



# Gifts and Benefits Policy and Procedure

V3.0 | September 2023

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# PART 1 - POLICY

## 1. Purpose

This policy (Part 1) and the related procedures (Part 2) sets out the ethical considerations and procedures involved in the giving and receiving of gifts or benefits by QBCC officers, including gifts or benefits offered to QBCC officers on behalf of the QBCC or the State of Queensland.

## 2. Scope

This policy and procedure apply to:

- the Commissioner/Chief Executive Officer (Commissioner), Statutory Office Holders, Senior Executive Service (SES) or equivalent and employees of the Queensland Building and Construction Employing Office (QBCEO) who undertake work for the Queensland Building and Construction Commission (QBCC)
- individuals who are engaged as contractors to the QBCC.
- members of the Queensland Building and Construction (QBC) Board (Board) and the Board Committees including the Industry Advisory Committee (IAC).
- members of the Service Trades Council (STC) and its panel, the Service Trades Licensing Advisory Panel (STLAP).

All the above individuals are collectively referred to as '**QBCC officers**' in this policy.

The following types of gifts or benefits are outside the scope of this policy:

- gifts or benefits given or received under an appropriately approved employee health and well-being program or an appropriately approved reward and recognition program.
- benefits negotiated due to the QBCC sponsoring a service, product, or activity on its own or with another government agency, as may occur under the Queensland Government sponsorship policy.

### 3. Authority

This policy addresses relevant requirements of:

- Public Service Commission (PSC) Directive [Gifts and Benefits \(Directive 22/09\)](#) (the Directive) which outlines the ethical considerations and procedures involved in the giving and receiving of gifts and benefits by employees and agencies of the Queensland Public Service
- the [Public Sector Ethics Act 1994](#), which sets out the Queensland Public Service ethics values
- Standards of conduct 1.1, 1.2, 3.1, 4.1 and 4.2 the [Code of Conduct for the Queensland Public Service](#) (Code of Conduct), which respectively require us to:
  - ensure our decision making is ethical
  - in accordance with our agency policies and procedures always disclose a personal interest that could, now or in the future be seen as influencing the performance of our duties
  - actively participate with our agency in developing and implementing resolution strategies for any conflict of interest
  - ensure that any conflict of interest is resolved in the public interest
  - adhere to the policies, organisational values, and organisational documents of our employing agency
  - comply with all reasonable and lawful instructions, whether or not we personally agree with a given policy direction
  - manage gifts, benefits, or hospitality in accordance with our agency policies.

This policy is compatible with the human rights protected by the [Human Rights Act 2019](#) and any limitation on a QBCC officer's human rights is reasonable and justifiable because of the broader public interest in ensuring that public officers conduct themselves in an accountable and transparent manner.

### 4. Policy statement and principles

#### 4.1 Policy statement

If offered a gift or benefit in the course of their official duties, QBCC officers' first consideration must always be whether the gift or benefit is appropriate to accept. Issues to consider include:

- why the offer was made.
- the public perception of the officer's acceptance of the gift or benefit.

Any gift or benefit accepted, regardless of monetary value, implies or may imply a relationship which may interfere with objectivity and independence.

QBCC officers must not ask for or encourage the giving of any form of gift or benefit in connection with the performance of their official duties. This includes entering any discretionary competitions which involve a prize and where their position as a QBCC officer is known or evident.

Gifts or benefits accepted by QBCC officers remain the property of the QBCC unless the accountable officer for the agency determines it is appropriate for the recipient to retain the gift or benefit.

All gifts and benefits received which are over a certain value must be disclosed in the QBCC's Gifts and Benefits Register in accordance with this policy.

The practice of giving gifts should not be common or frequent in occurrence. The appropriateness of gift giving must be considered, and appropriate approval must be obtained from the Delegate.

#### Gifts of cash

Offers of cash or items which are readily converted into cash must be refused. This is because accepting money in any form will breach a number of public service policies and legislative requirements and may be seen as an attempt at bribery.

#### Hospitality

Gifts other than token gifts, token hospitality or mementos must not be accepted unless they can be shown to be of benefit to the QBCC, the State of Queensland and/or the public generally.

## 4.2 Principles

This policy aligns with the QBCC's: vision for a thriving and resilient building and construction industry inspiring confidence, and supporting sustainable social, environmental, and economic outcomes for Queenslanders. and purpose of delivering excellence in regulatory services to reduce risk and offer protection from harm.

