

Fraud & Corruption Control Policy

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Purpose

Landcom is committed to upholding the highest standards of ethical and accountable conduct. Landcom does not tolerate any fraudulent behaviour, including corrupt conduct and other forms of wrongdoing, by Staff or its Suppliers.

The purpose of this Policy is to define what constitutes fraudulent and corrupt conduct and articulate the responsibilities and obligations of all Staff and Suppliers not to engage in such conduct and to protect against it by identifying and reporting issues when they are observed. This is critical because Landcom is a public authority under the ICAC Act and means that all Staff are public official under that legislation.

The Policy interacts with Landcom's Fraud and Corruption Control Framework, which supports Landcom's focus on integrity and measures to prevent, detect and respond to integrity breaches.

Application

This Policy applies to all Staff. This Policy also applies to Suppliers, who are required to take steps to prevent, detect and respond to risks of fraud and corruption in compliance with the Supplier Code of Conduct.

This Policy is to be read in conjunction with the integrity framework policies and procedures listed on the Hub, including:

- Fraud and Corruption Control Framework;
- Staff Code of Conduct
- Supplier Code of Conduct;
- Handling Conflicts of Interest Policy;
- Gifts & Hospitality Policy;
- Sponsorship, Membership & Donation Policy and Procedure;
- Industry Engagement Protocol; and
- Public Interest Disclosures and Internal Reporting Policy and Procedure.

Defined Terms

Term	Definition
ARMC	means Landcom's Audit & Risk Management Committee.
Board	means the Board of Landcom.
CEO	means Landcom's Chief Executive Officer.
EGM	means Executive General Manager.
General Counsel	means the manager with the functional role of General Counsel, who has responsibility for the Legal function within Landcom (which title may change from time to time).

Term	Definition
ICAC	means the NSW Independent Commission against Corruption.
ICAC Act	means the <i>Independent Commission Against Corruption Act 1988</i> (NSW).
People Managers	As defined in the Staff Code of Conduct
PID Act	means the <i>Public Interest Disclosures Act 2022</i> (NSW).
PID Policy	means Landcom's Public Interest Disclosures & Internal Reporting Policy.
Policy	means this Fraud and Corruption Control Policy.
Staff	includes the Board, the CEO, all permanent and temporary employees and contingent workers engaged by Landcom.
Supplier	means all contractors and consultants who provide goods and services for and on behalf of Landcom.

Guiding Principles

The control and prevention of fraud and corruption is essential to the integrity of Landcom, and to upholding public trust and confidence in Landcom. Fraudulent and corrupt conduct not only damages Landcom's reputation in the community it serves, but damages relationships and wastes valuable public money and resources. Landcom expects the highest standards of ethical and principled conduct from its Staff and Suppliers.

Landcom's Fraud and Corruption Control Framework underpins all of Landcom's fraud and corruption control activities. It is designed to support Landcom in building integrity in the organisation and prevent, detect and respond to all fraudulent and corrupt conduct, and other integrity concerns.

The most effective protection against fraud and corruption is a well-informed workforce who can identify inappropriate behaviour and is empowered to respond to and report wrongdoing. Landcom's approach to fraud and corruption is guided by the following principles:

- Promoting and embedding a culture of integrity, accountability and transparency across Landcom and in all interactions Landcom has with external parties;
- Empowering Staff and Suppliers with the knowledge and tools to identify fraudulent and corrupt activity and risks, and to respond immediately to that conduct when it is identified, proactively preventing fraud and corruption wherever possible; and
- Supporting Staff and Suppliers to speak up when they suspect fraud or corruption, by providing appropriate mechanisms for reporting concerning behaviour, responding promptly and effectively to such reports, and protecting those who make reports from reprisals and other retaliatory conduct.

Fraudulent and corrupt behaviour by Staff or Suppliers is not tolerated by Landcom. Immediate and appropriate action will be taken whenever fraudulent or corrupt behaviour is detected, reported or suspected.

All Staff must comply with this Policy and report any act of fraud or corruption they observe or suspect.

What is fraudulent and corrupt behaviour?

Corruption

Corrupt conduct is deliberate or intentional wrongdoing involving or affecting a NSW public official or public sector organisation.¹ It includes an attempt or conspiracy to engage in corrupt conduct, but is not negligence or a mistake. For the purposes of this Policy, the terms "corruption" and "corrupt conduct" are used interchangeably.

