

Gifts and Hospitality Policy

1. What is this policy about?

- 1.1. This policy is about gifts, benefits and hospitality, [as defined below](#) (collectively referred to as “gifts”).
- 1.2. It covers how to deal with offers of gifts from [or to](#) third parties, what types of gifts are acceptable, what gifts should be refused, and how to declare gifts.
- 1.3. By following the principles of this policy, we:
 - help to minimise the risk of negative publicity around gifts
 - demonstrate that AT is open, transparent and is not biased or compromised by inappropriate gifts
 - reduce the risk of fraud and corruption

2. Who and what does it apply to?

- 2.1. This policy applies to all AT employees and AT representatives (such as contractors, people on secondment, agency temps and interns). It also applies to AT’s board of directors.
- 2.2. It relates to any gift which you receive in your capacity as an AT employee or representative, whether in New Zealand or overseas. It can also apply to any gift given to a person close to you, if it could be considered that the gift was actually for you.
- 2.3. Where this policy uses pronouns like “you”, “your”, “we”, or “us”, it is referring to anyone listed above, who this policy applies to.

What doesn’t it apply to?

- 2.4. There are some situations where this policy doesn’t apply:
 - ‘Koha’ and gifts offered as part of Maori custom
 - Gifts offered between AT employees using personal funds (gifts from contractors still apply)
 - Participating at AT, Council or other CCO events
 - Training, support, or other services offered as part of a contractual arrangement with a supplier.

3. Principles that guide our decisions on offers of Gifts and Hospitality



We protect AT's reputation

- 3.1 When deciding whether to accept an offer of a gift, we will consider how accepting the gift may look to a third party, such as a member of the public. Accepting certain gifts can create a risk of negative publicity for AT.
- 3.2 Gifts are given by suppliers to either maintain an existing business relationship, or to influence a potential future one. We need to be mindful that as a public organisation, there is heightened sensitivity around gifts offered to us.
- 3.3 You must not accept a gift that could cause your impartiality or integrity to be questioned, or give others the impression that a favour or advantage may be given to a person or organisation.
- 3.4 Any gift can be seen by others as creating bias towards the person or organisation that offered it - irrespective of its value. What some people see as insignificant, others may see as inappropriate. When you are the person being offered a gift it can be difficult to be objective, and for this reason it is important to follow the principles of this policy.
- 3.5 We need to be open and honest about the gifts offered to us, and demonstrate to the public that we can be trusted to make decisions in an unbiased, objective way.

We only accept gifts with a justifiable business purpose

- 3.6 A justifiable business purpose is one that furthers AT's business, interests, goals or objectives. It should be clearly aligned to at least one of these, and should be relevant to

your role at AT or your professional career. If the offer relates to attending an event, there should be a genuine reason for AT to attend it.

- 3.7 You should be able to identify and explain the purpose, and the gift or hospitality offered should be modest and not excessive.
- 3.8 Examples of gifts with a justifiable business purpose include:
- being invited to training events or networking events relevant to your role
 - Discounted or complimentary tickets to a conference, or an awards dinner where AT has been nominated (however you should consider whether it is more appropriate for AT to pay for the tickets itself – [see below](#))
- 3.9 Note that some costs that may be associated with these gifts like travel, accommodation, or separate events (such as dinners that aren't part of the event ticket) should not be paid for by third parties. AT should cover the costs of these activities.
- 3.10 There are some gifts that ~~don't have a justifiable business purpose and~~ shouldn't usually be accepted (e.g. cash, invites to sporting or recreational events). ~~These are outlined~~ [Refer to paragraph 3.18 below](#).
- 3.11 If you are not sure whether there is a justifiable purpose or not, err on the side of caution. You can always speak to your People Leader or the [Risk & Assurance Compliance team](#) if you'd like guidance.

Token gifts

- 3.12 Gifts that are under [\$30] in value are considered to be 'token' gifts. These can be accepted, and do not need to be declared.
- 3.13 Examples of token gifts include:
- low-value business courtesies, such as pens, drink bottles and note pads;
 - **modest hospitality**, such as light refreshments during a meeting.
- 3.14 Note that too many token gifts from the same supplier can also risk creating perceptions of favour or bias. You should decline any more than four token gifts from the same supplier in a year.

We declare all gift offers, whether accepted or not.

- 3.15 Apart from one-off token gifts (below \$30 value), all gifts offered to you need to be declared using AT's [gift declaration form in Pā Mai](#). This is irrespective of whether the gift is accepted or declined.
- 3.16 While token gifts do not usually need to be declared, if more than four token gifts are offered to you by the same provider within 12 months, then the additional offers need to be declared, and declined.
- 3.17 **If in doubt, declare.**

There are some gifts that are not acceptable.

3.18 There are some gifts which are specifically restricted, as they pose too much of a risk to AT's reputation. ~~These~~ The general rule is that these gifts should be declared, and before any of these gifts can be accepted, you must obtain approval from your business unit's Executive Director:

- a) Any gift with a retail value over [\$30] (a **non-token gift**) which does not have a justifiable business purpose;
- b) Cash, gift cards, vouchers or cash equivalents (e.g. shares or lottery tickets), of any value;
- c) invitations to attend sporting or other recreational activities (e.g. rugby, concerts, horse racing etc.);
- d) Dinners ~~(there may be circumstances where there is a justifiable reason for AT to attend – this should be discussed with your People Leader or the Risk & Assurance Compliance team);~~
- e) Any more than four token gifts (or gifts with a justifiable business purpose) from the same supplier within 12 months.

There should be a justifiable business purpose if any of these gifts are to be accepted. You should discuss this with the Risk & Assurance Compliance team before accepting.

3.19 The above list is not exhaustive. Any gift which does not meet the core principles of this policy (or which is not expressly permitted) should be declined and declared.

3.20 There are also some circumstances where gifts should not be accepted, irrespective of value. You should decline and declare any gift that:

- a) Might generate negative public interest or risk harm to AT's reputation;
- b) may create a conflict of interest, or a perceived conflict
- c) are from any business involved in a current or upcoming procurement that you or your team are involved with.

3.21 Remember, not all offers of gifts are the same, and whether they should be accepted or declined often depends on the circumstances. If you are not sure, you should discuss it with your People Leader or the Risk & Assurance Compliance team.

3.22 Sometimes it may be difficult to return or decline gifts. If this is the case, you should share such gifts across your team, or donate them to charity. This helps to remove any perception of bias or conflict of interest.

3.23 To help ensure our decisions around offers of gifts are open and transparent, the action taken with the gift should be recorded as part of the gift declaration, as well as other relevant information which may help to provide context. This can help to protect both you and AT from further scrutiny. Where appropriate, the provider of the gift should be notified of the action taken.

Bribery

- 3.24 AT has a zero-tolerance approach to fraud and corruption. Bribes and kickbacks or cash gifts must never be offered or accepted, either directly or through a third party. Any bribery or inducement attempts must be reported immediately to the relevant Executive Director, the Head of Risk & Assurance or the Chief Executive.
- 3.25 Any AT representative who discovers or suspects fraud or corruption should report this immediately, in line with [Fraud Policy](#) and [Fraud Procedure](#). Further information on how to raise concerns can also be found on the [Speak Up Hub](#).

Exceptions

- 3.26 If an offer of a gift falls outside of the criteria of this policy, but you feel there is a legitimate reason to accept, it can be discussed with and approved by your Executive Director. (or in the case of an Executive Director, the Chief Executive). For the Chief Executive and Directors, approval by the Board Chair is required.

We consider if AT can pay instead

- 3.27 Even if an offer of a gift has a justifiable business purpose and fits within the principles of this policy, accepting gifts can still create perceptions of bias. We should always consider whether AT could or should pay instead.
- 3.28 For example – while it may be permitted to accept an offer of a free or discounted ticket to a conference or industry event, if there is a justifiable business purpose in you attending, then AT could pay for your ticket. In this way, there can be no suggestion of bias or undue influence.
- 3.29 We also need to be mindful that other people within AT may have received an invitation to the same event too. Too many AT staff attending the same event – especially if all have been gifted a ticket – may create a negative perception.
- 3.30 You should make enquiries with other staff who may have also been invited to an event before accepting or approving. If several different people have been invited by the same or different suppliers, you should speak with your People Leader and consider how to best manage the offers received. An effective way to manage this situation could be for AT to pay for the tickets of AT attendees.
- 3.31 You can always discuss such offers or situations with the [Risk & Assurance Compliance team](#), which can help you to work out an effective approach.

4. Definitions

Term	Definition
Gift, benefits, and hospitality	<p>Free or discounted goods or services and any item that would generally be seen by the public as a gift. These include items of high value (e.g. artwork, jewellery, or expensive pens), low value (e.g. small bunch of flowers) and consumables (e.g. chocolates). It includes gifts given for cultural events and festivals, Christmas, and Birthdays.</p> <p>Entertainment and hospitality can cover a range of items from tea, coffee, and biscuits to catering, meals and alcohol. It also includes non-catering related items, such as entry to a sporting or cultural event, or other similar services.</p>
Bribe	<p>Bribery, which is the offering, soliciting, giving or receiving of a financial or other advantage to or by any person to encourage or induce them to perform their functions or activities improperly, or to reward that person for already having done so. This can be to obtain or retain business or to secure an improper advantage in the conduct of business. Bribery can involve money, payments of expenses, favours, nepotism or cronyism, preferential treatment, payment to an intermediary or corporate hospitality.</p>
Justifiable business purpose	<p>Something that supports or furthers AT's business, interests, goals or objectives. It should be clearly aligned to AT's business objectives and values, and relate to your profession or role at AT.</p>
Kickback	<p>Payment/s in cash or kind, including goods, services, the use of another company's property, or forgiving any sort of obligation provided to a customer or supplier for the purpose of improperly obtaining or rewarding favourable treatment.</p>
Modest hospitality	<p>Hospitality that is not large, expensive, or extravagant. Modest hospitality should be incidental to the main purpose of the event and should be reasonable and appropriate for the occasion. Examples of modest hospitality include light refreshments at a meeting or presentation, or lunch at a conference.</p>
Non-token gift or offer	<p>Any gifts or hospitality with a retail value that exceeds \$30.</p>
Token gift or offer	<p>Any gifts or hospitality with a retail value of \$30 or less.</p>

5. Roles and Responsibilities

Role	Responsibility
All employees and representatives	<ul style="list-style-type: none"> Adherence and compliance with this policy and related procedures. Assist in ensuring vendors, contractors and others conducting business with AT are aware of this policy and discourage them from offering gifts, benefits, or hospitality.
Group Manager Procurement	<ul style="list-style-type: none"> Provide advice and guidance on procurement related gifts, entertainment and hospitality, relationship building, offers and interactions.
Executive Leadership Team, Group or Department Managers	<ul style="list-style-type: none"> Oversee management of their team and/or direct reports' acceptance or refusal of gifts, benefits, and hospitality, ensuring compliance with this policy. Model and promote the principles of this policy.
Policy Owner, Head of Risk & Assurance	<ul style="list-style-type: none"> Develop, consult, seek approval of, and implement policy and aligned processes for the development of Gifts and Hospitality Policy for AT. Guide/approve system development to support policy/process. Administer requirements of policy/process relating to gifts and hospitality. Monitoring and updating of this policy and procedure.
Risk & Assurance Compliance team	<ul style="list-style-type: none"> Review and report on the gifts declaration register to the ELT and Board. Provide guidance and direction to staff on gifts

6. Supporting Information

Legislative compliance	<p>This Policy supports Auckland Transport's compliance with the following legislation:</p> <ul style="list-style-type: none"> Secret Commissions Act 1910
Supporting documents	<ul style="list-style-type: none"> Gifts and Hospitality Procedure Gifts and Hospitality Guidelines
Related documents	<ul style="list-style-type: none"> Code of Conduct Policy Conflicts of Interest Policy Procurement Policy Fraud Policy Protected Disclosures Policy Expenditure Policy

7. Non-Compliance

Failure to adhere to the principles of this policy may increase the risk of negative publicity and affect AT's reputation. Breach of this policy may result in disciplinary action being taken against employees in accordance with AT's [Code of Conduct Policy](#), up to and including dismissal, and the termination of a representative's agreement/arrangement with AT.

8. Approval & Review

Policy Owner: Head of Risk & Assurance

Policy Contact: Manager Compliance, Risk & Assurance

Endorsed by:

Approved by:

Chief Executive

Auckland Transport Board

Effective date: XXX

Next review date: XXX

AT reserves the right to review, amend or add to this policy at any time upon reasonable notice to employees and representatives.