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## Gifts, Benefits and Hospitality Declaration Procedure

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### 1. Purpose

This procedure applies to all WA Country Health Service (WACHS) staff and should be read in conjunction with the WA Health Mandatory Policy [Gifts, Benefits and Hospitality Policy](#) - MP 0136/20 (the Policy).

Gifts, benefits and hospitality may be offered to staff in connection to their employment for a number of reasons, including to express gratefulness for a 'well performed' service. However, sometimes a gift, benefit or hospitality may be offered to influence a staff member in making a decision, or to provide a favour which will advance the interests of the giver, either now or in the future.

There are risks associated with the acceptance of gifts, benefits and hospitality which can undermine public trust and confidence in WACHS by:

- creating potential, perceived or actual conflicts of interest
- influencing 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
- creating a culture of entitlement
- presenting opportunities with the potential to escalate into bribery, misconduct or corruption.

Even an offer of a gift, benefit or hospitality of modest value can be used to cultivate, over time, a relationship where a staff member may feel an obligation or loyalty to the giver.

The management of offered gifts, benefits and hospitality is therefore a critical part of good integrity governance. This procedure outlines the steps to be taken when gifts, benefits and hospitality are offered to WACHS staff members.

The Policy and this procedure only relates to a personal gift, benefit or hospitality offering and does not include donations made to WACHS. The treatment of donations should be made in accordance with Section 530 Receiving Donations of the [WA Health Financial Management Manual Index](#).

Any conflicts of interest identified during the management of gifts, benefits and hospitality must be treated in accordance with the WA Health [Managing Conflicts of Interest Policy](#) - MP0138/20 and the WACHS [Interest Register \(WiRe\) Business Rules Policy](#).

### 2. Procedure

#### 2.1 Declaring offered gifts, benefits and hospitality

If a staff member receives in connection to their employment, an offer of a [gift, benefit or hospitality](#), they should inform their direct line manager of the offer and ensure any gifts received are securely stored pending a decision on whether it may be accepted.

All offers of gifts, benefits and hospitality received by a staff member must be declared irrespective of whether a decision is later made for it to be accepted.

The exception to this is for “token gifts” of appreciation or gratitude, which if offered to a ward or team (not to an individual staff member) and is not valued at more than \$50, can be accepted without approval and does not need to be recorded. In considering whether to accept a token gift however, staff should still consider conflicts of interest and ensure the token gift does not meet the criteria of an unacceptable gift.

If in doubt, staff should err on the side of caution and discuss the situation with their direct line manager and/or declare the offer. In respect to offers of gifts, benefits and hospitality, line managers are expected to:

- promote expected standards of conduct and behaviour and regularly remind staff of their responsibilities
- provide assistance to staff who have queries in relation to the acceptance and provision of gifts, benefits and hospitality.

An offer of a gift, benefit or hospitality must be declared by the receiving staff member within five (5) days of receipt using the Department of Health (System Manager) [Gift Declaration Registry](#) (GDR). Step by step directions on the use of the GDR to declare, edit and approve an offer of a gift are provided within the [System Manager Gift Declaration Registry User Guide](#). It is important that all fields of the GDR declaration are completed and an appropriate [authorised approver](#) identified.

In determining whether to accept a gift, benefit or hospitality, staff must consider the intent of the offer as well as public perception.

In general, staff should never accept gifts, benefits or hospitality if:

- they are responsible for a decision or likely to be in the future, in relation to the person or organisation offering the gift
- it is offered by an organisation that has an actual or potential relationship with WACHS or the System Manager
- if it is an unacceptable gift as defined at [section 7](#).

To help determine whether a gift, benefit or hospitality may be accepted, staff should refer to the WA Health [Gifts, Benefits and Hospitality Information](#), as well as further guidance provided at [Appendix B](#) on some commonly encountered situations.

## 2.2 Approval process

In accordance with the [WACHS Authorisations Schedule](#), nominated Tier 4 positions have authority to approve the acceptance of a gift, benefit or hospitality. Acceptance of a gift offered to a Tier 4 or above is to be approved by their line manager.

