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# Whole-of-Government Gifts, Benefits and Hospitality Policy

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# Contents

Definitions.....	4
1. Policy statement and purpose .....	6
2. Principles.....	6
3. Scope .....	7
4. Staff responsibilities.....	8
State Service Officers.....	8
Managers .....	8
Head of Agency/Delegates.....	8
Agency Executive.....	8
5. What is a gift, benefit or hospitality ('GBH')? .....	9
Examples .....	9
Value .....	10
6. Declining or disposing of a gift, benefit or hospitality .....	11
7. Accepting a gift, benefit or hospitality .....	11
7.1. Low-risk gifts, benefits and hospitality .....	12
7.2. High-risk gifts, benefits and hospitality .....	12
8. Declaring the offer and/or seeking acceptance of a gift, benefit or hospitality ..	13
8.1 Declaring offers declined, returned or disposed of .....	13
8.2 Declaring offers if accepting .....	14
8.3. Declaring/accepting a gift benefit or hospitality for the agency.....	14
8.4 Declaring/accepting a gift, benefit or hospitality for a Head of Agency .....	14
9. Gift Register .....	14
10. Dealing with specific types of gifts, benefits and hospitality.....	15
10.1 Altruistic donations .....	15
10.2 Gifts to volunteers .....	15
10.3 Cultural gifts (official diplomatic visits).....	16
10.4 Overseas gifts (trade and investment missions).....	17
10.5 Employee benefits.....	17

10.6 Frequent flyer points .....	17
10.7 Internal offer of a gift, benefit or hospitality.....	18
10.8 Networking and maintaining stakeholder relationships .....	18
10.9 Sponsored travel.....	18
10.10 Bequests .....	19
10.11 Special rates and discounts.....	19
11. Alleged breaches of this policy .....	19
12. Relevant legislation and policies .....	20
Gifts, benefits and hospitality flowchart .....	21

## Definitions

- **Agency:** Any Tasmanian Government Department or State Authority or other organisation specified in Column 1 of Schedule 1 of the *State Service Act 2000*.
- **Altruistic donations:** The intentional provision of money, products or services to another person, where it is intended to benefit the recipient and is not primarily motivated by the expectation of personal gain, direct or indirect, to the gift giver.
- **Conflicts of interest:** A conflict of interest exists if a State Service Officer has a private interest that could influence, or reasonably be seen to influence, how they perform their public duties. A conflict of interest can be:
  - Actual – there is a conflict between a State Service Officer’s private interests and public duties.
  - Potential – a State Service Officer has a private interest that could foreseeably conflict with their public duties in the future.
  - Perceived - it is reasonable for people to believe that a State Service Officer’s private interests could influence their public duties, now or in the future.
- **Delegate:** A person appointed under section 31 of the *State Service Act 2000* that has the legal authority to exercise a function or power to approve acceptance of gifts, benefits, or hospitality. This is usually a Senior Executive Service officer or equivalent.
- **Government buyer:** Refers to any officer or employee who purchases goods or services for a Tasmanian Government agency, including responsibility for a purchasing decision, or exercising a financial or legal delegation in relation to purchasing decisions or a member of a purchasing committee. This also refers to officers who are regularly involved in running a purchasing process or assessing proposed tenderers to provide advice to a decision maker but are not the final decision maker.
- **Head of Agency:** The person holding the office specified in Column 2 of Schedule 1 of the *State Service Act 2000*. This is usually the Secretary of a Government Department or the Chief Executive Officer of a State Authority.
- **Modest refreshment:** Refers to snacks and drinks offered during attendance at an event or meeting not in conjunction with a sit-down meal (for example, coffee, biscuits, sandwiches, cake, hors d’oeuvres, fruit, or any other snack).
- **Money or money equivalent:** Cash, gift cards or vouchers, coupons, loyalty points, lottery tickets, credit cards, memberships, phone credit or any item that can be readily converted to cash.

