

# Executive

## Gifts and Benefits

### EO 3.1 Receipt of Gifts and Benefits

## 1 Purpose

The purpose of this policy is to provide guidelines to all Taronga Conservation Society Australia (Taronga) employees on the receipt and disposal of gifts and benefits. The Office of Environment and Heritage Gifts, Benefits and Hospitality policy and procedures should also be read in conjunction with this policy.

## 2 Policy Statement

There are very real risks associated with being offered and accepting gifts of benefits for Taronga employees. The acceptance of a gift or benefit may influence an employee's behaviour inappropriately and may cause them to act partially in the interest of the individual of organisation who provided the gift, rather than impartially in accordance with public duty.

Employees must not accept gifts or benefits that could place them under any actual or perceived financial or moral obligation to other organisations or individuals. Employees must be satisfied that their position will not in any way be compromised by acceptance of such gifts or benefits. Gifts or benefits of a nominal value of up to \$25 may be accepted in some circumstances.

All accepted and declined gifts and benefits of greater than \$25 in value must be registered in Taronga's Gift Register. The Gifts Register is maintained by the Taronga Executive Officer to enable the registration of receipt and disposal of gifts as Taronga property, in an open and transparent manner. Gifts and benefits of less than \$25 in value need not be registered. Restrictions apply to accepting cumulative gifts of nominal value.

The offering or accepting of a bribe has serious consequences including allegations of corrupt conduct.

## 3 Definitions

### 3.1 Gift

A gift is an item of value which one person or organisation presents to another and includes items such as a gift voucher, entertainment, hospitality, travel, commodities etc.

### 3.2 Benefit

A benefit is a non-tangible item of value and includes items such as a promotion, preferential treatment, access to confidential information etc.

### 3.3 Bribe

A bribe is a gift or a benefit that is offered to or solicited by a public officer to influence that person to act in a particular way.

### 3.4 Conflict of Interest

A conflict of interest refers to situations where a conflict arises between public duty and private interest which could influence the performance of official duties and responsibilities.

### **3.5 Gift Register**

A gift register is an official agency record that details gifts and benefits received by employees and how they were managed.

## **4 Policy Practice and Procedures**

### **4.1 Gifts or Benefits of Less Than \$25 in Value**

Taronga has established that the nominal value of gifts for acceptance is \$25.

Employees must not accept gifts or benefits that could place them under any actual or perceived financial or moral obligation to other organisations or to individuals. Employees must be satisfied that their position will not in any way be compromised by accepting such gifts or benefits.

An additional consideration with gifts and benefits of nominal value is whether it is a single occurrence or one of a series which in a year may in total constitute more than nominal value. If a staff member is offered two or more gifts of appreciation or gratitude within a 12-month period regardless of the value of the gift, from the one company/individual source, they are regarded as a cumulative gift and must be declared to the Executive Officer.

Gifts and benefits of less than \$25 in value need not be registered.

### **4.2 Gifts or Benefits of Greater Than \$25 in Value**

In general, Taronga employees must not accept gifts of more than \$25 in value from individuals or organisations external to Taronga which does not have a public benefit including but not limited to tickets to sporting events or other entertainment, food baskets, jewellery, perfume, works of art and discounted products for personal use.

Some exceptions to accepting gifts and benefits greater than \$25 in value exist given Taronga's complex existing relationships with sponsors, donors, governors, patrons and long-term contractual relationships.

Accepting gifts of greater than \$25 in value must be assessed against whether acceptance places Taronga under any actual or perceived financial or moral obligation to the organisation or individual offering the gift. Decisions regarding the gift's acceptance will be assessed on a case by case basis in discussion with the employees Manager or General Manager, and/or the Executive Officer and /or the Director of Corporate Services and Governance. The individual circumstance will be assessed against the risk of actual or perceived conflict and the relationship between Taronga and the gift giver.

All accepted and declined gifts and benefits of greater than \$25 in value must be registered in Taronga's Gift Register.

### **4.3 Types of Gifts and Guidelines**

Gifts and benefits generally fall into the following categories;

- **Token Gifts**

Token gifts are gifts that are often offered in business situations and are usually business accessories and/or products embossed with a corporate logo that are mass-produced and not given as a personal gift (eg inexpensive pens and pencils, key rings, notepads, diaries and calendars which usually do not exceed \$25). These gifts may be accepted.

