

# **Australian and New Zealand College of Anaesthetists FRAUD AND CORRUPTION CONTROL POLICY**

## **1. PURPOSE**

This policy outlines the Australian and New Zealand College of Anaesthetists (ANZCA) commitment to the highest standards of legal, ethical and moral behaviour and the prevention of fraud and corruption consistent with the AS 8001 – 2008 Fraud and Corruption Control Standard.

It is the intention of ANZCA to promote consistent organisational behaviour by instituting and reviewing procedures and assigning responsibility for the development of appropriate controls.

This policy forms an integral part of ANZCA's risk management strategies and will contribute to a culture of awareness and application, at all levels in ANZCA, of measures required to combat fraudulent practices. These measures include identification and notification of suspected instances of maladministration, fraudulent or corrupt activity.

ANZCA encourages the reporting of suspected fraud and will treat notification of matters in a confidential manner.

## **2. INTRODUCTION**

ANZCA regards and treats fraud seriously. All ANZCA Councillors, Fellows, trainees, other volunteers and employees (comprising staff, agency staff and contractors) in Australia and New Zealand are responsible for ensuring strong, robust and effective fraud control.

ANZCA's Fraud and Corruption Control Policy (FCCP) stresses the obligation of all Councillors, Fellows, trainees, other volunteers and employees to be aware of and report fraud and corruption. The FCCP provides assurance that all reports of fraud or corruption will be handled and investigated in a confidential, prompt and professional manner.

ANZCA FCCP is part of ANZCA's overall fraud and corruption control framework, and should be read in conjunction with ANZCA's Fraud and Corrupt Conduct Reporting Procedure when suspecting fraud or corruption.

This policy applies to all employees, Councillors, Fellows, trainees, other volunteers and agency staff or contractors either engaged by ANZCA or by an authorised contractor of ANZCA.

## **3. BODY OF POLICY**

Successful implementation of the Fraud and Corruption Control Policy requires recognition and incorporation of each of the following:

### **3.1 Corporate governance, corruption and fraud control**

ANZCA Council and the Finance Audit and Risk Committee (FARM) are responsible for monitoring the implementation of corruption and fraud control measures.

This will be achieved through corporate governance arrangements, this policy and other associated policies and procedures.

### **3.2 Secretariat commitment**

The chief executive officer and managers must be committed to the active prevention of corrupt and fraudulent activities in a systematic way in order to enhance organisational operation and reputation, and proper discharge of ANZCA's statutory obligations.

Managers must ensure there are mechanisms in place within their area of control to:

- Identify and assess the risk of corruption and fraud,
- Encourage a culture of honest and ethical behaviour,
- Educate employees about corruption and fraud prevention and detection.

### **3.3 Reporting and monitoring**

The FARM Committee and CEO are particularly responsible for monitoring fraud control and prevention and they are required to report to the Council accordingly on measures adopted and issues and concerns.

The FARM Committee will ensure that regular review and audit of fraud prevention systems and controls is undertaken.

### **3.4 Fraud and corrupt management practices**

All employees, Councillors, Fellows, trainees, other volunteers, agency or contracted staff have a responsibility to report suspected corrupt, theft or fraudulent activity. If any person to whom this policy applies suspects such activity, he or she should inform the relevant manager or CEO, Deputy CEO (DCEO) or Executive General Manager, Corporate Resources (EGMCR) as appropriate.

On receiving a report of suspected fraud or corrupt conduct, the manager, CEO, DCEO or EGMCR must record the details of the report, including the time and date the report is first received and details of the matter received.

Where the report implicates the DCEO or EGMCR, the CEO shall be the person to whom the report is made. Where the report implicates the CEO, the President of ANZCA shall be the person to whom the report is made.

Managers will ensure that all contractors working for their areas of responsibility are aware of ANZCA's Fraud and Corruption Control Policy. The Fraud and Corruption Control Policy should be incorporated into contracts and contractors and employees must be made aware of their responsibilities.