- **Overseas gifts:** Any gift, benefit or hospitality received by a State Service Officer while conducting official business overseas.
- **State Service Officer:** Any officer or employee of the Tasmanian State Service including Heads of Agencies, holders of prescribed offices and Senior Executives as described in the *State Service Act 2001*.  
Remunerated Board or Committee members.  
Any member of the Police Service employed under the *Police Services Act 2003*.  
Wherever this term is used in the policy, it is also taken to include agents, consultants, contractors, locums, students and volunteers working for the State Service as far as this policy applies to them.
- **Token memento:** Tokens of little intrinsic/monetary value that are provided out of courtesy, typically as remembrances at an official function. Common examples include:
  - a greeting card;
  - confectionery;
  - calendar;
  - diary;
  - magnet;
  - pen;
  - plaque/certificate or trophy which is solely for presentation;
  - a scarf or tie;
  - badges;
  - souvenirs.

# 1. Policy statement and purpose

State Service Officers should not receive gifts, benefits, or hospitality ('GBH') for doing a job they are paid by the public or volunteer to do. In most situations, 'thanks' is enough.

When a State Service Officer accepts a GBH, the person or organisation offering it may expect them to provide a favour later.

This can lead to a conflict of interest between that officer's personal interests and public duty and may call into question a decision that is made, a contract that is awarded, or advice that is given by an officer or their agency.

It can also lead people to question the integrity of the State Service as a whole.

The Tasmanian community expects high standards of integrity, impartiality, transparency and the responsible use of resources from all State Service Officers.

State Service Officers are expected to be honest and transparent in their dealings, make unbiased decisions and provide unbiased advice, avoid actual and perceived conflicts of interest, and earn and maintain public trust.

Accordingly, State Service Officers should decline GBH in most situations.

It may be appropriate to accept a GBH in limited circumstances where the risk of an actual or perceived conflict of interest in decision making is minimal or can be mitigated against.

This policy and its associated *Whole-of-Government Gifts, Benefits and Hospitality Procedures* exist to provide guidance to State Service Officers on how to appropriately manage the offer, disposal, acceptance, or declining of GBH. The policy does not deal with State Service Officers giving gifts except where clearly indicated.

## 2. Principles

The State Service Principles and Code of Conduct in the *State Service Act 2000* are core to defining the expectations of State Service Officers.

It is important that the State Service maintains its impartiality and that any potential, actual or perceived conflicts of interest are avoided or appropriately managed.

The offer or acceptance of GBH from third parties has the potential to create actual or perceived conflicts of interest.

GBH offered during a State Service Officer's employment or engagement should be declined, subject to very limited exceptions.

Very limited exceptions include the acceptance of a low-risk GBH or the acceptance of a high-risk GBH with approval from a Head of Agency or their delegate.

When making decision about GBH, officers must apply the following principles:

- i. **Beneficial:** acceptance of the GBH will directly or indirectly benefit the public.
- ii. **Proportional:** the GBH is not luxurious, extravagant or excessive beyond what is needed to obtain the benefit from its acceptance.
- iii. **Necessary:** it is not possible and/or more appropriate for the agency to pay fair value for the GBH being offered.
- iv. **Transparent:** acceptance of the GBH will not create an actual or perceived conflict of interest that is unable to be appropriately mitigated by publicly declaring the acceptance.

A State Service Officer must **never** solicit, request, or seek out a GBH in the course of their duties, for their personal benefit or for the benefit of a spouse, partner, friend or family member.

### 3. Scope

This policy applies to all State Service Officers including employees, Heads of Agencies, holders of prescribed offices and Senior Executives.

This policy also applies to agents, consultants, contractors, locums, students and volunteers engaged by or working with the State Service as required by the terms or conditions contained within their contract, instrument of appointment or any other instrument setting out the agreed terms of their engagement.

This policy only applies to offers of GBH made to State Service Officers or their family, friends or close associates during the performance of their duties or in relation to the performance of their duties.

If a State Service Officer is required to accept a GBH in order to perform the ordinary duties of their position, this policy does not apply to that acceptance.<sup>1</sup>

Where there is any inconsistency between this Whole-of-Government policy and an agency specific policy, whichever policy imposes stricter requirements will prevail to the extent of the inconsistency.

