



ACT Health

Gifts, Benefits and Hospitality

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1 Purpose

ACT Public Servants are required to ensure their behaviour is consistent with section 9 of the *Public Sector Management Act 1994* (ACT).

From time to time ACT Public Sector (ACTPS) employees or members of their families may be offered by people external to the ACT Health Directorate (ACTHD), gifts, benefits or opportunities to accept hospitality. Those offers may be made during or outside of normal working hours.

A gift, benefit or hospitality offered and accepted regardless of its value has the potential to place an employee in a conflict of interest situation or to damage the reputation of the employee or of the ACTPS.

The ACTPS Gifts, Benefits and Hospitality Policy (the ACTPS Policy) articulates the policy ACTPS staff should adhere to in reporting, accepting or rejecting offers made by third parties and the general declaration process that must be followed in respect to those offers. The ACTPS Policy also applies when gifts, benefits or hospitality are given by ACTPS to external parties. Gifts for staff should not be purchased with public funds.

This ACTHD procedure complements the ACTPS Policy and articulates processes that are specific to the directorate regarding template form and of approval process.

The ACTPS Integrity Framework, ACTPS Integrity Governance Policy and Director-General Instructions provide overarching guidance in conjunction with the ACTPS Policy and should also be referred in the application of this procedure.

2 Scope

This procedure applies to all employees of ACTHD.

2.1 Roles and Responsibilities

Position	Responsibility
Senior Executive Responsible for Business Integrity and Risk (SERBIR)	<ul style="list-style-type: none">• Implementing this procedure.• Providing advice on this procedure.• Conducting a six-monthly review of the Gifts, Benefits and Hospitality Register and following up on any matters of concern.
Senior Executives	<ul style="list-style-type: none">• Modelling the highest standards of ethical behaviour within the directorate.• Determining the course of action when an officer submits a Gifts, Benefits and Hospitality Declaration Form.

	<ul style="list-style-type: none"> • Providing completed Declaration Forms to the Governance and Compliance team for inclusion on the Gifts, Benefits and Hospitality Register.
Senior Directors/Directors/Managers	<ul style="list-style-type: none"> • Informing staff, contractors and volunteers of their responsibilities under the ACTPS Policy and this procedure. • Ensuring staff complete and submit Gift, Benefit and Hospitality Declaration Forms in accordance with the ACTPS Policy and this procedure.
All ACTHD employees	<ul style="list-style-type: none"> • Adhering to the ACTPS Values and the ACTPS Code of Conduct. • Refusing inappropriate gifts or benefits. • Declaring offers of gifts, benefits or hospitality in accordance with the ACTPS Policy and this procedure. • Reporting any alleged breaches of the ACTPS Policy and this procedure to their Manager or Executive.
Governance and Compliance Team, Governance and Risk Branch	<ul style="list-style-type: none"> • Assisting the SERBIR to fulfil their responsibilities.

3 Procedures

3.1 Giving gifts, benefits or hospitality to external parties

Gifts, benefits and hospitality, as defined in the ACTPS Policy, may be provided to external parties in accordance with the policy and the following steps:

1. For a gift or benefit over \$40 value, complete a Gifts and Benefits Declaration Form and for hospitality of any value, complete a Hospitality Declaration and Approval Form. When completing the form, use the ACT Health Directorate Delegations Manual to identify the appropriate delegate.
 - The provision of hospitality requires authorisation prior to the event. Sufficient time should be allowed for the expense to be processed by Strategic Finance. The Director-General Instructions and Director-General Financial Authorisations set out guidance and the thresholds for expenditure on gifts and hospitality.
 - If hospitality and a gift are to be provided as part of an event, the Hospitality Declaration and Approval Form should be used.

2. Email the completed form to the Governance and Compliance Team ACTHealth.GovernanceandRisk@act.gov.au
3. Once received, the Governance and Compliance Team will register the declaration on the Gifts, Benefits and Hospitality Register (the Register) and forward it to the delegate for a decision.
4. The delegate will make a decision providing reasons and return the completed form to the applicant and a copy of the form to the Governance and Compliance team at ACTHealth.GovernanceandRisk@act.gov.au who will record the decision on the Register. When making their decision, Delegates must be mindful of their obligations under the *Public Sector Management Act 1994*, *Financial Management Act 1996*, the ACTHD Director-General Instructions and Director-General Financial Authorisations.
5. To ensure ACTHD meets its Fringe Benefit Tax (FBT) reporting obligations, the approved Hospitality Declaration and Approval Form is to be attached to the corresponding invoices for accounts payable processing. For more information on processing accounts payable, refer to Fact Sheet – Accounts Payable and Accounts Payable Invoice Automation Solution (APIAS) FAQ.

