

## Fraud and Corrupt Conduct

### Purpose

This policy outlines the NHVR's commitment to protecting its customers, employees, and standing within the community by complying with anti-corruption Acts and effectively preventing, detecting, and deterring misconduct, fraud, and corruption.

This policy contributes to:

- the protection of the NHVR's customers, employees, assets and reputation
- public confidence in the NHVR, in the discharge of its functions and powers.

### Scope

This policy applies to any employee or individual performing services for and on behalf of the NHVR, regardless of their employment status. This includes NHVR Board members, NHVR employees, contractors, work experience placements and volunteers.

This policy is part of the NHVR's *Fraud and Corruption Control Framework* and applies to all business dealings and transactions undertaken for and on behalf of the NHVR.

### Policy statement

The NHVR is committed to an organisational culture that actively discourages fraud and corruption and has a zero-tolerance approach towards such behaviour.

The NHVR recognises that fraud and corruption prevention is integral to the organisation meeting the high standard expected by the heavy vehicle industry, jurisdictions, and the Australian community.

### Principles

The application of this policy will be consistent with the following principles.

### Compliance with applicable Acts

1. The NHVR is committed to eliminating fraud and discharging its obligations under each of the following applicable Acts:
  - a. *Crime and Corruption Act 2001 (Qld)* (CC Act)
  - b. *Independent Commission Against Corruption Act 1988 (NSW)*
  - c. *Integrity Commission Act 2018 (ACT)*

- d. *Independent Broad-based Anti-corruption Commission Act 2011 (Vic)*
- e. *Independent Commissioner Against Corruption Act 2012 (SA)*.

### Integrated approach

2. The NHVR's approach to fraud and corrupt conduct is supported by risk management mechanisms, which include:
  - a. policies, management standards and work procedures
  - b. risk assessments
  - c. internal controls
  - d. investigation
  - e. reporting
  - f. education
  - g. independent auditing.
3. This policy integrates with and should be read alongside the other NHVR policies and procedures governing employee conduct. In particular, the *Code of Conduct - Policy* should also be read to understand the whole framework for dealing with fraud and corruption risk.

### Staff reporting obligations

4. All employees are to report reasonable suspicion of fraud or corrupt conduct on the part of any person working for the NHVR.
5. The NHVR's *Public Interest Disclosure - Policy* and *Public Interest Disclosure - Guideline* (for each state) indicate how to make a report. Essentially, to make a report, employees:
  - a. are encouraged to do so with the Public Interest Disclosure (PID) Coordinator as outlined in those documents, or
  - b. may make a complaint (including anonymously) to the PID Coordinator via the NHVR's Whistle-blower's Hotline.
6. The NHVR recognises that 'reasonable suspicion' requires more than bare or idle speculation. It is determined by objectively assessing the information at hand. An employee does not have to believe that the conduct is fraud or corrupt conduct or that it actually occurred. Instead, the employee simply need to be satisfied that, on the facts as they know them, the allegations if proven, would amount to fraud or corrupt conduct.

## Chief Executive Officer's duty

7. Under most of the anti-corruption Acts, there is a duty on the NHVR's CEO to notify the Commission if, on reasonable grounds, the CEO suspects that a complaint involves, or may involve, corrupt conduct. In the CC Act, this duty is paramount. The CEO must comply with this duty, despite the provisions of any other Act or any obligation to maintain confidentiality about a matter to which the complaint relates.
8. The CEO is advised of reports of fraud and corrupt conduct. The CEO must notify the relevant Commission if the CEO reasonably suspects that a matter or complaint involves, or may involve, corrupt conduct.
9. In Queensland and New South Wales, the CEO has a responsibility to deal with complaints that are referred to the NHVR by the Commission in each of those jurisdictions.
10. The CEO is to consider allegations of fraud and whether referral to a jurisdictional policy agency is required.

## Reports involving the Chief Executive Officer

11. If the complaint concerns conduct of the CEO, refer to the *Dealing with a Complaint Involving a Public Official - Policy*.

## Training of staff

12. Training is provided annually to staff in relation to the NHVR's *Fraud and Corruption Control Framework*.

## Responsibilities

The following positions are responsible for implementing this policy.

