



Australian Government



Northern Australia Infrastructure Facility

Anti-Corruption Policy

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Contents

1.	Definitions.....	3
1.1	What is Corruption?	3
1.2	What is Bribery?.....	3
1.3	Other Defined Terms.....	3
2.	Policy.....	3
2.1	Accounting Systems	4
2.2	Third Party Contracts.....	4
2.3	Gifts, Entertainment and Hospitality	4
2.4	Donations and Sponsorships	4
3.	How to Raise a Concern	4
4.	Official Decisions and Actions/Reports	5
5.	Foreign Bribery and Facilitation Payments	5
6.	Responsibilities	5
6.1	Board Responsibilities.....	5
6.2	Board Audit and Risk Committee Responsibilities.....	5
6.3	CEO Responsibilities.....	6
7.	Training.....	5
8.	Review	5
9.	Seeking assistance	6

Document Review and Approval

VERSION	AUTHOR/REVIEWER	REVISION	APPROVAL	APPROVAL DATE	NEXT REVIEW DATE
1.0	NAIF Management	Original	Board	November 2016	November 2017
2.0	NAIF Management	Annual review	Board	June 2017	June 2018
3.0	Manager, Governance, Compliance and Risk	Annual review	Board	June 2018	June 2019
4.0	Manager, Risk & Compliance	Annual review	Board	February 2019	February 2020
5.0	Company Secretary & Manager Compliance	Annual review	CEO	July 2020	July 2020

Document purpose

This Policy describes the application of appropriate management control systems to deter and prevent Bribery and Corruption and provides guidance to Staff regarding how to raise a concern.

1. Definitions

1.1 What is Corruption?

Corruption is the abuse of public office, typically for personal gain. It involves a Commonwealth, State or Territory Public Official, or Foreign Public Official, improperly obtaining a benefit to which they are not entitled by misusing their position. Corruption includes accepting a payment, reward, benefit or advantage in circumstances where the benefit influences (or may reasonably be seen to influence) the Commonwealth Public Official, State or Territory Official or Foreign Public Official in the exercise of their official duties.

1.2 What is Bribery?

Bribery is the offer, promise or giving of a payment, reward, benefit or other advantage as an inducement for an action that is illegal, unethical or a breach of trust. Bribery is intended to influence an individual to act dishonestly in the performance of their duty. Bribes may be offered by or paid to individuals in both the public and private sector.

1.3 Other Defined Terms

In addition, the following definitions apply when used in this Policy.

Bribery of a Commonwealth Public Official is the criminal offence described in Division 141 of the Criminal Code

Bribery of a Foreign Public Official is the criminal offence described in Division 70 of the Criminal Code

CEO means NAIF's Chief Executive Officer.

Criminal Code means the *Criminal Code Act 1995* (Commonwealth).

Code of Conduct means the NAIF Policy of the same name as in force at the time.

Commonwealth Public Official has the meaning given to it in the Criminal Code and includes an officer or employee of the Commonwealth, an individual performing work for the Commonwealth or a person otherwise in the service of the Commonwealth.

Director & CEO Travel and Expenses Policy means the NAIF Policy of the same name as in force at the time.

Facilitation Payment means a payment as described in Division 70, section 70.4 of the Criminal Code.

Foreign Public Official has the meaning given to it in the Criminal Code and includes an officer or employee of a foreign government, an individual performing work for a foreign government or a person otherwise in the service of a foreign government.

Staff means persons employed by, or operating under an employment or similar contract with NAIF including directors, full-time and part-time staff, consultants, contractors and Export Finance Australia personnel under a Service Level Agreement.

State or Territory Official means an officer or employee of a State or Territory government within the Commonwealth of Australia, an individual performing work for a State or Territory government or a person otherwise in the service of a State or Territory government

Third Party includes any individual or organisation who may be considered to act directly or indirectly on behalf of NAIF such as consultants, contractors, representatives and agents.

Third Party Contract means a contract with a Third Party, such as a service-provider to NAIF.

2. Policy

Bribery and Corruption are recognised worldwide as major impediments to economic development. Global efforts to eliminate Bribery and Corruption include the United Nations Convention against Corruption and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. Australia has given effect to these international conventions in the Criminal Code. Under the Criminal Code, Bribery of a Commonwealth Public Official and Bribery of a Foreign Public Official are criminal offences carrying significant penalties. There are also State and Territory laws governing Bribery and Corruption, including laws prohibiting private sector Bribery.

In order to ensure compliance with NAIF's obligations, NAIF has established this Anti-Corruption Policy (Policy).

A failure to comply with the obligations set out in this Policy will be regarded as a serious breach by NAIF and will result in disciplinary action which may include termination of employment.

