Introduction

Any gift or benefit, other than a token or memento, must not be given or accepted unless it can be shown to be of benefit to the agency, the State of Queensland and/or the public generally.

This policy is governed by:

- Public Service Act 2008
- Public Sector Ethics Act 1994
- Financial Accountability Act 2009
- Financial Management Standard 2009
- Crime and Misconduct Act 2001
- Right to Information Act 2009
- Public Service Commission (PSC) Directive Gifts and Benefits (22/09)
- PSC, Guideline Gifts and Benefits
- Code of conduct for the Queensland Public Service

The complete PSC directive and guideline may be found on the following website: www.psc.qld.gov.au.

Application

This policy applies to:

- All QCAA employees
- QCAA Chair and Board members

Policy Content

This policy contains two parts:

- Part 1 — Public Service Commission — Gifts and Benefits Directive No 22/09 Overview
- Part 2 — QCAA specific processes (including scenarios).
Part 1 — Public Service Commission — Gifts and Benefits Directive No 22/09 Overview

The Public Service Commission (PSC) Gifts and Benefits Directive outlines the ethical considerations and procedures involved in the giving and receiving of gifts and benefits by employees and agencies of the Queensland Public Service. The QCAA must adopt and apply this Directive. The following information is an overview of the PSC Directive. The complete directive can be found at the following website: www.psc.qld.gov.au.

PSC directive section 6 — Definitions

Gifts and benefits means:

a. the transfer of property or other benefit
   a. without recompense; or
   b. for a consideration substantially less than full consideration; or
b. a loan of property made on a permanent, or an indefinite basis; received or given by an official when they are acting in their official capacity.

For the purposes of this directive, gifts and/or benefits include tangible items of lasting value and intangible items of no lasting value (including hospitality).

PSC directive section 7.1 — Principles

• Being a public service employee involves a public trust. This means that duties must be carried out impartially and with integrity. Consequently, it is not appropriate for public service employees to be offered, to accept or to give gifts and benefits that affect, may be likely to affect or could reasonably be perceived to affect, the performance of their official duties.

• Public service employees must at all times be mindful of their obligation to maintain and enhance public confidence in the integrity of public administration.

• Public service employees must not ask for or encourage the giving of any form of gift or benefit in connection with the performance of official duties. This includes entering any discretionary competitions which involve a prize.

• Any gift or benefit accepted, regardless of monetary value, implies, or may imply, a relationship which may interfere with objectivity and independence.

• In most situations public service employees can decline offers of gifts and benefits courteously by explaining that acceptance would be against agency policy and consequently that they have no discretion in the area.

• Gifts and benefits accepted by a public service employee remain the property of the agency unless the accountable officer for the agency determines it is appropriate for the recipient to retain the gift or benefit.

PSC directive section 7.2 — Acceptance of gifts and benefits

If offered a gift or benefit, a public service employee or agency must always consider whether a gift or benefit is appropriate to accept. Issues to consider include why the offer was made and the public perception of acceptance.
Public service employees should discuss these issues with a supervisor or manager to ensure appropriate approval is obtained prior to a decision about whether to accept a gift or benefit.

Any offer of cash, or any items which are readily converted into cash, must be refused in all circumstances. Accepting money in any form will breach a number of public service policies and legislation requirements and may be seen as an attempt at bribery.

PSC directive section 7.2.1 — Benefit to the State of Queensland

Any gift, other than a token or memento, must not be accepted unless it can be shown to be of benefit to the agency, the State of Queensland and/or the public generally.

PSC directive section 7.3 — Giving of gifts and benefits

The provisions of this directive also apply to the giving of gifts and benefits by public service employees and agencies. Consideration must be given to why the gift is being offered and the public perception of the giving of the gift or benefit.

Any gift or benefit must be for official purposes and accountable officers must be able to identify the benefit to the agency, the State of Queensland and/or the public generally.

PSC directive section 7.4 — Reporting of gifts and benefits

Any gift or benefit received or given that has a retail value of more than $150 must be recorded in a gifts and benefits register. If multiple gifts are from the same donor or from donors in a similar relationship with the public service employee, in any financial year and the cumulative value is more than $150, then each gift or benefit must be reported. Gifts and benefits received must be reported within one month of receipt.

Any gifts of cultural or historical significance must be reported, regardless of their value.

