

Code of conduct

Introduction

The *State Service Act 2000* requires that all employees uphold the State Service Principles and comply with the State Service Code of Conduct. The public places a great deal of trust in us to ensure that our activities are always in the best interests of the community and public funds are spent wisely. Our staff must be beyond reproach not only in their dealings with the public, but also with each other.

The following policy outlines the Code of Conduct along with relevant Treasury policies and standards. Along with our values of respect, camaraderie, passion, integrity and excellence, this Code ensures that staff maintain the highest standards of behaviour while working at Treasury.

All employees (including officers) need to acknowledge their understanding of the Code of Conduct, be aware of the penalties that may be imposed for breaches (established by Section 9 of *The State Service Act 2000*), and undertake to act in accordance with the Code at all times.

State Service Code of Conduct

1. An employee must behave honestly and with integrity in the course of State Service employment.
2. An employee must act with care and diligence in the course of State Service employment.
3. An employee, when acting in the course of State Service employment, must treat everyone with respect and without harassment, victimisation or discrimination.

Treasury seeks to provide a working environment that enables employees to reach their full potential and are treated – and treat each other – with fairness and respect, in line with legislation and policies on the appropriate standards of conduct, equal employment opportunity and occupational health and safety.

We are a values based organisation and all employees are asked to behave in a manner that aligns with our values. We have a Promoting and Managing Respectful Workplace Behaviour

Policy which may be found on TresNet. We have zero tolerance towards violence against women, or against any person in the workplace.

4. An employee, when acting in the course of State Service employment, must comply with all applicable Australian law. "Australian law" means – any Act (including the *State Service Act 2000*) or any instrument made under an Act; or any law of the Commonwealth or a State or Territory, including any instrument made under such a law.

5. An employee must comply with any standing orders made under the Act and with any lawful and reasonable direction given by a person having authority to give the direction.

All employees of the State Service are expected to take direction from their supervisor and managers, as long as the direction is lawful and reasonable. Treasury also has policies, procedures and guidelines that are to be followed, these are located on TresNet.

6. An employee must maintain appropriate confidentiality about dealings of, and information acquired by, the employee in the course of that employee's State Service employment.

All information obtained during your employment at Treasury should be treated confidentially. We treat information management and security seriously and have processes in place to keep information secure and confidential.

We take a professional and efficient approach when dealing with members of the public and our clients. Every effort should be made to address requests from the general public or clients for information and provide information where it is appropriate to do so.

Employees are bound by the disclosure and secrecy provisions of a number of Acts including tax and gaming Acts and the State Service Act, and these need to be taken into account when considering whether it is appropriate to reveal official information. You should not reveal any information, other than in the normal course of business, which would not already be available to the public. Officers should also ensure that their actions are consistent with the objectives and policies of the Department and the State Government.

Staff are not, without the permission of the Treasurer, to make any public statements, directly or indirectly, anonymously or otherwise, in any matter affecting Treasury to any newspaper, publication, or social media, unless it relates to the relevant profession of that staff member or where it relates to membership of an employee organisation.

Information of an administrative or personal nature, such as a colleague's address or telephone details, is not to be released without authority.

Media enquiries have a different status from enquiries from the general public. All media inquiries should be forwarded to the Office of the Secretary at secretariat@treasury.tas.gov.au. The OTS will forward the inquiry to the Government Communications Office in DPAC and the Treasurer's Office in line with whole-of-government media protocols. This restriction is necessary to ensure that in providing information to the media, Treasury do not compromise the Government's position on policy matters.

Staff should not provide information directly to Members of Parliament. All such requests should be forwarded through the OTS, who will advise the Treasurer's Office and facilitate a response with the relevant Branch if appropriate.

7. An employee must disclose, and take reasonable steps to avoid, any conflict of interest in connection with the employee's State Service employment.

Employees are to actively consider and disclose any potential, perceived or actual conflict of interest that arises in the course of their duties. A conflict of interest declaration form is available for documenting the declaration. Employees are responsible for referring to the

Conflict of Interest Declaration policy on TresNet, and discussing the declaration with their supervisor or an appropriate senior officer as soon as it is identified.

8. An employee must use Tasmanian Government resources in a proper manner.

You are accountable for the care and responsible use of all facilities and equipment allocated by the Department for work-related purposes, including personal computers, office accommodation and motor vehicles.

Some employees are issued with a Tasmanian Government Card (Westpac Mastercard). These employees should familiarise themselves with the Treasurer's Instruction 705 Tasmanian Government Card, which prescribes the terms and conditions for the use of the Tasmanian Government Card. This can be obtained on TresNet.

Government employees are subject to traffic laws in the same way as any other driver and remain personally liable for any breach of those laws (including parking and speeding offences). Drivers of Government vehicles should be aware that their conduct on the road impacts on community perceptions of the State Service.

Staff should ensure that they are aware of the standard of conduct for drivers of Government vehicles set out in the Safe Driving Policy which is located on TresNet.

Employees are responsible for ensuring that their usage of information technology resources is work related, and complies with applicable legislative requirements. To this end, employees should familiarise themselves with the Acceptable Use of Information and Communication Technology and ICT Security Policies and the Internet, Email and Social Media Policy and Guideline. Employees should not access information or information systems, except as required in the course of their duties, or as required by law.

9. An employee must not knowingly provide false or misleading information in connection with the employee's State Service employment.

10. An employee must not make improper use of information gained in the course of his or her employment; or the employee's duties, status, power or authority – in order to gain, or seek to gain, a gift, benefit or advantage for the employee or for any other person.

11. An employee who receives a gift in the course of his or her employment or in relation to his or her employment must declare that gift in accordance with the Tasmanian State Service Gifts, Benefits and Hospitality Policy.

Employees must abide by the Tasmanian State Service Gifts, Benefits and Hospitality Policy.

The acceptance of gifts, benefits or hospitality by a state service officer or employee may lead to a conflict of interest between an employee or officer's personal interests and public duty, and may call into question a decision that is made, a contract that is awarded, or advice that is given by the employee or the Agency.

This policy does not apply to low value token mementos (e.g. a diary or pen that is valued under \$50), or modest refreshments (e.g. sandwiches, fruit or beverage) – unless these are regularly occurring; you have solicited them; or if you are a Government buyer and the acceptance may lead to an actual, perceived or potential conflict of interest.

