



Tasmania

**RECEIPT AND GIVING OF GIFTS AND BENEFITS
GUIDELINES FOR GOVERNMENT MEMBERS OF
PARLIAMENT**

2006

1. APPLICATION OF POLICY

- 1.1 These guidelines apply to:
- Government Members of Parliament;
 - The immediate families of Government Members of Parliament (ie spouses, partners and dependent children) but only in relation to or consequential on the official duties of the Member.
- 1.2 Any reference to 'Member' in this policy shall be read as including all the categories listed above.
- 1.3 Where the Premier is the Member who has received or is giving a gift, then the reference to 'the Premier' in this document as the approving authority shall be read as meaning the Secretary, Department of Premier and Cabinet.

2. DEFINITION OF GIFTS

2.1 For the purposes of this policy, a gift has its common meaning and includes but is not limited to:

- a gift of money;
- a gift of a physical object;
- the conferring of a benefit; or
- 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.

2.2 Gifts:

- made in a will;
- to or from a relative, friend or acquaintance outside of the course of official duties and which do not give rise to or create the appearance of a conflict of interest; or
- that form part of an approved assistance programme such as a disaster relief arrangement

do not fall within the scope of this policy.

2.3 In cases of doubt, the matter should be referred to the Premier or the Secretary, Department of Premier and Cabinet for determination.

3. PRINCIPLES

- 3.1 The acceptance and giving of gifts by Members should be guided by the principles set out below. It is inevitable that situations will arise which are not adequately dealt with by this policy. There is always a judgmental element and it is the responsibility of the Member to decide what is appropriate. Guidance can be obtained from the Premier or the Secretary, Department of Premier and Cabinet if required.
- 3.2 The overriding concern is to ensure that no conflict exists or appears to exist between the public duty and private interest of a Member. Such conflict or appearance of conflict could relate to a Member's past, current or future duties.
- 3.3 The propriety of accepting any gift must always be judged in terms of the possibility of creating or appearing to create a conflict of interest notwithstanding that the gift might be of lesser value than the monetary limits established by this policy.
- 3.4 Other than for token gifts, Members should indicate that it is contrary to Government policy to accept gifts. There are circumstances, however, where the acceptance of a gift is necessary such as where:
- refusal would adversely affect the interests of the State;
 - refusal would cause offence or embarrassment;
 - refusal would be contrary to the cultural norms of the donor; or
 - the gift is part of a formal exchange of gifts between the Tasmanian Government and another government, institution, company or person approved by the Premier (eg those items presented at meetings with members of the diplomatic and consular corps).
- 3.5 Under no circumstances should Members accept gifts involving the transfer of money or financial instruments regardless of value.
- 3.6 If two or more gifts from one source are received by a Member or their immediate family in any calendar year, the aggregate value of the gifts shall apply to each individual gift. Regular or frequent gifts from a single source should be discouraged and avoided.

- 3.7 Members should not give or make available any gift or benefit other than as required for the discharge of their official duties in any circumstances which would give rise to or create the appearance of a conflict of interest.

4. RECEIPT OF GIFTS

4.1. TOKEN GIFTS

4.1.1 Table favours, mementoes, remembrances or other tokens bestowed at an official function and other gifts received as souvenirs, marks of courtesy or of a seasonal nature may be accepted and retained by Members provided that they are of minor value (eg. books, diaries, ties and scarves, pens, pins and badges, etc) and do not give rise to or create the appearance of a conflict of interest.

4.2 PERSONAL GIFTS

4.2.1 Personal gifts are those items that are clearly intended for the personal use or consumption of the recipient. These sorts of gifts would include bottles of wine, hampers of food, items of clothing etc. Again the value should be minor and the gift itself should not give rise to or create the appearance of a conflict of interest. Members may also retain personal gifts.

4.3 OTHER GIFTS

4.2.1. OWNERSHIP

- (i) All gifts other than token and personal gifts received in the course of official duty are to be declared and automatically become the property of the Crown.
- (ii) Where the value of a gift referred to in (i) above is less than \$500 the Member may apply to the Premier to retain the gift.
- (iii) The value of a gift is assessed on the basis of the Australian wholesale price in Australian dollars.
- (iv) If there is any doubt as to whether a gift exceeds the \$500 limit, the Department of Premier and Cabinet will obtain a formal valuation from a valuer competent in the appropriate field. Any costs incurred in obtaining the valuation are to be borne, in the case of a Minister, by the recipient's portfolio department otherwise by the Department of Premier and Cabinet.

4.2.2. DECLARATION AND FUTURE USE OF GIFTS

- (i) Within 14 days of receiving a gift or, where the gift was received overseas, within 14 days of returning to Australia the Member shall inform the Protocol Office about the gift.
- (ii) The Protocol Office must evaluate all gifts to assess whether it needs to be declared (ie it is not a token or personal gift) and consult with the Member or the Member's staff on its intended future use.
- (iii) If the gift is to be declared, the Protocol Office shall:
 - complete a Declaration of Official Gift form; and
 - forward the declaration to the Member's office for the Member to sign. Signed forms are then to be returned to the Protocol Office, which will update the Gifts register.
- (iv) All gifts other than token and personal gifts must be declared and surrendered even if it is the intention of the Member to apply to the Premier to retain the gift.
- (v) A copy of the appropriate format for a declaration is attached at Annex A.
- (vi) Members are encouraged to make practical recommendations concerning the future of surrendered gifts.
- (vii) For every declared gift the Premier will approve its future use including, but not limited to:
 - Transferred on loan for display in the Member's parliamentary or, if appropriate, ministerial office;
 - Transferred on loan for display in other Government offices;
 - Transferred on loan to a repository of items of cultural, educational or historical significance including museums, galleries, libraries, archives, schools or community institutions for display;
 - Storage or use by a Government agency;
 - Donated to a non-profit organisation or charity;
 - Disposed of, reduced to scrap or otherwise destroyed; or
 - Retention by the Member.

