



Gifts and Benefits Policy

1. Introduction

As an organisation with regulatory responsibilities with respect to ACT legal practitioners, the integrity and reputation of the ACT Law Society (**Society**) is critical. The Society acknowledges that staff and others involved in the Society's functions may occasionally receive gifts or benefits from people or organisations in the performance of their duties.

2. Purpose

The purpose of this policy is to provide a framework for Individuals when receiving a gift or benefit, so that the Society's regulatory processes are not, and do not appear to be, compromised. This policy is intended to support Individuals and the Society to avoid and manage actual, potential, or perceived conflicts of interest, and maintain high levels of integrity and public trust. Transparency about gifts and benefits ensures the Society is being accountable to its members.

3. Application

This Gifts and Benefits policy (**Policy**) applies to all Society workplace participants. For the purpose of the Policy, this includes Council members, Society employees, contractors and any individuals or groups undertaking any activity for or on behalf of the Society (for example, Society committees) (**Individuals**).

4. Policy Principles

The Society is committed to the following principles in applying this Policy:

Impartiality: when carrying out official duties, Individuals:

- must not accept gifts and benefits that may be reasonably perceived as representing an actual, potential, or perceived conflict of interest, bias, or preferential treatment, or which might reasonably be seen to compromise their integrity when carrying out official functions, and
- must recognise that acceptance of any gift or benefit in relation to the performance of their official duties, regardless of monetary value, implies a relationship with the other organisation or individual and may be seen to interfere with the Society's objectivity and independence in its regulatory functions.

Accountability: Individuals are accountable for:

- declaring all accepted gifts or benefits,
- declining non-token offers of gifts or benefits (valued at more than \$100 excluding GST), or, where an exception applies under this Policy, seeking approval to accept the gift or benefit.

Individuals employed by the Society with direct reports are accountable for overseeing management of their direct reports' acceptance or refusal of non-token gifts and benefits, modelling good practice and promoting awareness of gifts and benefits policies and processes.

Integrity: Individuals:

- strive to earn and maintain public trust in the Society's regulatory processes by providing or responding to offers of gifts and benefits in a manner that is consistent with this Policy, and

member and community expectations, and will refuse any offer that may lead to an actual, potential, or perceived conflict of interest.

5. Meaning of “gift” or “benefit”

A gift or benefit is any item or service accepted by an Individual from members (including potential members), customers or other stakeholders, in connection with their official duties. This includes any service or item received by a family member of a workplace participant, where there is a clear link with the workplace participant’s official duties.

Gifts are typically free or discounted items or services and any item that would generally be seen by the public as a gift. These include items of high value (eg artwork, jewellery, cash, gift or store cards, free, sponsored or discounted travel, accommodation or attendance at training or events, or expensive pens), low value (eg small bunch of flowers), consumables (eg wine, chocolates) and services (eg painting and repairs).

Benefits include preferential treatment, privileged access, favours or other advantages offered to an Individual. They may include invitations to sporting, cultural or social events, access to discounts and promises of a new job. The value of benefits may be difficult to define in dollars, but as they are valued by the Individual, they may be used to influence or induce the Individual’s behaviour.

Low value promotional materials, such as items included in conference packages or small boxes of chocolates are generally considered token offers, being of inconsequential or trivial value to both the person making the offer and the recipient (such as basic courtesy).

In certain circumstances, a “reward” related to the official duties of an Individual could have characteristics of a gift and/or a benefit. Rewards earned via formal systems (incentive programs or recognition schemes) are less likely to have the characteristics of gifts or benefits. If in doubt regarding the characterisation of a reward, Individuals should take a conservative approach and discuss with the Society’s Chief Executive Officer (CEO) in the first instance.

6. Managing Offers of Gifts or Benefits

Where possible, Individuals should discuss offers of gifts and benefits in advance with their manager or the CEO (who may also escalate the matter with the President or Executive Committee if appropriate).

