

# Gifts, Benefits and Bequests (GBB) Policy and Procedure

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## 1 Purpose

The Department of Communities and Justice (DCJ) is committed to achieving the highest standards of integrity and ethical conduct. DCJ employees must conduct themselves with the highest possible level of integrity and accountability, which includes the appropriate management of gifts, benefits and bequests (GBB).

This policy and procedure provides guidance on the requirement to declare GBB to ensure all attempts are made to prevent any unethical or corrupt conduct.

## 2 Definitions

Term	Definition
bequest	Something left to a person in a Will. For the purposes of this policy, the term bequest applies to gifts incurred as a result of the working relationship between the employee and those providing the bequest, such as a client, supported person or their families. It does not apply to bequests between family members of DCJ employees who are also clients of the department.
conflict of interest (COI)	A conflict of interest exists when a reasonable person might perceive that an employee's personal interests could be favoured over their public duties.
corrupt conduct	<p>Is deliberate or intentional wrongdoing, not negligence or a mistake. It has to involve or affect a NSW public official or public sector organisation. While it takes many forms, corrupt conduct occurs when:</p> <ul style="list-style-type: none"> <li>A public official improperly uses, or tries to improperly use, the knowledge, power or resources of their position for personal gain or the advantage of others</li> <li>A public official dishonestly exercises his or her official functions, or improperly exercises his or her official functions in a partial manner, breaches public trust or misuses information or material acquired during the course of his or her official function</li> <li>A member of the public influences, or tries to influence, a public official to use his or her position in a way that affects the probity of the public official's exercise of functions</li> <li>A member of the public engages in conduct that could involve one of the matters set out in section 8 of the <i>Independent Commission Against Corruption Act (1988)</i> where such conduct impairs, or could impair, public confidence in public administration. Some examples of this are: <ul style="list-style-type: none"> <li>- Collusive tendering</li> <li>- Fraud in relation to applications for licences, permits or other authorities under legislation designed to protect health and</li> </ul> </li> </ul>

Term	Definition
	<p>safety or the environment or designed to facilitate the management and commercial exploitation of resources</p> <ul style="list-style-type: none"> <li>- Dishonestly obtaining or assisting in obtaining, or dishonestly benefiting from, the payment or application of public funds for private advantage or the disposition of public assets for private advantage</li> <li>- Defrauding the public revenue, or</li> <li>- Fraudulently obtaining or retaining employment or appointment as a public official.</li> </ul>
declarant	An employee who has made a declaration.
delegated officer	A senior executive (director level and above) who is responsible for the business area the declarant is employed in.
disciplinary action	<p>May include one or more of the following:</p> <ul style="list-style-type: none"> <li>• Terminate the employment of the employee (without giving the employee an opportunity to resign),</li> <li>• Terminate the employment of the employee (after giving the employee an opportunity to resign),</li> <li>• Impose a fine on the employee (which may be deducted from the remuneration payable to the employee),</li> <li>• Reduce the remuneration payable to the employee,</li> <li>• Reduce the classification or grade of the employee,</li> <li>• Assign the employee to a different role, or</li> <li>• Caution or reprimand the employee, or</li> <li>• Counselling</li> </ul>
employee	<p>Those who perform work in any capacity for DCJ and includes:</p> <ul style="list-style-type: none"> <li>• Ongoing and temporary employees</li> <li>• Contractors/contingent labour workers (including agency staff).</li> <li>• Senior executives</li> <li>• Staff seconded/on loan to DCJ from other government agencies or regulatory bodies irrespective of the duration of the secondment</li> <li>• Casual employees who carry out irregular, intermittent, short-term, urgent or other work as and when requested</li> <li>• Persons on work experience, students, interns and graduates under all programs where they work for, or are located, with DCJ.</li> </ul>
gift, benefit	Any item, service, prize, hospitality or travel, provided by the department, a work colleague, employees, customer, client, applicant, supplier, potential supplier or external organisation, which has a value to the recipient, member of their family, relation, friend or associate.

