

## 2.3 Gifts and Benefits Policy

As a LECC employee you must be aware of and acknowledge understanding of the LECC's Gifts and Benefits policy (Policy). You must also be conscious of your role and responsibilities to protect your reputation and that of the LECC, to ensure that the risk of negative consequences for the LECC is minimised.

Accepting "Monetary/financial gifts or financial benefits" is prohibited in all cases under this Policy, as it has the potential to be perceived as bribery, which is an offence under the *Crimes Act 1900* (NSW).

- As a LECC employee 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 to register the details.
- Completing the form and registering an offer is also required in situations where you are offered but do not 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.
- Managers approving gifts or benefits for their team members must do so within the context of this Policy as well as the LECC Code of Ethics and Conduct, and the LECC's values.

#### **Document Control**

|                         |                               |
|-------------------------|-------------------------------|
| Policy title            | 2.3 Gifts and Benefits policy |
| Responsible team        | Human Resources               |
| Sponsor                 | Manager Human Resources       |
| Approval                | Executive Committee           |
| Date of approval        | November 2024                 |
| Security Classification | OFFICIAL                      |
| DLM                     | None                          |
| Review period           | Three years                   |
| Next review             | November 2027                 |

#### **Version History**

| <b>Version</b> | <b>Date</b> | <b>Reason for amendment</b>                      |
|----------------|-------------|--|
| V0.1           | 23/08/2016  | Draft document                                   |
| V0.2           | 14/12/2016  | Final document for Executive approval            |
| V0.3           | 15/02/2017  | Minor amendments based on Executive consultation |
| V0.4           | 16/02/2017  | Submitted for Executive approval                 |
| V1.0           | 28/02/2017  | Approved for distribution                        |
| V1.1           | 13/09/2019  | Review   |
| V2.0           | 01/12/2021  | Review   |
| V2.1           | 17/11/2022  | Review – PSC new direction effective 1/11/22     |
| V3.0           | November 22 | Approved for distribution                        |
| V3.1           | November 24 | Review   |
| V4             | November 24 | Approved for distribution                        |

Printed copies and e-copies on personal drives may not be up to date.  
Check the electronic Policy Library to ensure you have the latest version of this document.

## Contents

|  |    |
|--|----|
| 1. Definitions   | 4  |
| 2. LECC Values   | 4  |
| 3. Know your responsibilities  | 5  |
| 3.1 Employees  | 5  |
| 3.2 Managers   | 5  |
| 3.3 Manager Human Resources  | 5  |
| 3.4 Chief Executive Officer  | 6  |
| 3.5 Chief Commissioner   | 6  |
| 4. Key Principles  | 6  |
| 4.1 Prohibited Gifts and Benefits  | 6  |
| 4.2 Risk Assessment  | 6  |
| 4.3 Threshold Dollar Value Test  | 7  |
| 5. What to do if you are offered a gift or benefit<br>(regardless whether you accept it) | 7  |
| 6. Criteria for approval   | 8  |
| 7. The giving of Gifts and Benefits by LECC employees                                    | 8  |
| 8. Hospitality giving by LECC employees  | 8  |
| 9. Approval of hospitality and/or entertainment  | 8  |
| 10. Disposal of gifts  | 9  |
| 11. Breaches of Policy   | 9  |
| 12. Resources  | 9  |
| 13. Advice and further information   | 10 |
| 14. Monitoring and review  | 10 |
| Checklist - Gifts and Benefits   | 11 |
| Declaration form – Gifts and Benefits  | 12 |

## 1. Definitions

|                                   |  |
|-----------------------------------|--|
| <b>Bribe</b>                      | A gift or benefit offered to or solicited by a person to influence that person to act in a particular way.   |
| <b>CEO</b>                        | Chief Executive Officer.   |
| <b>Gifts and Benefits</b>         | Any item, service, prize, hospitality or travel provided by a customer, client, applicant, supplier, potential supplier or external organisation, which has an intrinsic value and/or a value to the recipient, member of their family, friend or associate.<br><br>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. |
| <b>LECC</b>                       | Law Enforcement Conduct Commission.  |
| <b>LECC employees</b>             | All persons working with or on behalf of the LECC, including ongoing, temporary or term-basis employees, consultants, contractors and casual employees.  |
| <b>Monetary / financial gifts</b> | Includes cash, electronic money transfer, cheques, money orders, gift vouchers or other financial benefit.   |
| <b>Third Party</b>                | Any organisation or agency external to the LECC including other government agencies or authorities, State Owned Corporations or private sector organisations.  |
| <b>Token gift</b>                 | A gift that is offered in business situations to an agency or public official representing an agency. Such gifts are often small office or business accessories (e.g. pens, calendars, folders) that contain the company logo. They are usually products that are mass produced and not given as a personal gift.  |
| <b>Scope</b>                      | This policy applies to all ongoing, temporary and casual LECC employees and includes contractors and consultants who carry out work for the LECC.  |

