



Policy Name	Gifts, Benefits and Bribes
Version No.	V1
Approved by Board on	9 Feb 2016
Amendment dates	
Review dates	February 2018, 2020

Introduction

The standard of behaviour at Southern Tablelands Arts Inc. is that all Board, staff and volunteers scrupulously avoid circumstances where offers of gifts, benefits or bribes may lead to perceptions of fraud and low standards of integrity between the interests of Southern Tablelands Arts Inc. and personal, professional, and business interests.

Purpose

The purpose of this policy is to protect the integrity of the Southern Tablelands Arts Inc. decision making process and business judgements to enable our constituencies to have confidence in our integrity and to protect the reputations of Board, staff and volunteers.

This policy has been produced to guide Southern Tablelands Board, staff and volunteers who may be offered gifts, benefits or bribes in the course of their official duties. The acceptance of gifts and benefits is a problem for many public officials. Deciding where to draw the line between the proper and improper acceptance of gifts and benefits can be difficult.

Policy

It is the responsibility of Board Directors, staff and volunteers to disclose any potential or actual conflict of interest, as well as any perceptions of conflict of interest.

A Board Member, member of staff or volunteer must:

- (a) not take advantage of his or her official position or in their public or professional duties for the purpose of securing a private benefit for himself or herself or for some other person;
- (b) not seek or accept a bribe;
- (c) generally not by virtue of his or her official position accept or acquire a personal profit or advantage of a pecuniary value; however they may:
 - accept a nominal value (low value) gift or benefit
 - accept a more than nominal value gift or benefit under specific conditions.

Gifts and Benefits

In a private context gifts are usually unsolicited and meant to convey a feeling on behalf of the giver such as gratitude. There is ordinarily no expectation of repayment. Gifts given in a private context are not the focus of this policy.



Gifts are also offered to individuals in the course of business relationships. Such gifts are usually given for commercial purposes, for example, to create a feeling of obligation in the receiver.

- (a) It is Board's position that:
- gifts and benefits are not solicited;
 - gifts and benefits should be actively discouraged by Board members, staff and volunteers;
 - people doing business with Southern Tablelands Arts understand that they do not need to give gifts or benefits to get high quality service.
- (b) Gifts and benefits fall into two categories, those that are more than nominal value and those of nominal value (see definitions below). By inappropriately accepting a gift or benefit, you can risk:
- becoming the subject of an ICAC inquiry
 - disciplinary action, such as expulsion from the Board/loss of employment
- (c) Gifts below nominal value can be accepted without disclosing details to the Executive officer of Board President. For the purposes of this policy "nominal value" is described as goods and/or services which have nominal value (ie less than \$50.00). For the purposes of this policy the following items and goods like them are considered as gifts/benefits of nominal value:
- Inexpensive pens and pencils
 - Notepads
 - Key rings
 - Diaries
 - Computer mouse pads
 - Cheap marketing trinkets or corporate mementos.
- (d) On the rare occasion that gifts other than those listed as having nominal value are accepted, the details of the gift must be disclosed and recorded at a meeting of the Board. It is the responsibility of the Board to determine if the gift is retained by the recipient or gifted to a charity. Some examples of such gifts are:
- Money
 - Alcohol
 - Clothes
 - Products

 - Tickets to arts, sporting events or other entertainment
 - Goods and items donated to organisation functions
 - Discounted products for personal use
 - Use of facilities such as gyms and holiday homes
 - Free or discounted travel
 - Free "training excursions"
 - Lucky door prizes.
- (e) Board members, staff and volunteers who receive more than two nominal gifts from one source must disclose that fact in the gifts and benefits register.

- (f) The term "benefit" refers to something which is believed to be of value to the receiver, such as a service. Some examples of benefits are:
- A new job or a promotion;
 - Preferential treatment, such as queue jumping;
 - Access to confidential information;
 - Meals or hospitality of other than "nominal" value.

Bribes

- (g) Board members, staff and volunteers must not offer or seek a bribe.

Receiving a bribe is an offence under both the common law and NSW legislation. The common law offence of bribery is defined as receiving or offering any undue reward by, or to, any person in public office in order to influence his or her behaviour in that office, and to incline that person to act contrary to the known rules of honesty and integrity.

Section 249B (1) of the Crimes Act 1900 (NSW) creates an offence if any employee corruptly receives or solicits (or corruptly agrees to receive or solicit) from another person any benefit as an inducement to do, or not do, something in relation to their official duties. Similarly, it is an offence for an employee to corruptly receive or solicit (or corruptly agree to receive or solicit) any benefit that would in any way tend to influence that employee to show favour or disfavour to any person in relation to their official duties.

