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# Frequently Asked Questions

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## **Why do we need a gifts, benefits and hospitality policy?**

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

As a State Service employee, it is important that you maintain impartiality and that any potential or perceived conflict of interest is avoided or appropriately managed.

The offer or acceptance of gifts, benefits or hospitality has the potential to create actual or perceived conflicts of interest that can harm the Tasmanian State Service's relationship with the community and make it difficult to do our job.

## **What is a gift, benefit or hospitality (GBH)?**

A GBH is anything of value that you receive while doing your job.

Examples of a GBH include money, gift cards, coupons, loyalty points, lottery tickets, credit cards, memberships, phone credit, tickets, travel, meals or entertainment.

If your agency or another Government entity have paid fair value for the item received, it is not a GBH. For example, if you're attending a training course that your agency has paid for and you receive a lunch, this does not count as a GBH.

## **What should I do if offered a GBH?**

In most cases, you should say no and either not take or return the GBH.

If you cannot say no or return it (for example, if it was sent to you by post with no return address) you should dispose of it.

In some cases, you may need to declare that a GBH was offered to you even if you said no or returned or disposed of the GBH. See the *When do I need to declare?* section below for more guidance.

## **How should I dispose of a gift, benefit or hospitality?**

You should return any GBH that is offered to you if possible.

If returning isn't possible, you can dispose a GBH by donating it to a charitable organisation or by treating it as waste and putting it in a rubbish bin. Alternatively, you could declare it for acceptance by the agency (not yourself) and suggest that it be used in a way that will benefit clients and/or the community.

You must never dispose of a GBH by giving it to a colleague, friend, or family member.

## When can I accept a gift, benefit or hospitality?

All State Service Officers should decline a GBH unless a very limited exception applies. In most situations, 'thanks' is enough.

The acceptance of GBH may only be considered if there is very little risk of a conflict of interest occurring from acceptance, or if the benefit to the public that will be achieved through accepting the GBH outweighs the harm that would come to the Tasmanian State Service, and it is not possible or appropriate for the agency to pay fair value for it.

There are certain circumstances where you **must never** accept a GBH because the risk of an actual or perceived conflict of interest is too great to be overcome by any benefit that may be achieved through acceptance or through declaration. These are:

- You are offered money or money equivalent.
- You are a Government Buyer.

If the GBH has a low-risk of creating an actual or perceived conflict of interest, you may accept without gaining approval from your Head of Agency or their delegate first.

Below are examples of low-risk GBH:

- A token memento such as a pen, note pad, coaster, information booklet or other item of little intrinsic value received from attending a conference or training as part of your role.
- A modest refreshment (excluding alcohol), which is not in conjunction with a sit-down meal.

However, if you have accepted more than three GBH from one gift giver within a 12-month period, or if the cumulative value of the GBH being accepted from one gift giver is \$100 or more, you must obtain the approval of your Head of Agency or their delegate before accepting any more GBH from them.

If the GBH has a high-risk of creating an actual or perceived conflict of interest from acceptance, you must only accept after receiving approval from your Head of Agency or their delegate after submitting the appropriate form.

Before you fill out and submit a *Gift, Benefit or Hospitality Acceptance/Declaration Form*, you should first discuss with your manager the benefit that would be achieved from the gift, benefit or hospitality and consider whether the agency can and/or should pay fair value for the GBH instead.

## How do I assess the risk of accepting a GBH?

Decisions on how to manage GBH must be based on an assessment of how likely the offer and/or acceptance will be to create an actual or perceived conflict of interest that would, or could be seen to, harm the Tasmanian State Service's ability to do its job impartially.

This is a difficult decision to make, and you should always err on the side of assuming that acceptance will create a conflict of interest and it is therefore not appropriate. There is detailed information in the *Whole-of-Government Gifts, Benefits and Hospitality Procedures* to assist you with making this assessment.