The LECC acknowledges that in the course of their work, employees may be offered gifts and benefits and may receive offers of hospitality. It is the LECC's preference that employees do not accept gifts or benefits. However, there are times when it would be rude or offensive to refuse a gift, and when it is appropriate to accept hospitality.

This policy provides guidance for the effective management of gifts and benefits and sets the principles and standards for LECC employees to apply when considering whether it is appropriate to accept or provide a gift, benefit and/or hospitality in the course of their work.

## 2. LECC Values

The LECC values are accountability, fairness, integrity, and respect. They are the basis of a values-led workplace culture. In addition to this, there is an expectation that all employees' behaviour and conduct complies with LECC's Code of Ethics and Conduct.

### 3. Know your responsibilities

#### 3.1 Employees

- As a LECC employee 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. You must also 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.
- Employees must not solicit gifts and benefits or accept inducements or cash.
- Gifts or benefits provided to a family member, relation, friend or associate are also prohibited if they are in any way associated, or may be perceived to be associated, with the LECC employee's employment.
- Any LECC employee who accepts a gift or benefit is responsible for any taxation obligations including Fringe Benefits Tax.

#### 3.2 Managers

Approval of all reportable gifts or benefits declared to a manager must be considered in the context of this Policy, the LECC Code of Ethics and Conduct and LECC's values.

Managers must:

- Ensure staff understand and follow this policy.
- Send their primary approval to the Manager Human Resources for secondary approval and recording of the gift or benefit in the LECC's Gifts & Benefits register.
- Notify the CEO of any gifts or benefits being offered to your team members about which you have concerns as to why they are being offered and ensure a Gifts and Benefits declaration form is completed in such cases even if the gift or benefit is not accepted.

The Manager in consultation with the Human Resources Manager, and the CEO if deemed necessary, will make a determination as to whether the offered gift or benefit should be received, kept by the employee, kept by the LECC or disposed of by the LECC.

#### 3.3 Manager Human Resources

- If a gift or benefit receives primary approval from the employee's manager and is deemed appropriate, the Manager Human Resources will provide secondary approval and advise the employee in writing that the gift or benefit has been formally approved.
- Maintains the LECC Gifts and Benefits register recording all employee 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 LECC Gifts and Benefits register on a regular basis and provides guidance and assistance to managers and staff on the application of the Policy.
- Periodically analyse the declarations recorded in the LECC 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 employee.

The LECC Gifts and Benefits register and trends/anomalies will be reviewed by the CEO at six (6) monthly intervals.

### 3.4 Chief Executive Officer

- The CEO has an obligation under the *Independent Commission Against Corruption (ICAC) Act 1988* to inform the ICAC of any matter which they suspect may concern corruption, including bribery.

### 3.5 Chief Commissioner

- Will determine if any gifts of benefits received by the CEO are deemed to be appropriate.

## 4. Key Principles

### 4.1 Prohibited Gifts and Benefits

Under no circumstances should staff accept a gift or benefit:

- As an inducement to act in a certain way
- Where there could be a perception that it has been offered as an inducement to act in a certain way
- In the form of cash, cheques, money orders or gift vouchers
- Where they currently, or may in the future, exercise discretion in the making of a decision affecting the giver
- Where it is to be provided to a family member, relation, friend or associate
- If they are unsure whether they should
- If it is, or could, create a conflict of interest (that is, where there is actual, potential or reasonably perceived conflict between an employee's private interests and their impartial performance of their official duties)
- From people or organisations about whom staff are likely to make decisions involving, but not limited to, tender processes, procurement of goods or services
- From people or organisations expecting preferential treatment or favours in return.

