

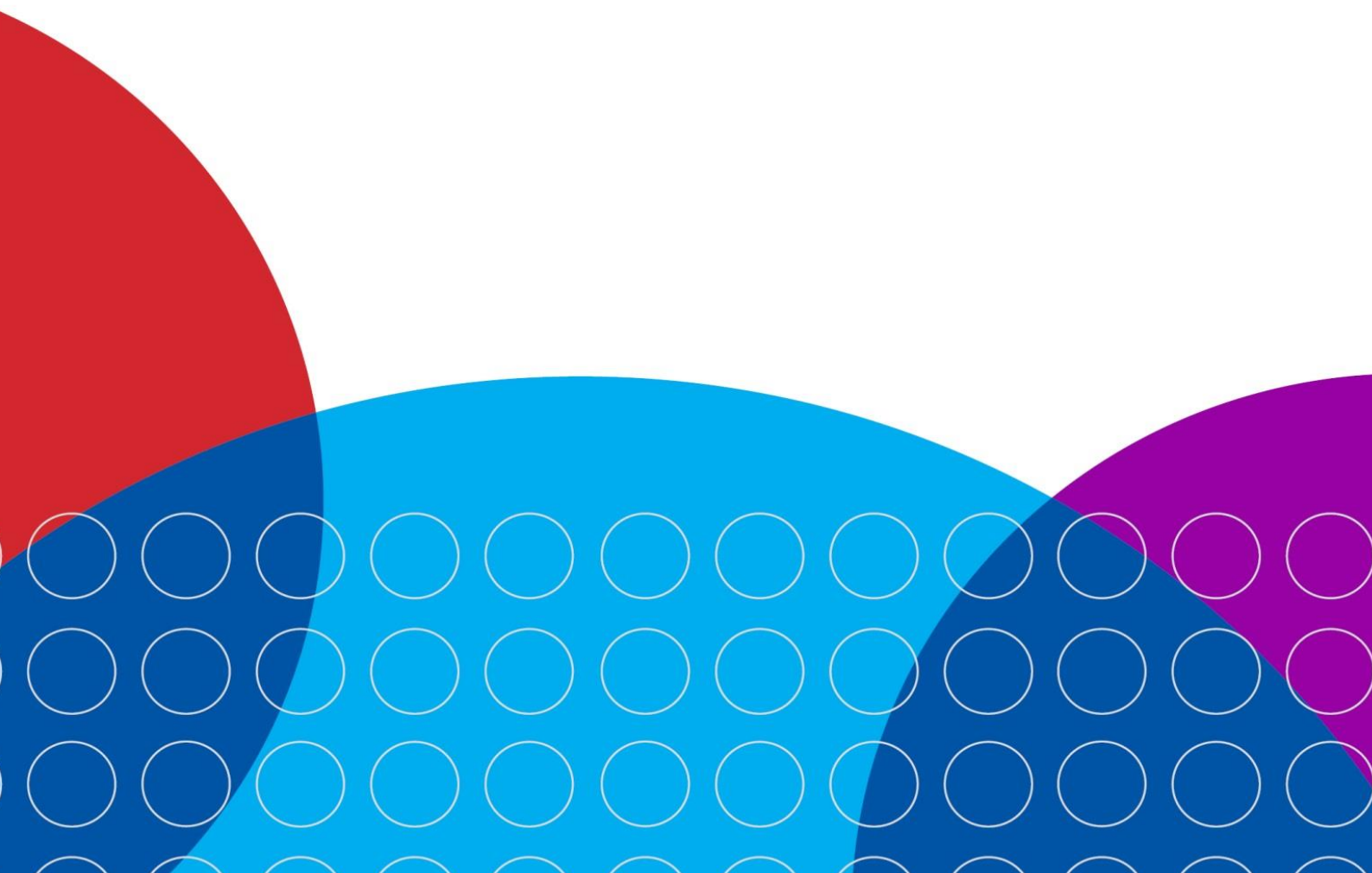


**Government
of South Australia**

Office of the Commissioner
for Public Sector Employment

GUIDELINE OF THE COMMISSIONER FOR PUBLIC SECTOR EMPLOYMENT

GIFTS AND BENEFITS



Guideline of the Commissioner for Public Sector Employment

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Date of Operation: 26 August 2020
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Who is covered by this Guideline?

This guideline provides information about best practice for employees and agencies of the public sector in relation to gifts and benefits. All agencies are encouraged to adopt this as best practice in their policies and documentation.

