

Purpose

Finlaysons Lawyers has a longstanding commitment to conducting its business with honesty and integrity. Maintaining Finlaysons' reputation is critical. This Anti-Bribery and Corruption Policy is key in helping us to preserve our reputation and conducting our business with honesty, integrity and in accordance with laws that prohibit bribery and corruption.

Each employee, partner, board member, contractor and agent of Finlaysons Lawyers is responsible for complying with this Anti-Bribery and Corruption Policy. If you have any concerns about how our business is being conducted, you should immediately contact the Managing Partner or the Finance Manager.

Definitions

Bribery involves the provision, or offer to provide, an undue benefit to another person with the intention of influencing that person in the exercise of their duties, with the aim of attracting new business, keeping existing business or securing a business advantage, which is not legitimately due.

Employee means an individual directly employed by Finlaysons Lawyers or Galicia Pty Ltd including permanent, part-time and casual employees engaged on a fixed term or contract basis; partner, and board member

Contractor means an individual or business engaged by Finlaysons Lawyers or Galicia Pty Ltd to perform work other than as an employee, such as an individual engaged through an external service provider or otherwise engaged to provide services to Finlaysons Lawyers or Galicia Pty Ltd directly or indirectly under a commercial contracting, sole trader, consultancy or other services agreement.

Detrimental treatment refers to dismissal, disciplinary action, or unfavourable treatment in relation to the concern the individual raised.

Facilitation Payment is a minor payment to expedite or secure the performance of a routine government action. Routine government actions do not include a decision or encouraging a decision about whether to award new business, to continue existing business or the terms of new or existing business.

Gifts includes (but is not limited to) any tangible item of value, service of value, favour that enhances a person materially, benefit or thing of value, including cash, and item, service, favour, benefit or thing given at less than market value

Hospitality includes (but is not limited to) any meal, travel, entertainment, including attendance at sporting and other events; accommodation, and vouchers or certificates which are capable of being exchanged or redeemed

Public Official includes any government employee or official, member of the executive, judiciary or legislature, an official of a public international organisation, an employee of any entity controlled or owned by a government organisation or official, an agent representing any of these individuals or any individual who suggests that they are authorised to act on the government's behalf.

Objective

It is important that we continue to work together to build a sustainable and successful business with a reputation for acting with honesty and integrity, free from bribery and corruption. When read in conjunction with the related document [Anti-Bribery and Corruption Policy and Guidelines] which sets out the firm's standards and guidelines, this policy has been designed to help you to understand what is and is not acceptable conduct and ultimately to protect you personally and our reputation and business.

Critical to our business is that we remain independent and objective. The offer, provision or acceptance of gifts and/or hospitality requires the exercise of the utmost care and judgment. In particular, the utmost care must be taken to ensure that there can be no reasonable perception that the gift or hospitality is intended to influence the business relationship between the firm and the recipient of the gift (or vice versa) in an improper or unprofessional way. Facilitation payments are prohibited.

Parameters

Finlaysons Lawyers is subject to anti-bribery and corruption laws in Australia including the *Criminal Code Act 1995* (Australia).

This policy applies to all employees, partners, board members, contractors and agents of Finlaysons Lawyers (and Galicia Pty Ltd). Finlaysons Lawyers strictly prohibits the offer, provision or acceptance of bribes. It is to be read in conjunction with the related document [Anti-Bribery and Corruption Policy and Guidelines] which sets out the firm's standards and guidelines on:

- offering, accepting and providing gifts and hospitality;
- participating in tenders and procuring goods and services; and
- providing donations and sponsorship.

Responsibilities of Employees

- must not engage in any form of bribery, whether it be directly, passively, or through a third party (such as an agent or distributor)
- must not accept bribes in any degree and if you are uncertain about whether something is a bribe or a gift or act of hospitality, seek further advice from the Finance Manager or Managing Partner
- must never solicit gifts and hospitality but where the offer, provision or acceptance of gifts or hospitality is permitted under this policy, you must still exercise the utmost care
- must ensure that negotiations with external parties including suppliers for the tender and procurement for services avoid conflicts and unethical behaviour which are aligned to the requirements set out in the Anti-Bribery and Corruption Policy and Guidelines
- when dealing with public officials, no gift or hospitality with a value of up to A\$1000 is provided or accepted without prior or subsequent written approval from either the Managing Partner or Finance Manager
- must ensure that you read, understand, and comply with the information contained within this policy, and with any training or other anti-bribery and corruption information you are given
- are equally responsible for the prevention, detection, and reporting of bribery and other forms of corruption
- are required to avoid any activities that could lead to, or imply, a breach of this policy

Responsibilities of Employers

- ensure that no one suffers any detrimental treatment as a result of refusing to accept or offer a bribe or other corrupt activities or because they reported a concern relating to potential act(s) of bribery or corruption.
- clearly communicate the Anti-Bribery and Corruption policy and zero-tolerance attitude to all suppliers, contractors, business partners, and any third parties at the outset of business relations, and as appropriate thereafter
- will keep detailed and accurate financial records, and will have appropriate internal controls in place to act as evidence for all payments made
- will declare and keep a written record of the amount and reason for hospitality or gifts accepted and given, and understand that gifts and acts of hospitality are subject to managerial review
- will put in place policies and procedures for compliance as part of its general risk management policies if required under anti-money laundering and counter-terrorism financing legislation as the firm's general insurance activities do not currently fall within the ambit of this legislation in Australia.
- will provide training on this policy as part of the on-boarding process for all new employees

Breaches

If any employee breaches this policy, you will face disciplinary action and could face termination for gross misconduct. Finlaysons Lawyers has the right to terminate any employee if they breach this Anti-Bribery and Corruption Policy.

The financial penalties for bribery offences can potentially also be very significant and serious for individuals and the firm. There is real risk that individuals involved may also be subject to imprisonment.

| | |
|-----------------------|--------------------------|
| Owned By: | People & Development |
| Date: | 31 May 2019 |
| Referenced Documents: | Standards & Guidelines # |
| Effective Date: | 31 May 2019 |
| Last Reviewed Date: | 31 May 2019 |
| Future Review Date | June 2021 |