### 4.2 Risk Assessment

If you are unsure whether acceptance of a gift is prohibited under 4.1, then an assessment should be done to determine risk using the following questions:

|                   |   |
|-------------------|---|
| <b>Giver</b>      | Who is providing the gift or benefit and what is their relationship to me, the Commission and the Government? |
| <b>Influencer</b> | Is the giver seeking to influence my decisions or actions?  |
| <b>Favour</b>     | Are they seeking a favour in return for the gift or benefit?  |

|              |  |
|--------------|--|
| <b>Trust</b> | Would accepting the gift or benefit diminish public trust? |
|--------------|--|

### 4.3 Threshold Dollar Value Test

If acceptance of a gift or benefit is not prohibited under 4.1 and is low risk, consider the value of the offer. If it is less than \$50 the gift or benefit may be accepted. The gift or benefit should be declared and approved by your manager.

If the value of the offer is \$50 or more, the gift or benefit should, wherever possible, be politely refused.

Where multiple gifts or benefits are received from the same source, within a 6 month period, staff must assess whether the items have a cumulative value of \$50 or greater. If they do, subsequent gifts or benefits should not be accepted.

## 5. What to do if you are offered a gift or benefit (regardless 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 LECC the following processes apply:

- In all situations where you are considering accepting a gift or benefit, immediately advise and discuss the situation with your supervisor or manager.
- In situations where refusing to accept a gift or benefit may cause offence to the provider, the gift should only be accepted if its' value is considered to be reasonable and accepting the gift or benefit would not cause reputational risk to the LECC. If it is deemed that such a risk exists, the manager should explain to the provider why the gift or benefit cannot be accepted by a LECC employee. The approximate value of the gift or benefit should be determined within two (2) working days of receipt.
- On the rare occasion that you have to accept a gift or benefit prior to consulting your supervisor or manager, you must inform them as soon as practicable or alternatively inform the Manager Human Resources. In cases that concern accepting a physical gift with a value of \$50 or more, a decision will still need to be made by your supervisor or manager as to whether you can personally keep the gift or are required to surrender it to the LECC.
- If the gift or benefit is under the nominal value of \$50 and deemed to be 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.
- If the value of the gift or benefit is \$50 or more and refusal is not a reasonable option and/or it is an event providing you with relevant professional development or networking opportunities, complete the [Gifts and Benefits declaration form](#) and submit the form to your manager for approval. If approved by your manager, your manager will forward it to the Manager Human Resources who will seek advice from the CEO as to whether you may keep the item or attend the event.
- 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 \$50) or if you believe the offer is being made to influence your work, you must also discuss the gift or benefit with your supervisor and

complete the [Gifts and Benefits declaration form](#) for registering on the Gifts and Benefits register.

- Gifts and/or benefits accepted by the CEO require notification to and approval by the Chief Commissioner.

## 6. Criteria for approval

Your Manager will consider whether the gift or benefit may have been intended, or may be perceived as being intended, to influence you to act in the interest of the provider, either now or later.

## 7. The giving of Gifts and Benefits by LECC employees

On occasion, LECC 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.

Employees 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 LECC's objectives and priorities.
- Any costs are proportionate to the benefits obtained for LECC, 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.

## 8. Hospitality giving by LECC employees

Any expenditure by employees 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 LECC and Government procedure, objectives and priorities.
- The expense must be correctly and accurately documented.
- The expense must generate direct benefits for LECC. The hospitality and/or entertainment must result in, or be reasonably expected to contribute to, achieving LECC's objectives and should not be used merely for social purposes.
- When hospitality is provided, employees involved must demonstrate professionalism in their conduct and uphold their obligation to extend a duty of care to other participants.

## 9. Approval of hospitality and/or entertainment

Authority to approve expenditure for official hospitality and/or entertainment should be consistent with the LECC's Financial Delegations. Managers are authorised to approve expenditure on official hospitality and/or entertainment up to the limit of their delegation (refer



LECC's Delegation Manual).

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 employees are jointly responsible for ensuring this is not a regular occurrence.

Fringe Benefits Tax (FBT) may apply to the employee component of hospitality and/or entertainment expenditure. Employees are to obtain advice from LECC's Finance team.

## 10. Disposal of gifts

Usually, gifts valued over \$50 will be surrendered to the LECC. The CEO, in consultation with the Commissioners if required, will make a decision regarding disposal method, such as an internal raffle by employees with the proceeds going to a LECC supported charity or the LECC Social Committee to fund/subsidise social events. When such matters are being considered reference will be made to the Liquor and Gaming NSW - Fact Sheet on Raffles.

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 employees, or alternatively donate the gift to a charity.

Where it is decided that the gift will be shared amongst employees, the gift must be declared with the method of disposal stated and recorded on the Gifts and Benefits register.

