



GIFTS AND HOSPITALITY POLICY

CHIEF MINISTER, TREASURY
AND ECONOMIC DEVELOPMENT
DIRECTORATE

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GIFTS AND HOSPITALITY POLICY

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GIFTS AND HOSPITALITY POLICY

Contents

DOCUMENT CONTROL.....	2
1. INTRODUCTION	5
1.1 Purpose.....	5
1.2 Scope	5
1.3 Related Documents	5
1.4 Definitions/Glossary	6
2. POLICY	6
2.1 Non-Compliance	7
2.2 Online Gift and Hospitality Register	7
2.3 Receiving Gifts and Benefits.....	8
2.3.1 What constitutes a gift or benefit?	8
2.3.2 When can gifts be accepted?	9
2.3.4 Appeal of decision regarding acceptance or retainment	13
2.3.5 Gifts Retained by the Directorate	13
2.4 Provision of Gifts or Benefits.....	13
2.4.1 Giving of gifts to other agencies, organisations, individuals or employees	13
2.4.2 Gifts for ACT Public Servants.....	14
2.5 Staff Attendance at Hospitality and Events	15
2.5.1 What constitutes hospitality?	15
2.5.2 Receipt of hospitality and event attendance by employees outside of the Directorate.....	15
2.6 Provision of Hospitality and Events.....	17
2.6.1 Provision of hospitality by the Directorate	17
2.6.2 Use of Government Facilities for Hospitality and Events	19
2.6.3 Approvals for Organising Hospitality and Events	20
2.7 Alcohol.....	21
2.8 Sponsorship/Funding/Grants	21
2.8.1 External Sponsorship of CMTEDD Activities	21

GIFTS AND HOSPITALITY POLICY

2.8.2 Benefits received through Directorate Sponsorship, Funding and/or Grants activities22

2.9 Corrupt Behaviour and Breaches of this Policy..... 22

2.9.1 Bribery 22

2.9.2 Reporting Corrupt Behaviour 22

2.9.3 Reporting Breaches of this Policy and Other Inappropriate Behaviour 23

APPENDIX A: DECISION DELEGATIONS24

APPENDIX B: ALCOHOL DELEGATIONS.....26

GIFTS AND HOSPITALITY POLICY

1. INTRODUCTION

1.1 Purpose

The purpose of this Policy is to articulate the correct procedures relating to the receipt of or the provision of gifts, benefits or hospitality. The CMTEDD Gifts and Hospitality Policy clarifies the Directorate's position and provides guidance for all of its employees, contractors and public officials either as a recipient or as a provider of gifts; benefits; or hospitality in the form of event attendance or event organisation.

1.2 Scope

This policy applies to all staff employed by the Chief Minister, Treasury and Economic Development Directorate, ACT Insurance Authority (ACTIA), and to other persons engaged to represent the Directorate.

This document should be read in conjunction with the *Public Sector Management Act 1994*, ACT Public Service Code of Conduct, ACT Public Service Code of Ethics, ACTPS Integrity Policy, Director-General Financial Delegations, and the [ACT Public Sector Healthy Food and Drink Choices Policy](#).

1.3 Related Documents

Other authorities which need to be considered in the context of these guidelines are:

- ACTPS Code of Conduct
- ACTPS Healthy Food and Drink Choices Policy
- ACTPS Integrity Policy
- Criminal Code 2002
- CMTEDD Conflict of Interest Policy
- CMTEDD Director-General Instructions
- Financial Management Act 1996
- Fringe Benefits Tax Assessment Act 1986 (Cth)
- Public Interest Disclosure Act 1994
- Public Sector Management Act 1994
- Public Sector Management Standards 2006
- Public Sector Management Standards 2016

GIFTS AND HOSPITALITY POLICY

1.4 Definitions/Glossary

Term	Definition
Benefit	Any preferential treatment, privileged access, favours or other advantage offered.
Bribe	Money or other inducements given or promised to employees to corruptly influence the performance of their roles.
Conflict of Interest	When an employee's private interests improperly influence the performance of the employee's official duties and responsibilities.
Event	This includes conferences, workshops, functions, and social, cultural or sporting events. This does not include instances where the Directorate pays the going rate for the employee to attend the event, for example paying the 'early bird' rate for an employee to attend a conference.
Gift	Any good or service of value or personal benefit that is over and above the employee's entitlements, including in the form of free or highly discounted goods or services. It is transferred voluntarily and without compensation.
Hospitality	Food and drink either free or highly discounted, to be consumed at the time it is provided. Where food or drink is provided for an employee to take away to consume later it should be treated as a gift (e.g. a bottle of wine, box of chocolates or box of fruit).
Sponsorship	Support for an event, program, organisation or individual in return for the right to use that event, program, organisation or individual to promote corporate image, name, services or products. Sponsorship can take the form of cash or in-kind support.

