



Environment Protection Authority

Gifts, Benefits and Hospitality Policy



© 2022 State of NSW and the NSW Environment Protection Authority

All content in this publication is owned by the EPA and is protected by Crown Copyright, unless credited otherwise. It is licensed under the Creative Commons Attribution 4.0 [International](#) (CC BY 4.0), subject to the exemptions contained in the licence. The legal code for the licence is available at [Creative Commons](#).

The EPA asserts the right to be attributed as author of the original material in the following manner:
© State of New South Wales and the NSW Environment Protection Authority 2022.

Published by:

NSW Environment Protection Authority

4 Parramatta Square

12 Darcy Street, Parramatta NSW 2150

Locked Bag 5022, Parramatta NSW 2124

Phone: +61 2 9995 5000 (switchboard)

Phone: 131 555 (NSW only – environment information and publications requests)

Fax: +61 2 9995 5999

TTY users: phone 133 677, then ask for 131 555

Speak and listen users: phone 1300 555 727, then ask for 131 555

Email: info@epa.nsw.gov.au

Website: www.epa.nsw.gov.au

Report pollution and environmental incidents

Environment Line: 131 555 (NSW only) or info@epa.nsw.gov.au

See also www.epa.nsw.gov.au

ISBN 978 1 922778 52 9

EPA 2022P4003

September 2022

Updated February 2023

Contents

1. Introduction	1
2. Policy	1
2.1. Objectives of this policy	1
2.2. Scope	1
2.3. Breaches	2
3. Managing risk as a regulator	2
3.1. Hospitality	2
3.1.1. Low-risk hospitality may be acceptable	2
3.1.2. High-risk hospitality should be avoided	2
3.2. Network events	3
3.3. Travel and accommodation	3
Appendix A: Definitions and resources	4
A.1 Defined terms	4
A.2 Gifts, benefits and hospitality – examples	5
A.3 Gifts to others	6
A.4 Legislation, obligations, related documents	6
A.5 Advice	7
Appendix B: Application of this policy	8
Appendix C: Responsibilities, disclosure, reporting and record keeping	10
C.1 Responsibilities	10
C.2 Declarations	11
Appendix D: Gifts, Benefits and Hospitality Declaration form	13

1. Introduction

The New South Wales Environment Protection Authority (EPA) is the State's primary environmental regulator.

As a regulator, it is essential that we are exemplary in our ethical practices and are fully committed to conducting our business dealings with the highest levels of integrity. As an employee, we expect you to act in accordance with Government policies and always display a high standard of ethical behaviour.

The offering of gifts, benefits and hospitality is a feature of business. In the course of your work you (or your family, relations, friends or associates) may be offered gifts or benefits by customers, applicants, suppliers, or other people or organisations.

It's important you respond to these offers ethically and in accordance with this policy and its procedures (see [Appendices](#)). There can be serious consequences for the EPA and its employees if the management of gifts, benefits and hospitality is mishandled.

For more information on ethics in the workplace, refer to the *EPA Code of Ethics and Conduct*, which outlines the EPA's ethical values and the behaviour we expect from all our employees.

2. Policy

Part 2 of the *Government Sector Employment Act 2013* (GSE Act) establishes the Ethical Framework for the Government sector.

All EPA employees should demonstrate the objective, core values and principles of the Ethical Framework in their conduct. The core values are integrity, trust, service and accountability.

Soliciting or accepting a gift, benefit or hospitality as an inducement or incentive:

- is inconsistent with the GSE Act Ethical Framework
- constitutes corrupt conduct under the *Independent Commission Against Corruption Act 1988* and may lead to criminal prosecution.

Accepting a gift, benefit or hospitality can be perceived as an inducement or incentive and may damage your reputation and the reputation of the EPA.

2.1. Objectives of this policy

The objectives of this policy and the associated procedures are to:

- explain what is meant by a gift, a benefit and hospitality
- explain what EPA employees' obligations are if offered a gift or benefit
- ensure EPA employees act within their statutory obligations under Part 2 of the GSE Act
- ensure EPA employees act consistently with the *EPA Code of Ethics and Conduct*.

2.2. Scope

This policy and attached procedures apply to all EPA employees including ongoing, term, temporary, casual and seconded employees and labour hire. It does not apply to contractors who do not represent the EPA but who provide professional services to the EPA.

