



**BIRRIBEE
HOUSING**



Birribee Housing

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Gifts and benefits policy and procedure



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1. About this document

1.1 What is the purpose and objective of this policy and procedure?

This document explains how staff and Board members manage gifts and benefits.

The objective is to protect the reputation and integrity of the BIRRIBEE Housing by ensuring members of staff and the Board are seen to be impartial and are not creating the impression that any person or organisation is influencing Birribee Housing or the actions and decisions of its staff or Board.

1.2 Who must comply with this policy and procedure?

This policy and procedure applies to all staff and Board members.

It covers all gifts and benefits offered by individuals or organisations to a member of staff or the Board while conducting business for Birribee Housing.

The receiving of a gift or benefit may lead to a perception of corrupt conduct or conflict of interest, because the recipient, donor or observers may assume the recipient lacks impartiality in the course of their duties or is under obligation to the donor. As any perception of corrupt conduct or favouritism reflects badly on Birribee Housing and the community housing sector, the giving of gifts is strongly discouraged.

1.3 Terms and definitions

These definitions apply to your interpretation of the terms used in this document.

Term	Meaning
Benefit	A non-tangible item of value (for example, a new job or promotion, preferential treatment or access to confidential information) that one person or organisation confers on another.
Bribe	Any undue reward received by, offered to or solicited by a member of staff or the Board to influence that person to act in a particular way. A reward (gift or benefit) can encompass anything of value and is not limited to money or tangible goods. The provision of services may amount to a reward.
Conflict of interest	A situation where a member of staff or the Board has a personal interest in a matter, which may improperly influence or appear to influence the performance of their duties.



Term	Meaning
Corrupt conduct	<p>A person using their position for private or personal advantage.</p> <p>Corrupt conduct includes:</p> <ul style="list-style-type: none">• a member of staff or the Board using their position or resources dishonestly or improperly, including the misuse of information or material acquired in the course of their duties, even where this misuse occurs when the person no longer undertakes those duties• conduct by a member of staff or the Board which might lead directly or indirectly to the dishonest or improper use of position by a person undertaking official duties• conduct which might directly or indirectly interfere with the carrying out of responsibilities by staff or Board members, including bribery or violence.
Ethical conduct	<p>The standards of behaviour which govern the way in which we operate in dealing with our stakeholders, including clients, staff, colleagues, the Board, and providers of services. Ethical conduct is underpinned by the values of integrity, impartiality, accountability and honesty.</p>
The Executive	<p>The Chief Executive Officer and senior managers making up the leadership team.</p>
Gift	<p>An item of value given to a member of staff or the Board by another person or organisation. This includes:</p> <ul style="list-style-type: none">• money• gift vouchers, free or reduced tickets to shows or events• travel and accommodation• goods or services offered at no cost or at a reduced cost. <p>In the business context, gifts can have different meanings and purposes. The purpose of the gift, to a certain extent, affects how it is managed.</p>
Gift of influence	<p>A gift that is intended to generally ingratiate the giver with a member of staff or the Board for favourable treatment in the future.</p>
Gift of gratitude	<p>A gift offered to a member of staff or the Board, or to Birribee Housing in appreciation of performing specific tasks or for exemplary performance of duties.</p> <p>A gift to a member of staff or the Board who speaks at an official function would be considered a gift of gratitude.</p>
Manager	<p>The Executive; directors, supervisors and line managers of staff.</p>
Nominal value	<p>The acceptable monetary limit of gifts that conform to community norms; usually no more than \$50; for example, an inexpensive pen, tie, scarf, book, box of chocolates or bottle of wine.</p>



Term	Meaning
Staff	<p>Any person working for Birribee Housing. This includes:</p> <ul style="list-style-type: none">• permanent, temporary and casual employees, including managers and the Executive• members of committees, working groups and advisory bodies• agency staff, consultants and contractors• volunteers• work experience students• intern placements.
Token gift	<p>A gift offered in business situations to a member of staff or the Board representing Birribee Housing, or to Birribee Housing.</p> <p>Such gifts are often small office or business accessories that do not exceed the nominal value (such as pens, mugs, calendars and folders) that carry the giver's company logo. They are usually products that are mass-produced and not given as a personal gift.</p>

1.4 Related documents

- Code of Conduct
- Conflicts of Interest Policy and Procedure
- Fraud and Corruption Prevention Policy and Procedure

1.5 Authorities and accountabilities

Registering the receipt of gifts and benefits plays a crucial role in managing risk and cultivating an ethical culture. Birribee Housing is ultimately responsible for ensuring:

- staff and the Board understand the implications of accepting gifts and benefits
- a Gift Register is maintained for recording gifts and benefits received by staff and the Board
- receipt of a gift or benefit is not related to corrupt conduct or favouritism.

This is a corporate governance responsibility against which the Chief Executive Officer is held accountable. The Chief Executive Officer and other members of the Executive are responsible for the administration, revision, interpretation and application of this policy.

This policy and procedure shall be reviewed regularly.



1.6 Quality assurance

How Birribee Housing determines gifts and benefits is properly dealt with

- Staff and Board members are aware of this policy and procedure.

- Gifts and benefits exceeding the nominal value are refused or returned, where possible.

- Gifts and benefits are recorded in the Gift Register.

- Conflicts of interest are managed according to Birribee Housing policy and procedure.

- Possible corrupt conduct is investigated according to Birribee Housing policy and procedure.



2. Gifts and benefits policy

2.1 General requirements

2.1.1 Relevant legislation, frameworks and directives

Gifts and benefits shall be managed in line with the following legislative requirements, relevant frameworks and directives to the extent that they apply:

- *Aboriginal Land Rights Act 1983*
- *Australian Charities and Not-for-profits Commission Act 2012*
- *Crimes Act 1900*
- *Independent Commission Against Corruption Act 1988*
- the National Regulatory System Community Housing.

2.1.2 Ethical framework

The Birribee Housing Code of Conduct forms the basis of the ethical framework and the behaviour expected of staff and Board members to ensure high standards of business and personal ethics in the conduct of their duties and responsibilities.

All members of staff and the Board shall practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations.

Staff and Board members shall:

- never ask for money, gifts or benefits and shall never accept any offer of money (regardless of the amount), gifts or benefits
- remind individuals and organisations that do business with Birribee Housing that they cannot accept gifts or benefits of any kind.

2.1.3 Responsibility structures

All members of staff and the Board shall be responsible for reporting gifts and benefits, whether accepted or declined, and acting ethically as set out in the Birribee Housing Code of Conduct.

2.1.4 Notification systems

Reporting gifts and benefits to the Independent Commission Against Corruption (ICAC)

A gift or benefit which exceeds the nominal value, offered in circumstances where it cannot be reasonably refused or returned, may need to be reported to the ICAC, pursuant to section 11 of the *Independent Commission Against Corruption Act 1998*.

The Chief Executive Officer shall determine whether to notify the ICAC.



Recording gifts and benefits

Birribee Housing shall ensure a Gift Register is maintained for recording the receipt of gifts and benefits, and that this is widely known and available.

All gifts and benefits, whether accepted or declined, shall be recorded in the Gift Register, with the following information:

- the date it was received
- the recipient
- a description of the gift or benefit
- the actual value of the gift or benefit (or an estimate, if the exact value is unknown)
- the individual or organisation providing the gift or benefit, including their association to the recipient or Birribee Housing
- whether it was accepted or declined, and the reason
- if accepted, the determined ownership and any purpose to which the gift may have been put
- endorsement by the Chair, Chief Executive Officer or other member of the Executive, as applicable.

Depending on the nature and value of a gift, it may be appropriate to record the gift as a donation in the Gift Register. A gift which is received by Birribee and then either used by Birribee or supplied to clients of Birribee in line with charitable purposes is not required by legislation to be registered but still should be added to the Gift Register to ensure record-keeping occurs in a broad and transparent manner.

2.1.5 Investigation systems

Reported breaches of this policy and procedure shall be investigated in accordance with the Birribee Housing Code of Conduct.

2.2 Management responsibility

The Executive and managers shall implement this policy and an effective internal control structure.

The Chief Executive Officer, in consultation with the relevant managers and members of the Executive, shall determine disciplinary action against any person who breaches this policy.

The Gift Register shall be monitored by the Chief Executive Officer, the Finance Committee and the Board.



3. Procedure

3.1 Accepting gifts and benefits

3.1.1 All staff and Board members

Always consider the value and purpose of a gift or benefit before making any decision about accepting it. A gift that is more than the nominal value must not become personal property. Either politely refuse it or tell the contributor that you will accept it on behalf of Birribee Housing. If you are unsure about the value of a gift, and whether it exceeds the nominal value, ask your manager, an Executive or the Chair, as applicable.

There are some circumstances when to decline a gift would be perceived as rude, insulting or hurtful; for example, token gifts and gifts of gratitude. Use your judgment when deciding whether to accept a gift or benefit, especially if it is a gift of influence. Avoid regularly accepting gifts or benefits from the same individual or organisation, so that their cumulative value over a reasonable timeframe remains token.

Under no circumstances are you to accept gifts or benefits from an individual or organisation which is directly or indirectly associated with a tendering or other competitive procurement process.

You might, in the course of your work, win a prize of significant monetary value, such as a computer. Prizes are usually considered the property of Birribee Housing.

Accepting a gift or benefit could put you in a situation in which you may have a conflict of interest. How to determine and deal with conflicts of interest is fully explained in the Birribee Housing Conflict of Interest Policy and Procedure.

3.2 Reporting and recording gifts and benefits

3.2.1 All staff and Board members

In the course of your work for Birribee Housing, you must report:

- gifts and benefits you accept, including any prizes you win
- gifts and benefits you decline.

The following table identifies who to report gifts and benefits to, and who determines whether it is owned by the recipient or Birribee Housing.

Recipient of gift or benefit	Report to	Ownership determined by
Staff member	A member of the Executive	Member of the Executive, in consultation with the Chief Executive Officer



Recipient of gift or benefit	Report to	Ownership determined by
Chief Executive Officer	Chair	Chair, in consultation with the Chief Executive Officer
Member of the Board	Chair	Chair
Chair	Chief Executive Officer	Chief Executive Officer, in consultation with the Chair

3.2.2 The Executive and the Chair

When an accepted or declined gift or benefit is reported to you:

- when determining its ownership, consider all circumstances, including whether the gift or benefit was intended for the recipient as an individual or as a representative of the Birribee Housing
- record the gift or benefit in the Gift Register.

Notify the Chief Executive Officer of all gifts and benefits accepted and declined.

3.2.3 Chief Executive Officer

When an accepted or declined gift or benefit is reported to you, depending on its nature and the circumstances of it being offered (and accepted, if applicable), determine whether it constitutes corrupt conduct, and have it investigated according to the Birribee Housing Fraud and Corruption Prevention Policy and Procedure. Depending on the findings, you may be obliged to report it to the ICAC.

3.3 Responding to bribes

3.3.1 All staff and Board members

Under no circumstances are you to demand gifts or benefits in connection to your association with Birribee Housing. To do so may amount to bribery, which is a crime.

If you are offered a bribe, or are concerned that a gift or benefit being offered may be perceived by others to be a bribe, you must refuse it, explain why it is not appropriate, and immediately report the matter to a member of the Executive or the Chair, as applicable.

If you are aware of:

- an attempt to bribe a member of staff or the Board
- a member of staff or the Board accepting a bribe



report the corrupt conduct to a member of the Executive or the Chair, as applicable. Reporting breaches of conduct are fully explained in the Birribee housing Code of Conduct, and the protections afforded you are fully explained in the Birribee Housing Whistleblower Protection Policy and Procedure.

3.3.2 The Executive and the Chair

When an attempted, detected or suspected bribe has been reported to you, notify the Chief Executive Officer.

3.3.3 Chief Executive Officer

When an attempted, detected or suspected bribe has been reported to you, have it investigated according to the Birribee Housing Fraud and Corruption Prevention Policy and Procedure. Depending on the findings, you may be obliged to report it to the ICAC.



Document information

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