3.2 Receiving gifts, benefits or hospitality by ACTHD employees

Generally, staff should not accept gifts, benefits or hospitality. Should there be any doubt about whether to accept gifts, benefits or hospitality, ACTHD employees should discuss the matter with their manager.

Any gift or benefit, whether or not it has been accepted, must be declared when:

- the apparent value is greater than \$40, or
- the cumulative apparent value of a series of gifts is greater than \$40, or
- it has been offered as an inducement, or where the reason for the offer is unclear, no matter what the value.

If the employee is unsure of the value of the gift, they should discuss the matter with their manager. If in doubt, the employee should declare the gift, noting the inability to estimate the value.

In circumstances where refusal to accept would cause severe embarrassment or affront, such as where a gift is offered in a public forum in appreciation for the work, assistance or involvement of the person as an employee of ACTHD, the recipient should make it clear that they are accepting on behalf of ACTHD.

Receiving of gifts, benefits or hospitality are declared in accordance with the ACTPS Policy and the following steps:

1. The Gifts and Benefits Declaration Form must be completed and emailed to the Governance and Compliance Team (at ACTHealth.GovernanceandRisk@act.gov.au) within 14 days of the gift, benefit or hospitality given or being offered. When completing the form, use the ACT Health Directorate Delegations Manual to identify the appropriate delegate.
2. The Governance and Compliance Team will register the declaration and forward it to the delegate for a decision. The delegate must, within 7 days, determine the course of action in accordance with the ACTPS Policy.
3. When entering their decision on the Gifts and Benefits Declaration Form, the delegate must include the reasons for the decision and include any special criteria in dealing with the gift, benefit or hospitality. This is particularly important where the decision may be unusual or contentious, for example, when allowing a recipient to keep an expensive gift or when specifying that an item must be displayed at a particular location.

Where the delegate is unsure of the correct action to take, they should discuss the matter with the SERBIR.

4. Once the delegate has made a decision and completed the declaration form, they will keep the form on file, email a copy to the recipient of the decision and ensure that the decision is carried out. A copy is also emailed to the Governance and Compliance team at ACTHealth.GovernanceandRisk@act.gov.au who will record the decision on the Register.

4 Records Management

Records must be managed in accordance with the *Territory Records Act 2002* and ACTHD policy and procedures.

The delegate must keep a copy of the Gifts and Benefits Declaration Form in a secure location in Objective, forward a copy to the Governance and Compliance Team and the staff member.

The business unit must retain the approved Hospitality Declaration and Approval Form on file and upload a copy as an attachment to corresponding invoices in the accounts payable system.

5 Evaluation

All declared offers or provisions of gifts, benefits and hospitality are recorded on the Gifts, Benefits and Hospitality Register.

The SERBIR conducts a six-monthly review of the Gifts, Benefits and Hospitality Register and follows up on any matters of concern.

6 References and Related Documents

The following documents can be accessed on HealthHQ unless otherwise specified.

Forms

- Gifts and Benefits Declaration Form
- Hospitality Declaration and Approval Form

Policies

- ACTPS Gifts, Benefits and Hospitality Policy
- ACTPS Integrity Governance Policy
- ACTHD Procurement Policy
- ACTPS Healthy Food and Drinks Choices Policy
- Director-General Instructions
- Director-General Financial Authorisations: Expenditure and Payments

Procedures

- ACTHD Conflict of Interest Procedure

Guidelines

- Accounts Payable Invoice Automation Solution (APIAS) FAQ
- Fact Sheet – Accounts Payable
- Procurement and Contract Management Guide
- Fraud and Corruption Control Plan
- Enterprise Risk Guide
- ACTPS Decision Makers Handbook

Frameworks

- ACTPS Integrity Framework
- ACT Health Directorate Delegations Manual
- Enterprise Risk Management Framework

Standards

- Public Sector Management Standards 2016
- ACTPS Values
- ACTPS Code of Conduct

Legislation

Available at <https://www.legislation.act.gov.au>

- Public Sector Management Act 1994
- Human Rights Act 2004
- Territory Records Act 2002
- All ACTPS Enterprise Agreements

7 Version Control

Version	Date	Comments
1.0	December 2020	Final approved document.
1.1	May 2022	Minor update to reference revised ACTPS Integrity Framework documents.
2.0	June 2023	A three-yearly review conducted.

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