2.3. Breaches

Breaches of this policy will be managed in accordance with the *Managing Misconduct* policy (2022) and section 69 of the *Government Sector Employment Act 2013*. Guidance can be found in the *EPA Code of Ethics and Conduct* (2022) and the *Managing Misconduct* policy (2022).

3. Managing risk as a regulator

The EPA is an independent environmental regulator entrusted by the NSW public to perform its work to the highest ethical standards. It is important we uphold that trust, including in how we respond to offers of gifts, benefits and hospitality. If this process is mishandled, there can be serious consequences for the EPA and its employees.

Some offers of gifts, benefits and hospitality may be perfectly innocent. However, sometimes they are used as a way of influencing an employee to do something in favour of the giver.

Even accepting innocent offers can be perceived as an inducement or incentive to do something for the giver.

All EPA employees need to be cautious when offered a gift, benefit or hospitality but you should be especially alert to the potential risks if you are involved in the following activities:

- making, or advising on, purchasing decisions
- evaluating tenders, quotes, proposals or applications
- administering, or advising on, grants or approvals
- managing contracts
- regulating individuals, organisations or industries
- delivering valuable services to individuals or organisations, including hiring employees.

3.1. Hospitality

If in doubt about whether it is safe to accept hospitality, don't accept it.

Some EPA employees are expected to develop effective working relationships with contacts in the private sector. It's important these relationships don't result in the employee or the EPA receiving preferential treatment, or giving the appearance that they are.

EPA employees must use careful judgement to make the right decisions.

3.1.1. Low-risk hospitality may be acceptable

Examples of **low-risk hospitality** include:

- a function where the EPA employee attends as the EPA's representative
- hospitality provided as part of a conference package, where the EPA has paid a fee for the employee to attend
- an event where invitees from a range of external organisations are present, such as catered briefings, round tables, launches etc.
- occasional working lunches of low value, such as sandwiches and coffee.

3.1.2. High-risk hospitality should be avoided

Examples of **high-risk hospitality** include:

- restaurant meals (unless as described in 3.1.1. above)
- invitations to corporate boxes or marquees

- invitations to lunches, dinners or other events to 'seal the deal', or to 'celebrate' finalisation of a procurement process or the signing of a contract, or invitations to functions held in private homes
- invitations that extend to family members, relations, friends or associates.

3.2. Network events

Sometimes it is necessary for EPA employees to attend events run by third parties to:

- advise the Government on policy
- administer a program
- improve their knowledge of industry practices.

These events may fall within the high-risk hospitality category.

Attendance at a network event must be disclosed by the relevant delegate and approved. Refer to Appendix C: Responsibilities, disclosure, reporting and record keeping. Delegates must ensure that accepting such offers does not create a conflict of interest.

It is not appropriate to accept offers of paid travel or accommodation from outside the EPA for these events.

3.3. Travel and accommodation

Do not seek or solicit an upgrade from a travel or accommodation provider for official travel.

EPA employees may accept upgrades if a travel or accommodation provider upgrades the employee for operational reasons (e.g. an airline upgrades the employee to business class because it has overbooked economy class) and there is no charge to the employee or EPA.

Appendix A: Definitions and resources

A.1 Defined terms

Bribe means a gift or benefit offered to, or solicited by, an EPA employee to influence them to act in a way contrary to the known values of honesty and integrity when performing their role.

Ceremonial gift means an official gift given as part of the culture and practices of communities and government, nationally or internationally. These gifts are usually given to official delegates or representatives from another organisation, community or foreign government when conducting official business.

Conflict of interest means a conflict (actual, potential or reasonably perceived) between a public duty and a private interest.

Cumulative gift means that an employee has been offered more than one gift within a 12-month period from the same organisation or person. The second or subsequent gift is a cumulative gift and should be declined.

Gifts and benefits means 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 or associate.

Gifts, benefits and hospitality register means the EPA's central register of all gifts, benefits and hospitality declarations maintained by the Risk and Governance section.

High-risk hospitality includes invitations to EPA employees (or their family, relations, friends or associates) to, for example, corporate boxes, concerts, supplier-run Melbourne Cup events or golf days, lunches or dinners.

