



**MACQUARIE
POINT**
DEVELOPMENT CORPORATION

Giving and Receiving Gifts Policy

Responsible officer	Chair
Approved by	Board
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1. Intent

To ensure staff members are aware of the *State Service Act 2000* and Regulations in relation to the receiving and giving of gifts, and to establish clear Corporation guidelines and procedures that protect the integrity of Macquarie Point Development Corporation and its staff.

2. Scope

This policy applies to all Tasmanian State Service officers and employees in relation to the offer, acceptance or refusal of a *gift, benefit or hospitality*.

3. Objective

To make the policy and procedures surrounding giving and receiving gifts accessible for all staff.

4. Definitions

Gift:

A gift is any gratuity or benefit gained by an employee or their immediate families (ie spouses, partners and dependent children), either monetary or otherwise (except by means of a will), in the course of the employees duties or in relation to the employees duties from any person or entity other than the employer. It includes, but is not limited to:

- a gift of money;
- a gift of a physical object;
- the conferring of a benefit;
- a purchasing incentive, such as a gift of goods and/or services with purchase, other promotional reward, discount or loyalty points offered generally to any public purchaser or to a broadly defined class of purchasers or a particular good or service, a redemption or frequent buyer card, which is received in relation to the purchase of a particular good or service for the Corporation;
- 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;
- provision of hospitality (eg accommodation), travel (eg airfares), or entertainment for less than full value.

A gift, benefit or hospitality does NOT INCLUDE:

- a token memento meaning an item of little intrinsic value, such as a greeting card, confectionery, calendar, diary, magnet, pen, plaque/certificate or trophy which is solely for presentation, a scarf or tie, badges, souvenirs, craft,

remembrances or other tokens bestowed at an official function, marks of courtesy (e.g. a bottle of moderately priced wine acknowledging appreciation for a speaking engagement), or of a seasonal nature of a minor value. Although it may be difficult to value a particular item that is received or offered, if a comparable item is commercially valued at \$100 or higher, the item is not a token memento and is considered to be a gift, benefit or hospitality (and will need to be declared);

- a modest refreshment meaning food or refreshment which generally is not in conjunction with a sit-down meal, such as coffee, biscuits, sandwiches, cake, hors d'oeuvres, fruit, or any other snack;
- 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 for which you have paid fair value.

Procurement:

Any process by which the Corporation secures goods or services from internal or external providers.

5. Policy

The overriding principle is to ensure that no conflict exists or appears to exist between a staff members public duty and private interest. Therefore Directors, Officers and staff must not accept gifts that could be perceived as intended to influence Corporation decision-making. Certain gifts are acceptable, as set out below in 5.2

Directors, Officers and Staff members must not give gifts, other than in accordance with official duties, which would give rise to or create the appearance of a conflict of interest.

5.1 Declaration and Register of Gifts

All gifts must be declared and recorded on a publicly available Gift Register. While the maintenance of the gift register is delegated to the Senior Executive Officer, it is individual staff members' responsibility to ensure that information about gifts received is provided to the Senior Executive Officer.

Directors, Officers and Staff members who receive gifts within the course of their employment must declare them as soon as practicable to their manager.

Failure to declare any gifts, hospitality, or tickets/passes will be considered a breach of this policy and could lead to the employee being sanctioned.

The Gift Register is required to be published on a quarterly basis on Macquarie Point Development Corporation's website.

The Gift Register is to be easily accessible on the website and clearly state:

- the date of gift acceptance;
- description of the gift received;
- reasoning for acceptance of the gift
- the person/organisation offering the gift; and
- the estimated value of the gift.

5.2 Acceptable gifts

It is acceptable to receive the following types of gifts:

- gifts of under \$100 in value which do not give rise to or create the perception of a conflict of interest;
- genuine networking or training event which will clearly benefit the Corporation's core business and is not aimed at, or could be seen to be influencing the activities of the Corporation; or
- where refusal would be contrary to the cultural values of the donor.

Tickets or entry to events on site: Are not to be accepted;

5.3 Unacceptable gifts

It is not acceptable for an employee to receive the following types of gift:

- money or money equivalent;
- 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 your agency 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.
- gifts intended to influence, or those which might be deemed to influence Corporation decisions (including, but not limited to, procurement decisions);
- gifts involving the transfer of money or financial instruments regardless of value; or
- illegal or inappropriate gifts (for example drugs, dangerous or stolen goods, offensive or discriminatory material).

These gifts should be refused or returned. If this is not possible, the gift will be dealt with as appropriate by the Corporation.

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 and if a physical object, 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 the Tasmania Police and to the CEO or their delegate so that appropriate action may be taken.

If there is any doubt as to the appropriateness of the offered gift, benefit or hospitality, or potential for perceived or actual conflict of interest, decline the offer or discuss the matter with the Head of Agency or their nominated delegate.

If in doubt, decline or declare.

5.4 Alleged Breaches of this Policy and Sanctions

Breach of this policy is regarded as a breach of the State Service Code of Conduct for which the following sanctions may be imposed:

- (a) counselling;
- (b) a reprimand;
- (c) deductions from salary by way of a fine;
- (d) reduction in salary within the range of salary applicable to the employee;
- (e) reassignment of duties;
- (f) reduction in classification; or
- (g) termination of employment.

