Government of **Western Australia**
Department of **Health**

OFFICIAL

Gifts, Benefits and Hospitality Guideline

Policy Frameworks
Supporting Information
MP 0136/20 Gifts, Benefits and Hospitality Policy

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1. Background

This *Gifts, Benefits and Hospitality Guideline* (Guideline) supports the application of MP 0136/20 *Gifts, Benefits and Hospitality Policy* (the policy).

Integrity governance refers to the formal arrangements by which an organisation establishes, monitors and evaluates structures, instruments, systems and processes to promote a culture of integrity, and appropriately respond to issues.

Offers of gifts, benefits and hospitality can present a significant integrity risk to any public authority. As such, the appropriate management of offers of gifts, benefits and hospitality are a critical component of good integrity governance.

The policy and this Guideline are a key component of the WA health system's integrity governance to address risks related to gifts, benefits and hospitality. The policy specifies the principles and minimum requirements that WA health entities must comply with to ensure a consistent approach to the management of risks associated with gifts, benefits and hospitality. This Guideline is intended to provide assistance and guidance to staff to ensure the management of the risks associated with gifts, benefits and hospitality in accordance with the policy.

This Guideline draws upon information contained within the Public Sector Commission's *Managing the Risks of Gifts, Benefits and Hospitality Guide*.

2. Managing offers of gifts, benefits and hospitality

2.1. Why are gifts, benefits or hospitality offered?

Gifts, benefits and hospitality may be offered to staff members[1] for a number of reasons from various people or organisations, including:

- To show gratitude or appreciation for a service provided.
- To foster or develop a professional or personal relationship with the intended recipient.
- To increase visibility or recognition of a particular organisation, individual, brand or product.
- To attempt to influence decision-making or gain preference or favour from WA health or its staff.

Staff members are remunerated for performing their duties diligently, to a high standard and in a professional and courteous manner. Staff members should not receive nor expect to receive any additional compensation of any kind for performing their role.

Often it can be unclear why a gift may be offered, or a multitude of factors may contribute to the offer of a gift.

While the intention of a gift is an important consideration in assessing the risks associated with accepting a gift, the perceived intention of the offer of a gift is equally important. For example, an organisation may offer a gift to a staff member as a form of gratitude for a continued working

[1] "Staff members" for the purpose of this Guideline, has the same meaning as within the *Gifts, Benefits and Hospitality Policy*. This includes staff and/or employees of the WA Health Service Providers and the Department of Health.

relationship. But it is also equally relevant that this gift may be perceived as an intention to influence future decision-making to acquire future business.

2.2. Key concepts

2.2.1. Definitions of gifts, benefits and hospitality

The terms “gift”, “benefit” and “hospitality” are each defined within the policy.

Gifts
A “gift” is defined as: *“anything of value offered or gifted (including prizes) to staff member in addition to their normal salary or employment entitlements by a member of the public, customer, client, applicant, co-worker, supplier, potential supplier or external organisation.”* Examples of gifts include: • consumables (e.g. food and drinks) • physical pieces of technology (e.g. mobile phones, computers, USBs) • online or “soft” pieces of technology (e.g. software, electronic data, music or video files) • other physical objects (artwork, jewellery, stationary) • discounts on goods or services • vouchers, gift cards, lottery tickets or cash

Benefits
A “benefit” is defined as: *“Any preferential treatment, privileged access, favours or other advantages offered to a staff member above their normal salary or engagement entitlements. A benefit is usually intangible, as something that can be experienced.”* Examples of benefits include: • personal services • job offers or professional development opportunities • access to discounts, loyalty programs or memberships • access to training sessions, resources or materials • access to confidential, sensitive or valuable information • invitations to events or functions (e.g. conferences or sporting events)

Hospitality
"Hospitality" is defined as: *"items which relate to the entertaining of a staff member by a member of the public, customer, client, applicant, supplier, potential supplier, another staff member or external organisation "* Examples of benefits include: • meals or refreshments • invitations to events • catering of meetings or other events

The following are not considered an offer of a *gift, benefit or hospitality* for the purposes of the policy:

- Token Gifts, as defined in this policy
- Team Gifts, as defined in this policy
- Gifts offered to staff members solely in their personal capacity with no relationship to their employment
- Expenditure provided by WA health entities on their own staff members (e.g. working lunches, items provided under staff recognition programs, training sessions etc)
- Discounts or offers that are publicly available or open to any person
- Any approved Sponsored Travel. Refer to the MP 0017/16 *WA Health Staff Air Travel Policy*
- Donations of money, equipment or other items to WA health entities. This should be dealt with in accordance with Section 530 Receiving Donations of the *WA Health Financial Management Manual*
- Offers and acceptance of Approved Sponsored Hospitality by staff members, authorised in accordance with MP 0005/16 *Grants, Esoteric Arrangements and Sponsorships Policy*

2.2.2. Token gifts

A *token gift* refers to any offer of a gift, benefit or hospitality that:

- could not be reasonably perceived as influencing an individual OR raising an actual, potential or perceived Conflict of Interest; and
- has a nominal value of up to $50.