Hospitality means the reception and entertainment of people. Hospitality may range from light refreshments offered at a business meeting to expensive tickets or restaurant meals. The EPA considers hospitality in two broad categories – low-risk and high-risk hospitality.

Inducement or incentive means anything that is intended to persuade or lead someone to do something for the giver.

Low-risk hospitality includes free (or subsidised) meals or beverages provided (infrequently and/or reciprocally) to employees by representatives of other agencies or organisations. This may be at meetings, official functions or other events associated with EPA work.

Network event includes an event run by a third party and attended by an EPA employee for purposes such as advising the Government on policy or administering a program or to improve an employee's knowledge of new industry practices.

Prohibited gift means a gift, benefit or hospitality that:

- is an inducement or incentive to act in a certain way
- could be perceived to have been offered as an inducement or incentive to act in a certain way
- could create a conflict of interest or a reasonably perceived conflict between an EPA employee's private interests and the impartial performance of their official duties
- is offered in circumstances where an EPA employee may currently or in the future exercise discretion in the making of a decision affecting the giver
- is to be given to an EPA employee's family member, relation, friend or associate
- is a 'bonus' gift for something the EPA purchased
- is associated with procurement
- is in the form of cash, cheques, money orders or gift vouchers
- is a token value gift with branding.

Token value means a value of less than \$25. It usually refers to the value of a gift or benefit.

Exclusions

Provided there is no conflict of interests, the following are excluded from the definition of a gift or benefit:

- pro bono work (e.g. volunteering services to the Rural Fire Service)
- competitive scholarships or awards.

A.2 Gifts, benefits and hospitality – examples

Gifts are items of value which one person or organisation gives to another person or organisation. Examples of gifts include:

- cash, cheques, money orders, gift vouchers, shares and other monetary equivalents
- a mug or T-shirt
- a bottle of wine
- a prize
- property.

Benefits are non-tangible items of value. Examples of benefits include:

- a new job or a promotion
- preferential treatment
- access to confidential information.

Hospitality is the reception and entertainment of people. Examples of hospitality include:

- food and beverages provided at an event
- restaurant meals
- tickets to an event
- entertainment.

Note: The above lists are not exhaustive.

Things you cannot accept (prohibited gifts)

EPA employees are prohibited from accepting any gift, benefit or hospitality that:

- is offered as an inducement or incentive to act in a certain way
- could be perceived to have been offered as an inducement or incentive to act in a certain way
- could create a conflict of interest or a reasonably perceived conflict between an EPA employee's private interests and the impartial performance of their official duties
- is to be given to a family member, relation, friend or associate
- is a 'bonus' gift for something the EPA purchased
- is associated with procurement
- is in the form of cash, cheques, money orders or gift vouchers
- is a token gift with branding such as pens or stationery (it may be perceived that the EPA is advertising that brand).

Things you might be able to accept

Sometimes, it may be appropriate to accept a gift, benefit or hospitality such as:

- low-risk hospitality e.g. pens, pamphlets, food and beverages provided by another government agency or individual, as part of normal work-related activities including

interviews, business meetings, conferences and seminars where they are given to all participants

- approved gift tokens of appreciation to individuals who have given presentations at conferences or other events
- ceremonial gifts from visiting delegates
- gifts accepted for cultural, protocol or other reasons, where returning them would be inappropriate
- where authorised approval is given to accept a gift, benefit or hospitality with a value of \$25 or more.

If uncertain whether to accept, check with your manager or the Risk and Governance section.

A.3 Gifts to others

There may be occasions when the EPA offers gifts to others. Examples include:

- ceremonial gifts to visiting delegates
- modest hospitality to individuals and representatives of other government agencies visiting the EPA for work-related purposes
- approved gifts as tokens of appreciation to individuals who have given presentations to EPA employees, which should generally have a value of less than \$25.

Note: All gifts, benefits and hospitality given must be disclosed for inclusion in the central register unless they are of **token value** which is defined in this policy to mean a value of less than \$25.

Gifts of government property

Section 5.6(1) of the *Government Sector Finance Act 2018* states that a person handling government resources cannot make a gift of government property unless:

- a. the property was acquired or produced to use as a gift
- b. the gift has been authorised by the Treasurer in writing
- c. the gift is made in accordance with the Treasurer's directions (including TD21-04 *Gifts of government property*)
- d. the gift was authorised by or under any law.

