



## Corrupt Conduct HR Fact Sheet

### What is corrupt conduct?

Under the [Crime and Corruption Act 2001](#), corrupt conduct is conduct by anyone that could adversely affect, directly or indirectly a public agency or public official, or could impair public confidence in public administration, so that the performance of their functions or the exercise of their powers in a way that:

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

The conduct must be serious enough that, if proved, would constitute a criminal offence or a disciplinary breach providing grounds for dismissal.

Under the 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***

**“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 needs to satisfy **one** of **two** definitions as outlined in sections 15(1) and 15(2) of the Act.

15(1): Corrupt conduct means 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
- (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.

**or**

15(2): Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that:

- (a) impairs, or could impair, public confidence in public administration; and
- (b) involves, or could involve, any of the following –
  - i. collusive tendering
  - ii. fraudulent applications for licences, permits and other authorities under an Act with a purpose or object of any of the following (however described)—
    - A. protecting health or safety of persons;
    - B. protecting the environment;
    - C. protecting or managing the use of the State's natural, cultural, mining or energy resources
  - iii. dishonestly obtaining, or helping someone to dishonestly obtain, a benefits from the payment or application of public funds of the disposition of state assets
  - iv. evading State taxes, levies, duties or fraudulently causing a loss of State revenue
  - v. fraudulently obtaining or retaining an appointment; and
- (d) would, if proved, be –
  - i. a criminal offence
  - ii. a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

### **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 of Natural Resources, Mines and Energy's policies and procedures, including the [Integrity Framework](#).

### **Understand what you are accountable for and what your responsibilities are.**

Seek advice from your manager, Human Resources (HR) representative or Workplace Relations for 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 Executive Director, Human Resources by phone 0457 519 716 or by email [ResourcesCCCLiaison@resources.qld.gov.au](mailto:ResourcesCCCLiaison@resources.qld.gov.au).**

## **For further information**

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

## **Examples of common corrupt conduct risks**

### **Procurement and contract management**

- Undisclosed conflicts of interest
- Favouritism and bias
- Employee collusion with suppliers
- Falsified records
- Collusive tendering
- 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
- Evading state taxes
- Obtaining benefits from the payment or application of public funds or the disposition of state assets

### **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
- Fraudulently obtaining or retaining an appointment