In deciding whether to accept a gift or benefit, individuals should always exercise caution. The following should be taken into consideration:

- the type and significance of the gift or benefit - is the gift or benefit a courtesy or a token of appreciation, or a valuable offer?
- is the offeror in a contractual or regulatory relationship, or involved in a purchasing/tendering process with the Society?
- would accepting create an actual, potential or perceived conflict of interest?
- could accepting the offer actually, potentially or have the perception of influencing the Individual in performing their duties?
- could the offeror benefit from a decision the Individual makes (including processes involving procurement, grants, sponsorship, regulation or licensing)?
- would accepting be likely to create a feeling of obligation by the recipient?

- would accepting the gift or benefit reflect poorly on the Society if reported in the media?
- would refusing the gift or benefit cause embarrassment or offence to the offeror?

The above questions will assist an individual to decide whether to refuse an offer.

The Society acknowledges that there may be circumstances where accepting hospitality may give rise to an actual, potential or perceived conflict of interest, but attendance is unavoidable as part of an individual's official duties. In these circumstances, an Individual must discuss this with the CEO prior to accepting.

7. Refusal of Gifts or Benefits

Individuals are required to refuse offers:

- which will actually influence them, are likely to influence them, or be perceived to influence them, in the course of their duties or that raise an actual, potential or perceived conflict of interest;
- that could bring themselves or the Society into disrepute;
- made by an offeror about which they will likely make a decision (including processes involving procurement, grants, sponsorship, regulation or licensing – where the offeror is an organisation, this includes processes with respect to employees of the organisation);
- have the characteristics of, or are likely to be, a bribe or inducement to make a decision or act in a particular way;
- that are actually, potentially or perceived to be unlawful or unethical;
- that will benefit their relatives or friends;
- of money, something easily converted into money, or money equivalents (such as gift cards);
- where, in relation to hospitality and events, the Society will already be sufficiently represented to meet its business needs; or
- made in secret.

If an Individual considers they have been offered:

- a bribe or inducement, or
- a gift or benefit that is actually, potentially or perceived to be unlawful or unethical,

the circumstances of the offer must be reported to the CEO, who should report it to the appropriate authorities (eg ACT Policing).

8. Accepting a Gift or Benefit

All accepted gifts and benefits must be declared and dealt with in accordance with procedures implemented in support of this Policy.

Any gift or benefit accepted by an Individual in accordance with this Policy is accepted on behalf of the Society and becomes the property of the Society.

This Policy applies in all circumstances, including where gifts or benefits may be offered outside normal working hours, while on leave, in an employed capacity or in a volunteer capacity.

Gifts and benefits that are not accepted or that are received outside of the course of official duties (that is, in a purely personal capacity) and which do not give rise to or create the appearance of an actual, potential, or perceived conflict of interest are not the subject of this policy.

9. Reporting Receipt of Gifts and Benefits

The CEO is responsible for ensuring that a Gift Register is maintained, and for recording all declarable gifts and benefits in accordance with this Policy.

Recording and reporting of gifts and benefits in the Gift Register is based on the following principles:

- accepted gifts or benefits valued at \$100 (excluding GST) or less must be declared in accordance with procedures implemented in support of this Policy, but are not required to be recorded in the Gift Register and will not be published by the Society,
- accepted gifts or benefits valued over \$100 (excluding GST) must be recorded in the Gift Register,
- all gifts or benefits of cultural or historical significance must be recorded in the Gift Register regardless of their value and remain the property of the Society,
- records in the Gift Register will be published by the Society in a manner set out in procedures implemented in support of this Policy, and
- the offeror of a gift or benefit valued at over \$100 (excluding GST) must be advised that their information will be published by the Society.

10. Procedures

The CEO is responsible for:

- the development of procedures to support implementation of this Policy, and
- ensuring that all workplace participants are made aware of this Policy and any procedures to support their compliance with this Policy.

11. Supporting Documentation

- Conflicts of Interest Policy and Register
- Code of Conduct

Approved by Council: 20 August 2024

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