



GIFTS, BENEFITS & HOSPITALITY: PROCEDURES

Our Values

As outlined in the Department's Gifts, Benefits and Hospitality Policy, the Department recognises the importance of ensuring employees act with integrity and are open and transparent with the Tasmanian community.

We act with

Integrity

Respect

Accountability

Our workplaces are

Inclusive

Collaborative

Declaration

Any officer or employee who receives an offer of a *gift, benefit or hospitality* that complies with the Gifts, Benefits and Hospitality Policy, and wishes to accept the *gift, benefit or hospitality*, must complete the 'Acceptance of Gift, Benefit or Hospitality Declaration Form' (Appendix 1) and provide it to their Output Manager for noting prior to forwarding to gifts@justice.tas.gov.au. Once sent to the inbox the Head of Agency or delegate will be provided with the declaration for consideration and approval. Output Managers should provide their declaration form to the relevant Deputy Secretary for consideration and approval prior to forwarding to the gifts inbox.

Any officer or employee who receives an offer of a *gift, benefit or hospitality* and does not wish to retain it or is unable to retain the *gift, benefit or hospitality*, and is unable to return the *gift, benefit or hospitality*, must surrender the *gift, benefit or hospitality* to their Output Manager while awaiting approval and if appropriate, disposal. They must also complete the 'Acceptance of Gift, Benefit or Hospitality Declaration Form' noting the surrender of the gift and disposal of the item.

Any officer or employee who receives an offer of a *gift, benefit or hospitality* on behalf of DoJ, or for the benefit of DoJ, must surrender the *gift, benefit or hospitality* to their Output Manager for approval or disposal, and complete the 'Acceptance of Gift, Benefit or Hospitality Declaration Form' noting the surrender of the gift and DoJ's future use or disposal of the item.

There is no requirement to declare the offer or acceptance of a *token memento* or *modest refreshment* unless the officer or employee has received and accepted *token mementos* and *modest refreshments* from a single supplier that are valued in total at over \$100 in an annual period. If the annual threshold is reached, the officer or employee is required to complete the 'Acceptance of Gift, Benefit or Hospitality Declaration Form' detailing the receipt of each of the *token mementos* and *modest refreshments* and follow the above mentioned declaration process. However, even though it is not necessarily required it is good practice to declare the receipt of token mementos in order to ensure total transparency.

If the officer or employee completing a declaration is the Head of Agency, the declaration is to be provided to the Secretary of the Department of Premier and Cabinet.

Declaration forms must be completed as soon as practicable and sent to gifts@justice.tas.gov.au for processing. Completed Declaration forms are stored on Content Manager by the Office of the Secretary.

When can you accept a gift and when can you not?

You must **never** accept a *gift, benefit or hospitality, token memento or modest refreshment* in the following circumstances:

- It is *money or money equivalent*;
- It is a *valuable object* valued at \$100 AUD or higher;
- You are a *Government buyer* and your acceptance may influence or be perceived to influence a procurement or disposal decision;
- You or DoJ makes decisions or gives advice regarding the gift giver or are likely to in future and your acceptance may influence or be perceived to influence the decision or advice;
- Your acceptance may otherwise cause an actual, perceived or potential conflict of interest, or may be seen by other people as a reward or incentive.

You must **never** solicit a *gift, benefit or hospitality* in the course of your duties as an officer or employee, for your personal benefit or for the benefit of a spouse, partner, friend or family member.

In each of the above instances, you must immediately decline and return (if a physical item) the *gift, benefit or hospitality or token memento or modest refreshment*. You are not required to declare the offer or receipt of the *gift, benefit or hospitality or token memento or modest refreshment* if it is immediately declined or returned. If you have been offered or received *money or money equivalent*, drugs or illegally obtained property in the course of your duties or in relation to your duties from any person or entity, you are required to immediately report the offer or receipt to Tasmania Police and to the Head of Agency or their delegate so that appropriate action may be taken.

In all other circumstances:

- If you are offered a *token memento or modest refreshment* you may consider accepting it if it is not *regularly occurring*. You are not required to declare the receipt of a *token memento or modest refreshment* if it is not *regularly occurring*. However, it is good practice to declare the receipt of a *token memento* to ensure total transparency.
- If the item is not a *token memento or modest refreshment*, but instead a higher valued *gift, benefit or hospitality*:
 - You should decline or return the offered *gift, benefit or hospitality*. You are not required to declare the offer or receipt of the *gift, benefit or hospitality* if it is promptly declined or returned.
 - If you are unable to decline or believe it is appropriate to accept the *gift, benefit or hospitality*, you must follow the declaration process outlined above.

Gift Register

The Gift Register will be centrally maintained on Content Manager by the Office of the Secretary.

Public reporting

Public reporting of the Gifts Register is required for all accepted and provided gifts, benefits and hospitality over \$100 (cumulative) in each financial year.

Public reporting will be:

- A minimum of quarterly with information published on the DoJ website within 14 calendar days of the end of the quarter.
- Previous quarter reports to remain on the website.
- Published in the DoJ Annual report for that financial year.

The public reporting will include the following minimal information for **accepted** gifts:

- Date of receipt of offer
- Description of gift, benefit and/or hospitality offered
- Reason for acceptance
- Person/organisation offering gift
- Value of gift.

The public reporting will include the following minimal information for gifts **provided** to people from other agencies, businesses or organisations

- Date of offer of gift, benefit and/or hospitality
- Description of gift, benefit and/or hospitality offered
- Reason for providing the gift, benefit and/or hospitality
- Person/organisation provided gift, benefit and/or hospitality
- Value of gift.

Responsibility for publication of the Gift Register in line with this Policy resides with the Director of the Office of the Secretary.

Internal offer of a gift, benefit or hospitality

From time to time DoJ may host small functions to celebrate significant milestones or achievements. Examples include the retirement or resignation of a staff member or the celebration of the completion of a significant project involving a number of staff who made a significant contribution to the project. Such entertainment will be modest in nature in terms of expenditure e.g. for food and drink, be for a restricted time and declared to Finance using the [Entertainment Payment Declaration form](#). If you are responsible for organising an event you should ensure the event is arranged in accordance with the Department's [Entertainment Policy](#).

On occasion, the State may host a function to celebrate a significant milestone or achievement, or commemorate an action or event, and you are requested to attend at the State's cost. There is no requirement to declare the acceptance of these kinds of hospitality as a *gift, benefit or hospitality*.

Internally, officers and employees form personal friendships and may offer or receive a *gift, benefit or hospitality* to or from a fellow officer or employee to commemorate an action, event or anniversary, such as a birthday, illness or bereavement. There is no requirement to declare a *gift, benefit or hospitality* received from an internal colleague, however, the acceptance of the gift should not cause an actual, potential or perceived conflict of interest with respect to internal decision-making. Such gifts, benefits or hospitality **must not** be purchased with Departmental funds.

Sponsored Travel

Sponsored travel includes the provision of transport, accommodation or living expenses to officers or employees other than from Agency funds or the officer's or employee'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.

As noted above, any officer or employee who receives an offer of Sponsored Travel and wishes to accept the *gift, benefit or hospitality*, must complete the 'Acceptance of Gift, Benefit or Hospitality Declaration Form' and provide it to the Head of Agency or delegate for approval. Any approval of Sponsored Travel is conditional upon the officer or employee sharing the learning they gain from the Sponsored Travel in writing with relevant colleagues in their agency promptly upon their return.

Head of Agency or Delegate

Declarations are ultimately approved by the Head of the Agency or their delegate following noting by the Output Manager. The Head of Agency has delegated this power to the Deputy Secretaries.

When a Head of Agency or their delegate receives an 'Acceptance of Gift, Benefit or Hospitality Declaration Form' for approval of acceptance of a gift, benefit or hospitality, the Head of Agency or their delegate should consider whether there is sufficient public interest to support the acceptance of the gift, benefit or hospitality.

For example, whether there is a direct link to an official purpose; and that the gift, benefit or hospitality is of demonstrable benefit to DoJ, the State, the Government or the public. Both the relationship between the giver of the gift, benefit or hospitality and the intended recipient, and the intent of the offer should be considered, together with how the offer may be perceived by the public.

Declaration Form – Appendix 1

Acceptance of Gift, Benefit or Hospitality Declaration Form			
Employee Name		Output	
Date of offer	/ /		
Item provided by (name, role, organisation)			
Description			
Estimated value (\$)			
Signature of Employee		Date	/ /
<p><i>Reason offer accepted (select applicable):</i></p> <p> <input type="checkbox"/> Builds goodwill <input type="checkbox"/> Professional development / training <input type="checkbox"/> Maintains stakeholder relationship(s) <input type="checkbox"/> Encourages and enhances Professional networks <input type="checkbox"/> Transferred to DoJ for public presentation <input type="checkbox"/> Other (specify) _____ </p>			
Noted by Output Manager			
Signature		Date	/ /
Approved/Not approved by Head of Agency/Delegate			
Signature		Date	/ /
Reasons			

Once noted by Output Manager, email this form to gifts@justice.tas.gov.au

Responsible Officer	Office of the Secretary
Date approved	August 2022
Review date	August 2025
Reference	DOC/87934