



Gifts or Benefits policy

nbn-Confidential: Commercial | Rev 14.0 | 14 DECEMBER 2021
Owner: Chief Financial Officer

Background

At **nbn** co limited (**nbn**) we are one team, we are fearless, we deliver and we care. In the course of doing business sometimes gifts or benefits may be offered to **nbn** as a business courtesy. Gifts or benefits may be offered out of gratitude and goodwill for a job well done. However, gifts or benefits can also be offered as a subtle form of influence to create a favourable impression or to gain preferential treatment. This in turn may give rise to a potential conflict of interest - whether perceived or actual. The acceptance of a gift or benefit can create a sense of obligation that needs to be transparently managed, as it may:

- Compromise the ability to make impartial and honest commercial or business decisions; and/or
- Lead to increased risk in relation to a conflict of interest, especially around perception, which is prevalent within the Procurement / tender process.

Purpose

It is important that all **nbn** Directors, employees, temporary staff augmentation (TSA), and extended workers (EWs) carry out their responsibilities impartially. The purpose of this Policy is to establish standards that will enable all **nbn** Directors, employees, TSAs and EWs to identify when to accept or decline a gift or benefit and in what circumstances the giving of a gift or benefit may be ill-advised.

These standards are in accordance with our commitment to **nbn's** values that we are one team, we are fearless, we deliver and we care.

If the receiving or giving of a gift or benefit could cause embarrassment to **nbn** or give rise to questions about your integrity, irrespective of whether it will become public knowledge, it would be inappropriate to give or accept it.

Scope

The policy covers gifts or benefits **given** by external parties. This Policy applies to all **nbn** Directors, employees, TSAs and EWs who are employed or engaged by **nbn** and to gifts or benefits offered as a result of a prospective or actual business relationship with **nbn**. It also applies to gifts or benefits offered or provided to associates, partners (regardless of gender), friends or family members of Directors, employees, TSAs and EWs. It applies at all times including those occasions where it may be common for a gift or benefit to be given.



Policy

A gift or benefit under this Policy is something that has a monetary value or worth, or other advantage or privilege and, is offered as a result of a business relationship (actual or prospective) with **nbn**. For the purposes of this Policy, a business relationship (actual or prospective) is to be interpreted broadly and can extend to any existing or potential commercial arrangement. Examples of that relationship would be with an actual or prospective customer or supplier to **nbn** or a person seeking employment or engagement with **nbn**. Examples of a gift or benefit would include a monetary payment, dinner at a restaurant, tickets to attend a sporting or cultural event, a Christmas gift, airline tickets, conference tickets, accommodation, or providing free or discounted services.

As an **nbn** Director, employee, TSA or EW you:

- Must not seek to receive a gift or benefit for you or your associates, partners (regardless of gender), friends or family members in connection with your role at **nbn**, nor should you offer a gift or benefit;
- Must not accept a gift or benefit, or provide a gift or benefit, no matter how small, that may create, or be perceived to create, a conflict of interest or an obligation upon you or the giver;
- Must not be influenced by the receipt of a gift or benefit to alter your decision-making process or objectivity;
- Must not give or receive a gift or benefit which is or may be driven by an intention to influence the recipient's decision-making process or objectivity. In particular, the giving or receiving of gifts or benefits is prohibited when you are engaging in commercial discussions and negotiations on behalf of **nbn** – for example a tender process;
- Must not accept or give a monetary/financial gift under any circumstances related to your role at **nbn**; and
- Are required to notify the Chairman of the Board (for Directors only) or your manager when receiving a reportable gift or benefit.

If in doubt, always ask.

Failure to comply with the obligations under this Policy may lead to disciplinary action being taken by **nbn** in accordance with the [Managing Performance and Behaviour Policy](#) which may include the termination of your employment or engagement with **nbn**.

Roles and responsibilities

Directors, Employees, TSAs and EWs

Nominal Gift or Benefit:

- Generally, a gift or benefit valued at under \$200 can be accepted, provided that it is not a monetary/financial gift or benefit, or a gift or benefit being offered on a regular basis (defined as being on more than two occasions within a three month period); and
- Where nominal gifts or benefits are accepted regularly, by **nbn** Directors, employees, TSAs and EWs, there is a risk that the cumulative value of the separate gifts or benefits may change the nature of the gifts from a nominal to reportable gift:
 - Where the combined value of second and subsequent nominal gifts or benefits, or hospitality, are together valued equal to or greater than \$200 then the nominal gifts or benefits, or hospitality must be treated as a **Reportable** Gift or Benefit.