The following are not considered token gifts:

- any offer of a gift, benefit, or hospitality that meets the definition of an Unacceptable Gift as defined within this policy
- any offer of a gift, benefit, or hospitality from, or on behalf of, a commercial organisation, regardless of value
- any offer of a gift, benefit, or hospitality that is cumulative, that is an offer that comes from the same source within a 12-month period.

A conflict of interest refers to a situation arising from a conflict between the performance of public duty and a private or personal interests. A conflict of interest includes:

- an "actual conflict of interest" which occurs when there is a real conflict of interest between a staff member's public duties and private interests;

- a “potential conflict of interest” which occurs when a staff member has a private interest that could conflict with their public duties; and
- a “perceived conflict of interest” occurs when a member of the public or a third party could form the view that a staff member has a private interest that could improperly influence their decisions or actions, now or in the future, whether or not this is in fact the case.

Further information about conflicts of interest can be found in the *Managing Conflicts of Interest Policy* and *Managing Conflicts of Interest Information*.

2.2.3. Team gifts

A *team gift* refers to any offer of a gift, benefit or hospitality provided to a staff member that is:

- from a work team or group of staff members; and
- is provided to celebrate or recognise a significant personal event or milestone (e.g. retirement, birth of a child, ceasing employment, wedding, milestone birthday etc).

A team gift is not a “gift, benefit or hospitality” for the purposes of this policy and does not require approval or to be declared in the Gift Declaration Registry (GDR).

When arranging team gifts, staff members should consider whether the gift is appropriate. Staff members should not be placed in a position where they feel obligated to contribute to team gifts. Team gifts should also be proportionate to the occasion, appropriate and considerate. Under no circumstances should public funds be used to pay for a team gift.

2.2.4. Unacceptable gifts

Unacceptable gifts, as defined in the policy, are a category of gifts, benefits and hospitality which can never be accepted by a staff member.

The policy identifies three types of gifts, benefits or hospitality that constitute an *unacceptable gift*. These are gifts, benefits or hospitality that:

1. are offered by, or on behalf of a person or organisation, to a staff member who is responsible for, or likely to be responsible for a decision in relation to the party offering the gift;
2. are capable of creating a perception that a public officer has accepted a bribe or benefit, or gained an advantage; or
3. are gifts of money or of a nature easily converted to cash, this includes:
    - cash, cheque or bank transfer
    - shares or cryptocurrency
    - gift vouchers or gift cards
    - lotto tickets.

The acceptance of any of these *unacceptable gifts* presents a risk to the WA health system that is in no circumstances appropriate. As such, the acceptance of these gifts is prohibited.

2.3. What to do if you are offered a gift, benefit or hospitality?

When a staff member is provided with or offered an item which may constitute a gift, benefit or hospitality, they have obligations under the policy to ensure that the offer is dealt with in an appropriate way in accordance with relevant processes.

Below is an overview of a process staff members should follow in the event that they receive such an offer.

The *Gifts, Benefits and Hospitality Decision Making Flow Chart* provides an overview of the decision-making process required for the offer of a gift, benefit or hospitality to a staff member.

2.3.1. Seek advice

If upon receipt of an offer of an item which may be a gift, benefit or hospitality you are unsure how to deal with the offer in a manner which is consistent with the policy, you should first seek advice from your relevant manager.

Where your manager (or their manager) is unable to provide advice or you require additional information or clarification, you may contact your relevant Integrity team.

2.3.2. Identify whether the offer is a gift, benefit or hospitality

2.3.2.1. Offers that are not a gift, benefit or hospitality

A staff member who believes they have received an offer that may be a gift, benefit or hospitality must first determine whether the offer relates to a "gift, benefit or hospitality" as defined within the policy.

A definition of "gift, benefit or hospitality" are provided within the policy, and described in section 2.2.1 of this Guideline.

Sponsored travel, donations and items received in accordance with an approved sponsorship arrangement are not offers of "gift, benefit or hospitality" under the policy, and should be dealt with in accordance with relevant policy and procedural requirements.[2]

Team gifts (described in section 2.2.3 of this Guideline) also do not constitute "gift, benefit or hospitality" and do not require approval or to be declared in the GDR.

2.3.2.2. Offers that are "unacceptable gifts"

Having determined that an offer relates to a "gift, benefit or hospitality" as defined within the policy, the staff member who has received the offer is required to consider whether the gift constitutes an "unacceptable gift" as defined within the policy.

