



Gifts and Benefits Policy

(June 2021)

Introduction

The Society of Construction Law Australia (**SoCLA**) is committed to the highest standards of ethical behaviour. This policy addresses SoCLA's obligations to identify and report Gifts and Benefits offered by, offered to and/or received by SoCLA Board Members, Sub-committee Members and Employees.

This document sets out SoCLA's policy on the giving and receiving of Gifts, Benefits and Hospitality. This policy also applies to Gifts and other Benefits offered to Board Members, Sub-committee Members and Employees outside normal working hours or while they are on leave.

1. Definitions

Capitalised terms in this policy have the meaning given in the table below.

Term	Definitions
Corporations Act	<i>Corporations Act 2001</i> (Cth)
Executive	The Chair, Vice Chair, Secretary and Treasurer of SoCLA.
Board Member	Any person who is a member of the SoCLA Board of Directors.
Benefits	Anything of Value to the intended recipient. A benefit can include preferential treatment, privileged access, favours, Hospitality or access to events, such as invitations to sporting or social events, discounts or memberships.
Employee	Any employee of SoCLA.
Gifts	Free or heavily discounted items, intangible Benefits or Hospitality exceeding common courtesy that are offered to Board Members in association with their work. Gifts range in Value from nominal to significant.
Gifts and Benefits Declaration Form	The form to be completed by the recipient of a Reportable Gift or Benefit. Information from the form is then transferred to the Gifts and Benefits Register. The Declaration Form can be found in Schedule 1 to this policy.
Gifts and Benefits Register	The register of Reportable Gifts and Benefits. It records the date the Gift or Benefit was offered, who it was offered to and by, the reason the Gift or Benefit was offered, its nature and estimated value and the decision pertaining to the receipt of the Gift or Benefit.
Hospitality	The reception and entertainment of guests and visitors. Hospitality may be offered to Board Members or provided by SoCLA.
Nominal Value	<p>The Value of a Gift or Benefit. This measure is used to determine whether an offer, if accepted, is a Reportable Gift. For the purpose of this Policy, a Gift or Benefit will be regarded by SoCLA as more than nominal if:</p> <ol style="list-style-type: none">its value is more than \$150 on any one occasion; orthe aggregate value of several Gifts or Benefits provided exceeds \$300 per annum. <p>Irrespective of nominal value, any offer or delivery of a Gift or Benefit that could be perceived as an attempt to influence a Board Member or Sub-committee Member must be refused.</p>
Official Purpose	Where the event promotes, supports or recognises a contribution to the achievement of organisational objectives and is in the interest of strengthening relationships with existing and potential key Stakeholders.

Patron	The Patron of SoCLA, as appointed from time to time.
Reportable Gift	To be recorded on a Gifts and Benefits Declaration Form and in the Gifts and Benefits Register. At a minimum, Reportable Gifts exceed the Nominal Value. Reportable Gifts include those offered, but not necessarily accepted. The Gifts or Benefits may have been offered to recipients directly or extended to them as guests of their partners or other close relations.
SCL International Conference	The International Conference run by SoCLA each year.
SCL National Conference	The National Conference run by SoCLA each year.
SoCLA Representatives	Board Members, Sub-committee Members and Employees
Stakeholders	May include Board Members and Sub-committee Members of SoCLA, government ministers and their representatives (including departmental officials), industry representatives and/or contacts, representatives of business partners, suppliers and community groups.
Sub-committee Member	Any person who is a member of a sub-committee formed in accordance with SoCLA policy and with approval of the SoCLA Board of Directors.
Value	The estimated or actual value of the Gift or Benefit. It includes the cumulative value of Gifts or Benefits offered by the same individual or organisation within the same financial year.

