

PSC CIRCULAR

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TO : All Permanent Secretaries and Heads of Departments

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Subject: ACCEPTANCE OF GIFTS AND OTHER
BENEFITS BY PUBLIC SERVANTS

Date: 13/03/2008

1. The Commission wishes to draw the attention of all the Public Servants to the General Orders (GO) 314 to 317 concerning acceptance of gifts, other benefits and invitations accorded to Public Servants during the course of their employment.
2. Public Servants are not permitted to accept gifts and/or other benefits related to the performance of their official duties without the approval of the Public Service Commission. Gifts and/or other benefits which can not be refused without giving offence to the donor should be dealt with as outlined in General Orders and the Guidelines on Acceptance of Gifts and Other Benefits by Public Servants. Guidelines are attached as **Appendix I**.
3. It is generally accepted that offers of gifts and/or other benefits may be made in good faith and may not be an attempt to undermine impartiality and independence of action, however, any attempt by donors to undermine the honesty of public servants by the offer of gifts and/or any other form of inducement should be immediately reported to the Head of Department, Permanent Secretary or the Public Service Commission.
4. Anyone found disregarding or disobeying the instructions as per above quoted GO and the Guidelines, the Commission in consultation with Permanent Secretaries and Heads of Departments will not hesitate to impose disciplinary action(s) against the offenders.
5. Addresses are requested to give the widest publicity on the contents of this Circular and the Guidelines attached within your Ministry/Department.

This Circular super cedes PSC Circular No. 27/93



Taina Tagicakigibau (Mrs)
Permanent Secretary for the Public Service

**GUIDELINES ON ACCEPTANCE OF GIFTS AND OTHER BENEFITS
BY PUBLIC SERVANTS**

1.0 INTRODUCTION

- 1.1 These guidelines apply to all public servants (both civil servants and government wage earners) who receive gifts and/or other benefits during the course of their official duties while traveling overseas, from overseas visitors in Fiji and from Fiji sources.

2.0 APPLICABILITY

- 2.1 The reputation of the Public Service for integrity and professionalism is, in part, based on the community belief that public servants cannot be influenced by bribes. A bribe does, or is intended to influence a public servant in the exercise of his or her official duties. Bribery attracts a penalty for the person bribing or attempting to bribe while solicitation of gifts is an offence for the public servant involved.
- 2.2 As a general rule, public servants are not permitted to accept gifts or other benefits (eg. Free or discounted travel, substantial hospitality, accommodation or entertainment) related to the performance of their act in accordance with General Order 315 and these guidelines but in all cases, a ruling from the Public Service Commission must be obtained on the disposal of gifts.
- 2.3 **GO315** stipulates that:
“Presents from private individuals or groups of persons which can not be refused without giving offence shall be handed over to the Permanent Secretaries or Head of Department, and a letter in appropriate terms shall be sent by the Permanent Secretary or Head of Department to the donor.”

3.0 OFFERS OF GIFTS OR OTHER BENEFITS

- 3.1 Public Servants must not abuse their official positions for private purposes, or solicit gifts, rewards or benefits which might compromise, or be seen to compromise, their integrity. They must not accept gifts, gratuities or presentations, whether in the form of money, goods, free or discounted passages, accommodation or other benefits, in any form, from any person, organization or firm with whom they are in contact by virtue of their official position, without the approval of the Public Service Commission.
- 3.2 Gifts received in the course of official duty must be declared:
- 3.2.1 When received overseas, to the Customs and Excise Department at the port of entry if the gift falls outside the normal duty free passenger concession, or if the gift is subject to quarantine inspection;
- 3.2.2 If an overseas gift does not qualify for duty free entry under the normal passenger concession, import duty is payable. In the absence of actual valuation documents, the value of Customs purposes would normally be determined by reference to the value of similar goods in the country of origin; and
- 3.2.3 Whether received overseas or within Fiji, to the Permanent Secretary/Head of Department within 14 days of receipt. As stated in paragraph 2.2, the Commission’s ruling must be obtained on the disposal of the gift(s).
- 3.3 The Commission may allow a gift to be retained by the recipient if its value does not exceed \$50.00 for a gift received from an official (government) source, or \$20.00 from a private or industry source. The value is assessed on the basis of the wholesale price in the country of origin for gifts received overseas, and Fiji wholesale price for gifts received from Fiji sources.

