



**Government
of South Australia**

Premier's Guideline:

Gifts Received by Ministers and Their Staff and Families

February 2016

Introduction

1. This guideline sets out the government's policy in relation to gifts received by Ministers, ministerial staff, and Ministers' families.

Interpretation

2. 'Family' has the same meaning as in the *Members of Parliament (Register of Interests) Act 1983*¹.
3. 'Gift' has the same meaning as in the *Members of Parliament (Register of Interests) Act 1983*², 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;
 - 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.
4. 'Ministerial staff' means those staff employed under section 71 of the *Public Service Act 2009*.

Policy

5. Ministers, ministerial staff, and members of Ministers' families should not seek or encourage gifts in the course of their official duties.
6. All gifts over the allowable limit should be declared to the Premier (or, if the Premier is the recipient, the Chief Executive, Department of the Premier and Cabinet (DPC)). The allowable limit for gifts from government sources is \$750; from private or industry sources, it is \$350.
7. Where the value of a gift is not clear, a valuation should be sought by contacting the Protocol Unit, DPC.
8. Subject to clause 8, if a gift is valued under the allowable limit, the recipient may keep it. If a gift is valued over the allowable limit, the recipient may either:
 - a. elect to keep the gift, in which case the recipient should pay to Corporate Services, DPC, the difference between the allowable limit and the total value of the gift, or
 - b. surrender the gift to the Protocol Unit, DPC.

¹ At the date of this guideline, the Act defined 'family' as including a person's spouse or domestic partner and children under 18 who reside with the person.

² At the date of this guideline, the Act defined 'gift' as meaning 'a transaction in which a benefit of pecuniary value is conferred without consideration or for less than adequate consideration' but excluding 'an ordinary commercial transaction or a transaction in the ordinary course of business'.

9. Ministers, ministerial staff, and members of Ministers' families should not accept a gift of any value in return for government favour.
10. DPC will determine 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 institution, or donated to a not-for-profit organisation.
11. Ministers are reminded that the *Members of Parliament (Register of Interests) Act 1983* imposes obligations on them regarding the declaration of gifts.

For further advice or assistance on this guideline, please contact:

Manager, Cabinet Coordination
Department of the Premier and Cabinet
Telephone: 8226 3661
Email: michael.brougham@sa.gov.au

To surrender gifts in accordance with this guideline, please contact:

Manager, Protocol Unit
Department of the Premier and Cabinet
Telephone: 8226 6448
Email: leah.rensburg-phillips@sa.gov.au

For payments made under this guideline, please contact:

Chief Finance Officer
Department of the Premier and Cabinet
Telephone: 8226 2224
Email: steven.woolhouse@sa.gov.au