

Introduction to managing gifts and benefits

Public sector employees are sometimes offered gifts and benefits, placing a responsibility on everyone to follow policy and procedures.

What are gifts and benefits?

For the purposes of this fact sheet, a gift or benefit is anything of personal or physical value that is offered to you by a client, customer or associate in the course of your work. A more detailed definition is contained in the Gifts, Benefits and Hospitality Policy mentioned below.

Gifts and benefits may include:

- ▼ money
- ▼ a physical object
- ▼ hospitality, such as tickets to a sporting event, restaurant meal, or plane tickets
- ▼ indirect or concealed gifts or benefits, 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 the total value of a benefit that has a financial or commercial value, or
 - ▽ a gift that has been presented, donated or transferred.

Gifts and benefits do not include those given by a relative or friend directly or a bequest in a will, as long as they are not given in the course of your work and do not give rise to a conflict of interest.

Officers and employees should not expect to receive gifts, benefits or hospitality for doing a job they are paid by the public to do. In most situations, 'thanks' is enough.

However, in limited circumstances, it may be appropriate to accept a gift, benefit or hospitality.

Whole of Government Gifts, Benefits and Hospitality Policy

While being offered a gift is not misconduct in itself, mismanagement of that offer can be misconduct. Receiving gifts and benefits can influence public sector employees or appear to the public to do so if they are not properly managed.

For this reason, the Whole of Government Gifts, Benefits and Hospitality Policy was released in 2016 by the Head of the State Service under Section 15(1)(b) of the *State Service Act 2000*.

This policy sets out the broad principles to be applied by and to all Tasmanian State Service officers and employees in relation to the offer, acceptance or refusal of a gift, benefit or hospitality.

In addition to this policy, your organisation will have in place a policy and procedures relating to gifts, benefits and hospitality. Non-compliance with any part of it may constitute misconduct.

What should I do if I am offered a gift?

If you are offered a gift in your capacity as a public sector employee, the simplest course of action is to immediately decline the offer. This is for a number of reasons:

- ▼ it reduces the risk of misconduct
- ▼ it ensures that employees do not become comfortable with or expect gifts for doing their job
- ▼ it removes the potential that you will be biased or influenced to favour that person
- ▼ it ensures that people or companies interacting with the government do not attempt to gain favour inappropriately by offering gifts, and
- ▼ it supports that the public's perception of government is fair, impartial and unbiased.

When is it appropriate to accept a gift?

With limited exceptions, all gifts must be approved in accordance with your organisation's gifts and benefits policy.

It is appropriate to accept a gift when it is 'no more than a token of appreciation'. For a gift to be considered a 'token', it must be:

- ▼ a genuine display of gratitude and thanks
- ▼ intended to be a 'one-off' token of appreciation, rather than to develop a relationship, and
- ▼ of small monetary value.

Examples of token gifts are:

- ▼ a certificate of thanks
- ▼ a pen and note pad provided at a conference
- ▼ light refreshments provided during a meeting

Avoiding causing cultural offence

It may be appropriate to accept a gift with a value of more than your organisation's threshold in order to avoid causing cultural offence.

Seek guidance from your manager or supervisor if this situation arises.



CASE STUDY

A public sector employee from the Office of the Chief Parliamentary Counsel (OCPC) of Victoria presented to a visiting international delegation.

The delegation presented the employee with a cultural item worth an estimated \$200. Declining the gift would have caused offence.

The gift was accepted, written approval was subsequently obtained for the gift, which became property of the OCPC.

Extracted from OCPC gifts, benefits and hospitality policy and procedure¹

When is it not appropriate to accept a 'token' gift?

There will be circumstances where it will be inappropriate to accept even a token gift. These include:

- ▼ if you are a procurement officer or government buyer
- ▼ 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, for example, it also benefits your relatives or friends, or
- ▼ if the gift is money or easily convertible to money, for example, shares.

What should I do if I want to accept a gift?

If you want to accept a gift and it is appropriate for you to do so, you must follow your organisation's procedures.

All public sector organisations have gift registries, where they publish all of the gifts their department has received over the year. Not all gifts need to be declared, only the gifts valued at or above a certain price that your organisation sets.

Therefore, you must determine the market value for your gift:

- ▼ If it is less than your organisation's threshold, you do not need to declare the gift and can keep it.
- ▼ If it is less than your organisation's threshold, but:
 - ▼ you have received numerous 'token' gifts from the same company/person in that year, and
 - ▼ the aggregation of all of those gifts is more than the threshold then you must declare *all* of those token gifts.
- ▼ If it is more than your organisation's threshold, you must declare the gift and have it approved for retention and published on your registry.

Public sector organisations will have different financial thresholds and time frames for declaring gifts. It is your responsibility to be familiar with your organisation's gifts and benefits policy.



CASE STUDY

A 2017-18 Queensland Crime and Corruption Commission (CCC) investigation into Ipswich Council exposed widespread misconduct among councillors and council employees.

Councillors and employees were receiving gifts and benefits to facilitate development applications and favourable outcomes in tender processes. These gifts and benefits included tickets to different horse races and betting credits.

The gifts received were not recorded in the gifts and benefits register, and there was no enforcement of the register nor any repercussions for it not being maintained.

Fifteen people were charged with 86 criminal offences.

Extracted from Queensland parliament report²

What should I do if I feel unsure about accepting a gift?

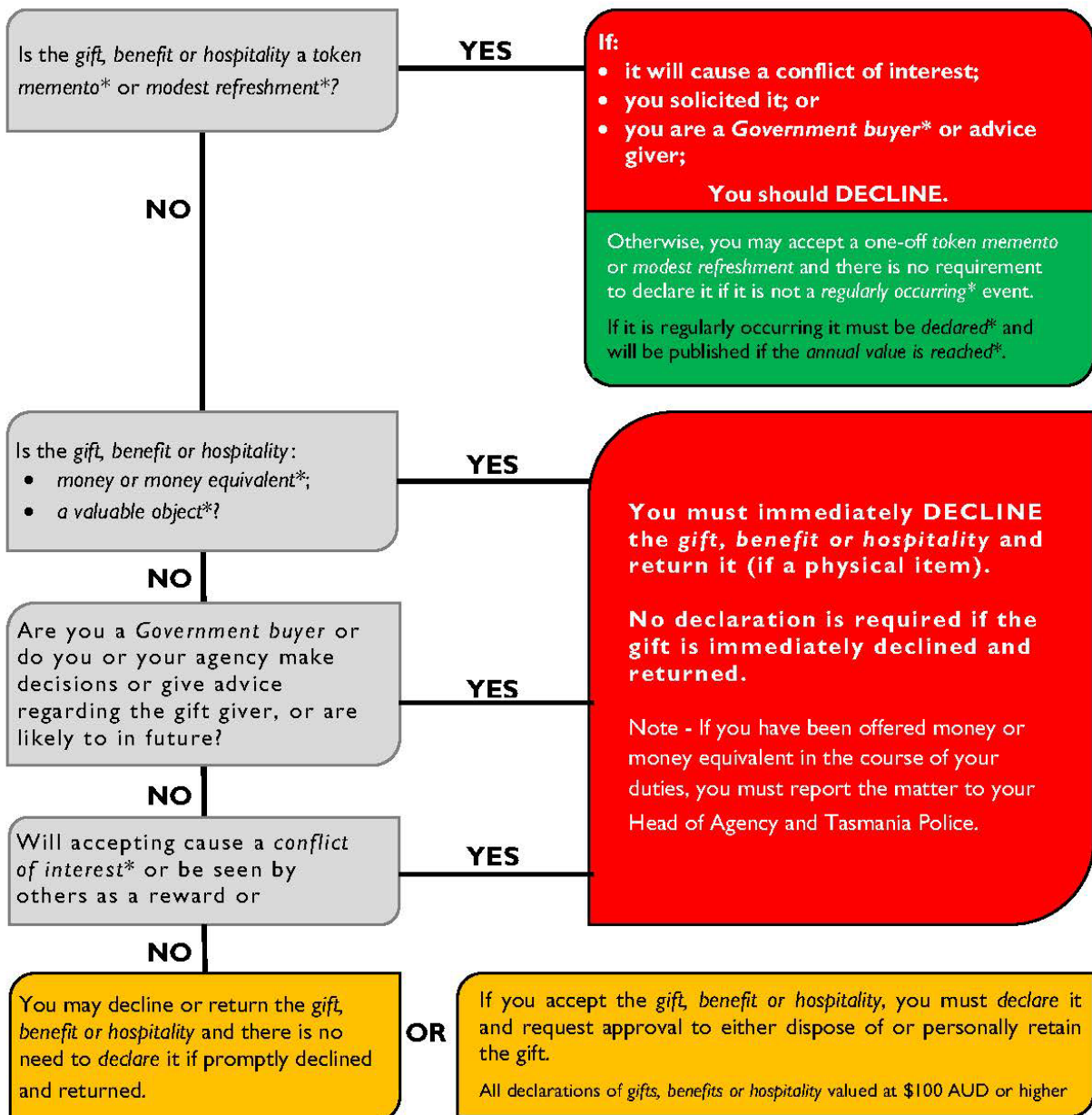
If you feel any doubt about a gift, you should consult a manager or your supervisor. They will be familiar with your organisation's policies and guide you on the appropriate actions.

The following flowchart has been extracted from the Whole of Government Gifts, Benefits and Hospitality Policy. You may find this guidance useful if you're unsure.

Gifts, Benefits and Hospitality Flowchart

Officers and employees should not expect to receive *gifts, benefits or hospitality* for doing a job they are paid by the public to do. In most situations, officers and employees should refuse *gifts, benefits or hospitality* if offered.

However, in limited circumstances, it may be appropriate to consider acceptance of a *gift, benefit or hospitality*, or a *modest refreshment*, if offered. In these cases, follow the guidance below.



*Refer to your agency's policy on gifts, benefits and hospitality

¹ <https://www.vic.gov.au/ocpc/dpc-gifts-benefits-and-hospitality-policy-and-procedure#12-contacts-for-further-information>

²

<https://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2018/5618T982.pdf>



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