2.POLICY

Working in the public service carries special obligations because we make important decisions that impact on all aspects of community life. The public has a right to expect that the ACT Public Service operates fairly, impartially and efficiently. The public must be able to trust and have confidence in the integrity of the public service decision-making process.

Staff should not expect to receive anything extra above their normal remuneration in the execution of their duties. Staff must not seek or accept any payment, gift, benefit or hospitality intended to, or likely to influence, or could reasonably be perceived by an impartial observer as intended to influence staff to:

- act in a particular way;
- fail to act in a particular way or circumstance; or
- otherwise deviate from the proper exercise of official duties.

GIFTS AND HOSPITALITY POLICY

2.1 Non-Compliance

Non-compliance with this policy is taken as a serious matter and could constitute a failure to comply with the obligations and standard of conduct expected of a public service employee, set out in the [Public Sector Management Act 1994](#) and the [Public Sector Management Standards 2016](#).

Non-compliance may result in formal or informal disciplinary action. In the case of a contractor breaching this policy, immediate cessation of contract services may result.

Non-compliance may also constitute fraud or corruption against the ACT Government and where suspected theft or criminal actions occur, the matter will be referred to the Australian Federal Police.

2.2 Online Gift and Hospitality Register

The Directorate is required to maintain a register of all gifts and benefits received and given by to directorate staff. The [CMTEDD Gift and Hospitality Register](#) (the Register) is an online workflow tool that is used to manage the receipt of a gift, the provision of a gift, organisation of a function where hospitality is provided, to record attendance at an event and to obtain the relevant approvals.

Gifts with an estimated value under \$40 do not have to be notified, except where:

- it is a cash gift; or
- there is a potential conflict of interest; or
- the recipient has received multiple gifts from the same person/organisation over a period of 12 months; or
- it was explicitly a gift to the Directorate not the individual; or
- there is some question as to the value of the gift.

Use of the Register is mandatory for all staff covered by this policy. Failure to register gifts and hospitality, or to accurately record gifts and hospitality may result in disciplinary or another administrative action under the employment framework. Items should be registered in the register within 14 days of the date of receipt/event as possible, and with enough time for the delegate to approve events being organised.

Entries in the register are checked by Corporate regularly for compliance issues. When an issue is found, the staff member and delegate will be contacted to explain or rectify the issue. Failure to rectify an identified compliance issues will be reported to the Senior Executive Responsible for Business Integrity and Risk (SERBIR).

GIFTS AND HOSPITALITY POLICY

2.3 Receiving Gifts and Benefits

A gift offered to an employee that is related in any way to the performance of official duties has the potential to damage the employee's reputation and affect the public's trust in CMTEDD's independence and integrity. As a basic premise you should not accept gifts offered to you due to your work.

You should **never**:

- accept gifts of money or items easily transferrable into cash (for example, lottery tickets or gift cards); or
- accept gifts from a person or organisation involved in a tender process or subject to a decision-making process in which you are personally involved (including recruitment processes); or
- solicit personal gifts or benefits.

2.3.1 What constitutes a gift or benefit?

A gift or benefit is any good or service of value or personal benefit that is over and above employment or engagement entitlements, in the form of free or highly discounted goods or services. A gift is also considered to be any property that is transferred voluntarily and without compensation. A gift or benefit may include, but is not limited to, the following:

- prizes, including lucky door prizes;
- promotional materials, including clothing, books, CDs;
- bottles of wine, manufacturers' samples or personal items;
- benefits under loyalty schemes;
- discounts on commercial items;
- tickets to entertainment such as sporting or theatre events, where function does not directly relate to recipient's work and the recipient's attendance would not directly benefit the Directorate (invitations to events related to the recipient's work are covered under Hospitality and Events);
- invitations to participate in golf days;
- equipment or facilities, including laptops, cameras;
- free or discounted places on training and development courses (other than contra-deals; associated with the presentation of papers, membership arrangements etc);
- fees to individuals for presentations, training or facilitation;
- offers of cash or shares;
- preferential treatment;
- job promotion;
- access to confidential information;
- accommodation and hire car discounts;
- sponsored travel; and
- invitations to hosted events and provision of meals or other hospitality ([refer to Section 2.2](#)).