A gift of government property can be made in accordance with Treasurer's Direction TD21-04, which permits gifting where the following considerations are met:

Financial considerations – all of the following: the property is genuinely surplus to an agency's requirements; cannot be transferred to another agency; sale at fair value of the property would be uneconomical
and

Policy considerations – any of the following: the property has historical/symbolic significance for the recipient; has some special significance for the recipient and there are compelling reasons to gift the property; it is a low-value asset and gifting supports a government policy objective.

Note: The Treasurer's Direction TD21-04 requires the EPA to maintain a written register of gifts of government property that a person handling government resources has made for or on behalf of the agency. The register is to include certain details and this information is to remain in the EPA's written register for a period of five years from the date of the gift.

A.4 Legislation, obligations, related documents

Legislation this policy supports includes:

- *Crimes Act 1900*

- *Ombudsman Act 1974*
- *Government Information (Public Access) Act 2009*
- *Independent Commission Against Corruption Act 1988*
- *Privacy and Personal Information Protection Act 1998*
- *Public Interest Disclosures Act 1994*
- *Government Sector Audit Act 1983*
- *Government Sector Employment Act 2013*
- *Government Sector Finance Act 2018.*

Mandating instruments this policy supports include:

- *EPA Code of Ethics and Conduct*
- *EPA Statement of Business Ethics*
- Public Service Commissioner Direction No 1 of 2014, under the GSE Act
- Treasurer's Direction TD21-04 *Gifts of government property* (23 April 2021).

A.5 Advice

For further advice and information on the management of gifts, benefits and hospitality you should either:

- call the Coordinator, Risk and Governance: 02 9995 5404
- call the Manager, Risk and Governance: 02 9995 6805
- call the Director, Governance, Risk and Planning
- email: epa.giftsandbenefits@epa.nsw.gov.au

Appendix B: Application of this policy

This policy includes procedures for responding to offers of gifts, benefits and hospitality. These procedures should be read in conjunction with the *EPA Code of Ethics and Conduct*.

These procedures provide additional information on:

- managing gifts, benefits and hospitality
- approving acceptance of gifts, benefits and hospitality
- disclosing a gift, benefit and hospitality
- disposing of gifts that cannot be returned to the giver.

Conflicts of interest

If an EPA employee accepts a gift or benefit a conflict of interest (actual, potential or perceived) will usually arise.

EPA employees should record all offers of gifts, benefits or hospitality (whether accepted or declined) on the EPA [Gifts, benefits and hospitality register](#).

Bribery

EPA employees must not offer bribes or accept anything that may be a bribe. Employees may make a Public Interest Disclosure if they think:

- they have been offered a bribe
- a colleague has been offered a bribe
- a colleague has sought a bribe.

Refer to the *Public Interest Disclosure Policy and Procedure 2022* for instructions on how to make a Public Interest Disclosure.

Money and equivalents

EPA employees must not request or accept gifts of money in connection with official duties, regardless of the gift's value. This includes gift vouchers, shares, personal loans, donations to charities and other monetary equivalents. EPA employees must declare and register such offers or gifts.

Cumulative gifts of any value

If an EPA employee is offered more than one gift within a 12-month period from the same organisation or person, the second or subsequent gift is considered a cumulative gift and must be declined, regardless of value.

Family members and friends

EPA employees must not offer or accept any gifts, benefits or hospitality to family, relations, friends or associates, that arise in connection with the employee's official duties or could be perceived to relate to official duties.

Procurement and purchasing

EPA employees must not accept any gift, benefit or hospitality from suppliers or potential suppliers nor should EPA employees offer such gifts. Gifts associated with any kind of procurement must be refused regardless of value. This includes invitations to supplier-sponsored Christmas parties or events, but does not include modest, incidental hospitality such as tea, coffee or sandwiches offered during meetings.

EPA employees purchasing business goods or services in their official capacity may be offered bonus gifts, benefits or hospitality through purchase incentive schemes, in which a client who

orders a certain quantity of a product receives a gift. These gifts must be refused or returned. If it is not practical to refuse or return them, refer to the section below, [Disposal of gifts](#).

Note: Personal use of such bonus gifts, benefits or hospitality is prohibited.