This policy does not apply to agencies receiving true gifts or donations in accordance with their deductible gift recipient status. State Service Officers should refer to their relevant agency policy, the *Income Tax Assessment Act 1997* (Cth), and guidance from the Australian Taxation Office for information on how to manage these gifts.

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<sup>1</sup> For example, an events officer who is required to attend an event to assess whether a grant recipient has met the terms of their grant deed does not need to treat this as hospitality and manage in accordance with this policy.

## 4. Staff responsibilities

### State Service Officers

It is the responsibility of all State Service Officers to operate within the requirements of the *Whole-of-Government Gifts, Benefits and Hospitality Policy*, and the *Whole-of-Government Gifts, Benefits and Hospitality Procedures*, and related legislation.

### Managers

It is the responsibility of managers to provide advice to their teams on how to manage the offers of GBH and consider their employees' requests to accept.

The manager plays a key role in determining whether the agency should pay fair value for a GBH instead of accepting or declining.

Managers should also help their employees consider offers and reinforce key expectations, such as thanks is enough, and delegate approval is needed before acceptance

### Head of Agency/Delegates

In addition to their personal responsibilities as a State Service Officer, Heads of Agencies and their delegates are responsible for:

- Ensuring both an internal and external Gift Register to record declarations by State Service officers is maintained.
- Assessing and approving or rejecting requests to accept GBH by State Service Officers.
- Reviewing and publishing a quarterly Gift Register of all GBH.
- Providing advice and guidance to employees and officers on the *Gifts, Benefits and Hospitality Policy*.

### Agency Executive

The Executive of an Agency is responsible for:

- The implementation of the *Whole-of-Government Gifts, Benefits and Hospitality Policy*, *Whole-of-Government Gifts, Benefits and Hospitality Procedures*, and the *Gifts, Benefits and Hospitality FAQs* with oversight of related activities pursuant to the policy within their respective portfolio areas.
- Ensuring there are systems to educate, train, and induct persons to whom the *Whole-of-Government Gifts, Benefits and Hospitality Policy* applies.



## 5. What is a gift, benefit or hospitality ('GBH')?

A GBH is anything of value that a State Service Officer receives from a person or entity during the performance of their duties or in relation to the performance of their duties. This includes a gratuity, favour, discount, entertainment, loan, forbearance, bequest or other benefit.

Anything of value that is offered to a State Service Officer's family member, friend or other close associate in connection with their duties is also included within the definition of a GBH for the purpose of this policy.

### Examples

Examples of GBH include:

- A gift or money equivalent;
- A gift or physical object (including token mementos);
- The conferring of a benefit;
- The conferring of an honorary degree, title or award;
- samples of a luxurious product;
- A purchasing incentive, such as:
  - a gift of goods/services with purchase;
  - other promotional rewards;
  - discount or loyalty points;
  - a redemption of frequent buyer card;
- 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;
  - 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 (for example, airfares, taxi fares, vehicle hire);
  - education, training or speaking engagements not offered or paid for in full by a State Service Officer's employer or themselves (for example, external

conference or seminar ticket, externally hosted training course or completion or award of an external qualification);

- entertainment (for example, tickets to arts/sporting/recreational events) for less than full value.

The following are not considered GBH for the purposes of this policy:

- 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 that a State Service Officer, their agency, or another government entity<sup>2</sup> has paid a fair value for, unless they are required to make decisions relating to that government entity which could be influenced, or be seen to be influenced, by accepting.
- Token mementos received in thanks for speaking at an event that a State Service Officer is not otherwise paid for.

## Value

When applying this policy, the value of a GBH is to be considered using the highest of:

- The cost to the giver.
- The retail or replacement cost of the GBH.
- The value of the GBH to the recipient.

The value of a gift received overseas will be assessed on the wholesale price of the item in the country of origin.

State Service Officers should be mindful of the cumulative value of GBH offered by one supplier when making decisions in accordance with this policy.

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<sup>2</sup> For example, a Commonwealth Government Department, Government House, another State or Territory Government Department, a Tasmanian State Service Agency, or a Statutory Authority.

