

Gifts Policy

PURPOSE

This policy explains what the Integrity Commission considers is a 'gift' and the principles to be applied in relation to the offer, acceptance or refusal of gifts and to the giving of gifts. It also sets out the boundaries for applying the 'gift policy' and who it applies to.

SCOPE

This policy applies the Board, the Chief Executive Officer (CEO), employees, authorised persons, assessors, investigators, any member of or any person appointed to assist an Integrity Tribunal and a contractor.

Employment Direction No 8 – Gifts and Benefits applies.

In the case of State Servants, non-compliance with this policy is likely to constitute misconduct and may be dealt with under Employment Direction No 5 – *Procedures for the investigation and determination of whether an employee has breached the Code of Conduct*. It may also result in prosecution under the Criminal Code.

The policy is underpinned by the Commission's core values of respect; honesty; independence; accountability; professionalism; and trust.

What is and what is not a 'gift' is explained in Attachment 1.

POLICY STATEMENT

The policy reflects the nature of the Commission's responsibilities as an integrity organisation which works to improve the standard of conduct, propriety and ethics in Tasmania's public sector.

The Commission considers that the offer and acceptance of gifts creates a conflict of interest between private interests and public duty and therefore it poses a risk to the Commission's perceived and actual integrity and public reputation.

The Commission therefore directs that:

1. In relation to the receiving of gifts, staff must:

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- never solicit a gift in the course of their duties, for either personal benefit or for the benefit of anybody else;
 - decline any money or money equivalent gifts, drugs or illegally obtained property which is offered to them. In such circumstances the Commission also directs staff to immediately declare the offer and report it to the CEO;
 - decline prizes won at a work event;
 - never voluntarily enter into competitions or prize draws in the course of their work;
 - communicate this policy to the organiser of any event where they have been asked to speak or present. An example communication is Attachment 2; and
 - declare every accepted gift on the approved gift declaration form.
2. Staff may accept without declaring, a token memento or modest refreshment if it is not regularly occurring.
 3. All gifts and benefits received will be registered in a *Gift & Benefits* Register.
 4. If a gift has been accepted or staff are to accept regularly occurring token mementos or modest refreshments worth more than \$50 from one supplier in a 12 month period, the gifts must be declared.
 5. Accepted gifts are the property of the Commission until decided otherwise.
 6. The Commission expects that acceptance of a gift beyond a token memento or modest refreshment will be a very rare occurrence. However, if staff feel that *significant* offence or embarrassment will result from declining the offer of the gift, the gift may be accepted. If this occurs, the gift must be immediately declared.
 7. In relation to the provision of gifts, the Commission has determined that:
 - Staff may provide modest refreshments during the course of normal work interactions, such as at business meetings and that education courses and events delivered by the Commission will be fully catered as appropriate.
 - The CEO must give prior approval for the offering of a gift at official business functions. The gift must be recorded in the Commission's *Gifts & Benefits* register.

Directors

- Seek clarity and/or guidance from the CEO about any issue or instance that may be considered non-compliance with this Policy.
- Ensure that their staff understand the implications of acceptance of gifts and put in place processes that support this Policy.
- Refer Policy Framework for general responsibilities.

The CEO has specific responsibilities:

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- Provide guidance to staff who are unclear about any aspect of this Policy.
- Ensure that a Gift Register is maintained for all gifts received and offered.
- Report the offer of money or money equivalent gifts, drugs or illegally obtained property to Tasmania Police if necessary.
- Ensure that the Commission's annual audit and risk management process includes a review of compliance with this policy and that findings are reported to the Board.

The Director, Misconduct Prevention has specific responsibilities:

- Arrange the publication of disclosures on the Commission's website as soon as possible after a declaration is made

Employees

- Seek guidance from their Director about any issue relating to this Policy.
- Comply with any additional processes implemented by Directors to support this Policy.
- Refer Policy Framework for general responsibilities.

