

What is corrupt conduct?

Under the *Crime and Corruption Act 2001* (the CC Act), corrupt conduct is conduct by anyone that adversely affects a public agency or public official so that the performance of their functions or the exercise of their powers:

- is not honest or impartial, or
- knowingly or recklessly breaches public trust, or
- involves the misuse of agency-related information or material.

Corrupt conduct is engaged in for the purpose of providing a benefit to the person or another person, or causing a detriment to another person. In addition, the conduct must be serious enough that, if proved, would constitute a criminal offence or a disciplinary breach providing grounds for dismissal.

Under the CC Act, corrupt conduct includes an attempt or a conspiracy to engage in the conduct, as well as neglect, failure or inaction that adversely affects a public agency or official in the ways described above.

Knowingly and recklessly

In relation to a breach of trust:

- “**knowingly**” can be taken to mean that the person knew that their actions were a breach of the trust placed in them

- “**recklessly**” can be taken to mean that, while the person did not necessarily know that their actions were a breach of trust, they were aware that there was a real and apparent risk that the conduct would amount to a breach of trust, but the person still engaged in the conduct

Legal definition of corrupt conduct

Corrupt conduct has four essential elements as outlined in section 15 of the CC Act. Corrupt conduct means the conduct of a person, regardless of whether the person holds or held an appointment, that –

- (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of –
 - (i) a unit of public administration; or
 - (ii) a person holding an appointment; and
- (b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that –
 - (i) is not honest or is not impartial; or
 - (ii) involves a breach of the trust placed in a person holding an appointment either knowingly or recklessly; or
 - (iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and
- (c) is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and
- (d) would, if proved, be –
 - (i) a criminal offence; or
 - (ii) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.

Examples of common corrupt conduct risks

Procurement and contract management

- Undisclosed conflicts of interest
- Favouritism and bias
- Employee collusion with suppliers
- Falsified records
- Dummy bids for tenders
- Split orders to avoid financial thresholds
- Over ordering resources with the intention of misusing surplus goods
- Misusing a government credit card for personal benefit

Gifts, benefits and bribes

- Undeclared gifts, benefits or 'kickbacks'
- Giving or receiving bribes or secret commissions

Theft of assets

- Theft of money, goods or equipment
- Theft or misuse of intellectual property
- Misusing organisational resources for secondary employment
- Improper asset disposal for personal benefit
- Unauthorised payment or transfer of funds

Improper use of information

- Unauthorised release of confidential information to third parties
- Theft, improper use or sale of data or information

Forged or falsified documentation

- False travel claims or timesheets
- Falsified approvals
- False professional qualifications

Recruitment and selection

- Undeclared conflicts of interest, nepotism or cronyism in the appointment process
- Undeclared criminal convictions

What should I do if I am aware of any corrupt conduct?

All of us have an obligation under the *Code of Conduct for the Queensland Public Service* to report any suspected wrongdoing, including corrupt conduct.

Be aware that fraud and corruption may exist or occur in the workplace. Be familiar with the Code of Conduct for the Queensland Public Service and the department's policies and procedures, including the Integrity Framework.

Understand what you are accountable for and what your responsibilities are. Seek advice from your manager, HR representative or HR Help.

Identify and alert your manager to potential risks. Fraud and corruption prevention form part of the department's Risk Management Framework. It must be implemented by every person in the department to be effective. Identifying and alerting your manager to potential risks assists to monitor and control these risks.

Lead by example through ethical behaviour and declare conflicts of interest, contacts with lobbyists, secondary employment, and gifts and benefits. These are all potential sources of fraud and corruption risks.

Report any concerns or suspected incidents to your manager.

If you are a manager, **ensure employees** complete relevant training and are aware and understand their responsibilities and the relevant internal control policies & procedures.

Manage seriously the concerns and matters raised by employees of potential risks or suspected incidents.

Report suspected fraudulent or corrupt activity directly to the CCC Liaison Officer. This is the Manager, Workplace Relations and you can contact them at ethics@dnrm.qld.gov.au

For further information

Speak to your manager, [local HR representative](#), contact ethics@dnrm.qld.gov.au or phone the Manager, Workplace Relations on 3333 5187.