Any alleged breaches of the code will be dealt with in accordance with Commissioners Direction 5 - Procedures for the investigation and determination of whether an employee has breached the Code of Conduct.

In addition, upon investigation, should any alleged breach constitute a criminal offence, the alleged breach will be referred to Tasmania Police.

5.5 Officers with responsibility for Purchasing, Tenders or Disposals

Treasurer's Instructions 1101 and 1201 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.

5.6 Review of Policy

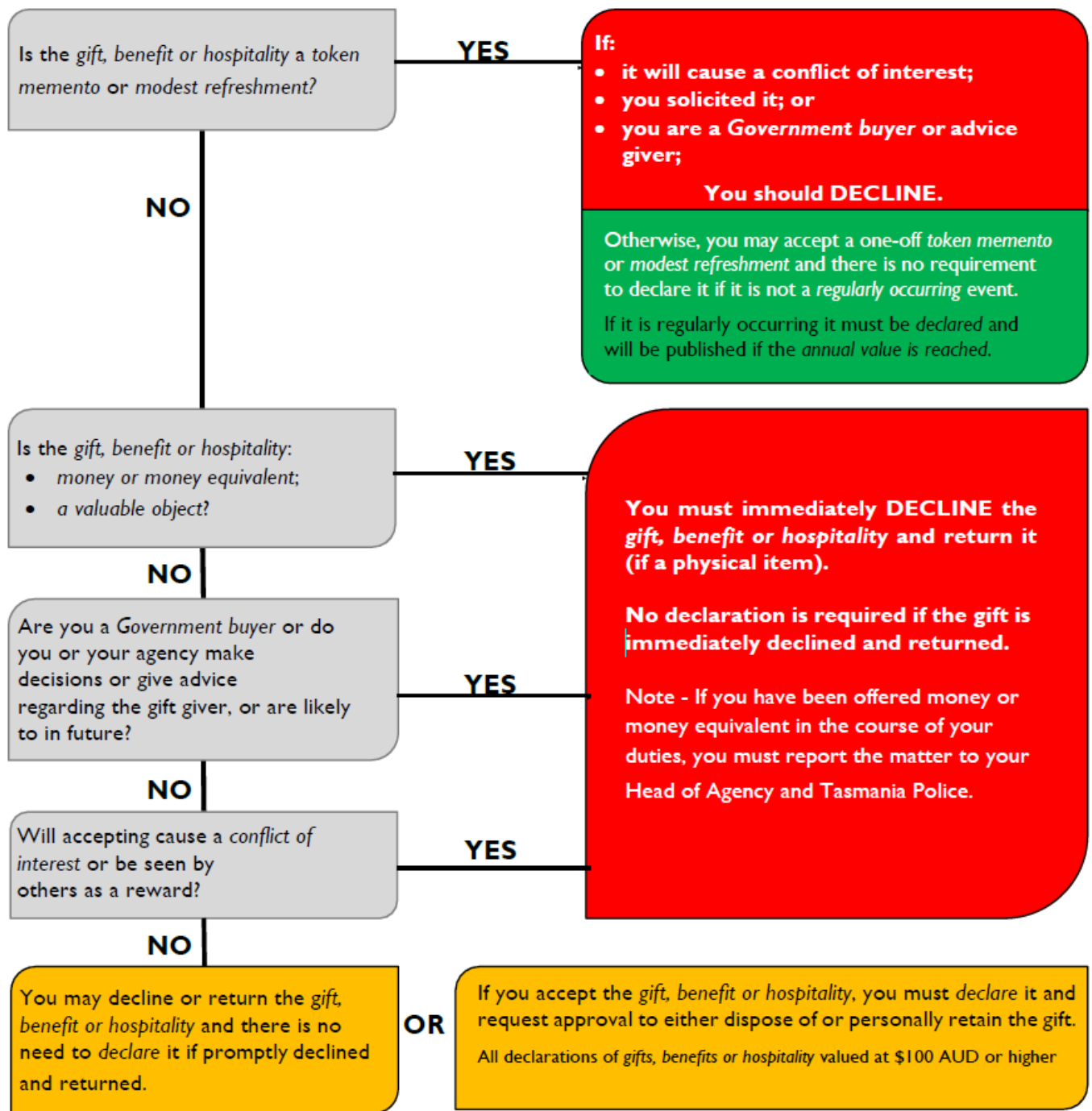
This policy will be reviewed annually.

6. Supporting/Related Documents

Gift and Benefits Form (DOC/23/1172)

State Service Act 2000: s 9(12) and (16) gifts

State Service Regulations 2011: r 12 declaring gifts



7. Document Properties

Current

Date	Version	HPECM	Author	Details
September 2023	4.0	DOC/23/3203	MPDC	Approved by Board at November 2023 meeting

Former

Date	Version	HPECM	Author	Details
August 2022	3.0	DOC/19/4906	MPDC	Aligned to State Service policy
March 2019	2.0	DOC/19/4906	MPDC	
January 2018	1.0	DOC/19/4906	MPDC	