

# Gifts, Benefits & Hospitality Policy

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# Contents

1. Background.....	3
2. Policy position .....	3
3. Scope.....	3
4. Gifts and Benefits Flowchart .....	6
5. Procedures.....	6
6. Reporting .....	8
7. Roles and Responsibilities .....	8
8. Breach of this Policy.....	9
9. Values.....	9
10. Key Definitions .....	9
11. Communication Strategy .....	11
12. Legislation and Policy Documents.....	11
13. Document Information .....	12

## 1. Background

The Tasmanian community expects that employees and members of Government agencies will act with the highest levels of integrity and impartiality.

The acceptance of a gift, benefit or hospitality may lead to a conflict of interest between a member or employee's personal interests and public duty, or cause objectivity to be questioned.

This Policy outlines the principles and processes surrounding gifts, benefits and hospitality, and applies to all members and employees of the Department of Police, Fire and Emergency Management (DPFEM).

If a member or employee has any questions about the applicability of this Policy, they should decline the offered gift, benefit or hospitality, or speak to their manager.

## 2. Policy position

Generally speaking, 'thanks' should be considered enough when fulfilling your duties. Members and employees should not expect to receive gifts, benefits or hospitality for undertaking employment.

The default position of members and employees should be to decline the offer of a gift, benefit or hospitality. However, in limited and exceptional circumstances it may be appropriate to accept a gift, benefit or hospitality.

In addition to general exclusions, if a gift, benefit or hospitality may influence, or be deemed to influence any part of a procurement or disposal decision at the time or in the future, it must be declined.

Members should always be cognisant of actual, perceived or potential conflicts of interest when being offered a gift, benefit or hospitality.

Inappropriate acceptance or solicitation of gifts, benefits or hospitality may result in disciplinary action under the *State Service Act 2000* or the *Police Service Act 2003*.

Definitions are included at section 10 for all relevant matters contained in this Policy.

## 3. Scope

### What is a gift, benefit or hospitality?

A gift, benefit or hospitality means any gratuity, favour, discount, entertainment, loan, forbearance, or other benefit having monetary value gained by an officer or employee in the course of the officer's or employee's duties or in relation to the officer's or employee's duties from any person or entity other than the employer. It includes, but is not limited to:

- a gift of money or money equivalent;
- a gift of a physical object (excluding token mementos);
- the conferring of a benefit;
- the conferring of an honorary degree, title or award;
- a purchasing incentive, such as a gift of goods and/or services with purchase, other promotional reward, discount or loyalty points offered generally to any public purchaser or to a broadly defined class of purchasers of a particular good or service, a redemption or frequent buyer card, which is received in relation to the purchase of a particular good or service for the agency;
- indirect or concealed gifts such as:
  - the permanent or indefinite loan of money or property;
  - the sale or transfer of property at less than full value; or
  - the provision of a benefit which has a financial or commercial value for less than full value
- provision of hospitality, including meals (excluding modest refreshments);
- accommodation;
- travel (airfares, taxi fares, vehicle hire)
- education or training not offered or paid for in full by your employer or yourself (e.g. external conference or seminar ticket, externally hosted training course, or completion or award of an external qualification); or
- entertainment (for example tickets to arts, sporting or recreational events).

A gift, benefit or hospitality does NOT INCLUDE:

- a *token memento* meaning an item of little intrinsic value, such as a greeting card, confectionery, calendar, diary, magnet, pen, plaque/certificate or trophy which is solely for presentation, a scarf or tie, badges, souvenirs, craft, remembrances or other tokens bestowed at an official function, marks of courtesy (e.g. a bottle of moderately priced wine acknowledging appreciation for a speaking engagement), or of a seasonal nature of a minor value. Although it may be difficult to value a particular item that is received or offered, if a comparable item is commercially valued at \$10 or higher, the item is not a *token memento* and is considered to be a *gift, benefit or hospitality*;

- a *modest refreshment* meaning food or refreshment which generally is not in conjunction with a sit-down meal, such as coffee, biscuits, sandwiches, cake, hors d'oeuvres, fruit, or any other snack;
- a publicly available discount;
- a randomly drawn prize given in a contest which is open to the public or to a broadly defined class of government employees;
- something for which you have paid fair value; or
- an internal Department gift (for example a retirement or resignation gift).