Acceptance of prizes

Any prize won because of, or while engaging in, official duties (e.g. a lucky door prize at a seminar) must be treated as a gift and must be disclosed. If the provider of the prize has, or is likely to have, a business relationship with the EPA, the prize must be declined because acceptance may lead to a perception of improper influence.

Competitive scholarships and awards

EPA employees may be eligible to apply for competitive scholarships or awards in recognition of their achievements or potential in their field of expertise (e.g. the NSW Premier's Awards and the Institute of Public Administration Australia Awards).

EPA employees may accept scholarships or awards won as a result of an open and competitive application process, if approved by the relevant delegate.

Recipients of such scholarships or awards must record details of the scholarship or award (including the delegate's approval), in the [Gifts, Benefits and Hospitality Declaration form](#).

Accepted gifts that should have been declined but cannot be returned

It is sometimes hard to return prohibited gifts, for example:

- a wrapped gift that is not opened in the presence of the giver
- anonymous gifts
- a gift received in a public forum, where refusing or returning it would cause embarrassment.

Where such gifts have been accepted, they must be disclosed using the [Gifts, Benefits and Hospitality Declaration form](#) and given to the relevant Senior Executive who will decide what should happen to the gift.

Disposal of gifts

Gifts that need to be disposed of include:

- prohibited gifts that cannot be returned
- gifts that have been accepted but are deemed to be EPA property and not property of the EPA recipient employee.

Several disposal options can be used. The gift can be:

- shared among employees (for example, where the gift is a perishable item such as chocolates)
- kept within the EPA for the ultimate benefit of the public purse (for example, a gift that is useful for the EPA's work)
- donated to an appropriate charity or raffled to raise funds for a charity
- given to the EPA Chief Executive Officer, if it is a gift from visiting delegations or a personalised gift such as a plaque.

Appendix C: Responsibilities, disclosure, reporting and record keeping

C.1 Responsibilities

The table below describes the responsibilities of EPA employees, executives and directors.

All EPA employees should comply with the EPA *Gifts, Benefits and Hospitality Policy* and associated procedures.

Table 1 Roles and responsibilities

Role	Responsibility
All EPA employees	Declaring offers of gifts, benefits and hospitality in accordance with this policy
Senior Executives	Approving or declining offers of gifts, benefits and hospitality from (or to) individuals or organisations Ensuring this policy and procedure are implemented Ensuring employees understand and follow this policy and associated procedures Actively managing gifts and benefits to minimise the risk that unethical or corrupt conduct will occur Declaring any conflicts or perceived conflicts of interest Adhering to the financial and procurement delegations including appropriate authorisation to approve expenditure
Director Governance, Risk and Planning	Building awareness of the policy and providing advice on the application of this policy and associated procedures Maintaining the central Gifts, benefits and hospitality register

Disclosure and reporting requirements

All gifts, benefits and hospitality with a value of \$25 or over offered (whether accepted or declined) must be recorded on the EPA Gifts, benefits and hospitality register held by the Risk and Governance section. Section C.2 of this appendix, below, outlines the procedures for disclosure and registration.

Important note: Attempts at bribery must be resisted and immediately reported to a Senior Executive. They may be reported as a Public Interest Disclosure. Refer to the EPA Public Interest Disclosure Policy and Procedure.

Record keeping

Each Division is responsible for maintaining a dedicated CM9 folder where their completed declarations are recorded. Completed declarations should also be sent to epa.giftsandbenefits@epa.nsw.gov.au for registration of relevant details.

Review

EPA Governance, Risk and Planning will review this policy no later than three years from the date the document is approved. The document may be reviewed earlier in response to

post-implementation feedback, changes to legislation or other influential circumstances as necessary.

C.2 Declarations

Gifts, Benefits and Hospitality Declaration form

The information in the Gifts, Benefits and Hospitality Declaration form includes:

- date of the offer or receipt of gift
- name and business unit of the receiver
- name and organisation of the giver
- description of the gift or benefit
- whether it is a cumulative gift
- estimated value of the gift or benefit, where possible supported by evidence
- description of the context in which the gift or benefit was offered and/or received
- disclosure of the recipient’s relationship (business or personal) to the person offering the gift
- the delegate’s decision, for example:
 - accept and retain – the employee or the EPA will accept and retain
 - accept and dispose – the EPA will accept and dispose of in accordance with relevant asset disposal policies (e.g. donate to charity)
 - refuse – acceptance of the gift or benefit is refused or, if the gift has already been provided, it is returned
 - reasons for the decision.

