal wrongdoing; alteration of cheques.</p>
Other Criminal Conduct	<p>Other criminal conduct includes offences by a public officer under any South Australian or Commonwealth legislation which are excluded from the definition of corruption in public administration under the <a href="#">Independent Commission Against Corruption Act 2012</a>.</p> <p>Theft of produce, equipment, intellectual property or cash, money-laundering, insider trading, bribery, blackmail, obstructing another from carrying out official functions, providing false or misleading information to a law enforcement body.</p>

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Term	Meaning
Corruption in Public Administration	<p>Corruption in public administration is defined in section 5(1) of the Independent Commission Against Corruption Act 2012 and includes:</p> <ul style="list-style-type: none"> <li>(a) an offence against Part 7 Division 4 (Offences relating to public officers) of the Criminal Law Consolidation Act 1935, which includes the following offences: <ul style="list-style-type: none"> <li>(i) bribery or corruption of public officers;</li> <li>(ii) threats or reprisals against public officers;</li> <li>(iii) abuse of public office;</li> <li>(iv) demanding or requiring benefit on basis of public office;</li> <li>(v) offences relating to appointment to public office; or</li> </ul> </li> <li>(b) an offence against the Public Sector (Honesty and Accountability) Act 1995 or the Public Corporations Act 1993, or an attempt to commit such an offence; or</li> <li>(c) an offence against the Lobbyists Act 2015, or an attempt to commit such an offence; or</li> <li>(d) any of the following in relation to an offence referred to in a preceding paragraph: <ul style="list-style-type: none"> <li>(i) aiding, abetting, counselling or procuring the commission of the offence;</li> <li>(ii) inducing, whether by threats or promises or otherwise, the commission of the offence;</li> <li>(iii) being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;</li> <li>(iv) conspiring with others to effect the commission of the offence.</li> </ul> </li> </ul> <p>Providing or receiving bribes, stalking, or making threats against a public officer, abuse of public office, using position to demand or require a benefit which there is no legal entitlement to, providing or</p>

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Term	Meaning
	receiving a benefit in connection with appointment of another to a public office.
Misconduct in public administration	Misconduct in Public Administration is defined in section 4 (1) of the Ombudsman Act 1972 and means an intentional and serious contravention of a code of conduct by a public officer while acting in their capacity as a public officer that constitutes a ground for disciplinary action against the officer.
Maladministration in public administration	<p>Maladministration in public administration is defined in section 4 (2) of the Ombudsman Act 1972 as follows</p> <p>(a) Maladministration in public administration] means:</p> <ul style="list-style-type: none"> <li>(i) 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>(ii) conduct of a public officer involving substantial mismanagement in or in relation to the performance of official functions; and</li> </ul> <p>(b) includes conduct resulting from impropriety, incompetence or negligence; and</p> <p>(c) is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.</p> <p>The definition applies to conduct that:</p> <ul style="list-style-type: none"> <li>(a) occurred before the commencement of this section; or</li> <li>(b) occurs outside this State; or</li> <li>(c) comprises a failure to act; or</li> <li>(d) is conduct of a person who was a public officer at the time of its occurrence but who has since ceased to be a public officer; or</li> </ul>

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Term	Meaning
	<p>(e) is conduct of a person who was not a public officer at the time of its occurrence but who has since become a public officer.</p> <p>Unauthorised use of public money, substantial mismanagement of public resources, mismanagement in relation to the performance of official functions.</p>

## 6. RELATED DOCUMENTS

### 6.1 SA Government

- [\*South Australian Public Sector Fraud and Corruption Control Policy\*](#)
- [\*Code of Ethics for the South Australian Public Sector\*](#)
- [\*Treasurer's Instruction 2: Financial Management\*](#)
- [\*Treasurer's Instruction 28: Financial Management Compliance Program\*](#)
- [\*Office for Public Integrity Directions and Guidelines for Public Officers, Public Authorities and Inquiry Agencies\*](#)
- [\*Ombudsman SA Directions and Guidelines\*](#)

### 6.2 Standards

This Plan is intended to comply with:

Australian Standard AS 8001:2021 Fraud and Corruption Control – which provides guidance on key fraud and corruption controls relating to governance and ethics; awareness and training; prevention; detection and investigation; and monitoring and reporting.

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## 7. DOCUMENT INFORMATION

### RISK ASSESSMENT

Date	Risk Rating	Risk Assessment Evaluation
06/12/2022	Extreme	

### REVISION RECORD

Date	Version	Revision description
28/01/2008	1.0	Policy approved by PIRSA Corporate Executive.
25/02/2014	2.0	Revised policy approved by PIRSA Executive to establish the <i>PIRSA Fraud Control Plan</i> and incorporate requirements of the <a href="#">Independent Commissioner Against Corruption Act 2012</a> .
10/02/2017	3.0	Policy revised to incorporate references to the <a href="#">South Australian Public Sector Fraud and Corruption Control Policy</a> , establish a framework and comply with annual reviews as required by <a href="#">Treasurer's Instruction 2: Financial Management</a> .
05/2018	3.1	Minor annual policy review updates approved by the Chief Executive.
29/05/2019	4.0	Minor annual policy review updates approved by the Chief Executive
May 2020	5.0	Policy review and simplification
14/07/2020	5.1	Fraud and Corruption Policy approved by the Executive Leadership Team
02/09/2022	6.0	Policy updated to reflect changes in OCPSE fraud and corruption control policy
06/12/2022	7.0	Policy template updated

### DOCUMENT CONTROL

<b>PPGS Owner</b>	Corporate Governance	<b>PPGS Risk</b>	Extreme	<b>Review Cycle:</b>	1 Year
<b>Workgroup:</b>	and Assets	<b>Rating</b>			
<b>PPGS Owner</b>	Kristy Grant	<b>PPGS</b>	Chief Executive	<b>Objective</b>	A5595989
<b>Name:</b>		<b>Executive:</b>		<b>Document No:</b>	
<b>PPGS Owner</b>	Manager Corporate	<b>Date</b>	10/01/2023	<b>Status:</b>	Approved
<b>Title:</b>	Governance and Assets	<b>Approved:</b>			
<b>PPGS Owner</b>	<a href="mailto:kristy.grant@sa.gov.au">kristy.grant@sa.gov.au</a>	<b>Next Review</b>	10/01/2024	<b>Security</b>	02 OfficialError!
<b>Email:</b>		<b>Date:</b>		<b>Classification:</b>	Unknown document

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