

Bradfield Development Authority

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Gifts and Benefits Policy & Procedures

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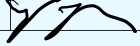
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Document approval

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1		Final	07.2019	Tom Kwok	New policy
1.1	A5216402	Final	16.11.2021	Sarah Strang	Adopted new branding
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Review date

The Authority will review this Procedure every two years or more frequently if required. It may be reviewed earlier in response to a change in the Australian Government or NSW guidelines.

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1. Overview

1.1 Objectives

The Bradfield Development Authority (**BDA**) is committed to being a professional and ethical workplace. Occasionally in the course of your role in the BDA you, or perhaps your family members, friends or associates, may be offered gifts or benefits by suppliers, clients, other persons or organisations. Gifts and benefits may be offered out of gratitude and goodwill for a job well done. They can also be offered to create a favourable impression or to gain preferential treatment. Regardless of why they are given, accepting a gift or benefit may create a sense of obligation that could compromise impartial and honest decision making.

Acceptance or giving of any gifts and benefits may also impact the public perception of the integrity and independence of the BDA and its staff. BDA staff must be able to demonstrate that they are not influenced in the performance of their duties by offers of gifts and benefits. This Procedure outlines what to do if you are in this situation.

1.2 Requirements

As a BDA staff member you must discuss any offers of gifts or benefits that you are considering accepting with your manager no matter what their monetary value. If you **accept** any gifts or benefits valued at \$50 or more you must complete the Gifts and Benefits Declaration Form on Protecht to register the details. Completing the form and registering an offer is also required in situations where you are offered but don't accept a gift or benefit of significant value (for example more than \$300) or you believe the offer has been made to induce you to provide preferential treatment. In all situations you must be aware of and understand your role and responsibilities to protect your reputation and that of the BDA ensuring no negative consequences for the BDA.

Managers approving gifts or benefits for their staff must consider information and processes in this Procedure as well as the Department of Planning, Housing and Infrastructure (**DPHI**) Code of Ethics and Conduct, and the BDA's values.

Accepting "**Monetary/financial gifts or financial benefits**" is prohibited in all cases, because it is likely that such a gift or benefit would be perceived as bribery, which is an offence under the *Crimes Act 1900* (NSW).

2. Scope

This Procedure applies to all "**BDA staff**" and to any "**Gifts and benefits**" including Hospitality accepted from a "**Third party**".

2.1 Definitions

The following definitions apply throughout this Procedure:

Gifts and benefits – any item, service, prize, hospitality or travel provided by a customer, client, applicant, supplier, potential supplier or external organisation, which has monetary value or worth to the recipient, member of their family, friend or associate. The receipt of a prize while engaging in official duties (e.g. a lucky door prize) is also considered a gift or benefit and will be dealt with in the same manner and in accordance with this Procedure.

Third party – any organisation or agency external to the BDA including other government agencies or authorities, State Owned Corporations or private sector organisations.

Monetary/financial gifts or financial benefits – includes cash, cheques, money orders, gift vouchers or other financial benefit.

BDA staff – all persons working with or on behalf of the BDA, including permanent, temporary or term-basis staff, consultants, contractors and casual staff.

3. Procedure

3.1 What to do if you're offered a gift or benefit (regardless of whether you accept it)

If you, or a family member, relation, friend or associate, are offered a gift or benefit in association with your work at the BDA:

1. In all situations where you are considering accepting a gift or benefit immediately advise and discuss with your manager that you have been offered a gift or benefit. In situations where refusing to accept a gift may cause a problem (e.g. offending the provider) you need to determine the value of the item within five (5) working days of receipt.
2. On the rare occasion that you had to accept the gift or benefit prior to consulting your manager or gaining your manager's and the officer responsible for risk management's approval you must inform them as soon as practicable. In such cases that concern accepting a physical gift with a value of \$50 or more a decision will still be made by your manager and the officer responsible for risk management as to whether you can personally keep the gift or are required to surrender it to the BDA.
3. If the gift or benefit is under the nominal value of \$50 and appropriate, you will generally be permitted to keep it, provided it is not a monetary/financial gift or benefit, or being offered on a regular basis – your manager will advise you when you discuss with them.
4. If the value of the gift or benefit is \$50 or more and refusal is not an option and/or it is an event providing you with relevant professional development or networking opportunities, complete the Gifts and Benefits Declaration Form on Protecht and submit the form to your manager for approval. If approved by your manager, your manager will forward it to the officer responsible for risk management for approval who will then advise whether you may keep the item or attend the event.

