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**NSW Police Force**

# **Receipt of Gifts and Benefits Guidelines**

**Professional Standards Command**

**OFFICIAL**

## Receipt of Gifts and Benefits

In addition to the NSW Police Force *Conflicts of Interest Policy*, the *Receipt of Gifts and Benefits Policy* and these guidelines have been established to assist members of the NSW Police Force in deciding whether accepting a gift or benefit is appropriate. It also provides advice on the appropriate management of these situations if they arise.

### Essential Summary

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- These guidelines apply to all members of the NSW Police Force (sworn and unsworn), including those members who are suspended, or on any type of leave. These guidelines also apply to volunteers in policing.
- All members of the NSW Police Force are expected to refuse to accept any gift that is offered to them for the performance of any duty, responsibility or function performed or exercised as a member of the NSW Police Force. Refusals must also be recorded in the command gift register.
- Members of the NSW Police Force must **never** use their position, role or authority with the NSW Police Force to solicit a gift that will result in a personal benefit or a benefit to, a relative, a friend or any other associate or organisation.
- Any gift that is accepted or refused must be declared to a supervisor and a written record made in the register in accordance with this document - the *Receipt of Gifts and Benefits Guidelines*.
- All gifts are the property of the NSW Police Force and it is the NSW Police Force's obligation to deal with the gift. Decision making responsibility about what will happen to an accepted gift rests with a recipient's commander / manager not with the individual.
- The *Receipt of Gifts and Benefits Policy* and these Guidelines complement the NSW Police Force *Conflicts of Interest Policy*, the *Procedures for Managing Conflicts of Interest*, the *Sponsorship, Donation and Fundraising Policy* and the *Endorsement Policy and Procedures*, while specifically addressing the receipt of gifts.
- Failure to comply with the *Receipt of Gifts and Benefits Policy* and these Guidelines may be a breach of the NSW Police Force *Code of Conduct & Ethics*. Conduct that fails to meet the requirements of these guidelines may result in management action and in certain cases criminal prosecution.

**Document Control Sheet**

*Document Properties*

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*Modification History*

Version #	Version approval date	Author/Position	Summary of changes
6	March 2015	Professional Standards Command (PSC)	Adopting the Public Service Commission's definition of gifts and benefits Expanding the information that should be recorded in the Gift Register Stating that soliciting a gift as an actual inducement to make a decision or provide a favour is not only a breach of the <i>Code of Conduct and Ethics (COCE)</i> but could lead to criminal prosecution Inclusion of a specific statement that a failure to comply with the policy and guidelines could have serious implications for both the employer and employee and could lead to criminal prosecution Including instruction on how to deal with hospitality sporting and cultural events Nominating a position that will be available to provide advice to employees on their gifts and benefits.
7	May 2015	PSC	Removal of section relating to gifts providing a benefit to the NSW Police Force. Removal of example relating to police union, changed to health fund example. (6.4)
8	March 2016	PSC	Apply protective marking
9	December 2017	PSC	Update document classification under GIPA Act 2009
10	December 2019	PSC	Update current Commander Reclassify document in line with policy statement Update of contact details for Helpdesk, review date and Table of Contents
10.1	12 January 2021	PSC	Document updated with new security classification

11	March 2023	PSC	<ul style="list-style-type: none"><li>• Gifts and Benefits register centralised to the IAPro system. Changes to various sections to reflect this new recording process in centralised IAPro Administration platform</li><li>• Approval authority changed from the Commissioner's Executive Team to the Assistant Commissioner, PSC</li><li>• Change employee to member</li><li>• Update document properties</li><li>• Changes to terminology</li><li>• Update Policy titles i.e. Sponsorship &amp; Endorsement Policy to Sponsorship, Donation and Fundraising Policy and the Endorsement Policy and Procedures</li><li>• Minor technical changes</li></ul>
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## 1. Commander's Foreword

Members of the NSW Police Force are employed to deliver services to the community impartially and should never, through their words, actions or any inaction create any expectation or impression that they are motivated by, or will be influenced to perform their duties by receiving gifts, benefits, gratuities or hospitality from members of the community, however well-intentioned such offers might be.