The authorised approver must consider the declaration as soon as practicable and make a decision on whether the gift, benefit or hospitality should be accepted.

Some items for consideration in determining if it is appropriate for a gift to be accepted include:

- G** - Giver, who are they and what are their possible motivations for offering the gift?
- I** - Influence, are they seeking to influence decisions or actions?
- F** - Favour, are they seeking favour in return for the gift?
- T** - Trust, could the acceptance of the gift diminish the public trust?

If advice is required by the authorised approver, it can be obtained from WACHS Integrity Unit.

Once a decision is made by the authorised approver, it should be recorded in the GDR. The staff member declaring the offer must comply with the decision, including actions within that decision as soon as practicable.

Dealing with the offer of gifts, benefits or hospitality is rarely straightforward and it is acknowledged that on some occasions, refusal may offend. It is best practice when possible for the staff member who received the offer to advise the person or company offering the gift of any decision to decline the gift, benefit or hospitality using the standard template letter (see [Appendix A](#)). If the template letter is used, this can be uploaded as an attachment to the GDR declaration.

Further guidance on the declaration of gifts, benefits and hospitality can be found in the System Manager [Gifts, Benefits and Hospitality Supporting Information](#) resource and at [Appendix B](#).

### 2.3 Breaches of the Policy

Where a potential breach of the Policy is identified, the matter should be referred to the IU for further assessment and action as appropriate.

A breach of the Policy by a WACHS employee may constitute a suspected breach of discipline, to be considered in accordance with the WA health system [Discipline Policy \(MP 0127/20\)](#) and WACHS [Discipline Guide](#).

For Contracted Medical Practitioners, a breach of the Policy may constitute a dispute about professional conduct, to be considered in accordance with the WA health system [Disputes About the Professional Conduct of a Contracted Medical Practitioner Engaged Under a Medical Services Agreement Policy \(MP 0083/18\)](#).

## 3. Roles and Responsibilities

### 3.1 Staff offered a gift, benefit or hospitality

All staff who are offered a gift, benefit or hospitality are to declare them in accordance with the requirements of this procedure and comply with decisions made by the authorised approver.

### 3.2 Authorised approvers

Authorised approvers are to consider gift declarations in accordance with the requirements of this procedure and determine whether the gift, benefit or hospitality should be accepted.

### 3.3 WACHS Integrity Unit

The WACHS Integrity Unit (IU) provides advice to any staff member requiring support to declare or approve offers of a gift, benefit or hospitality.

The IU as content expert provides advice to the Executive Director People, Capability and Culture or their delegate in respect to GDR declarations, or through reporting to the WACHS Board Audit and Risk Committee.

A report of all declarations registered in the GDR is generated and provided to the WACHS Board Audit and Risk Committee on a quarterly basis; this includes an overview of gifts, benefits and hospitality declared within WACHS.

### 3.4 Executive Director People, Capability and Culture

The Executive Director People, Capability and Culture has overall responsibility for governance of all declarations made by WACHS staff in the GDR.

The position, or their delegate is also responsible for monitoring, compliance reporting, analysis of information and mechanisms to support transparency and review activities.

## 4. Monitoring and Evaluation

### 4.1 Monitoring

Regular and ad-hoc review of declarations made by WACHS staff in the GDR are conducted by Executive Director People, Capability and Culture, or their delegate.

WACHS may be required to provide an attestation for complying with the Policy to the System Manager.

### 4.2 Evaluation

This procedure is to be reviewed by the Director WACHS Integrity Unit every three years or sooner if required.

## 5. Compliance

This procedure is a mandatory requirement of the WA Health Mandatory Policy [Gifts, Benefits and Hospitality Policy](#) - MP 0136/20.

Failure to comply with this procedure may constitute a breach of the WA Health Code of Conduct (Code). The Code is part of the [Integrity Policy Framework](#) issued pursuant to Section 26 of the [Health Services Act 2016](#) and is binding on all WACHS staff which for this purpose includes trainees, students, volunteers, researchers, contractors for service (including all visiting health professionals and agency staff) and persons delivering training or education within WACHS.

