



GIFTS AND BENEFITS PROCEDURE

COR097

BACKGROUND

The Department of Treasury and Finance (the Department) is committed to establishing, promoting and upholding the public sector principles in the *Public Sector Act 2009* and the Code of Ethics for the South Australian Public Sector (Code of Ethics).

The provisions of the Code of Ethics are directed towards the advancement of the objectives of the *Public Sector Act 2009* and observance of the public sector principles enunciated in it. The Code of Ethics is issued by the Commissioner for Public Sector Employment under Part 4, Section 15(1)(a) of the Act.

The Code of Ethics applies to and is binding on all public sector employees. The following values are the foundation of ethical behaviour in the South Australian Public Sector:

- democratic values;
- service, respect and courtesy;
- honesty and integrity;
- accountability; and
- professional conduct standards.

This procedure provides supplementary guidance specific to the Department to assist with the application of the Code of Ethics and the *Commissioner for Public Sector Employment Guideline: Gifts and Benefits* relating to the acceptance of gifts and benefits. This procedure should be read in conjunction with the Code of Ethics and the *Commissioner for Public Sector Employment Guideline: Gifts and Benefits*. Appendix 1 outlines the specific requirements for receiving gifts and benefits prescribed by the Code of Ethics.

OBJECTIVE

The purpose of this procedure is to formalise and communicate the Department's approach to managing the receipt or potential receipt of gifts and benefits that may be offered to employees during the course of their employment with the Department to ensure the decision making process is not compromised and conflicts of interests are avoided.

SCOPE

This policy applies to all employees of the Department who are offered gifts or benefits.

DEFINITIONS

Gifts are free items or hospitality exceeding common courtesy that are offered to an employee in association with their work. They may be enduring or consumable. They range in value from nominal to significant and may be given for different reasons.

Gifts may include, but are not limited to, offers of cash or shares, entertainment, travel and accommodation, acceptance of fees, bottles of wine, prizes, personal items, manufacturer's samples, clothing, books, and CDs or DVDs.

Benefits are the giving of preferential treatment, privileged access, discounts, favours or other advantage offered to an employee. While the value of benefits may be difficult to quantify in dollars, they may be highly valued by the intended recipient and therefore used to influence their behaviour.

Benefits may include, but are not limited to, accruing value or points for loyalty schemes, such as frequent flyer schemes, car hire or other discount, meals, hospitality and travel upgrades.

Corporate Gifts and Benefits are gifts and benefits given to the Department which are not for the benefit of any specific staff member. Corporate gifts may only be approved by Branch Heads, the Deputy Under Treasurer or the Under Treasurer after ensuring that the receipt of the gift does not represent a conflict of interest to either individual staff or the Department. The remainder of this policy does not apply to these gifts.

PROCEDURE

The procedure for receiving, accepting and reporting potential and actual gifts and benefits is outlined in the below flowchart. The notes to the flowchart provide further guidance to staff and should be read in conjunction with the flowchart.

Note 1:

It is recommended that employees do not accept gifts or benefits offered to them in connection to their employment with the Department.

Note 2:

A gift cannot be accepted/ kept by an employee until it has been approved by the appropriate delegate.

Exceptions

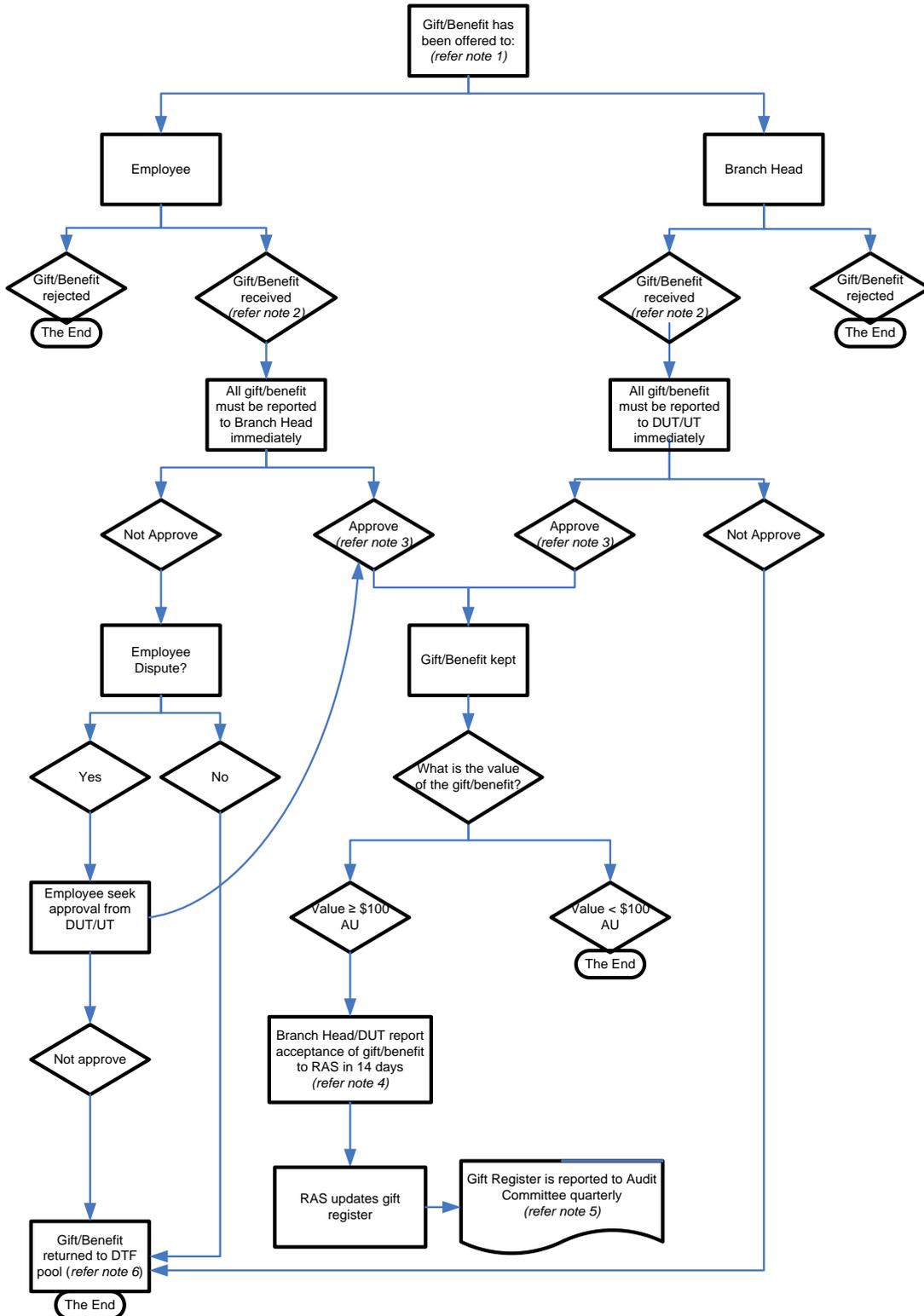
Minor corporate promotional items such as pens, mugs and mouse mats do not constitute a gift and therefore may be accepted.

Gifts may be received (in accordance with the guiding principles below) where refusal to do so may cause offence, however, the employee must seek the Branch Head's approval to keep the gift. In these instances cultural issues should be managed with sensitivity and respect.

Invitations to attend social occasions (such as meals, hospitality, functions and conferences) would not normally be accepted. However, a Branch Head may approve attendance where it provides the Department with the opportunity to make important business or community connections which contribute to the Department's objectives and attendance is not likely to improperly influence the employee in the performance of their official duties for the Department.

What might reasonably be perceived to or have the potential to secure the influence or favour of an employee will be based on the facts of each individual case and is at the discretion of the delegate approving the gift or benefit.

PROCESS FOR DETERMINING WHETHER A GIFT OR BENEFIT SHOULD BE ACCEPTED AND KEPT



Decision making guidance for acceptance of a gift or benefit

Some questions that might help in making the right decision are:

1. Does the gift/benefit offered have the potential to secure the influence or favour of an employee of the Department?
2. Is the gift/benefit more than an 'obviously mementos' gesture?
3. Is the gift/benefit more than a gift/benefit which is symbolic in nature?
4. What guidance do other Government or Departmental policies, procedures and Guidelines provide?
5. How would the receipt of the gift/benefit align to the Department's values and the values outlined in the Code of Ethics?
6. How would acceptance of this gift/benefit be:
 - a. perceived by the general public;
 - b. reflect on the Minister if questions were raised in parliament; or
 - c. reflect on the Department if it was reported in the media?
7. Do I have a conflict of interest?

If there is any doubt in relation to any of the above elements the employee should refuse the gift/benefit or at a minimum (in relation to meals and attendance at events) pay for their attendance and/or meal and drinks themselves.

Where there is a conflict between the private interest and official duties of an employee the matter must be resolved in favour of the public interest.

Note 3:***Guiding principles***

Acceptance of gifts or benefits will not be appropriate if:

- they are solicited or in the form of money (or something readily convertible to money);
- it is by way of free air travel and/or accommodation (approval must be sought from a Deputy Under Treasurer or the Under Treasurer for those Branch Heads who report directly to the Under Treasurer). Approval is to be requested after having undertaken an assessment that there is no perceived or actual conflict of interest in receiving the travel and/or accommodation;
- the person/organisation offering the gift/benefit is involved in a tender process which involves the (DTF) staff member;
- the person/organisation offering the gift/benefit is the subject of a decision within the power or substantial influence of the (DTF) staff member;

- receipt of the gift would be negatively perceived by an independent third party risking the good reputation and public confidence in the Department; or
- it goes beyond common courtesies consistent with ethical and accepted business practices.

It should not be assumed that gifts or benefits below the threshold of \$100 for reporting are acceptable. Even minor token gifts or benefits can create an actual or perceived conflict.

Note 4:

Requirement to report gifts or benefits greater than \$100

Once the Branch Head/Deputy Under Treasurer has approved a gift/benefit they will notify Risk and Audit Services (RAS) (an email will be sufficient) within 14 days so that it can be recorded in the Gifts and Benefits Register.

Gifts and Benefits received by the Deputy Under Treasurers or Branch Heads who report directly to the Under Treasurer will be approved by the Under Treasurer and reported to RAS by the Deputy Under Treasurer/Branch Head with evidence of the Under Treasurer’s approval.

- Details to be submitted to RAS must include:

Date received	Description of gift or benefit	Estimated value	Name of donor	Name of recipient	Reason for acceptance

Note 5:

The Register will be reviewed by the Department’s Audit and Risk Committee to identify any trends or patterns, and to determine whether there is any need for further general policy clarification or guidance.

The ultimate responsibility for determining the appropriateness of accepting any gift or benefit is that of the individual staff member under the Code of Ethics.

Note 6:

Branch Heads will forward any rejected gifts to the DTF pool which will be managed by RAS. The Deputy Under Treasurers/Under Treasurer will determine on a biannual basis how to treat gifts returned to the DTF pool (ie: raffle, put on display, etc).

RAS will maintain a separate register of gifts and benefits received by the Under Treasurer for administrative purposes.

RELATED DOCUMENTS

Public Sector Act 2009

Code of Ethics

Commissioner for Public Sector Employment Guideline: Gifts and Benefits

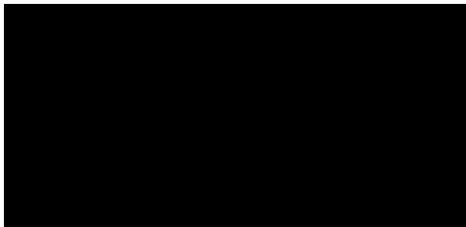
[Fraud and Corruption Policy \(COR076\)](#)

[Fraud and Corruption Reporting Procedures \(COR077\)](#)

Whistleblowers' Protection Act 1993

[Whistleblower's Procedure \(COR094\)](#)

[Whistleblowers' Policy \(COR095\)](#)



UNDER TREASURER

23/ 02/ 2015

APPENDIX 1 - Acceptance of Gifts and Benefits (extract from Code of Ethics)

- *The acceptance of any gifts or benefits by public sector employees has the potential to secure the influence or favour of an employee. The public expects the public sector and its employees to be impartial and not to be improperly influenced in the performance of their duties.*
- *Public sector employees will not, for themselves or others, seek or accept gifts or benefits that could be reasonably perceived as influencing them.*
- *Non-pecuniary gifts or benefits offered to employees by representatives of other Governments may be accepted, as may gifts from non-Government sources if they are obviously mementos or gifts of a symbolic nature.*
- *All employees will comply with any policies of their agency in relation to accepting, declaring and/or recording the receipt of gifts or benefits.*