Any gift, benefit or hospitality may be declined or returned. Employees are not required to declare the offer or receipt of the gift, benefit or hospitality if it is promptly declined and, if a physical object, returned.

If unable to decline and/or you wish to accept the gift, benefit or hospitality, the recipient must complete an Acceptance of Gift, Benefit or Hospitality Declaration form and provide this to the Division Head or Head of Agency for approval. Where approved, accepted items valued

at \$100 or higher must be published and are listed on the Treasury website to provide transparency to members of the public.

Alleged breaches of this policy will be investigated as a potential breach of the Code of Conduct, and may be referred to the police if it constitutes a possible criminal offence.

Refer to the Gifts, Benefits and Hospitality Policy on TresNet for more detailed information.

12. An employee, when acting in the course of State Service employment, must behave in a way that upholds the State Service Principles (see below)

13. An employee must at all times behave in a way that does not adversely affect the integrity and good reputation of the State Service.

For example, in using electronic communications, employees must ensure their behaviour and etiquette is in line with the Department's Policy and Guidelines on use of email, Internet and social media. Any use which has the potential to bring the Department into disrepute, to be publicly embarrassing or which is inconsistent with the Code of Conduct is prohibited.

14. An employee must comply with any other conduct requirement that is prescribed by the State Service Regulations.

15. For the purposes of this section, a reference to an employee includes a reference to an officer and a reference to State Service employment includes a reference to an appointment as an officer and an arrangement made under Section 46(1)(a).

State Service Principles

- the State Service is apolitical, performing its functions in an impartial, ethical and professional manner;
- the State Service is a public service in which employment decisions are based on merit;
- the State Service provides a workplace that is free from discrimination and recognises and utilises the diversity of the community it serves;
- the State Service is accountable for its actions and performance, within the framework of Ministerial responsibility, to the Government, the Parliament and the community;
- the State Service is responsive to the Government in providing honest, comprehensive, accurate and timely advice and in implementing the Government's policies and programs;
- the State Service delivers services fairly and impartially to the community;
- the State Service develops leadership of the highest quality;
- the State Service establishes workplace practices that encourage communication, consultation, cooperation and input from employees on matters that affect their work and workplace;
- the State Service provides a fair, flexible, safe and rewarding workplace;
- the State Service focuses on managing its performance and achieving results;
- the State Service promotes equity in employment;
- the State Service provides a reasonable opportunity to members of the community to apply for State Service employment;
- the State Service provides a fair system of review of decisions taken in respect of employees.

Code of Conduct investigations

The State Service Act 2000 provides the Secretary with the ability to apply penalties for proven breaches of the Code of Conduct, which includes the State Service Principles.

“Procedures for the investigation and determination of whether an employee has breached the code of conduct” are set out in Employment Direction No.5. In accordance with these procedures, the Secretary appoints an independent investigator to gather evidence and write a report on their findings. Throughout the process the principles of natural justice and procedural fairness apply; employees are advised in writing of the investigation and the allegations made against them, and they have a right of reply to any allegations made against them.

Where the Secretary finds that the Code of Conduct has been breached, the following sanctions may be imposed on the employee concerned:

- counselling;
- a reprimand;
- deductions from salary by way of fine not exceeding 20 penalty units;
- reduction in salary within the range of salary applicable to the employee;
- reassignment of duties;
- reduction in classification;
- termination of employment in accordance with the Act.

Ability investigations

The State Service Act 2000 also provides the Secretary with the ability to investigate whether an employee has the ability to undertake their role efficiently and effectively.

The “procedures for the investigation and determination of whether an employee is able to efficiently and effectively undertake his/her duties” enable the Secretary to appoint an independent investigator to gather evidence and write a report on findings. Throughout the process the principles of natural justice and procedural fairness apply; employees are advised in writing of the investigation and the allegations made against them, and they have a right of reply to any allegations made against them.

Where the Secretary finds that the employee is not able to perform duties efficiently and effectively, the following sanctions may be imposed on the employee concerned:

- direct appropriate counselling;
- direct appropriate retraining;
- reduce salary within the range of salary applicable to the employee;
- reassign duties;
- reduce classification;
- terminate employment in accordance with the Act.

Policy: Promoting and Managing Respectful Workplace Behaviour

Identification

I9/89782 Version 4.0

Policy

The purpose of this policy is to promote a positive and respectful workplace culture and environment which is free from inappropriate and disrespectful workplace behaviours, including bullying, harassment and violence towards others.

The Department of Treasury and Finance is committed to ensuring, as far as is reasonably practicable, the health and safety of workers and others at the workplace in accordance with the *Work Health and Safety Act 2012*.

Treasury demonstrates this commitment by setting appropriate expectations of workplace behaviour, in line with Treasury's values, and by providing systems and supports to readily address disrespectful workplace behaviour that may occur.

This policy outlines the process for managing incidents of disrespectful workplace behaviour and promotes strategies which focus on early resolution.

This policy is integral to our value of respect which recognises the worth of each of us and the contribution that we all make.

Policy Statement

Treasury is committed to creating, as far as is reasonably practicable, a respectful environment which reflects the underpinning principles of Treasury's values framework, and which aligns with relevant legislation and policies on appropriate standards of conduct, respect for diversity and work health and safety.

Maintaining respectful workplace behaviour is not meant to impose rigid rules on workplace styles, or on workplace relationships and social activities. Rather, respectful behaviour recognises that people with different backgrounds and interests need to interact effectively with each other in the workplace. We seek to build an inclusive, diverse and equitable work environment supported by an inclusive leadership approach.

Scope

This policy applies to all employees within the Department of Treasury and Finance. Any breaches of the State Service Code of Conduct should be dealt with under the *State Service Act 2000* and in accordance with *Employment Direction No. 5*. Where the allegation is of a criminal nature, such as physical or sexual assault, the matter must be referred to the Police immediately without commencing an internal investigation.

Respectful Workplace Behaviours

Respectful Workplace Behaviours means behaving consistently, fairly and in a non-discriminatory manner towards one another. Treasury expects a standard of workplace

behaviour that is based on respect and dignity, with consideration to diversity, gender equality and equal employment opportunity.

