



Tasmania Fire Service

Tasmania Fire Service Gifts and Benefits Policy

1. Purpose

This document is a Tasmania Fire Service (TFS) management policy that outlines the statutory obligations relating to the giving and receiving of gifts and benefits for all TFS members (employees and volunteers).

2. Aim

This policy aims to ensure common and ethical standards are applied for the acceptance and registration of gifts within TFS.

3. Authority

This policy is issued under the authority of the Chief Officer, TFS on behalf of the State Fire Commission (SFC). This policy applies to all TFS members (employees and volunteers).

4. Relationship to TFS Values

Adherence to this Instruction will directly contribute to TFS core values, as follows:

- a. **Service:** Responsive to community needs by being progressive and delivering quality services without any conflict of interest, and behaving in a way that doesn't adversely affect the integrity and good reputation of the TFS.
- b. **Professionalism:** Accountable for actions and acting in a way that reflects positively on the organisation.
- c. **Integrity:** Role modelling ethical behaviour and valuing trust.

5. Definition

For the purpose of this Instruction, a gift is defined as:

“Any gratuity or benefit gained by a member or their immediate families (spouses, partners and dependent children) in the form of money or otherwise (except by means of a will) in the course of a member's duties from any person other than the TFS.”

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A gift may include, but is not limited, to:

- a. money;
- b. a physical object;
- c. conferring of a benefit;
- d. indirect or concealed gifts such as the permanent or indefinite loan of money or property, the sale or transfer of property at less than full value, or the provision of a benefit which has a financial value for less than full value; or
- e. provision of hospitality (e.g. accommodation), travel (airfares) or entertainment for less than full value.

6. Background

Members of the public may wish to express their appreciation for a job well done. If this is simply a cup of tea and a piece of cake after attending their chimney fire, then this is totally acceptable. However, if this same member of the public gives \$50 or a carton of alcohol, then this would be classified as a gift and must be declared.

The TFS role is to serve the Tasmanian community; including being responsive to community needs and delivering quality services. The appreciation from members of the community is often heartfelt; but payment is not required. If a gift is accepted from an organisation without correct acknowledgement or protocol, the public may assume that a conflict of interest exists, or that the organisation may be attempting to influence decisions through contracts, purchasing and so forth.

The *State Service Act 2000* contains State Service Principles that, in part, require the State Service to be apolitical and perform its functions in an impartial, ethical and professional manner. Central to this is the requirement for officers and employees to behave honestly and with integrity in undertaking their duties (Section 9(12)). Importantly, the *State Service Regulations* require a gift to be declared to the relevant Head of Agency (Regulation 12). In particular, Employment Direction No 8 – *Gifts and Benefits* applies to all State Service Agencies' officers and employees.

The same expectation is applied to TFS volunteers. Section 5.2.2 of the *TFS Volunteer Handbook* states:

"The Volunteer Code of Conduct is adapted from the State Service Act 2000 and sets reasonable and common sense standards for conduct and behaviour based on the Principles."

This Instruction is therefore applicable across the TFS workforce.

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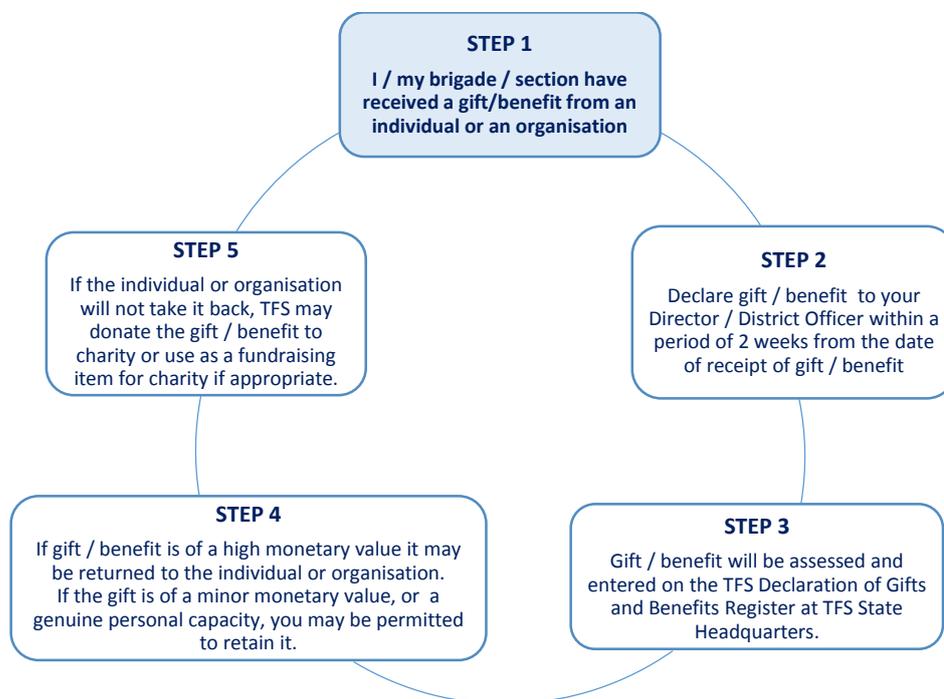
7. Policy Statement

7.1 Process for declaring a gift

In accordance with the requirements articulated in section 6 (background), TFS requires that employees and volunteers declare and retain if practicable all gifts and benefits to District Officers and / or Directors within a period of two weeks from the receipt of the gift or benefit.