4.2.4. DISPLAY OF GIFTS IN MINISTERIAL OR PARLIAMENTARY OFFICES

- (i) A Member may request that declared gifts be issued on loan for display in his or her parliamentary or, if relevant, ministerial office.
- (ii) Any gift issued to a Member on loan must be returned to the Protocol Office when the Member no longer holds office, or if the item is required for official purposes, or at the request of the Secretary, Department of Premier and Cabinet.
- (iii) After an election all gifts on display in ministerial or parliamentary offices must be left in situ and will be administered by the Protocol Office until the incoming Government confirms their continued display or other use.

4.2.5. DISPOSAL OF GIFTS

- (i) Subject to the Premier's approval and within the requirements of any law concerning the disposal of Crown property, the Secretary, Department of Premier and Cabinet has sole discretion concerning the storage or disposal of gifts not retained elsewhere.

5. GIVING OF GIFTS

- 5.1 Members should refrain from giving any gift or benefit other than in accordance with their official duties in any circumstances which would give rise to or create the appearance of a conflict of interest.
- 5.2 Where a gift (over the value of \$500) is to be made, the permission of the Premier must be obtained. The request may be in respect of a specific person or for an event or trip where the specific recipients may not be able to be identified in advance.
- 5.3 Where more than one gift is to be given to an individual or single organisation, and the value of the gifts given in any 12-month period is over \$500 the approval of the Premier must be obtained.
- 5.4 Where the Premier has approved a gift or gifts over the value of \$500 to be made by a Member, a Declaration of Official Gift is to be forwarded to the Secretary, Department of Premier and Cabinet within 14 days of giving the gift or, where the gift was made overseas, within 14 days of returning to Australia.
- 5.5 A copy of the appropriate format for a declaration is attached at Annex A.

6. SPONSORED TRAVEL

- 6.1 Sponsored travel includes the provision of transport, accommodation or living expenses to Members other than from official funds or the Member's own resources.
- 6.2 The expectation is that Members travelling on official duties will do so at the expense of the State or Parliament or, in certain cases, the Commonwealth.
- 6.3 All offers of sponsored travel other than from the Commonwealth are to be referred to the Premier for decision. In normal circumstances, such a request should arrive with the Premier at least six weeks prior to the proposed travel.
- 6.4 Sponsorship by another body may be approved particularly if acceptance of the offer could be considered of benefit to the State. Sponsorship by private firms or groups, however, is more likely to give rise to the appearance of a conflict of interest.
- 6.5 Offers of sponsored travel are not made acceptable by being undertaken in the Member's own time or in an unofficial capacity particularly where any link exists or could be construed between the offer and the official duties of the Member.
- 6.6 This policy does not apply to:
- travel taken as an official of an organisation which does not create or give the appearance of creating a conflict of interest; and
 - travel associated with Parliamentary duties including parliamentary associations.

7. FUNCTIONS, ENTERTAINMENT AND HOSPITALITY

- 7.1 The occasional provision of passes or tickets to entertainment events (eg sporting events and cultural activities) is normally regarded as hospitality and not as a gift unless there is a potential for a conflict of interest arising or being seen to arise in relation to the receipt of such hospitality.
- 7.2 Frequent hospitality from a single source especially when not associated with a distinctive or seasonal event is less likely to be acceptable.
- 7.3 In general terms, hospitality which is directed at establishing networking links between Members and persons associated with an organisation or industry, or at introducing a product or service to a Member as part of a general launch is acceptable. The key issue is whether the hospitality is aimed at inappropriately influencing the Member in the exercise of some specific or general duty or power either individually in directing the activities of their department or through the exercise of a discretion, or collectively through the decisions of the Government.
- 7.4 Working lunches and dinners associated with a particular project or task are also not usually considered as gifts. Of importance in these circumstances is the nature of the benefit received (eg that the venue of a meal matched the nature of the work undertaken).
- 7.5 Care should be taken when hospitality is associated with sponsored travel. In all cases where travel is involved, the guidelines for sponsored travel should be followed.
- 7.6 The Member's duty is to preserve the appearance as well as the actuality of independence of judgement and action from improper influence. The appropriateness of any hospitality is normally a matter for the individual Member. Guidance can be obtained from the Premier or the Secretary, Department of Premier and Cabinet.

8. GIFTS REGISTER

- 8.1 The Department of Premier and Cabinet maintains a register of official gifts received by Members.
- 8.2 The register provides information on:
- Date gift received;
 - Name of Recipient;
 - Identity of the Gift Donor;
 - Description of Gift;
 - Estimated value; and
 - Agreed disposal.
- 8.3 Each calendar year before the last sitting day, the Premier will cause the register for that year to be tabled in the House of Assembly.



Tasmania

Declaration of Official Gift

Name of Member	
Portfolio	
Description of gift (attach further pages if required)	Sample
Estimated / actual value of gift (strike out whichever is inapplicable)	
Date of receipt / making of gift (strike out whichever is inapplicable)	
Identity of donor / recipient of gift (strike out whichever is inapplicable)	
Recommendation concerning future use of gift	

Signature of Member		Date of declaration	
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