



Using power and authority for personal gain

A public sector employee may not use their public office to achieve a personal gain or benefit for themselves or others.

What is 'personal gain'?

A personal gain can be a financial, legal, social or other intangible benefit, such as:

- ▼ receiving a benefit in exchange for a certain action or decision
- ▼ using your position to place yourself at an advantage to others, or
- ▼ using your position to gain good favour with someone, build relationships or have someone 'owe you'.

Under the State Service Code of Conduct, using your position for personal gain is considered to be misconduct and, depending on the severity, could be considered to be a criminal offence.

Personal gain for financial benefit

Public sector employees have a responsibility to ensure they don't obtain a financial benefit from their position. Examples of misconduct include:

- ▼ using confidential information to gain any type of financial advantage or benefit for yourself or another



CASE STUDY

In 2017, Western Australian MP Phillip Edman was found to have misused his position, by using his parliamentary allowance to fund personal expenses.

These expenses included visiting exotic strip clubs, covering the travel and entertainment costs of female companions, treating staff to lavish and private Christmas parties. As well as paying for speeding tickets, the bills of a female companion and expenses associated with his yacht.

Mr Edman was forced to resign from parliament, had his home raided and subsequently faced court proceedings.

Extracted from WA Corruption and Crime Commission [report](#)¹

- ▼ using information that you are privy to (due to the nature of your position) to receive a financial benefit, for example buying land in a rural area that you know is about to be rezoned 'residential'
- ▼ using your position to award contracts to companies you (or family and friends) are involved with and may financially benefit from
- ▼ using your position to obtain bribes and perks in exchange for information, favours or simply to get on your 'good side', or
- ▼ using your position to commit theft.



CASE STUDY

In 2014, an Australian Bureau of Statistics (ABS) employee was found to have misused his position to obtain a financial benefit through insider trading.

The employee gave confidential ABS information to a NAB employee, Mr Kamay, who used it to accurately predict the fluctuation of the Australian dollar.

The ABS employee received \$20,000 in exchange for the information, with the mastermind Mr Kamay keeping \$7 million for himself.

The ABS employee was charged with insider trading and corruption as well as receiving a bribe, abuse of public office and the release of sensitive information. This led to a prison sentence of three years and three months.

The financial gain (including the ABS employee's payment and Mr Kamay's \$7 million) was seized by police.

Extracted from ABC News [report](#)²

Personal gain for non-financial benefit

Using power and authority for personal gain may result in a non-financial benefit, for example:

- ▼ using or permitting the use of your position or title to induce or coerce someone to grant a benefit to yourself or another
 - ▼ For example, calling a subordinate and telling them that they have an application from your cousin and that you are most interested in the results of your subordinate's review of the application.
- ▼ using your position or title to sanction or endorse the activities of any other person

- ▼ For example, making a television advertisement in which you identify your position and title as a nutritionist for the Department and promote sales of a particular brand of margarine.

Consequences of using your position for personal gain

Sanctions imposed for misconduct relating to misuse of power and authority range from counselling to termination of employment. The severity of the sanction will be determined by your organisation's misconduct policy and procedures.

How to prevent using power and authority inappropriately

If you are unsure about whether your conduct may be considered to be a misuse of power and authority, ask yourself:

- ▼ Am I acting lawfully and within my authorisations and delegations?
- ▼ Will my actions bring me or others any personal benefit?
- ▼ Could my actions make someone feel intimidated, bullied or powerless?
- ▼ Am I using my title, employment, or department to promote or endorse?
- ▼ Am I crossing boundaries with the people around me, particularly vulnerable persons?

If the answer is yes to any of the above questions, do not proceed.

If the answer is no to all five questions, it is likely appropriate to proceed.

If you still feel uncertain, seek advice from your supervisor.

¹ <https://www.ccc.wa.gov.au/sites/default/files/Media%20release%20-%20Corruption%20and%20Crime%20Commission%20urges%20improved%20control%20on%20Parliamentary%20electorate%20allowance.pdf>

² <https://www.abc.net.au/news/2015-03-17/pair-sentenced-over-abs-insider-trading/6324526>



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