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- **Gifts of Gratitude**

Taronga employees possess unique skills and knowledge and can be called upon to provide expert opinion and advice to a range of external parties including other government agencies, education institutions, NGO's and VIP visitors. In return, gifts of gratitude are often offered in appreciation and in many circumstances it would be inappropriate to refuse them (eg a modest bottle of wine offered by a University for which a Taronga employee presented at a workshop). In many circumstances, these gifts, although of an individual benefit can be accepted. The employee must assess whether acceptance of the gift places Taronga under any actual or perceived financial or moral obligation to the organisation or individual. See section 4.3 for further information.

- **Ceremonial Gifts**

Ceremonial gifts are those of an official nature which may be provided when conducting business with other organisations. Although these gifts may sometimes be offered to express gratitude, the gratitude would usually extend to the work of several people at Taronga and therefore is considered to be for the people and not a particular individual (e.g. a plaque given by an overseas delegation to commemorate a visit or as a symbolic gesture of the relationship formed between the parties).

Ceremonial gifts can be accepted. However, the gift must be surrendered to Taronga's Executive Officer; placed on Taronga's Gift Register; and displayed or housed in an appropriate location within the Zoo/s; or disposed of by any of the methods contained in section 4.2 below.

- **Gifts of Money/Gift Vouchers**

In no circumstances must gifts of money in connection with official duties be requested or accepted. This includes gift vouchers, shares, personal loans and other monetary equivalents. However, if an employee is offered a cash gift, it may be accepted as a donation to the Taronga Foundation subject to the gift giver at the time being informed that the gift will be donated on their behalf. The employee accepting the donation must surrender the gift to the Taronga Foundation immediately.

- **Prizes and Gifts**

Prizes and gifts may be acquired or offered to Taronga's employees as a result of a completion while engaging in official duties (e.g. a luck door prize at a conference or a gift for completing a survey). As such prizes have been obtained in the course of representing Taronga, prizes or gifts greater than \$25 in value are considered the property of Taronga. Such gifts or prizes must be surrendered to the Executive Officer; placed on Taronga Gifts Register; and disposed of by any of the methods contained in section 4.2 below.

- **Gifts of Influence**

A gift of influence is a gift that is intended to generally ingratiate the giver with the recipient for favourable treatment in the future. Gifts of influence are not to be accepted.

- **Bonus Gifts for Purchases**

Individuals involved with procurement and tendering should be aware that unsolicited gifts could also be offered by a company offering a free gift to clients who order a certain quantity of a product i.e. a purchase incentive scheme. Gifts of this nature must not be accepted.

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- **Gifts and Benefits to family members and friends**

Gifts and benefits to family members and friends that arise in connection with an individual's official duties should not be offered or accepted.

- **Frequent Flyer Incentive Scheme Benefits**

In line with the NSW Government policy, Frequent Flyer incentive scheme benefits cannot be accumulate by individuals for business travel.

- **Hospitality and Networking Events**

Careful judgement is required in accepting offers of hospitality and networking. This is particularly the case considering Taronga's complex existing relationships with sponsors, donors, governors, patrons and long-term contractual relationships. Due to the nature of their jobs, some Taronga staff are expected to develop effective working relationships with contacts in the commercial sector, but, at the same time, must ensure that such relationships do not result in preferential treatment for those commercial contacts. Delegates should ensure that acceptance of hospitality and networking offers does not create a conflict of interest.

As a general rule, where there is doubt about whether to accept hospitality, employees and their managers should not accept the invitation. Acceptance of hospitality that is deemed high risk should always be accompanied by a greater level of transparency and declared as soon as is practicable.

If hospitality is accepted in good faith, but a third part attempts to use the occasion to raise a materially significant matter relating to their business or private affairs, the employee should politely decline to discuss the matter and, if appropriate, propose that a formal meeting be organised for a later date.

It is not appropriate to accept offers of paid travel or accommodation for attendance at such events.

