

## PURPOSE

SunWater has **zero tolerance** for corrupt conduct, fraudulent or similar activities. This Corrupt Conduct Policy and Guide which aligns with the Fraud and Corruption Control Plan and the Whistle-blower Policy and Guide are in place to foster an ethical organisational culture. Additionally, the Crime and Corruption Commission's "*Corruption in Focus: a guide to dealing with corrupt conduct in the Queensland public sector*" (Corruption in focus guide) has been referenced in this policy.

Click here to access the Corruption in Focus Guide:

<http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus>

Three of the five principles outlined in SunWater's Code of Conduct relate to behaviours expected of individuals that are intended to prevent/ minimise and avoid corrupt conduct:

- Honesty and Integrity
- Proper use of SunWater resources
- Appropriate use of SunWater information.

A Whistle-blower Hotline is in place which is independently managed and Individuals have the opportunity to confidentially report all suspected breaches of the Code and behaviours such as corrupt conduct and fraudulent activities committed by other Individuals. All cases are assessed and investigated where required followed by appropriate disciplinary action depending on the outcome of an investigation. Under Sec 38 of the *Crime and Corruption Act 2001*, if there is reasonable suspicion that a complaint, or information or matter involves, or may involve corrupt conduct, then SunWater has an obligation to notify the Crime and Corruption Commission (CCC).

The purpose of this policy and guide is to set out the policy principles and SunWater's approach in dealing with a disclosure/ complaint, information or matter that involves or may involve corrupt conduct as defined in the *Crime and Corruption Act 2001* ("CC Act").

## SCOPE

This policy and guide applies to all Individuals of SunWater. The intent of this policy is to document the management process of how suspected corrupt conduct is managed within SunWater and:

- Comply with the requirements of the CC Act, in particular sections 15 and 38 of the Act;
- Comply with the requirements of s48A of the *Crime and Corruption Act 2001 (CC Act)* (refer CEO Corrupt Conduct Policy);
- Demonstrate SunWater's commitment as an ethical organisational culture;
- Communicate the processes for corrupt conduct reporting and investigation;
- Ensure clear accountability for governance requirements over corrupt conduct.

## DEFINITIONS

Term	Definition
Individual	Includes all SunWater employees as well as contractors, consultants, volunteers or anyone working at SunWater and includes all workers as defined in the Work Health and Safety Act 2011 (Qld).
Corrupt Conduct	<p>Corrupt conduct as defined under the <i>Crime and Corruption Act 2001</i></p> <ol style="list-style-type: none"> <li>1. <b><u>means conduct of a person</u></b>, regardless of whether the person holds or held an appointment, that - <ol style="list-style-type: none"> <li>a) <u>adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of -</u> <ol style="list-style-type: none"> <li>(i) a unit of public administration; or</li> <li>(ii) a person holding an appointment; and</li> </ol> </li> <li>b) <u>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 -</u> <ol style="list-style-type: none"> <li>(i) is not honest or is not impartial; or</li> <li>(ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or</li> <li>(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</li> </ol> </li> <li>c) <u>is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and</u></li> <li>d) <u>would, if proved, be -</u> <ol style="list-style-type: none"> <li>(i) a criminal offence; or</li> <li>(ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.</li> </ol> </li> </ol> <p><i>To meet the definition of corrupt conduct, all four elements must be met (i.e. the effect of the conduct under a, the result of the conduct under b, resulting in a benefit or detriment arising from the conduct under c and which results in a criminal offence or a disciplinary breach under d).</i></p> </li> <li>2. Without limiting subsection (1), conduct that involves any of the following could be corrupt conduct under subsection (1) - <ol style="list-style-type: none"> <li>(a) abuse of public office;</li> <li>(b) bribery, including bribery relating to an election;</li> <li>(c) extortion;</li> <li>(d) obtaining or offering a secret commission;</li> <li>(e) fraud;</li> <li>(f) stealing;</li> <li>(g) forgery;</li> <li>(h) perverting the course of justice;</li> <li>(i) an offence relating to an electoral donation;</li> <li>(j) loss of revenue of the State;</li> <li>(k) sedition;</li> <li>(l) homicide, serious assault or assault occasioning bodily harm or grievous bodily harm;</li> <li>(m) obtaining a financial benefit from procuring prostitution from unlawful prostitution engaged in by another person;</li> <li>(n) illegal drug trafficking; and (o) illegal gambling.</li> </ol> </li> </ol>