This policy identifies a range of disrespectful workplace behaviours including, but not limited to, bullying, harassment, discrimination, victimisation and violence.

Treasury is also committed to, as far as is reasonably practicable, developing, implementing and evaluating strategies that will guide and engage employees at all levels to consistently behave in ways that are courteous and respectful of others (refer to ***Treasury's promoting a respectful workplace culture guide***, TRIM ref: [14/42494](#))

Disrespectful Workplace Behaviours

It is important to recognise there is a wide spectrum of disrespectful workplace behaviours, and they may vary in severity. Some behaviour may be unintended, for example a person may have no idea that their behaviour is offensive to others. Other types of behaviour may be significantly disruptive to the workplace, for example repeated unreasonable behaviour directed toward a worker or a group of workers that creates a risk to health and safety.

Early intervention is a critical factor in resolving any workplace issue. Wherever possible, issues should be addressed promptly to minimise the risk of escalation and impact on employees in the workplace.

Disrespectful workplace behaviours may include any of the following:

- the use of threatening or abusive language or profanities that is intended to be, or is perceived by others to be, demeaning, intimidating, berating, rude or offensive;
- using racial or ethnic slurs; demonstrating racial, gender, sexual orientation, or cultural prejudice;
- any form of harassment or sexual harassment, as outlined below;
- making or sharing jokes that are intended to be, or that are reasonably perceived by others to be, crude or offensive or spreading unsubstantiated rumours or gossip;
- using sarcasm, laughter or cynicism directed as a personal attack on others;
- making actual or threatened inappropriate physical contact;
- using violence towards others in the workplace, including the use of workplace resources to perpetuate violence outside of the workplace. Treasury has a zero tolerance to violence against women, further information is available on the [Tresnet Preventing Family Violence](#) pages;
- making comments or engaging in behaviour that is untruthful or directed as a personal attack on the professional conduct of others;
- engaging in any pattern of disruptive behaviour or interaction that could interfere with the workplace or adversely impact the quality of services; or
- deliberately excluding or not passing on information to others.

Workplace Behaviours which are not Disrespectful

Examples of behaviours or actions which are not considered disrespectful include:

- expressing differences of opinion in a constructive manner

- providing constructive feedback or advice about work-related behaviour and performance
- carrying out legitimate or reasonable management decisions or actions, undertaken in a reasonable manner, for example:
 - allocating work to an employee, and setting reasonable goals, standards and deadlines
 - talking to employees about unsatisfactory performance
- making a complaint about the conduct of a manager or colleague, if the complaint is made in a proper and reasonable way.

Roles and Responsibilities

Employees:

Treasury encourages all employees to take responsibility for behaving in a respectful way by:

- treating each other with respect within the framework of Treasury's values and behaviours;
- demonstrating respectful behaviour in the workplace;
- ensuring a culture of zero tolerance towards violence and to take appropriate action if an issue of violence occurs;
- maintaining a professional working relationship with others in the workplace;
- ensuring a duty of "self-care" by conducting themselves in a manner that protects the safety, health and welfare of themselves and others in the work environment; and
- reporting any disrespectful behaviours experienced or witnessed, to the appropriate manager/supervisor if unable to address it themselves.

Managers/Supervisors:

In addition to their responsibilities as employees, managers/supervisors are responsible for:

- modelling and promoting respectful and ethical behaviour, ensuring a culture of zero tolerance towards violence and maintaining a professional working environment;
- taking pro-active measures to eliminate and address any disrespectful behaviours in the workplace, and ensuring that their employees are advised of expectations;
- ensuring all employees, for whom they are responsible, are aware of this policy and associated procedures;
- resolving incidents and addressing any breaches in their Division, Branch or area and seeking assistance and advice from Human Resources ; and
- providing information on Treasury's Employee Assistance Program and facilitating its use for those exposed to disrespectful behaviours.

Human Resources:

Human Resources are responsible for:

- keeping up to date the respectful workplace behaviour policy and procedures to reflect current legislative, statutory and award requirements;

- engaging external services or providing confidential coaching and / or conflict resolution for managers/supervisors or employees who are dealing with cases of disrespectful behaviours;
- maintaining confidentiality of the information supplied and records of discussion;
- disseminating information on respectful behaviours to employees; and
- providing regular training sessions to raise awareness and skills.

Contact Officers:

In addition to their responsibilities as employees, Contact Officers responsibilities include:

- providing employees with information, options and other resources in relation to a workplace issue;
- listening empathetically and impartially to individuals, taking care not to judge matters as too trivial or to prejudge either party; and
- respecting confidentiality at all times.

Rights

All employees involved in a complaint about workplace behaviour have the following rights:

- to be treated with dignity and respect;
- to have their complaint taken seriously;
- to have any grievances taken seriously;
- to not be victimised after raising any concerns; and
- to be represented and/or to obtain advice from a union, counsellor, Contact Officer, or support person.

Procedure for Managing Disrespectful Workplace Behaviour

Treasury promotes a range of options to resolve complaints or incidents of disrespectful workplace behaviour. The mechanism of resolving grievances is outlined in [Treasury's Internal Grievance Resolution Procedures](#). This document provides a series of steps to follow should an employee experience disrespectful workplace behaviour and outlines both informal and formal processes.

Employees are encouraged to pursue the Department's internal procedures to attempt to resolve the situation. However, it is an employee's right to pursue external avenues that are available either from the outset or in the event that the internal processes have not resulted in a satisfactory resolution of the matter

It is important to recognise there is a wide spectrum of disrespectful workplace behaviours and they may vary in severity. Early intervention is a critical factor in resolving workplace issues. Wherever possible, employees are encouraged to use a process that resolves or de-escalates a concern or complaint through an informal or self-resolution process. This may involve a simple discussion through to a facilitated or mediated meeting, including the option of shuttle mediations.

In the first instance, and if appropriate in the given circumstances, employees may be encouraged to approach the person who they believe has demonstrated disrespectful

behaviour and ask them to cease this behaviour. They may speak to the person directly, with an appropriate third party present, or make the request in writing. In this approach, employees should be encouraged to:

- plan what they want to say;
- describe the behaviour that they found disrespectful and the impact it had on them (for example, 'when you did ... I felt ...');
- request that the behaviour stops; and
- listen to what the person has to say and be prepared to consider and respond to their perspective.