PSC directive section 7.4.1 — Determining values

Public service agencies and employees should have an appropriate person verify the estimated retail value of a gift, if the value is not easily established. Deliberately undervaluing a gift or benefit to avoid reporting it or to fraudulently keep it may be official misconduct.

PSC directive section 7.4.2 — Gifts and Benefits Register

Gifts and benefits received or given with a retail value of more than $150 must be recorded in the agency’s gifts and benefits register. Agency registers must be in a form approved by the Commission Chief Executive. The register must be published under the Right to Information Act 2009 as part of an agency’s publication scheme. The register must be published online each quarter, with 10 calendar days of the end of the quarter.

PSC directive section 7.4.3 — Review of Gifts and Benefits Register

The gifts and benefits register is to be subject to regular review. The reviewer must be independent and should communicate any results of the review to the accountable officer. The purpose of such a review should include analysis for trends or patterns which may cause concern and need corrective and preventative action.
PSC directive section 7.5 — Retention of gifts and benefits
Gifts and benefits accepted by a public service employee or agency remain the property of the agency unless the accountable officer determines it is appropriate for the recipient to retain the gift or benefit.

PSC directive section 7.5.1 – accepted gifts of $150 value or less
Any gift or benefit which has a retail value of $150 or less and is accepted by a public service employee or agency, may remain the property of the employee if acceptance is not likely to affect, or could reasonably be perceived to affect, the independent and impartial performance of the employee’s official duties.

Any gifts of cultural or historical significance must remain the property of the agency, regardless of their value.

PSC directive section 7.5.2 – accepted gifts of more than $150 value
Any gift or benefit, accepted by a public service employee or agency and is not a gift of cultural or historical significance:

- which has a retail value of between $150 and $350 may remain the property of the employee if the accountable officer gives approval for the public service employee to retain the gift or benefit in appropriate circumstances; or
- which has a retail value of over $350 may remain the property of the employee if the accountable officer gives approval for the public service employee to retain a gift or benefit, in exceptional circumstances.

All gifts of cultural or historical significance must remain the property of the agency, regardless of their value.

If a gift or benefit is retained by the agency, it must be used for public benefit and in an appropriate manner. If an agency does not have an appropriate use for the gift or benefit, it may be disposed of in accordance with the Guidelines of Gifts and Benefits.

PSC directive section 7.5.3 – gifts and benefits must not involve time away from official duties.
Public service employees must not be away from their official duties at public expense. Gifts and benefits can only be used outside the public service employee’s normal working hours or on approved leave, unless the gift or benefit forms part of the public service employees’ official duties and appropriate approval is obtained.

Part 2 — QCAA–specific processes
The following information is relevant to the QCAA only. It includes guidance on some administrative matters.

Accountable officer — the Accountable officer for the QCAA is the Chief Executive Officer (CEO).
All QCAA officers must refuse any offer of cash, or items which are readily converted into cash in all circumstances. Accepting money in any form will breach a number of public service policies and legislative requirements and may be seen as an attempt at bribery.
All offers of gifts and benefits given or received should first be discussed with a supervisor regardless of value. These items should also be discussed with the Manager, Finance to ensure compliance with this policy.

The Register

QCAA officers must complete the QCAA gifts and benefits given or received approval and declaration form when a gift or benefit is given or received and the item meets any one of the following criteria:

- gift given by the QCAA to external party regardless of value (unless a token gift)
- gift or benefit is received and valued over $150
- multiples of gifts and benefits combined, received by one person equal to over $150 in a financial year
- item has a cultural or historical significance (regardless of the value).

This document must be approved by the CEO and forwarded to the Finance Unit for processing within one month of receipt of the item. This information will be published in the QCAA’s gifts and benefits given or received register (Register).

The Register is located in the Finance Unit. Any issues in relation to the Register, or policy, should initially be directed to the Manager, Finance or the Senior Corporate Services Officer.

The Register must be published under the Right to Information Act 2009 online, each quarter, within 10 days of the end of the quarter. The following information will be published in the Register:

- date gift and benefit was given or received
- description of gift or benefit
- value
- name of donor — (for organisational donors, include name of organisation. If donor is an individual, use a generic reference e.g. individual)
- name of recipient
- for gifts received was the gift:
  a. retained by employee, or
  b. retained by agency
- reasons for accepting or giving (what is the benefit to the Queensland community)
- name and signature of Accountable officer, e.g. CEO.

The Register will be subject to regular review (once a year), the reviewer will be Internal Audit and any results of the review will be communicated to the Audit Committee.