A definition of "unacceptable gift" is provided within the policy and described in section 2.2.4 of this Guideline.

The policy provides that there are no circumstances where a staff member may accept an "unacceptable gift".

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[2] *MP 0017/16 WA Health Staff Air Travel Policy*; s530 *WA Health Financial Management Manual*; *MP 0005/16 Grants, Esoteric Arrangements and Sponsorships Policy*.

Where staff members are offered an unacceptable gift, they should refuse the gift at the first opportunity. Where this is not practical (e.g. it may cause offence, they did not realise what they had received, it is delivered by post) the gift should be returned to the provider as soon as reasonably practicable.

In circumstances where an unacceptable gift is offered, it may also be appropriate to provide an explanation to the person or organisation which offered the gift as to why the gift is considered an unacceptable gift and is being returned. Providing this explanation may prevent future inappropriate offers being made by that person or organisation.

Offers of unacceptable gifts must be declared in the GDR in accordance with the policy as they are offers of gifts, benefits or hospitality.

2.3.2.3. Offers that are “token gifts”

Token gifts refer to a certain category of gifts which are considered to be of a lower level of risk and do not need to be declared in the GDR. When a staff member is offered a token gift, they may choose to accept or decline that gift themselves.

A definition of “token” is provided within the policy and described in section 2.2.2 of this Guideline.

In determining whether an offer of a gift “has a nominal value of up to $50”, section 2.5. of this Guideline provides guidance in relation to estimating the value of a gift.

Where staff are unsure if a gift constitutes a “token gift” in the first instance they should seek advice from their manager. If their manager is unable to provide appropriate guidance, they should seek advice from their relevant Integrity area.

The fact that an offer is a token gift does not mean that the staff member is expected to accept the gift. Staff members may choose whether to accept or decline offers of token gifts. If a staff member chooses to accept a token gift, they may also choose how they wish to use the gift (e.g. keep it for themselves, donate it to a charity of their choice, share the gift with their co-workers etc).

2.3.3. Consider whether you propose to accept the gift

2.3.3.1. Considerations in relation to accepting or declining gifts

Once an offer of a gift, benefit or hospitality has been received, the staff member who has received the offer should consider whether they intend to accept or decline the gift. In making this decision, it is important that staff members consider the risks associated with the acceptance of the gift, benefit or hospitality, and that this consideration informs their decision.

Where a staff member is unsure about whether it is appropriate to accept an offer of a gift, benefit or hospitality, they should seek guidance from their manager in the first instance.

The GIFT Test (below) is a tool which outlines a range of considerations to assist staff members to identify the risks associated with the decision about whether to accept or decline the offer of a gift, benefit or hospitality.

GIFT Test	
G – Giver	• Who is providing the gift, benefit or hospitality and what is their relationship to me? • Does my role require me to select contractors, award grants, regulate industries or determine government policies? • Could the giver (person or organisation) benefit from a decision I make?
I – Influence	• Is the giver seeking to influence my decisions or actions? • Is the gift, benefit or hospitality being offered to me publicly or privately? • Is it a courtesy, token of appreciation or highly valuable? • Does its timing coincide with a decision I am about to make?
F – Favour	• Is the giver seeking a favour in return for the gift, benefit or hospitality? • Is the gift, benefit or hospitality being offered honestly? • Has the giver made several offers to me or people in my business area over the last 12 months? • Would accepting it create an obligation on me to return a favour?
T – Trust	• Will public trust be enhanced or diminished? • Could I publicly explain why I am accepting the gift, benefit or hospitality? • What would my colleagues, family, friends and associates think? • Have I made good records on accepting the gift, benefit or hospitality in accordance with reporting and recording procedures?

[Source: Public Sector Commission, *Decision-making tool: GIFT Test,* published 3 December 2021, available at: https://www.wa.gov.au/government/publications/decision-making-tool-gift-test]

In determining whether to accept a gift, it is relevant to consider how the acceptance of a gift will occur. Accepting a gift, benefit or hospitality does not only refer to the scenarios where the staff member takes personal possession of the item offered, it also includes the gift, benefit or hospitality being retained for use by the relevant health entity, accepted and donated to a charitable organisation, or shared by multiple staff members.

Where a staff member intends to accept the offer of a gift, benefit or hospitality, they are required to declare the offer in the GDR and obtain approval from the relevant approver to do so. A gift, benefit or hospitality may only be accepted once approval has been provided.

Where a staff member determined that they do not intend to accept the offer of a gift, benefit or hospitality, they are required to declare the offer in the GDR and specify that they have declined the offer.

2.3.3.2. Declining gifts

When a decision is made that an offer of a gift, benefit or hospitality will be declined, staff members should ensure appropriate action is taken promptly to give effect to that decision.