Informal and Formal Processes

An informal process is used when:

- the employee is comfortable to approach the issue themselves or with support.
- it appears the behaviour or incident may be unintentional.
- it appears that it can be resolved within the work area.

A formal process is used when:

- informal processes have failed and it is unlikely that further informal intervention will resolve the issue.
- if the behaviour is serious (even if a single incident) or longstanding.
- if there is significant disagreement about what has occurred and what should happen.

At any stage, support or advice can be sought from:

- a Senior Manager or Supervisor;
- a Contact Officer;
- Human Resources; or
- a Professional Counsellor from the Employee Assistance Provider.

Record Keeping

Incidents should be recorded accurately and in an unbiased manner and kept confidential at all times.

Managers are encouraged to keep file notes in a central records system.

Any formal documents will be securely filed and access to the files will be restricted to the Human Resource Highly Secure Access Group (comprising of the Manager Organisational Development, Assistant Director Human Resources and Director Corporate Support), or other parties if appropriate to the circumstances.

Definitions

Bullying: - workplace bullying is repeated, unreasonable behaviour directed towards a worker, or a group of workers, that creates a risk to their health and safety.

Bullying may be direct or indirect, whether psychological and/or physical, that a reasonable person would find offensive, humiliating, intimidating, degrading or threatening.

Direct Discrimination: - occurs when a person treats another person less favourably than someone else because of particular characteristics, attributes or status. This may include, but is not limited to, age, gender, disability, race, sexual orientation or other characteristics or attributes identified under s.16 of the *Anti-Discrimination Act 1998*.

Indirect Discrimination: - occurs where the same policy, requirement or practice is applied equally to all, but where the effect of that rule or requirement is to deny or reduce the benefit or employment opportunity to particular group. For example, team meetings consistently scheduled when a part-time employee is rostered off work, where it may be practical to shift the meeting time.

Harassment: - is a form of discrimination which causes another person to feel offended, humiliated, intimidated, insulted or ridiculed. It may occur as a single incident or a series of incidents.

Sexual Harassment: - is any:

- unwelcome physical sexual conduct;
- unwelcome sexual advances, propositions or requests for sexual favours; or
- unwelcome remarks, gestures, actions or statements of a sexual nature.

Sexual harassment covers a wide range of unwelcome, uninvited and unreciprocated behaviour including:

- remarks, comments, questions or statements with sexual connotations, including lewd jokes;
- leering, staring or sexually suggestive gestures or body actions;
- physical conduct, such as touching, fondling, patting, hugging and inappropriate familiarity; and
- offensive telephone calls, photographs, emails, reading material or any other conduct of a sexual nature including statements that are on social media.

Intimidatory Harassment: - involves the thoughtless or intentional use of physical or organisational power to coerce a person to perform a particular action, or to instil in the person a feeling of humiliation or intimidation.

Victimisation: - takes place if a person subjects or threatens to subject another person or an associate of that other person, to any form of harassment, bullying or discrimination because the victim has:

- made or intends to make, a complaint; or
- gave or intends to give, evidence or information in connection with any proceedings

Violence: - is any violent, threatening, coercive or controlling behaviour. This includes not only physical injury but direct or indirect threats, sexual assault, emotional and psychological torment, economic control, damage to property, social isolation and any behaviour which causes a person to live in fear. Violence is a workplace issue when it impacts on the work performance, productivity or the safety of an employee or their colleagues.

Legislative Framework

- *State Service Act 2000*
- *State Service Code of Conduct*
- *Employment Direction No. 5*
- *Work Health and Safety Act 2012*
- *Workers Rehabilitation Act 1988*
- *Workers Rehabilitation and Compensation Regulations*
- *Industrial Relations Act 1984*
- *Anti-Discrimination Act 1998*
- *Racial Discrimination Act 1975*
- *Disability Discrimination Act 1992 (Cth)*
- *Human Rights and Equal Opportunity Commission Act 1986 (Cth)*
- *Freedom of Information Act 1991*
- *Relationships Act 2003*
- *Sex Discrimination Act 1984*
- *Age Discrimination Act 2004*
- *Employment Direction No. 28*

Related Documents

- Treasury's promoting a respectful workplace culture guide
- Internal Grievance Resolution Guidelines
- Reasonable Adjustment Guidelines
- Treasury's Work Health and Safety Policy
- Treasury's Workplace Diversity Plan
- Disability Access Plan
- Use of Email, Internet and Social Media Policy
- Treasury's Policy: Family Violence Support and Guideline: Family Violence Support

Contacts

Human Resources 6166 4053

Document acceptance and release notice

Build Status:

Version	Date	Author	Reason	Section
4.0	October 2019	Joy Crane	Reviewed to remove references to White Ribbon and to embed inclusive diversity principles.	All
3.0	April 2019	Joy Crane	Reviewed as part of the Reaccreditation Process to improve alignment with White Ribbon	All
2.0	April 2016	Fiona Madson	Policy changes to align with White Ribbon	Identification Policy Respectful Workplace Behaviours Disrespectful Workplace Behaviours Employee Roles and Responsibilities Manager/Supervisor` Roles and Responsibilities Definitions Legislative Framework
1.0	12 May 2014	Jen Bernal		

Department of Treasury and Finance

Conflicts of Interest - Declaration and Management

Funding for the State Service comes from the community which means that we all have an obligation to adopt high standards of ethics and integrity to ensure that the community maintains a high level of confidence in the operations of Treasury, and State Service Agencies more generally.

In addition, the State Service Act requires you:

- to maintain appropriate confidentiality about dealings of, and information acquired by, you in the course of employment;
- to disclose, and take reasonable steps to avoid any conflict of interest in connection with your employment;
- to not make improper use of information gained in the course of your employment; and/or
- to not make improper use of your duties, status, power or authority - in order to gain, or seek to gain, a gift, benefit or advantage for yourself or any other person.

Conflicts of interest occur when private interest interferes, or are seen to interfere, with a public officer's duties. Private interests can be associated with a person's family, friends or associates. Conflicts of interest can be actual, perceived or potential:

- actual conflicts of interest occur where the private interests of a public officer interferes with their duties and responsibilities;
- perceived conflicts of interest occur if it may be perceived that a public officer's private interests could improperly influence or may have improperly influenced their public duties;
- potential conflicts of interest occur if the private interests of a public officer could interfere with their official duties in the future, for example, an upcoming procurement or recruitment process.

If you have an actual, perceived or potential conflict of interest in undertaking your duties, please discuss this with your Branch or Division Head. You can propose any actions that may manage or resolve the conflict of interest and develop a management plan, if appropriate. Treasury has a Conflict of Interest Declaration Form (attached) for you to complete and forward to your Branch Head for discussion and review. The form will also be reviewed by your Division Head and then stored in your personal file by Human Resources. It is your responsibility to monitor, review and update the form and management plan as needed, or to advise your line managers if circumstances change.

Tony Ferrall

SECRETARY

Conflict of Interest Declaration Form

The State Service Act Section s9: 7, 8 and 11 requires you:

- to maintain appropriate confidentiality about dealings of, and information acquired by, you in the course of employment;
- to disclose, and take reasonable steps to avoid any conflict of interest in connection with your employment;
- to not make improper use of information gained in the course of your employment; and/or
- to not make improper use of your duties, status, power or authority – in order to gain, or seek to gain, a gift, benefit or advantage for yourself or any other person.

If you have an actual, perceived or potential conflict of interest in undertaking your duties, please discuss this with your Branch or Division Head. You can propose any actions that may manage or resolve the conflict of interest and develop a management plan, if appropriate. Complete and sign this form and forward it to your Branch Head for review. The form will also be reviewed by your Division Head and then stored on your personal file by Human Resources. Please monitor, review and update the form and management plan as needed or if circumstances change.

Name: _____ Position: _____ Branch: _____

EMPLOYEE'S DISCLOSURE

Conflict of Interest Details: Please provide a brief outline of the nature of the conflict of interest, including the functions and decisions at Treasury that may be affected by the interest.

Conflict Management Plan: After talking with your supervisor or Branch Head please propose any actions that you think may help to manage or resolve the conflict, if appropriate.

EMPLOYEE'S DECLARATION

I hereby declare that the above details are correct to the best of my knowledge and I make this conflict of interest declaration in good faith. I hereby agree to:

- update this disclosure if anything changes throughout the period of my employment or until such a time as the conflict ceases to exist; and
- state that I will not use Departmental equipment or facilities for private purposes or in relation to any outside activity that may breach the code of conduct or create a conflict of interest.

Signature (staff member): _____ Date:

REVIEWED BY BRANCH HEAD

I have reviewed the conflict of interest disclosure and:

- agree that no further action is required;
- support the proposed management plan; or
- propose the following additional actions:

Branch Head signature: _____ Date:

REVIEWED BY DIVISION HEAD

I have reviewed the conflict of interest disclosure and:

- agree that no further action is required;
- support the proposed management plan; or
- propose the following additional actions:

Division Head signature: _____ Date:

A copy of this disclosure review and the endorsed management plan (if relevant) has been provided to the employee and a copy forwarded to Human Resources to be retained on the employee's personal file

Gifts, Benefits and Hospitality Policy

Identification

TRIM 16/163418: Gifts, Benefits and Hospitality Policy

Executive Summary

This policy sets out the broad principles to be applied by and to all Tasmanian State Service officers and employees in relation to the offer, acceptance or refusal of a *gift, benefit or hospitality*.

The Tasmanian community expects high standards of integrity, impartiality, transparency and the responsible use of resources from all state service officers and employees. State service officers and employees are expected to be honest and transparent in their dealings, make unbiased decisions and provide unbiased advice, avoid real and perceived conflicts of interest and earn and maintain public trust. The acceptance of *gifts, benefits or hospitality* by a state service officer or employee may lead to a conflict of interest between an employee or officer's personal interests and public duty, and may call into question a decision that is made, a contract that is awarded, or advice that is given by the employee or the agency.

Officers and employees should not expect to receive *gifts, benefits or hospitality* for doing a job they are paid by the public to do. In most situations, 'thanks' is enough.

However, in limited circumstances, it may be appropriate to consider acceptance of a *gift, benefit or hospitality, or modest refreshment*.

If you cannot refuse, follow the guidance in this policy.

This policy provides limited exceptions for low value *token mementos* and *modest refreshments*, however these exceptions will not apply if they are *regularly occurring*; if you have solicited the memento or refreshment; if you are a *Government buyer* and the memento or refreshment may influence or might be deemed to influence a procurement or disposal decision; or in general, the acceptance of the memento or refreshment may cause an actual, perceived or potential conflict of interest.

Under no circumstance should employees or officers accept a gift of *money or money equivalent, or a valuable object*.

If you have any doubt about whether or not to accept a gift, benefit or hospitality, or if you believe acceptance may cause an actual, perceived or potential conflict of interest, you should simply decline the offered gift, benefit or hospitality or speak to your supervisor.

It is important to note that non-compliance with this policy may constitute misconduct and will be dealt with in accordance with *Employment Direction No. 5 – Procedures for the investigation and determination of whether an employee has breached the Code of Conduct (ED5)*.

The inappropriate acceptance or solicitation of gifts and benefits may result in disciplinary action under the *State Service Act 2000*, or prosecution (including for the offence of bribery under the *Criminal Code*). This applies equally regardless of your position on the corporate hierarchy or within your agency.

For the meaning of *Italicised* terms see **Definitions** below.

Law and Related Policy

- [Section 9\(11\)-\(12\) State Service Act 2000](#)
- [Regulation 12 State Service Regulations 2011](#)
- [Employment Direction 5 “Procedures for the Investigation and Determination of whether an employee has breached the Code of Conduct”](#)
- [Treasurer’s Instructions 1101 and 1201](#) in relation to the Code of Ethics for officers engaged in procurement processes
- [Conflict of Interest – Declaration and Management Policy](#)
- Schedule 1 (sections [83](#), [84\(1\)](#) and [85](#)) *Criminal Code Act 1924*

Policy Statement

Officers and employees should not expect to receive gifts, benefits or hospitality for doing a job they are paid by the public to do. In most situations, ‘thanks’ is enough.

