

Gifts and Benefits Policy

Policy Statement

The Department for Trade and Investment (Department) is bound by the *Public Sector Act 2009* and the *Code of Ethics for the South Australian Public Sector* (Code of Ethics).

The purpose of this Policy is to outline the management for the receipt of gifts, benefits, favours and hospitality in the course of employment activities, and standards of conduct in offering gifts, benefits, favours or hospitality. Gifts, benefits, or favours will from this point forward be referred to as “gifts”.

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1 Policy Scope

This Policy applies to the Department and its employees. This Policy also extends to departmental employees seconded to the Office of the Minister for Trade and Investment, Housing and Urban Development and Planning, agency staff and contractors.

This Policy also applies to the State Planning Commission and State Commission Assessment Panel and all other committees established by the Commission.

This Policy does not apply to the members of the Brand SA Advisory Board (the Board). The Board is not responsible for the administration of any funding. Decisions around allocation of Brand SA expenditure remains entirely within the remit of public sector employees. Therefore, Board members are not required to disclose gifts. However, if members are placed in a position where they feel compromised as a Board Member by the offer or acceptance of a gift, this should be discussed with the Board Chair at the earliest possible opportunity.

2 Policy Position

2.1 Accepting or Presenting Gifts

The offering and acceptance by employees of gifts, regardless of monetary value, has the potential to compromise integrity and impartiality. When deciding whether to accept a gift the reputation of the employee and the Department is crucial.

Accepting any gift, regardless of monetary value, implies or may imply a relationship which may interfere with objectivity or independence. An employee must not compromise or appear to compromise their integrity and impartiality or create a conflict of interest or perception of conflict of interest by accepting gifts.

It is strongly recommended that employees refuse any gifts offered to them in connection to their employment or engagement with the Department except for the specific circumstances provided for in this Policy and the associated Procedure.

Gifts (which exceed common courtesy – refer to 2.3) may be accepted where refusal to do so may cause offence. In these instances, potential cultural issues should be considered and managed with sensitivity and respect. For example, when dealing with international delegations of some cultures, it is considered offensive to refuse token gifts (noting such gifts must remain the property of the Department).

Employees may only accept, or provide, a gift when:

- there is no actual or perceived influence on the recipient
- it will not benefit, or be seen to improperly benefit the provider of the gift
- it is not involving money, or cannot be readily converted to money (e.g. gift cards / vouchers), free travel or accommodation for individual use
- it is a one-off occasion; and
- it is not, or could not be seen as, a form of inducement in a procurement process and is not subject to a decision which involves the recipient.

Token offers are of inconsequential or trivial value to both the public sector employee and the person making the offer and may generally be accepted, as long as they do not create a conflict of interest or lead to reputational damage. They may include promotional items, such as pens and note pads provided at a conference or modest hospitality that would be considered a basic courtesy, such as light refreshments during a meeting. Token offers are not considered gifts for the purposes of this Policy and do not need to be recorded on the Gifts and Benefits Register. Generally, these items are less than \$50 in value.

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A company may provide samples of products for the purposes of furthering business knowledge and these are not considered gifts. For example, a product sample of food to educate an employee about their product range (e.g. Tradestart staff) for potential export. These samples still need to be declared to a line manager, so there is visibility of them but are not considered gifts for the purposes of this policy.

2.2 Hospitality

It is acceptable for employees to attend functions, or organise functions as a Department, where there is a cross section of representatives from Government agencies and private industry for events such as a demonstration, launch of a product or information.

Employees may attend external events when:

- the event is in relation to the employee's duties
- it will not influence the employee in the performance of their duties
- it will not be perceived by the general public as inappropriate or reflect badly on the Department; and
- it is not during or pending a procurement process in which the gift giver is a potentially interested party.

An external event may be in the form of free registration to a conference or industry award night with food and drinks provided. If this occurred as a once off, or every so often, and was of benefit to the employee's role, it may be suitable. However, if it is more than that, discussion should occur with the Manager to determine the best response.

2.3 Determining What Is Common Courtesy - Factors to Consider

Department employees need to be mindful to use public resources responsibly and ensure decisions to provide or receive gifts or hospitality are defensible and further the business of the Department e.g. offering a token gift to a visiting delegation or speaker as a common courtesy.

Modest hospitality that would be considered common courtesy includes light refreshments during a meeting. Judgement is required when deciding whether a gift exceeds common courtesy. Gifts may also be given in these circumstances such as during trade missions.

Hospitality that is considered a "token offer" does not need to be recorded on the Gifts and Benefits Register. Some factors to consider:

Public scrutiny

- Is there any possibility for the general public to perceive the gift given or received as affecting the impartiality of the Department's employees?
- Would the gift reflect negatively on the Department?

The total value of the gift

If the accumulative value is over \$50 it is likely to exceed common courtesy or if it's a reoccurrence.

- Employees must be alert to repeated offers of gifts and hospitality from a single source. Repeated offers must be managed appropriately.
- The total value of the offers over a year may be quite high and receiving multiple offers from the same person or organisation can generate a stronger perception that they will be influential.