Key questions to ask yourself are:

- Who is providing the GBH and what is their relationship to me?
- Does my role require me to provide advice to external parties, select suppliers, award grants, regulate industries or determine government policies?
- Could the gift giver benefit from a decision I make?
- Are they seeking to gain an advantage or influence my decisions or actions?
- Has the GBH been offered to me publicly or privately?
- Is it a basic courtesy or token of appreciation or is it a non-token offer?
- Does its timing coincide with a decision I'll be making in the foreseeable future?
- Are they seeking a favour in return for the GBH?
- Has the GBH been offered honestly?
- Has the person, group or organisation made several offers over the last 12 months?
- Would accepting create an obligation, or feeling of obligation, to return the favour?
- Would accepting the GBH diminish public trust?
- How would the public view acceptance of this GBH?

## How do I obtain approval to accept a high-risk gift, benefit or hospitality?

If you are intending on accepting a high-risk GBH, you must first seek approval from your Head of Agency or their delegate by filling out and submitting the *Gift, Benefit or Hospitality Acceptance/Declaration Form*.

If you are intending to accept 3 or more low-risk GBH from one gift giver within a 12-month period, or you are intending to accept low-risk GBH that are cumulatively valued at \$100 or more from one gift giver within a 12-month period, you must first seek approval from your Head of Agency or their delegate by filling out and submitting the *Gift, Benefit or Hospitality Acceptance/Declaration Form*.

To help you track how many low-risk GBH you have received from one gift giver, you should make a record every time you accept a GBH. This can be done by making an entry in your one note or emailing yourself, for example.

The *Gift, Benefit or Hospitality Acceptance/Declaration Form* will require you to detail the public benefit that will be achieved and why you and your manager consider the agency should not be paying fair value to obtain the GBH.

## **Why declare and when do I need to?**

Declaring the acceptance of GBH helps ensure government transparency and accountability by allowing the public to scrutinise how government decisions are made.

If you have accepted a high-risk GBH, following approval from your Head of Agency or delegate, this must be declared.

If you have accepted three or more low-risk GBH from one gift giver within a 12-month period, or you have accepted low-risk GBH that are cumulatively valued at \$100 or more from one gift giver within a 12-month period, this must be declared.

You must declare these by sending your completed *Gift, Benefit or Hospitality Acceptance/Declaration Form* to the relevant area within your agency, who will then include the information on your agency's internal and public gift registers.

You must declare the offers of GBH in the following circumstances, even if you have declined or disposed of the GBH:

- If you have been offered a GBH that is valued at \$500 or more.
- If you are a member of the Senior Executive Service, or equivalent and above, who has been offered a high-risk GBH.
- If you are a Government Buyer.
- It is money or money equivalent.

You must declare these offers by sending a completed *Gift, Benefit or Hospitality Acceptance/Declaration Form* to the relevant area of your agency, who will then include the information on your agency's internal and public gift registers.

## **What do I do if I am required to get approval before accepting but I have already received the gift, benefit or hospitality?**

If you are offered a GBH during or in relation to the performance of your duties, in most cases, you should immediately decline and return (if possible) the gift, benefit or hospitality.

If it is not possible to decline the gift or return it, you should either dispose of it, or refrain from using it until approval to accept the GBH has been granted by your Head of Agency or their delegate.

For example, you could keep the gift in a secure cabinet in your workplace.

## **What to do if I am given a gift, benefit or hospitality that is for my agency?**

If you are offered a GBH on behalf of the agency, or for the benefit of the agency, you must surrender the GBH to the Head of Agency.

When surrendering the GBH you must submit a completed *Gift, Benefit or Hospitality Acceptance/Declaration Form*.

The Head of Agency will then determine whether it is appropriate to use the GBH for the agency or dispose of it.

## **What is a Government Buyer?**

A Government Buyer is anyone who purchases goods or services for a Tasmanian Government department. This includes anyone responsible for a purchasing decision or exercising a financial or legal delegation in relation to a purchasing decision. It also includes members of a purchasing committee.

Anyone who is involved in running a purchasing process or assessing proposed tenderers to provide advice to a final decision maker is also considered a Government Buyer for the duration of that process.

For example, if you run a procurement process but you do not have the necessary financial delegation to sign the contract with the gift giver, you are still considered a Government Buyer until the decision you are involved in is made.