You must **never** accept a *gift, benefit or hospitality, token memento or modest refreshment* in the following circumstances:

- It is *money or money equivalent*;
- A *valuable object* valued at \$100 AUD or higher;
- You are a *Government buyer* and your acceptance may influence or be perceived to influence a procurement or disposal decision;
- You or your agency makes decisions or gives advice regarding the gift giver or are likely to in future and your acceptance may influence or be perceived to influence the decision or advice;
- Your acceptance may otherwise cause an actual, perceived or potential conflict of interest, or may be seen by other people as a reward or incentive.

You must **never** solicit a *gift, benefit or hospitality* in the course of your duties as an officer or employee, for your personal benefit or for the benefit of a spouse, partner, friend or family member.

In each of the above instances, you must immediately decline and return (if a physical item) the *gift, benefit or hospitality or token memento or modest refreshment*. You are not required to declare the offer or receipt of the *gift, benefit or hospitality or token memento or modest refreshment* if it is immediately declined and if a physical object, returned. If you have been offered or received *money or money equivalent*, drugs or illegally obtained property in the course of your duties or in relation to your duties from any person or entity you are required to immediately report the offer or receipt to the Tasmania Police and to the Head of Agency or their delegate so that appropriate action may be taken.

In all other circumstances:

- If you are offered a *token memento or modest refreshment* you may consider accepting it if it is not *regularly occurring*. You are not required to declare the receipt of a *token memento or modest refreshment* if it is not *regularly occurring*.

- If the item is not a *token memento* or *modest refreshment*, but instead a higher-valued *gift, benefit or hospitality* :
 - You may decline or return the offered *gift, benefit or hospitality*. You are not required to declare the offer or receipt of the *gift, benefit or hospitality* if it is promptly declined and if a physical object, returned.
 - If you are unable to decline or believe it is appropriate to accept the *gift, benefit or hospitality* you must declare it and request approval from the Head of Agency or delegate to accept or otherwise dispose of the *gift, benefit or hospitality* in an approved manner. All declarations must be recorded on the agency's Gift Register (see **Declaration of a gift, benefit or hospitality** below), noting that all declarations of items valued at \$100 or higher must be published (see **Gift Register**).

It is inevitable that situations will arise which are not dealt with by this policy. The overriding concern is to ensure that no conflict exists or appears to exist between the public duty and private interest of a staff member. If there is any doubt as to the appropriateness of the offered *gift, benefit or hospitality*, or potential for perceived or actual conflict of interest, decline the offer or discuss the matter with the Head of Agency or their nominated delegate.

Definitions

Gift, benefit or hospitality means any gratuity, favour, discount, entertainment, loan, forbearance, or other benefit having monetary value gained by an officer or employee in the course of the officer's or employee's duties or in relation to the officer's or employee's duties from any person or entity other than the employer. It includes, but is not limited to:

- a gift of money or money equivalent;
- a gift of a physical object (excluding *token mementos*);
- the conferring of a benefit;
- the conferring of an honorary degree, title or award;
- a *purchasing incentive*, such as a gift of goods and/or services with purchase, other promotional reward, discount or loyalty points offered generally to any public purchaser or to a broadly defined class of purchasers of a particular good or service, a redemption or frequent buyer card, which is received in relation to the purchase of a particular good or service for the agency;
- 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 or commercial value for less than full value; or
- provision of hospitality, including meals (excluding *modest refreshments*);
- accommodation;
- travel (e.g. airfares, taxi fares, vehicle hire);

- education or training not offered or paid for in full by your employer or yourself (e.g. external conference or seminar ticket, externally hosted training course, or completion or award of an external qualification); or
- entertainment (e.g. tickets to arts/sporting/recreational events) for less than full value.

A *gift, benefit or hospitality* does NOT INCLUDE:

- a *token memento* meaning an item of little intrinsic value, such as a greeting card, confectionery, calendar, diary, magnet, pen, plaque/certificate or trophy which is solely for presentation, a scarf or tie, badges, souvenirs, craft, remembrances or other tokens bestowed at an official function, marks of courtesy (e.g. a bottle of moderately priced wine acknowledging appreciation for a speaking engagement), or of a seasonal nature of a minor value. Although it may be difficult to value a particular item that is received or offered, if a comparable item is commercially valued at \$50 or higher, the item is not a *token memento* and is considered to be a *gift, benefit or hospitality*;
- a *modest refreshment* meaning food or refreshment which generally is not in conjunction with a sit-down meal, such as coffee, biscuits, sandwiches, cake, hors d'oeuvres, fruit, or any other snack;
- a publicly available discount;
- a randomly drawn prize given in a contest which is open to the public or to a broadly defined class of government employees;
- something for which you have paid fair value.

Regularly occurring in the context of the offer of a *token memento* or *modest refreshment* means the offer by and acceptance of *token mementos* or *modest refreshments* from a single supplier which in total are valued at \$100 or higher in a 12 month period. If you have accepted *token mementos* and/or *modest refreshments* from a single supplier valued in total at over \$100 in an annual period, you will be required to declare the receipt of each of these items, and the declaration will be required to be published by the agency (see **Declaration of a gift, benefit or hospitality** and **Gift Register**).

Employee means a permanent or fixed-term employee appointed under section 37 of the *State Service Act 2000*.

Government buyer is a term used to describe the role of an employee or officer whose job involves the acquisition of goods and/or services for one or more Government Agencies. A buyer includes a manager or senior executive or any other employee or officer that is responsible for making a purchasing decision or exercising a financial or legal delegation in relation to a purchasing decision; and a member of a purchasing panel or committee that is able to influence or assists in making a purchasing recommendation.

Money or money equivalent includes cash, financial instruments, shares, units, gift cards/vouchers, discount coupons, loyalty bonus points that may be redeemed for a cash or non-cash personal reward, lottery tickets, 'scratchies', credit cards, debit cards with credit on them, memberships, prepayments such as phone or internal credit, any item that may be readily converted to cash.

Officer means a person appointed under section 31 of the *State Service Act 2000*.

Valuable object means a physical object with a market value of AUD \$100 or higher as at the date of the offered gift.

Declaration of a gift, benefit or hospitality

Any employee or officer who receives an offer of a *gift, benefit or hospitality* that complies with the Policy Statement, and wishes to accept the *gift, benefit or hospitality*, must complete the 'Acceptance of Gift, Benefit or Hospitality Declaration Form' and provide it to the Head of Agency or delegate for approval.

Any employee or officer who receives an offer of a *gift, benefit or hospitality* and does not wish to retain or is unable to retain the *gift, benefit or hospitality*, and is unable to return the *gift, benefit or hospitality* to the offeror, must surrender the *gift, benefit or hospitality* to the Head of Agency or delegate for approval and if appropriate, disposal, and complete the 'Acceptance of Gift, Benefit or Hospitality Declaration Form' noting the surrender of the gift and disposal of the item.

Any employee or officer who receives an offer of a *gift, benefit or hospitality* on behalf of the Agency, or for the benefit of the Agency, must surrender the *gift, benefit or hospitality* to the Head of Agency or delegate for approval and disposal, and complete the 'Acceptance of Gift, Benefit or Hospitality Declaration Form' noting the surrender of the gift and the Agency's future use or disposal of the item.

There is no requirement to declare the offer or acceptance of a *token memento* or *modest refreshment* unless the employee or officer has received and accepted *token mementos* and *modest refreshments* from a single supplier that are valued in total at over \$100 in an annual period. If the annual threshold is reached, the employee or officer is required to complete the 'Acceptance of Gift, Benefit or Hospitality Declaration Form' detailing the receipt of each of the *token mementos* and *modest refreshments* and provide it to the Head of Agency or delegate for approval.

If the employee or officer completing a declaration is the Head of Agency, the declaration is to be provided to the Secretary of the Department of Premier and Cabinet.

If the employee or officer completing a declaration is the Secretary of the Department of Premier and Cabinet, the declaration is to be provided to the Secretary of the Department of Treasury and Finance.

Declaration forms must be provided as soon as practicable to the relevant Head of Agency or delegate for approval.

Completed Declaration forms are to be stored on the agency's Gift Register.

When a Head of Agency or their delegate receives an 'Acceptance of Gift, Benefit or Hospitality Declaration Form' for approval of acceptance of a *gift, benefit or hospitality*, the Head of Agency or their delegate should consider whether there is sufficient public interest to support the acceptance of the *gift, benefit or hospitality*, including for example, whether there is a direct link to an official purpose; and that the *gift, benefit or hospitality* is of demonstrable benefit to the agency, the State, the Government or the public. Both the relationship between the

giver (offeror) of the *gift, benefit or hospitality* and the intended recipient, and the intent of the offer should be considered, together with how the offer may be perceived by the public.

Gift Register

The Head of Agency will ensure that the agency maintains an appropriate Gift Register in electronic or hard copy form to record declarations by employees and officers for the purpose of this policy.

Agency and employee/officer compliance with this policy is to be included in the agency's annual Audit and Risk management processes, with findings to be reviewed by the agency Executive on an annual basis.

All declarations of *gifts, benefits or hospitality* to the value of \$100 or greater, or a declaration of *token mementos and modest refreshments* (reaching the annual threshold of \$100 from a single supplier that have been recorded in the agency's Gift Register in a financial year) must be published in the Agency's Annual Report for that financial year, or on the Agency's website within four months of the end of that financial year.

Other

Internal offer of a gift, benefit or hospitality

From time to time the agency may host small functions to celebrate significant milestones or achievements. Examples include the retirement or resignation of a staff member or the celebration of the completion of a significant project involving a number of staff who made a significant contribution to the project. Such entertainment will be modest in nature in terms of expenditure e.g. for food and drink, be for a restricted time and be approved by the Head of Agency or delegate. There is no requirement to declare the acceptance of Head of Agency approved hospitality as a *gift, benefit or hospitality*.

On occasion, the State may host a function to celebrate a significant milestone or achievement, or commemorate an action or event, and you are requested to attend at the State's cost. Your attendance should be approved by the Head of Agency or delegate. There is no requirement to declare the acceptance of Head of Agency approved hospitality as a *gift, benefit or hospitality*.

Internally, employees and officers form personal friendships and may offer or receive a *gift, benefit or hospitality* to or from a fellow employee or officer to commemorate an action, event or anniversary, such as a birthday, illness or bereavement. There is no requirement to declare a *gift, benefit or hospitality* received from an internal colleague, however, the acceptance of the gift should not cause an actual, potential or perceived conflict of interest with respect to internal decision-making.

Provision of gifts, benefits or hospitality

It is unlikely that employees or officers will be required to provide any *gift, benefit or hospitality* other than a *token memento or modest refreshment* in the course of their official duties.

The policy applicable to the provision of *gifts, benefits or hospitality* is consistent with the principles outlined in relation to the receipt of *gifts, benefits or hospitality*.

In circumstances where it is necessary for an employee or officer to provide a *gift, benefit or hospitality* in the course of official business, approval should be sought from the Head of Agency prior to providing the *gift, benefit or hospitality*.

All approved, *gifts, benefits and hospitality* provided in the course of an official or employees duties to the value of \$100 or greater that have been recorded in the Agency's Gift Register in a financial year must be published in the Agency's Annual Report for that financial year, or on the Agency's website within four months of the end of that financial year.

Sponsored Travel

Sponsored travel includes the provision of transport, accommodation or living expenses to employees or officers other than from Agency funds or the employee's or officer's own resources.

All staff travel should be at the expense of the State, or in certain circumstances, of the Commonwealth, and is otherwise deemed to be a *gift, benefit or hospitality* and is subject to this policy.

As noted above (see **Declaration of a gift, benefit or hospitality**), any employee or officer who receives an offer of Sponsored Travel and wishes to accept the *gift, benefit or hospitality*, must complete the 'Acceptance of Gift, Benefit or Hospitality Declaration Form' and provide it to the Head of Agency or delegate for approval. Any approval of Sponsored Travel is conditional upon the employee or officer sharing the learning they gain from the Sponsored Travel in writing with relevant colleagues in their agency promptly upon their return.

Redemption or 'frequent buyer' cards

An agency is entitled to utilise a redemption or 'frequent buyer' card (or any other *money or money equivalent* or *purchasing incentive* received in the course of a purchase or procurement of goods and/or services on behalf of the agency, or for the benefit of the agency) as long as the use is for the benefit of the agency.

