



Western Sydney
Parklands Trust



Parramatta Park Trust

Gifts, benefits and hospitality policy

Document control

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Contents

1. Summary	1
2. Application	1
3. Compliance.....	1
4. Policy	1
4.1 Policy objectives	1
4.2 Policy Principles.....	1
4.3 Procedures	2
5. Risk.....	2
6. Legislation and Obligations.....	3
7. Review	3
Appendix A: Procedure.....	4
1. Background.....	4
2. Risk.....	4
2.1 Higher risk jobs	4
3. Key definitions	5
4. Gifts and benefits.....	6
5. Hospitality	7
5.1 Network events	8
5.2 Travel and accommodation	8
5.3 Competitive scholarships and awards	8
5.4 Purchase incentive schemes	9
6. Declare and register	9
7. Delegate approvals.....	10
8. Disposal	10
8.1 Gifts that cannot be returned	10
8.2 Acceptance of prizes	Error! Bookmark not defined.
9. Provision of gifts to others	11
10. Accountabilities.....	11
Appendix B: Gifts, benefits and hospitality declaration form	Error! Bookmark not defined.
Appendix C: Decision flow chart.....	12

Declare

Gifts, benefits and hospitality policy

1. Summary

Staff should never seek or accept any payment, gift or benefit intended or likely to influence a decision or action. This also applies to offers of gifts, benefits or hospitality that could be reasonably perceived by an impartial observer as intended or likely to influence a staff member. Managing such situations appropriately will help staff avoid unprofessional and unethical conduct, or the perception that such conduct has occurred.

2. Application

This policy applies to Office of Environment and Heritage employees, including permanent, temporary, labour hire and seconded staff. This policy does not apply to individuals or employees of organisations that provide services under contract to the WSPT and PPT.

3. Compliance

Compliance with this policy is **mandatory**. Compliance with this policy directive forms part of the contract of employment, and failure to comply with the policy may lead to termination of employment.

4. Policy

4.1 Policy objectives

The objectives of this policy and procedures are:

1. to provide clear and detailed guidance to staff about what is a gift, benefit and hospitality and what they should do when such offers are made;
2. to ensure staff are acting within their statutory obligations under Part 2 *Government Sector Employment Act 2013*
3. to ensure consistency with *Public Service Commissioner Direction No 1 of 2014 under the Government Sector Employment Act 2013*.

4.2 Policy principles

Acceptance of a gift, benefit or hospitality can create a sense of obligation that may compromise impartial and honest decision making, and may be perceived as a bribe to further personal or business interests.

In the business context, the offer of gifts, benefits and hospitality can have different meanings and purposes. The purpose of such offers, to a certain extent, affects how they should be managed.

In relation to the management of gifts, benefits and hospitality, the key principles apply:

1. Acceptance of any gift or benefit aimed to influence your duties is prohibited.

Gifts, benefits and hospitality policy

2. Under no circumstances should staff request gifts, benefits or hospitality for themselves, their friends or family from any of the people they deal with in the course of their work. This also includes work colleagues.
3. Attempts at bribery must be resisted and immediately reported.
4. Acceptance of gifts of money or gift vouchers is strictly prohibited.
5. All gifts, benefits and hospitality offered must be declared unless they are of token value which under this policy is considered to be up to the value of \$25.00.
6. Approval must be obtained from the relevant delegate to keep any gift or benefit or to attend an event considered to be high risk hospitality.
7. Acceptance of gifts of gratitude or appreciation are generally permitted as long as they do not exceed the token value of \$25.00.
8. All gifts, benefits and hospitality received, that exceeds \$25.00 and cannot be returned or refused, must be declared.
9. Restrictions apply to accepting cumulative gifts of nominal value.
10. Acceptance of gifts and benefits (including token value) associated with procurement is strictly prohibited
11. Ceremonial gifts offered by WSPT/PPT to visiting delegates should not exceed the nominal value of \$25.00
12. Modest hospitality to individuals and representative of other agencies who visit WSPT/PPT for work related purposes is permissible.
13. Approved gift tokens of appreciation to individuals who have given non-paid presentations to our staff must not exceed the nominal value of \$25.00

4.3 Procedures

Staff should refer to the Procedures document (Appendix A) for additional information on:

- Managing gifts, benefits and hospitality
- the approval process for accepting a gift, benefits and hospitality
- disclosing a gift, benefit and hospitality
- disposing of gifts that cannot be returned to the giver
- reporting attempts of bribery.