Term	Definition
gifts, benefits and bequests register	The DCJ online platform for declaring and recording all gifts, benefits and bequests offered to employees or business areas. The register also records the decisions about how these are managed.
hospitality	DCJ considers hospitality in two very broad categories – low risk and high risk hospitality. For more information in how to deal with hospitality see Section 4.5 Hospitality.
integrity	This is one of the department’s core values. DCJ endeavours to: Consider people equally without prejudice or favour. Act professionally with honesty, consistency and impartiality. Take responsibility for situations, showing leadership and courage. Place public interest over personal interest.
senior executive	All DCJ Public Service Senior Executives (PSSEs) and any non-senior executive staff acting in a senior executive position (irrespective of how long they will be acting in the position) and any contingent labour staff employed in (or who are acting in) a senior executive position.
supervisor	An employee’s line manager (including those acting in temporary acting assignments).
temporary acting assignment (TAA)	An employee who is undertaking a temporary acting assignment against a position.

### 3 Scope

This policy and procedure applies to all DCJ employees.

### 4 Policy statement

GBB are often genuine tokens of appreciation, however, any GBB regardless of its value, which is accepted by an employee could imply that a relationship exists where integrity and objectivity is being compromised.

This policy and procedure is designed to educate employees on the potential risks that GBB can create. These potential risks can have a detrimental effect on the great work DCJ does in our vulnerable communities. This policy and procedure serves to guide employees in dealing with situations where they will be offered GBB, and to assist supervisors and delegated officers with strategies on how to deal with a GBB accepted or offered to their employee.

An employee must not seek personal benefit or reward for the work they undertake, or make improper use of their work, role, delegation and/or authority to gain personal benefit.

If an employee is offered or accepts a GBB, this must be managed in accordance with this policy and procedure.

Soliciting GBB is corrupt conduct. The consequences for any employee who solicits GBB will result in disciplinary action, etc.

There are significant risks for an employee accepting GBB from third-parties such as suppliers (including funded non-government organisations – NGOs), recipients of services, or individuals, families and carers.

#### 4.1 Conflicts of interest (COI)

The [Conflicts of Interest \(COI\) Policy and Procedure](#) provides guidance for employees to identify and appropriately deal with conflicts of interest.

A COI, whether actual, perceived or potential exists where a reasonable person might observe that an employee's personal interests could be favoured over their public duties. For example, where it appears that an employee is acting in an impartial manner due to accepting a gift rather than following correct procedures or fulfilling their public duties.

COI that exist within DCJ can impede or discredit the work DCJ does in the community. Even worse, in some cases COI can be corrupt conduct and may be considered a criminal offence.

It is critical for DCJ and its employees to effectively manage any COI. This requires DCJ employees to strive to the best extent possible to avoid COI and to ensure that they always act in a manner that upholds the core values of the NSW Public Service.

Where a COI exists, the offer of GBB must **always be declined and declared** on the online GBB declaration form within seven business days of the day of the offer.

An employee must never accept GBBs that are intended, or likely to, influence the way they carry out their official duties, or which could be perceived to have that effect. This includes offers to attend a function or conference, offers of meals from third party providers or any other offer that may influence, or be perceived to influence, the relationship between an employee and the person offering the GBB.

#### 4.2 What DCJ expects of all employees

Generally, the default action for all offers of GBB, is to politely refuse/decline irrespective of the value.

All DCJ employees **must not**:

- solicit GBB
- accept GBB as an inducement to act in a certain way

- accept GBB where there could be a perception that it has been offered as an inducement to act in a certain way
- accept any type of alcohol
- accept cash, cheques, money orders, gift vouchers, gift cards and other types of financial nature e.g. shares, cryptocurrency
- accept GBB where it is to be provided to a family member, relation, friend or associate
- accept GBB where you currently, or may in the future, exercise discretion in the making of a decision affecting the giver
- accept GBB if you are unsure whether you should.

All DCJ employees **must**:

- read, understand and comply with this GBB Policy and Procedure
- politely decline GBB when it is offered
- where required, declare all GBB using the online form available on the DCJ intranet page or the DCJ internet webpage within seven business days irrespective of whether the GBB was declined, accepted, returned or disposed of.

### 4.3 GBB Approvals

All GBB declarations must be approved by a delegated officer and recorded irrespective of whether the GBB was accepted, declined, returned or disposed of. This includes management strategies such as returning or disposing of a GBB.

Employees making a declaration must nominate a delegated officer within their **current reporting line**.

Where an employee is acting in a temporary acting assignment (TAA), they should nominate the relevant delegated officer for their TAA role.

A delegated officer (director level and above) must always hold a higher grade to the declarant.

