**APPENDIX B - FRAUD ASSESSMENT AND INVESTIGATION PROCEDURES**

Under the [Public Interest Disclosure (PID) Act](https://www.legislation.act.gov.au/a/2012-43) certain processes and timeframes must be followed in relation to the receipt, acknowledgement, assessment, investigation and reporting of public interest disclosures. Certain public interest disclosures will constitute fraud and with this in mind the University has taken steps to ensure that investigation processes in this Plan are aligned with investigation processes in its *Public Interest Disclosure Guidelines*.

1. ***Refer***
	* The General Counsel (**Disclosure Officer**) will assess whether the reported instance of actual or suspected fraud (**disclosure**) should be referred to another business unit for their consideration.
2. ***Assess***
	* The General Counsel (**Disclosure Officer**) will make a decision as to whether the disclosure is a public interest disclosure (PID) under the PID Act.
	* If the disclosure is assessed to be a PID, it **must** be investigated in accordance with the PID Guidelines (noting certain exceptions under Section 20 of the PID Act, such as when the discloser withdraws his/her disclosure or a lack of information makes it impracticable for the disclosure to be investigated).
	* If the disclosure is not assessed to be a PID or the suspicion of fraud is not sustained by sufficient evidence to support a formal investigation, the Disclosure Officer may determine that the instance nonetheless warrants further action in accordance with the University’s disciplinary/administrative policies and procedures.
3. ***Investigate***If the disclosure is assessed to be a PID, the Disclosure Officer will determine whether the investigation should be conducted internally or by an external party.  If the investigation is outsourced, referral options include:
	* Australian Federal Police (AFP)/ACT Police - less serious (minor and/or routine) criminal allegations may be referred to the Police for investigation.
	* Qualified investigator – allegations may also be referred to a suitably qualified external investigator.
	* The Vice-Chancellor is to be kept informed of the progress of any investigations.
4. ***Manage the process***
	* The Disclosure Officer has the responsibility to track the process from the point of disclosure to resolution and notify relevant persons as required.
	* The existence of any one of the following factors is an indication that the matter is a complex investigation:
		+ a serious breach of trust by an employee or contractor of the University
		+ use of sophisticated techniques or technology to avoid detection where investigation of the matter requires specialised skills and technology
		+ elements of a criminal conspiracy
		+ known or suspected criminal activity against the University and one or more other entities
		+ activities which could affect wider aspects of Commonwealth law enforcement (e.g. illegal immigration, money laundering)
		+ the possibility of action being taken under the [*Proceeds of Crime Act 2002*](https://www.legislation.gov.au/Details/C2023C00171), or
		+ conflicts of interest and/or politically sensitive matters.

The University may seek guidance from the AFP/ACT Police and discuss possible referrals with the AFP/ACT Police where there is any doubt as to whether it is appropriate to refer a particular matter.

**The University retains responsibility**
Following any investigation into alleged fraudulent or corrupt behaviour, the Vice-Chancellor will detemine the University's response to the disclosure based on the recommendations of the investigation, including potential prosecution.
Where the AFP/ACT Police determines, for whatever reason, a referral will not be pursued, the University resumes responsibility for dealing with the actual or suspected fraud.  Where the AFP/ACT Police decline to conduct an investigation, or do not proceed to prosecution, the University shall seek the timely return of all case information provided to the AFP/ACT Police in order that the University may make its own determination as to what further action, if any, it should take. Further action by the University may include:

* referral to an accredited fraud control service provider for investigation
* conduct of a disciplinary inquiry
* administrative action, and/or
* civil proceedings, such as termination of a contract and/or recovery of funds or property lost.