The CEO will keep the Finance team informed of the disposal of gifts as these may constitute a reportable valuable benefit.

Depending on the value and/or type of gift, however, there may be occasions when the CEO determines that it is acceptable for the gift to be kept by the employee.

## 11. Breaches of Policy

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 Policy is considered contrary to the LECC's Code of Ethics and Conduct. Such behaviour can bring individual employees and the LECC into disrepute, undermine productive working relationships in the workplace, hinder service delivery and damage public trust in the LECC and/or the broader government sector.

## 12. Resources

- LECC Gifts and Benefits declaration form
- LECC Code of Ethics and Conduct
- Public Service Commissioner Direction No 1 of 2022 – Managing Gifts and Benefits

- 
- Liquor and Gaming NSW - Fact Sheet on Raffles
  - Examples of gifts, situation or events

### 13. Advice and further information

Contact your manager to discuss any queries in regards to gifts and benefits. For further clarification and information contact the Manager Human Resources.

### 14. Monitoring and review

The Policy will be reviewed in accordance with the policy review schedule and at other times if any significant new information or legislative or organisational change warrants a change in this document. Reviews will be completed in consultation with the appropriate interested parties for relevance and effectiveness.

Feedback, comments and suggestions about this procedure can be submitted to Human Resources.

## Checklist - Gifts and Benefits

A gift or benefit is defined as any item, service, prize, hospitality or travel, provided by a customer, client, applicant, supplier, potential supplier or external organisation, which has an intrinsic value and/ or a value to the recipient, a member of their family, relation, friend or associate.

Accepting a gift or benefit could be perceived by other persons to be an inducement and is a breach of the standards of the LECC Code of Ethics and Conduct.

### Decision making - checklist

Questions to consider whether you need to complete a declaration of offer of a gift or benefit form. If you have ticked yes for any of the below list then you must complete this form.

Please note: it is not intended as an exhaustive list but rather to be used as a guide.

|   |  |
|---|--|
| Is the gift one of money or negotiable for money?   | <input type="checkbox"/> Yes – refuse offer and report it to your manger/supervisor  |
| Is it offered in exchange for you doing something in your official capacity?                    | <input type="checkbox"/> Yes – refuse offer and report it to your manger/supervisor  |
| Could the gift be seen by other people to influence your behaviour as a public official?        | <input type="checkbox"/> Yes – refuse offer and report it to your manger/supervisor  |
| Will you or the LECC be making important decisions regarding the gift giver in the near future? | <input type="checkbox"/> Yes – refuse offer and report it to your manger/supervisor  |
| Is the gift expensive?  | <input type="checkbox"/> Yes – refuse offer unless it is ceremonial (although not all ceremonial gifts are expensive). If accepted, ensure that appropriate documentation and approvals are completed. |
| Have you received other gifts from this person/organisation recently?                           | <input type="checkbox"/> Yes – consider gifts as a series and refuse offer   |

## Declaration form – Gifts and Benefits

| Declaration Form   |        |                          |     |
|--|--------|--------------------------|-----|
| Name of receiver:  | ...    | Date of offer or receipt | ... |
| Role:  | ...    | Division / Team:         | ... |
| Estimated value of gift or benefit   | \$ ... |                          |     |
| Description of gift or benefit   | ...    |                          |     |
| Description of context in which the gift or benefit was offered and / or received  | ...    |                          |     |
| Disclosure of any relationship (business or personal) between the giver and receiver   | ...    |                          |     |
| Decision making  |        |                          |     |
| Name of approving supervisor:  | ...    |                          |     |
| <input type="checkbox"/> Refuse <input type="checkbox"/> Accept and Dispose <input type="checkbox"/> Accept and Retain   |        |                          |     |
| Supporting information for decision  | ...    |                          |     |
| <p>Describe how the situation might affect or be seen to potentially affect you or the Law Enforcement Conduct Commission. Attach any additional materials, if necessary.</p> <p>...</p> |        |                          |     |
| Signature of receiver  |        | Signature of manager     |     |

Please forward this completed form to the Manager Human Resources/Chief Executive Officer for review and approval to be recorded on the Gifts and Benefits Register, which is kept and maintained by Human Resources.

| Approval – Manager Human Resources/Chief Executive Officer/Chief Commissioner |     |      |     |
|---|-----|------|-----|
| Name:   | ... | Date | ... |
| Signature:  |     |      |     |