Under this Policy, all Staff must comply with the following principal obligations:

- Staff must not offer, promise, give, request, agree to receive or accept a bribe; and
- Staff must not agree to receive, or accept, a benefit that could affect, or could be perceived to affect, the outcome of a business transaction.

In addition to these principal obligations, set out below are a number of key risk areas for Bribery and Corruption. In this section Staff are provided with specific guidance on the appropriate mechanisms to deal with these risk areas.

2.1 Accounting Systems

NAIF will ensure that NAIF's financial records are accurate and transparent. All Staff must ensure that provision is made for financial transactions to be accurately recorded.

2.2 Third Party Contracts

When entering into a Third Party Contract, NAIF will conduct a bribery and corruption risk assessment about that Third Party appropriate to the level of bribery and corruption risk involved in entering into the contract. The bribery and corruption risk assessment will include conducting appropriate due diligence on the Third Party in relation to these matters. NAIF will monitor its contractual relationships with Third Parties during the life of each contract in these respects.

2.3 Gifts and Benefits

Staff may be offered Gifts or Benefits during their employment with NAIF. The NAIF Gifts and Benefits Policy aims to ensure Staff are meeting public expectations of integrity, accountability, independence, transparency and professionalism in relation to Gifts and Benefits and should be read in conjunction with this Policy and the NAIF Code of Conduct.

2.4 Donations and Sponsorships

NAIF does not make political donations. Staff members may make donations in their capacity as private individuals only. NAIF may provide sponsorships to organisations or events. Staff must ensure that such sponsorships are provided for a legitimate business objective and could not be perceived as being for the purpose of obtaining or retaining an undue benefit or advantage for NAIF or any Staff member or related individuals.

3. How to Raise a Concern

Staff have an individual responsibility to raise any suspicion, allegation or report of Bribery or Corruption in accordance with the Public Interest Disclosure Policy or the Incident Reporting Policy. Any concern should be raised in the first instance with the direct report of that staff member and/or the CEO. In the case of Board members, any concerns should be raised to the Chairman.

4. Official Decisions and Actions/Reports

The CEO will determine decisions and actions to be taken in relation to any suspicion, allegation or report of Bribery or Corruption, in accordance with the Public Interest Disclosure Policy.

The CEO will ensure that any decisions and actions under this Policy will be reported to the Board Audit and Risk Committee.

The Chair of the Board or the Chair of the Board Audit and Risk Committee will determine decisions and actions to be taken in relation to any suspicion allegation or report of Bribery or Corruption in accordance with the Incident Reporting Policy.

5. Foreign Bribery and Facilitation Payments

Occasionally Staff may have dealings with Foreign Public Officials. Staff must not make Facilitation Payments to Foreign Public Officials.

6. Roles and Responsibilities

Role	Responsibility
Board and Board Audit & Risk Committee (BARC)	The Board is responsible for approving this Policy in line with Section 8 of this Policy. The BARC is responsible for reviewing this Policy and endorsing it for Board approval. The BARC are responsible for monitoring reports made under Section 3 of this Policy. The Chair of the Board or the Chair of the BARC are responsible for required decisions or actions in accordance with the Incident Reporting Policy as per Section 4 of this Policy.
CEO	The CEO is responsible for: <ul style="list-style-type: none">• implementing the controls described in this Policy to deter and prevent Bribery or Corruption;• implementing appropriate remedial action for any failure to comply with this Policy;• allocating appropriate resources to implement, develop and maintain this Policy;• providing advice to Staff on the implementation of this Policy; and• arranging for monitoring to be conducted on the effectiveness of this Policy and reporting on this Policy to the Board Audit and Risk Committee of NAIF.
Compliance Manager	The Compliance Manager is responsible for: <ul style="list-style-type: none">• arranging training for Staff on this Policy including the consequences of a breach;• investigating and reporting any known breaches of this Policy.
All Staff	Staff are responsible for complying with this Policy including by: <ul style="list-style-type: none">• attending relevant training and understanding obligations;• assisting the CEO and Policy owner where required;• raising any compliance issues with the Policy owner and Company Secretary as appropriate;• following relevant procedures and providing feedback for continuous improvement.

7. Training

All Staff are required to undertake anti-corruption compliance training as required.

Staff should understand their obligations in relation to the prevention and detection of Bribery and Corruption, and know what mechanisms NAIF has in place to deter and prevent Bribery and Corruption.

8. Review and Approval

This Policy will be reviewed annually by, or on behalf of, the Policy owner, or more frequently if required, to ensure it remains aligned with governing legislation and best practice. The NAIF Board approves all material changes to the Policy and reviews the Policy at least every two years.

The Compliance Manager ensures material changes to the Policy are communicated to Staff in a timely manner.

9. Seeking assistance

If Staff have any queries or need any assistance in relation to their responsibilities under this Policy, they should discuss them with the CEO or the Policy owner.