Document Management - Corporate Services

RELATED DOCUMENTS

Commission

- Policy Framework
- Statement of Values & Conduct (2016/000404)
- Conflict of Interest Policy
- Offer of a Reportable Gift or Benefit Form
- Gifts and Benefits Register

Other

- *State Service Act 2000*, ss90(11) & (12)
- *State Service Regulations 2011*, R.12
- *Criminal Code Act 1924*, Chapter IX 'Corruption and Abuse of Office'
- Employment Direction No 8 – Gifts and Benefits
- Employment Direction No 5 – *Procedures for the investigation and determination of whether an employee has breached the Code of Conduct* (ED5)

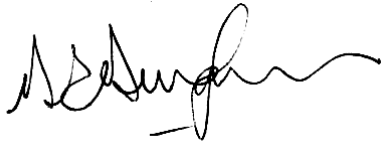
DOCUMENT CONTROL

Version	Release Date	Doc ref:	Reason
1.0	5/2/2019	2019/000180-1	Original Release
2.0	11/9/2019		Major

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APPROVED

Richard Bingham, Chief Executive Officer

A handwritten signature in black ink, appearing to read 'R Bingham', with a stylized, flowing script.

11 September 2019

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ATTACHMENT 1 - WHAT IS A GIFT?

In considering an offer and acceptance of gifts, the central considerations should be:

- what is the intent of the offer? and
- what would an impartial observer think?

In summary, staff should not expect to receive a gift for doing a job they are paid by the public to do. In most situations 'thanks is enough'.

Definitions

Gift means any hospitality, gratuity, favour, discount, entertainment, loan, forbearance, or other benefit having monetary value gained by a person in the course of or in relation to their duties at the Integrity Commission (Commission) from any person or entity other than the Commission. It includes, but is not limited to:

- a gift of money or money equivalent;
- a gift of a physical object;
- 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 Commission;
- 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;
 - ✚ meals, drinks and other hospitality;
- sponsored travel (e.g. accommodation, airfares, taxi fares, vehicle hire);
- education or training not offered or paid for in full by the Commission or the individual (for example an external conference or seminar ticket, externally hosted training course, or completion or award of an external qualification); or
- entertainment (e.g. tickets to arts/sporting/recreational events) for less than full value.

A gift does not include:

- an item or hospitality provided by the Commission to celebrate a significant staff milestone or achievement;
- an event hosted by the State which you attend at the State's cost; or

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- an item given or received between Commission staff members, for example on a staff birthday, provided it does not create an actual, potential or perceived conflict of interest with respect to internal decision-making.

A **token memento** is an item of little intrinsic value, such as a greeting card or confectionery. Token mementoes are commercially valued at less than \$20.

A **modest refreshment** is food or refreshment of less than \$20 value, such as sandwiches or coffee, given as a matter of course during normal work interactions, training and business meetings. It may include light meals provided during workshops, training sessions or other events where staff are invited presenters (but only where attendees are not paying for the event or meal).

Regularly occurring means the acceptance of **token mementos** or **modest refreshments** from a single supplier which in total are valued at \$50 or higher in a 12 month period.

Government buyer is anyone to whom this Policy applies who acquires goods and/or services for the Commission.

Money or money equivalent 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, and any item that may be readily converted to cash.

Sponsored travel includes the provision of transport, accommodation or living expenses to anyone to whom this Policy applies, other than from the Commission's funds or the person's own resources.

ATTACHMENT 2 – STANDARD COMMUNICATION TO EVENT ORGANISERS

As is our standard practice, I am letting you know in advance that our staff adhere to a policy of not accepting gifts or benefits in our work. We look forward to assisting your [agency/organisation] and a simple ‘thanks’ is enough if you wish to express appreciation for our work. If your [organisation/agency] would like to express further appreciation, you are welcome to send a message to integritycommission@integrity.tas.gov.au.

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