Term	Definition
Crime and Corruption Commission (CCC):	The Crime and Corruption Commission (CCC) is a statutory body set up to combat and reduce the incidence of major crime and corruption in the public sector in Queensland. Its functions and powers are set out in the <i>Crime and Corruption Act 2001</i> . The CCC investigates both crime and corruption, has oversight of both the police and the public sector, and protects witnesses. The CCC investigates organised crime, paedophilia, terrorist activity and other serious crime referred to it for investigation, receives and investigates allegations of serious or systemic corrupt conduct, helps recover the proceeds of crime, provides the witness protection service for the state of Queensland and conducts research on crime, policing or other relevant matters.
Fraud	<p>Is defined, for the purposes of this policy as:</p> <ul style="list-style-type: none"> <li>▪ Dishonest or deceptive activity by Individuals or persons external to SunWater causing actual or potential financial loss to SunWater including theft of monies or other property e.g. theft of water. It also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position;</li> <li>▪ Dishonest activity causing actual or potential financial loss to customers, suppliers or other persons or entities external to SunWater by SunWater's agents or Individuals acting on behalf of SunWater.</li> </ul> <p>Examples of instances of fraud are when persons dishonestly:</p> <ul style="list-style-type: none"> <li>▪ Apply to their own use, or to the use of any other person, property belonging to SunWater;</li> <li>▪ Obtain SunWater cash or other property by dishonest means or induce any person to deliver SunWater property to any person;</li> <li>▪ Gain a benefit or advantage, pecuniary or otherwise, for any person or corporation at SunWater's expense;</li> <li>▪ Make false claims on a resume/CV to gain employment or a promotion or a role change;</li> <li>▪ Theft of intellectual property or other confidential information;</li> <li>▪ Cause a detriment (pecuniary or otherwise) to SunWater;</li> <li>▪ Gain a benefit or advantage (pecuniary or otherwise) for SunWater at the expense of any person or corporation; and Breach of confidentiality or confidential information.</li> </ul>
Fraud control	The system in place to ensure protection of SunWater's property, revenue, expenditure and reputation from fraudulent exploitation.
Public Interest Disclosure (PID)	<p>Under the PID Act, a public interest disclosure is a disclosure under Chapter 2 of the PID Act and includes all information and help given by the discloser to a proper authority for disclosure. It sets out the requirements about the information that may be disclosed and who may disclose it, to whom, and how.</p> <p>Refer Whistle-blower policy and guide for more information.</p>

## WHAT IS CORRUPT CONDUCT?

The definition as per the CC Act is covered in the table above, however some examples of what would constitute corrupt conduct include:

- Engaging in preferential treatment of certain suppliers of services or goods to SunWater in return for a monetary consideration or other benefit from the supplier to you and/ or your family members i.e. “taking a bribe” or a commission for work referred to a supplier.
- Stealing fuel from a SunWater fuel tank and/ or through the use of SunWater fuel cards to fill up your private vehicle fuel tank.
- Unauthorised use of SunWater resources e.g. vehicle, tools and equipment.
- Use of a SunWater corporate credit card for personal use and if accidental then not declaring this fact after the event.
- Engaging in forgery to obtain a certain outcome e.g. manipulating professional documentation to obtain a job or a promotion.
- Taking leave (e.g. sick or annual leave for a full day or part day) and not completing a leave form and declaring such time as worked time.

Possible red flags or early warning signs of corrupt activity include:

- Goods or services procured going to the same supplier all the time with no clear reason / justification, especially if the individual involved in the procurement and the supplier are friends or are family.
- An individual wanting to be involved in the approval of an invoice and requesting all invoices from a supplier be signed off only by him/ her.
- Unusual trends start to appear in the spend pattern of a staff member with a corporate credit card and no clear explanation for the spend (it may start with small value items and start to increase in value over time).
- Repeated absences from work that cannot be explained.
- Staff member “bragging” to other staff and outsiders about getting away with things.
- Unusual and unexplained change in behaviour of a particular staff member.