In many instances it may be easier and appropriate for staff members to decline a gift when it is initially offered to them. Upon the initial receipt of such an offer, staff members are encouraged to adopt a simple response of “a thank you is enough, because for us it’s all in a day’s work”.

When possession has been taken of a physical gift, it is important that once a decision has been made to be decline the gift that it is returned promptly, in the same condition it was received, and that a simple explanation is provided to the person or organisation who offered the gift about why it is being returned.

Where offers are made which are not physical (e.g. e-tickets, invitations to events), it is important that it is communicated to the person or organisation who made the offer that it is being declined, and an explanation is provided about why it is not accepted.

External stakeholders who provide offers of gifts, benefits or hospitality should be reminded not to offer gifts, benefits or hospitality and advised that there is no additional cost to doing business with WA health, rather a better way to express appreciation is by simply saying thank you.

Staff members can always choose to decline a gift, benefits or hospitality offered to them, even if the acceptance of the offer would be permitted under the policy.

2.4. Declaring offers of gifts, benefits or hospitality

All offers of gifts, benefits and hospitality (as defined in the policy) are required to be declared in the GDR. This includes offers to a staff member which they intend to, or already have declined.

When a staff member is offered a gift, benefit or hospitality, they should declare the offer in the GDR as soon as reasonably practicable.

Detailed information about how to enter a declaration in the GDR can be found in the Gift Declaration Registry User Guide.

In declaring offers of gifts, benefits or hospitality in the GDR, staff members should ensure that the information provided is considered and sufficiently detailed to inform the designated approver sufficiently to appropriately consider the declaration.

The following are not considered to constitute gifts, benefits and hospitality in accordance with the policy and therefore are not required to be declared in the GDR:

- gifts offered to staff members solely in their personal capacity with no relationship to their employment;
- items provided by the Department of Health or a Health Service Provider to their own staff members (e.g. working lunches, items provided by way of staff recognition, training sessions etc);
- discounts or offers that are publicly available or open to any person;
- Sponsored Travel as described in MP 0017/16 *WA Health Staff Air Travel Policy*;
- donations of money, equipment or other items to WA health entities (which are dealt with in accordance with Section 530 Receiving Donations of the *WA Health Financial Management Manual*;

- offers of Approved Sponsored Hospitality authorised in accordance with MP 0005/16 Grants, Esoteric Arrangements and Sponsorships Policy;
- *Token gifts* as defined in the policy; and
- *Team gifts* as defined in the policy.

2.5. Estimating the value of a gift

When declaring a gift, benefit or hospitality in the GDR it is required to provide an estimated value of the gift, benefit or hospitality offered. The value of a gift should be estimated based on the retail purchase price of the item (or a similar item) in the local market including GST.

In estimating the value of a gift, benefit or hospitality it is irrelevant to consider the amount of money spent by the provider on the item. The fact that the provider may have produced the item at a lower cost or used a discount to purchase the item is not relevant to determining the value of the gift, benefit or hospitality.

For example, if a staff member were offered a ticket to attend a conference by the organiser of the conference, the actual expenditure on the ticket for that conference by the organiser is minimal as the costs of the conference were incurred regardless of the issue of an additional ticket. In such circumstances, the estimated value of the ticket should be the cost it would be for a regular person to purchase the ticket offered by the organiser.

In estimating the value of a gift, it may often be appropriate to consider the retail price for the gift at local vendors. For example, if a staff member was offered a bottle of wine, it would be relatively easy to search the website of a local retail alcohol store and determine the undiscounted retail price of that bottle. In such circumstances, it should be noted that it is irrelevant that the purchaser may have obtained a discount for purchasing a dozen bottles of that wine at a discounted price. The estimated value of a gift should be the standard retail value of that item, not the expense to the provider.

2.6. Ownership of gifts, benefits or hospitality

Where a staff member has taken possession of a physical item which constitutes a gift, benefit or hospitality, the relevant health entity is considered to be the owner of the item. As such, staff members must treat the relevant item as though it is owned by the relevant health entity.

Only once a decision is made and approved in relation to what will be done with the gift, benefit or hospitality does the item become the property of another person or organisation (e.g. where a gift is accepted by an individual, may be consumed, may be donated to a third party etc).

2.7. Specific types of gifts, benefits or hospitality

2.7.1. Money, gift cards and money equivalents

The policy provides that any offer of a gift of money, or a gift that is of a nature that is easily converted to cash constitutes an unacceptable gift. Gifts that can “easily be converted to cash” include:

- cash, cheque or bank transfer
- shares or cryptocurrency
- gift vouchers or gift cards
- lotto tickets.

In no circumstances can an offer of a gift of money, or a gift that is of a nature that is easily converted to cash, be accepted by a staff member.

2.7.2. Loyalty cards, points, bonuses or programs

Loyalty cards, points, bonuses or programs are marketing programs which attempt to influence the buying behaviour of users or members through the use of reward systems.

Individual staff members should not obtain a personal benefit as a result of their employment.

As such, staff members should not use personal loyalty cards, points, bonuses or programs when making purchases on behalf of their organisation (e.g. FlyBuys, Everyday Rewards, coffee loyalty cards etc).

2.7.3. Frequent flyer points

Premier's Circular 2021/02 - Guidelines for official air travel by Ministers, Parliamentary Secretaries and Government Officers provides:

> *8. Frequent Flyer Points*
>
> *8.1 Consistent with the principles of conduct by public sector bodies of not using public expenditure for private advantage, frequent flyer points or benefits under other incentive or loyalty schemes should not be accumulated in the course of official air travel.*
>
> *8.2 Selection of an airline for official travel is not to be made on the basis of Frequent Flyer points or other incentive or loyalty schemes and must be based strictly on the best fare of the day principle.*

As such, staff members should not collect or accept frequent flyer points or similar benefits under incentive or loyalty schemes related to air travel undertaken in their capacity as a public officer.

2.7.4. Prizes, raffles or competitions

If, during the course of their official duties (e.g. attending a conference or event, completing a survey etc), a staff member wins a prize, raffle or competition, the item which they have won must be treated as a gift in accordance with the policy. Typically, it will be appropriate for the item to be returned to the provider.

Staff members should not voluntarily enter competitions while working in their official capacity (e.g. submitting business cards for prize draws, signing up for email lists with prizes attached etc).

2.7.5. Cultural gifts

Offers of gifts that have cultural, historical or ceremonial value are to be declared in accordance with the requirements of the policy. It is appropriate that such gifts, if they are accepted, are retained by the relevant WA health entity. In determining whether such gifts are accepted, it is important to consider whether refusal to accept the gift, or the particular use of the gift might be inappropriate, insensitive or cause offence.

Where a cultural gift is received and retained by the relevant WA health entity, it is appropriate that the relevant item be registered as an asset in accordance with relevant processes.

2.7.6. Multiple or cumulative gifts

Staff members should be particularly mindful of the risks associated with multiple or cumulative gifts. Individuals or organisations that make multiple or cumulative offers of gifts, benefits or hospitality are significantly more likely to be seeking favour or to strengthen relationships with WA health entities.

Cumulative offers gifts, benefits or hospitality, that is an offer which comes from the same source as a previous offer within a 12-month period, cannot be considered a token gift. Therefore, it must be treated as a gift, benefit or hospitality and be appropriately declared in the GDR.

Approvers and managers should be particularly mindful of multiple or cumulative offers of gifts, including if they are received by different staff members within the same teams or business units.

2.7.7. Approved Sponsored Hospitality

From time-to-time WA health entities may enter into sponsorship arrangements with external parties in accordance with the MP 0005/16 Grants, Esoteric Arrangements and Sponsorships Policy.

On occasion, these sponsorship arrangements may result in hospitality being provided to staff members. Where approved sponsored hospitality is provided as a part of a sponsorship arrangement, it is appropriate for staff members accept this hospitality.

Examples of this type of arrangement could include:

- tickets to an event or conference provided to a WA health entity as a part of a sponsorship arrangement which are used by staff members to attend the event or conference,
- food or beverages provided to staff members at a training session as a part of a sponsorship arrangement.

Prior to accepting Approved Sponsored Hospitality, staff members should endeavour to ensure that what is being provided is Approved Sponsored Hospitality and not a gift, benefit, or hospitality.

Where there is an arranged approved sponsorship, staff should be advised they may be offered hospitality, and the types of hospitality which have been approved in accordance with the sponsorship arrangement.

2.7.8. Gifts that cannot be returned

On rare occasions a situation could occur where a staff member is unable to return a gift. For example, if a gift was delivered by post without a return address or details of who has provided it.

Where such a gift is provided, the relevant staff member should make reasonable attempts to return the gift. If none are successful, the gift should be declared in the GDR and a decision made regarding the use or disposal of the gift by the relevant approver.

Generally, in such circumstances it would not be appropriate for the gift to be retained by the staff member, rather it could be retained by the organisation and registered as an asset, donated to an appropriate charitable organisation, or otherwise appropriately disposed of.

2.7.9. Gifts offered to family members

On occasion a business or individual associated with a staff member could offer a gift, benefit or hospitality to a member of the relevant staff member's family. Such situations could be perceived as attempting to influence the staff member to carry out their duties in an unethical manner.

Where such a situation occurs, the matter should be declared in accordance with the requirements of this policy as if the offer had been made directly to the staff member.

