



GIFT

POLICY

Division

Office of the CEO

OGC to maintain

Updated

February 2022

Policy number

Implemented

Review date

February 2024

Reviewed by

Maree Westbrook
General Counsel, OGC

Approved by

Rolf Moses
Chief Executive Officer

Date 17.3.2022

Signed

Print name

Rolf Moses

1. Policy Validity Statement

If this document has passed its review date (as shown above), it may be invalid. Please ensure you're referring to the most current version before relying on its contents.

2. Purpose

The purpose of this policy is to provide a framework for Council members and staff of the Queensland Law Society (the Society) when giving or receiving a Gift, Reward or Benefit

3. Scope

This policy applies to all Councillors and QLS team members.

4. References

[Financial Accountability Act 2009.](#)

[Financial and Performance Management Standard 2009.](#)

[Right to Information Act 2009.](#)

[Public Service Commission Directive 22/09.](#)

5. Definitions

1.1 In this Policy, the following definitions apply:

Accountable Officer has the meaning given in the *Financial Accountability Act 2009*.

Chief Executive Officer means the person occupying the position of Chief Executive Officer of the Society from time to time.

Council means the Council of the Queensland Law Society.

Gift, Reward or Benefit includes:

- (a) a gift or offer of entertainment, hospitality, travel or similar benefit; and
- (b) a gift or offer of money or of an item of property, a fee, subsidy, consideration, commission, or other service,

given or received without recompense or for a consideration substantially less than full consideration.

Gifts and Benefits Declaration means the Gifts and Benefits Declaration in the form appearing as Attachment 1 to this Policy.

Gift Register means the Gift Register maintained by the Office of the Chief Executive, in the form appearing as Attachment 2 to this Policy.

Manager means the person responsible for the relevant staff member's department.

Non-registrable Gift, Reward or Benefit is a Gift, Reward or Benefit with a current market value of \$150.00 or less, given or received by a Councillor or employee of the Society, or by their family, but excludes a gift given to or received from a personal friend or a family member, in a purely personal capacity.

President means the person occupying the position of President of the Society from time to time.

Publications Scheme is the Publications Scheme published on the Society's website pursuant to the obligations in the *Right to Information Act 2009*.

Registrable Gift, Reward or Benefit is a Gift, Reward or Benefit with a current market value of \$150.00 or more, given or received by a Councillor or employee of the Society, or by their family, other than a gift made by a personal friend or a family member, in a purely personal capacity. A Registrable Gift, Reward or Benefit may also be made up of a number of Gifts, Rewards or Benefits given by the same person or organisation during any financial year where the combined Retail Value of those Gifts, Rewards or Benefits exceeds \$150.00.

Retail Value means the reasonable retail value of the Gift, Reward or Benefit at the time the Gift, Reward or Benefit is received.

6. Risk

Identified Risk	Likelihood	Consequence	Risk Level
The giving or receiving of a Gift, Reward or Benefit by Council members or staff can be seen to give rise to a conflict of interest that may affect the Society's decision making.	Possible	Medium	Moderate
The giving or receiving of a Gift, Reward or Benefit can imply a relationship with another organisation or individual and may be seen to interfere with the Society's Objectivity and independence.	Possible	Medium	Moderate
The receipt of a Gift, Reward or Benefit of more than nominal value could compromise the Society's integrity in relation to matters such as purchasing decisions, tenders, and regulatory decisions.	Possible	Major	Significant

7. Internal Controls

- 7.1. Councillors and staff are made aware of the Gift Policy upon its implementation and the Guide for QLS Councillors and the Society's Code of Conduct for staff provide guidance on appropriate behavior.

- 7.2. Councillors are provided with the Guide for QLS Councillors and the Gift Policy upon becoming a Council member.
- 7.3. Staff are made aware of the Gift Policy upon its implementation and upon becoming an employee of the Society.
- 7.4. All Registrable Gifts, Rewards or Benefits are recorded on the Gift Register maintained by the Office of the Chief Executive.
- 7.5. The Gift Register is published on the Society's website as part of its Publications Scheme.

8. Policy

General

- 8.1. The overriding principle in giving or receiving a Gift, Reward or Benefit, including hospitality and entertainment is that there must be a direct link to an official purpose. Giving or receiving a Gift, Reward or Benefit must be capable of defence in relation to Society members' and public expectation.
- 8.2. Councillors and staff must consider their obligations under the Guide for QLS Councillors and the Society's Code of Conduct when giving or receiving a Gift, Reward or Benefit and must not encourage external parties to give any form of Gift, Reward or Benefit connected to the performance of their duties.
- 8.3. Councillors and staff should recognise that any Gift, Reward or Benefit, regardless of monetary value, implies a relationship with another organisation or individual and may be seen to interfere with the Society's objectivity and independence.

Questions surrounding Gifts, Rewards or Benefits

- 8.4. The President should raise any questions surrounding the motivation behind the offer of a Gift, Reward or Benefit with the Council of the Society.
- 8.5. Councillors should raise any questions surrounding the motivation behind the offer of a Gift, Reward or Benefit with the President.
- 8.6. The Chief Executive Officer should raise any questions surrounding the motivation behind the offer of a Gift, Reward or Benefit with the President.
- 8.7. Managers should raise any questions surrounding the motivation behind the offer of a Gift, Reward or Benefit with the Chief Executive Officer.
- 8.8. Staff members should raise any questions surrounding the motivation behind the offer of a Gift, Reward or Benefit with their Manager.

Retention of Gifts, Rewards or Benefits

- 8.9. Gifts, Rewards or Benefits given to a Councillor or staff member remain the property of the Society unless the President, the Council, the Chief Executive Officer or the staff member's Director determines that it is appropriate for the recipient to retain the Gift, Reward or Benefit.

- 8.10. Any Gift, Reward or Benefit with a Retail Value of less than \$150.00 may remain the property of the Councillor or staff member if its acceptance is not likely to affect or could not be perceived to affect the independent and impartial performance of the Councillor or staff member's duties.
- 8.11. Councillor's and staff should consult with Council, the President, the Chief Executive Officer or their Manager for advice on the acceptability of any Gift, Reward or Benefit, where the Gift, Reward or Benefit is other than a token or memento.
- 8.12. Any Gift, Reward or Benefit comprising cash or items that are readily converted into cash must be refused in all circumstances.

Giving Gifts, Rewards or Benefits

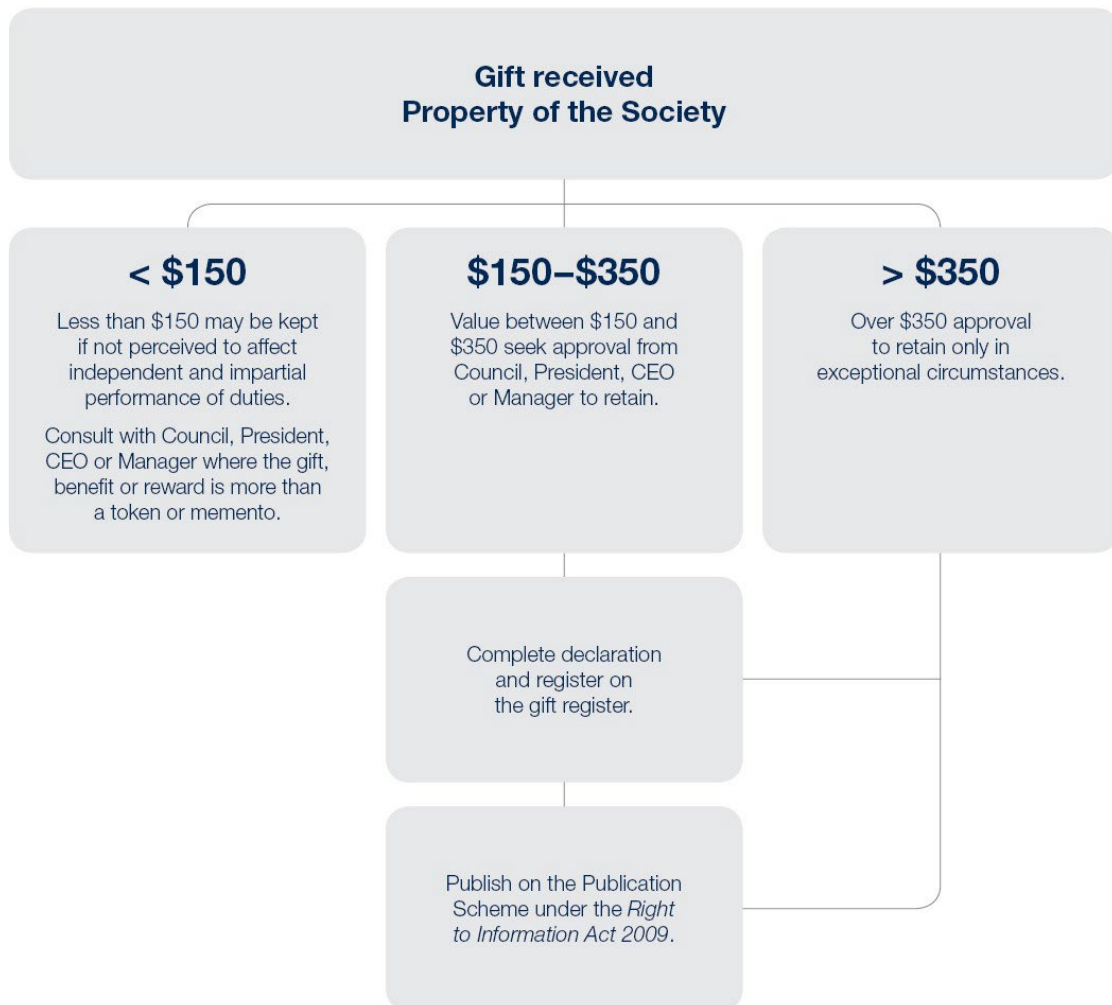
- 8.13. The President or the Chief Executive will determine whether it is appropriate to give any form of Gift, Reward or Benefit to, for example, overseas delegates. Any Gift, Reward or Benefit must be for an official purpose.
- 8.14. The appropriateness of any Gift, Reward or Benefit must be considered and Councillors and staff must seek approval from the President, Council, the Chief Executive Officer or the relevant Manager in line with the Financial Delegations Manual prior to any Gift, Reward or Benefit being purchased or given.
- 8.15. Official hospitality should only be offered for official purposes.

Registrable and Non-Registrable Gifts, Rewards or Benefits

- 8.16. All Registrable Gifts, Rewards or Benefits must be recorded in the Gift Register within one month of giving or receiving the Gift, Reward or Benefit.
- 8.17. Details of the Registrable Gift, Reward or Benefit, including the date it was given or received, the person or organisation to whom or from whom it was given or received, particulars of the Gift, Reward or Benefit and an estimate of its current Retail Value should be recorded.
- 8.18. If the Gift, Reward or Benefit is determined to be a Registrable Gift, Reward or Benefit and authorisation has been obtained to give or accept the Gift, Reward or Benefit, notification must also be given to the Finance Department in the form of the [Gifts and Benefits Declaration](#) within fourteen (14) days of giving or receiving the Gift, Reward or Benefit for determination of its status under the *Financial Accountability Act 2009* and the *Financial and Performance Management Standard 2009*.
- 8.19. Where personal travel or accommodation, not related to the performance of the Councillor's or staff member's official duties, is involved in relation to attendance at an event, prior formal approval of the President, Council or the Chief Executive Officer must be obtained.
- 8.20. All Gifts, Rewards or Benefits of cultural or historical significance must be reported and registered regardless of their value and remain the property of the Society.
- 8.21. Approval may be sought to retain a Gift, Reward or Benefit which has a Retail Value of between \$150.00 and \$350.00 in appropriate circumstances.
- 8.22. Approval may be sought to retain a Gift, Reward or Benefit which has a Retail Value over \$350.00 in exceptional circumstances.

- 8.23. In determining the Retail Value of a Gift, Reward or Benefit, appropriate verification of the Retail Value must be undertaken. Deliberately undervaluing a Gift, Reward or Benefit may be official misconduct.

RECEIVING GIFTS



GIVING GIFTS



Gift Register

- 8.24. All Registrable Gifts, Rewards or Benefits must be notified to the **Chief Executive Officer** in the form of the [Gifts and Benefits Declaration](#), recorded in the Gift Register and must be published in the Society's Publications Scheme under the *Right to Information Act 2009*. The Register must be updated on a quarterly basis within ten (10) calendar days of the end of the quarter.

9. Procedure

- 9.1. The Policy will be published on the Society's intranet and internet website and Councillors and staff will be advised to examine the Policy.
- 9.2. New Councillors and staff will be advised of the Policy upon commencement of their duties.

10. Endorsement

QLS is committed to this policy and its equitable implementation. For further information, please contact the Chief Executive Officer.

Version No	Amendment details	Author	Date of issue
1.0	Original Policy	Maree Westbrook	June 2010
2.0	Incorporated into current policy template Minor changes to definitions Change from the definition of Director to Manager and amendments throughout to reflect this change	Maree Westbrook	May 2019
3.0	Reviewing Corporate Policies and Procedures, bring-up for review every two (2) years	Maree Westbrook	November 2021
4.	Updated Review Date	Maree Westbrook	February 2022

QUEENSLAND LAW SOCIETY - GIFTS AND BENEFITS REGISTER

DATE GIVEN OR RECEIVED	DESCRIPTION OF GIFT OR BENEFIT	VALUE (\$XXX.XX)	NAME OF DONOR ¹	NAME OF RECIPIENT ²	FOR GIFT RECEIVED, WAS GIFT RETAINED BY: a) EMPLOYEE; OR b) SOCIETY	REASONS FOR ACCEPTING OR GIVING (WHAT IS THE BENEFIT TO THE SOCIETY)	NAME & SIGNATURE OF ACCOUNTABLE OFFICER OR SUPERVISOR

¹ For organisational donors, include name of organisation. If donor is an individual, use a generic reference (eg "individual", "family")
² If recipient is an organisation, include name of organisation. If recipient is an individual, use a generic reference. (eg "Councillor", "staff", "individual", "family")

Gifts and benefits declaration

Before completing this Form, please read the Society's Corporate Policies and Procedures Manual: Gift Policy available at http://wiki.qls-ad.com.au/wiki/Main_Page

Gifts received	
Gift or benefit received from:	
Date gift or benefit received:	
Description of gift or benefit:	
Retail value of gift or benefit:	
Is it a registrable gift, reward or benefit (value >\$150)?	<input type="checkbox"/> Yes* <input type="checkbox"/> No <i>*if yes, must be recorded in Gifts and Benefits Register</i>
Is the gift valued over \$350?	<input type="checkbox"/> Yes* <input type="checkbox"/> No <i>*Gifts > \$350 require Council, President or CEO approval</i>
Is the gift of cultural or historical significance?	<input type="checkbox"/> Yes* <input type="checkbox"/> No <i>*if yes, must be retained by the Society</i>
Recipient's name and position title:	
Gift or benefit retained by:	<input type="checkbox"/> Employee <input type="checkbox"/> Society
Employee retention approved by:	
Reasons for acceptance:	

Gifts given	
Recipient's name and position title:	
Recipient's organisation:	
Date gift or benefit given:	
Description of gift or benefit:	
Retail value of gift or benefit:	
Is it a registrable gift, reward or benefit (value >\$150)?	<input type="checkbox"/> Yes* <input type="checkbox"/> No <i>*if yes, must be recorded in Gifts and Benefits Register</i>
Date written approval was received to give the gift or benefit? (please attach copy of approval from delegated officer)	
Reasons for giving the gift:	

Name and signature of approving officer

Name

Position

Signed _____

Date _____

Gifts > \$350 require Council, President or CEO approval

Signed _____

Date _____

RETURN COMPLETED FORM TO THE SOCIETY'S CHIEF EXECUTIVE OFFICER AND A COPY TO THE FINANCE DEPARTMENT.