

**Disclaimer: This is guidance material only and does not replace reading the legislation. For further information refer to the legislation. Please check the website for updates and other information.**

## Gifts of government property

### At a glance

Section 5.6 of the Government Sector Finance Act (2018) provides that a person handling government resources cannot make a gift of government property unless:

- (a) The property was acquired or produced to use as a gift,
- (b) The gift has been authorised by the Treasurer in writing,
- (c) The gift was made in accordance with the Treasurer's directions, or
- (d) The gift was authorised by or under any law

The circumstances in which a "gift" is made may be clarified in regulations.

### What is a gift?

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Under the GSF Act, **gift** includes any disposition of property of a kind prescribed by the regulations for no, or inadequate, consideration but does not include any disposition of property of a kind excluded by regulations.

### When is gifting permitted?

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Under section 5.6, making a gift of government property is permitted when:

- property was acquired or produced to use as a gift, or
- the gift is authorised by the Treasurer in writing, or
- the gift is made in accordance with Treasurer's directions, or
- the gift is authorised by or under any law.

Gifting of government property is otherwise prevented.

A "gift" is a thing that would be a "gift" on the ordinary meaning of that term. In addition, regulations may prescribe additional things (or kinds of things) as a 'gift' for the purposes of these restrictions; and/or exclude things from the concept of a "gift".

### Do these provisions apply to my Agency?

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All employees of GSF Agencies will be required to comply with the provision when handling government property. This includes all employees and officers engaged under the Government Sector Employment Act 2013. Generally, public sector employees should not accept or provide gifts if doing so can create a real, or apparent, conflict of interest.

### When do provision relating to Gifts of Government property commence?

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Please consult the GSF Act Commencement Timetable [here](#).

### Need more information?

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For more detail, please refer to the following sections in the GSF Act:

- Part 5                      Expenditure
- Division 5.2              s5.6 Gifts of government property

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