### 4.4 Breaches of the GBB Policy

Failure to declare GBB will be considered a breach under the DCJ's Code of Ethical Conduct (Code). The consequences of breaching the Code include remedial or formal disciplinary action.

Matters relating to suspected or actual fraud or corrupt conduct will be referred to the relevant regulatory bodies, such as the Independent Commission Against Corruption (ICAC). The consequences for employees found to have engaged in fraud and/or corrupt conduct include criminal penalties such as fines and/or imprisonment.

Examples of serious breaches of this policy and procedure include, but are not limited to, those listed below.

- Overlooking poor contract performance or increasing project funding in return for a benefit such as travel tickets from an organisation.
- Allocating emergency response respite to a particular client, to the detriment of other respite clients, in return for being placed in the client's Will.
- Accepting jewellery from the family of a client in return for providing additional services.
- Selecting a particular organisation/supplier to provide home maintenance to clients in return for the organisation/supplier giving a job to a member of the employee's family.
- Providing services to a client who is no longer eligible, in return for a car, computer, etc.
- Attending an all-expenses paid lunch, conference, etc. from a contracting organisation, whether before, during or after a tender process involving that organisation.
- Accepting a Christmas hamper/gift from an external party/person/clients/carers/ tenants, etc.
- Accepting a reward, finder's fee, employment or any other form of recompense for favouring a particular tenderer.

## 4.5 Hospitality

Hospitality can be viewed as either **low risk** or **high risk**. Irrespective of whether the hospitality is low or high risk, the following question should be considered when deciding to accept or decline any form of hospitality:

“Would a reasonable person think that the hospitality was intended to influence the recipient to act in the interests of the giver or someone close to them, either now or in the future?”

If the answer to that question is “**yes**”, the hospitality **must be declined**.

Any prizes won during an event (e.g. fund raiser, conference, etc.) must be managed in accordance with section 5 of this policy and procedure.

### Low risk hospitality

Generally, low risk hospitality does not need to be declared. However, it is essential that employees always consider whether the low risk hospitality may result in or be perceived as an actual, potential or perceived conflict of interest. That is, what would a reasonable person think about my accepting this?

For example, could this hospitality be perceived as an incentive for me to make particular decisions that might favour the person offering this to me either now

or in the future? If the answer to this question is “**yes**”, the hospitality should be declined and declared using the online GBB declaration form within seven business days.

If employees are unsure about whether or not they should accept a low risk hospitality, they should seek advice from their delegated officer or the Business Ethics and Compliance Unit (BECU).

Examples of **low risk** hospitality include:

- functions where an employee attends as a representative of DCJ
- hospitality provided as part of a conference package or training package, where the Department has paid a fee for the employee to attend (this may include restaurant meals)
- catered briefings, roundtables, launches, conferences etc., where invitees from a range of external organisations are present or
- occasional working lunches or training sessions, where the hospitality is incidental and of low value e.g. sandwiches and beverages.

### **High risk hospitality**

- High risk hospitality as a general rule should not be accepted and any offers should be declared using the online GBB declaration form within seven business days.
- Examples of **high risk** hospitality include:
  - restaurant meals (unless the restaurant meal is part of a conference, training or meeting which has been paid for by the Department – see low risk hospitality 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/agreement
  - invitations to functions held in private homes
  - invitations which extend to family members, relations, friends and associates.

Where an employee is unsure if the hospitality offered is high risk or inappropriate, they should ask themselves the following question:

“Could I as a public official, have my supervisor approve the use of public money to provide this person with the same type of hospitality they are offering me?”

If the answer to this question is “**no**”, the hospitality should definitely be declined and declared.

There may be occasions where an employee is offered what could be high risk hospitality for example, an invitation from third-party provider/consultants to celebrate the successful launch of a program etc. While an employee should not accept these offers, there is nothing wrong with the employee attending and paying for themselves. Where an employee pays for their own meal and entertainment, it is still crucial that this is declared using the online COI declaration within seven business days. This protects employees from any allegations of impropriety. It also assists senior management in identifying any conflict of interest that need to be managed with our business partners and third-party providers (e.g. suppliers, consultants) etc.

If hospitality is accepted in good faith, but a third party attempts to use the occasion to raise a materially significant matter relating to their business or private affairs with DCJ, it is critical that the employee declines to discuss the matter and to submit a COI declaration.

