

Policy Name	Gifts, Benefits and Bribes
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Purpose

The purpose of this policy is to protect the integrity of the Association in decision-making process and business judgments to enable our constituencies to have confidence in our integrity and to protect the reputations of Board, staff and volunteers.

This policy will guide the Association 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. It is recognised that deciding where to draw the line between the proper and improper acceptance of gifts and benefits can be difficult.

Policy

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 STA and personal, professional, and business interests.

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 token value gift or benefit
 - accept a more than token value gift or benefit under specific conditions.

1. 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.

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 token value

1.1 It is the 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 STA understand that they do not need to give gifts or benefits to get high quality service

1.2 Gifts and benefits fall into two categories, those that are of more than token value and those of token 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 or loss of employment

1.3 Gifts and benefits of token value can be accepted without disclosing details to the ED or Board. Generally speaking, token gifts include:

- Free or subsidised meals, beverages or refreshments provided in conjunction with
 - The discussion of official business
 - Work related events such as training, education sessions, workshops
 - Conferences
 - STA functions or events
 - Social functions organised by groups such as community organisations
- Invitations to and attendance at local social, cultural or sporting events
- Gifts of single bottles of reasonably priced alcohol to individual Board Members and staff at functions or in recognition of work done (such as providing a lecture/training session/address)
- Ties, scarves, coasters, tie pins, diaries, chocolates or flowers

1.4 Gifts and benefits that have more than a token value include, but are not limited to

- Tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL AFL, FFA, NBL)
- Corporate hospitality at a corporate facility at major sporting events,
- Discounted products for personal use
- The frequent use of facilities such as gyms, use of holiday homes, free or discounted travel

If these 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 may be retained by the recipient or gifted to a charity.

When the decision is taken to gift the item to a charity the recipient must write a letter to the gift giver to advise of the STA policy, the decision and the recipient charity. In this way it is clear that the STA representative receives no benefit from the gift.

An exception is made for tickets to arts and cultural events/programs that have more than token value if attendance at the event is related to the individual's role as Board or staff member of STA. 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 STA 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.

STA should always consider public perceptions before accepting any type of prize. In the event of an STA Board or staff member accepting a prize that is great than the token value in this policy, the recipient will advise the Board in writing to be noted at the next Board meeting. The recipient, item, prize giver and value will be noted on the Gifts and Benefits Register.

2. Honorarium/Gift for Departing Board member or staff

The Board may authorise the Executive Director to purchase a gift for a departing Board or staff member to a value of \$200. The purchase will be made with the Association Credit Card.

The Board must pass a motion at a Board meeting to enable the Executive Director to undertake the purchase.

3. Bribes

Board members, staff and volunteers must not offer or seek a bribe.

Receiving a bribe is an offence under both 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) may be liable to prosecution.

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/Chair or a Board member or the ED. The organisation will then refer the matter to the Police in the first instance and to ICAC.

4. Specific Items to be Refused:

4.1 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 STA.

4.2 Public Gifts or Benefits

5. Guidelines

The following steps should be followed if you are offered a Bribe, Gift or Benefit.

- 5.1 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.
- 5.2 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 token value. 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 to 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.
- 5.3 Make notes immediately after the conversation has occurred. Try to frame the notes in the first person using "I said" and "he said" or "she said" to ensure clarity.
- 5.4 Board members should inform the President and staff/volunteers must inform the ED including the provision of all relevant details as soon as possible. If the ED is involved in the offer, report the incident to the Board President.
- 5.5 If the gift or benefit was of more than token value, 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.
- 5.6 If the ED thinks he/she has been offered a bribe the ED must inform the Board. If the ED does not do this a staff member or volunteer should inform the President.
- 5.7 If you have been offered a bribe the Police must be informed immediately. The ED/Board must inform the Police about any matter that they suspect on reasonable grounds may involve 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.
- 5.8 Discuss with the ED/Board member exactly how future relations with the person who offered the gift or benefit should be conducted.



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Gifts Register

STA 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
- The signature of the recipient's manager

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

Relevant documents:

[Fraud Prevention Policy](#)
[Code of Conduct Policy](#)
[Annual Conflict of Interest Declaration Board/Staff](#)
[Conflict of Interest Declaration Policy: Board Member Induction](#)
[Financial Management Policy](#)
[Gifts & Benefits Register](#)



Declaration of Gifts, Benefits or Hospitality

I (insert name) _____ advise that on (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 Director/President comments

(Signature)

(Date)