



Gifts, Benefits and Hospitality Policy

1. Purpose

To ensure a consistent approach to the integrity governance and risks associated with gifts, benefits and hospitality offered to Department of Health employees and Health Service Provider staff members, and to ensure the effective governance of offered gifts, benefits and hospitality. The *Gifts, Benefits and Hospitality Policy* specifies the principles and minimum requirements with which WA health system entities must comply and includes the monitoring, evaluation and reporting requirements.

In line with the Public Sector Commission Code of Ethics and [MP 0124/19 Code of Conduct Policy](#), Department of Health employees and Health Service Provider staff members are required to act with honesty and integrity and must not accept:

- inducements or incentives that are intended to influence their decisions or actions; and
- gifts, benefits and hospitality which are, or could reasonably be interpreted to be, designed to secure influence or preferential treatment in favour of the giver including gifting between Department of Health employees and Health Service Provider staff members.

Accepting gifts, benefits or hospitality creates a risk that may undermine the public's trust and confidence in the WA health system and may:

- create a potential, perceived or actual conflict of interest;
- influence Department of Health employees and Health Service Provider staff members to act in their own personal interest rather than in the public interest, or to unfairly favour or disadvantage an organisation or individual;
- create a culture of entitlement; and
- present opportunities with the potential to escalate into bribery, misconduct or corruption.

Department of Health employees and Health Service Provider staff members must not receive, nor expect to receive, additional compensation of any kind in addition to their usual remuneration for performing their duties.

The following are not considered a 'gift' for the purpose of this Policy:

- A token gift to a ward/unit or team of a nominal value up to \$50 including but not limited to gifts of appreciation such as, chocolates or flowers from a grateful patient, family or member of the public
- Any externally funded staff travel. Refer to the [MP 0017/16 WA Health Staff Air Travel Policy](#)
- Expenditure on official hospitality and the offer of gifts by Department of Health employees and Health Service Provider staff members to non- staff members such

as guests or visitors. This should be dealt with in accordance with [Section 602 of the WA Health Financial Management Manual](#).

- Donations of money, equipment or other items to WA health system entities. This should be dealt with in accordance with [Section 530 Donations and Gifts of the WA Health Financial Management Manual Index](#)
- Offers and acceptance of hospitality by Department of Health employees and Health Service Provider staff members, authorised in accordance with [MP0047/17 Sponsorship Policy](#)

This Policy is a mandatory requirement for Health Service Providers under the *Integrity Policy Framework* pursuant to section 26(2)(l) and section 19(1A) of the *Health Services Act 2016*.

This Policy is a mandatory requirement for the Department of Health pursuant to section 29 of the *Public Sector Management Act 1994*.

This Policy supersedes MP 0112/19 *Gifts, Benefits and Hospitality Policy* and Department of Health *Acceptance of Gifts Policy*.

2. Applicability

This policy is applicable to all WA health system entities, as defined in this policy.

3. Policy requirements

WA health system entities must:

- make available information to Department of Health employees and Health Service Provider staff members on the systems and processes they are required to use to declare the offer and declining of all gifts, benefits and hospitality offered
- outline to Department of Health employees and Health Service Provider staff members the risks associated with the acceptance of gifts, benefits and hospitality
- identify the authorised persons in the WA health system entity who will be required to make decisions regarding the decline or acceptance of gifts, benefits and hospitality
- record the authorised person's decision regarding the offer, including how the gift, benefit or hospitality was utilised, if accepted
- record all gifts, benefits and hospitality offered and the authorised person's decision using the System Manager Gift Declaration Registry database. The fields in the System Manager Gift Declaration Registry are designed to assist Department of Health employees and Health Service Provider staff members in declaring offers of gifts, benefits or hospitality and the authorised person in making the decision; the requirement for the use of the System Manager Gift Declaration Registry is effective from the date of publication of this Policy
- manage conflicts of interest identified from offers of gifts, benefits and hospitality according to the [MP 0138/20 Managing Conflicts of Interest Policy](#) and Department of Health *Managing Conflicts of Interest Policy*.

Department of Health employees and Health Service Provider staff members must:

- never solicit gifts, benefits or hospitality by virtue of their public role

- not allow their family members or associates to accept a gift, benefit or hospitality on their behalf
- declare all offers of gifts, benefits or hospitality in the System Manager Gift Declaration Registry
- never accept a gift, benefit or hospitality without the approval by the relevant authorised person
- never accept a gift, benefit or hospitality if they are responsible for a decision or likely to be responsible for a decision in relation to the person offering the gift
- never accept a gift or benefit from a commercial organisation without prior approval
- never accept hospitality from a commercial organisation, other than authorised sponsored hospitality in accordance with the [MP0047/17 Sponsorship Policy](#), without the approval by the relevant authorised person
- never accept 'unacceptable gifts' as defined by this Policy.

A breach of this mandatory policy by a Department of Health employee may constitute a breach of discipline and may be subject to the process prescribed by Part 5 of the *Public Sector Management Act 1994*. If the breach of discipline relates to a suspected act of misconduct it will be reported and managed appropriately.

A breach of this mandatory Policy by a Health Service Provider staff member may constitute a breach of discipline. Refer to the [MP 0127/20 Discipline Policy](#) which specifies breach of discipline process.

For Contracted Medical Practitioners a breach of this mandatory policy may constitute a dispute about professional conduct. Refer to [MP 0083/18 Disputes About the Professional Conduct of a Contracted Medical Practitioner Engaged Under a Medical Services Agreement Policy](#) which specifies this process.

A breach of this mandatory policy by a Health Service Provider staff member may constitute misconduct as defined in the [MP 0125/19 Notifiable and Reportable Conduct Policy](#) which specifies misconduct reporting processes.

4. Compliance monitoring

WA health system entities are responsible for complying with this Policy.

The Department of Health will provide reports to the Minister for Health when requested in any form that the Department CEO sees fit, regarding gifts, benefits and hospitality declarations of all WA health system entities, using information obtained from the System Manager Gift Declaration Registry.

In addition, System Wide Integrity Services may:

- request an attestation of compliance from each WA health system entity
- review data associated with gifts, benefits and hospitality for assurance purposes. Such a review of data will be undertaken in consultation with the applicable WA health system entities.

5. Related documents

The following documents are mandatory pursuant to this policy:

- N/A

6. Supporting information

The following information is not mandatory but informs and/or supports the implementation of this policy:

- [System Manager Gift Declaration Registry \(GDR\) User Guide](#)
- [Gifts, Benefits and Hospitality Information](#)
- [Public Sector Commission Guidance – Managing the risks of gifts, benefits and hospitality](#)
- [Public Sector Commission Guidance – Understanding conflicts of interest](#)
- [Western Australian Public Sector Code of Ethics](#)

7. Definitions

The following definitions are relevant to this Policy.

Term	Definition
Acceptance	The offer of the gift, benefit or hospitality is approved by the authorised person to be accepted.
Approved Sponsored Hospitality	Hospitality offered to and received by Department of Health employees or Health Service Provider staff members, authorised in accordance with the <i>Sponsorship Policy</i> MP0047/17 (applicable to Health Service Providers) and Department of Health <i>Sponsorship Policy</i> .
Authorised person	A Department of Health employee or Health Service Provider staff member authorised, by the Director General or Chief Executive of the WA health entity, to make decisions regarding gifts, benefits and hospitality offered to a Department of Health employee or Health Service Provider staff member as detailed in the relevant authorisations and delegations schedule.
Benefit	Intangible items which relate, to or result in, an advantage to a Department of Health employee or Health Service Provider staff member such as preferential treatment, privileged access or favours. Examples include, but are not limited to, items such as personal service, job offers, access to discounts and loyalty programs, access to confidential information, and invitations to sporting or other events. The value of benefits may be difficult to define in dollars, but as they are valued by the individual, they may be used to influence the individual's behaviour.

Breach of Discipline	<p>In accordance with section 161 of the <i>Health Services Act 2016</i> and section 80 of the <i>Public Sector Management Act 1994</i>:</p> <p>An employee commits a breach of discipline if the employee –</p> <ul style="list-style-type: none"> (a) disobeys or disregards a lawful order; or (b) contravenes – <ul style="list-style-type: none"> i) any provision of this Act applicable to that employee; or ii) any public sector standard or code of ethics; or iii) a policy framework; or (c) commits an act of misconduct; or (d) is negligent or careless in the performance of the employee’s functions; or (e) commits an act of victimisation within the meaning of the <i>Public Interest Disclosure Act 2003</i> section 15.
Bribe	<p>A gift or benefit offered or solicited by a Department of Health employee or Health Service Provider staff member to influence that person to act in a particular way and to induce the Department of Health employee or Health Service Provider staff member to act in a way that is contrary to the known rules of honesty and integrity.</p>
Commercial Organisation	<p>For the purposes of this Policy a commercial organisation is an organisation engaged in commerce, the interchange of goods, commodities or services, and capable of returning a profit.</p>
Conflict of Interest	<p>A situation arising from conflict between the performance of public duty and private or personal interests.</p> <p>Conflicts of interest may be actual, or be perceived to exist, or potentially exist at some time in the future.</p>
Corruption	<p>Corruption is defined by Australian Standard AS8001-2008 as: “<i>Dishonest activity in which a director, executive, manager, employee or contractor of an entity acts contrary to the interests of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity</i>”.</p> <p>Corruption is any conduct that is improper, immoral or fraudulent and may, under certain circumstances, include but are not limited to:</p> <ul style="list-style-type: none"> • serious conflicts of interest; • dishonestly using influence; • blackmail; • manipulation of a procurement process; • acceptance of gifts and hospitality; • acceptance of a bribe; • misuse of information systems, internet or email; and

	<ul style="list-style-type: none"> • unauthorised release of confidential, private information or intellectual property. <p>Corruption is a serious criminal offence, punishable by a term of imprisonment and is defined within Chapters XII and XIII of the <i>Criminal Code</i> of Western Australia.</p>
Department of Health Employee	In relation to the Department of Health and in accordance with section 3 of the <i>Public Sector Management Act 1994</i> , employee means a person employed in the Public Sector by or under an employing authority.
Gift	<p>A gift is anything of value offered or gifted (including prizes) to a Department of Health employee or Health Service Provider 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.</p> <p>Gifts are generally tangible. Examples include, but are not limited to, items such as consumer goods (such as mobile phones, laptop computers, artwork, jewellery, alcohol, consumables), items offered by a commercial organisation, discounts on goods and services and cash.</p>
Gift Declaration Registry	An electronic database to record all declarable gifts benefits and hospitality. It records the date an offer was made and by whom, the nature of the offer, its estimated value, the raising of any actual, potential or perceived conflicts of interest or reputational risks and how the offer was managed. For accepted offers, it details the business reason for acceptance and the officer approving the acceptance.
Health Service Provider Staff Member	<p>Staff Member of a Health Service Provider as defined by <i>Health Services Act 2016</i>, means:</p> <ol style="list-style-type: none"> an employee in the health service provider; a person engaged under a contract for services by the health service provider.
Hospitality	Items which relate to the entertaining of a Department of Health employee or Health Service Provider staff member by a member of the public, customer, client, applicant, supplier, potential supplier or external organisation and includes, but is not limited to meals, invitations to events, and catering of events by suppliers or external organisations.
Integrity	For the purpose of this Policy Integrity broadly refers to the expected standards of behaviour and actions of Department of Health employees or Health Service Provider staff members which reflect honesty, accountability, transparency, impartiality, and acting with care and diligence.

Misconduct	<p>In accordance with the <i>Corruption, Crime and Misconduct Act 2003</i> Section 4 Misconduct occurs if —</p> <p>(a) a public officer corruptly acts or corruptly fails to act in the performance of the functions of the public officer's office or employment; or</p> <p>(b) a public officer corruptly takes advantage of the public officer's office or employment as a public officer to obtain a benefit for himself or herself or for another person or to cause a detriment to any person; or</p> <p>(c) a public officer whilst acting or purporting to act in his or her official capacity, commits an offence punishable by 2 or more years' imprisonment; or</p> <p>(d) a public officer engages in conduct that —</p> <p>(i) adversely affects, or could adversely affect, directly or indirectly, the honest or impartial performance of the functions of a public authority or public officer whether or not the public officer was acting in their public officer capacity at the time of engaging in the conduct; or</p> <p>(ii) constitutes or involves the performance of his or her functions in a manner that is not honest or impartial; or</p> <p>(iii) constitutes or involves a breach of the trust placed in the public officer by reason of his or her office or employment as a public officer; or</p> <p>(iv) involves the misuse of information or material that the public officer has acquired in connection with his or her functions as a public officer, whether the misuse is for the benefit of the public officer or the benefit or detriment of another person,</p> <p>and constitutes or could constitute —</p> <p>(v) [deleted]</p> <ul style="list-style-type: none"> • a disciplinary offence providing reasonable grounds for the termination of a person's office or employment as a public service officer under the <i>Public Sector Management Act 1994</i> (whether or not the public officer to whom the allegation relates is a public service officer or is a person whose office or employment could be terminated on the grounds of such conduct).
Offered	An attempt to give a gift, benefit or hospitality that may be taken or refused prior to approval.
Received	For the purpose of the Gift Declaration Registry the date the gift was taken, not the date of the event or function.
Token Gifts	Gifts to a ward or team of a nominal value up to \$50 including, but not limited to, gifts of appreciation such as,

	<p>chocolates or flowers from a grateful patient or family. A token gift cannot be worth more than \$50 (including cumulative offers from the same source over a 12 month period) and would not reasonably be perceived within or outside the organisation as influencing an individual or raising an actual, potential or perceived conflict of interest. A gift from a commercial organisation regardless of value is not considered a token gift and cannot be accepted without prior approval.</p>
Unacceptable Gifts	<p>Any gift of money or of a nature easily converted to cash such as shares, a voucher and lotto tickets or similar is not to be accepted in any circumstance. Any gift capable of creating a perception that a public officer has accepted a bribe or benefit or gained an advantage.</p>
WA health system entities	<ul style="list-style-type: none"> All Health Service Providers as established by an order made under section 32(1)(b) of the <i>Health Services Act 2016</i> The Department of Health as an administrative division of the State of Western Australia pursuant to section 35 of the <i>Public Sector Management Act 1994</i>. <p>Note: Contracted health entities are not considered WA health system entities.</p>

8. Policy contact

Enquiries relating to this policy may be directed to:

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9. Document control

Version	Published date	Effective from	Review date	Amendment(s)
MP 0136/20	27 May 2020	27 May 2020	May 2023	Original version
MP 0136/20 v.1.1	6 August 2021	6 August 2021	May 2023	Minor amendments as detailed below.
<ul style="list-style-type: none"> Updated broken hyperlinks in Section 6: Supporting Information and Section 8: Policy contact. 				
MP 0136/20 v.1.2	11 July 2023	11 July 2023	May 2023	Minor amendment as below.
<ul style="list-style-type: none"> Amendment to the policy purpose to replace reference to section 20 (1)(b) of the Health Services Act 2016 with section 19 (1A) to reflect the recent amendments to Health Services Act 2016. 				
MP 0136/20 v.1.3	22 January 2024	22 January 2024	May 2023	Minor amendment as listed below.

- Supporting Information document: 'System Manager Gift Declaration Registry User Guide' page 3 updated with designated approver for policy consistency. Insertion of authorised approver for conflict of interest declarations related to Chief Executives of Health Service Providers on page 24.

10. Approval

Approval by	Nicole O'Keefe, Assistant Director General, Strategy and Governance Division Department of Health
Approval date	14 May 2020

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