ACCEPTING GIFTS AND BENEFITS

The South Australian community trusts public sector employees to perform their duties impartially and with integrity.

Occasionally public sector employees may be offered gifts, benefits or hospitality as a consequence of undertaking their duties. Usually these will be a token of appreciation and carry no expectation. In other cases, accepting a gift, benefit or hospitality could give an impression a public sector employee will favour a particular person or organisation when making decisions. This may not be the intention of either the public sector employee or person offering the gift, benefit or hospitality, however, perceptions matter.

Perceptions are also important when public sector employees or public sector agencies provide a gift, benefit or hospitality. Public sector employees need to be mindful to use public resources responsibly and ensure decisions to provide gifts, benefits or hospitality are defensible and further the business of the authority or government.

This guideline provides information on good practice for managing gifts, benefits and hospitality.

A gift is anything of value offered to an employee above their normal salary or employment entitlements. Gifts can be a token value, such as a box of chocolates, or of a significant value, such as a holiday. A public sector agency may also offer a gift, for example, to a visiting delegation or speaker. Gifts are generally tangible and include items such as consumer goods, promotional materials, samples, discounts on goods and services and cash.

A benefit relates to preferential treatment, privileged access, favours or other advantages. Benefits are generally intangible and include items such as personal service, job offers and invitations to sporting or other events.

Hospitality relates to entertaining stakeholders, conference delegates and other official visitors. Examples of hospitality may include offers of meals, invitations to events, sponsored travel or accommodation.

Repeated offers of gifts, benefits and hospitality

An employee and public sector agency must be alert to repeated offers of gifts, benefits and hospitality from a single source. Repeated offers must be managed appropriately.

The total value of the offers over a year may be quite high and receiving multiple offers from the same person or organisation can generate a stronger perception that they will influence the public sector employee or the public sector agency.

Token offers

Token offers are of inconsequential or trivial value to both the public sector employee and the person making the offer and may generally be accepted, as long as they do not create a conflict of interest or lead to reputational damage. They may include promotional items, such as pens and note pads provided at a conference, or modest hospitality that would be considered a basic courtesy, such as light refreshments during a meeting.

Non-token offers

Non-token offers (offers that are more than trivial or inconsequential) can only be accepted if they have a legitimate business benefit. That is, when the offer furthers the conduct of official business or other legitimate goals of your organisation, the public sector or the State. Examples of non-token offers that must be declined include:

- a. Tickets to entertainment events that do not relate to official duties; or
- b. Non-token hospitality provided while introducing a product or service (eg the public sector employee's role requires impartial assessment of new products and services, which may be undermined if the public sector employee accepts or is seen to accept such hospitality).

Frequent Flyer or Other Benefit Schemes

An employee who is a member of a frequent flyer or other benefit scheme is not entitled to accrue personal benefits through this membership as a consequence of undertaking government related business.

The 'GIFT' Test

In making an assessment about accepting or declining a gift, benefit or hospitality, the following 'GIFT' test is a good reminder.

G	Giver	Who is making the offer and what is their relation to me? Does my role require me to select suppliers, award grants, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make?
I	Influence	Are they seeking to gain an advantage or influence my decisions or actions? Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy, a token of appreciation or a valuable non-token offer? Does its timing coincide with a decision I am about to make?
F	Favour	Are they seeking a favour in return for the gift, benefit or hospitality? Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months? Would accepting it create an obligation to return a favour?
T	Trust	Would accepting the gift, benefit or hospitality diminish public trust? How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family, friends or associates think?

The 'HOST' Test

Gifts, benefits and hospitality may be provided when welcoming guests, to facilitate the development of business relationships, further public sector business outcomes and to celebrate achievements. In making an assessment of providing gifts, benefits and hospitality the following "HOST" test is a good reminder.

H	Hospitality	To whom is the gift or hospitality being provided? Will recipients be external business associates, or individuals of the host organisation?
O	Objectives	For what purpose will hospitality be provided? Is the hospitality being provided to further the conduct of official business? Will it promote and support government policy objectives and priorities? Will it contribute to staff wellbeing and workplace satisfaction?
S	Spend	Will public funds be spent? What type of hospitality will be provided? Will it be modest or expensive, and will alcohol be provided as a courtesy or an indulgence? Will the costs incurred be proportionate to the benefits obtained?
T	Trust	Will public trust be enhanced or diminished? Could you publicly explain the rationale for providing the gift or hospitality? Will the event be conducted in a manner which upholds the reputation of the public sector? Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures?