



GIFTS, BENEFITS, BRIBES AND HOSPITALITY

BACKGROUND

This factsheet is designed to provide guidance to Justice and Community Safety Directorate (JACS) employees on the areas of gifts, benefits, bribery and hospitality. It sets out the procedures that employees should follow in deciding whether to accept a gift or benefit, procedures for presenting a gift on behalf of JACS and guidance on what to do if offered a bribe and the approval process for providing hospitality.

This factsheet should be read in conjunction with the [Director-General's Financial Instruction 2.5 Official Hospitality, Gifts and Benefits](#).

All JACS employees must ensure that they also read and comply with the [ACT Government Gifts, Benefits and Hospitality Policy](#), issued by the Head of Service under the *Public Sector Management Act 1994*.

WHAT IF I AM OFFERED A GIFT OR BENEFIT?

Public sector employees and their family members should generally not accept or provide gifts, benefits or offers of hospitality, if in doing so they give the appearance of a conflict of interest.

There are some occasions where it may not be possible to refuse an offer of a gift or benefit, or there may be legitimate reasons (outweighing the risk) as to why it should be accepted. Such a situation is most likely to arise when an offer of a gift or benefit is made to JACS as an expression of thanks and of nominal value, such as flowers, chocolates, cake or a plaque.

Where the gift or benefit is from a JACS customer or supplier, the employee may, subject to agreement, accept the benefit. The employee must share the benefit with all other employees within the work area. For example, display flowers on the front counter or break out room, and make food available to all interested employees in the kitchen or break out room.

When accepting a gift or benefit of any value, the employee should complete the Declaration of Gifts, Benefits, Bribes and Official Gift Presentation Form and obtain approval from the Business Unit/Corporate Heads if the value of the gift is less than \$40 or to the [Senior Executive Responsible for Business Integrity Risk \(SERBIR\)](#) if the value of the gift is over \$40. The completed form must be provided to the Governance, Library, Coordination and Reporting Section.

In all other cases, when an offer of a benefit is made to an employee, and they consider that the offer cannot be refused or there are business reasons for the acceptance, they must, where practicable, obtain prior written approval using the Declaration of Gifts, Benefits, Bribes and Official Gift Presentation Form.

Where prior approval is not practicable, the employee must advise their Executive Director/Business Unit Head in writing that they have accepted a gift or benefit within 14 days of their return to the workplace. A Declaration of Gifts, Benefits, Bribes and Official Gift Presentation Form will also need to be completed and forwarded to the [SERBIR](#).



If in doubt about whether you can or cannot accept a gift, benefit or hospitality, please contact the [Governance, Library, Coordination and Reporting Unit \(GCLR\)](#).

WHAT IF I AM OFFERED A BRIBE?

If an employee believes that they have been offered a bribe, they must:

- refuse the bribe
- make notes immediately after the approach has been made, setting out as clearly as possible what occurred, including:
 - date, time and place of incident
 - to whom the offer was made
 - who offered the possible bribe
 - the response to the offer
 - any other relevant details of the offer
 - sign and date the notes.

In all cases of potential bribery, the employee must complete a Declaration of Gifts, Benefits, Bribes and Official Gift Presentation Form. This form must be sent to the appropriate Executive Director/Business Unit Head for review, then to the [SERBIR](#).

The notes should be forwarded via the employee's Executive Director/Business Unit Head to the [SERBIR](#) for consideration.

The informant should keep a copy of the notes for their own records.

The Executive Director/Business Unit Head or the SERBIR will:

- decide whether to investigate the matter, or
- refer the matter to the Australian Federal Police.

GIVING OF OFFICIAL GIFTS

The decision to spend public money on an official gift must be defensible. For example it must represent an efficient, effective and ethical use of public money as required under the *Financial Management Act 1996*.

It is recognised that the presentation of gifts, in the course of official duties, is a traditional custom in many countries and, on occasion, staff may be expected to give gifts and this custom should be respected.

With Executive Director/Business Unit Head or SERBIR approval, this may include a memorial gift such as flowers to a longstanding ACT Government employee whose family member is recently deceased. This decision is discretionary and will be undertaken on a case by case basis.



CONSIDERATIONS WHEN GIVING OFFICIAL GIFTS

When a gift is given, consideration must be given as to the appropriateness of the gift. An inappropriate item, such as alcohol or lottery tickets, must not be given as a gift. JACS officials must not give cash or any other form of money as an official gift. Giving a donation to charity in lieu of flowers as a memorial gift must be approved by the Executive Director/Business Unit Head or the SERBIR. The gift should as much as possible be closely related to the ACT and produced locally.

When providing the gift, the official should make it clear that the gift is not a personal gift from the official, but is presented on behalf of JACS or the ACT Government.

Expenditure on minor gifts of a protocol or public relations nature is acceptable when the presentation is to further the aims of JACS.

JACS officials must not give a gift when the gift could be interpreted as an attempt to improperly influence a person, organisation or group.

Employees must complete a Declaration of Gifts, Benefits, Bribes and Official Gift Presentation Form and have it approved by the Executive Director/Business Unit Head or SERBIR before making the purchase of the official gift.

Expenditure on any single gift must not exceed \$300.00.

DELEGATIONS

Delegates approving the purchase of any gifts or hospitality are reminded to be mindful of their obligations under the *Financial Management Act 1996* and JACS Director-General's Financial Instruction 2.5 – Official Hospitality, Gifts and Benefits.