2. Receipt of Gifts and Benefits

2.1 SoCLA Representatives must:

- (a) refuse all offers of Gifts, Benefits or Hospitality, from SoCLA or third parties, that could be reasonably perceived as undermining their integrity and impartiality or that of SoCLA;
- (b) refuse all offers of Gifts, Benefits or Hospitality received in exchange for the conferral of a business advantage on a third party, or otherwise in explicit or implicit exchange for favours or Benefits;
- (c) not accept for sole personal use Gifts, Benefits or Hospitality from individuals about whom they are likely to make decisions involving:
 - (i) policy;
 - (ii) legislation;
 - (iii) regulation;
 - (iv) a business transaction, unless receipts of such could not reasonably be considered to affect, or be perceived to affect, the outcome of a business transaction;
 - (v) dispute avoidance;
 - (vi) dispute resolution; and/or
 - (vii) procurement for services.
- (d) refuse all offers of cash or a cash equivalent (including gift certificates or vouchers) from third parties; and

- (e) immediately report, to the Executive, any attempt(s) to influence them or their decision-making with Gifts, Benefits or Hospitality.

2.2 Gifts, Benefits or Hospitality offered to or received by SoCLA Representatives must also:

- (a) be of a reasonable nature and appropriate in the circumstances (such as a small gift being provided at Christmas time);
- (b) comply with local law;
- (c) be received openly, not secretly; and
- (d) be received in accordance with clause 6.

2.3 SoCLA Representatives may receive offers from external Stakeholders of sponsored travel and/or accommodation to attend conferences or to participate in industry or profession-related activities. Such offers should be reviewed by the Executive to establish the organisational need and review any potential for a conflict of interest.

2.4 SoCLA Representatives attending conferences, either as participants or speakers, or applying for awards in recognition of their work, are representing SoCLA. Where SoCLA has directly or indirectly incurred expenses including, but not limited to a SoCLA Representative's travel, or accommodation, any Gifts or Benefits accrued in relation to these activities belong to SoCLA unless otherwise agreed with the Executive. This includes fees for speaking and financial grants but excludes token Gifts such as door prizes.

2.5 SoCLA Representatives are obliged to report to any member of the Executive any colleague who tries to solicit cash or Benefits.

3. Recognition of SoCLA Representatives

3.1 SoCLA may also at times recognise significant SoCLA Representatives achievements and provide token Gifts, which may include gift vouchers or certificates of a Nominal Value but may not comprise cash, as part of:

- (a) reward and recognition programs or events in relation to substantial contributions of SoCLA Representatives;
- (b) recognition of a SoCLA Representative's attendance at the National Conference; and/or
- (c) celebrating length of service milestones and/or retirements.

3.2 A token Gift may also be sent to family members to acknowledge a SoCLA Representative's contribution to SoCLA in the event of illness.

3.3 Celebrations of events such as birthdays, marriages or the birth of children should not be funded using SoCLA funds if the cost is above the Nominal Value.

3.4 On the retirement of a Board Member, no payment or benefit of any amount may be provided to the Board Member by SoCLA without member approval if SoCLA is not permitted under the Corporations Act to provide the payment or benefit without first obtaining member approval.

4. Arrangements in respect of the Patron

4.1 SoCLA may:

- (a) pay for the Patron's reasonable travel and accommodation expenses incurred in respect of the National Conference, in circumstances where the Patron has agreed to speak at the National Conference;
- (b) pay for the Patron's reasonable travel and accommodation expenses incurred in respect of the SCL International Conference, in circumstances where the Patron has agreed to speak at the SCL International Conference or provide other deliverables to SoCLA, such as a report for SoCLA's members; and

- (c) provide token Gifts to the Patron, including gift vouchers or certificates of a Nominal Value, as part of:
 - (i) SoCLA's recognition of the substantial contribution of the Patron; and/or
 - (ii) celebrating the Patron's length of service milestones and/or retirement.

