

Queensland Department of Education

Guide for Gifts, Benefits, Incentives and Free Items



Interpretation

Agreement	Includes a Purchase Order, Contract, Standing Offer Arrangement or Prequalified Panel Arrangement established for the purposes of supplying goods and services to DoE.
Customer	Any party purchasing goods or services on behalf of DoE.
DoE	The Department of Education (DoE) and its successors.
DoE personnel	Any DoE employee, whether full-time, part-time, casual or contract; any member or office bearer of a Parents and Citizens Association associated with a Queensland State School; any person who works or volunteers at a Queensland State School in any capacity including, but not limited to, uniform shop volunteers/convenors and tuckshop volunteers/convenors.
Supplier	The entity named in an Agreement between a Supplier and DoE as the provider of goods and services, including the Supplier's employees, representatives and agents.

DoE Guide for Gifts, Benefits, Incentives and Free Items

All Department of Education (DoE) personnel who are involved in any purchasing or procurement activity are obliged to conduct themselves ethically and in the public interest at all times, including those involved in any decision-making processes, before, during or after a purchasing or procurement activity.

All DoE purchasing or procurement activities, must be conducted ethically, transparently, impartially and must be publicly defensible.

Suppliers who offer or provide gifts, benefits, incentives, or free items to DoE personnel may inadvertently undermine the credibility and impartiality of a purchasing or procurement process due to the perception that one supplier is seen to be favoured over another.

DoE's procedure for receipt of [gifts and benefits](#) requires that DoE personnel refuse gifts that are likely to influence a decision-making process (or could be perceived to), affect the performance of their duties and/or create a conflict of interest.

The following guidelines are intended to provide guidance in situations where gifts, benefits, incentives or free items are offered to DoE personnel by Suppliers that are;

- currently listed on a department supply arrangement,
- currently engaged by the department,
- quoting to provide goods and services, and

- marketing to provide goods and services to the department.

These guidelines should be read in conjunction with the;

- [Code of Conduct for the Queensland Public Service](#),
- [DoE Standard of Practice](#),
- [DoE Purchasing and Procurement Procedure](#) and
- [DoE Gifts and Benefits Procedure](#).

Guidelines

DoE's conditions of supply state that a Supplier must not offer any pecuniary or material inducements or incentives to the Customer e.g., 'gift with purchase' or 'discount off a future purchase.'. DoE expects Suppliers to deliver the best possible value for money for goods and services. The giving of gifts, benefits, incentives or free items, including prizes and rewards, by Suppliers has the potential to create uncertainty regarding compliance with the [Code of Conduct for the Queensland Public Service](#) and [DoE Standard of Practice](#).

Suppliers may offer non-pecuniary or non-material gifts, benefits, incentives, and free items. If this occurs, these must be dealt with in accordance with the following guidelines:

➤ **Loyalty Programs or Promotional Activities**

It is acknowledged that Suppliers may operate loyalty/reward programs or conduct other promotional activities (such as competitions) which involve the provision of goods to Customers free of charge. Such activities could be undertaken in the context of general business, for example, where Suppliers offer a benefit for early ordering or where the value of orders over a certain period of time will qualify the Customer for additional benefit.

Any items provided in the context of a loyalty/reward program or promotional activity must be either directed to the benefit of students or become the property of the school or DoE business unit. They cannot be retained or used by any individual DoE personnel.

- Examples of items that would be considered to be directed to the benefit of the students include school uniforms, sporting equipment, classroom equipment or school equipment (e.g., tablet devices (iPads) for use in a library) etc.
- Examples of items that would not be considered to be directed to the benefit of the students and should not be provided include staff uniforms, coffee machines, tablet devices for personal use, holidays, hospitality, picnic hampers and goods that breach any other departmental procedures (e.g., snack foods, soft drink, confectionary, etc.).