Note: this value may be different from the Customs value discussed in paragraph 3.2.2..

- 3.4 The Commission may allow gifts in excess of the stated limits to be retained by the recipient if he/she elects to pay the difference between the stated valuation limit and the value of the gift.
- 3.5 Where the value of the gift exceeds the stated valuation limits, and the recipient elects not to pay the difference, the gift must be surrendered by the recipient to his/her Permanent Secretary/Head of Department who will submit a recommendation to the Public Service. One of the following options may be considered for the surrendered gift:
- 3.5.1 take on charge in the inventory of the Ministry/Department;
- 3.5.2 hand it over to the Controller of Government Supplies for auction; or
- 3.5.3 donate it to a non-profit organization or charity.
- 3.6 Appropriate opportunities should be taken to inform overseas countries of the restrictions which apply to public servants. Within Fiji, for an occasion when a gift may be given, public servants must make clear the policy discouraging the practice.

4.0 INVITATIONS

- 4.1 **GO317** stipulates that :

“Officers are also invited by commercial firms to attend social functions which, in most cases, are held entirely for advertisement purposes. Some of these invitations are addressed to the post held rather than by name. If it is felt that acceptance of such an invitation might be construed so as to lead colour to an allegation, then the invitation should be refused.”

- 4.2 It is accepted that informal contacts created by officers of hospitality, such as “working lunches”, may be beneficial to mutual understanding and efficient conduct of business. Public Servants should, however, be aware that the provision of inappropriate or excessive hospitality by suppliers may represent an attempt to circumvent the rules relating to the acceptance of gifts. They should also be wary of occasions at which their presence may appear to imply a close relationship, eg. Through appearing in a sponsor’s box at a major sporting event. This applies particularly to Permanent Secretaries/Heads of Departments and others in sensitive positions.
- 4.3 The provision of travel and accommodation, the acceptance of free or discounted travel and/or invitations to conferences or other events, especially in exotic locations, is likely to be regarded as having influenced a particular decision. Offers of travel and accommodation should only be accepted with the prior approval of the Public Service Commission.

5.0 SUBSCRIPTIONS

- 5.1 **GO314** provides that:

“Subscriptions may not be collected by an Officer from members of the Public Service on any pretext unless the prior permission of the Permanent Secretary or Head of Department has been obtained. The collection of subscriptions from subordinate officers to defray the cost of testimonials and presentations to superior Officers will not be undertaken without the prior permission of the Permanent Secretary or Head of Department.”

- 5.2 Soliciting donations either in cash or in kind from the private sector for departmental functions is not permitted.
- 5.3 With regard to gifts/presentations by public servants to a public servant, **GO316** provides that:

GO316 (a)

“Voluntary collections may be organized for presentation of a gift to an officer leaving the Public Service on retirement or resignation. Similar collections may also be conducted within a Ministry for a retiring Cabinet Minister.”

GO316 (b)

“Voluntary collections within a ministry/Department are also permitted for presentation of a ‘reguregu’ to the family of a deceased Officer or on death of a close family member of a fellow Public Officer. Similar collections may also be organized by a Permanent Secretary or Head of Department at his discretion to provide some form of assistance/relief to a fellow Public Officer where such presentation is, in the opinion of the Permanent Secretary or Head of Department, warranted or desirable.”

6.0 GIFTS TO VISITING FOREIGN DIGNITARIES

- 6.1 Gifts/presentations to visiting foreign dignitaries is a matter for the Permanent Secretary for Foreign Affairs to determine.