Delegates

The table below describes who has authority to approve:

- *acceptance of* a gift, benefit or hospitality
- *the offer of* a gift, benefit or hospitality.

Table 2 Delegate approvals

Position	Can approve gifts, benefits and hospitality disclosed by
EPA Chairperson	The EPA Chief Executive Officer (CEO)
CEO	Executive Directors and other officers reporting directly to the CEO
Executive Directors	Directors and other officers reporting directly to the Executive Director
Directors	Officers reporting directly or indirectly to the Director

Gifts, benefits and hospitality \$25 and over: declined

All gifts, benefits or hospitality valued at \$25 or above that have been offered and declined must be declared. EPA employees should:

1. complete the Gifts, Benefits and Hospitality Declaration form
2. email it for registration on the Gifts, benefits and hospitality register to: epa.giftsandbenefits@epa.nsw.gov.au
3. copy their supervisor in on the email.

Note: The form does not have to be signed by the relevant Senior Executive.

Gifts, benefits and hospitality \$25 and over: acceptance pending approval

Acceptance of any gifts, benefits or hospitality offered that are valued at \$25 or above requires an EPA employee to:

1. complete the [Gifts, Benefits and Hospitality Declaration form](#)
2. submit the declaration and proposed acceptance for approval by the relevant Senior Executive
3. email the form for registration on the Gifts, benefits and hospitality register to epa.giftsandbenefits@epa.nsw.gov.au.

Declined cumulative gifts of any value

If an EPA employee is offered more than one gift within a 12-month period from the same organisation or person, the second or subsequent gift must be declined, regardless of value, as it is considered a cumulative gift. EPA employees should:

1. complete the [Gifts, Benefits and Hospitality Declaration form](#)
2. submit the declaration and proposed acceptance for approval by the relevant Senior Executive
3. email the form for registration on the Gifts, benefits and hospitality register to epa.giftsandbenefits@epa.nsw.gov.au.

Appendix D: Gifts, Benefits and Hospitality Declaration form

Refer to Appendix A of the Gifts, Benefits and Hospitality Policy to see when gifts may be accepted

Are you completing this form because you:

Have received an offer of a gift, benefit or hospitality from an individual or organisation?

Propose to offer a gift, benefit or hospitality to an individual or organisation?

SECTION 1: Employee details

Name	
Role	
Division/Branch	
Contact phone no.	
Email	

SECTION 2: Gift, benefit or hospitality details

Description of item			
Date offered			
If a gift, tick the category or categories the gift falls into. (See section A.2 and Appendix B of the policy for descriptions of gifts.)	Gift of value \$25 or more		
	Prohibited gift		
	Cumulative gift		
Estimated value (\$AUD)			
Name of person & company from whom you received offer or to whom you want to offer the gift.			
What is your relationship to this person?			
Proposed treatment	Accept	Decline	Offer

Section 3: Employee's disclosure

I have not withheld any relevant information and I disclose the following:

1. I have read and understood the EPA Gifts, Benefits and Hospitality policy.
2. The information provided in this declaration form is, to the best of my knowledge, true at time of disclosure.

Signature

Date

Section 4: Line manager's assessment (manager to complete)			
Proposed treatment:	Accept	Decline	
Any conflict of interests?	Yes	No	
How has any conflict of interest been managed?			
Reasons or comments			
Manager's name			
Manager's role title			
Manager's signature and date			
Signature		Date	
Section 5: Delegate's decision on treatment (delegate to complete)			
Delegate's decision	Approved	Not Approved	
I require disposal in the following manner:			
Reasons or comments			
Delegate's name			
Delegate's title			
Delegate's signature and date			
Signature		Date	
Type of gift	Can it be accepted?	Does it need registering?	Disclose to delegate?
Prohibited gift regardless of value	NO	YES	YES
Cumulative gift	NO	YES	YES – if gift is accepted
Gift of \$25 or more	NO	YES	YES – if gift is accepted
Token gift under \$25	YES	NO	NO
Keep a copy of the completed, signed form in a dedicated Division CM9 folder			