Determining whether a use or disposal is to the benefit of an agency is at the discretion of the Head of Agency or their delegate and must be recorded in accordance with this Policy (see **Declaration of a gift, benefit or hospitality**).

Officers with responsibility for Purchasing, Tenders or Disposals

Treasurer's Instructions 1101 and 1201 include specific reference to a code of ethics for officers engaged in procurement processes. These instructions state that it is a requirement that all Government buyers decline gifts, gratuities or any other benefits which may influence, or might be perceived to influence, equity or impartiality in procurement decisions.

Alleged Breaches of this Policy

Any alleged breaches of this Policy will be dealt with in accordance with the procedures set out in *Employment Direction No 5 – Procedures for the Investigation and Determination of Whether an Employee has Breached the Code of Conduct*. In addition, upon investigation, should any alleged breach constitute a criminal offence, the alleged breach will be referred to the State Police.

All employees and officers should be aware that it is a crime for a public officer:

- to corruptly solicit, receive or obtain, or agree to receive or obtain, any property or benefit of any kind for themselves or any other person on account of anything done or omitted, or to be done or omitted, by them in the discharge of the duties of their office (section 83(a) – Corruption of public officers);

- who, under colour of office and otherwise than in good faith, demands, takes, or accepts from any person for the performance of their duty as a public officer, any reward beyond his proper pay and emoluments (section 84(1) – Extortion by public officers);
- who knowingly holds, directly or indirectly, any personal interest in any contract made by or on behalf of the Government of this State concerning any public matter (section 85(1) – Being interested in a contract as a public officer).

Related Documents

Acceptance of Gift, Benefit or Hospitality Declaration Form [[16/143388](#)]

Document acceptance and release notice

Build status:

Version	Date	Author	Reason	Section
V.01	10.10.2016	P Sharman	Creation of Treasury policy based on final Whole-of-Government policy	All
V.1	04.11.2016	P Sharman	Minor updates following Cabinet consideration of final Policy	All
VI.1	16.11.2016	P Sharman	Minor updates following Cabinet approval of final Policy	All

Distribution:

Version	Issue date	Issued to
V.01	11.10.2016	J Beaumont
V.1	04.11.2016	J Beaumont
VI.1	18.11.2016	Department of Treasury and Finance

Policy: Work Health, Safety and Wellbeing Policy

Policy

The Department of Treasury and Finance is committed to ensure as far as is reasonably practicable the health and safety of workers and others at the workplace in accordance with the *Work Health and Safety Act 2012*.

The Department through its values supports the development of a culture which promotes safe working practices, adopts a proactive approach to wellbeing, and actively seeks to prevent work related injury and disease

Our goal is to eliminate work related injury and ill health, to provide work environments that do not compromise the safety of any worker or others in the workplace, and to ensure that work health, safety and wellbeing is proactively managed throughout the Department.

This goal will be realised through:

- Considering work health, safety and wellbeing issues as an integral part of the way the Department does business.
- Creating an environment that proactively supports the health and wellbeing of workers.
- Encouraging appropriate consultation with all relevant stakeholders on health and safety policies and standards, and ensuring that these are communicated and observed.
- Documenting appropriate objectives and targets and continuously monitoring and benchmarking these to identify opportunities for continual improvement.
- Implementing safety risk management systems to identify, assess, monitor and control workplace safety risks and hazards.
- Maintaining a program of education and training to enhance the skill levels and safety awareness of all workers.
- Complying with all applicable work health and safety laws, regulations, statutory obligations, client, and industry requirements.

Scope

This policy applies to all workers within the Department, contractors and visitors. It includes times when workers are conducting authorised departmental business outside of departmental workplaces. This policy is reviewed at least every three years to ensure that it remains relevant and appropriate to the Department's health and safety risks.

Key Responsibilities

Managers and Supervisors are responsible for implementing, promoting and maintaining work health and safety systems within their area of control and for helping to create a work

environment that proactively supports the health and wellbeing of workers. This includes providing supervision, training, the identification and management of hazards, reporting of incidents, participating in relevant training and for setting the right culture and tone.

Officers are responsible to exercise due diligence to ensure that the PCBU is complying with their duties or obligations under the legislation.

Person Conducting a Business or Undertaking (PCBU) is responsible for providing a safe and healthy work environment in accordance with the *Work Health and Safety Act 2012*.

Workers must take reasonable care of their own health and safety, not act in a manner that adversely affects others, comply with instructions (so far as is reasonably able), and cooperate with reasonable notified policies and procedures.

Work Health and Safety Committee has an advisory role in providing support and recommendations regarding health and safety matters.

Work Health and Safety Representatives are trained employees representing the interests of a particular work group or location in the area of safety. Their role is primarily one of inspection, investigation, consultation and communication.

Definitions

Department means Department of Treasury and Finance.

Officers: - are deemed to be a person who makes, or participates in making, decisions that affect the whole or a substantial part, of a business or undertaking of the Crown is taken to be an officer of the crown for the purposes of the *Work Health and Safety Act 2012*.

Person conducting a business or undertaking (PCBU): - is a person or duty holder that operates a business. In respect to the Tasmanian Government, it is the Crown who is considered to be the PCBU: and the Crown conducts its business or undertakings through responsible Agencies.

Worker: - a person is a worker if they carry out any work in any capacity for the Department, including work as an employee, contractor or subcontractor, an employee of a contractor or subcontractor, employee of a labour hire company, outworkers, apprentice or trainees, work experience student, volunteers or other prescribed person.

Legislative framework

Work Health and Safety Act 2012

Work Health and Safety Regulations 2012

Related documents

Work Health and Safety Committee Terms of Reference

Work Health and Safety Representatives Handbook

Work Health and Safety Responsibilities

Treasury's Work Health and Safety Management System

Contacts

Work Health and Safety (WHS) Coordinator (03) 6166 4052 or 6166 4048

Signature of Secretary

Date: _____

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Build Status:

Version	Date	Author	Reason	Section
2.0	1 July 2013	Celia Medina	Minor administrative adjustments	
3.0	3 August 2017	Joy Crane	Addition of wellbeing as an integrated element and general updates	All

Amendments in this release:

Section title	Section number	Amendment summary
All sections	All	As above

Distribution

Version	Issue date	Issued to
3.0	8 August 2017	All workers, contractors and visitors