

Parliamentary Counsel's Office

Gifts, Benefits and Hospitality Policy

May 2023

Approved by Parliamentary Counsel, Annette O'Callaghan



Contents

1. Overview.....	3
2. Definitions	3
3. Roles and responsibilities.....	3
4. Policy	4
4.1 Recording of gifts, benefits and hospitality.....	4
4.2 Prohibited gifts, benefits and hospitality	4
4.3 Accepting gifts and benefits.....	4
4.4 Accepting hospitality.....	4
4.5 Provision of gifts and / or hospitality.....	4
5. Further Information.....	5

Policy Owner / Contact

Corporate Services

Review Record

Date	Action	Version
March 2022	Published version	1.0
May 2023	Review	1.1

1. Overview

In August 2022, the NSW Public Service Commissioner released *Managing Gifts and Benefits: Minimum Standards*, which Government sector agencies and their employees must comply with. This policy outlines the principles and standards that apply to PCO employees, including ongoing, temporary, casual and contracted employees.

While there are limited circumstances in which PCO employees are likely to be offered gifts, benefits or hospitality, there can be serious consequences for PCO and employees if these are not appropriately managed. This includes loss of public trust, damage to PCO's reputation, financial loss and possible legal action. Breaches of this policy may have serious consequences and may involve prosecution if criminal conduct is involved.

2. Definitions

Employee means PCO ongoing, temporary and casual employees, and contractors who carry out work for PCO.

Bribes includes money or monetary-like benefits offered to or promised to an employee that are intended to influence the employee to act in a particular way in performing their role (other than ordinary salary and wages).

Gifts or benefits means any item, service, prize, meal, hospitality or travel, provided by a customer, client, applicant, supplier, potential supplier or external organisation, which has an intrinsic value or a value to the recipient, a member of their family, relation, friend or associate. Gifts and benefits may be enduring or tangible such as a work of art or consumables such as a box of chocolates, wine or gift voucher. They may also be intangible such as invitations to seating or corporate boxes at sporting, cultural or social events or access to discounts.

Hospitality includes any benefit that is directly associated with and consumed during an event. It may include a ticket or right of entry to the relevant event, as well as food, beverage, entertainment and other consumables provided at the event.

- Low-risk hospitality includes light refreshments, attendance at an official function as a PCO representative, occasional work lunches of low value and catered briefings.
- Higher risk hospitality includes restaurant meals, invitations to corporate boxes, lunches and dinner or functions held in private homes.

Hospitality does not include appropriate costs associated with official business travel or food and beverage consumed as part of an approved conference or training course.

3. Roles and responsibilities

Role	Key responsibility
Parliamentary Counsel	Approves the acceptance and provision of gifts, benefits and hospitality in line with section 4.3 and 4.4 and 4.5.
PCO employees	Declare all gifts, benefits and hospitality offered during official business.
Corporate Services	Retains register of all gifts and benefits offered to or received by PCO and its employees

4. Policy

The *Managing Gifts and Benefits: Minimum Standards* outline what employees must consider when assessing whether to accept a gift or benefit.

4.1 Recording of gifts, benefits and hospitality

All offers of gifts, benefits or hospitality, whether accepted or not, must be recorded on the PCO Gifts and Benefits Register maintained by the Corporate Services Team within 10 days of receiving the offer.

4.2 Prohibited gifts, benefits and hospitality

An employee must not accept a gift, benefit or hospitality that:

- is in the form of cash or cash equivalents (including vouchers), or
 - is, or could be perceived to be, an inducement to act in a certain way or provide preferential treatment or favours in return, or
 - is, or could be perceived to be, a conflict of interest.
-

4.3 Accepting gifts and benefits

Token gifts or benefits with a value of less than **\$50**, other than in the circumstances outlined in 3.1, may be accepted and retained by the employee.

Gifts or benefits with a value of **\$50 or more** should be refused if possible. If declining a gift or benefit could cause offence and the gift or benefit is not a prohibited item under 3.1:

- gifts in the form of perishable goods may be shared among employees with the approval of the Parliamentary Counsel,
 - gifts in the form of non-perishable goods must be surrendered to the Corporate Services Team for appropriate disposal (which could include donation to an appropriate charity).
-

4.4 Accepting hospitality

Hospitality with a value of less than **\$50**, other than in the circumstances outlined in 3.1, may be accepted by the employee.

Hospitality with a value of **\$50 or more** should be refused if possible. If declining hospitality could cause offence and the hospitality is not a prohibited item under 3.1, it may be accepted by employees.

4.5 Provision of gifts and / or hospitality

All gifts, benefits and hospitality to any party paid for by PCO must be approved in advance by the Parliamentary Counsel.

5. Further Information

Public Service Commission (PSC) *Code of Ethics and Conduct for NSW government sector employees* (Public Sector Code) and the PSC *Managing Gifts and Benefits: Minimum Standards*

Government Sector Employment Act 2013 and Government Sector Employment Rules 2014

Independent Commission Against Corruption Act 1988

Government Sector Finance Act 2018

TD21-04 Gifts of government property