



GIFTS AND BENEFITS

Frequently Asked Questions – part 1

1. What are workplace gifts and benefits?

A workplace gift or benefit is anything that is offered to you by a client, customer or associate; in the course of your work.

Workplace gifts and benefits may include:

- ▽ a gift of money
- ▽ a gift of a physical object
- ▽ the conferring of a benefit; such as football tickets or airplane tickets
- ▽ 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
- ▽ the provision for less than full value of a benefit which has a financial or commercial value, or
- ▽ a gift that has been presented, donated or transferred.

Workplace gifts and benefits do not include gifts made by a relative or friend directly, or as a bequest in a will, as they long as they do not give rise to a conflict of interest.

2. What does mismanagement of gifts and benefits mean?

Mismanagement of gifts and benefits occurs whenever you do not follow your organisation's gifts and benefits policy. These policies will be specific to each organisation and the area that you work in. Non-compliance with any part of it will constitute misconduct.

3. When should I get my supervisor involved in a decision about accepting a gift

You should involve your supervisor:

- ▽ if the gift is more than a token
- ▽ if the gift could create a negative public perception, or
- ▽ if you are at all unsure about accepting the gift.

4. What are my legal obligations in relation to mismanagement of gifts and benefits?

Your duties and obligations are contained in a few different areas, including:

- ▽ your organisation's code of conduct (and/or gifts and benefits policy): requires that you manage gifts in accordance with that policy
- ▽ Employment Direction No. 8- Gifts and benefits: requires that state service employees declare all gifts offered, and
- ▽ your employment framework: will likely include provisions requiring you to comply with your organisation's code of conduct and any additional policies such as a gifts and benefits policy. This could also include a department values agreement.

5. Why does it matter if I accept gifts in order to maintain positive relationships with stakeholders? Isn't maintaining positive relationships a key part of many government roles?

All government roles require that you maintain positive relationships with the people you interact with. This includes your colleagues, contractors, clients, customers and other stakeholders.

You develop positive and productive working relationships with others when you conduct your work professionally, not by accepting gifts and benefits.

Mismanagement of gifts and benefits has the potential to reduce public trust in the public sector.

6. Are people who mismanage gifts punished seriously?

The consequences of mismanagement of gifts and benefits is dependent on how serious the mismanagement is and whether it has occurred before.

There can be very serious consequences: sanctions can include fines, re-assignment of duties, termination of employment and in some cases, lead to criminal charges and convictions.

7. Is the monetary value threshold the only thing I need to consider when deciding whether to accept a gift?

The monetary value threshold is just one indicator of whether a gift is a 'token'. You should also consider:

- ▽ if the gift or service could give the impression of influencing you, or being inappropriate for a government employee to accept
- ▽ if the gift or service is of small monetary value, but has other characteristics that would bring you significant value, and

- ▽ if your role would make even a token gift inappropriate to accept (such as a government buyer or procurement agent).

8. Can I accept money as a gift?

No, it is never appropriate to accept money.

9. Can I accept as many gifts from a person as I want, so long as each gift is under the monetary value threshold?

If you accept multiple token gifts from the same person or company, and if the aggregated value is at or above your organisation's monetary threshold, you must declare each token gift.

10. Can I accept a gift if it is randomly awarded, rather than given to me because I am a public officer?

While you were not given the gift because of your official role, you were given the gift while acting in your official role. Therefore, any gifts you receive are the property of your organisation.

Another way of looking at it is your actions were being funded by the public, so any benefit you may get should go back to the public, rather than to you as an individual.



The Commission can help

We are available to provide support and assistance with identifying, reporting, investigating, managing and preventing misconduct: prevention@integrity.tas.gov.au or 1300 720 289.

For more Misconduct Prevention resources go to www.integrity.tas.gov.au/resources