Reportable Gift or Benefit:

- You must inform **nbn**, by completing the Gifts or Benefits Declaration Form, of any gift or benefit valued at \$200 or greater that is being offered to you (and/or your partner/associate), and you are intending to accept, in connection in any way with your directorship, employment or engagement contract (for TSAs and EWs). You must also inform **nbn** if you have received a gift or benefit that is valued under \$200 but which has been received or provided on a regular basis;
- If you are unable to obtain approval for a gift or benefit prior, you must declare it within 28 days of acceptance;
- You must not give to, or receive from, a party to a tender during a tender process, any gifts or benefits regardless of value;
- You must inform **nbn** of every instance of receiving a reportable gift or benefit regardless of whether you have been provided approval for previous requests. Each request must be reviewed on its individual circumstances; and
- The **giving** of gifts or benefits (regardless of value) is not required to be disclosed for entry on the Gifts or Benefits Register. The provision of gifts should be managed in consultation with your manager and in line with your business unit's budget and with **nbn's** Travel & Expense Reimbursement Policy.

Notification:

- If you are uncertain as to whether a gift or benefit is reportable and/or should be accepted, you should consult with the Internal Audit team by emailing giftsorbenefits@nbnco.com.au. For **Directors**, notification is by email to the Chairman of the Board or the Company Secretary who will inform the Chairman of the Board;
- For **employees, TSAs and EWs**, a notification can be made by completing the Gifts or Benefits Declaration Form available on the [Hub](#) which will be automatically forwarded to the discloser's direct manager for review and approval. If the Chairman or your Manager advises that the gift or benefit is of an appropriate value and nature, you may keep the gift or benefit;
- In the case of a Director, the Company Secretary will:
 - record the details of the gift or benefit in the Directors' Gift Register; and
 - inform the People and Remuneration Committee;
- Where the Chairman is offered or accepts a gift or benefit, he/she will advise the Company Secretary who will take the same action as is required for a disclosure made by a Director (detailed above); and
- If **nbn** considers the gift or benefit to be excessive and/or to be inappropriate, you may be advised that you may still accept the gift or benefit on **nbn's** behalf if returning it would cause offence or embarrassment to the party offering the gift or benefit. In this circumstance, **nbn** will decide the most appropriate use for the gift or benefit which may include a donation to a registered charity.

A Director, employee, TSA or EW who accepts a gift or benefit is responsible for any taxation obligations including Fringe Benefits Tax.

Managers, Chairman and Company Secretary

Approval of all reportable gifts or benefits declared to a Manager, the Chairman or Company Secretary must be considered in light of this Policy, the Code of Conduct, **nbn's** other policies and **nbn's** values. The Chairman, Company Secretary or Manager must:

- Give the requesting employee, TSA or EW approval in writing (in advance if possible or as soon as practicable thereafter if this is not possible) to accept the gift or benefit.



In the case of Managers only:

- Provide their approval of the gift or benefit request by completing the manager section of the Gift or Benefit Declaration Form and pressing *submit* to ensure the gift or benefit is centrally recorded in **nbn's** Gifts or Benefits Register; and
- Notify the Internal Audit Team at giftsorbenefits@nbnco.com.au of any gift or benefit being offered to them or their employees about which they have concerns.

Internal Audit

- Maintain and review **nbn's** Gifts or Benefits Register and provide regular reports and updates to the Policy Owner as required from time to time; and
- Provide guidance and assistance to managers and employees, TSAs and EWs on the application of this Policy as required.

Ask Yourself?

Before accepting any gift or benefit, and regardless of the financial threshold all nbn Directors, Employees, TSAs and EWs should ask themselves before deciding whether to accept or reject a gift, even if of nominal value:

- Why was this gift/benefit given?
- Does the gift/benefit influence my behaviour?
- How would the acceptance of the gift/benefit be perceived by the general public, other **nbn** staff or the media?
- Is the timing of the gift/benefit a risk (for example acceptance of a gift by a tender committee member during a tender process)?



Appendix

FAQ and Case Studies

1. What is a gift or benefit?

A gift or benefit under this Policy is something that has a monetary value or worth, or other advantage, privilege and, is offered as a result of a business relationship (actual or prospective) with **nbn**. Examples of that relationship would be with an actual or prospective customer or supplier to **nbn** or a person seeking employment or engagement with **nbn**. Examples of a gift or benefit would include a monetary payment, conference tickets dinner at a restaurant, tickets to attend a sporting or cultural event, a Christmas gift, airline tickets, accommodation, providing free or discounted services, etc.

2. What should I do if I am offered a gift or benefit?

If you are offered a gift or benefit you need to consider the following;

- Why was this gift/benefit given?
- Does the gift/benefit influence my behaviour?
- How would the acceptance of the gift/benefit be perceived by the general public, other **nbn** staff or the media?
- Is the timing of the gift/benefit a risk (for example acceptance of a gift by a tender committee member during a tender process)

If you are still unsure as to whether to accept the gift or benefit, consult your manager or the Internal Audit Team for guidance.

3. What can happen if I do not declare a reportable gift or benefit?

You may be asked to explain your actions and/or be subject to disciplinary action being taken by **nbn** in accordance with the *Managing Performance and Behaviour Policy* which may include the termination of your employment or engagement with **nbn**.