Corrupt conduct is different from Misconduct and Serious misconduct and is dealt with as per the Misconduct and Discipline Policy and Guide. **Misconduct** relates to conduct that breaches any of the principles of the SunWater Code of Conduct or other lawful instructions, and which occurs in a work-related capacity that reflects adversely on SunWater. **Serious misconduct** is conduct that is wilful or deliberate, and thus inconsistent with the continuation of employment; may cause serious risk to the health and safety of a person; or may cause serious risk to the reputation, viability or profitability of SunWater’s business. Serious misconduct may include, but is not limited to, refusing to carrying out a lawful and reasonable instruction; use of illegal drugs, consuming alcohol without authorisation, or being intoxicated on work premises or while performing work; or wilful damage to property or equipment under the control of SunWater.

### Professional misconduct can also constitute Corrupt Conduct

Professional misconduct is conduct connected with exercising the skill of a professional or engaging in the performance of the specified duties or activities of a position. For example, positions such as medical professionals, counsellors or engineers are considered to have special responsibilities by virtue of their position, and in many cases, they have ethical or statutory obligations attached to the discharge of their powers or functions (extract from “CCC’s Corruption in Focus guide”).

Professional misconduct can also be corrupt conduct if it meets the four elements (refer def. of corrupt conduct above). While professional misconduct rarely amounts to corrupt conduct, it can do so even

when there is no criminal offence involved. In such cases, the conduct must involve repeated behaviour (including neglect, failure and inaction) that undermines the trust placed in the person by virtue of their position; or be a single incident of behaviour indicating a callous or reckless disregard for, or indifference to the skills required for the proper discharge of the duties of the position. An example of professional misconduct could be an Engineer/ Senior Engineer disregarding or neglecting to follow regulations and failing to exercise due professional skill and care in the discharge of his/her duties over a period of time and SunWater and its stakeholders relying on the said staff member to act with due care and skill in the performance of his/ her duties. Another example will be an Engineer/ Senior Engineer/ Manager during a specific event or circumstance acting recklessly or callously which is at odds with the skills and care SunWater and/or a professional body and/ or other stakeholders would expect to see from the said individual.

## Reporting/ Notification to the CCC about corrupt conduct

In accordance with section 38 of the CC Act, SunWater must notify the CCC if it reasonably suspects that corrupt conduct has occurred. This means that there does not need to be a formal complaint from an aggrieved person and that other information or matter may give rise to a reasonable suspicion. For example, a reasonable suspicion of corrupt conduct might come up from an internal audit or may arise in the course of resolving a grievance. Also, the CCC may issue SunWater with Section 40 directions such as:

- certain kinds of complaints that must be notified to the CCC
- how and when this notification must be made
- the kinds of complaints that SunWater can immediately start dealing with without notifying the CCC
- those cases that only need to be reported to the CCC on a routine basis (e.g. some may only need to be reported on a monthly basis).

## What is reasonable suspicion?

For a suspicion or matter to be considered reasonable there needs to be more than just gossip or an inclination i.e. there must be some evidence sufficient for a reasonable person to suspect that corrupt conduct is occurring. It must be believed that the alleged conduct constitutes corrupt conduct, or that the conduct has actually occurred. Reasonable suspicion must be based on an objective assessment of the information at hand. It is not sufficient for you to subjectively decide that someone is or is not capable of the alleged conduct. You do not have to have sufficient evidence to prove the corrupt conduct allegation, but the available facts, evidence or other information must suggest that the allegation, if proven, would amount to corrupt conduct and thus report the matter.

## ROLES AND RESPONSIBILITIES

### Nominated person/s under the Act

Having regard to s48A(2) and (3) of the CC Act, this policy specifies that the General Counsel (under delegation) is the nominated person within SunWater to notify the CCC of a complaint and if referred back to SunWater to deal with, then to deal with the complaint as required by the CCC under the CC Act. The SunWater CEO has delegated this responsibility to the General Counsel and the SunWater CCC Liaison Officer.

If the complaint/ matter relates to the SunWater CEO, then the SunWater CEO Corrupt Conduct Policy applies (an 'Audit and Corporate Governance Committee approved policy'). This policy has been developed in accordance with section 48A of the CC Act. Refer *insert hyperlink to new policy*.