WACHS staff are reminded that compliance with all policies and procedures is mandatory.

## 6. References

Nil.

## 7. Definitions

Some key definitions from the Policy are listed below for reference:

Term	Definition
<b>Gift</b>	Anything of value offered or gifted (including prizes) to a WACHS 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. 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.
<b>Benefit</b>	Intangible items which relate, to or result in, an advantage to a WACHS 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.
<b>Hospitality</b>	Items which relate to the entertaining of a WACHS 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.
<b>Token Gift</b>	Gifts to a ward 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 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.
<b>Unacceptable Gift</b>	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.
<b>Authorised approver</b>	The officer with authority to approve the acceptance of a gifts, benefits and hospitality. Refer to <a href="#">WACHS Authorisations Schedule</a> .

## 8. Document Summary

<b>Coverage</b>	WACHS wide
<b>Audience</b>	All Staff
<b>Records Management</b>	<a href="#">Records Management Policy</a>
<b>Related Legislation</b>	<a href="#">Health Services Act 2016</a>
<b>Related Mandatory Policies / Frameworks</b>	<a href="#">Code of Conduct Policy - MP 0124/19</a> <a href="#">Discipline Policy – MP 012720</a> <a href="#">Disputes about the professional conduct of a Contracted Medical Practitioner engaged under a Medical Services Agreement Policy - MP 0083/18</a> <a href="#">Gifts Benefits and Hospitality Policy - MP 0136/20</a> <a href="#">Managing Conflicts of Interest Policy – MP 0138/20</a> <a href="#">Sponsorship Policy – MP 0047/17</a> <a href="#">WA Health Staff Air Travel Policy – MP 0017/16</a> <a href="#">Integrity Policy Framework</a>
<b>Related WACHS Policy Documents</b>	<a href="#">Discipline Guide</a> <a href="#">Interest Register (WIRe) Business Rules Policy</a>
<b>Other Related Documents</b>	<a href="#">WA Health System Manager Gift Declaration Registry (GDR) User Guide</a> <a href="#">WA Health Gifts, Benefits and Hospitality Supporting Information</a>
<b>Related Forms</b>	<a href="#">Gift Declaration Registry</a>
<b>Related Training Packages</b>	<a href="#">Accountable and Ethical Decision Making WA (AEDM)</a> <a href="#">Accountable and Ethical Decision Making Refresher (90001 EL1) 2023 Accountable and Ethical Decision Making Refresher (90001 EL1)</a>
<b>Aboriginal Health Impact Statement Declaration (ISD)</b>	ISD Record ID: 2047
<b>National Safety and Quality Health Service (NSQHS) Standards</b>	1.1
<b>Aged Care Quality Standards</b>	Nil
<b>National Standards for Mental Health Services</b>	Nil



## 9. Document Control

Version	Published date	Current from	Summary of changes
3.00	03 December 2020	03 December 2020	
4.00	5 April 2023	5 April 2023	<ul style="list-style-type: none"> <li>Expanded background information on importance and rationale.</li> <li>Addition of key definitions from the system wide policy.</li> <li>More information on the role and responsibilities of staff.</li> <li>Guidance information to support understanding and decision making.</li> </ul>
4.01	12 April 2023	12 April 2023	<ul style="list-style-type: none"> <li>Corrected error first paragraph on page 4 that incorrectly referred to the EDBS instead of EDPCC.</li> </ul>

## 10. Approval

<b>Policy Owner</b>	Executive Director People Capability and Culture
<b>Co-approver</b>	Executive Director Business Services/ Finance (CFO)
<b>Contact</b>	Director Integrity
<b>Business Unit</b>	Integrity
<b>EDRMS #</b>	ED-CO-14-56464
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**This document can be made available in alternative formats on request.**

## Appendix A: TEMPLATE LETTER – Declining a Gift, Benefit or Hospitality (to be placed on WACHS Central Office Letterhead)

Your Ref :           Leave blank if none  
Our Ref :            TRIM Reference  
Enquiries to :       Name of contact and telephone number

Name  
Company Name  
Address  
Address

Dear <Title, Last Name>

Thank you for your offer of the following gift, benefit or hospitality (delete as appropriate):

### **Description of gift, benefit or hospitality**

#### **< Choose one of the following statements – Statement 1 >**

Unfortunately, I am unable to personally accept your gift as it contravenes our gift policy / is a conflict of interest or may be perceived as a conflict of interest.