Where members of the community have such expectations, it is the role of individual members of the NSW Police Force to assure them that such offers are unnecessary; cannot result in them receiving better or faster service than anybody else, and to refuse and discourage such offers from being made.

While not every situation involving gifts can be foreseen and avoided, it nevertheless goes without saying that members of the NSW Police Force must **never** use their position, role or authority with the NSW Police Force to solicit a gift for themselves, a relative, friend or any other associate or organisation.

Although the standard is that gifts should not be accepted, it is recognised that in some limited circumstances the refusal of a gift might cause community offence or reflect poorly on the NSW Police Force.

The following guidelines provide guidance in relation to the acceptance of gifts.

These guidelines have been developed to assist members of the NSW Police Force in deciding whether or not accepting a gift is appropriate and operate in addition to the NSW Police Force *Conflict of Interest Policy* and the *Receipt of Gifts and Benefits Policy Statement* and they also provide advice on the appropriate management of these situations if they arise.

**Assistant Commissioner  
Professional Standards Command**

## 2. Scope

These guidelines apply to all members of the NSW Police Force (police officers and administrative employees), including those members who are suspended, or on any type of leave. These guidelines also apply to volunteers in policing (**VIPs**).

## 3. Procedures

### 3.1 Context

In addition to the NSW Police Force *Conflicts of Interest Policy* and the *Receipt of Gifts and Benefits Policy*, these guidelines have been established to assist members of the NSW Police Force in deciding whether accepting a gift or benefit is appropriate. It also provides advice on the appropriate management of these situations if they arise.

### 3.2 What are gifts and benefits

Gifts and benefits are defined by the NSW Public Service Commission as 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, friend or associate.

Hospitality provided during official duties (i.e. when you are attending jobs or official functions, **not** when purchasing food on a meal break), such as the provision of refreshments (coffee, tea, light snacks) is not considered a gift or benefit. Hospitality is however a closely related job facility or benefit that is also dealt with in this document.

**For the purposes of the *Receipt of Gifts and Benefits Policy* and these guidelines, both gifts and benefits are referred to as gifts.**

## 4. Refusal and acceptance of gifts

The acceptance of gifts has the potential to influence the impartial delivery of services as individuals may feel obligated to treat the giver more favourably. This may or may not be the intention of the gift giver however it is a potential **conflict of interest** for members of the NSW Police Force.

Also, the acceptance of gifts can be **perceived** by others as having an influence on the recipient. Therefore, the acceptance of gifts has the potential to bring the NSW Police Force into disrepute.

The same issues can arise if gifts that are offered to your partner, children and other close relatives or associates, where there is some material connection to your role in the NSW Police Force.

Members of the NSW Police Force must never let it be known that they are prepared to receive gifts in the course of their work or give the impression that they will regard such offers favourably.

Members of the NSW Police Force are expected to refuse to accept any gift that is offered to them for the performance of any duty, responsibility or function performed or exercised as a member of the NSW Police Force. Refusals must also be recorded in the centralised gifts and benefits register on IAPro.

Members of the NSW Police Force can only accept gifts in the circumstances described in these *Receipt of Gifts and Benefits Guidelines*.

**Any gift that is accepted must be approved by a more senior manager or commander and entered in the centralised gifts and benefits register on IAPro.**

#### 4.1 Soliciting gifts

Members of the NSW Police Force must **never** use their position, role or authority with the NSW Police Force to solicit a gift that will result in a personal benefit or a benefit to, a relative, a friend or any other associate or organisation.

Soliciting or accepting a gift in return for making a decision or providing a favour is not only inconsistent with the *Code of Conduct and Ethics (COCE)* but could also lead to criminal prosecution or management action.

#### 4.2 Recording gifts and decision making

Any gift that is accepted or refused must be declared to a supervisor and a written record made in the register in accordance with these *Receipt of Gifts and Benefits Guidelines*.

All gifts are the property of the NSW Police Force and it is the NSW Police Force's obligation to deal with the gift. Decision making responsibility about what will happen to an accepted gift rests with a recipient's commander/manager, not with the individual.