## 6. Declining or disposing of a gift, benefit or hospitality

Because of the potential to impair, or be seen to impair, the impartiality of the State Service, State Service Officers should in most cases, immediately decline and/or return it (if possible) GBH offered to them.

A State Service Officer must decline and declare the offer of a GBH in the following circumstances:

- They are a Government buyer and their acceptance may influence or be perceived to influence a procurement or disposal decision.<sup>3</sup>
- They are offered money or money equivalent.

If the GBH cannot be declined or returned to the gift giver, it should either be considered for acceptance (see [section 8](#)) or should otherwise be disposed of.

Even if a State Service Officer has declined or disposed of a GBH, they may still be required to declare the offer of the GBH in accordance with [section 8.1](#).

If a State Service Officer is offered or receives drugs or illegally obtained property, they must immediately report the offer or receipt to Tasmania Police and to their Head of Agency or their delegate so that appropriate action may be taken.

## 7. Accepting a gift, benefit or hospitality

A State Service Officer should decline a GBH unless a very limited exception applies.

When determining whether an exception applies, the highest regard should be given to the [principles](#) of this policy and the general need to uphold the integrity of the State Service.

The *Risk assessment tool: GIFT test* contained in the *Whole-of-Government Gifts, Benefits and Hospitality Procedures* should be used to identify the risk of creating a conflict of interest in accepting a GBH.

If a State Service Officer is unsure what to do when offered a GBH, they should consult the relevant area of the agency for advice.

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<sup>3</sup> 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.

## 7.1. Low-risk gifts, benefits and hospitality

In some instances, it may be appropriate to accept a low value GBH if it would be impractical to decline it and the risk of creating an actual or perceived conflict of interest is non-existent or minimal. In these instances, a State Service Officer is not required to gain approval from the Head of Agency or their delegate before accepting the GBH.

The threshold for considering whether a GBH is low-risk is whether it is valued under \$100. However, a State Service Officer must not rely on value, as there may be other contextual factors that would lead to an actual or perceived conflict of interest from the offer or acceptance of the GBH.

For example, if a State Service Officer is regularly being offered a GBH, this will be more likely to lead to an actual or perceived conflict of interest even if the individual offers are low in value.

For another example, accepting flowers from an applicant to an advertised job that a State Service Officer is on the selection panel for could be seen to influence their selection decision despite the low value of the gift.

If a State Service Officer is offered a low value GBH on three or more occasions from one supplier, or to a cumulative value above \$100 within a 12-month period, they must obtain the approval of the Head of Agency or their delegate before accepting any further GBH from that supplier and make a declaration.

State Service Officers are responsible for keeping track of any GBH offered to ensure they meet this requirement.

The below list contains common low-risk GBH that are exempt from the requirement to obtain approval before accepting or the requirement to declare the offer and/or acceptance of the GBH:

- A token memento (refer to [definition](#)).
- A modest refreshment which is not in conjunction with a sit-down meal (refer to [definition](#)).

Money or money equivalent gifts should never be accepted regardless of their value.

## 7.2. High-risk gifts, benefits and hospitality

If a GBH does not fit the description above, there is a higher chance accepting it could cause an actual or perceived conflict of interest. Therefore, high-risk GBH should not be accepted in most cases.

However, it may be appropriate to accept a high-risk GBH if the [principles](#) within this policy would be met. Further guidance about assessing the risk of GBH and decision-

making against the principles is provided in the *Whole-of-Government Gifts, Benefits and Hospitality Procedures*.

The decision to seek or approve acceptance of a GBH must not be made lightly. If someone might find a State Service Officer's acceptance of a GBH wrong, it probably is.

A State Service Officer must seek approval from the Head of Agency or their delegate before accepting a high-risk GBH.

If there is any uncertainty about whether a GBH is low or high risk, it should be treated as high-risk until advice is received from the Head of Agency or their delegate that it is not.

Once approval has been obtained from the Head of Agency or their delegate and the State Service Officer has accepted the GBH, they must declare the acceptance so it can be recorded on the agency [Gift Register](#).

