



MSA ANTI BRIBERY & CORRUPTION POLICY

1. Policy statement

- 1.1 Bribery and corruption harm legitimate business activities and constitute a serious criminal offence.
- 1.2 Motorsport South Africa (MSA) takes a zero-tolerance approach to bribery and corruption and expects the same of all entities and individuals involved in motorsport under MSA's auspices.
- 1.3 The purpose of this policy is to:
 - (a) set out responsibilities in observing and upholding this policy; and
 - (b) provide information and guidance to all stakeholders in South African motorsport on how to recognise and deal with bribery and corruption issues.

2. Who is covered by the policy

- 2.1 This policy applies directly to MSA's directors, management, staff, representatives and contractors. All other individuals and entities involved in South African motorsport in any capacity, are also encouraged to follow the tenets of this policy as the scourges of bribery and corruption can only be eradicated by all parties taking a zero tolerance approach to it.

3. What is bribery and corruption?

- 3.1 A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, sporting, contractual, regulatory or personal advantage or benefit.
- 3.2 Corruption is the abuse or misuse of an individual's position (through formal employment or otherwise) for personal gain.
- 3.3 Acts of bribery or corruption are intended to influence an individual in the performance of their role to act dishonestly, and/or improperly.
- 3.4 A bribe can take many forms, for example, a direct or indirect promise or offer of something of value, the offer or receipt of a 'kickback', fee, reward or other advantage, or the giving of financial assistance, donations or voting with the intention of exerting improper influence.

4. Gifts and hospitality

- 4.1 This policy does not prohibit gifts, entertainment, hospitality or other promotional expenditures (given and received) to or from third parties which are proportionate, transparent, reasonable and for *bona fide* purposes related to the aims and objectives of MSA and motorsport more widely.
- 4.2 The giving or receiving of gifts is not prohibited if all of the following requirements are met:
 - a) it is not made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a

- business advantage, or in explicit or implicit exchange for favours or benefits;
 - b) it complies with local legislation;
 - c) it is given in MSA's name, not in an individual's name;
 - d) it does not include cash or a cash equivalent (such as gift certificates or vouchers);
 - e) it is appropriate in the circumstances (for example, it is given as a ceremonial gift on a festival or at another special time (e.g. Christmas);
 - f) taking into account the reason for the gift, it is of an appropriate type and value and given at an appropriate time;
 - g) it is given openly, not secretly; and
 - h) gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of MSA management.
- 4.3 MSA appreciates that the practice of giving business gifts varies between countries and regions and what may be normal and acceptable in one region may not be in another. The test to be applied is whether, in all circumstances, the gift or hospitality is reasonable and justifiable. The intention behind the gift should always be considered.
- 4.4 Gifts to a value of more than R 500 per person per event (or of comparable value in a different country) should not be given or offered (to or from a single source on a single occasion) unless with the written approval of a member of MSA's Management Committee.
- 4.5 All gifts and hospitality to a value of more than R 500 per person per event (or of comparable value in a different country) accepted or offered by any employee/company representative should be entered on the register of gifts maintained by MSA's Operations Manager.
- 4.6 Any approval required by the above policies relating to a member of MSA's Management Committee must be provided by the CEO, or, in the case of the CEO, by the Board Chairman.

5. What is not acceptable?

- 5.1 It is not acceptable for anyone covered by this policy (or someone on their behalf) to:
- a) give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that this will influence the decision-making of MSA or that a business advantage will be received, or to reward a business advantage already given; or
 - b) give, promise to give, or offer, a payment, gift or hospitality to a government official, agent or representative to 'facilitate' or expedite a routine procedure; or
 - c) accept payment from a third party that is known, or suspected, is offered with the expectation that MSA's decision making will be influenced in any way and that it will obtain a business advantage for them; or
 - d) accept a gift or hospitality from a third party if it is known or suspected that it is offered or provided with an expectation that MSA's decision making will be influenced in any way and that a business advantage will be provided in return; or
 - e) threaten or retaliate against another individual who has refused to commit a bribery offence or who has raised concerns under this policy; or
 - f) engage in any activity that might lead to a breach of this policy.

6. Facilitation payments

- 6.1 It is unacceptable for any party subject to this policy to make, or receive, so-called 'facilitation payments' or 'kickbacks' of any kind, either for personal gain or to benefit MSA.

7. Individual responsibility

- 7.1 All parties subject to this policy must ensure that they read, understand and comply with this

- policy.
- 7.2 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for, or on behalf of, MSA.
- 7.3 Affected parties are required to avoid any activity that might lead to, or suggest, a breach of this policy.
- 7.4 MSA, through its management committee and/or board of directors, shall investigate any breaches of this policy it becomes aware of and reserves its rights to take action as deemed appropriate.

8. Record-keeping

- 8.1 MSA is obliged at all times to maintain financial records and have appropriate internal controls in place regarding payments to third parties. No accounts or transactions may be kept 'off-book' to facilitate or conceal improper payments.
- 8.2 Individuals subject to this policy must declare all hospitality or gifts to a value of more than R500 per person per event (or of comparable value in a different country) to MSA management. A 'gifts register' shall be maintained by MSA's Operations Manager. See clause 4.5 above.

9. Raising of concerns

All parties are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible opportunity. If a party is unsure whether a particular act constitutes bribery or corruption, or has any other queries, these should be raised with any member of the MSA Management Committee. Any such reporting of concerns shall be treated with the necessary discretion so as to reasonably protect the party disclosing the information.

10. Protection

- 10.1 Persons subject to this policy who refuse to accept or offer a bribe, or those who raise concerns or report another's wrongdoing, are sometimes worried about possible repercussions. MSA aims to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken.
- 10.2 MSA is committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith their suspicion that an actual or potential bribery or other corruption offence has taken place or may take place in the future. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. Anyone who may believe that they have suffered any such treatment as envisaged in this clause, should inform MSA's CEO (or Chairman where appropriate) without delay.

11. Communication of this policy

- 11.1 This policy shall be distributed to MSA's staff members and representatives and shall be published on MSA's website.

12. Who is responsible for this policy?

- 12.1 MSA's Management Committee has overall responsibility for this policy, including dealing with any queries regarding its interpretation. This responsibility shall also include the policy's review and amendment as and when deemed necessary and appropriate.