5. In cases where you have not accepted a gift or benefit but the value of the gift or benefit is significant (for example greater than \$300) or if you believe the offer is being made to influence your work, also discuss the gift or benefit with your manager and complete the Gifts and Benefits Declaration Form for registering on the Gifts and Benefits Register on Protecht.
6. Gifts and/or benefits accepted by the Chief Executive Officer (**CEO**) require notification to and approval by the Departmental Secretary and recorded on the BDA Gifts and Benefits Register on Protecht. Gifts and benefits offered to the CEO that fit point 5 above will need to be sent for notification.

3.2 Criteria for approval

Your manager and the officer responsible for risk management will take into account whether the gift or benefit was intended to influence you to act in the interest of the giver, either now or later.

3.3 Know your responsibilities

Staff

As a BDA staff member you must ensure that you act with integrity and demonstrate that you are not influenced in the performance of your duties. You must discuss with your manager in each case you, or a family member, relation, friend or associate, are considering accepting a gift or benefit offered in the capacity of your work that is \$50 or more in value and complete the Gifts and Benefits Declaration Form if your manager approves its acceptance. Please note there will be exceptions to this requirement of prior approval in cases such as a travel upgrade etc.

- Staff must not solicit gifts and benefits or accept inducements or cash.
- Staff are encouraged to accept offers that provide professional education and/or business networking opportunities.
- Gifts or benefits provided to a family member, relation, friend or associate are also prohibited.
- Any BDA staff who accept a gift or benefit are responsible for any taxation obligations including Fringe Benefits Tax.

Managers

Approval of all reportable gifts or benefits declared to a manager must be considered in light of this Procedure, the DPHI Code of Ethics and Conduct, the BDA's values.

Managers must:

- Send their primary approval to the officer responsible for risk management for secondary approval and recording of the gift or benefit in the BDA Gifts & Benefits Register.
- Notify the officer responsible for risk management of any gifts or benefits being offered to your staff about which you have concerns as to why it is being offered and ensure a Gifts and Benefits Declaration Form is completed in this case even if the gift or benefit is not accepted.

Managers and the officer responsible for risk management are responsible for actioning gifts and benefits reported to them within **five** working days of receiving the declaration form.

Approval of acceptance of a gift or benefit must be unanimous, otherwise it is not approved.

Officer Responsible for Risk Management

- Maintains the BDA Gifts and Benefits Register recording all staff' requests for acceptance of gifts and benefits in excess of \$50 including decisions to not accept offers that are significant in value or influential in nature.
- Reviews the BDA Gifts and Benefits Register on a regular basis and provide guidance and assistance to managers and staff on the application of this Procedure.
- If a gift or benefit receives primary approval from the staff member's manager and is deemed appropriate, the officer responsible for risk management will provide secondary approval and advise the staff member in writing that the gift or benefit has been formally approved. Where the officer responsible for risk management considers it appropriate, they will refer it to the CEO for further consideration.
- The officer responsible for risk management will periodically analyse the declarations recorded in the BDA Gifts and Benefits Register to identify trends or anomalies, e.g. numerous gifts and benefits being received from the same organisation or by an individual staff member.

The CEO provides further consideration and advice to the officer responsible for risk management where approval is not straightforward.

The BDA Gifts and Benefits Register and trends/anomalies will be reviewed by the BDA Board at six monthly intervals.

3.4 The giving of Gifts and Benefits by BDA Staff

On occasion, the BDA may host an event and/or present to delegates/dignitaries. It may be deemed appropriate to give guest presenters and/or delegates a token gift or provide Hospitality.

Staff providing a gift or benefit should ensure:

- It is provided for a business purpose. It should assist the conduct of official business or other legitimate organisational goals, or promote and support BDA's policy objectives and priorities.
- Any costs are proportionate to the benefits obtained for the BDA and would be considered reasonable in terms of community expectations.
- The gift or benefit is purchased through a transparent and equitable process, particularly if they are ongoing and the selected vendor(s) can end up with a competitive industry advantage.

3.5 Hospitality giving by BDA staff

Any expenditure by staff on official Hospitality and/or entertainment must be in accordance with the following principles:

- It is provided for an official business purpose. It should assist the conduct of official business or other legitimate organisational goals, or promote and support Government policy objectives and priorities.
- The expense must be correctly and accurately documented.
- The expense must generate direct benefits for the BDA. The Hospitality and/or entertainment must result in, or be reasonably expected to contribute to, achieving the BDA's objectives and should not be used merely for social occasions.

- When Hospitality is provided, staff involved must demonstrate professionalism in their conduct and uphold their obligation to extend a duty of care to other participants.

3.6 Approval of Hospitality and/or entertainment expenditure

Authority to approve expenditure for official Hospitality and/or entertainment is consistent with the BDA's Financial Delegations. Managers are authorised to approve expenditure on official Hospitality and/or entertainment up to the limit of their delegation (refer to the BDA's Instruments of Delegations).