Staff members should endeavour to ensure their family members are not the recipients of gifts, benefits or hospitality which could be perceived to be an attempt to influence their behaviour as public officers.

2.8. Storage of physical gifts

When gifts are offered and the offer involves the physical handing over of an item, gifts are required to be appropriately and securely stored on work premises until a decision is made about what should be done to the gift.

Gifts should be stored on work premises and in a secure and appropriate location. Any gift of high value or easily converted to cash should be stored in a secure (i.e. locked) location.

Gifts which are perishable should be kept in appropriate storage to maintain the condition of the gift. For example, some gifts of food should be refrigerated to prevent spoilage.

Where a gift has a value that expires or degrades over time (e.g. perishable food, tickets to an event), the declarer and approver must ensure that decisions are made within an appropriate timeframe to prevent the gift from losing value, expiring or perishing. Consideration should also be given to preserving the value of the gift for the gift giver. For example, handing a ticket to an event back to a gift provider immediately prior to the event occurring does not give the provider sufficient time to determine how to use that ticket in a timely manner.

3. Guidance for managers

3.1. Promoting the Gifts, Benefits and Hospitality Policy

All staff members who are managers or supervisors are responsible for ensuring staff members under their management understand their obligations under the policy.

In order to meet this expectation, managers should take appropriate proactive actions to promote the policy and guide staff in relation to its application. Ways in which managers can promote the policy might include:

- regular reminders (in person, in meetings or via written communication) about the expectations in relation to the offer of gifts, benefits or hospitality;
- advising staff members of instances where the manager themselves may have been offered a gift, benefit or hospitality and the actions they took to appropriately manage that offer; and
- implementing regular training for staff members in roles which may be more likely to be offered gifts, benefits or hospitality.

3.2. Supporting staff to deal with offers of gifts, benefits or hospitality

The policy provides that all managers or supervisors must assist staff members under their management to appropriately manage offers of gifts, benefits and hospitality, declare offers in the GDR and consider the risks associated with accepting such offers. As such, it is incumbent on all managers and supervisors to ensure that they have sufficient understanding of the requirements related to the offer and acceptance of gifts, benefits and hospitality within the policy.

Supporting staff to comply with the policy could include a range of different behaviours, for example:

- reminding staff members at key times (e.g. prior to attendance at external events, prior to the Christmas period) about the requirements within the policy;
- supporting staff members who ask queries about offers of gifts, benefits or hospitality, and if required, directing them to the appropriate business areas (e.g. Integrity teams) or resources for advice or education;
- discussing with staff members who may have been offered, or are likely to be offered gifts, benefits or hospitality, their obligations under the policy; and
- assisting staff members to complete declarations in the GDR, including providing guidance about whether it is appropriate to accept an offer of a gift, benefit or hospitality.

4. Guidance for approvers

WA health entities are required to identify the Authorised Persons within their entity who are required to make decisions regarding the acceptance of offers of gifts, benefits and hospitality.

Staff members who are designated as Authorised Persons (approvers) may often be managers and are expected to promote the policy and provide guidance to staff members as described above.

Upon receipt of a gift declaration (via the GDR), approvers are required to consider the declaration promptly and appropriately. In doing so, approvers should ensure that they have sufficient information and knowledge to appropriately consider the circumstances of the offer of the gift. This includes details about the gift (what it is, the estimated value) in addition to understanding the nature of the relationship between both their health entity and the party offering the gift, benefit or hospitality, and the nature of the relationship between the staff member offered the gift, benefit or hospitality and the offering party.

Where a declaration does not provide an approver with sufficient information to understand the circumstances around the offer and make an informed judgement about the appropriateness of the acceptance of the gift, benefit or hospitality, the approver is required to take appropriate actions to suitably inform themselves. This may include:

- requesting changes to be made to the declaration;
- seeking clarification or additional information (in person or in writing);
- discussing the circumstances related to the offer directly with the staff member and/or their line manager;
- seeking further advice about the functions of the business area from the line manager or other appropriate officers; or
- seeking advice from the health entity's relevant Integrity area.

In determining whether a gift may be accepted, it is incumbent on the approver to consider all the potential risks related to the acceptance of the gift. Approvers should also have a clear understanding about what is intended to happen to the gift (e.g. kept by the staff member, shared amongst a team, donated, retained by the health entity etc) if acceptance is approved.

In considering whether to approve the acceptance of a gift the approver should consider a range of considerations (e.g. risks of acceptance, preservation of relationships, damage to reputation, community expectations, reasonableness of returning an item etc).

The approver should not consider staff recognition or reward as a relevant factor in the decision to accept a gift. Public servants are remunerated for performing their roles in accordance with their relevant industrial agreement and should not expect additional reward or compensation of any kind for performing their role.