GIFTS AND HOSPITALITY POLICY

Generally, gifts of low value from colleagues to celebrate a special occasion such as a birthday, baby shower, Christmas or retirement are not covered by this policy, however thought needs to be given to the motivation for providing the gift and if there are any apparent conflicts of interest.

2.3.2 When can gifts be accepted?

In accordance with the [Whole of Government Gifts, Benefits and Hospitality Policy](#), gifts or benefits should generally not be accepted. You may accept gifts where:

- it is of minimal value (\$40 or less) and offered as a thank you for something you have already done, such as been a presenter at a conference or a participant in a course and does not create an actual or perceived conflict of interest; or
- it is not possible to politely decline the gift without causing embarrassment, for example gifts offered by visiting delegations of foreign officials; or
- approval has been sought and received in advance of the gift being offered, for example a gift provided at a function recognising service previously provided; or
- certain hospitality/event invitations ([see Section 2.5](#)).

Entering Competitions

Competitions, should not be entered while engaging in official duties, however where all participants at an event are automatically entered, you may accept, provided it does not involve a conflict of interest or create a perception that you will be unduly influenced. The prize will need to be entered on the Gifts and Hospitality Register, via completion of the digital form, and a decision made about what should happen to the prize such as donation to a charity.

Registering the Receipt of a Gift

All gifts and benefits accepted that are valued over \$40 must be entered via the online “[Gift and Hospitality Register](#)” (the Register). The person registering the gift can suggest what happens to the gift. Options on the register include:

- Return the gift to the person or organisation that gave the gift.
- Retain the gift.
- Donate the gift to charity.
- The gift can be donated to a gallery or museum.
- The gift was cash that was impossible not to accept – the gift must be provided to CMTEDD Strategic Finance to be banked.
- The gift is to be destroyed (e.g. lottery tickets).
- The gift is of cultural significance and will be made the property of the Territory for storage and display purposes.
- Other.

The Decision Maker must determine what is to happen to the gift or benefit. A list of Decision Makers can be found at [Appendix A](#).

GIFTS AND HOSPITALITY POLICY

Receipt of a cash gift

In extraordinary circumstances when receiving international delegations, cultural sensitivity may result in the acceptance by CMTEDD of a cash gift given in accordance with normal business etiquette of another country. Where such a receipt of money as a gift is unavoidable, the recipient must report the gift and the circumstances regardless of value. The cash must **not** be retained by the recipient but receipted and banked by the Strategic Finance team. Gift cards should also be treated as if they were a cash gift.

Repeated offers of gifts from a single source

It is also important to be conscious of repeated offers of gifts from a single source. The cumulative value of gifts over a year may be quite high, and repeated acceptance by an employee or others engaged to represent the Directorate may become an expectation, compromising the individual and CMTEDD. Where there is a pattern emerging of repeated small gifts from the one organisation or individual, this should be reported to the relevant Decision Maker, who may wish to discuss it with the SERBIR.

Gifts or benefits given to family members

In some circumstances gifts or benefits received by family members of an employee can be perceived as an attempt to influence a public employee. Employees must take all reasonable steps to ensure that immediate family members are not the recipients of gifts and benefits that could be perceived as an attempt to influence the behaviour of a Directorate employee.

Once an employee is aware that an attempt has been made to influence them through a family member in this way, they should immediately bring it to the attention of their manager and the SERBIR.

Security

Where a gift is received that the recipient is concerned may be in some way harmful to themselves or the Directorate, they should immediately follow any existing relevant policies, for example white powder, in consultation with the Building Warden and the Agency Security Advisor.