#### **4.6 Sporting, entertainment and cultural events**

All invitations and/or tickets to attend sporting, entertainment or cultural events (events) that are received from external parties who interact in some way with DCJ must be treated as GBB.

However, where a DCJ employee's attendance at an event of this nature is for the purpose of carrying out their function/duty as a public servant, for example advising the government on policy, or administering a program etc., this would not constitute GBB and would not need to be declared.

A DCJ employee's invitation to an event of this nature by an external party who interacts with DCJ, would constitute as a GBB and must be declined, and declared. Where a COI exists, a COI declaration form should be submitted online.

#### **4.7 Travel and accommodation**

Employees must not 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 an employee for operational reasons, at no charge to the employee or the department (for example, where an airline upgrades a traveller to business class because it has overbooked its economy class for that flight), the employee may accept the upgrade, but must declare this receipt of the upgrade via the GBB declaration form.

#### **4.8 Competitive scholarships and awards**

Employees may accept professional scholarships (such as Executive Master of Public Administration scholarship) won as a result of an open and competitive

application process. However, the recipients of any scholarship (awarded to them as a result of their position as a DCJ employee or representative) must obtain approval from a delegated officer and **must declare** this via the online GBB declaration form.

Scholarships and awards that employees are awarded which are unrelated to their role within DCJ do not need to be declared. For example, an employee in Finance who wins the Fields Medal would not be expected to seek DCJ approval and could accept this award together with any prize.

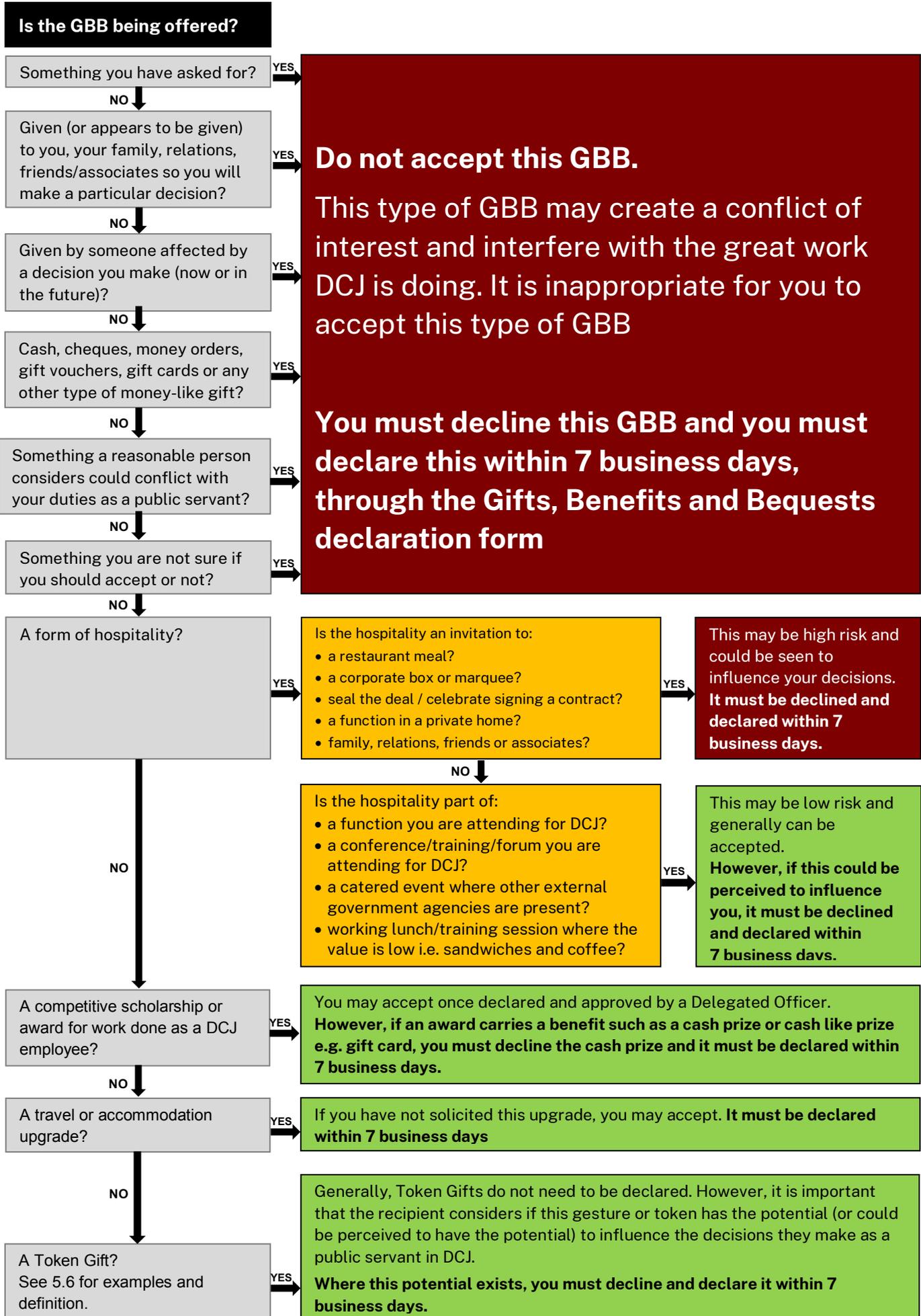
Additionally, employees may accept awards such as NSW Premier's Awards etc. given to recognise their work and efforts. However, where an award carries an additional benefit such as a cash prize, and since this award directly relates to an employee's role as a public servant, it is inappropriate for employees to accept this. Employees should decline the additional benefit or request that the additional benefit be donated. In either event, the additional benefit must be declared via the GBB declaration form.