## **4. CONCERNS OR COMMENTS**

If you have any concerns about the College's handling of any suspected or detected fraud occurrences please contact the Executive General Manager, Corporate Resources on +61 3 8517 5353 or via [jmckay@anzca.edu.au](mailto:jmckay@anzca.edu.au). Requests must be in writing and resolution of concerns will be sought as promptly as possible.

## 5. CHANGES TO ANZCA FRAUD POLICY

The College may modify or amend this policy at any time. Formal notice of amendments will not ordinarily be given, but the latest version of the policy can be accessed via the College website [www.anzca.edu.au](http://www.anzca.edu.au) or by contacting the College on +61 3 8517 5353.

## 6. RELATED DOCUMENTS

- ANZCA Fraud and Fraudulent Conduct Reporting Procedure
- ANZCA Finance Risks and Controls of Misconduct Procedure
- ANZCA Cardholder Information Policy
- ANZCA Risk Management Policy & Procedure
- ANZCA Risk Management Plan
- ANZCA IT Security Policy
- ANZCA Code of Conduct Policy
- ANZCA Discipline and Termination Policy
- ANZCA Privacy Policy
- ANZCA Conflict of Interest Policy
- ANZCA Finance Audit and Risk Management Committee Terms of Reference
- The following Australian and New Zealand legislation:

### **Australia:**

- Whistleblowers Protection Act 2001, Whistleblowers Protection Regulations 2001 and Procedure for Handling Disclosures made under the Whistleblowers Protection Act 2001
- Information Privacy Act 2000 (Vic) and Privacy Act 1998 (Cth)
- Crimes Act 1958
- Charter of Human Rights and Responsibilities Act 2006

### **New Zealand:**

- Protected Disclosures Act 2000

- Privacy Act 1993
- Serious Fraud Office Act 1990
- Crimes Act 1961
- Criminal Proceeds Recovery Act 2009
- Human Rights Act 1993
- AS 8001 – 2008 Fraud and Corruption Control Standard
- Australian/New Zealand Standard 4360:2004 Risk Management

## 7. DEFINITIONS

For the purpose of this policy the following definitions shall apply:

**7.1 “Corruption”** - is defined in AS8001-2003 as dishonest activity in which a director, executive, manager, employee or contractor of an entity acts contrary to the interests of the entity and abuses his or her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity, including but not limited to false invoicing, material and deliberate misstatement of accounting information, secret commissions, collusive tendering, tax evasion or engaging in misleading and deceptive conduct within the meaning of the Australian Competition and Consumer Act 2010 and the New Zealand Commerce Act 1986, The Fair Trading Act 1986 and The Consumer Guarantees Act 1993.

**7.2 “Fraud”** - is defined in AS8001-2003 as dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and whether or not this deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified information used or intended for use for normal business purposes or the improper use of information or position including but not limited to misappropriation of remittances due to ANZCA, credit card fraud, false accounting, releasing misleading or inaccurate information for the purpose of deceiving, misleading or to hide wrong-doing.

**7.3 “Secret Commissions”** - is defined in AS8001-2003 as a payment in money or in kind which will or be intended to cause a person to act in a way that is contrary to the interests of his or her principal or employer or is contrary to the principal's or employer's policy on a given issue or is against the public interest. Secret commissions by definition will typically be paid without the knowledge or express or implicit agreement of the principal and include payments intended to influence the outcome of a specific action or event generally over a period of time.

**7.4 “Maladministration”** - is defined in the Australian Whistleblowers Protection Act 2001 as an administrative action that is unlawful, arbitrary, unjust, oppressive, improperly discriminatory or taken for an improper purpose and which substantially and adversely affects someone's interests.

## 8. CHANGE CONTROL REGISTER

Version	Author	Approved by	Approval Date	Sections Modified
1	General Manager, Finance, General Manager NZ and CEO	Council	21 April 2012	Created
1.1	Policy	CEO	11 March, 2014	Copyright statement added

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