This policy supports the Code of Conduct, Directives and legislative obligations imposed upon QBCC officers in addressing the ethics principles of integrity and impartiality and accountability and transparency, and their overriding obligation to maintain and enhance public confidence in the integrity of public administration.

## PART 2 - PROCEDURE

### 5. Acceptance of gifts and benefits

#### 5.1 Consideration of whether to accept an offered gift or benefit

Before accepting an offered gift or benefit, QBCC officers are required to discuss with their manager whether acceptance could create a perception that the QBCC officer or the QBCC will be improperly influenced in the conduct of their duties and functions.

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

- functions where the recipient attends in an official capacity as the organisation's representative
- catered briefings, roundtables, launches etc., where invitees from a range of external organisations are present.

Engaging with our key industry stakeholders forms part of our legislative function under the QBCC Act. Acceptance of an invitation to attend the industry stakeholder function is not likely to affect, or reasonably be perceived to affect, the independent and impartial performance of official duties and is likely to be for a public benefit.

**Examples of token hospitality which do not need to be declared:**

Means hospitality at external events hosted by external parties at which food and beverages such as tea, coffee, snacks or a light meal are provided, where the cost is borne by the external party. As a rule of thumb, one-off hospitality worth less than \$20 is generally considered token.

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

Was it a memento or token gift or benefit? These are gifts that are given as a token of minimal value (e.g. coffee mug, a pen or stationery with a company logo). Token gifts are offered in business situations to an agency or public service employee representing an agency. They are usually products that are mass produced and not given as a personal gift. This includes sponsors' material provided to all delegates at a conference. Acceptance of these gifts or benefits can be considered as they represent a lower risk.

The PSC's [Gifts and Benefits Guideline](#) (Guideline) provides guidance on these considerations and incorporates a Decision Making Guide as an example of how officers may consider whether a gift or benefit should be accepted.

Officers may usually accept a gift or benefit with a cumulative value of \$150 or less without approval. QBCC officers are required to take reasonable steps to ascertain the value of the gift/benefit. Deliberately undervaluing a gift/benefit may be considered misconduct.

Delegate approval must be obtained before accepting any gift or benefit:

- valued at more than \$150;
- where the cumulative value of gifts or benefits received from one donor during a financial year total more than \$150;
- where the gift has cultural or historical significance; or where a gift or benefit is offered at or about the time that another process is occurring that concerns the donor (e.g., a procurement tender process, or a licencing application decision).

The current gift and benefit approval delegations are below, but the current QBCC Delegations Manual should be checked to ensure these delegations are still current:

VALUE	RECIPIENT OR DONOR	DELEGATE
Over \$350	QBCC Officers	Commissioner, Chief Integrity, and Risk Officer
\$150 - \$349 in value	QBCC Officers	Director, Governance Risk and Ethics
\$0 - \$149 in value (where other circumstances as detailed above require approval)	QBCC Officers	Manager, Ethics Standards and Complaints (ESC)
Any value	Commissioner	QBC Board Chair
Any value	QBC Board Chair	Commissioner
Any value	QBC Board member or Commissioner	QBC Board Chair

QBCC officers can decline offers of gifts or benefits courteously by explaining that acceptance would be against agency policy and consequently that they have no discretion in the area.

## 6. Retention of gifts and benefits

### 6.1 Retention of gifts or benefits

All gifts of cultural or historical significance must remain the property of the QBCC, regardless of their value.

In respect of gifts and benefits accepted by a QBCC officer which are not a gift of cultural or historical significance:

- gifts and benefits valued at \$150 or less may be retained by the QBCC officer for their personal use, subject to any contrary direction by a Delegate.
- gifts and benefits with a value of between \$150 and \$350 may be retained by the QBCC officer if approved by the Delegate.
- gifts and benefits with a value of over \$350 may be retained by the officer if the Delegate gives approval but only in extraordinary circumstances.

Accepted gifts or benefits will otherwise remain the property of the QBCC and must be used for public benefit and in an appropriate manner.

If the QBCC does not have an appropriate use for the gift or benefit, it may be disposed on accordance with the Guideline. Disposal of gifts must be in the public interest and pay due respect to the wishes and expectations of the donor (if known). Disposal by donation to a charity, hospital, school, community, or non-profit organisation or similar should be considered. Gifts may not be disposed of to individuals. The disposal should be properly documented for audit purposes.

### 6.2 Using a gift or benefit

QBCC officers must not be away from their official duties at public expense. Unless the gift or benefit forms part of the officers' official duties and appropriate approval is obtained:

- gifts or benefits can only be used outside the officer's normal working hours or on approved leave.
- the payment of expenses incurred in accessing or using the gift or benefits is also the responsibility of the officer concerned.

## 7. Giving of gifts or benefits

The requirements set out in this policy also apply to the giving of gifts or benefits by QBCC officers.

Consideration must be given to why the gift is being offered and the public perception of the giving of the gift or benefit. Any gift or benefit must be for official purposes and accountable officers must be able to identify the benefit for the agency, the State of Queensland, and the public generally.

Expenditure for official hospitality must be considered only where it is considered essential to facilitate the conduct of public business through persons who are able to do so, either by advice or because of their vocation or business needs. Such hospitality should not be a substitute for business meetings which would ordinarily be conducted in the workplace.

In certain cases, it may be appropriate for public service employees to provide corporate gifts to individuals or organisations on behalf of QBCC. The practice of giving corporate gifts should not be common or frequent in occurrence. The appropriateness of gift giving must be considered, and appropriate approval must be obtained from the Delegate.

## 8. Declaration and reporting of gifts and benefits

You must declare any gifts or benefits received as part of your official duties as a QBCC Officer to avoid any perception of conflicts of interest or inappropriate influence. Refer to section 9 of this policy to understand the declaration requirements.

Gift and benefits received must be reported within one month of accepting the gift or benefit but should be reported as soon as possible.

Additionally, gifts or benefits received or given with a retail value of more than \$150 (either as an individual gift, or cumulative value from one donor over a 12-month period) must be reported and recorded in the QBCC's Gifts and benefits register (Register).

Gifts or benefits which are offered but not accepted or declined by you only need to be declared if the offer of the gift or benefit is made:

- by a Licensee;
- by a third party involved in a current QBCC procurement or selection process
- by a supplier and has a retail value of more than \$150.

Invitations to attend educational or networking events not related to your role at the QBCC, which are declined do not generally have to be declared.

If you receive or are offered a gift or benefit in a role you hold other than with the QBCC (for example, as a director of another company), you only need to declare it to the QBCC if it could create a perception of a conflict of interest for your QBCC role (for example, a gift from a Licensee with a retail value of more than \$150).

The Register will be published online each quarter within 10 calendar days of the end of the quarter, as part of the QBCC's publication scheme under the [Right to Information Act 2009](#).

The Register is to be subject to regular review by the Director, ESC. The reviewer must be independent and should communicate any results of the review to the accountable officer. The purpose of such a review should include analysis for trends or patterns which may cause concern and need corrective and preventative action.



## 9. Responsibilities

### 9.1 QBCC officers

- In consultation with your Manager consider whether to decline or accept an offered gift or benefit.
- Submit a Gifts and benefits declaration using the QBCC's online platform [iDeclare](#) as soon as practicable to:
  - disclose all offers or acceptance of declarable gifts or benefits as set out in section 8 of this policy, including offers of gift and benefits which are declined but are which disclosable
  - seek prior delegate approval to retain the gift or benefit if possible, or delegate approval to retain if prior approval was not possible.
- Retain the gift or benefit for personal use only if approved in accordance with this policy.
- Where approval has been refused by the delegate:
  - refuse offers of gifts or benefits that have not yet been accepted
  - within 5 business days, wherever possible, return gifts or benefits that have been accepted, emailing your manager/supervisor and [Ethics Standards and Complaints Branch](#) with the:
    - date and time the gift or benefit was returned
    - name of the organisation to which the donor belongs
    - name, position, and contact details of the person to whom the gift or benefit was returned to
    - details of the gift or benefit.

### 9.2 Managers

- Ensure that officers you manage/supervise understand the provisions in this policy and procedure and are aware of the requirement that they apply them to their daily activities.
- Discuss the policy and procedure with newly appointed officers as part of their work unit induction.
- Understand and ensure officers have properly considered the key issues associated with acceptance, giving, reporting and retention of gifts or benefits.
- Provide timely and appropriate advice and support to officers in relation to gifts or benefits.

### 9.3 Delegates

- Upon receipt of a request to accept or retain a gift or benefit via [iDeclare](#):
  - if satisfied that no conflict of interest exists in the employee's retention or acceptance of the gift or benefit, approve that it be retained or accepted by the officer.

### **if a conflict of interest exists, refuse the request, or approve acceptance for use or display by QBCC. 9.4 Ethics Standards and Complaints (ESC) Branch**

- Provide appropriate and timely advice, guidance, and assistance to QBCC officers on accepting and giving gifts and benefits.
- Record all declarations and decision in the QBCC's Gifts and Benefits Register.
- Review the QBCC's Gifts and Benefits Register
- Publish the Gifts and Benefits Register on the QBCC's external website in accordance with this policy.

## 10. Complaints and review

Officers who are aggrieved at a decision made with regard to their accepting or giving a gift or benefit may lodge a complaint under the [Employee Complaints Policy and Procedure](#).

## 11. Breaches and penalties

Breaches of this Policy where proven may lead to the imposition of penalties upon the officer concerned, such as disciplinary action up to and including termination of employment. Refusal to follow a reasonable and lawful direction, such as complying with this policy, is also a breach of the Code of Conduct and may in itself render an officer liable to disciplinary action.

## 12. Definitions

TERM	DEFINITION
Board member	A member of the QCB Board appointed in accordance with s12 of the QBCC Act.
Commissioner/Executive Officer	The person appointed as Commissioner, Queensland Building and Construction Commission under Section 20D of the <a href="#">Queensland Building and Construction Commission Act 1991</a> (QBCC Act) and as the Executive Officer, Queensland Building Commission Employing Office under Section 29 D of the QBCC Act.
Employee, QBCC employee	<ul style="list-style-type: none"> <li>All staff of the QBCEO employed under the QBCC Act</li> <li>any volunteer, student, contractor, consultant, or anyone who works in any capacity for the QBCC.</li> <li>For the purposes of this policy, 'employee' also refers to past employees.</li> </ul>
ESC	The Ethics Standards and Complaints branch of QBCC.
Manager	A QBCC officer whose duties involve or include managing other QBCC officers in the carrying out of their duties.
Public interest	The interests of the public serviced by the Queensland Government. As QBCC officers, we act in the public interest by carrying out our official duties lawfully, in a fair and unbiased way, and in accordance with government policy under the direction of the Minister. The public interest is not the sum of individual interests, nor the interest of a particular group or entity; but the collective interest of the entire community.
QBCC officer, officer	For the purposes of this policy, 'QBCC officer' is defined as outlined in Section 2 of this policy.
Gifts or benefits	<ul style="list-style-type: none"> <li>The transfer of property or other benefit without recompense or for a consideration substantially less than full consideration or</li> <li>A loan of property made on a permanent, or an indefinite, basis.</li> </ul> <p>For the purposes of this policy, gifts and/or benefits include tangible items of lasting value and intangible items of no lasting value (including hospitality).</p>
Hospitality	Refers to any event, including but not limited to, internal or external meetings, seminars, workshops and conferences, where entertainment or catering is provided.
Rewards and recognition program	Gifts or benefits received by QBCC officers awarded under an appropriately approved agency program that recognises contributions towards meeting agency outcomes and objectives.

## 13. References and other resources

## 13.1 Legislation

[Financial Accountability Act 2009](#)

[Public Sector Ethics Act 1994](#)

[Public Sector Act 2022](#)

[Public Service Regulation 2018](#)

[Right to Information Act 2009](#)

## 13.2 Codes, Directives and Policy Instruments

[Code of Conduct for the Queensland Public Service](#)

[Gifts and Benefits \(Directive 22/09\)](#)

## 13.3 Other resources:

[Crime and Corruption Commission](#)

[Corruption Prevention Advisory - Gifts and Benefits](#)

[PSC Gifts and Benefits Guideline](#)

## 14. Contact

Ethics Standards and Complaints Branch: [integrity@qbcc.qld.gov.au](mailto:integrity@qbcc.qld.gov.au)

## 15. Superseded versions

VERSION	DATE	CHANGES
1.0	December 2017	Reviewed
2.0	April 2020	Reviewed
3.0	August 2023	Reviewed to align with PSC Guideline

## 16. Version control

Approving Authority	Commissioner
Date	September 2023 [TBC]
Version	V3.1
Review Date	September 2025
Related Documents – forms and procedures	Declaration of gift or benefit form ( <a href="#"><u>iDeclare</u></a> )