## **8. Declaring the offer and/or seeking acceptance of a gift, benefit or hospitality**

State Service Officers are accountable to the public they serve. To maintain this accountability, the public are entitled to information that may demonstrate why government made a certain decision or acted in a particular way.

By declaring the offer and/or seeking acceptance of a GBH, State Service Officers are maintaining the essential transparency and accountability of the State Service by providing visibility of government decisions.

Declaration should be made in accordance with the *Whole-of-Government Gifts, Benefits and Hospitality Procedures*.

### **8.1 Declaring offers declined, returned or disposed of**

In certain circumstances, the offer of a GBH must be declared even though the GBH has been declined, returned, or disposed of appropriately.

This recognises that just the offer of a GBH in certain circumstances could be seen to influence decision-making or engagement with third parties. The impact of these offers on the integrity of the State Service can be mitigated in part by transparently declaring the offer.

In all circumstances, State Service Officers can choose to declare the offer of a GBH for no other reason than to be open about the offer and to have a record of the action they took.

The **offer** of a GBH **must** be declared if:

- It was high-risk and made to a Senior Executive Service officer or equivalent and above.
- It was made to a Government buyer.
- It is valued at \$500 or more.
- It is money or money equivalent.

## 8.2 Declaring offers if accepting

The **acceptance** of a GBH **must** be declared if:

- It is low-risk but has been received on a regularly occurring basis.
- It is high-risk.
- It is accepted on behalf of the agency.

## 8.3. Declaring/accepting a gift benefit or hospitality for the agency

A State Service Officer who is offered a gift or benefit on behalf of the agency or for the benefit of the agency must surrender the gift or benefit to the Head of Agency.

The Head of Agency must then determine whether it is appropriate to use the gift or benefit for the agency or dispose of it. This decision must then be declared and recorded on the agency's [Gift Register](#).

## 8.4 Declaring/accepting a gift, benefit or hospitality for a Head of Agency

Heads of Agencies must declare offers to, or seek approval for, acceptance of a GBH to the Head of the State Service.

The Head of the State Service must declare offers, or seek approval for acceptance of GBH from, the Secretary of the Department of Treasury and Finance.

The Head of Agency who receives the offer or GBH must declare on their agency's register.

## 9. Gift Register

All declared GBH must be recorded in both an internal and a publicly accessible Gift Register.

An example Gift Register is included in the *Whole-of-Government Gifts, Benefits and Hospitality Procedures*.

Each Head of Agency must manage both an internal and public Gift Register to record declarations for the purpose of this policy.

At a minimum, Public Gift Registers must include the following:

- Date of declaration;
- State Service Officer unit/division;
- Name of company or individual offering gift;
- Description of gift;
- Estimated value of gift;
- Decision:
  - a. Declined/returned;
  - b. Disposed of;
  - c. Accepted by Agency;
  - d. Accepted by State Service Officer.
- Reason for decision;
- Date of decision;
- Position of delegate who approved decision.

## **10. Dealing with specific types of gifts, benefits and hospitality**

### **10.1 Altruistic donations**

From time to time, 'altruistic donations' may be offered to State Service Officers. An altruistic donation is when one purposefully gives products or services to benefit another, without any obvious intention of gaining a benefit in return.

While these GBH may appear not to create a conflict of interest, they may inadvertently provide a benefit to the gift giver (such as attracting positive publicity), which could create a perception that there is a relationship between the gift giver and the State Service Officer/agency.

State Service Officers should be mindful of the indirect or concealed benefits acceptance of a GBH may provide a gift giver and take this into consideration when assessing the risk of acceptance.

### **10.2 Gifts to volunteers**

This policy recognises that volunteers have a different risk profile for accepting GBH than other State Service Officers.

Accepting GBH will usually weaken the integrity of the Tasmanian State Service by raising doubt as to whether decisions have been made, or action taken, based on merit.

As volunteers are typically responsible for actioning decisions and complying with policies, rather than making them, their capacity to inappropriately influence decisions through acceptance of GBH is greatly reduced.

More importantly, this policy recognises that the Tasmanian community has a much stronger desire to show its appreciation for the efforts of volunteers through offering GBH than it would for remunerated officers.