This Corrupt Conduct policy should be read in conjunction with Appendix A of this document & the Fraud and Corruption Control Plan. Appendix A of this policy ('Process for managing complaints of Corrupt Conduct') sets out the process by which complaints of alleged corrupt conduct are reported to CCC and if referred back to SunWater the process by which SunWater will manage the complaint/allegation. The Fraud and Corruption Plan sets out the operational framework by which SunWater actively manages fraud and corruption through preventative and detective activities and its response to confirmed fraud and corruption cases.

For further details refer to the [Fraud and Corruption Plan](#).

## All Individuals

All individuals have a responsibility to report a suspicion of corrupt conduct (i.e. to lodge a complaint) in accordance with this policy, and SunWater through the General Counsel under delegation has an obligation to assess the veracity of the complaint and if applicable notify the CCC of the complaint.

Any individual who makes a complaint or receives information about a suspected corrupt conduct allegation must be careful and must exercise due care in maintaining privacy and confidentiality of the information received.

The SunWater Code of Conduct (the Code) and Values and Behaviours sets out the ethical standards and principles of acceptable behaviour expected of all SunWater staff, contractors and consultants working on SunWater premises or representing SunWater. The Code and behaviour applies within and outside of the workplace.

All Individuals have a responsibility to familiarise themselves with the Code and behaviours and all related policies, procedures, standards and legislation affecting their work in SunWater and for acting in accordance with the Code and reporting suspected breaches of the Code. Actions and behaviours such as corrupt conduct, engaging in fraudulent activities or maladministration are contrary to the code.

Any complaints/ allegations of corrupt conduct will be managed in accordance with this policy and guide, and protection to a discloser managed in accordance with the SunWater's Whistle-blower policy and guide.

## Managers and Supervisors

Are required to have a greater degree of awareness of this policy and guide and all other associated policies and plans; such as:

- Appendix A – Guide/ Process for managing complaints of alleged Corrupt Conduct
- [Misconduct and Discipline Policy and Guide](#)
- [Whistle-blower Protection Policy and Guide](#)
- [Fraud and Corruption Control Plan](#)

Maintain a high level of awareness of the risk of fraud and corrupt conduct and demonstrate a commitment to strategic operational mechanisms to prevent and detect fraud. Managers are also expected to model high integrity behaviour by adhering to SunWater's ethical standards.

Managers are required to be aware of the structural, operational and maintenance elements of the SunWater Fraud and Corruption Control Plan.

## REVIEW

This policy will be reviewed at least once every two years but a review may be triggered at any time through changes in legislation, policy, organisation or any other change which requires an update to the policy. The reason for this revision is due to CCC audit recommendations to SunWater from its review of SunWater's corrupt conduct and associated policies.

## References

### Legislation and Standards

- *Crime and Corruption Act 2001*
- *Public Interest Disclosure Act 2010*
- *AS/NZS ISO 31000:2009, Risk Management – Principles and Guidelines*

### Related SunWater Documents

- [Fraud and Corruption Control Plan](#)
- [Whistle-blower Protection Policy and Guide](#)
- [CEO Corrupt Conduct Policy](#)
- [Gifts and Benefits Policy and Guide](#)
- [HR05 Misconduct and Discipline Policy and Guide](#)
- [HR01 Recruitment and Selection Policy and Guide](#)

## Further assistance

For assistance or advice on this policy, please contact General Counsel on (07) 3120 0018.

## APPENDIX A - GUIDE

### PROCESS FOR MANAGING SUSPICION OF CORRUPT CONDUCT

The process below reflects the activities and sub-activities within SunWater for managing suspicion of corrupt conduct and to ensure SunWater compliance obligations under the *Crime and Corruption Act 2001* and the *Public Interest Disclosure Act 2010* are met. This means:

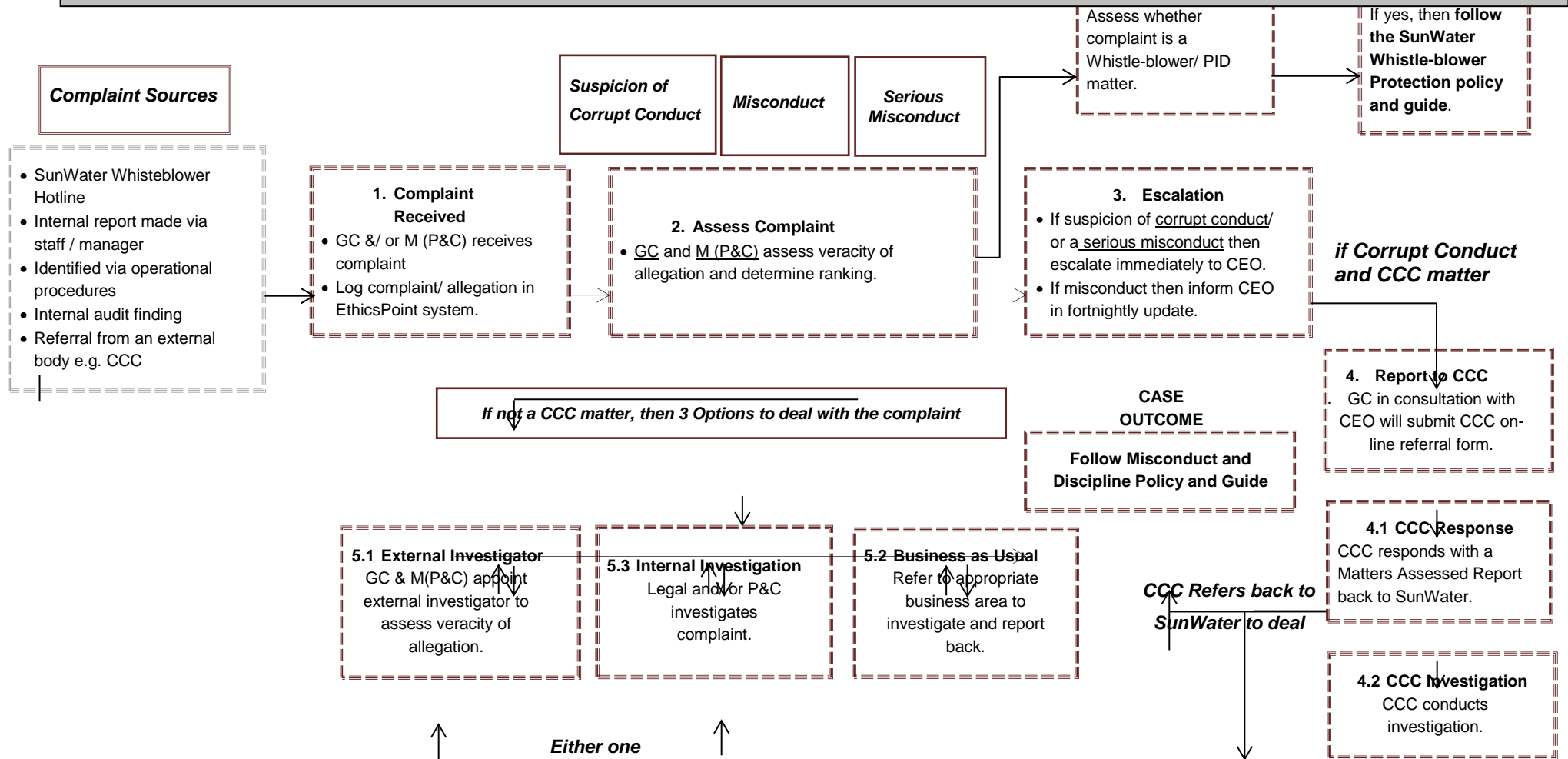
- Complaints or allegations are appropriately assessed and prompt notification made to relevant bodies;
- Matters are investigated in a consistent and transparent manner;
- Disclosers and Subject Officer/s rights and obligations are considered.

### DEFINITIONS

- **Crime and Corruption Commission (CCC)** as defined above in page 3 of the policy. Its functions and powers are set out in the Crime and Corruption Act 2001 (CC Act).
- **Corrupt conduct** as defined above in page 2 of the policy. Anyone who tries to corrupt a public sector officer can also be guilty of corrupt conduct. Generally, corrupt conduct matters are dealt with by SunWater's Fraud Officer in consultation with the CEO.
- A **Serious Misconduct** (as referred to in the 'Misconduct and Discipline Policy and Guide – HR05') is a matter that requires urgent attention (e.g. a case of alleged sexual harassment, or evidence of an individual downloading material of a pornographic or violent nature) and thus has the potential to cause significant reputational and/ or financial harm to SunWater. Generally managed by the Manager P&C.
- A **Misconduct** (as referred to in the 'Misconduct and Discipline Policy and Guide – HR05) is a matter that requires attention as soon as possible (e.g. excessive use of SunWater mobile phone for private use or excessive downloading of internet material (music/ movies etc.) and has the potential to cause some limited reputational damage and/ or financial loss to SunWater. Generally managed by the Manager P&C.
- A **Discloser** is the Individual/ person making the allegation about another Individual's wrongdoing.
- A **Subject Officer** is the Individual who is the subject of the allegation/ complaint i.e. the person who is being investigated. Further details on the process follow.