5. Provision of Hospitality by SoCLA

- 5.1 Hospitality provided by or on behalf of SoCLA must be for an Official Purpose.
- 5.2 When Hospitality is provided by or on behalf of SoCLA, SoCLA Representatives must uphold their obligation to extend a duty of care to other participants.
- 5.3 The provision or consumption of alcohol by way of Gift, Benefit or Hospitality by or on behalf of SoCLA, must be responsible.
- 5.4 The provision of alcohol by or on behalf of SoCLA should be incidental to the overall level of Hospitality provided. Non-alcoholic and low-alcoholic beverages must be available wherever alcoholic beverages are provided by or on behalf of SoCLA. Any provision of alcohol must have the prior approval of a member of the Executive or any Sub-committee Member to whom such oversight has been properly delegated.
- 5.5 Hospitality should generally be provided on premises:
 - (a) owned or controlled by SoCLA;
 - (b) owned or controlled by a sponsor or patron of SoCLA; or
 - (c) private venues booked on behalf of SoCLA.
- 5.6 Catering in respect of Hospitality should be proportionate to the number of attendees and procured at competitive rates and avoid inclusion of more expensive menu options.
- 5.7 Tips and gratuities should only be paid by SoCLA where it is reasonable. This policy does not preclude SoCLA Representatives from paying tips from their own funds.
- 5.8 For a range of reasons, SoCLA may occasionally provide catered activities for SoCLA Representatives. In deciding whether SoCLA should pay for all, some or none of the costs associated with the event, consideration should be given to:
 - (a) the extent to which the event will contribute to organisational objectives;
 - (b) whether there have been multiple recent events that would result in perceptions of excess should further events be funded; and
 - (c) the need to balance the positive Benefits of public recognition with community expectations of SoCLA's modest and prudent expenditure of member fees.
- 5.9 Costs associated with providing Hospitality must be proportionate to the Benefits obtained for SoCLA, and what would be considered reasonable in terms of public and member expectations. Consideration must be given to the nature of the event and proportion of SoCLA Representatives to external Stakeholders.
- 5.10 Costs associated with providing Hospitality must be approved by a member of the Executive prior to incurring any expenses.

6. Approval and Reporting

- 6.1 Appropriate records must be maintained by SoCLA at all times.
- 6.2 SoCLA Representatives must complete a Gifts and Benefits Declaration Form where:
 - (a) a Reportable Gift has been offered or provided by SoCLA; and

- (b) a Reportable Gift has been offered and declined or accepted by that SoCLA Representative.
- 6.3 A member of the Executive must not approve their own acceptance of Gifts, Benefits or Hospitality. They may decline offers without further reference, but they must obtain approval from another member of the Executive before accepting such offers.
- 6.4 If SoCLA Representatives are unsure about how to respond to an offer of a Gift, Benefit or Hospitality of more than the Nominal Value, they should seek advice from MinterEllison.
- 6.5 If in doubt, the offer of a Gift or Benefit should be brought to the attention of the Executive and recorded in the Gifts and Benefits Register. If it is unclear whether the Gift or Benefit complies with section 2.1 or 2.2, the Gift or Benefit should be declined.
- 6.6 The Gifts and Benefits Register will be maintained by the Secretary of SoCLA. SoCLA Representatives are obliged to submit Gifts and Benefits Declaration Forms within 10 working days of receiving the Gift or Benefit.
- 6.7 The Gifts and Benefits Register can be viewed by a member of the Board at any time. An annual report of all entries will be provided to the Board.

Schedule 1 – Gifts and Benefits Declaration Form

SoCLA Representative details	
Name:	
Position:	

Gift or benefit details			
Date offered or received:		Type of gift or benefit:	
Provider:		Approximate value (\$):	
Relationship between SoCLA or SoCLA Representative and provider:			
Provide a description of the gift or benefit:			

Provide circumstances of the offer or receipt:

Status of the gift or benefit (accepted or refused by SoCLA Representative):

SoCLA Representative Signature and Date:

Executive details	
Name:	
Position:	
Executive evaluation	
Decision:	
Provide a description:	

Executive Signature and Date: