

# Bribery, Fraud and Corruption Control Policy



April 2025

**Hort**  
**Innovation**



### 1. Purpose

- 1.1. To set out Horticulture Innovation Australia Limited's (Hort Innovation or Company) responsibilities, including those of its Personnel and Business Associates (defined below) in observing and upholding Hort Innovation's position on bribery, fraud and corruption; and
- 1.2. To provide information and guidance to our Personnel and Business Associates on how to recognise and deal with bribery, fraud and corruption issues.

### 2. Scope

- 2.1. This policy applies to all directors, employees, officers of Hort Innovation (Personnel) and any contractors, service providers, agents, or other third parties (Business Associates) engaged to provide services on behalf of Hort Innovation.

### 3. Principles

- 3.1. Hort Innovation is committed to:
  - 3.1.1. Carrying out business fairly, honestly and transparently in a manner which reflects Hort Innovation's values.
  - 3.1.2. A zero-tolerance approach to bribery, fraud and corruption at all levels of the organisation.
  - 3.1.3. Not doing business with any Business Associate that engages in bribery, fraud or corruption.
  - 3.1.4. Complying with laws and regulations addressing fraud, bribery, and corruption in each country in which business is conducted including, but not limited to, the Criminal Code 1995 (Cth), the Corporations Act 2001 (Cth) and the National Anti-Corruption Commission Act 2022 (Cth).

### 4. Accountabilities and Responsibilities

- 4.1. **Board of Directors:** is responsible for ensuring that Hort Innovation has in place the appropriate policies, procedures and guidelines to prevent, detect and investigate bribery, fraud and corruption.
- 4.2. **Audit & Risk Committee (ARC):** is responsible for overseeing Hort Innovation's fraud and corruption control plan; monitoring identified risks and response strategies; ensuring risks are assigned to appropriate levels of management; and that controls are in place and being reviewed and monitored.
- 4.3. **CEO:** is responsible for ensuring that a company-wide fraud and corruption control plan is in place, modelling the highest standards of ethical behaviour and ensuring compliance with all relevant legal obligations. As an 'agency head' the CEO also has a mandatory obligation to refer serious or systemic corruption to the National Anti-Corruption Commission<sup>1</sup> under certain circumstances.
- 4.4. **CFO:** is the owner of this policy and is responsible for coordinating and documenting Hort Innovation's overall fraud and corruption control plan. The CFO is currently the Anti-Corruption and Compliance Officer.
- 4.5. **Head of Governance & Risk:** is responsible for ensuring a fraud risk assessment is carried out biennially and has primary day-to-day responsibility for implementing this policy, monitoring its use and effectiveness, dealing with enquiries about it.
- 4.6. **Anti-Corruption and Compliance Officer:** is responsible for receiving, and responding to, reports of corruption. The CFO is currently the Anti-Corruption and Compliance Officer.
- 4.7. **Employees and Business Associates:** are individually responsible for aiding their own understanding of this policy and complying with it in their day-to-day role or the provision of services to Hort Innovation.
- 4.8. **Management** at all levels are responsible for ensuring those reporting to them understand and comply with the policy and are given adequate and regular training.

<sup>1</sup> ss12(f)(ii) National Anti-Corruption Commission Act 2022 (Cth)



## **5. Prohibition on bribery, fraud and corruption**

For the purposes of this policy:

- 5.1. **Bribery** is the offering, promising, giving, soliciting or accepting a benefit (monetary or non-monetary) with the intention of influencing the actions or decisions of an individual contrary to their duties or responsibilities.
- 5.2. The benefit can include money, gifts, hospitality, favours or anything else of value.
- 5.3. The benefit may not always be of large value.
- 5.4. **Corruption** is any conduct that:
  - 5.4.1. Involves the misuse of a position of trust for personal or private gain.
  - 5.4.2. It includes where Personnel abuse their position of trust to achieve personal advantage or advantage for another person or organisation and acts contrary to the interests of Hort Innovation; or
  - 5.4.3. Constitutes corrupt conduct under the National Anti-Corruption Commission Act 2022 (Cth)<sup>2</sup>.
- 5.5. **Facilitation payments** are small, unofficial payments made to secure or expedite a routine government action.
- 5.6. **Fraud** is:
  - 5.6.1. Dishonest activity causing actual or potential gain or loss to any person or organisation (including theft of money or other property) by employees or persons external to the organisation, and/or where deception is used at the time, immediately before or immediately following the activity; or
  - 5.6.2. 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 for personal benefit, forgery, money laundering, irregular payments or commissions, misuse of company or customer information, theft, or misappropriation of allocation of funds, company credit card or asset misuse.

## **Prohibitions**

- 5.7. Hort Innovation prohibits:
  - 5.7.1. Giving, offering, promising, authorising, accepting or requesting a bribe;
  - 5.7.2. All forms of corruption; and
  - 5.7.3. All forms of fraud.
- 5.8. Hort Innovation will not enter business dealings with any Business Associate known to, or reasonably suspected of, paying bribes or other corrupt activities.
- 5.9. Personnel must:
  - 5.9.1. Avoid any activity that might lead to a bribe being paid or accepted by Hort Innovation or on Hort Innovation's behalf, or that might suggest that a bribe will be paid or accepted;
  - 5.9.2. Must not enter any business dealings with third parties known to, or reasonably suspected of, paying bribes or other corrupt activities;
- 5.10. Not threaten or retaliate against another individual who has refused to participate in bribery or corruption or who has raised concerns under this policy.
- 5.11. Hort Innovation does not make, and will not accept, facilitation payments of any kind.
- 5.12. Facilitation payments must not be paid to anyone on Hort Innovation's behalf including, but not limited to, any government official.
- 5.13. Personnel must avoid any activity that might lead to a facilitation payment being made or accepted by Hort Innovation or on our behalf, or that might suggest that such a payment will be made or accepted.
- 5.14. Business Associates must never make payments on behalf of Hort Innovation in cash or payments that are unofficial, improper, or irregular directly or indirectly to public officials or any government agency.
- 5.15. It is irrelevant whether the payee or recipient of a bribe or other benefit of personal gain (Benefit) works in the private or public sector, and it is also irrelevant whether the Benefit is accepted or ultimately paid.
- 5.16. Even offering a Benefit will be a contravention of this policy and may be sufficient for an offence to be committed.

