



Quiz

Corporate Culture and Director Liabilities

1. The *Criminal Code Act 1995* (Cth) defines "*corporate culture*" as:
 - a. A body corporate's written code of ethics
 - b. An attitude, policy, rule, course of conduct or practice existing within the body corporate generally or in the part of the body corporate in which the relevant activities takes place
 - c. The legislative requirement for corporations to ensure that their employees undertake cultural sensitivity training
 - d. The term is purposely not defined in the Act as it is an evolving concept which the Courts must determine in all the circumstances
2. A defence to the offence contained in section 12 of the *Criminal Code Act 1995* (Cth) is:
 - a. The director and/or high managerial agent was acting within the actual or apparent scope of his or her employment
 - b. The body corporate was trading overseas at the time
 - c. The director and/or high managerial agent was reckless to the fact
 - d. If the body corporate proves that it exercised due diligence to prevent the conduct, or the authorisation or permission
3. A lawyer's client in a corporate context is:
 - a. The individual at the executive level of a company who is retaining the lawyer to do the work

- b. The instructing general counsel
 - c. The corporation or entity itself
 - d. The company's risk committee
- 4. The offence of Bribing a foreign public official contained in section 70.2 of the *Criminal Code Act 1995* (Cth) prescribes that a person commits an offence if they:
 - a. Provide a benefit to another person or causes a benefit to be provided to another person; or offers to provide, or promises to provide, a benefit to another person; or causes an offer of the provision of a benefit, or a promise of the provision of a benefit, to be made to another person
 - b. The benefit is not legitimately due to the other person
 - c. They do so with the intention of influencing a foreign public official in the exercise of the official's duties as a foreign public official in order to obtain or retain business; or obtain or retain a business advantage that is not legitimately due to the recipient, or intended recipient, of the business advantage
 - d. All of the above
- 5. The punishment for the offence of bribing a foreign public official committed by an individual is:
 - a. Imprisonment for not more than 10 years, a fine not more than 10,000 penalty units being \$2.1 million, or both
 - b. Yet to be determined by the Courts
 - c. The same as for a body corporate
 - d. Dependent on which overseas jurisdiction the foreign public official resides in

Answers:

1. b 2. d 3. c 4. d 5. a