



2014-15 Investigation Kilo

Sector	Tasmanian State Service
Respondent level	Designated Public Officer
Misconduct risk(s)	Mismanagement of gifts and benefits

Description

On 10 July 2014, an own-motion investigation regarding the policies, practices, or procedures, or the failure of those policies, practices, or procedures, was commenced into the receipt of gifts and benefits in State Service agencies.

The investigation stemmed from information that had come to the Commission's attention during other investigations and from contact with employees during our training activities, indicating that gifts and benefits may be a problem within the Tasmanian State Service.

As part of the investigation, we collected gift policies and gift registers (covering three years) from 12 State Service agencies and reviewed good practice materials from all Australian jurisdictions.

We undertook an audit of the agencies' policies to assess compliance with applicable laws and guidelines and how they met good practice. We issued 13 notices to produce information to a mixture of private companies and public authorities and seven notices for persons to attend to give evidence. We interviewed six State Service employees and one private company representative.

The investigation made one finding, which was that there was a systemic failure across the Tasmanian State Service to adhere, in practice, theory or spirit, to gifts and benefits policies, practices and procedures that should be applied in accordance with:

- ▼ the *State Service Act 2000* (Tas)
- ▼ the *State Service Regulations 2011* (Tas)
- ▼ Employment Direction No. 8 – Gifts and Benefits (subsequently revoked)
- ▼ Treasurer's Instructions No. 1101 and 1201 (no longer valid), and
- ▼ good practice.

The report did not make any adverse findings against individuals – we emphasised that the problem was of an organisational and not individual nature.

In the Commission’s opinion, Investigation Kilo revealed the following State Service-wide issues:

- ▼ inadequate and confusing policies
- ▼ non-existent or insufficient guidance and training
- ▼ ineffectual and inadequate practices
- ▼ lack of understanding of conflicts of interest
- ▼ lack of knowledge about the special duties and responsibilities of public servants, and
- ▼ inadequate record-keeping practices.

Issues such as these put the State Service at risk of developing a culture of entitlement about receiving gifts and benefits.

The investigation revealed a fundamental problem with policies, which in practice allowed employees to take gifts provided they were declared. This approach relied on employees and managers understanding when there may be a conflict of interest in accepting a gift.

The report made five recommendations, which focussed on changes across the State Service to policy, practices and procedures and included the provision of model policies and procedures for consideration by all public authorities.

Outcome

Referred to relevant State Service organisations for action - report released in the public interest

Read the full report:

https://www.integrity.tas.gov.au/_data/assets/pdf_file/0010/472915/Integrity-Commission_Report-1-of-2015_Own-motion-investigation-into-management-of-gifts-and-benefits-in-the-Tasmanian-State-Service.pdf

In response to Investigation Kilo

In 2015, the Commission developed for all public authorities the highly successful ‘Thanks is Enough’ campaign to help the public sector address ethical risks relating to gifts and benefits.

The campaign's core message was that simple expressions of appreciation from the public and businesses are welcome but that gifts present risks to the employee and the public authority involved.

To support the campaign, we released a package of resources, including:

- ▼ a template gifts and benefits policy
- ▼ gifts and benefits form and register
- ▼ education resources, and
- ▼ email and online communication tools.

Whole-of-government approach

In November 2016, the State government adopted a whole-of-government Gifts, Benefits and Hospitality Policy.

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

http://www.dpac.tas.gov.au/_data/assets/pdf_file/0008/309437/WCAG_FINAL_Whole-of-Government_Gifts_Benefits_and_Hospitality_Policy.pdf