## 5 Procedure

The GBB declaration form provides employees, supervisors and delegated officers with step by step guidance on how to complete, review and approve a declaration. All employees **must** declare all offers of GBB, (whether accepted or declined) within seven business days via the online GBB declaration form.

When a gift (which cannot be refused or returned) is received, it is important when deciding what to do with the gift, that it should not benefit an individual employee. Examples of appropriate methods of management or disposal include, but are not limited to, donating the gift to a local charity or organisation, or keeping the gift at work for the general benefit of the public if the gift is useful to DCJ's work.

The method of management or disposal must be recorded on the online GBB declaration form and approved by the delegated officer in the employee's current reporting line. Below is a decision flow chart to assist in determining how employees should treat GBB offered to them.



## 5.1 For non-senior executive employees

All GBB must be approved by a delegated officer.

Any non-senior executive employees declaring GBB must discuss their declaration with their supervisor **prior** to submitting their GBB.

Where a management plan is required, the employee must ensure that the strategy agreed upon with their supervisor is recorded in their declaration prior to submitting to a delegated officer for review and approval.

Once a determination has been made about the GBB, the supervisor and the delegated officer must ensure that any agreed management plan is implemented.

## 5.2 For senior executives

GBB declarations must be submitted to and approved by the delegated officer.

Once a determination has been made about the GBB, the delegated officer must ensure that any agreed management plan is implemented.

## 5.3 Deciding what to do with GBB

If an employee receives a gift, the recipient must consider the reason for the gift. While not restricting gestures of goodwill or appreciation, it is important to remember that refusing the gift may be appropriate if there is a possibility the gift is offered in an attempt to improperly influence the recipient, or if it may be perceived as such. For example, if a supervisor is a member of a selection panel where an employee will be applying for a promotion, the supervisor must not accept a gift, hospitality or other benefit from that employee, as this could create a sense of obligation and lead to a perceived COI.

When determining what to do with GBB, a delegated officer is required to consider a range of issues to ascertain whether it should be refused, returned and disposed of, or accepted and retained. The delegated officer should also consider appropriate methods of disposal and record reasons for the decision when approving the declaration.

## 5.4 Disposal of gifts, benefits and bequests

The online GBB declaration form [has](#) step-by-step instructions for employees, supervisors and delegated officers about how to record the disposal of a gift or benefit.

An employee has **7 business days** to comply with the disposal instructions of the delegated officer from the date the delegated officer makes a determination to dispose of a gift, benefit or bequest.

## 5.5 Limited circumstances where gifts or benefits may be accepted

Although an employee's default position must be to refuse GBB, accepting a gift or benefit may be appropriate in the following circumstances:

- When a gift is given to you in a public forum in appreciation for the work, assistance or involvement of DCJ and refusal to accept the gift would cause embarrassment.
- If refusing a gift or benefit will cause considerable offence, for example, due to cultural sensitivities.