These offers would rarely be motivated by an intent to influence decision-making or attract good publicity, particularly where they are made by a natural person.

Acceptance by volunteers of some GBH plays an important role in enhancing the relationship between the Tasmanian State Service and the Tasmanian community that it serves. For example, firefighters would be expected to accept donations of bottled water or food received from communities impacted by bushfire who wish to show their gratitude for the firefighting effort.

Volunteers must still comply with the requirements of this policy and apply the decision-making criteria contained within the *Whole-of-Government Gifts, Benefits and Hospitality Procedures*; however, the risk assessment will be more tolerant of acceptance for volunteers.

Volunteers must always first assure a gift giver that 'thank you' is enough when personally offered a GBH. Where the gift giver remains insistent, the volunteer should apply the *Risk assessment tool: GIFT Test* to determine whether acceptance may be appropriate, giving particular consideration to whether the gift giver is intending to show gratitude or whether there might be another motive.

## 10.3 Cultural gifts (official diplomatic visits)

Cultural gifts are usually exchanged when conducting business with official delegates or representatives from another organisation, community, or foreign government.

Non-perishable cultural gifts that are received personally by a State Service Officer should be accepted on behalf of the agency, remain as property of the agency and be declared accordingly.

If a State Service Officer accepts a gift on behalf of a Minister, it should be provided to that Minister's Office and managed in accordance with the *Code of Conduct for Ministers, Annexure 2 – Receipt and Giving of Gifts Policy*.

If a State Service Officer personally receives a perishable or tokenistic gift (for example, a popular snack from the visiting country or a novelty mug) during an official diplomatic visit, they may accept it and are not required to seek approval or declare it.

There is no requirement to declare gifts given during a cultural gift exchange.



## 10.4 Overseas gifts (trade and investment missions)

Gifts are usually exchanged when undertaking international trade and investment missions.

Non-perishable gifts received by a State Service Officer personally during an international trade or investment mission should be accepted on behalf of the agency, remain as property of the agency and be declared accordingly.

If a State Service Officer accepts a gift on behalf of a Minister, it should be provided to that Minister's Office and managed in accordance with the *Code of Conduct for Ministers, Annexure 2 – Receipt and Giving of Gifts Policy*.

If a State Service Officer personally receives a perishable gift during an international trade or investment mission, they may accept it and are not required to seek approval or declare it.

Where a gift from overseas is being brought back to Australia, it must be declared to Australian Customs at the point of entry if the gift falls outside the normal duty-free passenger concession, or if the gift is subject to a quarantine inspection.

There is no requirement to declare low-risk gifts given during an international trade or investment mission. High-risk gifts given must be declared.

## 10.5 Employee benefits

State Service Officers may have access to certain benefits through their employment such as the Fitness Passport. The Fitness Passport is a corporate health and fitness program which allows employees to access a wide range of local health, fitness and leisure facilities through their employer. These types of internally offered benefits are not considered a GBH under this policy.

## 10.6 Frequent flyer points

State Service Officers are not required to declare hotel loyalty scheme memberships and/or frequent flyer points on official travel.

Hotel loyalty scheme memberships and or frequent flyer points, regardless of whether they are being accumulated for intrastate, interstate or international travel, must be managed in accordance with the policy principles contained in the [Whole of Government International Travel Policy](#).

Accordingly, when booking international travel, employees must impartially consider the fares available and select the most economical option.

Benefits from loyalty schemes and/or airline lounge memberships must not influence an employee's travel decisions when booking official travel.

## 10.7 Internal offer of a gift, benefit or hospitality

The State may host a function to celebrate a significant milestone or achievement, or commemorate an action or event, for example, end of year celebrations, and a State Service Officer is requested to attend at the State's cost. As the State is paying, this is not a GBH, and no action needs to be taken to attend under this policy.

Internally, State Service Officers form personal friendships and may offer or receive a GBH to commemorate an action, event or anniversary, such as a birthday, illness or bereavement.

Additionally, an Agency may offer GBH to a State Service Officer, for example, by entry into a randomly drawn prize for completing a workforce survey.

