

**Submission
No 10**

**FOLLOW UP OF THE AUDITOR-GENERAL'S
PERFORMANCE AUDITS SEPTEMBER 2012 -
MARCH 2013**

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Date Received: 18/06/2014

Report No 228 – Managing Gifts and benefits – Implementation of recommendations

Public Service Commission

PAC submission No 1

RECOMMENDATION		ACCEP TED OR REJEC TED	ACTIONS TO BE TAKEN	DUE DATE	STATUS (completed, on track, delayed) and COMMENT	RESPONSIBILITY (Section of agency responsible for implementation)	Audit Office comments
1	The Public Service Commission, by December 2013, develop a set of minimum standards for gifts and benefits policies and registers which are to be followed by all NSW public sector agencies.	Accepted	a) Minimum standards to be published	Dec 2013	Delayed – to be published as part of a larger package of ethics resources before 30 June 2014	Public Sector Values	While later than anticipated, reason (to publish as part of a broader ethics package) is reasonable. Key issue will be content of the relevant section of that package.
	b)						
	c)						

Report No 228 - Report on *Managing Gifts and Benefits* – Implementation of recommendations

Safety, Return to Work and Support, including WorkCover

PAC submission No 2

Recommendation	Accepted or Rejected	Actions to be taken	Due date	Status	Responsibility	Audit Office comment
1. WorkCover improve its gifts and benefits guidelines	Accepted	a) requiring gifts suspected of being for influence to be declined b) requiring all gifts offered to public officers who exercise discretionary authority in relation to the gift-offerer/gift-giver be declined c) setting a nominal gift value (as a guide for what value gift or benefit may be acceptable) d) requiring gifts to family members to be declined e) providing guidance on the disposal of gifts deemed to be unacceptable		Completed <ul style="list-style-type: none"> • Imbedded in Safety Return to Work and Support (SRWS) Gifts, Bribes and Benefits Policy, released in December 2013. • Staff employed by WorkCover covered in all SRWS policies and procedures. 	SRWS People and Culture Group	Satisfactory
2. WorkCover improve the way it communicates its gifts and benefits policy	Accepted	a) ensuring all staff receive regular formal training in the code of conduct and gifts and benefits		Completed <ul style="list-style-type: none"> • Code of Conduct online mandatory training to all SRWS employees between May - July 2014. Includes content on Gifts and Benefits. • Training mandatory for all new employees. • Refresher training for current employees every two years. • Quarterly Intranet announcements to all staff reminding them of their responsibilities. • Program currently being reviewed and updated. 	SRWS People and Culture Group	Satisfactory

Recommendation	Accepted or Rejected	Actions to be taken	Due date	Status	Responsibility	Audit Office comment
		b) reviewing and resending its statement of business ethics to all active vendors on its vendor database		Completed <ul style="list-style-type: none"> Section on Gifts and Benefits refreshed in April 2013, sent to all vendors and published on the WorkCover Intranet. Document sent with every request for quote or tender. New vendors must agree to conditions in statement before being added to the vendor database. 	Budget and Financial Service Procurement Team	Satisfactory
		c) clarifying the consequences of breaching the code, which may include suspension, loss of employment, loss of entitlements and even prosecution. Examples from recent Independent Commission Against Corruption inquiries may be useful.		Completed <ul style="list-style-type: none"> Policy reflects list of consequences which may apply if policy is not complied with. 	SRWS People and Culture Group	Satisfactory
3. WorkCover improve its gifts and benefits register	Accepted	a) ensuring it identifies the decision-maker regarding the treatment of each gift or benefit		Completed <ul style="list-style-type: none"> Required information imbedded in the SRWS Gift and/or Benefit Declaration (provided at Attachment B) and Register (provided at Attachment C). 	SRWS People and Culture Group	Satisfactory
	b) ensuring it records the relationship of the gift-giver to the recipient, the reason the gift has been offered and the disclosure of any conflict of interest					
	c) providing additional guidance on the information required to adequately record a gift or benefit					

Recommendation	Accepted or Rejected	Actions to be taken	Due date	Status	Responsibility	Audit Office comment
		d) conducting reviews to gauge compliance with the policy and procedures, including assessing whether all staff and stakeholders are aware of the policy and all relevant gifts and benefits are being reported.		Completed <ul style="list-style-type: none"> • All employees to complete mandatory training. • Policy updated and communicated to all employees through the SRWS Intranet. • Baseline data collected in January 2014 on employees who declined or accepted gifts in 2013. Analysis to be completed annually to determine if ratio of those accepting gifts declines. • Trend analysis and recommended action for areas where reporting low conducted in March 2014. Analysis to be completed quarterly with results informing the content of quarterly reminders. 	SRWS People and Culture Group	Satisfactory