5. Managing risks associated with gifts, benefits or hospitality

5.1. Pre-empting offers of gifts

In some situations, there may be occasions where it appears that an external party will or may be likely to offer a staff member with a gift. Examples of this situation include:

- where staff members provide a presentation at conference or other public or industry event;
- where a staff member is undertaking an activity that during which they were previously offered a gift by an external party;
- attending events hosted by external stakeholders; or
- approaching festive seasons in business areas which work closely with external stakeholders.

In such situations it may be appropriate for relevant staff members to consider politely requesting that gifts are not offered by the relevant external party.

For example, a business unit which works closely with an external not-for-profit organisation which has previously offered end of year gifts to staff within the business unit might consider in the lead up to the festive period sending a polite email to the organisation requesting that gifts not be provided.

5.2. Dealing with offers of gifts that are inappropriate

In some situations, staff members may be offered gifts, benefits or hospitality that are blatantly inappropriate. Offers from external parties which could be perceived as bribes, are clearly intended to influence decision-making process, or are extravagant, present a significant risk to the reputation of WA health entities.

In such circumstances, it is expected that communication will occur with the external party offering the gift, benefit or hospitality to advise that the offer is inappropriate and request that any future offers of that nature not be made. It is important in managing the risk of reputational damage to WA health entities that such offers dealt with promptly and that clear boundaries are communicated with external parties that act inappropriately.

The offer of a bribe to a public officer is a criminal offence under s.82 of the *Criminal Code Act Compilation Act 1913*. Where a staff member suspects that an offer of a bribe to a public officer has been made, this must be immediately escalated to the appropriate person or business unit (e.g. Integrity Area, Human Resources, line manager etc) to consider whether the concerns should be reported to WA Police.

5.3. Managing risks in relation to potential foreign interference

“Foreign interference” refers to activities which serve the strategic, political, military, social or economic goals of foreign governments, at the expense of Australia’s own interests. Foreign interference does not mean legitimate foreign influence conducted in an open and transparent

manner (e.g. legitimate lobbying, advocacy and diplomatic activities). Foreign interference involves covert, deceptive, corrupting, coercive or threatening actions on behalf of, in collaboration with, or directed by a foreign government. This can include espionage or sabotage, but also more subtle forms of influence and coercion.

Certain staff members may have an elevated risk of being a target for foreign interference. Three main vectors of foreign interference (the pathway by which foreign interference is conducted) have been identified.

These vectors are:

- Information – which can be stolen, manipulated or fabricated to achieve a purpose for a foreign actor.
- People – who can be corrupted, deceived or coerced to act for a foreign actor.
- Infrastructure – which can be accessed, controlled, misused to achieve a purpose for a foreign actor.

Certain positions in WA health may have functions that interact with these vectors, and therefore be at an elevated level of risk of foreign interference. Staff members who occupy these roles must maintain a heightened level of awareness in relation to the risks associated with the offer of gifts, benefits and hospitality.

Travel and foreign delegations are two specific activities in which particular consideration should be given to the risk of foreign interference in relation to the offers of gifts, benefits, or hospitality.

If a staff member is offered gifts, benefits and hospitality from foreign parties, including during travel or while dealing with or receiving foreign delegations, the requirements of the policy must be met. Additionally, staff members should remain vigilant to the threat of foreign interference.

Certain offers of gifts, benefits or hospitality may present a risk of foreign interference either through the creation of expectations of reciprocity for such offers, or through the provision of items which may present a technical threat.

A technical threat could include:

- Electronic devices (including data storage devices) which could contain a range of software or malware designed to collect information or cause damage to a system.
- Non-electronic gifts which may be used to conceal a data gathering or tracking device.

Appropriate precautions should be taken in relation to gifts which may be accepted (or in a staff members possession) commensurate to the associated risk of foreign interference. This may include for example, storing gifts away from areas where work is being conducted during travel, not connecting electronic devices to WA health computers or networks etc.

During travel (particularly international travel), and in dealing with foreign delegations, staff members should be mindful of behaviour that is suspicious, ongoing, unusual or persistent. Staff members should also be alert to offers of gifts, benefits or hospitality that may constitute technical threats or be attempts to exchange inducements for information or favour.

In the instance where staff members are offered gifts, benefits or hospitality by a foreign entity (regardless of value), the staff member should seek guidance on the potential foreign interference risks associated with the offer, including technical threats and whether the individual offering the gift expects something in return.

6. Provision of gifts, benefits or hospitality

6.1. Considering risks related to the provision of gifts, benefits or hospitality

In some circumstances, it is appropriate that a WA health entity provide a gift, benefit or hospitality to an external person or organisation. The provision of gifts, benefits or hospitality by a public authority can however create risks which require appropriate consideration and management, specifically:

- risks related to actual, perceived or potential conflicts of interest, particularly the perception of preference, bias or affiliation; and
- risks associated with the appropriate expenditure of public money.