NSW Police are required to record all gifts and benefits in the Administration platform on the IAPro system. A standard [P1065](#) form is completed by the receiving officer and given to the Commander for consideration and endorsement.

The completed P1065 form is forwarded by the Commander to the Executive Officer and the Professional Standards Manager in your command where the details are then recorded onto the centralised gifts and benefits register in IAPro. All gifts are the property of the NSW Police Force and it is the NSW Police Force's obligation to deal with the gift. Decision making responsibility about what will happen to an accepted gift rests with a recipient's commander / manager not with the individual.

**A record is kept on the centralised gifts and benefits register in IAPro regardless of whether the gift is retained or refused.**



### 4.3 Relationship to other policies

The *Receipt of Gifts and Benefits Policy* and these Guidelines complement the NSW Police Force *Conflicts of Interest Policy*, the *Procedures for Managing Conflicts of Interest* and the *Sponsorship, Donation and Fundraising Policy* and the *Endorsement Policy and Procedures* while specifically addressing the receipt of gifts.

If a discrepancy arises between other policies and this one, and you require advice you should consult with the Professional Standards Command Help Desk on EN 48370 or at [#PSCHELP](#).

This document does not address sponsorships, endorsements or donations; see the *Sponsorship, Donation and Fundraising Policy* and the *Endorsement Policy and Procedures*.

### 4.4 Failure to comply

There may be serious consequences for both the employer and member of the NSW Police Force if the management of gifts and benefits is mishandled. For instance, failure to comply with the *Receipt of Gifts and Benefits Policy* and these Guidelines may be a breach of the NSW Police Force *Code of Conduct & Ethics*.

Conduct that fails to meet the requirements of these guidelines may result in management action and in certain cases criminal prosecution.

## 5. Gifts which must always be refused

### 5.1 Bribes

A gift offered to secure, or influence police practices is a bribe. Bribery is a criminal offence. **Under no circumstances are bribes to be sought or accepted.** All offers of bribes must be immediately reported to a line supervisor who is required to determine whether an investigation is required.

A gift might also be offered in the mistaken belief that it is required to secure or influence police services. Such offers must also be politely refused, and a proper determination made in every situation.

### 5.2 Cash or negotiable instruments

It is **never** appropriate to accept gifts comprising wholly or partially of cash or negotiable instruments. Negotiable instruments include, but are not limited to shares, cash vouchers, cheques or money orders.

### 5.3 Gifts offered on a recurring basis or because you are a member of the NSW Police Force

Gifts offered by the same person on a regular basis can accumulate in value in the hands of the recipient, even if they are of token value on each occasion and are motivated solely by goodwill towards the police. The problem may be no more than one of perception i.e. the relationship established with the giver may have the

potential to influence or be perceived as influencing the impartial provision of police services to the community. However, this is problematic enough. For example, even if it was permissible to accept gifts recipients would almost never be in a position to provide anything in return, due to the nature of police operational responses.

**Example:** A free cup of coffee or soft drink regularly provided by a café to individuals who attend the premises in uniform or wear police name badges.

Gifts offered to those people identifiable as members of the NSW Police Force that are not otherwise offered to other members of the public, have the potential to create conflicts of interest for the NSW Police Force.

**Example:** Free food or beverages from a food outlet.

#### 5.4 Method of refusal

In the two examples immediately above, members of the NSW Police Force can deal with the issue by paying for the goods/services or by ceasing to routinely patronise the same businesses who continue to make such offers. While refusing a gift offered in good faith can be difficult, it is important not to accept gifts in contravention of these guidelines.

All members are required to be predisposed, and prepared, to refuse a gift offered in the course of their official duties. If helpful, the following script may be used:

*Thank you for your offer. It is appreciated but unfortunately, I cannot accept.*

*I'm sure you understand that, for ethical reasons, the NSW Police Force maintains strict guidelines regarding the acceptance of gifts. It is because of these guidelines I cannot accept your offer.*

Where a gift is accepted and a commander/manager later determines that it should be returned, a similar message should accompany the returned gift on police letter head signed by the commander, manager or supervisor. Record the transaction in the centralised gifts and benefits register on IAPro.