I wish to thank you for your generosity however, it is gratefully acknowledged.

#### **< Choose one of the following statements – Statement 2 >**

Unfortunately, the WA Country Health Service is not able to accept this gift as it contravenes our gift policy / is a conflict of interest or may be perceived as a conflict of interest.

Thank you for your generosity and the thoughtful intention to acknowledging our services and support.

Yours sincerely

Name  
**TITLE**  
< Insert date >

Copy of letter declining the gift is to be uploaded onto the System Manager GDR



## Appendix B: GUIDANCE

### Gifts of Appreciation

Gifts of appreciation received by a ward, group or team (e.g. chocolates or flowers) valued up to \$50 are considered “token gifts” and do not need to be declared.

If the gift of appreciation is received by an individual, from a commercial organisation, or valued over \$50, it cannot be considered a token gift and must be declared for consideration of acceptance.

### Gifts from a Commercial Organisation

Gifts from a commercial organisation need to be approached with caution and can only be accepted with prior approval. Whilst certain gifts may be considered acceptable, consideration must be given to potential conflicts of interest, commercial relationships with WACHS (current or potential).

### Gift Giving Between Staff

Whilst the Policy advises that gifts offered between staff may need to be recorded on the GDR, the following situations do not need to be declared:

- Staff collection to celebrate a significant milestone for another staff member (e.g. birthday or wedding). A gift received by a staff member in these circumstances is from a group and not an individual, so it doesn't need to be declared providing that each staff member voluntary contribution is less than \$50.
- Staff receiving gifts from supervisors or managers (e.g. at Christmas or for a morning tea) so long as a gift is given to all staff and the value of each gift is under \$50.

A gift received by a manager or supervisor from a staff member is to be declared, regardless of the value of the gift because that staff member may be responsible for decisions relating to the gift giver.

### Cumulative Gifts

Regular offers of gifts, benefits or hospitality by a particular individual or organisation are considered to be a cumulative gift. Alone they may be considered token gifts, however the cumulative value and the frequency by which they are being offered (over a 12-month period) may render them unable to be considered as a token gift or unable to be accepted.

### Gifts of Hospitality

Staff cannot accept hospitality that may give rise to a perceived conflict of interest in relation to negative public perception and questionable integrity. Examples include:

- restaurant meals, invitations to corporate boxes or marquees
- invitations to lunches, dinners or to other events to ‘celebrate achievements’ or say ‘thanks’ for a job well done which may be an attempt to build an ongoing relationship
- invitations to functions held in private homes and invitations which extend to family members, relations, friends and associates.

Low risk hospitality which may be accepted by staff includes:

- light refreshments or a modest meal where the hospitality is incidental to the meeting, conference, networking event or official work-related functions
- low value hospitality provided by the host of an event or function for the purposes of learning and sharing knowledge
- occasional light working meal where the hospitality is incidental and low value such as sandwiches, fruit and non-alcoholic beverages.

Hospitality by way of travel and accommodation to attend a convention, conference where the staff member is attending in an official capacity and has appropriate approval to do so does not need to be declared.

### **Benefits**

The following types of benefits gained when undertaking official business cannot be used for private purposes:

- corporate discounts including hotel discounts or special accommodation rates, discounted meals at restaurants and cafes and membership to clubs
- loyalty, rewards and points schemes including any type of frequent flyer points, shopping points or rewards programs points. For example using a WACHS purchasing card and accruing shopping points, rewards, dockets or discounted petrol.

### **Promotional Items / Free Samples**

At trade expos or professional association events there are often free samples available that suppliers use to promote their products in an open and transparent environment. The samples are often small office or business accessories (e.g. pens, calendars, folders) that are usually mass produced and not given as a personal gift. In such circumstances, the promotional item or free sample is not considered a gift and an employee can collect and retain the item.