5. Risk

There are very real risks associated with staff accepting gifts, benefits and hospitality in the course of their work. Such offers may influence their behaviour (or gives the perception that they are being influenced) and may cause them to act partially towards the provider, rather than impartially in accordance with public duty.

Gifts, benefits and hospitality policy

6. Legislation and Obligations

Legislation and / or mandating instruments that this policy supports are:

- *Crimes Act 1900*
- *Government Information (Public Access) Act 2009*
- *Independent Commission Against Corruption Act 1988*
- *Ombudsman Act 1974*
- *Privacy and Personal Information Protection Act 1998*
- *Public Interest Disclosures Act 1994*
- *Public Finance and Audit Act 1983*
- *Government Sector Employment Act 2013*
- *Government Sector Employment Rules 2014*
- *OEH Code of Ethics and Conduct, 2015*
- *Public Service Commissioner Direction No 1 of 2014 under the Government Sector Employment Act 2013*
- *OEH Statement of Business Ethics*
- *OEH Procurement Manual, 2015*

7. Review

The Executive Officer will ensure the implementation of this policy and coordinate its review. Reviews will be undertaken at least every three years and more frequently if changes in legislation, policies or other areas require the amendment of this policy. The next scheduled review is due in 2018.

Appendix A: Procedure

This Procedure applies to staff of the Office for the Environment and Heritage.

The term 'staff' is used in this Procedure to cover all:

- permanent and temporary staff and senior executive
- labour hire
- staff seconded to the WSPT/PPT.

1. Background

Staff may be offered gifts, benefits or hospitality for a variety of reasons and circumstances. Effectively managing these situations is crucial to avoiding unprofessional and unethical conduct, or the perception that such conduct has occurred.

This Procedure outlines the specific requirements relating to gifts, benefits and hospitality including the requirement for staff:

- to not seek gifts and benefits
- to decline hospitality that extends beyond reasonable courtesy; and
- to always consider the value and purpose of a gift, benefit or hospitality before making any decisions about accepting it.

This Policy does not apply to staff recognition incentives or attendance at events sponsored or organised by the WSPT/PPT.

2. Risk

While most gifts, benefits and hospitality are intended as a token of appreciation sometimes they are offered to influence the decision a staff member is, or will be, making. In such situations, the intent of the giver is to advance their interest either now, or in the future. Even gifts of moderate value will be used to cultivate a relationship where the employee feels an obligation or loyalty to the giver.

Accepting such gifts, benefits and hospitality under such circumstance is inconsistent to the Ethical Framework under the *Government Sector Employment Act 2013*. It may also be considered corrupt conduct under the *Independent Commission Against Corruption Act 1988* and may lead to criminal prosecutions.

There can be serious consequences for the WSPT/PPT if the management of gifts, benefits and hospitality is not appropriately managed. This includes loss of public trust, financial loss and possible legal action.

2.1 Higher risk jobs

While all staff need to be cautious when offered a gift, benefit or hospitality, staff involved in the following activities need to be especially alert to the potential risks:

- Making, or advising on, purchasing decisions

- Evaluating tenders, quotes, proposals or applications
- Administering, or advising on, grants or approvals
- Managing contracts
- Regulating individuals, organisations or industries
- Delivering valuable services to individuals, companies or organisations, including the hiring of staff.

3. Key definitions

All terminology in this Policy is taken to mean the generally accepted or dictionary definition with the exception of the following terms which have a specifically defined meaning:

For the purpose of this Policy, the following definitions apply:

- A **gift** is an item of value which one person or organisation gives to another (for example, gift vouchers, entertainment, hospitality, travel commodities, property etc).
- A **benefit** is a non-tangible item of value (for example, a new job or a promotion, preferential treatment or access to confidential information) that one person or organisation confers on another.
- **Low risks hospitality** includes free or subsidised meals or beverages provided to individuals infrequently (and/or reciprocally) by individuals and representatives of other agencies (including private sector organisations) associated with meetings or visits in connection with official functions.
- **High risk hospitality** includes invitation to staff (also extends to staff family members, relations, friends and associates) to corporate boxes, concert tickets, supplier-run Melbourne Cup events or golf days, lunches or dinners to 'seal the deal' or the signing of a contracts.
- A **bribe** is a gift or benefit that is offered to or solicited by a public officer to influence that person to act in a particular way.
- A **network event** is a third party run event for the sole purpose of promoting products and services.
- **Conflict of interest** refers to situations where a conflict arises between public duty and private interest which could influence the performance of official duties and responsibilities.
- The WSPT/PPT has set a threshold (**token value**) of \$25.00 where gifts, benefits and hospitality estimated to be below that level can be accepted if it does not compromise the staff member, or cause an actual, potential or perceived conflict of interest.
- A centralised **gift register** of all gifts, benefits and hospitality declarations over the value of \$25.00 will be maintained by the Executive Officer.

- The WSPT/PPT Gifts, Benefits and Hospitality **declaration register** must be used for all such declarations. The register is administered by the Executive Officer and any declarations should be emailed to the Executive Officer for inclusion on the register. This applies to gifts, benefits or hospitality valued at over \$25.00 and to gifts, benefits or hospitality, of token value, which is cumulative from the one provider.

4. Gifts and benefits

4.1 Gifts, benefits and hospitality of token value that can be accepted without declaration

Gifts, benefits and hospitality with a token value up to \$25 can be accepted, as long as the business relationship between the recipient and the gift giver has been completed, and staff, to the best of their knowledge, is unlikely to make any decision in the immediate future that involves that person or organisation. In such cases no further approval or recording is required.

If there is any doubt about the intention of the gift giver or the value of the gift, staff must discuss the issue with their manager and seek their direction on whether the gift could, in any way, compromise their role. Staff should refer to the decision making guide (Appendix C) to assist them in deciding whether or not to refuse any gift or benefit.

4.2 Gifts and benefits that must not be accepted

Gifts, benefits and hospitality listed below must not be accepted regardless of its value:

1. Gifts and benefits that seek to influence an individual's duties

Individuals must not offer, seek or accept any payment, gift, benefit or hospitality that actually, has the potential to, or may be perceived by others as intending or likely to influence them:

- to act in a particular way (including making a particular decision)
- to fail to act in a particular circumstance
- to otherwise deviate from the appropriate exercise of their official duties.

Token gifts such as pens, stationery and similar which have 'branding' must also be avoided as this may give the perception to others that you are advertising a certain private entity.

2. Attempts at bribery

Staff must refuse any gift or benefit that they believe is offered as a bribe. Individuals should contact the Executive Director immediately if they are concerned that they or a colleague has been offered a bribe, or that a colleague has sought or accepted a bribe.

3. Gifts of money/gift vouchers

In no circumstances must gifts of money in connection with official duties be requested or accepted. This includes gift vouchers, shares, personal loans and other monetary equivalents.

4. Gifts and benefits associated with procurement and purchasing

Staff employed in procurement, involved in significant procurement activity or involved in low end purchasing and procurement should not offer or accept any gift or benefit from potential suppliers and must refuse such offers.

This includes invitations to supplier-sponsored Christmas parties/events but does not include moderate hospitality such as tea, coffee or sandwiches offered during meetings.

5. Gifts and benefits to family members and friends

Gifts and benefits to family members or friends that arise in connection with an individual's official duties, or could be perceived to be connected with official duties by a reasonable observer, must not be offered or accepted.

6. Bonus gifts for purchases

Individuals involved with procurement and tendering should also be aware that unsolicited gifts could also be offered by a company offering a free gift to clients who order a certain quantity of a product i.e. a purchase incentive scheme.

To ensure WSPT/PPT remains impartial, the bonus/gift must not be accepted. Options available include not proceeding with the purchase or not accepting the bonus/gift. The following section provides more information on purchase incentive schemes.

5. Hospitality

How to deal with offers of hospitality requires special attention. This is particularly the case where staff, because of the nature of their jobs, are expected to develop effective working relationships with contacts in the commercial sector, but, at the same time, must ensure that such relationships do not result in preferential treatment (or the appearance of preferential treatment) for those commercial contacts.

Guidelines can assist employees to make the right decisions, but there will always be grey areas demanding careful judgment. This procedure has adopted the Public Service Commission's classification of 'hospitality' into low risk and high risk.

Examples of **low risk hospitality** include:

- functions where the recipient attends in an official capacity as their organisation's representative
- hospitality provided as part of a conference package, where the department/agency has paid a fee for the employee to attend
- catered briefings, roundtables, launches and similar, where invitees from a range of external organisations are present
- occasional working lunches, where the hospitality is incidental and of low value – say, sandwiches and coffee.

Examples of **high risk hospitality** include:

- restaurant meals (except as described in the first and third dot points above);
- invitations to corporate boxes or marquees;

- invitations to lunches, dinners or other events to 'seal the deal', or to 'celebrate' finalisation of a procurement process or the signing of a contract, invitations to functions held in private homes;
- invitations which extend to family members, relations, friends and associates.

As a general rule, where there is doubt about whether to accept hospitality, employees and their managers should err on the side of caution and not accept.

Acceptance of hospitality that is higher risk should always be accompanied by a commensurately greater level of transparency and declared as soon as is practicable.

If hospitality is accepted in good faith, but a third party attempts to use the occasion to raise a materially significant matter relating to their business or private affairs, the employee should politely decline to discuss the matter and, if appropriate, propose that a formal meeting be organised for a later date.

5.1 Network events

It is often important to attend third party run events to hear about products and services on the market which may be of interest to WSPT/PPT. Often these events include free hospitality (e.g. breakfast). This could be perceived as a high risk hospitality category and for the purpose of this policy and procedure, invitations to these events must be declared and approved by the relevant delegate as outlined in Section 7. Delegates should ensure that acceptance of such offers does not create a conflict of interest.

It is not appropriate to accept offers of paid travel or accommodation for attendance at such events.

Networking events, functions and conferences organised by professional bodies such as business chambers, tourism forums, professional institutes to which WSPT/PPT or staff may be a member, are regarded as low risk events.

5.2 Travel and accommodation

Staff should never seek or solicit an upgrade from a travel or accommodation provider in relation to official travel. If, however, a travel or accommodation provider seeks to upgrade the staff for operational reasons, at no charge to the employee or WSPT/PPT (for example, where an airline upgrades a traveller to business class because it has overbooked its economy class for that flight) the staff may accept the upgrade, but should declare the upgrade using the ***Gifts, benefits and hospitality declaration form***.

5.3 Competitive scholarships and awards

Staff may be eligible to apply for competitive scholarships or awards in recognition of their achievements or potential in their field of expertise. Examples include, the NSW Premier's Awards and the Institute of Public Administration Australia Awards. Such scholarships are permitted with the approval of the relevant delegate.

Recipients of such awards should record all relevant details of the award, including details of their manager's approval, in the ***Gifts, benefits and hospitality declaration form***.

5.4 Purchase incentive schemes

Bonus gift, benefit or hospitality offered through a purchase incentive scheme to staff purchasing goods or services in their official capacity should be refused or returned. Personal use of bonus gift, benefit or hospitality is strictly prohibited. If it is not practical to refuse or return the bonus gift, benefit or hospitality, refer to disposal options covered in Section 8.

6. Declare and register

Staff do not need to declare receipt of gifts of token value and moderate hospitality including pens, pamphlets, food and beverages that are provided by another agency or individual as part of normal work related activities including interviews, business meetings, conferences and seminars where they are given to all participants.

However, if the gift or hospitality is above the value of \$25 and/or there is any suggestion or reason to possibly perceive that it may be offered in an attempt to influence the individuals' duties, it must be declared using the *Gifts, benefits and hospitality declaration form*.

Declined gifts, benefits and hospitality over \$25 – the *Gifts, benefits and hospitality declaration register* must be completed by the staff member and by emailing the Executive Officer for inclusion on the '*Gifts, benefits and hospitality register*' .

Gifts, benefits and hospitality over \$25 - the *Gifts, benefits and hospitality declaration register* must be completed by the Executive Officer as advised by a staff member after they have received approval by the relevant delegate before such an offer can be accepted.

Cumulative gifts of token value

If a staff member is offered two or more gifts of appreciation or gratitude within a twelve month period regardless of the value of the gift, from the one company/individual source, they are regarded as a cumulative gift. Such gifts or benefits must be declared using the *Gifts, benefits and hospitality declaration register*.

Gifts, benefits and hospitality declaration form

The information to be included in the *Gifts, benefits and hospitality declaration register* is:

- date of the offer or receipt
- name of the receiver
- name and organisation of the giver
- description of the gift or benefit
- whether it is a cumulative or single gift, benefit or hospitality
- estimated value of the gift or benefit, where possible supported by evidence
- description of the context in which the gift or benefit was offered and/or received
- disclosure of any relationship – business or personal - between the giver and receiver
- name of the approving manager or supervisor

- decision by the relevant delegate, for example:
 - accept and retain - the employee or department/agency will accept and retain or
 - accept and dispose - the department or agency will accept and dispose (in accordance with relevant asset disposal policies) e.g. donate to charity or
 - refuse - acceptance of the gift or benefit is refused
 - reasons for the decision.

Further advice

For further advice and information on the management of gifts, benefits and hospitality you should speak to the Executive Officer or the Executive Director.

The Executive Director will review the *Gifts, benefits and hospitality register* every 12 months to track patterns and trends related to this policy.

7. Delegate approvals

Role	Responsibility
The Chief Executive	Delegated to approve gifts, benefits and hospitality declared by the Executive Director
Executive Director	Delegated to approve gifts, benefits and hospitality declared by Director level positions
Directors	Delegated to approve gifts, benefits and hospitality declared by staff below Director level

8. Disposal

8.1 Gifts that cannot be returned

There may be circumstances where a gift may not easily be returned. Examples include, but are not limited to:

- gifts accepted for cultural, protocol or other reasons, where returning it would be inappropriate
- a wrapped gift that the recipient does not open in the presence of the gift giver
- anonymous gifts received through the mail or left for the official without a return address
- a gift received in a public forum where attempts to refuse or return it would cause significant embarrassment
- gifts received for giving a presentation/paper at a conference/seminar event.

In such circumstances, the gift must be declared using the *Gifts, benefits and hospitality declaration form* and must be given to the relevant delegate who will determine the appropriate outcome for the gifts. This may include (but not limited to):

- make available the gift to other staff for appropriate use, e.g. a book going in the library or perishables shared amongst staff; or
- donating the gift to an appropriate charity.

In some circumstances it may be appropriate to keep the gift within the WSPT/PPT for the ultimate benefit of the public purse, such as a gift that is useful for the portfolio's work. Similarly, gifts from visiting delegations or personalised gifts such as plaques should be given to the Executive Director.

If unsure what to do with a gift contact the Executive Officer for advice.

9. Provision of gifts to others

It is acceptable practice to offer moderate hospitality to individuals and representatives of other agencies who visit WSPT/PPT for work related activities. It is also acceptable to give tokens of appreciation to individuals who have given non-paid presentations to staff. Such gifts should not exceed the token value of \$25.

It is also acceptable to give ceremonial gifts to visiting delegations from overseas agencies. Such gifts should not exceed the token value of \$25.

Gifts purchased collectively by staff and presented to an individual for occasions such as an important personal event (e.g. birthday or wedding) are not covered by this Policy.

10. Accountabilities

All staff have a responsibility to declare any offers of gifts, benefits and hospitality in accordance with this policy and procedures. If you unsure whether a gift, benefit or hospitality falls under the token value the offer should always be declared.

The Executive Officer:

- maintains a centralised register of declared gifts, benefits and hospitality
- undertakes an annual review of the *Gifts, benefits and hospitality register* to identify and manage any emerging risks and report the finding to the Executive Director
- provides a point of contact for anyone wanting information or advice about the meaning or application of this Policy
- investigates allegations relating to breaches of the Policy
- as required, takes appropriate action in terms of compliance
- routinely disseminates information on gifts, benefits and hospitality to staff, for example in staff newsletters or other communication documents.

Gifts, benefits and hospitality Policy

Appendix C: Decision flow chart

Is the gift, benefit and hospitality being offered or received:



Note:

- A gift is an item of value (e.g. gift voucher, entertainment, hospitality, travel, commodity, property, etc.) which one person or organisation presents to another
- A benefit is a non-tangible item of value (e.g. a new job or promotion, preferential treatment or access to confidential information etc.)