## SunWater Process for managing Suspicion of Corrupt Conduct





# Corrupt Conduct Policy and Guide

Revision: 7  
Last Revision Date: JAN 2018  
Next Revision Date: JAN 2020  
Approver: SUNWATER BOARD  
Approver: GENERAL COUNSEL  
SME: GENERAL COUNSEL

Further details on the process follow.

## 1. Complaint Received

General Counsel [GC], Manager People and Capability [M(P&C)] and/or CEO will identify or receive the complaint/allegation ('complaint') directly or via another source from a Discloser. Various avenues exist for Individuals to report complaints e.g. SunWater Whistle-blower Hotline, via an external person, directly from another Individual or from another agency or department.

This complaint is recorded in the EthicsPoint Case Management System ('Ethics System') and access to the Ethics System is limited to GC and M(P&C) only. GC & M(P&C) will assess the complaint.

If the complaint/ matter relates to the SunWater CEO, then the SunWater CEO Fraud and Corruption Policy ("board approved policy") applies as required under section 48A of the CC Act. Refer *insert hyperlink* for policy details. If complaint is against GC or M(P&C), then CEO will determine the best approach for investigation to continue and no details are recorded in the Ethics System.

## 2. Assess Complaint

Complaints are ranked into one of 3 categories depending on the severity of the complaint: a) Possible Corrupt Conduct, b) Misconduct or c) Serious Misconduct matter. If it is a Misconduct or Serious Misconduct matter, then it is dealt with by P&C under the Misconduct and Discipline Policy and Guide.

- If suspicion of 'corrupt conduct', then immediately escalate the complaint to SunWater CEO (or delegate) and carry out 'no further work' or investigation. GC in consultation with CEO will prepare a brief for CCC and enter and submit a CCC on-line referral form. No further work is carried out until CCC assesses the complaint and refers the matter back to SunWater;
- If 'serious misconduct', then escalate immediately to CEO (deal with as per Misconduct and Discipline Policy and Guide);
- If a 'misconduct', then log complaint and refer matter to relevant EGM and M(P&C) / GC to manage outcome and include in fortnightly report to CEO. Again, deal with under Misconduct and Discipline Policy and Guide.

### How is a complaint assessed as a suspicion/ or a possible corrupt conduct?

In assessing whether a complaint is a corrupt conduct matter, regard will be had to the four limbs of the corrupt conduct definition as stated under the definitions section of the Policy (page 2 of the policy above). These are:

SunWater Quality Management System	<i>Uncontrolled Copy When Printed</i>	Page 10 of 15
------------------------------------	---------------------------------------	---------------



## Corrupt Conduct Policy and Guide

Revision: 7  
Last Revision Date: JAN 2018  
Next Revision Date: JAN 2020  
Approver: SUNWATER BOARD  
Approver: GENERAL COUNSEL  
SME: GENERAL COUNSEL

1. *The conduct adversely or could adversely affect (whether directly or indirectly) the performance of functions or the exercise of powers of*
  - SunWater or
  - an individual person holding an appointment within SunWater.
2. *The conduct results, or could result (whether directly or indirectly) the performance of functions or the exercise of powers mentioned above in a way that*
  - is not honest or is not impartial
  - involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly
  - 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 in relation to a breach of trust:

- knowingly can be taken to mean that the subject officer knew that their actions were a breach of the trust placed in them
  - recklessly can be taken to mean that, while the subject officer 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 the trust and they nevertheless without justification went through with the conduct.
3. *The conduct is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person.*  
The CC Act defines:
    - benefit as property, advantage, service, entertainment, the use of or access to property or facilities, and anything of benefit to a person, whether or not it has any inherent or tangible value, purpose or attribute
    - detriment as including detriment caused to a person's property.
  4. *The corrupt conduct would, if proved, be*
    - a criminal offence or
    - a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were a holder of an appointment.