Approval for any official Hospitality and/or entertainment expenditure should be obtained prior to the cost being incurred. In exceptional cases, it may be necessary to seek approval as soon as possible after the expenditure has occurred, if prior approval was not possible. Managers and staff are jointly responsible for ensuring this is not a regular occurrence.

Fringe Benefits Tax (**FBT**) may apply to the staff component of Hospitality and/or entertainment expenditure.

3.7 Disposal of Gifts

Usually gifts valued over \$50 will be surrendered to the officer responsible for risk management. The officer responsible for risk management, in consultation with the CEO will make a decision regarding disposal method, such as an internal raffle by staff with the proceeds going to a BDA

Depending on the value and/or type of gift, however, there may be occasions when the manager and the officer responsible for risk management agree that it is acceptable for the gift to be kept by the staff member.

In the case of perishable gifts such as chocolates or food hampers, etc. an appropriate method for disposal of the gift could be to share or distribute the gift amongst the staff, or alternatively donate the gift to a charity.

Where it is decided that the gift will be shared amongst staff, then physical surrender of the gift to the officer responsible for risk management is not required. However, the gift must be declared with the method of disposal stated and recorded on the Gifts and Benefits Register.

The officer responsible for risk management will keep the Board informed of the disposal of gifts as these may constitute a reportable valuable benefit.

3.8 Breaches of Procedure

Failure to declare an accepted gift and/or benefit with a value of \$50 or more may result in disciplinary action.

Behaviour contrary to this Procedure is considered contrary to the DPHI Code of Ethics and Conduct and to the Ethical framework for the government sector. Such behaviour can bring individual staff into disrepute, undermine productive working relationships in the workplace, hinder customer service delivery and damage public trust in the BDA and/or the broader government sector.

3.9 Resources

- BDA Gifts and Benefits Declaration Form
- DPHI Code of Ethics and Conduct
- Examples of gifts, situations or events (**Appendix A**)
- DPHI Gifts, benefits and hospitality [page](#)

4. Advice and further assistance

Contact your manager to discuss the specific situation and offers made to you. For further advice and assistance contact the officer responsible for risk management or refer to DPHI's Gifts, benefits and hospitality [page](#) for more information.

Appendix A - Examples of gifts, situations or events

Hospitality, Events (sporting, entertainment & cultural) and Travel & Entertainment

Offers of Hospitality, invitations and free tickets to sporting, entertainment and cultural events and travel and entertainment require special attention.

Examples of **low risk** Hospitality include:

- Functions where staff attend in an official capacity as representatives of the BDA.
- Hospitality provided as part of a conference package, where the BDA is a sponsor or has paid a fee for a staff member to attend.
- Catered briefings, roundtables, lunches, professional development and networking and working lunches etc. with invitees from a range of external organisations present and Hospitality being received by all attendees.

Examples of **higher risk** Hospitality that requires subjective decision making and discussion with your manager/officer responsible for risk management in advance include:

- Restaurant meals and invitations to lunches, dinners or other events to 'seal the deal', or 'celebrate' finalisation of a procurement process or signing of a contract.
- Invitations to corporate boxes or marquees, or functions held in private homes.
- Invitations which extend to family members, relations, friends and associates.

Invitations that are unrelated to your work

Tickets or invitations to events (sporting, entertainment and cultural) that are unrelated to your work responsibilities are deemed a gift or benefit. Note that if you attend for the purpose of advising the Government or BDA on policy or administering a program, this is not deemed a gift or benefit.

Invitations and tickets from unrelated third parties – that is, from parties not directly involved in the event – should always be treated as gifts and benefits.

Travel or accommodation upgrades

Occasionally staff may be offered travel or accommodation upgrades during official travel within Australia or overseas. You should never seek or solicit an upgrade from a travel or accommodation provider in relation to official travel.

Where a travel or accommodation provider seeks to upgrade a staff member for operational reasons, at no cost to you or the BDA, you may accept the upgrade, but should complete a gifts and benefits declaration form upon your return.

Rewards programs

Gifts resulting from rewards program points that are accumulated by staff performing their official duties e.g. Frequent Flyer, must not be accepted/redeemed in any circumstances.

Gifts and benefits deemed inappropriate

There will always be grey areas and ultimately the question to be decided is 'would a reasonable person think that the gift or benefit was intended to influence the recipient to act in the interests of the giver, either now or in the future?'.

If a gift or benefit is deemed inappropriate, depending on the circumstances, the staff member will be asked to either decline it, return it to the provider, or provide it to the BDA where it will be considered the property of the BDA or disposed of in an appropriate manner (generally either donated to charity or surrendered to the BDA social committee (if any) for use in fundraising). The outcome will be recorded in the BDA Gifts and Benefits Register on Protecht.

Bradfield Development Authority

50 Belmore Street Penrith NSW 2750

T: 1800 312 999

W: nsw.gov.au/bradfield-development-authority
