B

**Benefit** A non-tangible item of value (eg a new job or promotion, preferential treatment or access to confidential information etc.) that one person or organisation confers on another.

**Bribe** A gift or benefit offered to or solicited by a public official to influence that person to act in a particular way.

**Bribery** The term 'bribery' also includes offences committed under section 249B and associated sections of the Crimes Act 1900 (NSW), involving acts of offering or soliciting a corrupt commission or reward to or by a public official to influence that person to act in a particular way.

**Breach of policy or procedures** The breaking or violation of a law, a right, an obligation, or a duty, either by commission or omission. It involves a breach of public service policies or procedures or the Department’s internal policies or procedures.

C

**Corrupt conduct** The abuse of public office (ie 'public trust') for private or personal advantage.

D

**Department or departmental** All parts of the NSW Department of Education and Training, including schools, TAFE NSW, AMES, State Training Centres and state office directorates.

G

**Gift** A gift is an item of value (eg gift voucher, entertainment, hospitality, travel, commodity, property etc) which one person or organisation presents to another. In the business context, gifts can have different meanings and purposes.

The purpose of the gift, to a certain extent, affects how it should be managed.

**Gift of influence** A gift that is intended to generally ingratiate the giver with the recipient for favourable treatment in the future.

**Gift of gratitude** A gift offered to an individual or agency in appreciation of performing specific tasks or for exemplary performance of duties. Gifts to staff who speak at official functions would be considered gifts of gratitude.

**Token gift** A gift that is offered in business situations to an agency or public official representing an agency. Such gifts are often small office or business accessories (eg pens, calendars, folders) that contain the company logo. They
are usually products that are mass-produced and not given as a personal gift.

**Ceremonial gift**  An official gift from one agency to another agency. Such gifts are often provided to a host agency when conducting official business with delegates from another organisation. Although these gifts may sometimes be offered to express gratitude, the gratitude usually extends to the work of several people in the agency, and therefore the gift is considered to be for the agency, not a particular individual.

**L**

**Lawful direction**  A lawful direction is a direction, which falls within the scope of the job description, involves no illegality and which is reasonable.

**M**

**Maladministration**  Inefficient, bad or improper administration. Maladministration is defined in the *Protected Disclosures Act* as 'conduct that involves action or inaction of a serious nature' that is: contrary to law, or unreasonable, unjust, oppressive or improperly discriminatory, or based wholly or partly on improper motives.

**N**

**Nominal value**  The acceptable monetary limit of gifts that conform to the community's norms, usually no more than $50 (eg an inexpensive pen, tie, scarf, book, box of chocolates or bottle of wine).

**P**

**Protected disclosure**  Any public official who makes known information about a relevant form of wrongdoing (ie corrupt conduct, maladministration, serious and substantial waste) is 'protected' under the *Protected Disclosure Act*.

**R**

**Reasonable instruction**  An employee must have the necessary knowledge, skill, capability and ability to carry out the instruction. Instructing an employee to do something, which they clearly cannot do, is unfair and unreasonable. The instruction must fall within the ambit of the job. Sometimes it is not always clear whether or not a particular task falls within the parameters of an employee's job description, when not specifically stated in the document.

**S**

**Serious and substantial waste**  The NSW Auditor-General has adopted a definition that encompasses 'uneconomical, inefficient or ineffective use of resources authorised or unauthorised, which results in significant loss or wastage of public funds or resources'. In addressing any complaint of serious or substantial waste, the nature and materiality of the waste is considered.

**Supervisor**  A manager, head teacher, principal, director, the 'boss'.
Under the influence A person is under the influence of alcohol or drugs when, because of drinking any amount of alcohol or taking drugs, their mental or physical faculties are so impaired as to reduce their ability to think and act with ordinary care.