Modest hospitality to individuals and representatives of other organisations who visit Taronga for work-related purposes is permissible.

#### **4.4 Disposal of Gifts or Benefits**

Gifts and benefits which require disposal of shall be disposed of via any of the following methods:

- Used by Taronga to conduct on-going business (e.g. use of a computer);
- Returned to the original source;
- Auctioned at a Taronga fundraising event, with any funds raised to be donated to the Taronga Foundation;
- Auctioned or raffled to Taronga staff by expressions of interest or auction, with any funds raised to be donated to the Taronga Foundation;
- Auctioned externally of Taronga (e.g. EBay, *Trading Post* or auction house) with any funds raised to be donated to the Taronga Foundation; or
- Donated to charity.

#### **4.5 Unacceptable gifts or benefits**

Soliciting personal gifts or benefits is strictly prohibited. If an employee becomes aware of a staff member soliciting individual gifts or benefits, it should be immediately reported to your Manager. Unacceptable gifts and benefits include:

- Gifts of Influence.
- Gifts and benefits offered to employees involved in grants funding distribution from organisations being considered for Taronga grants funding.

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- Gifts and benefits offered to employees involved in tender selection from organisations being considered for Taronga tenders.
- Gifts and benefits offered to employees involved in the Taronga Ethics Committee from organisations or individuals being considered for Ethics Committee approval.
- Gifts and benefits offered to employees involved in assessing long-term contracts with Taronga from an existing or a potential contractee, must not be accepted within six months of such a contract expiring. Any acceptance of a gift/benefit after this six month period must be in accordance with this policy.
- Individual cash gifts are strictly prohibited. See section 4.3 for permissible acceptance of cash gifts as donations to the Taronga Foundation.

#### 4.6 Gift Register

To ensure an open and transparent process, all accepted and declined gifts and benefits of greater than \$25 in value must be registered in Taronga's Gift Register. Information recorded in the Gift Register must include:

- Date Offered
- Offered by (name, position, agency, contact details)
- Offered to
- Reason for Offer
- Description
- Estimated Value
- Decision Regarding Gift
- Signature and Date

The Gift Register is co-ordinated by Taronga's Executive Officer.

#### 4.7 Bribery

A bribe is generally defined as a gift or benefit that is offered or solicited to influence an employee to act in a particular way. Offering or accepting a bribe is a special case in relation to gifts and benefits that has serious consequences.

Staff must refuse any gift or benefit they believe is offered as a bribe. Individuals should contact the Executive Officer at Taronga, if they are concerned that they or a colleague has been offered a bribe, or that a colleague has sought or accepted a bribe.

## 5 Accountability

### 5.1 Application and Compliance

This policy applies to all employees including permanent, temporary, labour hire and seconded staff. This policy does not apply to individuals or employees of organisations that provide services under contract to Taronga. Compliance to this policy is mandatory.

Compliance with this policy directive form part of the contract of employment, and failure to comply with the policy may lead to termination of employment.

### 5.2 Employees

Employees are responsible for:

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- Declaring the receipt of gifts and/or benefits to the Taronga Executive Officer and Gift Register;
- Reporting an offer of a bribe immediately to their Manager;
- Reporting any suspected corrupt conduct relating to gifts and benefits to their manager; and
- Maintaining the integrity of Taronga by complying with this and other Taronga policies including the Taronga Code of Conduct.

### 5.3 Managers

In addition to the responsibilities prescribed in section 5.1 above, Managers are responsible for;

- Informing their employees of this policy and the Taronga Gift Register;
- Advising of the disposal/acceptance of gifts and benefits; and
- Reporting any suspicion or concerns of Bribery

## 6 References

- Office of Environment and Heritage, Gifts, Benefits and Hospitality Policy and Procedures
- Office of Environment and Heritage Code of Ethics and Conduct, 2015
- Taronga HR 8.1 Code of Conduct
- Government Sector Employment Act 2013
- Public Sector Code Guidelines for Members of NSW Government Boards and Committees
- Independent Commission Against Corruption Act 1988
- Managing Gifts and Benefits in the Public Sector June 2006, ICAC

## 7 Approval

Cameron Kerr  
**Executive Director and Chief Executive**