Report No 228 – Managing gifts and benefits – Implementation of Recommendations

Environment Protection Authority

PAC submission No 3

	RECOMMENDATION	ACCEPTED OR REJECTED	ACTIONS TO BE TAKEN	DUE DATE	STATUS (completed, on track, delayed) and COMMENT	RESPONSIBILITY (Section of agency responsible for implementation)
1	Improvements to the Gifts and Benefits Policy a) Prohibiting the acceptance of gift vouchers, shares and monetary equivalents b) Requiring all offers of gifts and benefits that are greater than the maximum value be declared/recorded whether they are accepted or declined c) Prohibiting the acceptance of bonus gifts for agency purchases of any value for personal use.	Accepted	The EPA operates under a Service Agreement with the Office of Environment and Heritage (OEH) for the delivery of all corporate and essential services. The EPA has adopted all OEH policies and procedures including the Gifts and Benefits policy. OEH did not review its gifts and benefits policy at the time of the release of the audit report. Subsequently OEH has revised the Gifts and Benefits policy to incorporate recommendations contained within the Audit Office Performance Review directed to the EPA policy and the recommendation relating to the Gift and Benefits Register, which has been in place since the audit.	2014	Delayed until the Public Service Commission (PSC) releases its ethics package, which will cover areas related to ethical conduct, including gifts and benefits, for State Government. OEH will then ensure that the revised draft Gifts and Benefits policy is consistent with the PSC package.	Director Group Coordination and Governance OEH.

Audit Office comments

Satisfactory reason for delay (ie to ensure alignment with PSC standards)

RECOMMENDATION	ACCEPTED OR REJECTED	ACTIONS TO BE TAKEN	DUE DATE	STATUS (completed, on track, delayed) and COMMENT	RESPONSIBILITY (Section of agency responsible for implementation)	Audit Office Comments
		<p>An addendum for the EPA was written to incorporate the recommendations, which was annexed to the policy. The addendum was placed on the intranet site for staff use, and a staff notice was sent to all staff regarding the new addendum.</p> <p>a) The EPA addendum states: <i>"the definition of a gift also includes:</i></p> <ul style="list-style-type: none"> • Gift vouchers • Shares, and • Other monetary equivalents. <p><i>The EPA prohibits the acceptance of such gifts.</i></p> <p><i>The EPA also prohibits the acceptance of bonus gifts for agency purchases of any value for personal use."</i></p>	February 2013	Complete.	Stakeholder Engagement and Governance Branch.	Satisfactory
		<p>b) The EPA addendum states: <i>EPA staff are required to record all gifts or benefits on the EPA's Gift and Benefits Register that are \$30 or more irrespective of whether they are accepted or declined.</i></p> <p>A flow chart appears in the addendum to step the user through this process.</p>	February 2013	Complete.	Stakeholder Engagement and Governance Branch.	Satisfactory
		<p>c) The EPA addendum states: <i>The EPA also prohibits the acceptance of bonus gifts for agency purchases of any value for personal use."</i></p>	February 2013	Complete.	Stakeholder Engagement and Governance Branch.	Satisfactory

	RECOMMENDATION	ACCEPTED OR REJECTED	ACTIONS TO BE TAKEN	DUE DATE	STATUS (completed, on track, delayed) and COMMENT	RESPONSIBILITY (Section of agency responsible for implementation)	Audit Office comments
2	<p>EPA improve the way it communicates its gifts and benefits policy by:</p> <ul style="list-style-type: none"> a) Ensuring staff receive regular training b) Special reminders round Easter, Christmas and other holidays c) Advising all licence holders, current suppliers and service providers of the requirements of the statement of business ethics d) Highlighting consequences of breaching the code e.g. examples from the recent ICAC investigations. 	Accepted	<p>The EPA has actioned the following:</p> <ul style="list-style-type: none"> a) Introduction to EPA course includes a section on ethics, relevant policies and procedures including the Code of Conduct and a section on gifts and benefits and how the policy applies to EPA staff. b) Staff reminder emails from the EPA Chair and CEO have been sent prior to Easter and Christmas periods regarding EPA policy on the acceptance of gifts and benefits, including nil attendance at stakeholder Christmas parties. The EPA Executive remind their managers to ensure staff know where the access the policy. c) EPA has developed its own Statement of Business Ethics. This was approved by the EPA Board. The Statement of Business Ethics is on the EPA internet site at http://www.epa.nsw.gov.au/commercial/index.htm. d) The Introduction to the EPA course includes a section on Ethics, relevant policies and procedures including the Code of Conduct and a section on gifts and benefits. Over 220 EPA staff will undertake the ICAC fraud and corruption prevention course. The remaining staff will attend an information session addressing ethical conduct and relevant policies and procedures, including gifts and benefits. Handouts summarising all the relevant policies and procedures and where these can be located on the EPA internet and intranet sites will be provided to all staff. 	February 2013	Complete.	Stakeholder Engagement and Governance Branch.	Satisfactory
				March 2013 (initiated email reminders)	Complete. Reminder emails will now be ongoing.	Stakeholder Engagement and Governance Branch.	Satisfactory
				March 2013	Complete	Stakeholder Engagement and Governance Branch.	Satisfactory
				August 2014	On track.	Stakeholder Engagement and Governance Branch.	Satisfactory

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3 The EPA improves its gifts and benefits register by: a) Requiring the recording the relationship of the gift-giver to the recipient, reason for the gift and the potential conflict of interest	Accepted	a) The EPA has worked with OEH to update the EPA Gifts and Benefits Register to record information regarding the relationship of the gift-giver to the recipient, and record "conflict of interest". The "reason" was already in the existing register	February 2013	Complete.	Stakeholder Engagement and Governance Branch.	Satisfactory
b) Providing additional guidance on the information required to record the gift/benefit	Accepted	b) The EPA addendum to the OEH Gifts and Benefits policy includes guidance on the recording of the additional information, namely relationship of the gift-giver to the recipient, reason for the gift and the potential conflict of interest.	February 2013	Complete.	Stakeholder Engagement and Governance Branch.	Satisfactory
c) Conducting reviews to engage compliance with the policy and procedures.	Accepted	c) The EPA has used the ICAC training sessions and also staff information sessions to gauge compliance with the Gifts and Benefits policy and to increase awareness of staff obligations under the policy, thus increasing compliance with the policy.	August 2014	On track.	Stakeholder Engagement and Governance Branch.	Satisfactory

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1 The Department should, by December 2013, collect data from school principals on student destinations after Year 10 and report annually on the alternate pathways chosen such as full-time paid employment and / or vocational education and training programs.	Referred to the Project Control Group for consideration	Gather destination data from a large scale sample of school leavers enrolled in Years 10-12 in 2012 but not enrolled in 2013.	April 2014	Completed In 2013 the Department gathered destination data from a large scale sample of school leavers enrolled in Years 10-12 in 2012 but not enrolled in 2013.	State Training Services	Under the <i>Education Act 1990</i> , students must remain in school or approved activity until they turn 17 years of age. We found that 6,912 students in the first cohort year (enrolled in Year 10 in 2010) failed to enroll in a government school in Year 11 and that the Department did not know whether they were participating in a approved activity. This recommendation was intended to determine whether students under 17 years of age who left government schools were moving onto another approved activity. The PAC may want to ask the Department for a report on the destinations of school leavers from its 2013 data collection. This recommendation required the Department to report annually on the alternative pathways chosen by school leavers. The PAC may want to ask the Department where it intends to publish this data.
		Conduct a destination survey in 2014. 2015 and 2016	December 2014. 2015 and 2016	On track The Centre for Education Statistics and Evaluation is developing a destinations survey.	Centre for Education Statistics and Evaluation	Progress is noted. The PAC may want to ask the Department where and when the results of the destination surveys will be published.
		Investigate apparent retention rates Year 7 to Year 12 for 2008-2013.	March 2014	Completed In 2012 the Department investigated apparent retention rates Year 7 to Year 12 for 2008-2013.	Public Schools Portfolio	The Department reported that the Year 10 to 12 apparent retention rate in 2012 was 70.7 per cent, which was 2.3 percentage points lower than 73.0 per cent in 2011.

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						<p>The PAC may want to ask the Department why it thinks the apparent retention rate has fallen despite the increased school leaving age, and what the apparent retention rate for Year 10 to 12 was in 2013.</p> <p>The PAC may also want to ask the Department what is its target increase in the Year 10 to 12 retention rate for the next five years.</p> <p>The Department was allocated around \$300 million over four years (to 2012-13) to support approximately 8,900 more students staying at school or in vocational education and training as a result of the increased school leaving age. The PAC may want to ask the Department what has been the actual increase in student numbers.</p>
2	Accepted	Review the <i>School Attendance Policy</i> and related procedures during the 2013 school year with implementation scheduled during the 2014 school year.	December 2013	<p>Completed In 2013 the Department reviewed the <i>School Attendance Policy</i> and related procedures and developed and prepared a draft for consultation which is being considered by stakeholders in 2014.</p> <p>These documents will provide more guidance to schools about what constitutes poor patterns of attendance that would trigger action from the school.</p>	Public Schools Portfolio	Progress is noted. The PAC may want to ask the Department what feedback it has received on its proposed changes to the School Attendance Policy and when the revised policy will be introduced.
3	Accepted	Collect data relating to referrals to the Home School Liaison Program	June 2013	Completed In 2013 the Department collected	Public Schools Portfolio	The PAC may want to ask the Department for a report on the

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<p>data on referrals of 15 to 17 year olds to HSLO's for poor attendance and examine the outcome for students to inform planning and identify training needs of HSLOs and school attendance personnel.</p>		<p>during 2013.</p>		<p>data relating to referrals to the Home School Liaison Program.</p> <p>The Department is now developing professional learning initiatives for HSLO and ASLO staff which will assist them to further respond to the specific needs of students 15 to 17 years of age.</p>		<p>data it collected in relation to referrals of 15 to 17 year olds, and how this has informed the professional learning initiatives reported in its response. The PAC may also want to ask the Department when these initiatives will be completed.</p> <p>At the time of the audit, referrals of Year 10 and Year 11 students for poor attendance were taking up between 30 and 50 per cent of the case load of Home School Liaison Officers (HSLOs). The PAC may want to ask the Department whether this is still the case and what it has done to address this imbalance.</p>
<p>4 The Department should, by June 2013, review the enrolments of 15 to 17 year olds in TAFE courses in those regions where there has been a decline to determine if there are any practices that discourage enrolment.</p>	<p>Accepted</p>	<p>The Managing Director, TAFE NSW will review the enrolment of eligible 15-17 year olds in TAFE courses in the annual May-June performance reviews of each TAFE NSW Institute, to identify if there are practices which discourage enrolments . If such practices are identified, the Managing Director will discuss what remedial actions individual Institutes are taking within the constraints imposed by budgetary and Smart and Skilled reform parameters.</p>	<p>June 2013</p>	<p>Completed</p> <p>The Managing Director, TAFE NSW reviewed the enrolment of all eligible 15-17 year olds in TAFE NSW to determine if there are any practices that discourage enrolment as part of Institute Performance Review meetings. All 10 TAFE NSW Institutes have completed review meetings.</p> <p>Institutes have provided written advice to demonstrate that they do not have practices that discourage enrolment. Institutes have also identified the strategies they have to support improved outcomes for school aged young people. The Managing Director is satisfied that all 10 Institutes do not have practices that</p>	<p>TAFE NSW</p>	<p>Action is noted. The PAC may want to ask the Department for up to date data on the number of TAFE course enrollments for young people under 17 years of age (reference Exhibit 7 in the audit report).</p>

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				discourage enrolment by eligible 15-17 year olds. The Institutes regard schools as important partners in developing pathways for young people.		
5 The Department should, by April 2014, update and publish further case studies of good practice that demonstrate innovative and flexible approaches taken by schools to engage students affected by the raised school leaving age.	Accepted	The Project Control Group will coordinate the collection of a variety of case studies already available.	April 2014	<p>On track The Department has published case studies and will continue to identify and publish further case studies of good practice demonstrating the flexible and innovative approaches taken by schools to engage students.</p> <p>Six Links to Learning Projects have been identified and providers contacted to seek their support in developing case studies. Case studies are expected to be completed at the beginning of May 2014.</p> <p>As further case studies are identified they will be made available on the Department's website.</p>	Public Schools Portfolio	Progress is noted. The PAC may want to ask the Department where these case studies have been published.
		The Project Control Group will identify any gaps in the current case studies and consider how to collect more.	August 2014	<p>On track The Department has engaged a researcher to conduct research into the skills and practices through which schools effectively engage with students to develop a culture of engagement across the school. The ten case studies will examine enhanced administration and communications processes, refining teaching and learning</p>	Public Schools Portfolio	Progress is noted.

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				practices, customising student support and strategic planning in schools covering a range of geographical areas in NSW.		
6	The Department should, by December 2013, further report on actions taken to develop and implement appropriate alternative education programs.	Referred to the Project Control Group for consideration (The Project Control Group has determined that "programs"	December 2013.	Completed In 2013 the Department investigated current alternative education programs and pathways which were supported by BOSTES. The Project Control Group is using this data to develop appropriate alternate educational programs including a new virtual secondary school and a distance education outreach program.	Public Schools Portfolio	Action is noted. The PAC may want to ask the Department when the alternative educational programs will be introduced.
		be interpreted to mean "educational pathways and programs to broaden a school's curriculum offering".)	December 2014	On track The <i>Links to Learning</i> program is being reviewed in the context of Local Schools, Local Decisions and departmental priorities including the <i>Rural and Remote Education – a blueprint for action</i> .	Public Schools Portfolio	Progress is noted. The PAC may want to ask the Department when this review will be completed.
7	The Department should, by June 2013, in regards to career advice for 15 to 17 year old students, examine: ● student access to	Accepted	June 2013	Completed In 2013 questions were added to the annual School to Work reporting template.	Public Schools Portfolio	Action is noted.
		Questions added to the annual School to Work reporting template completed by schools and the then regions starting from December 2012.	May 2014	On track This data will further inform the	Public Schools Portfolio	Progress is noted. The PAC may want to ask the Department

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advice <ul style="list-style-type: none"> the quality and appropriateness of advice, information and materials provided. 		Work (STW) 2012 report		development of the Careers Adviser Induction Program.		whether this action is now completed and what insights it learned from the data.
		Review existing programs supporting the professional learning of school careers advisers and transition advisers.	December 2013	Completed In 2013 the Department reviewed the existing programs which supported the professional learning of school careers advisers and transition advisers.	Public Schools Portfolio	Action is noted. The PAC may want to ask the Department what outcomes have resulted from this review.
		Commission a survey to broadly examine careers advice in schools.	June 2015	On track The Department is developing a survey to examine careers advice in schools. This work will be undertaken in conjunction with the education sector's response to Recommendation 1 of the Independent Review into Agricultural Education and Training in NSW.	Public Schools Portfolio	Progress is noted. The PAC may want to ask the Department why this action has been delayed to June 2015.
8 The Department should, by June 2013, collect data on referrals of 15 to 17 year olds to targeted support programs and identify and develop strategies to respond to unmet demand.	Referred to the Project Control Group for consideration	Collect data from the targeted support program, <i>Links to Learning</i> .	December 2013	Completed In 2013 the Department collected data from 270 government schools which refer around 3,600 students to the <i>Links to Learning</i> program.	Public Schools Portfolio	Action is noted. The PAC may want to ask the Department what insights it learned from the data and whether this allowed it to identify unmet demand and how it intends to respond to unmet demand for these support programs.

**Report No 228 – Managing gifts and benefits – Implementation of recommendations
Planning and Infrastructure**

PAC submission No 5

No.	Recommendation (ref: The Audit Office's Performance Audit Report no. 228, 27 March 2013)	Accepted or Rejected	Actions to be taken	Due Date	Status (completed, on track, delayed) and Comment	Responsibility (section of agency responsible for implementation)	Audit Office comments
	The Department of Planning and Infrastructure's policy and procedures Recommendation: DPI improve its code of conduct in relation to gifts and benefits by:						
1	Requiring hospitality that extends beyond courtesy to be declined	Accepted (ref 13/03592)	Implement improvements recommended in the report by August 2013 (ref 13/03592)	August 2013 (ref 13/03592)	Completed. Incorporated into the Gifts and Benefits Policy approved 29/7/13.	Governance.	Satisfactory
2	Requiring offers of gifts and benefits that are declined to be declared/ recorded	“ “	“ “	“ “	Completed. Incorporated into the Gifts and Benefits Policy approved 29/7/13.	“ “	Satisfactory
3	Prohibiting the acceptance of gift vouchers, shares and other monetary equivalents	“ “	“ “	“ “	Completed. Incorporated into the Gifts and Benefits Policy approved 29/7/13.	“ “	Satisfactory
4	Establishing a nominal/token value for gifts and benefits	“ “	“ “	“ “	Completed. Incorporated into the Gifts and Benefits Policy approved 29/7/13. Value is \$25.00.	“ “	Satisfactory
5	Requiring a nominal/token value to apply to cumulative gifts and benefits	“ “	“ “	“ “	Completed. Incorporated into the Gifts and Benefits Policy approved 29/7/13. Cumulative value is \$100.00.	“ “	Satisfactory

No.	Recommendation (ref: The Audit Office's Performance Audit Report no. 228, 27 March 2013)	Accepted or Rejected	Actions to be taken	Due Date	Status (completed, on track, delayed) and Comment	Responsibility (section of agency responsible for implementation)	Audit Office comments
6	Requiring gifts to family members to be declined	“ “	“ “	“ “	Completed. Incorporated into the Gifts and Benefits Policy approved 29/7/13.	“ “	Satisfactory
7	Requiring prizes obtained during work related functions to be treated as gifts	“ “	“ “	“ “	Completed. Incorporated into the Gifts and Benefits Policy approved 29/7/13.	“ “	Satisfactory
8	Prohibiting the acceptance of bonus gifts for agency purchases	“ “	“ “	“ “	Completed. Incorporated into the Gifts and Benefits Policy approved 29/7/13.	“ “	Satisfactory
9	Providing guidance on the disposal of gifts deemed to be unacceptable.	“ “	“ “	“ “	Completed. Incorporated into the Gifts and Benefits Policy approved 29/7/13.	“ “	Satisfactory
	Communicating the Department of Planning and Infrastructure's policy Recommendation: DPI improve the way it communicates its gifts and benefits policy by:						
10	Ensuring all staff receive formal training and are involved in regular team sessions covering the code of conduct and gifts and benefits policy	“ “	“ “	“ “	Partially implemented. All New staff attend induction training. The Governance Director presents a segment during this training which includes the Code of Conduct and Ethics and Gifts and Benefits. All Staff training on the agency's Gifts and Benefits Policy and the Code of Conduct is to be included in a suite of Governance training modules, which are being developed for implementation in 2014.	HR, Governance.	Satisfactory

No.	Recommendation (ref: The Audit Office's Performance Audit Report no. 228, 27 March 2013)	Accepted or Rejected	Actions to be taken	Due Date	Status (completed, on track, delayed) and Comment	Responsibility (section of agency responsible for implementation)	Audit Office comments
11	Providing regular mentions of the gifts and benefits policy in a monthly newsletter including special reminders around Easter, Christmas and other holidays	“ “	“ “	“ “	<p>Completed and ongoing.</p> <p>An email to all staff titled 'Updated Gifts and Benefits Policy' was sent from the Acting Director General on 19/11/13.</p> <p>A 'Reminder about Gifts and Benefits Policy' was included in the all staff newsletter 2/12/13.</p> <p>An all staff email will be sent prior to the 2014 Easter Break.</p>	Governance, Communications.	Satisfactory
12	Advising all external stakeholders including developers, current suppliers and service providers of the requirements of its code of conduct	“ “	“ “	“ “	<p>Partially implemented.</p> <p>The Code of Conduct and Ethics is available on the Planning and Infrastructure website.</p> <p>Modification of procurement documentation and appropriate form of communication with external stakeholders is being considered.</p>	Procurement, Governance.	Satisfactory

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13	Further clarifying the consequences of breaching the code, which may include suspension, loss of employment, loss of entitlements and even prosecution. Examples from recent ICAC inquiries may be useful.	“ “	“ “	“ “	Partially implemented (through induction training, item 10. above). Training on the agency's Gifts and Benefits Policy and the Code of Conduct is to be included in a suite of Governance training modules, which are being developed for implementation in 2014.	Governance.	Satisfactory
	The information in the Department of Planning and Infrastructure's register Recommendation: DPI improve its gifts and benefits register by:						
14	Recording the relationship of the gift-giver to the recipient, the disclosure of any conflict of interest and the reason for the offer	“ “	“ “	“ “	Completed. The register has been updated with the additional data fields.	HR is responsible for maintaining the Gifts and Benefits Register.	Satisfactory
15	Conducting reviews to gauge compliance with the policy and procedures, including: assessing whether all staff and stakeholders are aware of the policy and all relevant gifts and benefits are being reported.	“ “	“ “	“ “	Delayed. A review is to be undertaken in 2014, following implementation of training modules across the agency.	Governance.	Reason for delay satisfactory

**Report No 228 – Managing gifts and benefits – Implementation of recommendations
Sydney Harbour Foreshore Authority**

PAC submission No 5

No.	Recommendation (ref: The Audit Office's Performance Audit Report no. 228, 27 March 2013)	Accepted or Rejected	Actions to be taken	Due Date	Status (completed, on track, delayed) and Comment	Responsibility (section of agency responsible for implementation)	Audit Office comments
	Sydney Harbour Foreshore Authority's policy and procedures Recommendation: SHFA improve its code of conduct in relation to gifts and benefits by:						
	<ul style="list-style-type: none"> specifying that gifts offered to public officers who exercise discretionary authority in relation to the gift-offerer/ gift-giver are to be declined 	Accepted (P&I ref 13/03592)	Implement improvements recommended in the report by August 2013 (P&I ref 13/03592)	August 2013 (P&I ref 13/03592)	Complete. Incorporated into Code of Conduct for employees approved 24 July 2013	Executive Director, Place Services and Legal Services Manager. Senior executive and managers are responsible for effective management of the Gifts and Benefits Policy within their respective areas.	Satisfactory
	<ul style="list-style-type: none"> prohibiting the acceptance of gift vouchers and other monetary equivalents 	“ “	“	“	Complete. Incorporated into Code of Conduct for employees approved 24 July 2013	“	Satisfactory
	<ul style="list-style-type: none"> revisiting the token/nominal value to ensure it is not excessive 	“ “	“	“	Complete. Incorporated into Code of Conduct for employees approved 24 July 2013 (Nominal value is \$25)	“	Satisfactory
	<ul style="list-style-type: none"> requiring a nominal/token value to apply to cumulative gifts and benefits 	“ “	“	“	Complete. Incorporated into Code of Conduct for employees approved 24 July 2013	“	Satisfactory

No.	Recommendation (ref: The Audit Office's Performance Audit Report no. 228, 27 March 2013)	Accepted or Rejected	Actions to be taken	Due Date	Status (completed, on track, delayed) and Comment	Responsibility (section of agency responsible for implementation)	Audit Office comments
	• requiring offers of gifts and benefits that are declined to be declared/ recorded	“ “	“	“	Complete. Incorporated into Code of Conduct for employees approved 24 July 2013	“	Satisfactory
	• prohibiting the acceptance of bonus gifts for agency purchases	“ “	“	“	Complete. Incorporated into Code of Conduct for employees approved 24 July 2013	“	Satisfactory
	• requiring gifts to family members be declined	“ “	“	“	Complete. Incorporated into Code of Conduct for employees approved 24 July 2013	“	Satisfactory
	• requiring prizes obtained during work related functions to be treated as gifts	“ “	“	“	Complete. Incorporated into Code of Conduct for employees approved 24 July 2013	“	Satisfactory
	• providing additional guidance on the treatment of gifts that are deemed to be unacceptable.	“ “	“	“	Complete. Incorporated into Code of Conduct for employees approved 24 July 2013	“	Satisfactory
	Communicating Sydney Harbour Foreshore Authority's gifts and benefits policy Recommendation: SHFA improve the way it communicates its gifts and benefits policy by:					“	
	• ensuring all staff receive regular formal training in the code of conduct and gifts and benefits	“ “	“	“	Complete. Online training module developed. Deployed to all new and existing staff.	“	Satisfactory
	• reminding all lessees, current suppliers and service providers of the requirements of the statement of business ethics	“ “	“	“	Complete. Included in standard documentation packages for leasing, procurement.	“	Satisfactory

No.	Recommendation (ref: The Audit Office's Performance Audit Report no. 228, 27 March 2013)	Accepted or Rejected	Actions to be taken	Due Date	Status (completed, on track, delayed) and Comment	Responsibility (section of agency responsible for implementation)	Audit Office comments
	<ul style="list-style-type: none"> further clarifying the consequences of breaching the code, which may include suspension, loss of employment, loss of entitlements and even prosecution. Examples from recent ICAC inquiries may be useful. 	“ “	“	“	Complete. Incorporated into Code of Conduct for employees approved 24 July 2013	“	Satisfactory
	<p>SHFA's gifts and benefits register Recommendation: SHFA improve its gifts and benefits register by:</p>					“	
	<ul style="list-style-type: none"> recording the reason for the gift, the relationship of the gift-giver to the recipient and the disclosure of any conflict of interest 	“ “	“	“	Complete. Incorporated into Code of Conduct for employees approved 24 July 2013	“	Satisfactory
	<ul style="list-style-type: none"> recording a decision for each gift and identifying a decision-maker 	“ “	“	“	Complete. Incorporated into Code of Conduct for employees approved 24 July 2013	“	Satisfactory
	<ul style="list-style-type: none"> providing additional guidance on the information required to record a gift or benefit 	“ “	“	“	Complete. Incorporated into Code of Conduct for employees approved 24 July 2013 Gifts and Benefits FAQ prepared and published.	“	Satisfactory
	<ul style="list-style-type: none"> conducting reviews to gauge compliance with the policy and procedures, including assessing whether all staff and stakeholders are aware of the policy and all relevant gifts and benefits are being reported 	“ “	“	“	Complete. Compliance reviewed regularly.	“	Satisfactory

Report No 228 – Managing gifts and benefits – Implementation of recommendations

Transport for NSW

PAC submission No 6

RECOMMENDATION	ACCEPTED OR REJECTED	ACTIONS TO BE TAKEN	STATUS (complete, on track, delayed) and COMMENT	RESPONSIBILITY (Section or agency responsible for implementation)	Audit Office comments
1. TfNSW improve its code of conduct in relation to gifts and benefits by: <ul style="list-style-type: none"> prohibiting the acceptance of gift vouchers, shares and other monetary equivalents 	Accepted	Conflict of Interest Policy amended to include: <i>"offers of cash, gift vouchers, shares or other monetary equivalents;" (p 5)</i>	COMPLETE	HR & Business Services	Satisfactory
		Conflict of Interest Policy includes: <i>"in no circumstances must any staff member accept a gift of money in connection with their official duties. This includes gift vouchers, shares and other monetary equivalents". (pg 6)</i>	COMPLETE		Satisfactory
		One Code of Conduct for TfNSW and the operating agencies is currently being developed. This recommendation will be incorporated.	On track for completion July 2014		Satisfactory
<ul style="list-style-type: none"> requiring offers of gifts and benefits that are declined to be declared/recorded 	Accepted	Conflict of Interest Policy amended to include: <i>"Offers of gifts and benefits, apart from token value, need to be declared (including gifts or benefits that are declined);" (p 7)</i>	COMPLETE	HR & Business Services	Satisfactory
		One Code of Conduct for TfNSW and the operating agencies is currently being developed. This recommendation will be incorporated.	On track for completion July 2014		Satisfactory
<ul style="list-style-type: none"> requiring a nominal/token value to apply to cumulative gifts and benefits 	Accepted	Conflict of Interest Policy amended to include: <i>"If a staff member is offered two or more gifts of appreciation or gratitude within a twelve month period, regardless of the value of the gift or whether or not they were provided from the one company/individual source, they will be regarded as a cumulative gift that will need to be declared in writing using the Gifts and Benefits Declaration Form (available on the intranet;" (p 7)</i>	COMPLETE	HR & Business Services	Satisfactory

		The updated Code of Conduct will refer to the Conflicts of Interest Policy to address this recommendation.	On track for completion July 2014		Audit Office comments Satisfactory
<ul style="list-style-type: none"> requiring gifts to family members to be declined and prizes obtained during work related functions to be treated as gifts 	Accepted	Conflict of Interest Policy amended to include under the section: <u>Gifts and Benefits that must not be accepted:</u> <i>"Gifts and benefits to family members that arise in connection with a staff member's official duties, or which could be perceived to be connected with a staff member's official duties by a reasonable observer." (p6)</i>	COMPLETE	HR & Business Services	Satisfactory
		One Code of Conduct for TfNSW and the operating agencies is currently being developed. This recommendation will be incorporated.	On track for completion July 2014		Satisfactory
<ul style="list-style-type: none"> prohibiting the acceptance of bonus gifts for agency purchases for personal benefit 	Accepted	Conflict of Interest Policy amended to include under the section: <u>Gifts and Benefits that must not be accepted:</u> <i>"Bonus gifts received for TfNSW purchases that will benefit the receiver personally must be declined and reported, for example a bonus gift received from a purchase incentive scheme." (p6)</i>	COMPLETE	HR & Business Services	Satisfactory
		One Code of Conduct for TfNSW and the operating agencies is currently being developed. This recommendation will be incorporated.	On track for completion July 2014		Satisfactory
<ul style="list-style-type: none"> providing guidance on the disposal of gifts deemed to be unacceptable. 	Accepted	Conflict of Interest Policy amended to include the following sections: Section 4.5 Gifts that cannot be returned (p 7-8) Section 4.6 Disposal of Gifts (p8)	COMPLETE	HR & Business Services	Satisfactory
		The updated Code of Conduct will refer to the Conflicts of Interest Policy . The TfNSW Gifts and Benefits Procedure (under development) will incorporate this procedure.	On track for completion July 2014		Satisfactory

RECOMMENDATION	ACCEPTED OR REJECTED	ACTIONS TO BE TAKEN	STATUS (complete, on track, delayed) and COMMENT	RESPONSIBILITY (Section or agency responsible for implementation)	Audit Office comments	
2. TfNSW improve the way it communicates its gifts and benefits policy by:						Satisfactory
<ul style="list-style-type: none"> ensuring the code of conduct and the conflict of interest policy are consistent in their treatment of gifts and benefits 	ACCEPTED	TfNSW advised all staff on the updates of the Conflict of Interest Policy and the Code of Conduct at the time of publication. In addition, staff were reminded of their responsibilities in advance of the 2013/14 holiday period.	COMPLETE	HR & Business Services		Satisfactory
		The single Code of Conduct will have consistent messages in the treatment of gifts and benefits to those published in the Conflict of Interest Policy .	On track for completion July 2014			Satisfactory
<ul style="list-style-type: none"> ensuring all staff receive regular formal training in the code of conduct and gifts and benefits 	ACCEPTED	Information on both the Code of Conduct and Gifts and Benefits elements within the Conflict of Interest Policy form part of the induction to TfNSW.	COMPLETE	HR & Business Services		Satisfactory
<ul style="list-style-type: none"> highlighting the consequences of breaching the code, which may include suspension, loss of employment, loss of entitlements and even prosecution. Examples from recent ICAC inquiries may be useful. 	ACCEPTED	All staff are made aware through HR Policies on the impact of breaching the Code of Conduct or TfNSW policy/procedures.	COMPLETE	HR & Business Services	Satisfactory	

RECOMMENDATION	ACCEPTED OR REJECTED	ACTIONS TO BE TAKEN	STATUS (complete, on track, delayed) and COMMENT	RESPONSIBILITY (Section or agency responsible for implementation)	Audit Office comments	
<p>3. TfNSW improve its gifts and benefits register by:</p> <ul style="list-style-type: none"> recording the date of the offer and identifying the decision-maker 	ACCEPTED	<p>TfNSW has updated its Gifts and Benefits Declaration Form which now includes:</p> <ul style="list-style-type: none"> - date of offer - identifying the decision maker and any conflicts of interest. 	COMPLETE	Audit and Risk		Satisfactory
<ul style="list-style-type: none"> recording the relationship of the gift giver to the recipient and the disclosure of any conflict of interest 	ACCEPTED	<p>TfNSW has updated its Gifts and Benefits Declaration Form which now includes:</p> <ul style="list-style-type: none"> - Recording the relationship between gift giver and recipient. 	COMPLETE	Audit and Risk		Satisfactory
<ul style="list-style-type: none"> conducting reviews to gauge compliance with the policy and procedures, including assessing whether all staff and stakeholders are aware of the policy and all relevant gifts and benefits are being reported. 	ACCEPTED	<p>The Corruption Prevention Unit assesses each disclosure to ensure compliance with policy and procedures. Clarification is sought from Business Units where there is a discrepancy. The matter may also be referred to the Executive Corporate Committee for advice.</p>	ON GOING	Audit and Risk		Satisfactory