In these (rare) cases the employee should advise the person giving the gift or benefit that they accept it on behalf of DCJ and are obliged to declare and register it.

The employee should use this situation as an opportunity to promote the expectations that NSW public officials must decline gifts and explain that accepting gifts may pose a conflict of interest for the employee and may negatively impact on DCJ's reputation.

Modest hospitality is acceptable, such as refreshments during or after a meeting, which could be viewed as common courtesy (token gift).

Another example where gifts or benefits may be accepted is when the gift is provided as part of an event sanctioned by a DCJ senior executive (director level and above) e.g. where a business area has a photo competition and the winner is given a gift voucher. In any event, the employee must declare the gift by completing the online GBB form.

## 5.6 Token gifts & gifts between employees

Token gifts are usually given as genuine gestures of appreciation or celebration of a special occasion.

Some examples of token gifts which can be accepted and do not generally need to be declared are:

- low risk hospitality (see Section 4.5 above) e.g. coffee, tea and/or sandwiches at a meeting or function or hospitality paid for by the Department etc.
- mementos or small tokens of appreciation (e.g. flowers etc.) presented to a speaker at a conference
- gifts such as mass produced pens, stress balls, notepads (gifts generally provided to attendees at a meeting or seminar)
- gifts between employees are often given to celebrate the special occasions in our colleagues' lives. Some examples are:

- birthday presents
- wedding presents
- gifts for pregnant colleagues
- gifts to farewell colleagues who leave the department or who are moving to another area within DCJ.

While token gifts and gifts between employees do not generally need to be declared, the person receiving the gift must consider if this gesture or token of appreciation **has the potential** to influence the decisions they make.

The recipient must also consider if a person observing this exchange of gifts (i.e. a member of the public, a DCJ colleague or client, a supplier etc.) would consider that the gift has the potential to influence the decisions of the recipient.

If the acceptance of the gift could influence the way the recipient performs public duties, or could be perceived to do so, the gift must be declined and then reported using the online GBB declaration form.

Where there is **any** doubt or uncertainty, the gift must be declared.

## 5.7 Bequests

This does not apply to bequests made between family members who are also clients of the department.

All other bequests must be declared via the online GBB declaration form.

Any notification of or receipt of an actual bequest to a DCJ employee must be declared via the online GBB declaration form and will be dealt with by DCJ.

## 5.8 Gifts, Benefits and Bequests Register

Declarations made by employees are recorded in a register maintained by the BECU.

The register is the central repository of information about GBB declarations made by employees and how they are managed. The register will be used to audit and monitor the management of GBB, to ensure transparency, accountability and integrity in the decision making process. Agreed information from the register is publicly available on the DCJ internet.

## 5.9 BECU Dashboards

Declarants will be able to access their GBB (draft or completed) and any other relevant business ethics declarations/applications such as Secondary Employment and Unpaid Work (SEUW) via the BECU Dashboard. Declarants will receive a password when they complete (even as a draft) a declaration to allow them to access the Dashboard at any time.

Delegated officers will be able to access all business ethics declarations/applications (e.g. Senior Executive and Private Interest Declaration, Conflicts of Interest, Secondary Employment, etc.) via the BECU Dashboard. Delegated officers will receive a password when they receive a pending declaration (or when submitting their own declarations/applications) (even as a draft) to allow them to access the Dashboard. This means that all employee declarations pending review and approval are available via this single portal.

It is highly recommended that declarants and delegated officers set (and save) their own password which will then be reflected in future workflow emails for the business ethics online forms.

### **5.10 Failure to comply**

Any failure to disclose a GBB, or being complicit in supporting others to avoid disclosing a GBB, or conduct which favours a personal interest over their public duty, is a breach of this policy and procedure. Any failure to disclose a GBB or any failure to follow the GBB management strategy determined by a delegated officer may constitute misconduct and may result in disciplinary action.

In some cases, failure to comply with this policy and procedure may constitute corrupt conduct. Some examples may include, but are not limited to the following:

- Concealing or failing to disclose a GBB
- Making a false or understated declaration
- Knowingly supporting others to avoid disclosure
- Favours a personal interest over a public duty
- Improperly influencing others to favour a personal interest, and/or

### **5.11 Appeals**

An employee who disagrees with a decision made by a delegated officer can contact their People business partner who will liaise with the employee and the relevant delegated officer.