Where the provision of a gift, benefit or hospitality creates or is associated with an actual, perceived or potential conflict of interest, the conflict of interest must be managed in accordance with the requirements of MP 0138/20 *Managing Conflicts of Interest Policy*.

The HOST Test (below) provides a tool which can be of assistance in determining whether it is appropriate for gifts, benefits or hospitality to be provided to an external party.

HOST Test	
H – Hospitality	***To whom is the gift, benefit or hospitality being provided?*** • Are the recipients' external stakeholders, business partners, visiting delegates or individuals of the host organisation?
O – Objectives	**Why is a gift, benefit or hospitality being provided?** • Is the offer being provided to further the conduct of official business? • Does it promote and support the authority or government policy objectives and priorities? • What are the reasons individuals of the host organisation are attending?
S – Spend	**Will public funds be spent?** • What type of gift, benefit or hospitality is being provided? • Is the expenditure modest, and is alcohol being provided? • Is the expenditure proportionate to benefits obtained for the authority or State?
T – Trust	**Will public trust be enhanced or diminished?** • Could I publicly explain the rationale for providing the offer? • Is the event being conducted in a way that upholds the reputation of the government sector? • Have good records in relation to providing the gift, benefit or hospitality been kept in accordance with reporting and recording procedures?

[Source: Public Sector Commission, *Decision-making tool: HOST Test,* published 3 December 2021, available at: Decision-making tool: HOST test (www.wa.gov.au)]

6.2. Requirements and processes related to the provision of gifts, benefits or hospitality

The policy requires that when WA health entities intend to provide a gift, benefit or hospitality to people who are not staff members, that

- the offer has an identifiable benefit to the Department of Health, relevant Health Service Provider or government priorities and objects; and
- the expenditure of public money on the gift, benefit or hospitality provided is proportionate to the identifiable benefit and consistent with community expectations.

There following requirements are also relevant to the provision of gifts, benefits or hospitality.

WA Health Financial Management Manual – Section 602
The WA Health Financial Management Manual (FMM) establishes requirements in relation to Acceptable Expenditure for Official Purposes (Section 602). The FMM provides that: • "Public money is only to be used for *official purposes*". • "Approval is to be obtained from the *Accountable Authority*, or person authorised to approve use of public money under local policies and procedures, prior to using any public money, if it is not clear whether the expenditure is acceptable for official purposes, or if the expenditure is not considered acceptable for official purposes under this policy and its procedures." The procedures within Section 602 provide that: • "If it is not clear whether expenditure is acceptable for official purposes, or expenditure is not considered acceptable for official purposes under this policy, an Application Form is to be submitted to the relevant Accountable Authority for approval, prior to incurring the expenditure." (Form 602-1) • "If a transaction relates to expenditure on official hospitality, the incurring officer is to submit a Notice of Expenditure on Official Hospitality to the relevant authority." (Form 602-2)

Public Sector Commissioner's Circular 2009-18: Guidelines for expenditure on official hospitality
Public Sector Commissioner's Circular 2009-18: Guidelines for expenditure on official hospitality (PSC Circular 2009-18) provides that expenditure on hospitality "should be restricted to a level consistent with the responsibilities of public sector officers". PSC Circular 2009-18 provides both guidelines and general principles related to expenditure on official hospitality.

7. Breaches of the Gifts, Benefits and Hospitality Policy

7.1. Reporting suspected breaches of the Gifts, Benefits and Hospitality Policy

Any staff member who has a reason to believe that a breach of the policy has occurred, should report the suspected breach in accordance with the relevant local policies and processes.

If a staff member is unsure how to report suspected breaches of policy, they should seek guidance from their relevant Integrity area, Human Resources area or their manager (if appropriate).

7.2. Processes for dealing with breaches of the Gifts, Benefits and Hospitality Policy

Processes related to breaches of the policy are outlined within the policy in *3.3. Breaches*. Further information may be found in the following policies (where relevant):

- MP 0127/20 *Discipline Policy*
- Department of Health Discipline Policy
- MP 0083/18 *Disputes About the Professional Conduct of a Contracted Medical Practitioner Engaged Under a Medical Services Agreement Policy*
- MP 0125/19 *Notifiable and Reportable Conduct Policy*

If you require additional information or clarification in relation to the processes for dealing with breaches of the policy, you may contact your relevant Integrity team.

8. Document Control

Version	Approved by	Published date	Review date	Amendment(s)
1.0	Shane Giblett, A/Director, System-Wide Integrity Services	27 October 2025	27 October 2028	Original version

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