

HUMAN RESOURCE MANAGEMENT POLICY



Office of the Information Commissioner
Queensland

GIFTS BENEFITS AND HOSPITALITY POLICY

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Gifts Benefits and Hospitality

1.1 Introduction

This Human Resource Management Policy outlines the procedures for all employees of the Office of the Information Commissioner (the Office) relating to the provision and receipt of gifts, benefits and hospitality.

Employees of the Office are employed under the *Public Service Act 2008* (PSA) or by Governor in Council for Senior Executive appointments. OIC human resource policies are developed directly from the PSA and policies, procedures and directives issued by the Minister for Industrial Relations and the Public Service Commissioner.

All OIC Human Resource policies are approved by the Information Commissioner and are representative of the size and function and establishment of the OIC.

1.2 Purpose

To prescribe the procedures for employees relating to the provision and receipt of gifts, benefits and hospitality.

1.3 Effective Date

Approved by the Information Commissioner on 28 November 2011.

1.4 References

- Public Service Commission Directive 22/09 Gifts and Benefits
- *Public Service Act 2008*
- Office of the Information Commissioner Code of Conduct

1.5 Application

This policy applies to all employees of the office.

To a large extent the Office's effectiveness rests in being independent and being seen to be impartial. Perceptions that we are giving or receiving gifts, benefits or hospitality may be potentially damaging to our reputation, effectiveness and independence, even when in reality such matters may not affect our objectivity.

In certain circumstances the giving or receiving of gifts, benefits and hospitality may be deemed necessary and appropriate as a matter of common courtesy when connected with the Office of the Information Commissioner's official duty and business.

The provision and receipt of gifts, benefits and hospitality must be in strict accordance with this policy and the Office of the Information Commissioner Code of Conduct.

All offers or receipt of gifts, benefits or hospitality must be reported (refer Appendix A) to the Information Commissioner via Manager, Corporate and Executive Services (MCES). Details of all gifts/benefits and hospitality are to be maintained by MCES.

1.6 Definitions

- **Retail value** means the reasonable retail value of the gift or benefit.
- **Gifts and benefits** means :
 - (a) the transfer of property or other benefit without recompense or 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). It does **not** include any gifts or benefits given or received under an

appropriately approved employee health and well-being program or an appropriately approved rewards and recognition program. It does **not** include benefits negotiated when an agency sponsors a service, product or activity on its own or with another government agency, as may occur under the Queensland Government Sponsorship Policy.

- **Public perception** means the perception of a fair-minded person in possession of the facts.
- **Nominal gifts, benefits and hospitality** – retail value up to \$150.
- **Reportable gifts, benefits and hospitality** – retail value over \$150.
- **Retainable gifts and benefits** - means an employee may retain the gift/benefit if approved by the Information Commissioner.

1.7 Gifts and Benefits

1.7.1 Receiving Gifts and Benefits

- Employees must not ask for or encourage the offer of any gift, benefit or hospitality in connection with the performance of their official duties.
- Any offers of cash or any items which are readily converted into cash must not be accepted in any circumstance.
- Employees may be approved to accept a form of gift, benefit or hospitality in connection with the performance of their official duties where:
 - The Commissioner has decided that it is appropriate to accept the gift, benefit or hospitality after discussion with the employee and their Unit Commissioner and the gift, benefit or hospitality is of a retail value not exceeding \$150, or
 - the gift is offered at an occasion such as when an employee has spoken at a function and the personal gift is of nominal value and is customary.
- **All nominal or reportable gifts/benefits accepted by an employee remain the property of the Office unless the Information Commissioner approves retention of the gifts/benefits by the employee.**

1.7.2 Retaining Gifts and Benefits

- The Information Commissioner may approve an employee accepting and personally retaining a gift or benefit where it relates to the receipt of normal entertainment, hospitality, travel, accommodation or minor presentational benefit provided that:
 - the gift/benefit does not form part of a pattern of recurrent gift giving, and
 - the gift/benefit is not over \$150 in value.
- On accepting a gift/benefit the employee must ensure that there is no obligation attached to the gift/benefit. The Information Commissioner must be satisfied that this is the case before approving the retention of the gift/benefit by the employee.
- Details of all retained gifts/benefits are to be maintained by MCES.

1.7.3 Reportable Gifts and Benefits

- All offers and receipt of reportable gifts or benefits must be reported to the Information Commissioner via MCES.
- All reportable gifts become the property of the Office.
- All reportable gifts must be recorded in the Register of Reportable Gifts, Benefits and Hospitality

- The Information Commissioner may direct that any significant/reportable gift:
 - be returned to the person who gave it
 - be retained by the employee
 - be raffled, with the proceeds given to a charity of the recipient's choosing
 - be given to that charity
- Any gift or benefit with a retail value of more than \$150 must be recorded in the Office's gifts and benefits register.
- The register must be published under the *Right to Information Act 2009* as part of the Office's publications scheme.

