

OFFICIAL

## **Premier's Guideline**

**GIFTS RECEIVED BY MINISTERS AND THEIR STAFF AND FAMILIES**

Effective from April 2023



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## Purpose Statement

Australia is not traditionally a gift giving country. However, on occasion South Australian Ministers of the Crown, their families, and ministerial and electorate staff may receive a gift in the course of their official duties.

Accepting a gift or benefit may create a sense of obligation that could compromise impartial and honest decision making, or influence a Minister in the performance of their duties.

This Guideline articulates the South Australian government's policy in relation to gifts and benefits and offers of hospitality for Ministers, their staff and their family members.

## Context

South Australia's Ministerial Code of Conduct sets out the expected standards of conduct by Ministers of the Crown. The Code articulates the expectation that Ministers behave according to the highest standards of constitutional and personal conduct in the performance of their duties. They must act honestly and diligently and with propriety in the performance of their public functions and duties and ensure that their conduct does not bring discredit upon the Government or the State.

In providing guidance to Ministers on how they should act in order to uphold the highest standards and avoid and deal with different types of conflicts of interest, the Code notes that gifts and benefits received by Ministers are covered by this Guideline.

### *Interpretation*

'Gift' has the same meaning as in the *Members of Parliament (Register of Interests) Act 1983*:

**gift** means a transaction in which a benefit of pecuniary value is conferred without consideration or for less than adequate consideration, but does not include an ordinary commercial transaction or a transaction in the ordinary course of business

but excludes:

- gifts given by a person related to the recipient by blood or marriage
- gifts given by a personal friend in a purely personal capacity, and
- gifts that are not tangible, do not have an enduring value, and are an accepted part of a Minister's role (including, but not limited to, accommodation, hospitality, tickets to events, travel upgrades and membership of airport lounges)

provided that the gift is not given in exchange for government favour.

## Authority and accountability

This Guideline applies to Ministers, members of a Minister's personal staff as employed under section 71 of the *Public Sector Act 2009*, and a Minister's family, as defined in section 2 of the *Members of Parliament (Register of Interests) Act 1983*.

It is the responsibility of Ministers, their staff and their family members to comply with the requirements of this Guideline.

Ministers are reminded that the *Members of Parliament (Register of Interests) Act 1983* imposes obligations on them regarding the declaration of gifts.

## Application

Ministers, ministerial staff, and members of Ministers' families should not seek or encourage gifts in the course of their official duties. Where possible, potential gift donors should be informed of South Australia's gift policy. It is, however, accepted that the presentation and receipt of gifts will occur on occasion.

This Guideline defines an allowable limit for the value of an official gift. All gifts over the allowable limit must be declared to the Chief Executive of the Department of the Premier and Cabinet by completing the *Declaration of an Official Gift Exceeding Valuation Limit* minute at [Attachment 1](#).

The allowable limits for gifts are:

- from government sources: \$750
- from private or industry sources: \$350

Where the value of a gift is not clear, a valuation should be sought. The recipient is responsible for obtaining the valuation advice, including any costs associated. The value of the gift should be the current market value in Australia.

If a gift is valued under the allowable limit, the recipient may keep it. If a recipient does not wish to keep the gift, the recipient is responsible for the appropriate redistribution or disposal of these items.

If a gift is valued over the allowable limit, the recipient may either:

- a. elect to keep the gift, in which case the recipient must pay to Corporate Services, Department of the Premier and Cabinet, the difference between the allowable limit and the total value of the gift plus GST, or
- b. surrender the gift to the Department of the Premier and Cabinet.

In either case, the recipient must complete the *Declaration of an Official Gift Exceeding Valuation Limit* minute to the Chief Executive, Department of the Premier and Cabinet.

Ministers, members of a Minister's personal staff, and members of a Minister's family, should not retain any gift which has historical or cultural significance to the government and/or people of South Australia.

Recipients are encouraged to provide a recommendation for the future use of any surrendered gifts. The Department of the Premier and Cabinet will take this into consideration when determining how a surrendered gift will be dealt with. For example, it may be placed in secure storage, displayed at government premises, transferred to a cultural or educational institution, or donated to a charity or not-for-profit organisation.

## Exemptions

There are no exemptions associated with this Premier's Direction.

## Monitoring and compliance

Ministers' offices must declare and record gifts received and accepted on their agency's gifts and benefits register.

## Distribution and publication

This Premier's Guideline is available on the Department of the Premier and Cabinet website and extranet, along with additional guidance material. Diplomatic Relations and Protocol oversees the distribution of the Premier's Guideline to Ministers' offices.

## Document Control

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## For more information

Diplomatic Relations and Protocol, DPC  
Finance and Procurement, DPC

E: [DPCProtocol@sa.gov.au](mailto:DPCProtocol@sa.gov.au)  
E: [DPCFinancialmanagement@sa.gov.au](mailto:DPCFinancialmanagement@sa.gov.au)