Where there is a general security concern in relation to a gift (e.g. gift of electronic device) the recipient should contact the [Agency Security Advisor](#) as soon as possible to discuss the matter.

Any actions taken in relation to this section should be done as soon as possible, regardless of whether the Decision Maker has made a decision.

GIFTS AND HOSPITALITY POLICY

2.3.3 Approval to accept/retain - Assessment process and criteria

Decision makers will receive a notification from the Register once they have been assigned as a delegate for an entry in the Register. Following notification, the Decision Maker will assess it against the **GIFT** test¹ provided below and determine what action should be taken.

Giver	Who is providing the gift, benefit or hospitality and what is their relationship to the recipient/agency? Does the recipient's role require them to select contractors, award grants, regulate industries or determine government policies? Could the giver or organisation benefit from a decision made by the recipient/agency?
Influence	Is the giver seeking to influence the recipient's decisions or actions? Has the gift, benefit or hospitality been offered to the recipient publicly or privately? Is it a courtesy, a token of appreciation or highly valuable? Does its timing coincide with a decision the recipient is about to make?
Favour	Is the giver seeking a favour in return for the gift, benefit or hospitality? Has the gift, benefit or hospitality been offered in good faith based on the recipient's judgement? Has the giver or organisation, made several offers over the last 12 months? Would accepting it create an obligation to return a favour?
Trust	Would accepting the gift, benefit or hospitality diminish public trust? How would the recipient or organisation feel or react if the gift, benefit or hospitality became public knowledge? What would the recipient's colleagues, family, friends or associates think?

Decision Maker Guidance and Recording the Decision

Generally, the Decision Maker can decide to:

- return the item to the giver;
- let the recipient retain the gift;
- retain the gift within the Directorate for display or use;
- donate the gift to a charity;
- donate to a gallery or museum; or
- destroy the gift (e.g. lottery tickets).

Any gift of cultural significance becomes the property of the Territory.

Decision makers will have their decision recorded in the digital "[Gift and Hospitality Register](#)." When entering their decision into the form the Decision Maker should also include any special criteria in dealing with the gift and may also consider including why they reached the decision they did. This is particularly important where the decision may be unusual or contentious, for example allowing a recipient to keep an expensive gift or specifying that an item must be displayed in a specific location or place.

¹ Adapted from State Services Authority Victoria, *GIFT Test Postcard*, April 2012

GIFTS AND HOSPITALITY POLICY

Once the Decision Maker has decided on the appropriate course of action, the digital form will notify the recipient of the decision. The Decision Maker should then ensure that the decision is carried through. The decision will automatically be entered in the CMTEDD Gifts and Hospitality Register.

Donating Gifts to Charity or Reuse Organisation

In instances where declining a gift is not possible or appropriate, that gift may be donated to charity or a re-use organisation (such as the Green Shed). Donations should be appropriate for the charity they are being given to.

Receipt or acknowledgment for donations should be sought and kept. You may be asked to provide these at some point in the future.

Conflicts of Interest

Gifts or benefits are deemed unacceptable if accepting the gift or benefit would give rise to or give the appearance of a conflict of interest. For example, if:

- the person or organisation is in a current or potential contractual relationship with the Directorate;
- there is a discretionary relationship between the employee and the person or organisation receiving assistance or services from the Directorate;
- the person or organisation's primary purpose is to lobby Ministers, Members of the Legislative Assembly, the ACT Government or the Directorate²; or
- an entity within the Directorate is in a regulatory relationship with the person or organisation.

In determining if an apparent conflict of interest exists, the test is whether a neutral observer would regard the officer's actions as reasonable. It is essential that someone other than the officer makes this judgment. Failure to avoid or disclose a conflict of interest situation is a breach of Section 9 of the *Public Sector Management Act 1994* and will be treated as a disciplinary matter.

If an actual or perceived conflict exists, a Conflict of Interest Disclosure Form must be completed. Further information on conflicts of interest, including how to identify a conflict and examples can be found in the directorate's [Conflict of Interest Policy](#).

If the gift or benefit does not constitute a conflict of interest but its acceptance could give the appearance of undue influence, the Decision Maker should use their discretion to protect the Directorate's reputation.

² The ACT Register of Lobbyists is accessible at www.parliament.act.gov.au/act-register-of-lobbyists.