All gifts and benefits must be recorded on the “*Declaration of Gifts and Benefits Register*” which is maintained by Information and Records. The instrument to do this is by submitting a Gifts and Benefits Declaration Form (attached). Both the register and the form are public documents; held on the TFS Intranet under “Corporate Information”. Note: the information contained in these documents is provided on a regular basis to the Integrity Commission.

The diagram below details the gift and benefits receipting and decision cycle:



If gifts or benefits are not declared, administrative or disciplinary action may result. Procedures pertinent to this are contained in Employment Direction No. 5 – *Procedures for the investigation and determination of whether an employee has breached the Code of Conduct*.

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If this occurs, the Chief Officer must appoint, in writing, an impartial investigator to investigate the breach of the Code. Prior to the commencement of the investigation the Chief Officer will provide the following information to the individual or parties:

- a. the substance of the breached Code (essential elements);
- b. the intention to investigate the alleged breach;
- c. who will be investigating the alleged breach;
- d. advice regarding assistance throughout the process; and
- e. possible implications if the matter is determined to be a breach of the Code.

7.2 Minor gifts exempt from declaration (not registration)

Some gifts of minor monetary value may be acceptable to retain. These items may include:

- a. souvenirs;
- b. mementos;
- c. craft;
- d. remembrances;
- e. marks of courtesy or of a seasonal nature;
- f. tokens bestowed at official functions; and
- g. items from conferences and seminars such as pads, pens, satchels etc.

However, these should still be entered on the gift register for transparency. If in doubt clarification should always be sought from District Officers or Directors as appropriate.

7.3 Business incentive gifts

7.3.1 Free Offers When goods are ordered or purchased for TFS (or a part thereof), the guidelines for registering any free offers remain the same as a gift or benefit. Purchasing practices must be transparent and fully accountable; and any purchasing decisions should not be influenced by self-interest or personal gain. The Department of Treasury and Finance have “A Guide for Government Buyers” located at www.purchasing.tas.gov.au which provides further advice in this regard.

Additionally, Employment Direction No 8 states that “*All Government buyers must decline gifts, gratuities or any other benefits which may influence, or might be deemed to influence equity or impartiality in procurement decisions.*”

7.3.2 Sponsored travel Sponsored travel must not be accepted without prior approval of the Chief Officer as this is considered to be a gift. However, sponsored travel may be approved if it is considered to be of benefit to the State. In approving sponsored travel, the Chief Officer’s primary responsibility is avoiding a conflict of interest, or the appearance of a conflict of interest. **Note:** sponsored travel does not become more acceptable when undertaken in an individual’s own time, or in an unofficial capacity. Therefore, all sponsored travel, except that provided by the Commonwealth, is to be considered a gift for the purposes of reporting.

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7.3.3 Sponsored Functions Functions, entertainment and hospitality are classified as gifts. When determining whether the acceptance of the hospitality is acceptable, the officer or employee should consider whether the invitation is aimed at influencing one's power to purchase, or benefit the host organisation in some other way. These invitations should be always be discussed with the District Officer and/or Director prior to acceptance.

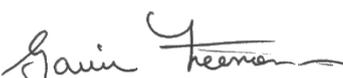
7.4 Community / personal gifts

Volunteer brigades will often be requested to conduct hazard reduction burns on private property. This activity has multiple benefits; including providing training for brigade members, reducing hazardous growth, and building community linkages. However, under no circumstances are gifts or payment to be accepted for services rendered. If the individual or community still insists on making a donation of some kind to the brigade, the Brigade Chief must contact the District Officer with details of the situation. The District Officer will declare the gift, and provide relevant guidance and advice. If the gift was a genuine heartfelt donation from a grateful person and of a minor monetary value, the District Officer may advise that the gift can be shared between all brigade members, or used at a brigade function. If the gift is of high monetary value then it is to be returned to the individual. In both cases, it must be entered on the TFS Declaration of Gifts and Benefits Register.

Gifts received anonymously or by post are to be treated in the same fashion. If the gift is of a minor monetary value, or of a personal nature from a friend, you may be permitted to retain the gift but it still must be declared and will be recorded on the TFS Declaration of Gifts and Benefits Register.

8. Document Administration

This document is Version 1.2 effective 1 December 2015. The policy is maintained by the Principal Staff Officer, for the Chief Officer TFS on behalf of SFC.

APPROVED:  Date: 01 - 12 - 15

 G Freeman AFSM, Chief Officer
 Tasmania Fire Service
on behalf of the
State Fire Commission

Document Attachment

1. Gifts and Benefits Declaration Form

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Gifts and Benefits Declaration Form

GIFT DETAILS	
Surname <i>and/or</i> Brigade Name	Given Name
Work Area and/or District	Date of Declaration
Description of gift/benefit (include approximate value \$)	
Date gift/benefit made known to you	Date gift/benefit provided to you
Reason for gift/benefit	
Current location of gift/benefit	
Name of Director / District Officer <i>(if notified/advised)</i>	
Donor's surname	Donor's given name
Donor's address	Donor's phone number
Recommendation	
DISTRICT OFFICER / MANAGER APPROVAL	
Surname	Given name
Position Title	Endorsement <input type="checkbox"/> Supported <input type="checkbox"/> Not Supported
Comments/Recommendations	
Signature	Date
DIRECTOR / REGIONAL CHIEF AUTHORISING OFFICER APPROVAL	
Surname	Given name
Position	Approval <input type="checkbox"/> Approved <input type="checkbox"/> Not Approved
Comments	
Signature	Date

This form is an attachment to SFC 02/15 TFS Gifts and Benefits Policy

- Sent to Office of Executive Officer Administration to enter on TFS Declaration of Gifts and Benefits Register
- Forwarded to Information & Records Section for filing on TRIM