### Sponsored Travel

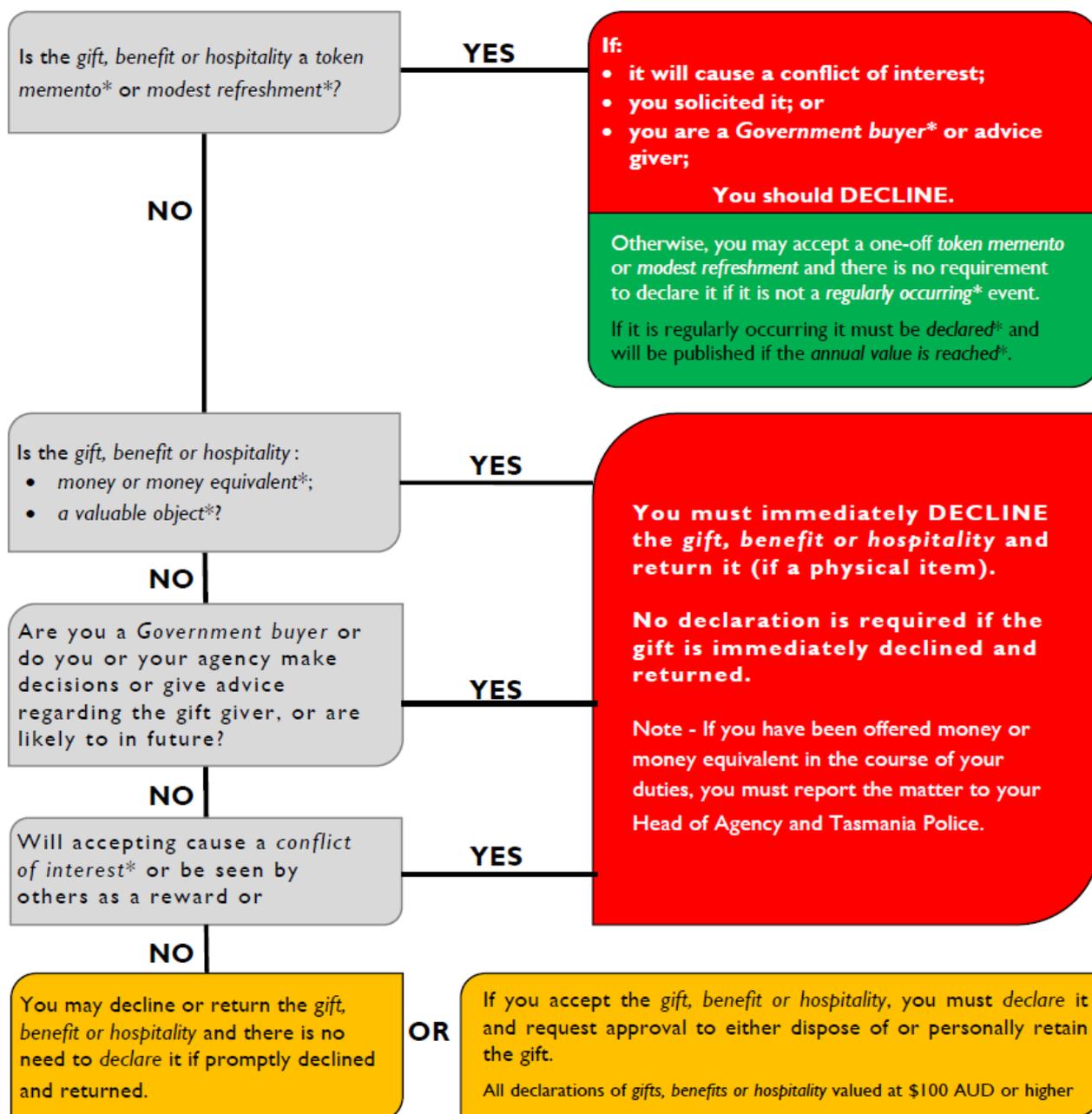
Sponsored travel includes the provision of transport, accommodation or living expenses to members other than from Agency funds or the member's own resources.

All staff travel should be at the expense of the State, or in certain circumstances, of the Commonwealth, and is otherwise deemed to be a *gift, benefit or hospitality* and is subject to this Policy.

### Members with responsibility for Purchasing, Tenders or Disposal

Treasurer's Instructions include specific reference to a code of ethics for officers engaged in procurement processes. These instructions state that it is a requirement that all Government buyers decline gifts, gratuities or any other benefits which may influence, or might be perceived to influence, equity or impartiality in procurement decisions.