<sup>2</sup> <https://www.nacc.gov.au/reporting-and-investigating-corruption/what-corrupt-conduct>

### Examples of bribery and corruption

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#### Offering a bribe

Hort Innovation invites a trade delegation from Indonesia to a conference. A member of the delegation is in a position to determine whether a particular horticulture industry will win a lucrative contract in Indonesia. Hort Innovation arranges for this individual and his wife to have an all-expenses trip to Australia, staying in a resort on the Gold Coast in exchange for his influence in the award of that contract. This would be an offence as you are making the offer to gain a commercial and contractual advantage. Hort Innovation may also be found to have committed an offence because the offer has been made to obtain business for us. It may also be an offence for the potential client to accept your offer.

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#### Receiving a bribe

A delivery partner gives your nephew a job but makes it clear that in return they expect you to use your influence with Hort Innovation to ensure we continue to do business with them. It is an offence for a delivery partner to make such an offer. It would be an offence for you to accept the offer as you would be doing so to gain a personal advantage.

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#### Bribing a public official

You arrange for Hort Innovation to pay an additional "facilitation" payment to a public official to speed up an administrative process, such as obtaining a licence or permit. The offence of bribing a public official is committed as soon as the offer is made. This is because it is made to gain a business advantage for us. We may also be found to have committed an offence.

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## 6. Policies and procedures for eliminating bribery, fraud and corruption

### Code of Conduct

- 6.1. Hort Innovation Personnel must abide by the Hort Innovation Code of Conduct and must not engage in bribery, fraud or corruption.

### Conflicts of Interest

- 6.2. Hort Innovation Personnel must abide by the Conflict of Interest Policy.
- 6.3. Hort Innovation Personnel must abide by the Gifts, Benefits and Hospitality Policy.

### Political and Charitable Donations

- 6.4. Hort Innovation does not make political donations.
- 6.5. Charitable donations on behalf of Hort Innovation may only be made or offered by Hort Innovation personnel with the prior written approval of the Head of Governance & Risk.

### Whistleblowing

- 6.6. Hort Innovation is committed to creating and maintaining an open working environment in which individuals are able to raise concerns regard actual or suspected unethical, unlawful or undesirable conduct without fear of reprisal.
- 6.7. For full details see the Whistleblower Policy.

### Reporting fraud or corruption

- 6.8. Personnel or Business Associates who suspect or have knowledge of bribery, fraudulent activity or corrupt conduct have an obligation to immediately report the matter.
- 6.9. Depending on the nature of the alleged conduct, it can be reported to the following:
  - 6.9.1. The Anti-Corruption and Compliance Officer – who is currently the Chief Financial Officer.
  - 6.9.2. The Whistleblower Protection Officer – when there is a reasonable belief that there has been misconduct or an improper state of affairs or circumstances as set out in the Whistleblower Policy.
  - 6.9.3. The [National Anti-Corruption Commission](#) – for 'serious and systemic corruption'.



- 6.10. Personnel must not examine a case or seek evidence about fraud or corruption, other than those authorised to undertake investigations.
- 6.11. If Personnel or Business Associates are unsure about any aspect of this policy or whether a particular act constitutes bribery, fraud or corruption they can raise it with their Manager or the Anti-Corruption and Compliance Officer.
- 6.12. Hort Innovation will support anyone who genuinely raises concerns in good faith under this policy, even if they turn out to be mistaken.
- 6.13. Investigations and notifications will be coordinated as required by Hort Innovation.

### 7. Compliance

- 7.1. Hort Innovation has appropriate strategies and resources in place to manage its fraud and corruption risks and will undertake a fraud risk assessment at least every two years as part of a biennial review to ensure that appropriate mitigation actions are in place.

### 8. Review

- 8.1. This policy is approved annually by the Board, upon the recommendation of ARC.
- 8.2. This policy is not intended to create any contractually binding obligation on Hort Innovation and is not incorporated into any contract of employment.

### 9. Breach of this policy

- 9.1. Breaches of this policy may expose Hort innovation and Personnel to criminal penalties and/or civil action.
- 9.2. Possible penalties include substantial fines for companies, and, for individuals, imprisonment.
- 9.3. Consequences may also include reputational damage.
- 9.4. Conscious disregard, deliberate ignorance and willful blindness will not avoid liability in relation to any of the matters set out in this policy.
- 9.5. Any Personnel who breach this policy will face disciplinary action, which could result in termination of employment.
- 9.6. Any Business Associates who breach this policy may face termination of the business relationship with Hort Innovation.

### 10. Contact Information

- 10.1. For any questions about the content of this policy, please contact the Governance & Risk team.

### 11. Document control

Review cycle	Policy type	Committee	Changes	Owner	Recommended by ARC	Approved	Document Classification
Annual	Governance – approved by Board	ARC	New policy. Recommendation of 2022 Governance Review.	CFO	17/02/2023	24/03/2023	Public
			Significant amendments including: <ul style="list-style-type: none"><li>· Change of title and format</li><li>· Reference to NACC Act</li><li>· Other consequential changes</li></ul>		28/01/2025	18/02/2025	





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