Some examples of what constitutes corrupt conduct are covered in the definitions table on page 2 of the policy above.

SunWater Quality Management System	Uncontrolled Copy When Printed	Page 11 of 15
------------------------------------	--------------------------------	---------------



## Corrupt Conduct Policy and Guide

Revision: 7  
 Last Revision Date: JAN 2018  
 Next Revision Date: JAN 2020  
 Approver: SUNWATER BOARD  
 Approver: GENERAL COUNSEL  
 SME: GENERAL COUNSEL

The conduct must satisfy all four elements above to be considered corrupt conduct, as in the examples below.

Conduct	Elements that make it corrupt conduct
It is identified that a SunWater individual has cheated on his travel allowance by claiming allowances for trips not taken, and thus claiming expenses that were not incurred.	<ol style="list-style-type: none"> <li>1. Adversely affects the performance of SunWater through misuse of resources.</li> <li>2. Is dishonest.</li> <li>3. Is engaged in for the individual's benefit.</li> <li>4. And is a criminal offence (i.e. fraud).</li> </ol>
A whistle-blower makes a complaint that a SunWater individual is receiving 10% kickbacks of the invoice amount from a supplier for work referred to that supplier. An investigation outcome concludes this to be true.	<ol style="list-style-type: none"> <li>1. Adversely affects the performance of SunWater through obtaining a secret commission/ bribery.</li> <li>2. Is dishonest.</li> <li>3. Is engaged in for the individual's benefit.</li> <li>4. And is a criminal offence (i.e. bribery).</li> </ol>

Suspected corrupt conduct does not have to be serious misconduct or show it has actually occurred. Also, some complaints may appear minor, but may turn out to be quite serious or be an aggregation of minor issues that indicates a systematic issue and may thus constitute corrupt conduct.

### Is corrupt conduct always serious?

The conduct may be something comparatively minor, as shown in the example below, but still be corrupt conduct because it is an allegation of criminal conduct (theft) occurring in the course of the officer's duties, and is engaged in for the purpose of gaining a benefit.

Conduct	Corrupt conduct because ...	Not serious because ...
There is a reasonable suspicion that a SunWater individual has been pilfering \$100 from the petty cash tin.	<ol style="list-style-type: none"> <li>1. Adversely affects the performance of the department through misuse of resources.</li> <li>2. Is dishonest and a breach of trust.</li> <li>3. Is engaged in for the officer's benefit.</li> <li>4. Is a criminal offence (i.e. theft).</li> </ol>	The amount involved is small, the officer may have no prior history of similar conduct.



## Corrupt Conduct Policy and Guide

Revision: 7  
Last Revision Date: JAN 2018  
Next Revision Date: JAN 2020  
Approver: SUNWATER BOARD  
Approver: GENERAL COUNSEL  
SME: GENERAL COUNSEL

In a case such as this, SunWater is obliged to notify the CCC (unless it is something identified in the section 40 directions as not warranting notification). However, it is more than likely that the matter will be referred back to SunWater to investigate and take the appropriate action.

**Note:** theft of property may also need to be reported to the Queensland Audit Office and the Queensland Police Service under the requirements of section 21 of the Financial and Performance Management Standard 2009.

SunWater must determine whether the matter is a Public Interest Disclosure under the Public Interest Disclosure Act 2010 and provide the necessary support and protection to the discloser in accordance with Whistle-blower policy and guide. If the matter is not a possible corrupt conduct or a serious matter, then GC and M (P&C) to agree and decide on next steps.

### What happens if it is Misconduct or a Serious Misconduct Matter?

If the matter has been determined to be a misconduct or serious misconduct matter, then refer Misconduct and Discipline Policy and Guide.