1.8 Hospitality

1.8.1 Accepting Hospitality

- Employees must not ask for or encourage the offer of hospitality in connection with the performance of their official duties.
- All offers and receipt of hospitality must be reported to the Information Commissioner.
- The Information Commissioner may approve receipt of hospitality where it is appropriate and in the public interest to accept an offer of hospitality, in order to establish effective working relationships, exchange information, and gain operational intelligence to enhance effectiveness of the Office. In determining appropriateness the Information Commissioner will consider:
 - the circumstances in which the hospitality is offered
 - if acceptance may give rise to an impression that the employee may be compromised or put under obligation
 - the timing of the offer
 - the value and scale of the hospitality
 - the social context.
- Offers of travel and accommodation will be assessed using the same criteria as outlined above. Where such offers have the potential to compromise, they must be rejected.

1.8.2 Hospitality on Official Trips

- Staff may accept hospitality when travelling in an official capacity on behalf of the Office or representing the Office at an official function and that hospitality takes the form of meals, drinks, offered by the host at a reasonable value.
- Prior to a trip, the Information Commissioner's position in relation to accepting hospitality must be ascertained and an appropriate response approved in advance.
- Employees may not accept any other form of hospitality without the prior approval of the Information Commissioner.

1.8.3 Hospitality offered by the Office

- It may be appropriate to provide hospitality to individuals of particular importance to the Office. Such expenditure must be approved by the Information Commissioner in advance. Examples of this would include hospitality to:
 - interstate and overseas visitors

- representatives of relevant organisations.
- General expenditure considered reasonable as official hospitality may include:
 - provision of tea, coffee, morning or afternoon tea for official visitors
 - provision of refreshments/lunches/dinners for internal meetings, conferences, seminars and workshops
 - attendance at official functions for which charges are incurred
- Working meals should be of a light nature at the work/meeting location, unless associated with a seminar or other function at a particular venue.
- In circumstances where the Office is hosting a conference or official meetings, costs associated with receptions would be considered as part of the overall expenditure for the event.
- The expenditure of public monies on hospitality must be capable of withstanding public scrutiny.

1.8.4 Recording Hospitality Expenditure

- When seeking approval of expenditure for hospitality, the following documentation must be provided to the Information Commissioner:
 - description of the official purpose
 - certification that expenditure is to be incurred in relation to the performance of official duties and responsibilities of the individual or individuals attending the function
 - quote, invoice or account validating expenditure
 - names of Office employees in attendance, guests, and any external organisations represented by these guests.
- An Office credit card will not be used for private expenditure for entertainment and hospitality irrespective of any intention to refund the Office in the future.
- A review of expenditure on entertainment and hospitality will be completed annually as part of the Office's internal audit.
- Quarterly Fringe Benefit Tax returns require full disclosure of the details of any entertainment or hospitality undertaken by the Office.

1.9 Conflicts of Interest

- Employees must recognise and understand that the acceptance of a gift, benefit or hospitality constitutes a conflict of interest – real, perceived or potential.
- Employees must adhere to the processes outlined in the Office Code of Conduct in identifying and managing any conflicts of interest.

1.10 Procedures for types of gifts benefits and hospitality

Procedures	Gifts or Benefits		Intangible Gifts (Hospitality)	
	Less than \$150	More than \$150	Less than \$150	More than \$150
Must declare	Yes	Yes	Yes	Yes
Decision and information recorded in register	Yes	Yes	Yes	Yes
Decision and information reported on publications scheme	No	Yes	Yes	Yes
Employee may retain	Yes	No	Not applicable	Not applicable
Employee may purchase	No	No	No	No
Aggregates from same donor noted	Yes	Yes	Yes	Yes

Amendment Log

Date	Version No.	Name	Change
November 2011	2	Greg Argue	

Appendix A



Office of the Information Commissioner
Queensland

DECLARATION OF GIFTS BENEFITS AND HOSPITALITY RECEIVED

DECLARATION OF GIFTS RECEIVED

Declaration by
(Please print)

I received the following Gift on(date)

I received the gift from

Gift Description:

Approximate gift value:

Official valuation (if obtained).....

Other information (reason gift given)

Certification by Gift Recipient

I certify that the above properly records the receipt of the Gift in accordance with –

- The Office of the Information Commissioner's Gifts, Benefits and Hospitality Policy; and
- The Office of the Information Commissioner's Code of Conduct

Signed:

Date:

Certification by the Information Commissioner

I have considered the nature of the gift, its value and the potential for a conflict of interest and I have determined that the recipient:

- may keep the gift
- must return the gift
- must deliver the gift to the Manager, Corporate and Executive Services so that the gift can be registered as property of the Office of the Information Commissioner
- must take other action, namely

A copy of this declaration has been forwarded to The Manager, Corporate and Executive Services so that the gift may be appropriately accounted for on the Asset Register (where necessary) and Register of Gifts, Benefits and Hospitality (where necessary).

Signed:

Date: