

POLICY

1. Purpose

The policy aims to provide Environment Protection Authority employees and officers with the information needed to identify, disclose and take reasonable steps to avoid conflicts of interest related to accepting gifts, benefits or hospitality.

2. Definitions

Employee means a permanent or fixed-term employee appointed under section 37 of the *State Service Act 2000*.

A **gift, benefit or hospitality** means any gratuity, favour, discount, entertainment, loan, forbearance, or other benefit having value gained by an officer or employee in the course of their employment, from any person or entity other than the employer. This includes, but is not limited to:

- money or money equivalent;
- physical objects (excluding mementos);
- the conferring of a benefit;
- honorary titles, degrees and awards;
- loyalty points, purchasing incentives and exclusive discounts;
- indirect or concealed gifts (e.g. the loan of money or property, sale or transfer of property for less than full value);
- accommodation and travel expenses;
- meals and invitations to any event where alcohol is served;
- education or training not offered or paid for in full by your employer (e.g. external conference or seminar ticket);
- an item that has a commercial value of \$50 or more; and
- mementos and modest refreshments accepted that over the course of 12 months would total \$100 or more.

A **gift, benefit or hospitality** does **not** include:

- Mementos – it is reasonable to accept mementos from conferences/community events where you have been a speaker such as a reasonably priced bottle of wine, a box of chocolates, or an item that recognises a valued contribution to the community such as a photograph of work undertaken with a community group.
- Modest refreshments.
- Randomly drawn prizes open to a broad field of contestants (such as lucky door prizes), publicly available discounts and items for which you have paid commercial rates.

Government buyer refers to any employee or officer who purchases goods or services for the Agency, or is responsible for a purchasing decision, or exercising a financial or legal delegation in relation to a purchasing decision, or a member of a purchasing committee.

Mementos are tokens of little intrinsic value including, but not limited to, badges, stationery, calendars, trophies and confectionary.

Modest refreshments refer to snacks and drinks not in conjunction with a meal.

Money or money equivalent includes but is not limited to cash, financial instruments, shares, units, gift cards/vouchers, discount coupons, loyalty bonus points that may be redeemed for cash or non-cash personal reward, lottery tickets, credit cards, debit cards with credit on them, memberships, prepayments such as phone credit and any item that may be readily converted to cash.

Officer means a person appointed under section 31 of the *State Service Act 2000*.

3. Principles

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

The principles must be upheld in a manner that is professional, ethical, and impartial in the workplace and employees must also ensure private interests do not conflict with State Service responsibilities.

What are the rules?

Generally, the acceptance of gifts, benefits or hospitality in the course of your employment should be avoided if possible.

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

- It is money or money equivalent
- It is a valuable object valued at \$100 or more
- You are a Government buyer and acceptance of the gift may influence or be perceived to influence a procurement or disposal decision
- You or the Agency make decisions or give 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 employment

In all other circumstances:

- If you are offered a memento or modest refreshment you may consider accepting it if it is not regularly occurring. You are not required to declare receipt of the memento or modest refreshment if it is not regularly occurring.
- If the item is a higher-value gift, benefit or hospitality you may either:
 - Decline or return it. You are not required to declare it if it is declined and returned promptly.
 - If you are unable to decline or believe it is appropriate to accept the gift, benefit or hospitality you must declare it and request approval from the Chief Executive Officer or his/her delegate to accept or otherwise dispose of the gift. Declarations must be recorded on the Agency's gift register.

This rule set applies to gifts, benefits or hospitality offered to your immediate family members as well.

There are a number of **exceptions** to these rules including:

- Gifts that could be considered to be a cultural exchange in nature, or where the gift is intended to be for the Agency, rather than for you as an individual.
- Gifts from your workplace colleagues, except if it could cause an actual, perceived or potential conflict of interest with respect to internal decisions.
- Internal to Agency or State hosted functions approved by the Chief Executive Officer (Head of Agency).
- Sponsored travel at the expense of the Commonwealth. If an employee or officer is offered sponsored travel that is funded outside of the State or Commonwealth Service, or by an entity owned by the State or Commonwealth, they must complete the Acceptance of Gifts, Benefits or

Hospitality Form and provide it to the Chief Executive Officer or their delegate for approval, prior to undertaking the travel.

Gift Giving

It is unlikely that an employee would need to provide a gift, benefit or hospitality in the course of their duties. If absolutely necessary, approval must be gained from the employee's Head of Agency and the giving of the gift will be recorded on a register.

4. Accountabilities/Governance

The Manager Strategic and Legal Services is responsible for leading implementation of this policy.

5. Staff Responsibilities

All EPA employees and officers must comply with this policy in identifying, disclosing and avoiding conflicts of interest relating to accepting gifts, benefits or hospitality.

6. Relevant Legislation/Policies

The State Service Principles and Code of Conduct – *State Service Act 2000*

EPA Procurement Policy and Procedures

Criminal Code Act 1924

PROCEDURES

1. Initiating Policy

These procedures are made in accordance with the Agency's Gifts, Benefits and Hospitality Policy.

This Policy adopts the Tasmanian Government's Gifts, Benefits and Hospitality Policy issued by the Head of the State Service under Section 15(1)(b) of the *State Service Act 2000*, and also has Cabinet endorsement.

2. Scope

These procedures apply to all EPA employees and officers.

3. Workflow and Direction

- All gifts, benefits or hospitality (that meet the definition above) require approval from your Manager/Supervisor before acceptance, who will refer the matter to the Chief Executive Officer, or delegate, as per the requirements of regulation 12 of the *State Service Regulations 2011*.
- All gifts, benefits or hospitality must be recorded to enable identification of potential risks and trends by completing the Acceptance of Gifts, Benefits or Hospitality Form and provide it to your Manager/Supervisor for approval. If approval is after the fact, then retention will be determined by your Manager/Supervisor. You do not need to declare if you promptly decline the offer and return the gift, benefit or hospitality. However, if you cannot return the gift, you must complete the Acceptance of Gifts, Benefits or Hospitality Form and surrender the item to your Manager/Supervisor.
- You must forward the approved Acceptance of Gifts, Benefits or Hospitality Form to the EPA Gifts, Benefit or Hospitality Register marked as CONFIDENTIAL by email to – Katrina.Oakley@epa.tas.gov.au
- All relevant declarations will be recorded on the EPA Gifts, Benefits or Hospitality Register.
- All approved, declared and accepted gifts, benefits or hospitality to the value of \$100 or greater, or accepted gifts, benefits or hospitality totalling more than \$100 in a financial year from one supplier will be published at least quarterly, within 14 days of the end of each quarter, on the EPA website and also in the EPA Annual Report.
- Names of employees who have accepted gifts, benefits or hospitality will not be included on the publicly available register.

What happens if the policy is breached?

Any alleged breaches will be managed in accordance with Employment Direction No 5, and in serious circumstances, may result in the matter being referred to Tasmania Police.