Determining retail values — advice should be sought from the Manager, Finance or the Senior Corporate Services Officer.

Examples of gifts and benefits

Examples of gifts and benefits (including but not limited to):

- gifts of alcohol, clothes, products
- gifts of travel or accommodation
• preferential treatment such as queue jumping, use of facilities, hospitality or benefits generally
• food and drink received or given as part of a meeting, conference, trade display or other events attended as part of official duties
• cap, pen, pencil, notepad, bottle of wine, bunch of flowers, box of chocolates
• free use of facilities such as gyms, holiday homes or discounted travel
• corporate offers of transportation, accommodation, tickets, meals and functions as part of a major event
• awards or prizes including lucky door prizes or similar
• tickets to the theatre, cultural events, sporting and other events or access to a private spectator box at a sporting or other venue
• restaurant meals and beverages
• sports team sponsorship.

Gifts and benefit scenarios

Example one — QCAA officer wins a prize while representing the QCAA at a conference

A QCAA officer attends a conference on behalf of the QCAA. The officer wins a lucky door prize of accommodation at a hotel with a retail value of $250. On return to the QCAA the officer discusses the prize (gift) with their supervisor directly and completes a 'QCAA gifts and benefits given or received approval and declaration form' seeking approval to keep the item.

If approved for acceptance by the CEO, the gift, the officer’s name, the supplier and some further information would be published in the Register, and the officer would be allowed to keep the gift.

The CEO has the option to decide if the gift will be retained by the QCAA for QCAA purposes, retained by the officer personally or that the gift is declined and returned to the supplier.

Example two — gift of presentation attendance and light refreshment.

An officer is invited to attend a seminar (with light refreshment) for free.

A possible retail value of this event may be over $150 but under $350. The officer believes that this would be a good opportunity to network with external stakeholders and engage in discussion that would benefit the QCAA.

Before attending this seminar the officer completes the QCAA gifts and benefits given or received approval and declaration form and seeks approval from the CEO to attend.

If approved for acceptance by the CEO, the gift, the officer’s name, and the supplier would be published in the Register and the officer would be allowed to attend the seminar.

Example three — token gifts

An officer attending a conference on behalf of the QCAA receives a conference package containing numerous small items that may be considered as token gifts, e.g. hat, pens etc.

Token gifts are offered in business situations to an agency or public service employee representing an agency. They are usually products that are mass-produced and not given as a personal gift. This includes sponsors material provided to all delegates at a conference.
Acceptance of these gifts and benefits can be considered appropriate as it would unlikely be perceived as an attempt at bribery and/or a breach of policy, and their combined retail value would not exceed $150. On returning to the QCAA the officer should notify their supervisor of the receipt of the gifts.

Example three — gifts of cash
An officer working at the QCAA is offered a lotto ticket from a supplier. The officer must refuse, as any offer of cash, or items which are readily converted into cash, must be refused in all circumstances. Accepting money in any form will breach a number of public service policies and legislative requirements and may be seen as an attempt at bribery. The officer should also inform their supervisor of this offer and their decision to refuse.

Example four — gifts given by the QCAA
The QCAA holds a conference and several gifts of conference registration are to be given to some stakeholders. The officer organising these gifts should first seek permission via the QCAA’s gifts and benefits given or received approval and declaration form and approval from the CEO to give these gifts to the stakeholders.

If approved for acceptance by the CEO, the gift (conference attendance), the stakeholder’s organisation name and other details would be published in the Register and the stakeholder would be invited for free.

Example five — free accommodation
The QCAA books a large number of rooms at a hotel. The hotel (supplier) gifts the QCAA with two extra free rooms. The officer organising this item, would like to use these extra rooms to house QCAA staff for business purposes. To ensure compliance with this policy the organising officer must seek permission via the QCAA’s gifts and benefits given or received approval and declaration and seek approval from the CEO.

If approved for acceptance by the CEO, the gift (rooms), the officer’s name and the supplier would be published in the Register and the QCAA officers would be allowed to use the rooms.

Example six — gift of flowers
A QCAA officer is invited to be a key note speaker at an external conference. The officer completes the presentation and receives a large bunch of flowers as ‘a thank you’ gift.

Acceptance of this gift can be considered appropriate as it would unlikely be perceived as an attempt at bribery and/or a breach of policy, and the retail value would not exceed $150. On returning to the QCAA the officer should notify their supervisor of the receipt of the gift.