### 6. Acceptance of gifts

In some circumstances, it might be appropriate to accept a gift. These circumstances are very limited and are generally restricted to situations where it is clear that the gift is no more than a professional courtesy that would not reasonably be seen as intended to influence police decision making or give rise to a conflict of interest. These circumstances are discussed below.

In such circumstances the gift is accepted by the recipient on behalf of the NSW Police Force. It then becomes police property and is to be recorded in the centralised gifts and benefits register on IAPro. It then becomes the NSW Police Force's obligation to determine what to do with the gift. Decision making responsibility rests with the recipient's commander/ manager.

## 7. When accepting a gift might be appropriate

### 7.1 Gifts of nominal value

A gift of nominal or token value has no significant, commercial or lasting value and creates no (perceived or actual) sense of obligation. To a reasonable person the gift will appear to be proportionate to the circumstances of the offer.

**Example:** Corporate mementos and branded marketing trinkets such as inexpensive pens, notepads, USBs, or key rings.

### 7.2 When refusal might cause offence and reflect poorly on the NSW Police Force

On occasion the acceptance of a gift may be appropriate if refusal would cause offence **as well as** reflect poorly on the NSW Police Force.

**Example 1:** A member of the NSW Police Force is publicly offered a gift after speaking at a school assembly. The gift is offered and presented in front of the assembly.

**Example 2:** Visiting guests from an overseas government or Police Force present gifts to members of the NSW Police Force involved in organising their visit with the NSW Police Force. Such exchanges are a standard and acceptable part of corporate culture.

However, in the interest of transparency these gifts should be entered in the centralised gifts and benefits register on IAPro and include details of how the gift was dealt with.

### 7.3 Gifts unrelated to your role with the NSW Police Force

Gifts offered to various groups of people, not limited to members of the NSW Police Force **and** that are unrelated to your role in the NSW Police Force are the only form of gift that does not need to be declared and recorded on the gift register and may be accepted.

If you have any doubts about whether a gift falls into this category you must consult your commander/manager.

**Example:** Your health fund negotiates a discount for **all health fund members** at a chain of retail outlets. As it is not appropriate to use your police identification or uniform to claim a benefit in any circumstances, proof of your health fund membership is the means for obtaining the benefit.

### 7.4 Hospitality

In some specialist roles members of the NSW Police Force will need to develop effective working relationships with contacts in the community or commercial sector, such as suppliers, consultants or contractors that may involve them receiving offers of hospitality. Some of these represent a high-risk area for members of the NSW Police Force.

Members of the NSW Police Force must ensure that such relationships do not result in them giving preferential treatment (or the appearance of preferential treatment) to those contacts.

Responding to offers of hospitality in such circumstances requires the exercise of careful judgement and an abundance of caution.

Ultimately the question to be decided before accepting any offer of hospitality that could be deemed high risk is; *'would a reasonable person think that the offer of hospitality was intended to influence the recipient to act in the interest of the giver either now or in the future'*.

Not all offers of hospitality involve high levels of risk that must automatically be rejected. Some examples of low risk hospitality which could normally be accepted include:

- functions where a member of the NSW Police Force attends in an official capacity as the NSW Police Force's representative
- hospitality provided as part of a conference package, where the Department/agency has paid a fee for the member to attend
- catered briefings, roundtables, launches etc where invitees from a range of external organisations are present
- occasional working lunches, where the hospitality is of low value – for example sandwiches and non-alcoholic beverages.

However, examples of high-risk hospitality offers that would require greater cautionary approach include:

- restaurant meals (except as described above)
- invitations to attend events in 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
- invitations to functions held in private homes/yachts that are only given because of the work role of the member of the NSW Police Force
- invitations that extend to family members who are not themselves members of the NSW Police Force.

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, the member of the NSW Police Force should politely decline to discuss that matter and, if appropriate, propose that a formal meeting be organised for a later date.