Corruption is defined in sections 7, 8 and 9 of the ICAC Act. Under section 8, corrupt conduct is:

- Any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public official, any group or body of public officials or any public authority;
- Any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions;
- Any conduct of a public official or former public official that constitutes or involves a breach of public trust; or
- Any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person.

Examples of corrupt conduct include:

- Seeking, offering or accepting bribes or benefits (such as money, discounts or some other consideration) to engage in a particular course of action or inaction;
- Obtaining or offering secret commissions;
- Misappropriating Landcom's funds, assets or resources for personal use;
- Fraud and theft;
- Collusive tendering;
- Improperly disclosing confidential or proprietary information to third parties in exchange for some form of benefit; or
- Failing to declare or concealing conflicts of interest, such as being involved in a planning decision which has the effect of increasing the value of property you have a personal interest in, or awarding a contract to a family member or friend or to a company in which you have a financial interest.

You can find more information about the definition of corrupt conduct on the ICAC's website: <https://www.icac.nsw.gov.au/>

¹ ICAC website, [What is corrupt conduct?](#)

Fraud

Fraud is "dishonest activity causing actual or potential gain or loss to any person or organisation including theft of moneys or other property by persons internal and/or external to the organisation and/or where deception is used at the time, immediately before or immediately following the activity"².

Fraud that is committed by a NSW public official or that affects Landcom or another NSW Government agency is corrupt conduct.

Staff and Suppliers can engage in fraudulent conduct. Fraud can also be perpetrated by external parties targeting Landcom.

Fraud is a criminal offence in NSW and carries a maximum penalty of imprisonment for 10 years.

Examples of activities that are fraudulent include:

- The misappropriation of funds, securities, supplies, or other assets;
- Impropriety in the handling or reporting of money or financial transactions;
- Misuse of position to gain some form of financial or other advantage, such as insider trading;
- Disclosure of false or misleading information, such as in recruitment or in reporting timesheets;
- Making false claims for benefits to which the individual is not entitled or in order to avoid liability for payment, such as tax or customs duty; or
- The inappropriate destruction or removal of records.

Roles and Responsibilities

All Staff

The control and prevention of fraud and corrupt conduct is the responsibility of all Staff.

All Staff are required to:

- Act with the highest standards of integrity at all times;
- Not engage in, assist, cover up or tolerate any fraudulent or corrupt activity;
- Ensure all dealings with Suppliers and other external parties are consistent with their responsibility to prevent fraudulent and corrupt conduct;
- Comply with this Policy, the Staff Code of Conduct, and other relevant policies;
- Maintain adequate records to support decisions made;
- Identify and be aware of fraud and corruption risks within their day-to-day responsibility, including financial, information and cyber, and recruitment risks;
- Complete fraud and corruption awareness training on a regular basis;

² Australian Standard on *Fraud and Corruption Control* AS 8001:2021

- Immediately report any suspicious, suspected or detected incidents of fraud or corrupt conduct;
- Cooperate and assist with the investigation of any reported or suspected fraud or corruption;
- Not take or threaten to take detrimental action against any person who discloses fraud or corruption in accordance with Landcom's policies and procedures.

In addition, Landcom's People Managers must lead by example and:

- Model the highest standards of integrity at all times;
- Ensure the Staff they manage are aware of this Policy, the Staff Code of Conduct and the broader integrity framework at Landcom;
- Adopt controls to manage fraud and corruption risks within their remit, including monitoring the work of Staff they manage and the risks they are exposed to, and taking appropriate action where necessary; and
- Support and protect Staff who report suspected fraud or corrupt conduct in good faith.

Executive Team

Landcom's CEO and EGMs must:

- Demonstrate Landcom's commitment to the highest standard of ethical conduct and lead by example;
- Ensure that strategic decisions are aligned to Landcom's values;
- Take responsibility for Landcom's approach towards fraud control and investigation of fraud and corruption;
- Oversee and implement the Fraud and Corruption Control Framework and this Policy; and
- Satisfy all legislative requirements and other relevant directives.

The CEO is responsible for keeping the Board informed about any material or significant fraud or corruption related matters as soon as practicable, including whether any reports of fraud or corrupt conduct have been made and the outcome of any investigations.

The EGM Operations & Culture is responsible for ensuring Staff awareness of fraud and corruption control measures, including this Policy, training and other knowledge updates.

Specialist Roles

The Legal & Compliance team provide specialist advice and guidance to strengthen Landcom's fraud and corruption control environment.