GIFTS AND HOSPITALITY POLICY

2.3.4 Appeal of decision regarding acceptance or retainment

If a Decision Maker recommends that the recipient is unable to retain the gift or benefit, the recipient may refer the matter to the SERBIR or where the SERBIR was the Decision Maker, the Director-General CMTEDD for review of the decision. Any reviewed decision is final.

2.3.5 Gifts Retained by the Directorate

Gifts retained within the Directorate need to be safely and securely stored when not on display.

Additionally, where an item valued at over \$500 is to be retained by the Directorate, the Business Unit retaining the item will need to ensure their Portable and Attractive Items Administrator assesses the item for possible inclusion on the Portable and Attractive Register.

Retained items valued over \$5,000 or that have a useful life greater than one year will need to be included on the Asset Register. The business unit retaining the item should fill in the [Asset Amendment Form](#) available from the OneGov Service Centre website and forward it to [CMTEDD Strategic Finance](#).

The Chief Finance Officer should also be notified where gifts are presented to the Directorate under the guise of a donation.

2.4 Provision of Gifts or Benefits

2.4.1 Giving of gifts to other agencies, organisations, individuals or employees

On some occasions it may be deemed appropriate for CMTEDD to give gifts or benefits to other public agencies, non-government organisations or individuals who have performed a service without remuneration, or for philanthropic (charitable) reasons.

The decision to spend public money on a gift must be defensible, representing efficient, effective and ethical use of money under the [Financial Management Act 1996](#). Approval to purchase and present an official gift as a representative of the Directorate must be obtained prior to the purchase.

The digital “[Gift and Hospitality Register](#)” form for the **provision of a gift** should be completed and the appropriate Decision Maker chosen as the delegate to approve the request.

The Decision Maker or Delegate approving the provision of a Gift must do so in accordance with the [Director-General Instructions](#) and expenditure approval processes. Only the CMTEDD Senior Executives listed in [Appendix A](#) can approve the provision of gifts. Where the gift is particularly expensive (more than \$200) or there are sensitivities involved then the SERBIR or the Under Treasurer should be informed as appropriate.

Offering gifts, benefits or donations on behalf of an entity within the Directorate is deemed unacceptable if providing these would give rise to, or have the appearance of, a conflict of interest.

In circumstances where offering a small token gift is deemed acceptable the gifts should not be so valuable as to embarrass the recipient and not so trivial as to diminish the standing of

GIFTS AND HOSPITALITY POLICY

the giver. The gift should normally be symbolic rather than financial in value, that is, cash or any other form of money should not be given as an official gift.

Gift Selection Guide for Cultural Sensitivities

Gifts may sometimes be used to build and maintain relationships and to show respect and appreciation, for example when presented to visiting international dignitaries or when travelling internationally for the ACT Government business.

It is important to research the protocol of presenting gifts in the country you are visiting or receiving a visitor from. At all times cultural sensitivities should be considered when selecting gifts.

It is also important that any gift selected is appropriate. A business gift is a symbol of a relationship. It should reflect an understanding of the recipient's culture and the value placed on the relationship. Taking time to research the traditions and customs of the recipient's homeland will avoid unintentional embarrassment or offence.

All gifts given by the Directorate should reflect the ACT Region and be locally sourced and made. Possible sources of gifts include the Canberra and Region Visitors Centre, Brand Canberra and CraftACT.

The Governance and Protocol area within the Communications and Engagement Branch CMTEDD may be able to assist in gift selection, however individual business units are responsible for seeking approval for the gift and purchasing the gift.

Providing Donations

Generally, requests for donations should only be considered when received from philanthropic organisations and such approaches must be made in writing. All requests to provide donations should be referred to the appropriate Decision Maker for approval. Chief Finance Officers should also be notified where requests for or grants of money are made in the guise of donations.

2.4.2 Gifts for ACT Public Servants

Gifts should not be given to ACT Public Servants for undertaking their job, for example a member of another directorate should not be given a gift for doing a presentation to CMTEDD staff. It may be appropriate for a thank you note to be sent to the individual and/or their supervisor and depending on the circumstances they may be nominated for a staff award.

