



CORRUPTION PREVENTION
NETWORK QUEENSLAND

24 February 2023

The Gifts and Benefits that keep giving...corruption risk!

Contributed by Jim Meyers, Convenor CPNQ

The current criminal trial of Brisbane lawyer Sam Di Carlo is a good illustration of the corruption risks involved when public officials accept gifts and benefits. Refer ABC media article: [Queensland lawyer Salvatore 'Sam' Di Carlo denies 'corrupt relationship' with former Ipswich mayor Paul Pisasale.](#)

It is alleged Mr. Di Carlo was involved in a business dealing with a property developer, Christopher Pinzone, and former disgraced Ipswich Mayor, Paul Pisasale. In December last year Mr. Pisasale was paroled, after serving part of his sentences for criminal offences including sexual assault, fraud, perjury and official corruption.

The ABC media article outlined the Crown Case against Mr. Di Carlo, as follows:

"The crown alleges that this was a corrupt relationship between these three men," she said.

The jury heard Mr. Pinzone was proposing to turn 14-hectares of land in Yamanto in Ipswich into a commercial development, but conversations with the owner had stalled and "no real progress" was being made.

Ms Farnden told the jury it was at this point Mr Di Carlo and Mr. Pinzone allegedly began offering and providing Mr Pisasale gifts and services in return for his promotion of the project within council.

"Various benefits in the form of paying for dinners and drinks or hospitality at restaurants, organising and paying for the provision of sexual services from prostitutes, giving him some cash on occasions," she said.

The jury heard Mr Di Carlo and Mr. Pinzone had also allegedly arranged for Mr Pisasale to "take some sort of a share or some sort of future profit" from the development."

(Note the Crown prosecutor in this case is, Sarah Farnden KC who presented a session on Prosecuting Corruption for CPNQ in 2022).

Among the defence arguments put forward by Mr. Di Carlo's defence lawyer, Saul Holt KC included "It is also not in dispute that Mr. Pisasale had meals paid for by Mr. Pinzone", but Mr. Holt told the jury it was a "simply bizarre" allegation as these had been disclosed.

State and local government officials and public servants in Queensland are no doubt familiar with relevant legislation, policies and procedures about reporting gifts and benefits that fall above the respective thresholds set by the laws and policies governing their conduct. Recently, several elected local government officials, including some mayors, in South Australia stood to lose office over late reporting of gifts and benefits until the State Government stepped in to amend the legislation involved. Refer ABC media article: [Ousted South Australian mayors and councillors set to have positions reinstated under new legislation.](#)

At the federal level gifts and benefits is also a live issue. A recent Sydney Morning Herald article: [Michelle Rowland's \\$8,960 Rockpool Election-eve fundraising dinner paid for by Sportsbet,](#) reported that the Communications Minister, Michelle Rowland, received donations totaling approximately \$19,000 from Sportsbet on the eve of last year's election when she was shadow

minister in charge of online betting (\$8,960 for support dinner and \$10,000 three days before the federal election). The article states: “The \$10,000 donation was detailed by Sportsbet in its disclosure to the Australian Electoral Commission, but Labor’s NSW branch did not declare either payment because they were lower than the mandatory threshold for disclosure.”

In all three recent cases it seems that there is a strong focus on registering gifts and benefits that meet the respective threshold amounts and getting the recording and reporting aspects correct to achieve transparency. This is not wrong, but it should be the second consideration. The first consideration or the first question to ask by public officials being offered gifts and benefits should be: Is it appropriate for me as a public official to accept the gift/benefit/hospitality? Could the gift or benefit be perceived as an attempt to influence my decision making/impartiality? Could this gift offer be perceived as grooming me to treat the donor individual or company favourably?

To answer those questions a range of factors need to be considered before we move to assessing value, threshold and reporting considerations. The factors (not an exhaustive list but some “devil’s advocate” questions) could include the following:

- What is my public role and what official duties, decisions or powers do I have and can influence?
- What is my relationship now/ in the past/ in the future (potentially) with the gift or benefit giver and what connection does or could that have with me public role/duties?
- Could the gift be perceived as an attempt to influence my decision/recommendation in a matter now or in the future involving the gift giver?
- Will acceptance of the gift by me create a conflict of interest and how will that be declared and managed by me and my organisation?
- Is this the first gift that has been offered to me/my organisation by the giver?
- Have the gifts involved social lunches, dinners, or cocktail events where alcohol and conversation have been involved and could these have been attempts to extract official, sensitive, or confidential information from me?
- Am I being groomed by the gift giver?
- When and how was the gift offered?
- What is the nature and value of the gift? Is it a personal gift (such as an item of clothing or jewellery)?
- Are they trying to bribe me (if the offer is of cash or cash equivalent)?
- Will the gift be of value or benefit to my employing agency/the State (such as attendance at a training course)?

Once these questions have been satisfied then we can turn to the questions of valuing, recording, and reporting (a topic for another day).

I will leave you with this thought-provoking piece of research on the influence of gifts on one of our most esteemed and ethical professions as reported in the Wall Street Journal in 2016: [Even Cheap Meals Influence Doctors’ Drug Prescriptions](#) - **It doesn’t take much to get a doctor to prescribe a brand-name medication, a new study suggests.**

The study found that U.S. doctors who received a single free meal from a drug company were more likely to prescribe the drug the company was promoting than doctors who received no such meals. Meals paid for by drug companies cost less than \$20 on average.

Research as published at [Jama Network Original Investigation](#).