

**THE UNIVERSITY OF QUEENSLAND
INSTITUTE OF CONTINUING AND TESOL EDUCATION (UQ-ICTE)
POLICY AND PROCEDURE**

Reference:	UQ International Development
Title:	Anti-Corruption Policy and Procedure
Custodian:	Deputy Director, International Development
Reviewer:	Senior Development Coordinator
Date Approved:	21/02/2018
Review Date:	21/02/2019
Audience:	All UQ International Development Staff All Volunteers, Consultants, Sub-contractors and Associate Firms
Associated Policies:	Australian Criminal Code Act 1995 OECD Guidelines for Multinational Enterprises PPL 1.50.01 Code of Conduct PPL 1.50.10 Fraud and Corruption Management Policy PPL 1.60.03 Public Interest Disclosure Policy PPL 9.10.05 Reportable Gifts Policy
Version:	2.0

PURPOSE

To prevent UQ International Development from participating in bribery and corrupt practices and ensure appropriate reporting when exposed to these practices.

POLICY

The University of Queensland (UQ) has a zero tolerance stance on fraud and corruption and is committed to maintaining an organisational culture which will ensure that effective prevention of fraud and corruption is an integral part of all university activities. As a unit that operates internationally, UQ International Development staff, consultants and associated firms share a common responsibility and commitment to the awareness, prevention, and reporting of and responding to bribery and corruption.

The University of Queensland is subject to a host of anti-corruption laws and regulations worldwide and the Australian Criminal Code Act 1995 (refer to the cover page for a link to the Act). The Australian Criminal Code Act prohibits corrupt payments to any individual, including a Foreign Public Official, for the purpose of obtaining or retaining business or otherwise achieving an improper advantage.

This Policy's objectives are consistent with the following UQ Policies and should be read in conjunction with: PPL 1.50.10 Fraud and Corruption Management Policy; PPL 1.50.01 Code of Conduct; PPL 1.60.03 Public Interest Disclosure Policy; PPL 9.50.05 Reportable Gifts (refer to the [cover page](#) for links to the policies).

It should be noted that Australia is also party to a number of international instruments aimed at combating corruption:

- The United Nations Convention against Corruption (UNCAC)
- The United Nations Convention against Transnational Organised Crime (UNTOC)
- The Organisation for Economic Cooperation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (the anti-bribery Convention)

PROCEDURE

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1. Definitions

	Definition
Australian Criminal Code Act 1995	The Criminal Code Act was amended in 1999 to prohibit bribery of foreign public officials.
Bribery	Under Section 70 of the Criminal Code 1995, Bribery involves providing, offering or arranging a benefit when that benefit is not legitimately due, with the intention to influence a FPO, in their official duties, with the motive to gain or retain business or business advantage.
Facilitation Payments	Small unofficial payments made to secure or speed up a routine government action which an FPO would normally provide.
Foreign Public Official (FPO)	Means an elected or appointed executive, administrative, legislative or judicial officer or employee of a country, state, territory or political subdivision thereof; an officer or employee of a public international organisation; or an officer or employee of a public enterprise or public body, including officer or employees of State owned or controlled entities. In addition, "Public Official" includes any person who performs a public function or exercises public authority by employment or contract, for any branch of the national, state, local or municipal government or any country or territory. "Foreign Public Official" also includes employees or officers of political parties as well as candidates for political office.
Negligible or De Minimis Value	When applied to a gift means an insignificant amount or nominal item or benefit, the value of which is so small that it could not be reasonably expected to influence the recipient's behaviour, action or decision-making in any way. Negligible or De Minimis Value does not refer to a specific value and can be subject to local laws, regulations and customs. It is always advisable to seek local guidance on whether a gift or other benefit is Negligible or De Minimis Value before it is offered or provided.
OECD Guidelines for Multinational Enterprises	The OECD Guidelines were updated in May 2011 and are not legally binding. Australia is a signatory to the guidelines and the government is committed to promoting the use of the Guidelines and their effective and consistent implementation. The guidelines provide principles and standards for responsible business conduct in a variety of areas including combatting bribery, bribe solicitation and extortion.
Undue benefit	A benefit that is not legitimately due to the person who receives it.

2. Bribery

These guidelines are based on the OECD Guidelines for Multinational Enterprises (refer to the [cover page](#) for a link to the Guidelines) of which Australia is a signatory.

- All UQ International Development employees, contractors and consultants will not offer, promise or give any undue advantage to FPOs or any other party;
- All UQ International Development employees, contractors and consultants will not request, agree to or accept undue benefits from FPOs to any other party
- UQ International Development will not use third parties such as agents and other intermediaries, consultants, representatives, distributors, consortia, contractors and suppliers and joint venture partners for channelling undue benefits to FPOs, or to employees of their business partners or their relatives or business associates;
- UQ International Development prohibits the use of facilitation payments, which are generally illegal in the countries where they are made;
- UQ International Development will only provide gifts of a Negligible or De Minimis Value and a gift will not be offered if it would be deemed to be providing an undue benefit, or could be construed as part of an attempt to seek an undue advantage;
- UQ International Development who receive gifts will follow UQ's PPL 9.10.05 Reportable Gifts Policy (refer to the [cover page](#) for a link to the policy).

3. Fraud and corruption risk

UQ International Development will consider fraud and corruption including bribery of FPOs as part of the unit risk assessment and will feed into the University-wide Fraud and Corruption Risk Register.

Anti-corruption clauses are included in all contracts, sub-contracts, consulting engagements or other agreements executed by UQ International Development.

All UQ International Development employees will be provided with a copy of the UQ Code of Conduct and shall agree to abide by it as a condition of employment.

Financial controls and processes utilised by UQ International Development will ensure clear lines of accountability and transparency and follow the requirements of the Financial Management Practices section of UQ's Policies and Procedures Library, including all applicable legislation.

UQ International Development will undertake reference checks on new business partners and use the project Go-No-Go Assessment to assess fraud risk in making decisions on:

- Which projects to undertake; and
- Assess the degree of due diligence and ongoing monitoring required to manage that risk.

4. Reporting and protected disclosures

All UQ International Development employees, contractors and consultants, where they are made aware of or suspect fraudulent or corrupt activities including the bribery of an FPO, must report these suspicions immediately to their supervisor. If the person reporting does not

believe the matter has been handled appropriately by their supervisor, they should follow UQ's PPL 1.60.9 Complaints Management Policy or 1.60.03 PPL Public Interest Disclosure Policy (refer to the [cover page](#) for links to the policies).

The following illustrates some situations that must be reported:

- Credible information that a third party UQ International Development is doing business with, or intends to do business with, has been accused of engaging in improper practices;
- A third party insists on receiving commission or fee payment before committing to a contract;
- Requests for fees to facilitate access to a third party or to obtain the services of a third party;
- Requests for payments to be made into anonymous bank account;
- Unusual requests for payment in cash;
- Requests for payment to be made to a country or location different to where the service provider is based or is working;
- Employment or advantage to a friend or relative is suggested;
- Invoices for services that were not requested or do not have appropriate supporting documentation;
- Requests for unusual bonuses, one-time success fees or other extraordinary payments.

Document History

Version	Summary of changes	Author	Action date
1.0	Approved UQ International Development Anti-Corruption Policy	Joe Mclean	02/10/2014
1.1	Amendments to template	Lauren Hamilton	20/02/2018
2.0	Approved Anti-Corruption Policy	Dallas Dowsett	21/02/2018