To check your delegations, go to the [JACS Delegations page](#). This page has a list of delegations which can be filtered by different methods.

PROVIDING HOSPITALITY

When using JACS or other ACT Government facilities (either for free or when hiring) organisers of all functions and events must comply with the following requirements of appropriate use by ensuring that:

- any hospitality is provided for a business purpose that furthers the conduct of official business or other legitimate directorate goals; or promotes and supports government policy and objectives
- any costs are proportionate to the benefits obtained for JACS and would be considered reasonable in terms of community expectations
- when hospitality is provided, individuals demonstrate professionalism in their conduct, and uphold their obligation to extend a duty of care to all participants.

Any catering provided or purchased by the directorate, including at ACT Government facilities and external venues, conferences, meetings, functions, educational sessions and fundraising activities must also comply with the [ACT Public Sector Healthy Food and Drink Choices Policy](#).

Executive Directors/Business Unit Heads may approve the purchase of hospitality up to \$5,000.



The Director-General or his/her delegate can approve any entertainment and hospitality where alcohol is provided or where it is proposed to provide food that does not comply with the ACT Public Sector Healthy Food and Drink Choices Policy.

An Entertainment and Hospitality Approval/Declaration for Fringe Benefits Tax Form must be completed when proposing to provide hospitality at an official function (including and excluding alcohol) or an employee function (training course, seminars, awards ceremonies, workshops, planning days and conferences). If the function includes the service of alcohol and/or food that does not comply with the Healthy Food and Drink Choices Policy, it must also be accompanied by a Director-General Exemption Form, available through the attachment at the end of the Healthy Food and Drink Choices Policy. The authorised form needs to include relevant attachments (i.e. quotes, list of attendees etc). A copy of the authorised form **must** be attached to the invoice and provided to: SharedServicesFinanceAccountsPayable@act.gov.au for payment and to PinkTeam.SharedServicesFinance@act.gov.au to enable correct calculation of any fringe benefit liability for the directorate.

GIFTS REGISTER

The directorate is required to record information relating to the receiving and giving of gifts and/or benefits and the offer of bribes. This information is recorded in the Directorate Gifts Register and is administered by the Governance, Coordination and Reporting

ROLES AND RESPONSIBILITIES

Role	Responsibilities
Director-General	<ul style="list-style-type: none">• Approval for the purchase of alcohol at a function or event.• Approval for the purchase of food that does not comply with the ACT Public Sector Healthy Food and Drink Choices Policy.
Business Unit Heads	<ul style="list-style-type: none">• Approval for the receipt or provision of gifts up to the value of \$40.• Approval for the purchase of alcohol at a function or event (if delegation held).• Approval for the purchase of food that does not comply with the ACT Public Sector Healthy Food and Drink Choices Policy (if delegation held).• Ensure that their staff are aware of the ACT Government Gifts, Benefits and Hospitality Policy, Director-General's Financial Instruction 2.5 Official Hospitality, Gifts and Benefits, ACT Public Sector Healthy Food and Drink Choices Policy and this factsheet.• Ensure that all activities and decisions are carried out in accordance with the ACT Government Gifts, Benefits and Hospitality Policy, Director-General's Financial Instruction 2.5 Official Hospitality, Gifts and Benefits, ACT Public Sector Healthy Food and Drink Choices Policy and this factsheet.



Role	Responsibilities
	<ul style="list-style-type: none">• Forward all completed Declaration of Gift, Benefits, Bribes and Official Gift Presentation form to the SERBIR in a timely manner.
Governance, Library, Coordination and Reporting Unit	<ul style="list-style-type: none">• Management of the Gift Register and all associated reporting including Annual Report.• Provide advice and assistance when required.
SERBIR	<ul style="list-style-type: none">• Approval for the receipt of gifts that are over the value of \$40 or more.• Approval for the purchasing and provision of gifts that are over the value of \$40, but not exceeding \$300.• Ensure that all activities and decisions are carried out in accordance with the ACT Government Gifts, Benefits and Hospitality Policy, Director-General's Financial Instruction 2.5 Official Hospitality, Gifts and Benefits, ACT Public Sector Healthy Food and Drink Choices Policy and this factsheet.• In regards to bribes, the SERBIR will:<ul style="list-style-type: none">○ decide whether to investigate the matter, or○ refer the matter to the Australian Federal Police.
All JACS Employees	<ul style="list-style-type: none">• Ensure compliance with the ACT Government Gifts, Benefits and Hospitality Policy, Director-General's Financial Instruction 2.5 Official Hospitality, Gifts and Benefits, ACT Public Sector Healthy Food and Drink Choices Policy and this factsheet.• Ensure all gifts, benefits and bribes are reported.

NON-COMPLIANCE WITH THE ACT GOVERNMENT POLICY

JACS employees are engaged under the *Public Sector Management Act 1994* and must ensure to comply with the instructions in this factsheet and the whole of government policy. Failure to comply with either may result in one or more of the following:

- disciplinary action
- dismissal
- criminal prosecution.

ENQUIRIES

If you are uncertain about whether you can or cannot accept a gift, please discuss the matter with your Executive Director/Business Unit Head or contact:

Governance, Coordination and Reporting
Email: JACSGCR@act.gov.au or Phone: 6207 9033