For more details on Misconduct and Serious Misconduct, refer *insert hyperlink*

### 3. Escalation

If a possible corrupt conduct matter or a serious misconduct, then GC and/ or M(P&C) will immediately escalate to CEO and the following steps will be followed:

- Convene a meeting between the SunWater CEO, GC and M (P&C);
- If a possible corrupt conduct matter, then discuss information to be sent through to CCC by the GC as the CCC Liaison Officer. No further work to be undertaken until a response is received back from CCC on next steps;
- If not a possible corrupt conduct but a Serious Misconduct, then CEO, GC and/ or M(P&C) agree on next steps and if applicable which business area and which Manager/Supervisor and GM should be informed;
- If a misconduct matter, then M(P&C) will decide on next step and if necessary refer to relevant GM/Manager for action and response. Include matter update in fortnightly meeting with CEO;
- Update information on the Ethics System;



## Corrupt Conduct Policy and Guide

Revision: 7  
Last Revision Date: JAN 2018  
Next Revision Date: JAN 2020  
Approver: SUNWATER BOARD  
Approver: GENERAL COUNSEL  
SME: GENERAL COUNSEL

- Extract information from Ethics Systems and report quarterly to Audit, Finance and Risk Committee and to Remuneration Committee on case progress;
  - All new complaints (both ‘possible corrupt conduct’ and ‘serious misconduct’).
  - Brief description of the complaint and work underway to investigate the complaint;
  - Status update on previously reported complaints;
  - Closed complaints including agreed action to prevent future complaints of this nature and disciplinary actions to be taken (if applicable).

#### 4. CCC Reporting and Liaison

If suspicion / possible corrupt conduct is identified then an immediate notification of the allegation is made to CCC. No further work on the matter is undertaken until a response is received back from CCC. The following steps apply:

- All possible corrupt conduct allegations are referred to the CCC in accordance with CCC requirements. The CCC will assess the possible corrupt conduct allegation reported to it and provide a “Matters Assessed Report” back to SunWater setting out their assessment determination and directions as to the action to be taken in relation to the complaint;
- In most cases (with the exception of serious or systemic corrupt conduct) the CCC will refer complaints back to SunWater to deal with in accordance with SunWater procedures;
- SunWater must act in accordance with CCC directions and/or any recommendations on how to deal with the matter as set out in their Matters Assessed Report;
- As of 1 July 2014, The CCC maintains an audit program that will undertake regular audits of all units of public administration (UPAs - including SunWater as a Government Owned Corporation), and the systems and practices in place for dealing with corrupt conduct. This means that the CCC could audit SunWater’s integrity framework (e.g. fraud and corruption framework covering fraud and corruption policies, procedures and fraud plans for compliance with the CC Act), complaints referred to SunWater, classes of complaints at SunWater or sector-wide level that warrant examination, and public interest topics that might be relevant to SunWater, a group of UPAs or a sector as a whole, and which have been identified by the CCC or via a research directive;

SunWater Quality Management System	<i>Uncontrolled Copy When Printed</i>	Page 14 of 15
------------------------------------	---------------------------------------	---------------



- If it is a CCC investigation, then
  - GC, as the CCC Liaison Officer will provide on-going SunWater support to CCC during investigation. This means GC will collate all required information and material as requested by CCC including facilitating interviews and stakeholder meetings;
  - Assess the level of involvement of CEO during the investigation;
- Notify Discloser of outcome if not already done so by CCC (after consultation with CEO and after receipt of CCC report);
- Unless the CCC specifically directs that a complaint be investigated in a certain way, SunWater will deal with a possible corrupt conduct matter in the way considered most appropriate, with reference to this policy and the CCC's Corruption in focus guide;
- All matters will be considered on their merits. In determining the best course of action for a complaint that is proportionate, justifiable and transparent, preliminary inquiries should be made to ascertain the nature, extent and scope of conduct that has given rise to the complaint.

### 5. SunWater Investigation into suspicion/ possible Corrupt Conduct

- If CCC requests that SunWater proceed with the investigation, then CEO, M(P&C) and GC will make a decision on the next steps which include:
  - Determine the appropriate type of investigation to be undertaken;
    - Decide whether external investigator to be appointed or an internal investigation;
  - Identify which stakeholders within the business area (e.g. EGM/ Senior Manager etc.) should be notified of the complaint and investigation and whether Corporate Council should be consulted on the matter for 'client legal privilege' purposes;
  - Consider whether the Discloser should be informed of the status or not;
  - Determine the extent of evidence and material required to justify outcome and decision;
  - Determine the regularity of status reporting to CEO on progress of investigation and consideration of status reporting required to CCC to inform them of progress.