## 4. Gifts and Benefits Flowchart



\*Refer to definitions at section 10.

## 5. Procedures

### 5.1 Declining gifts, benefits and hospitality

- This should be the default position for all members and employees.

- If there is any concern in relation to receiving a gift, benefit or hospitality, then it should be declined, returned, or advice should be sought from a manager.
- Money or money equivalent must be declined.
- Physical objects with a value of \$100 or more must be declined, or referred to the Head of Agency for consideration.
- Declined gifts, benefits and hospitality do not need to be declared.

## **5.2 *Accepting gifts, benefits and hospitality***

- All gifts, benefits and hospitality of \$10 and over must be declared by members or employees as soon as practicable.
- The value must be under \$100 and comply within the accepted scope of an appropriate gift, benefit or hospitality.
- In the context of modest refreshments and token mementos, should a cumulative amount of over \$100 or more be received over a 12-month period from a single supplier, each item should be accounted for and a declaration made to the Gifts, Benefits and Hospitality Register.
- If a gift, benefit or hospitality is provided to a group, it is the responsibility of the manager to provide the declaration.
- All declarations must be made using the Gifts and Benefits Notification Form on CM9, and submitted via usual approval channels for a decision regarding acceptance or decline. Instructions for use of the CM9 Gifts and Benefits Notification Form can be accessed via CM9.

## **5.3 *Approval/Non Approval of gifts, benefits and hospitality by Delegate***

- The Secretary has delegated authority to the Chief Officer, Deputy Commissioner and Deputy Secretary to make determinations in regards to gifts and benefits declarations that are less than \$100.
- Declarations should follow usual chains of command to the relevant delegate of the Secretary, with notations of support or otherwise from relevant managers.
- Delegates are to consider whether there is sufficient public interest to support the acceptance of the gift or benefit, and apply the requirements of this Policy.
- Upon determination by the delegate, the notification should be referred to the Policy & Research Officer, Office of the Secretary for reporting purposes. The notification will then be referred back to the district for finalisation.

- Where a Delegate disapproves a gift, benefit or hospitality declaration, appropriate action needs to be taken to remediate the declaration, this may include:
  - Return of the gift
  - Repayment of the benefit or hospitality
  - Other appropriate action which may include counselling, reprimand or escalation to a Code of Conduct investigation.
- The details of a disapproved declaration are to be reported in the same manner, with the remediation outcome.
- Where the gift or benefit relates to the Secretary, this must be referred to the Head of the State Service for determination.

## 6. Reporting

The Office of the Secretary will collate a report against all declared gifts, benefits and hospitality on a quarterly basis, to be provided to the Agency Management Group (AMG) for oversight. The AMG will cause this report to be published on the DPFEM website within 48 hours of noting.

Reporting will include the following regarding the gift, benefit or hospitality:

- Date of offer
- Description
- Approved or Not Approved
- Reason for Approval or Non Approval
- Person or organisation offering the gift, benefit or hospitality
- Value.

The business owner of the Gifts, Benefits and Hospitality Register is the Deputy Secretary.

## 7. Roles and Responsibilities

### 7.1 *Members and employees*

It is the responsibility of all DPFEM members and employees to operate within the requirements of this Policy and related legislation.

## 7.2 Head of Agency / Delegate

It is the responsibility of the Secretary, as Head of Agency, or their delegate, to ensure that gifts, benefits and hospitality are only accepted in accordance with this Policy.

## 8. Breach of this Policy

Non-compliance with this Policy may constitute a breach of the employee or member's relevant Code of Conduct provisions, and may result in disciplinary action or even prosecution.

## 9. Values

This Policy will operate in accordance with the values of the respective operational service areas of the Department, in addition to the overarching DPFEM values of integrity, equity, and accountability.

## 10. Key Definitions

### Conflict of Interest

**Conflict of interest** means a situation arising from a conflict between the performance of a public duty and a private or personal interest. A conflict of interest may be actual, perceived or potential.

- **Actual:** means there is a conflict between a person's official duties and responsibilities in serving the public interest, and their personal interest.
- **Perceived:** means when a reasonable person, knowing the facts, would consider that a conflict of interest may exist, whether or not this is the case.
- **Potential:** means where a person has a personal interest that could conflict with their official duties in the future.

### Employees

For the purpose of this Policy, 'employees' refers to DPFEM:

- State Service Employees
- Fire fighters.