Position	Responsibilities
All NHVR employees	Comply with this policy and the NHVR's <i>Fraud and Corruption Control Framework</i> .

Position	Responsibilities
CEO	<ul style="list-style-type: none"> <li>• Communicates to all employees that it is essential to carry out their duties to a high professional and ethical standard and to always act in the public interest.</li> <li>• Ensures there is a reporting system in place for complaints of fraud and corrupt conduct and that provides protection to the discloser, as required by law.</li> </ul>
	<ul style="list-style-type: none"> <li>• Ensures all NHVR employees have undergone training for the NHVR's <i>Fraud and Corrupt Control Framework</i>.</li> </ul>
Manager, People & Culture (HR)	<ul style="list-style-type: none"> <li>• Arranges, in cooperation with the PID Coordinator, the delivery of training to all employees on the NHVR <i>Fraud and Corrupt Control Framework</i>.</li> <li>• Arranges delivery of specific training to employees undertaking the separate functions within the <i>Fraud and Corrupt Control Framework</i>.</li> </ul>
PID Coordinator	<ul style="list-style-type: none"> <li>• Receives complaints of fraud and corrupt conduct.</li> <li>• Assesses disclosures under the <i>Public Interest Disclosure - Policy</i> and <i>Public Interest Disclosure - Guideline</i>.</li> <li>• Recommends referral or otherwise to the Commission or to a policy agency.</li> <li>• Acts as the liaison person between the NHVR and the Commissions.</li> <li>• Manages any investigation of a complaint of fraud or corrupt conduct on behalf of the NHVR.</li> </ul>

## Definitions

The following terms are specific to this policy.

Term	Definition
<b>Corrupt Conduct</b>	Depending on the jurisdiction, conduct within the meaning of: <ul style="list-style-type: none"> <li>• section 15 of the CC Act</li> <li>• section 7 to 9 of the <i>Independent Commission Against Corruption Act 1988 (NSW)</i></li> <li>• section 9 of the <i>Integrity Commission Act 2018 (ACT)</i></li> <li>• section 4 of the <i>Independent Broad-based Anti-corruption Commission Act 2011 (Vic)</i></li> <li>• section 5 of the <i>Independent Commissioner Against Corruption Act 2012 (SA)</i>.</li> </ul>
<b>Fraud</b>	Dishonestly obtaining a benefit, or causing a loss, by deception or other means.

## Related legislation and documents

### Related legislation

- *Crime and Corruption Act 2001 (Qld)*
- *Independent Commission Against Corruption Act 1988 (NSW)*
- *Integrity Commission Act 2018 (ACT)*
- *Independent Broad-based Anti-corruption Commission Act 2011 (Vic)*
- *Independent Commissioner Against Corruption Act 2012 (SA)*.

### Related NHVR documents

- *Code of Conduct - Policy*
- *Dealing with a Complaint Involving a Public Official - Policy*
- *Conflict of Interest - Policy*
- *Public Interest Disclosure - Policy*
- *Organisational Risk Management - Policy*
- *Managing Gifts and Benefits – Work Procedure*
- *Delegations, Sub-Delegations and Authorisations - Framework*.

## Other related documents

### Australian Government

- *Commonwealth Fraud Control Framework - Australian Government*

### Queensland

- *Factsheet: Record-keeping requirements for assessment decisions (section 40A) - Crime and Corruption Commission*
- *Corruption in Focus: A guide to dealing with corrupt conduct in the Queensland public sector - Crime and Corruption Commission*
- *Fraud and Corruption Control: Best Practice Guide - Crime and Corruption Commission*.

### New South Wales

- *NSW Fraud and Corruption Control Policy - NSW Treasury*.

### The Australian Capital Territory

- *Integrity Policy - ACT Public Service*.

### Victoria

- *A Guide to Building Workplace Integrity - Independent Broad-based Anti-corruption Commission (created by dis-established Office of Police Integrity Victoria)*
- *Controlling Fraud and Corruption: A Prevention Checklist - Independent Broad-based Anti-corruption Commission*.

### South Australia

- *Directions and Guidelines for Public Officers - Independent Commissioner Against Corruption*.