UQID Anti-Corruption Policy

Introduction

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 (UQID) 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 anticorruption laws and regulations worldwide and the Australian Criminal Code Act 1995. 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:

- 1.50.10 Fraud and Corruption Management Policy (https://ppl.app.uq.edu.au/content/1.50.10-fraud-and-corruption-management#Policy)
- 1.50.01 Code of Conduct (https://ppl.app.uq.edu.au/content/1.50.01-code-conduct)
- 1.60.03 Public Interest Disclosure Policy (http://ppl.app.uq.edu.au/content/1.60.03-public-interest-disclosure#Policy)
- 9.10.05 Reportable Gifts (http://ppl.app.uq.edu.au/content/9.10.05-reportable-gifts)

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)

Definitions


**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 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.

**Scope**

This policy applies to all UQID employees (full-time, part-time and casual), sub-contractors, consultants, volunteers and associate firms.

**Goal**

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

**Guidelines**

**Bribery**

These Guidelines are based on the OECD Guidelines for Multinational Enterprises of which Australia is a signatory (http://www.ausncp.gov.au/content/Content.aspx?doc=oecd_guidelines.htm).

- All UQID employees, contractors and consultants will not offer, promise or give any undue advantage to FPOs or any other party.
- All UQID employees, contractors and consultants will not request, agree to or accept undue benefits from FPOs or any other party.
- UQID 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 to their relatives or business associates.
- UQID prohibits the use of facilitation payments, which are generally illegal in the countries where they are made.
- UQID 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.
- UQID employees who receive gifts will follow UQ’s 9.10.05 Reportable Gifts Policy.
Fraud and Corruption Risk

- UQID 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 UQID.
- All UQID 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 UQID 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.
- UQID will undertake reference checks on new business partners and use the project Go-No-Go Assessment to assess fraud risk in making decisions on a) which projects to undertake and b) assess the degree of due diligence and ongoing monitoring required to manage that risk.

Reporting and protected disclosures

- All UQID 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 are should follow UQ’s 1.60.9 Complaints Management Policy or 1.60.03 Public Interest Disclosure Policy.
- The following illustrates some situations that must be reported:
  - Credible information that a third party UQID 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 don’t have appropriate supporting documentation;
  - Requests for unusual bonuses, one-time success fees or other extraordinary payments.