There is no requirement to declare a GBH received from an internal colleague or the Agency, however, the acceptance of the gift should not cause an actual, potential or perceived conflict of interest with respect to internal decision-making.

## 10.8 Networking and maintaining stakeholder relationships

Any State Service Officer that seeks to accept an offer of hospitality as a networking opportunity and/or for the purpose of maintaining stakeholder relationships, must declare the offer and outline how the hospitality will benefit the agency.

For example, if the offer involves a networking lunch, the officer or employee must explain who they will network with, how the relationship with the stakeholder will be maintained and how this will benefit the agency overall.

## 10.9 Sponsored travel

Sponsored travel includes the provision of transport, accommodation or living expenses to State Service Officers other than from agency funds or the officer's own resources.

An offer of sponsored travel must not be solicited or requested (for example, by asking the host to provide it or by selecting a check box asking if sponsored travel is needed).

Any State Service Officer who receives an offer of sponsored travel and wishes to accept the GBH, must obtain approval from their Head of Agency or their delegate first.

If sponsored travel is approved by the Head of Agency, the Head of Agency must explain in writing why the agency is not covering the cost of the sponsored travel. If approved, the employee must share what they have learned from the travel with their colleagues in their agency as soon as practicable after returning to work.

## 10.10 Bequests

Anything offered in a bequest to a State Service Officer during the performance of their duties, or in relation to the performance of their duties, is to be considered and managed in accordance with this policy.

Offers of GBH through bequests must be declared, and anything that cannot be accepted under this policy should be declined in writing to the Estate.

In applying the principles of this policy, State Service Officers should consider perceptions that could be drawn from accepting a GBH through bequests. For example, acceptance may indicate that the individual who bequeathed the GBH had prior influence over decision-making, or is intending to influence future decision-making in relation to their company, family, friends or associates.

## 10.11 Special rates and discounts

Discounts and special rates that are offered by third-parties to a broadly defined group of people, such as a specific profession or a workforce group, are deemed to be publicly available discounts and can be accepted without being declared.

However, State Service Officers must still apply the considerations required in this policy to assess the offer before accepting.

## 11. Alleged breaches of this policy

Any alleged breaches of this policy will be managed in accordance with relevant processes such as *Employment Direction No 5 – Procedures for the Investigation and Determination of whether an employee has breached the Code of Conduct*, and may result in the matter being referred to Tasmania Police.

If the State Service Officer is not employed under the *State Service Act 2000*, breaches will be dealt with in accordance with the terms of their engagement and may result in termination of the officer's engagement.

## 12. Relevant legislation and policies

Category	Relevant Legislation or Policy Documents
Tasmanian Legislation	<ul style="list-style-type: none"> <li>• <i>State Service Act 2000</i> – section 9(12) states that ‘An employee who receives a gift in the course of his or her employment or in relation to his or her employment must declare that gift as prescribed by the regulation.</li> <li>• Schedule 1 (sections 83, 84 (1) and 85) <i>Criminal Code Act 1924</i>.</li> <li>• Regulation 12 <i>State Service Regulations 2021</i>.</li> </ul>
Whole of government policy	<ul style="list-style-type: none"> <li>• <a href="#"><u><i>Employment Direction no.5 Procedures for the Investigation and determination of whether an employee has breached the code of conduct</i></u></a>.</li> <li>• <a href="#"><u><i>Treasurer’s Instructions relating to procurement</i></u></a>.</li> <li>• Whole-of-Government Gifts, Benefits and Hospitality Procedures</li> <li>• Whole-of-Government Gifts, Benefits and Hospitality FAQs</li> </ul>
Agency policy	<ul style="list-style-type: none"> <li>• Refer to agency-specific policies</li> </ul>

## Gifts, benefits and hospitality flowchart



This diagram provides an overview of how to manage gifts, benefits and hospitality

\*Refer to the definitions contained in the policy and ask yourself, *could someone think there is something not right going on based on me accepting this GBH?* If the answer is yes, it is a high-risk GBH, and you should either decline it or seek approval to accept and declare.

\*\*Refer to section 2 of the policy.