The final decision regarding an appeal will rest with the executive director (or deputy secretary where a director is appealing a decision).

In the rare circumstances where an executive director is appealing against a decision in regards to a GBB declaration, the Secretary will make a determination on the appeal.

There is no appeal process for a Deputy Secretary appealing a decision in regards to a GBB. The Secretary, as the delegated officer, will make the final decision.

## 6 Responsibilities

### 6.1 The Secretary and the DCJ Board

Exercise leadership, promote a culture of probity and ethical conduct and model DCJ values in relation to the management of any issues that could adversely affect the performance of employees' public duty and the management of GBBs.

Oversee and manage any non-compliance issues and risks relating to the DCJ GBB program.

### 6.2 Employees

- Must put their duty to DCJ ahead of their private interest/s at all times.
- Politely decline any GBB in accordance with this policy and procedure.
- Declare any offer or acceptance of GBB within seven business days via the online GBB declaration form even if the offer has been declined and regardless of the value. Propose actions to appropriately manage a GBB that puts their public duty above their own personal interest/s.
- Comply with the agreed action/s regarding the disposal of a GBB accepted.
- Declare and manage any COI identified as a result of the GBB in accordance with the COI policy and procedure,
- For staff who are mandated to comply with the Senior Executive Private Interest Declaration (SEPID) Program, certify compliance with this policy and procedure during the annual SEPID program rollout.
- Report any suspected breaches of this policy and procedure by another employee to the professional conduct unit and cooperate with any investigative enquiries.

DCJ employees **must not**:

- solicit GBB
- accept GBB as an inducement to act in a certain way
- accept GBB where there could be a perception that it has been offered as an inducement to act in a certain way
- accept cash, cheques, money orders, gift vouchers, gift cards and other types of financial nature
- accept GBB where it is to be provided to a family member, relation, friend or associate
- accept GBB where you currently, or may in the future, exercise discretion in the making of a decision affecting the giver
- accept GBB if you are unsure whether you should.

### 6.3 Supervisors

- Exercise leadership, promote a culture of probity and ethical conduct and model DCJ values in relation to the management of GBB.
- Advise, support and remind employees of their obligations to declare and submit a GBB declaration in accordance with this policy and procedure, even if they decline the GBB.
- Where required, discuss appropriate actions that will be proposed for the delegated officer's review and approval.
- Assist delegated officers to make prudent decisions in respect of a declared GBB.
- Report to the delegated officer, any issues that arise in relation to the GBB. This includes, but not limited to non-compliance with the management plan for the disposal of the GBB.
- Oversee and ensure that the declarant complies with the agreed disposal method of the GBB.
- Report suspected breaches of this policy and procedure to the professional conduct unit and cooperate with any investigative enquiries.

### 6.4 Delegated Officers

- Exercise leadership, promote a culture of probity and ethical conduct and model DCJ values in relation to the management of GBB.
- Review and approve GBB declarations within **seven** business days of receipt.
- Advise, support and remind employees of their obligations to declare GBB in accordance with this policy and procedure.
- Provide the declarant's supervisor with a copy of the PDF version of the approved GBB declaration for their information and ensure that the declarant complies with the agreed disposal method.
- Make decisions in relation to declared GBB that benefit the needs and objectives of DCJ and its clients rather than the personal interests of DCJ employees within seven business days of receiving a declaration from an employee via the online workflow system.
- Ensure that where an applicant has indicated that they also need to complete a COI declaration, that a declaration is submitted by the declarant prior to reviewing and approving the declarant's GBB declaration.
- Process employee GBB declarations in accordance with this policy and procedure.
- Oversee and ensure that any agreed GBB management plan for their direct reports is implemented.

- Oversee and ensure that supervisors monitor the implementation of any agreed GBB management plan for non-senior executives.
- Report suspected breaches of this policy and procedure to the professional conduct unit, and cooperate with any investigative enquiries.

## 6.5 Business Ethics and Compliance Unit (BECU)

The BECU will manage and administer the GBB program by:

- Maintaining appropriate security and confidentiality of GBB declarations.
- Preparing reports for the Secretary, Executive and the Audit and Risk Committee/s, as required.
- Maintaining up-to-date dashboards of GBB declarations.
- Maintaining and updating the GBB program, as required.
- Providing reports, as required, to the Deputy Secretary Corporate Services on non-compliance matters.
- Providing information as required by Professional Standards Units and external bodies such as the Independent Commission Against Corruption (ICAC).
- Respond to the information requests of business areas
- Review/evaluate the GBB program and use feedback to inform refinements where/if required i.e. apply the principle of continuous quality improvement to all aspects of the program.
- Annually publish agreed information from the GBB register on the DCJ internet webpage.