The General Counsel is the central point of contact for all Staff regarding fraud and corruption control and prevention. The General Counsel's responsibilities include:

- Maintaining and implementing Landcom's Integrity Framework, which includes Landcom's suite of integrity policies and processes, and fraud and corruption control system; and
- Receiving and impartially assessing reports of suspected or detected incidents of fraud or corrupt conduct;
- Where appropriate, conducting investigations into reports of fraud or corrupt conduct;

- Ensuring all reports received about fraud or corrupt conduct are recorded in the Fraud and Corruption Register;
- Keeping the CEO and Board informed of any reports of fraud or corrupt conduct and the progress of any investigations; and
- Appointing Landcom's Fraud and Corruption Prevention Coordinator.

The Fraud and Corruption Prevention Coordinator supports the General Counsel in respect to all aspects of fraud and corruption control within their areas of responsibility. The Coordinator is responsible for ensuring that regular internal and external audits of integrity risks are conducted.

Audit and Risk Management Committee

The ARMC oversees and monitors governance, risk and control frameworks, and external accountability requirements, including by:

- Identifying whether appropriate 'enterprise risk management' process, and associated procedures for the effective identification and management of financial and business risks, including fraud and corruption, are in place;
- Reviewing Landcom's Fraud and Corruption Control Framework and this Policy and satisfying itself that there are appropriate processes and systems in place to capture and effectively investigate fraud and corruption related information; and
- Determining whether management has taken adequate steps to embed a culture which is committed to ethical and lawful behaviour.

Suppliers

Landcom's Suppliers must:

- Not engage in fraudulent or corrupt conduct in their dealings with Landcom and other parties; and
- Comply with the Supplier Code of Conduct in all dealings and activity relating to their relationship with Landcom; and
- Report to Landcom any suspected or detected incidents of fraud or corrupt conduct by Landcom's Staff or by the Supplier's Staff in dealings with Landcom.

How to report fraud and corruption

It is mandatory for all Staff to report suspected or detected incidents of fraud or corrupt conduct.

Reports can be made:

- Verbally or in writing to your People Manager, the Fraud and Corruption Prevention Coordinator, the General Counsel, an EGM, or the CEO;
- Via the Speak Up Hotline, which allows for anonymous reporting;
- Via email to the Fraud and Corruption Prevention Coordinator at the following confidential email address fraudcontrol@landcom.nsw.gov.au;

- Anonymously through a physical drop box located in the Level 13 stationery room in the Parramatta office; or
- By making an external report to a body such as the ICAC (for suspicions of corrupt conduct or fraud) or the NSW Police Force (for fraud and corruption).

When reporting cases of suspected fraud or corruption, Staff should:

- Keep the matter confidential. This is to avoid alerting the person alleged to have committed the fraud and to preserve principles of natural justice.
- If there are any documents that are relevant to the suspected fraud or corruption, ensure they are placed in a safe and secure place.

Landcom may take appropriate action against a person who has made a report of fraud or corrupt conduct which is found to be malicious, frivolous or misleading. This may include disciplinary action in accordance with the relevant People & Culture policy.

Protections for disclosers

Where possible and appropriate, Landcom will take steps to keep the identity of any person who makes a report and the fact that they have made the report confidential. Landcom will also take steps to protect the reporter from any reprisal. Additional support mechanisms, including support from Landcom's Employee Assistance Provider, are also available.

A report of suspected fraud or corruption may also constitute a public interest disclosure under the PID Act where the report is made by a public official. If that is the case, then the protections under the PID Act and Landcom's PID Policy apply. Staff should refer to Landcom's PID Policy for more information regarding the criteria for a public interest disclosure, how a public interest disclosure can be made and the protections provided by the PID Act.

Anonymous reporting

Whilst a preference for anonymous reporting will be respected, Staff should be aware that such reporting means that Landcom cannot collect further information from the person making the disclosure and may not be able to verify information obtained. As a result, there will be some instances where an anonymous report may not be able to be pursued or any inquiries undertaken by Landcom may be limited in scope. Additionally, if Landcom does not know who made the report, preventing reprisal action may be more difficult.

How Landcom deals with reports of fraud and corruption

Landcom takes all allegations of fraud and corrupt conduct (whether made by Staff or members of the public) seriously and is committed to responding to those allegations appropriately and in a timely manner.

Where a member of Staff receives a report which alleges conduct that may constitute fraud or corrupt conduct, that person must promptly refer the matter on a confidential basis to the General Counsel or the Fraud and Corruption Prevention Coordinator.