### Gift, benefit or hospitality

Means any gratuity, favour, discount, entertainment, loan, forbearance, or other benefit having monetary value gained by an officer or employee in the course of the officer's or employee's duties or in relation to the officer's or employee's duties from any person or entity other than the employer. It includes, but is not limited to:

- a gift of money or money equivalent;

- a gift of a physical object (excluding token mementos);
- the conferring of a benefit;
- the conferring of an honorary degree, title or award;
- a purchasing incentive, such as a gift of goods and/or services with purchase, other promotional reward, discount or loyalty points offered generally to any public purchaser or to a broadly defined class of purchasers of a particular good or service, a redemption or frequent buyer card, which is received in relation to the purchase of a particular good or service for the agency;
- indirect or concealed gifts such as:
  - the permanent or indefinite loan of money or property;
  - the sale or transfer of property at less than full value; or
  - the provision of a benefit which has a financial or commercial value for less than full value
- provision of hospitality, including meals (excluding modest refreshments);
- accommodation;
- travel (airfares, taxi fares, vehicle hire)
- education or training not offered or paid for in full by your employer or yourself (e.g. external conference or seminar ticket, externally hosted training course, or completion or award of an external qualification); or
- entertainment.

**Government buyer**

A term used to describe the role of an employee or officer whose job involves the acquisition of goods and/or services for one or more Government Agencies. A buyer includes a manager or senior executive or any other employee or officer that is responsible for making a purchasing decision or exercising a financial or legal delegation in relation to a purchasing decision; and a member of a purchasing panel or committee that is able to influence or assists in making a purchasing recommendation.

**Members**

For this purpose of this Policy, 'members' refers to:

- Tasmania Police officers
- Volunteers of the TFS & SES

**Modest refreshment**

Means food or refreshment which generally is not in conjunction with a sit-down meal, such as coffee, biscuits, sandwiches, cake, hors d'oeuvres, fruit, or any other snack.

<b>Money or money equivalent</b>	includes cash, financial instruments, shares, units, gift cards/vouchers, discount coupons, loyalty bonus points that may be redeemed for a cash or non-cash personal reward, lottery tickets, 'scratchies', credit cards, debit cards with credit on them, memberships, prepayments such as phone or internal credit, any item that may be readily converted to cash.
<b>Must</b>	Indicates a mandatory action.
<b>Should</b>	Indicates a recommended action to be followed unless there are sound reasons for taking a different course of action.
<b>Token memento</b>	Means an item of little intrinsic value, such as a greeting card, confectionery, calendar, diary, magnet, pen, plaque/certificate or trophy which is solely for presentation, a scarf or tie, badges, souvenirs, craft, remembrances or other tokens bestowed at an official function, marks of courtesy (e.g. a bottle of moderately priced wine acknowledging appreciation for a speaking engagement), or of a seasonal nature of a minor value. Although it may be difficult to value a particular item that is received or offered, if a comparable item is commercially valued at \$10 or higher, the item is not a <i>token memento</i> and is considered to be a <i>gift, benefit or hospitality</i> ;
<b>Valuable object</b>	A physical object with a market value of AUD \$100 or higher as at the date of the offered gift.

## 11. Communication Strategy

This Policy will be accessible electronically through Conexus, and will be publicly available via the Department's internet page.

Communication of the Policy will occur through key messages via Conexus. They will also be provided during the induction of new staff.

## 12. Legislation and Policy Documents

[Tasmanian Whole of Government Gifts, Benefits and Hospitality Policy](#)

[State Service Act 2000](#)

[State Service Regulations 2011](#)

[Police Service Act 2003](#)

[Fire Service Act 1979](#)

[Tasmania Police Manual](#)

[Employment Direction No. 5 – Procedures for the investigation and determination of whether an employee has breached the Code of Conduct](#)

[Treasurer's Instructions relating to procurement](#)

## 13. Document Information

### *General Information*

<b>HP Records Manager No.</b>	A20/35193	<b>Replaces document</b>	DPFEM gifts, benefits & hospitality Policy A16/125625
<b>Effective from</b>	24 February 2020	<b>Review date</b>	December 2022
<b>Business Owner</b>	Deputy Secretary, DPFEM		
<b>Applies to</b>	Whole of DPFEM		
<b>Information Security Classification</b>	PUBLIC		

### *Approval*

	<b>Name</b>	<b>Position, Division/Area</b>	<b>Date</b>
Approved by		Agency Management Group	