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

As part of their duties, members of the NSW Police Force may provide security at cultural and sporting events whether on duty or as part of voluntary user pays. Police attendance at user pays events are covered under the *Cost Recovery and User Charges Policy*. However, any benefits such as tickets provided to members of the NSW Police Force as a 'thank you' for their attendance must always be declined.

## 7.6 Higher risk jobs

While all members of the NSW Police Force should be cautious about the issue of hospitality, those members of the NSW Police Force engaged in the following work activities should be especially alert to the potential risks to their own reputation and the reputation of the NSW Police Force.

This includes those members of the NSW Police Force:

- 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.<sup>1</sup>

## 8. Decision making

While it is the responsibility of the individual member of the NSW Police Force to decide whether to accept a gift at the time it is offered, this is only a notional acceptance. Your commander or manager must then consider the circumstances, discuss with the recipient and ensure any decision is consistent with the *Receipt of Gifts and Benefits Policy and Guidelines*.

Any member of the NSW Police Force who is uncertain whether to accept a gift should consult a supervisor **beforehand**. If this not possible and the member of the NSW Police Force has the gift, declare it as soon as practicable afterwards and keep a notebook record of any consultation and its outcomes.

All gifts that have been accepted are initially the property of the NSW Police Force. A commander/manager will decide what to do with the gift. The options available are:

- the gift remains the property of the NSW Police Force
- the member of the NSW Police Force retains the gift
- the gift is destroyed, or donated to charity
- the gift is to be returned to the giver.

### 8.1 Risk management

While it is always important to inform a gift giver that it is not necessary for them to reward members of the NSW Police Force for doing their job, sometimes this is not possible. When making a decision how to deal with gifts, commanders/managers should consider if there are any risks associated with the gift.

Factors to be considered should include:

- the risk that the giver may not be acting with proper motives
- the gift may be inappropriate

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<sup>1</sup> Behaving Ethically: A guide for NSW government sector employees

- the gift may present a risk to the health and safety of the member of the NSW Police Force.

As commanders and managers are ultimately responsible for maintaining workplace health and safety, they should be alert to any risks that gifts might present. Risks that need to be considered include (but are not limited to):

- whether the gift could compromise the (actual or perceived) integrity of individual members or the NSW Police Force if it is accepted
- any perceptions of improper influence, i.e. where the donor is left with an impression, that acceptance by the member of the NSW Police Force has created a future obligation to the donor that the member of the NSW Police Force cannot legitimately fulfil
- conflicts of interest
- health and safety risks if members of the NSW Police Force consume gifted items such as food and fall ill (this includes the risks of consuming unsealed or open food or drink received from members of the community).

Legal risks can also arise where gifts are consumed and cause injury/damage or if they are disposed of (including to a charity). This could include disposing of:

- faulty equipment
- dangerous goods.

All such risks are best avoided and the easiest way to do this is to make it widely known that gifts are not necessary or welcome and to ask that members of the NSW Police Force reinforce the message with members of the public.

## **8.2 Compliance Requirements and Internal Controls**

All commands must maintain a 'gifts register' in an auditable form, whether electronic or in hard copy. Regardless of their value or significance all gifts accepted by a member of the NSW Police Force in relation to their role with the NSW Police Force must be entered in the centralised gifts and benefits register on IAPro. Each entry is to be reviewed and signed off by the commander/manager.

This register must include:

- date of the offer or receipt
- name and business unit of the receiver, name and organisation of the giver
- description of the gift or benefit
- 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 any relationship, business or personal, between the giver and receiver
- decision, for example accept and retain/accept and dispose/refuse acceptance of the gift
- name of the approving manager/supervisor
- reasons for the decision.

The register helps protect both the NSW Police Force and members of the NSW Police Force. It provides the opportunity for a more senior member of the NSW Police Force independent of the circumstances to determine how the gift is to be managed. It also provides an auditable record for the purposes of the Command Management Framework.

It is further recommended that if a member of the NSW Police Force accepts a gift, they should always record the circumstances and reasons for the acceptance in a police notebook, duty book or diary.

## **9. Advice**

Please contact the Professional Standards Command Help Desk on EN48370 or [#PSCHELP](#) for advice on member obligations under this policy.