Any employee who breaches Section 249B (1) of the Crimes Act 1900 (NSW) is liable to imprisonment for 7 years.

Section 249J of the Crimes Act also provides that custom is not a defence to the receiving, soliciting, giving or offering of any benefit. This means that a person cannot rely on the fact that it is customary to offer and receive gifts and benefits in his or her trade, business, profession or calling, as a defence.

Any Board member, staff or volunteer offered a bribe should immediately report to the President (for Board members) or Executive officer (staff/volunteers). The organisation will then refer the matter to the ICAC and the Police.

Guidelines

The Following Steps Should Be Followed If You Are Offered a Bribe, Gift or Benefit.

1. Ensure that you are familiar with this policy and refer to the policy for guidance. Employees and volunteers should not accept a gift or benefit that is intended to or is likely to cause them to act in a partial manner in the course of their duties. Board members, staff and volunteers must not accept a bribe, or other improper inducement.
2. If you are put on the spot and are unfamiliar with this policy, you should reject the offer if it is for something of more than nominal value (maximum \$50). Use your own judgement to decide how to refuse. You could inform the person offering the gift or bribe that acceptance would be inappropriate. You may also choose to terminate the particular task you are undertaking. If you feel uncomfortable with an out-and-out rejection, you could try and disengage from the conversation and use an excuse for not accepting the offer straight away. This type of strategy can be used if you fear a blunt rejection could place you at risk. Regardless of the type of strategy you adopt, the important point to remember is that you should not accept the offer.
3. Make notes immediately after the conversation has occurred. Try and frame the notes in the first person using "I said" and "he said" or "she said" to ensure clarity.
4. Board members should inform the President and staff/volunteers must inform the Executive Officer (EO) including all relevant details as soon as possible. If the EO is involved in the offer, report the incident to the Board President.
5. If the gift or benefit was of more than nominal value (maximum \$50), provide your supervisor with a note outlining the incident, for recording in the Gifts and Benefits Register. Include in the note:
 - date, time and place of the incident
 - to whom the gift or benefit was offered
 - who offered the gift or benefit and contact details (if known)
 - the response to the offer
 - any other relevant details of the offer
 - your signature and the date.

Keep a copy of the note for your own records for example your diary or staff file.

6. If you think you have been offered a bribe the EO must inform the Board. If the EO does not do this you should inform the Board via the President.
7. If you have been offered a bribe the Police must be informed immediately. The EO/Board must inform the Police about any matter that he/they suspects on reasonable grounds may concern corrupt conduct. It is noted that failing to inform the Police that a bribe has been offered may, of itself, amount to an offence in that a serious crime has been concealed.
8. Discuss with the Executive Officer/relevant Board member exactly how future relations with the person who offered the gift or benefit should be conducted.



Gifts Register

Southern Tablelands Arts will maintain a gifts and benefits register. The register will contain the following information.

- The name of the recipient.
- The name of the person who offered the gift and their organisation.
- The decision taken in relation to the gift.
- The signature of the recipient's supervisor, General Manager or the Mayor.

It will be used to record all gifts and benefits that are received that are above a nominal value.

Specific Items to be Refused:

1. Hospitality

Hospitality of other than nominal value should be **REFUSED** except where the hospitality is considered a necessary part of organisation business. All costs associated with the hospitality will be paid for by Southern Tablelands Arts.

2. Public Gifts or Benefits

In some instances a gift or benefit may be accepted if it relates to the work of the organisation or has a public benefit. All such items become the property of the organisation

In some instances, it may be appropriate for the organisation to accept a raffle or lucky door prize. The prize becomes the property of the organisation as opposed to an individual and therefore the prize can benefit the organisation and the communities it serves.

It is important for the organisation to consider the nature of its relationship with any prize giver. If Southern Tablelands Arts has business dealings with the prize giver or has some type of discretionary power that could be exercised in the prize giver's favour, the prize should not be accepted.

Southern Tablelands Arts should always consider public perceptions before accepting any type of prize.

Relevant documents:

Anti Fraud Policy – adopted 9 February 2016

Code of Conduct Policy – adopted 9 February 2016

Annual Conflict of Interest Declaration Board/Staff – adopted 9 February 2016

Conflict of Interest Declaration Policy: Board Member Induction – adopted 9 February 2016



Declaration of Gifts, Benefits or Hospitality

I _____ advise that on _____
(name) (date)

I was given _____
(item)

By _____
(person and/or company)

The estimated value of this gift is \$ _____

The circumstances in respect to my receipt of the gift were: (detail)

I have taken / propose the following action - please tick:

- accepted the gift and retained it for my personal use
- accepted the gift and give it to another – please explain

- returned the item
- other (details) _____

(Signature) (Date)

Executive Officer/President comments

(Signature) (Date)