Unless the report is about them, the General Counsel or the Fraud and Corruption Prevention Coordinator will review the report and assess what action needs to be undertaken, including assessing whether it meets the

threshold for misconduct and/or is a public interest disclosure. They may perform an initial information gathering process to determine if a full investigation is required. Where appropriate, Landcom will investigate the allegation, either independently or in cooperation with the relevant regulatory authority. The General Counsel or the Fraud and Corruption Prevention Coordinator will be responsible for conducting and managing the investigation. Where appropriate, they may appoint an investigator, which may be an external investigator. For the avoidance of doubt, Landcom may proceed with investigating an allegation of fraud or corrupt conduct even where the allegation is made in breach of confidentiality obligations or the person making the allegation withdraws their cooperation in the investigation.

If the report is about the General Counsel, the CEO will appoint a member of Staff to review the report and take the actions outlined above.

Where the report is about the CEO or a member of the Executive Committee, the General Counsel will inform the Chair of the Landcom Board as soon as practicable and keep them informed about the review and any subsequent investigation.

Where a report is a public interest disclosure, Landcom will deal with the report in accordance with the PID Act and Landcom's PID Policy. Please refer to Landcom's PID Policy for more information regarding the criteria for a public interest disclosure, how a public interest disclosure can be made and Landcom's process for dealing with public interest disclosures.

The General Counsel is responsible for informing the CEO of any matters involving suspected fraudulent or corrupt behaviour to support compliance with external reporting obligations, including to the ICAC or the NSW Police Force.

If, while assessing a report or during the course of a disciplinary investigation, it is determined that a criminal offence may have been committed, a report may be made to the NSW Police Force. Instances of alleged theft of Landcom money or property, or any fraudulent behaviour are to be reported to the NSW Police Force as soon as possible.

The CEO, as the Principal Officer of Landcom, has a non-delegable duty to report matters, where they are suspected on reasonable grounds of involving corrupt conduct, to the ICAC, pursuant to Section 11 of the ICAC Act.

If assessed as corrupt conduct, the ICAC will advise the appropriate action, which may include:

- Assuming responsibility for the investigation;
- Jointly managing the investigation with Landcom; or
- Referring the matter back to Landcom to manage, with outcome advice to be provided to the ICAC.

Matters requiring formal investigation, including those involving allegations of misconduct, will be dealt with in accordance with relevant legislation and associated disciplinary procedural guidelines.

Breaches

Staff and Suppliers will breach this Policy if they:

- Engage in any act that constitutes or involves fraud or corrupt conduct, or encourages others to engage in conduct that constitutes or involves fraud or corrupt conduct;
- Behave other than in accordance with the standard of conduct outlined in this Policy, the Fraud and Corruption Control Framework, the Staff Code of Conduct, the Supplier Code of Conduct and any of Landcom's integrity framework policies and procedures (to the extent each is applicable);
- Make malicious, frivolous or misleading reports of fraud or corrupt conduct;
- Fail to report suspected or detected fraud or corrupt conduct; or
- Take reprisal action against reporters of fraud or corrupt conduct.

Breaches of this Policy will be taken seriously and may result in serious consequences for those involved. This may include, but is not limited to the following:

- Disciplinary action up to and including termination of employment;
- Termination of all existing and future relationships with a Supplier;
- Referral of the conduct to the relevant regulatory authority, such as the ICAC or the NSW Police Force, for investigation and/or criminal prosecution; or
- Civil prosecution, such as commencing proceedings to recover misappropriated funds or property.

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Linked artefacts	
Linked documents	Fraud and Corruption Control Framework Fraud Risk Register Staff Code of Conduct Supplier Code of Conduct Handling Conflicts of Interest Policy Gifts & Hospitality Policy Public Interest Disclosure Policy Sponsorship, Membership & Donation Policy and Procedure
Linked legislation	Crimes Act 1900 (NSW) Independent Commission Against Corruption Act 1988 (NSW) Landcom Corporation Act 2001 (NSW) Public Interest Disclosures Act 2022 (NSW)
Linked risks	Reputational Commercial Regulatory

Revision history			
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5.0	06/07/2026	Clayton Severino/Carina Carter	Changes to align with changes to the Fraud & Corruption Control Framework, and reflect organisational changes
4.0	23/11/2022	Carina Carter	Minor changes to ensure relevance and reflect organisational changes
3.0	16/12/2021	Carina Carter	Minor change following Fraud Risk Assessment and change to linked document

Revision history			
2.1	29/10/2020	Carina Carter	Amendments following a review and to reflect organisational changes
2.0	01/06/2019	Carina Carter	Policy reviewed and updated to implement Fraud Control Plan Action Steps and reflect organisational changes