Suppliers conducting promotional activities resulting in the provision of gifts or benefits to schools or business units are required to ensure that any marketing material mentioning the promotion includes the following wording:

“DoE policy requires that suppliers may not give anything to DoE employees or volunteers that could (or be seen to) influence their actions in relation to the Agreement. In compliance with this requirement, the [prize/gift/benefit] will be donated directly to the school or business unit.”

Where a school or business unit receives a gift or benefit as a result of a purchase or promotional activity, and the gift/benefit comprises any items not directed to the benefit of students, those items are not to be retained by individuals. The items are to be declared in accordance with the Gifts and benefits procedure, and retained by the school or business unit for use/disposal as directed by an appropriate approver as defined in the procedure.

A Supplier must fully document any items provided to a customer as a result of a rewards program and that documentation must be provided to the customer for recording/audit purposes. For example, the school/business unit may receive a reward after purchasing goods to a certain value; where this is the case the reward must be clearly listed on an invoice or other appropriate documentation as a reward (credit).

➤ **Monetary Gifts**

Monetary gifts include money, monetary gift cards and items readily converted into cash (including the ability to ‘win’ money e.g., lottery tickets, scratch-its) must not be offered or accepted at any time.

Offering money in any form will breach a number of departmental and whole of government policies and legislative requirements, including the Criminal Code Act 1899 (Qld).

The offering of money can be seen as an attempt to bribe, coerce or influence a purchasing or procurement activity and may result in a Supplier being terminated from an Agreement.

If monetary gifts are offered during the quoting phase, the quote will be rejected without further consideration.

The acceptance of such items by DoE employees is a breach of departmental and government policy and may result in an internal investigation and possible disciplinary action.

➤ **Recommendation Rewards**

DoE personnel, schools or business units must not receive any reward or benefit (monetary or non-monetary) for recommending a supplier or a supplier’s goods or services to other DoE personnel, schools or business units, as they are likely to (or could be perceived to) create a conflict of interest. For example, a school or business unit receives a credit note from a supplier for

a monetary value for each school or business unit that engages that supplier after a recommendation or referral (e.g., rewards or recommendation program).

➤ **Free Products and Marketing Material**

Free products and marketing material are often offered to DoE personnel, schools, business units and P&C associations as a way for suppliers to get their products or services known. This is allowed as long as the supplier understands that there is no expectation or commitment from the Department that future sales or engagement will occur. DoE Personnel, schools, business units and P&C associations can refuse the offer of free products or market materials, if they feel that the offering is not suitable or appropriate. Acceptance of any items must be in accordance with [DoE's guidelines on gifts and benefits](#) and the reporting requirements therein.

➤ **Events, Forums and Conferences**

As part of their obligations under the Agreement, Suppliers often attend event and/or forums to promote the Agreement and their products. These events, and/or forums may include but are not limited to conferences (e.g., SBMAQ (School Business Managers Association Qld.) conferences and roadshows, P&Cs Qld Conference, Principal's conferences), trade shows and other events where DoE personnel, P&Cs representatives and volunteers are present.

Suppliers often provide promotional items at these forums or conferences. Items may be single items (pens, mugs, mouse mats, free samples of goods) or pre-packed sample bags, where a number of items, brochures, information etc. are provided to attendees. Acceptance of any items, other than tokens or mementos, must be in accordance with [DoE's guidelines on gifts and benefits](#) and the reporting requirements therein.

➤ **Prizes**

Where possible DoE personnel are to avoid entering any prize draws that exist where entry is the result of a payment made by the department (e.g., attending an event, forum and/or conference paid for by the department). At times entry into prize draws is done automatically. Where this occurs and a DoE personnel wins such prize, the prize is to be given to the school or business unit, it is not to be retained by the individual. The prize is to be retained by the school or business unit for use/disposal as directed by an appropriate delegate defined in the [Gifts and benefits procedure](#).

For further information contact Procurement and Facilities Services: procurement.psb@qed.qld.gov.au.