## 6.6 DCJ Internal Audit

Conduct an audit on the GBB program every three years, three months prior to the policy and procedure review date, to help identify gaps and any area that may require refinement.

## 7 Security of Information

The BECU is responsible for maintaining appropriate security and confidentiality over information declared. The declarations made via the GBB online web-based form will be encrypted and will only be available to the following:

- Secretary and their nominated staff
- BECU employees who manage the GBB program
- Chief Audit Executive (CAE) and Director, Audit, Risk and Compliance
- Chief Risk Officer, Deputy Secretary Corporate Services
- Nominated IDS staff who assist with the maintenance of and any trouble shooting issues with the GBB program e.g. online form, dashboard, etc.

- Deputy Secretaries (for their divisions only)
- Delegated officers (for their business areas only)
- Supervisors/managers (for their direct reports only)
- Declarants
- Professional standards units or an external agency (e.g. ICAC, Audit Office) or an independent investigator

All personal information collected, managed and disclosed under this program will comply with the requirements of the NSW Privacy Laws as outlined in the Department's Privacy Management Plan.

## 8 Related legislation and documents

- Behaving Ethically: A Guide for NSW Public Sector Employees
- Goods and Services Procurement Policy and Guidelines
- Conflicts of Interest (COI) Policy and Procedure
- *Crimes Act 1900 (NSW)*
- Code of Ethical Conduct
- *Government Sector Employment Act 2013 (NSW)*
- *Independent Commission Against Corruption Act 1988 (NSW)*
- ICAC's Operation Tilga, September 2013
- ICAC's Operation Jarek, October 2012
- ICAC's Managing Conflicts of Interest in the NSW Public Sector 2019
- Information Security Policy
- NSW Audit Office Gifts, Benefits and Hospitality Policy (July 2018)
- NSW Ombudsman's Gifts and Benefits Fact Sheet
- NSW Public Service Commission's Minimum Standards for Behaving Ethically
- Privacy and Information Sharing Policy
- Privacy and Personal Information Protection Act 1998 (NSW)
- Privacy Management Plan
- Public Interest Disclosures Act 1994 (NSW)
- Public Service Commissioner Direction No. 1 of 2022: Managing Gifts and Benefits
- The Code of Ethics and Conduct for NSW Government Sector Employees

Staff should also refer to other relevant information such as codes of conduct, fraud, corruption, statements of business ethics, etc.

## 9 Document information

Document name	Gifts, Benefits and Bequests Policy and Procedure
Applies to	All employees
Replaces	Gifts, Benefits and Bequests (GBB) Policy and Procedure 15 February 2022
Document reference	TRIM
Approval	Deputy Secretary, Corporate Services (1 February 2021)
Version	2.1
Commenced	5 June 2023
Due for review	4 June 2026
Policy owner	Business Ethics and Compliance Unit (BECU)

## 10 Support and advice

You can get advice and support about this policy and procedure from the BECU which has responsibility for this document.

Business unit	Business Ethics and Compliance Unit (BECU) Audit, Risk and Compliance Corporate Services
Email	<a href="mailto:GiftsBenefitsBequests@dcj.nsw.gov.au">GiftsBenefitsBequests@dcj.nsw.gov.au</a>
Intranet page	<a href="https://intranet.dcj.nsw.gov.au/employee-resources/my-ethics-and-compliance/gifts-benefits-and-bequests">https://intranet.dcj.nsw.gov.au/employee-resources/my-ethics-and-compliance/gifts-benefits-and-bequests</a>
Internet page	<a href="https://dcj.nsw.gov.au/resources/policies/gifts-benefits-and-bequests.html">https://dcj.nsw.gov.au/resources/policies/gifts-benefits-and-bequests.html</a>
Online declaration form	<a href="https://qbb.dcj.nsw.gov.au/">https://qbb.dcj.nsw.gov.au/</a>

This policy and procedure is subject to change. The latest published version of the policy and procedure is available on the DCJ intranet and internet.