2.4 Gifts and Benefits Register

When gifts are offered and / or received they must be dealt with in a consistent and appropriate manner. For transparency, all gifts received (if accepted) / given by an employee, that exceed

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common courtesy, must be recorded on the Department's [Gifts and Benefits Register](#) (located on the Department Intranet), following discussion with, and endorsement by, the Manager.

Generally, offers that are not accepted do not need to be recorded.

In accordance with the *Premier and Cabinet Circular - PC035 Proactive Disclosure of Regularly Requested Information*, all gifts received by the Chief Executive are published on the Department website monthly.

2.5 Retaining or Returning Gifts

Only when it is determined that it is appropriate for a gift to be retained in line with policy can a gift be accepted. Gifts retained will remain the property of the Department and the South Australian Government. Where a gift is accepted, the best proposed action is for no one to personally benefit from that gift. The gift should not be kept for personal gain or benefit and instead should be shared amongst the team or donated to charity or the social club.

If the gift has already been received, but should not be retained due to Policy, it is to be tactfully returned to the provider. If it is not suitable for the gift to be returned, the gift could be recorded, and a decision made about how to deal with it most appropriately. Some examples include: donate to a charity, using the item/s as a raffle prize to raise money for a charity, or used at a social event.

2.6 Frequent Flyer or Other Benefit Schemes, such as Flybys or Fuel Reward Cards

An employee who is a member of a frequent flyer or other benefits scheme is not entitled to accrue personal benefits through this membership because of undertaking government related business.

3 Roles and Responsibilities

The Chief Executive has overall responsibility for the Gifts and Benefits Policy and Procedure.

Executive Directors, Directors and Managers are responsible for ensuring all gifts exceeding common courtesy, received (if accepted) / given by employees under their responsibility, are added to the Gifts and Benefits Register.

The Chief Operating Officer is responsible for ensuring employees are regularly reminded about their obligation to declare any gifts that are accepted and annually provide a summary report on the Gifts and Benefits Register to the Audit and Risk Committee.

The Audit and Risk Committee is responsible for annually reviewing a summary report on the Gifts and Benefits Register and providing any suggested feedback to the Chief Executive.

Employees are responsible for registering all gifts exceeding common courtesy, received (if accepted) / given onto the Gifts and Benefits Register, following discussion with their Manager.

Any employee who suspects a gift was an inducement is to be reported in writing, as soon as practicable, to the Chief Executive in accordance with the *Fraud, Corruption, Misconduct and Maladministration Policy*.

4 Review Period

This Policy should be reviewed every three years, or sooner, if business requires, or, due to underlying legislative or other changes.

5 Terms and Definitions

Term	Definition
Benefits	Benefits include the giving of preferential treatment, privileged access, discounts, favours or other advantage offered to an employee. While the value of benefits may be difficult to quantify in dollars, they may be highly valued by the intended recipient and therefore used to influence future behavior. Benefits may include but are not limited to: accruing value or points for loyalty schemes such as frequent flyer schemes, car hire or other discounts, meals, hospitality, functions, events and travel upgrades.
Gift	Gifts – ‘free’ items or hospitality (exceeding common courtesy). They may be enduring or consumable. They range in value from nominal to significant and may be given for different reasons. Gifts may include, but are not limited to, offers of cash or shares, entertainment, travel and accommodation, acceptance of fees, bottles of wine, food, prizes, personal items, manufacturer’s samples, clothing, or books.
Hospitality	Hospitality relates to entertaining stakeholders, conference delegates and other official visitors. Examples of hospitality may include offers of meals, invitations to events, sponsored travel or accommodation.
Token offers	Token offers are of inconsequential or trivial value to both the public sector employee and the person making the offer and may generally be accepted, as long as they do not create a conflict of interest or lead to reputational damage. They may include promotional items, such as pens and note pads provided at a conference or modest hospitality that would be considered a basic courtesy, such as light refreshments during a meeting. Token offers are not considered gifts for the purposes of this Policy and do not need to be recorded onto the Gifts and Benefits Register. Generally these items are less than \$50 in accrued value.

6 Related Policies

- *Fraud, Corruption, Misconduct and Maladministration Policy*
- *Procurement Policy*
- *Travel Policy*

7 Supporting Documents

- *Code of Ethics for the South Australian Public Sector*
- *Gifts and Benefits, Guideline of the Commissioner for Public Sector Employment*
- Premier and Cabinet Circular - *PC035 Proactive Disclosure of Regularly Requested Information*
- *Public Sector Act 2009*
- *Public Sector (Honesty & Accountability) Act 1995*
- *Fraud and Corruption Control Policy - Office of the Commissioner for Public Sector Employment*
- *Independent Commission Against Corruption Act 2012*
- *Public Interest Disclosure Act 2018*

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8 Compliance

The Department is bound by the *Public Sector Act 2009* and the Code of Ethics. Deliberate breach or circumvention of the principles of the Policy or any documents referenced in this document, may lead to appropriate disciplinary action in accordance with the *Public Sector Act 2009*.

9 Document Feedback

Email feedback to the contact person.

10 Document Control

Approved by: Chief Executive

Contact person: Chief Operating Officer

Document Effective Date: 12/04/2023

Version number: 2.0

Next Review Date: 11/04/2026