4. What is a reportable gift of benefit?

A reportable gift or benefit is something that has monetary value or worth, or other advantage or privilege, such as tickets to an event that are valued at \$200 or greater.

5. Where can I get more information about gifts or benefits?

If you would like more information regarding gifts or benefits please visit the [Gifts or Benefits Hub page](#) or contact the gifts or benefits administrators at giftsorbenefits@nbnco.com.au.

6. What is a conflict of interest?

A conflict of interest is a situation whereby the interests of employees or contractors are different to, and conflict with, the interests of **nbn**. A conflict of interest exists when it is likely that employees or contractors could be influenced, or could be perceived to be influenced, by a personal interest in carrying out their duties as an employee/contractor of **nbn**.

7. Where can I get more information about conflicts of interest?

Please see the [Conflicts of Interest Policy – Employees and Contractors](#) and [Conflicts of Interest Policy – Employees and Contractors](#) located on the Hub.



Case Study One

Joe is part of a procurement supplier evaluation panel at **nbn**. He is offered a \$500 bottle of wine from a company who is party to a tender he is currently working on as a gesture of their appreciation.

To comply with **nbn's Gifts or Benefits Policy** Joe must decline this gift as the giving of gifts is prohibited under this Policy as Joe is engaging in commercial discussions and negotiations on behalf of **nbn** during a tender process.

Case Study Two

Emma is an HR manager who works closely with an external recruitment company on an ongoing basis. The recruitment company manager invites Emma to a concert as a token of appreciation for Emma's work throughout the year. A ticket to the concert is valued at \$250.

To comply with **nbn's Gifts or Benefits Policy** Emma emails her manager for approval as the value of the ticket is over \$200. In her email Emma provides details of the HR company offering her the ticket, the date of the concert and the estimated value of the ticket. Emma's manager provides approval for the gift as they believe the gift is appropriate given the business relationship and could not be perceived as an attempt to influence Emma's behaviour in any way.

Dos and Don'ts

Do	Don't
Report all gifts or benefits you receive that are valued at \$200 or greater.	Give or accept gifts when engaged in commercial discussions such as a tender process.
Seek guidance from your manager or the Internal Audit team if you are unsure.	Assume that if you have been provided approval previously for a particular gift or benefit that you don't need to seek approval again.
Ask yourself why the gift or benefit is being given.	Accept or give gifts of cash.
Ask yourself; Does the gift or benefit influence my behaviour?	Accept gifts or benefits valued at \$200 or greater without prior approval.
Consider how the general public would perceive your actions in relation to receiving a gift or benefit.	Seek to receive a gift or benefit for you or your associates, partner (regardless of gender), friends or family members in connection with your role at nbn .

More information

Please contact your manager or the Internal Audit Team at giftsorbenefits@nbnco.com.au or visit the [Gifts or Benefits](#) Hub page.



Related policies

- Conflicts of Interest Directors and Officers
- [Conflicts of Interest Employees and Contractors](#)
- Code of Conduct (Directors) – Section 8 of **nbn** Board Charter
- [Managing Performance and Behaviour](#)
- [Travel & Expense Reimbursement Policy](#)

*Philip Knox
Chief Financial Officer
Effective 14 December 2021*



Document control

Policy owner	Chief Financial Officer
Revision	14.0
Issue date	-
Review date	Annually
Classification	UNCLASSIFIED
Status	Draft
Policy author	Jane Edwards
Policy approver	Board of Directors
Email	fraudandinvestigations@nbnco.com.au
Department or business unit	Finance

Revision history

Revision	Description	Policy author
14.0	Annual Review – minor changes to align links to new SharePoint site	Jane Edwards
13.0	Annual review, minor changes to align to APSC guidelines	Jane Edwards
12.0	Annual review, change of CFO from Stephen Rue to Philip Knox	Jane Edwards
11.0	Annual review, removal of requirement to report the provision of gifts and transition to inclusive language.	Jane Edwards
10.0	Annual review and updates with Legal. Approved at Board Meeting 114 held on 12 December 2017 (Agenda item 12.1).	Jane Edwards
9.0	Updated to transfer policy ownership to Finance from HR, approved by board on 12 December 2016. Addition of FAQs, case.	Elenore Cox and Jane Edwards
8.0	Annual review and updates with Legal. Approved by the Board of Directors at the Board meeting held on 24 November 2015	Janet Lee
7.0	Minor update	Ali Beydoun
6.0	Update to roles and responsibilities	Janet Lee
5.0	Update to merge Director and Employee policies to a single policy	Janet Lee
4.0	Update to include Gift Register Requirements	Chris Hare
3.0	Minor Housekeeping	Chris Hare
2.0	Annual Review – June 2011	Chris Hare
1.0	Released	David Auld