As a general rule gifts purchased for employees, for example farewell presents, should not be paid for out of Directorate resources. However, the SERBIR, Director-General or Under Treasurer, may approve providing a small token, award or another item deemed appropriate for employees that:

- are recognised as outstanding in an area relating to their official duties, for example customer service;
- are retiring after extensive service in the Directorate and/or ACT Government; or
- extenuating circumstances where it is deemed appropriate.

A token such as a card and/or flowers paid for by the workplace may also be sent to family members to acknowledge an employees' contribution to the workplace in the event of their death. However it is not appropriate for Directorate monies to be used to sent a card and/or

GIFTS AND HOSPITALITY POLICY

flowers for other significant life events such as birth of a child. Instead, employees may make a personal donation of monies to collect funds for such an activity as a voluntary matter.

When presenting any gift paid for by government funds, the employee presenting the gift should make it clear that it is not a personal gift from the employee but is presented on behalf of the Directorate or the ACT Government.

2.5 Staff Attendance at Hospitality and Events

Employees attending events do so as a representative of the Directorate and must conduct themselves accordingly. The [ACTPS Code of Conduct](#) details the values and behaviours expected of public employees. These include:

- acting in a professional manner;
- considering our actions and how they might be perceived by the general public; and
- taking responsibility for and considering the consequences of our decisions and actions.

Should an employee have concerns about attending an event or accepting hospitality, it is suggested they discuss the matter with their supervisor or the relevant Decision Maker (listed in [Appendix A](#)), alternatively they could contact the SERBIR to discuss the matter.

2.5.1 What constitutes hospitality?

For the purposes of this policy, hospitality includes the provision or receipt of food or drink in the form of free or discounted goods or services, or attendance at external events.

The following are **not** considered hospitality under this policy and do not have to be recorded on the register:

- Light refreshments during a meeting for the purposes of transacting official business;
- Light refreshments and light lunch during an all-day meeting or training course;
- Light refreshments during a half day training course; and
- Functions where staff have provided the catering, for example section morning teas where staff bring the food.

Light refreshments or lunches include non-alcoholic drinks and other foods not considered meals. For example: tea, coffee, fruit, biscuits, sandwiches, wraps, scones etc. It does not include alcohol.

2.5.2 Receipt of hospitality and event attendance by employees outside of the Directorate

At times, particularly for senior employees, acceptance of offers of entertainment, hospitality and attendance at events or functions can provide valuable opportunities to maintain stakeholder relationships.

Invitations to such events may be accepted provided:

- the estimated value is reasonable;
- the event is related to the business unit and attendance would have a public benefit, for example business meetings, launches, award ceremonies and networking events; and
- it does not involve an immediate conflict of interest or create a perception of influence.

GIFTS AND HOSPITALITY POLICY

Note there will be occasions where it is appropriate for an official to attend an event where the Directorate has a relationship with the host, but the value of the attendance is considered greater than any perceived conflicts – for example a member of a business unit attending an event that the Directorate has funded. Any conflicts of interest should be documented.

Event Attendance must be entered into the Gift and Hospitality Register

Whilst approval for attendance is not required, all employees are required to enter details of their event attendance on the Register. Staff should confirm attendance at the event with their Executive/Manager.

There is no requirement to register attendance at an event which is managed by CMTEDD and where an approval for the provision of hospitality has been provided.

Invites to events Directly Related to the Recipients Work

Senior Executives often have the responsibility of representing the Directorate and the ACT Government more broadly. Where an invitation has been provided and the recipient represents the directorate at the event, the recipient must enter it in the Register.

Invites to events not Directly Related to the Recipients Work

Where an invitation has been provided and the event does not directly relate to the recipients work and the recipient's attendance would not directly benefit the Directorate the invitation/ticket should be treated as a gift and registered accordingly in the Register.

Should the delegate approve the recipients request to keep the gift and attend the event, then the recipient must also complete the "Event Attendance Form" in the Register.

While there is benefit in individuals 'networking' for their own career development, there needs to be a benefit for the Directorate for the gifted invitation or ticket to be accepted.

Individuals still wishing otherwise to attend the event should purchase a ticket themselves. Examples of events that do not relate to the recipients work role include:

- A ticket, given to a governance specialist, to the opening of an exhibition at the Australian National Gallery;
- A ticket to the corporate box at a sporting event, that was provided to a recipient who works in the Finance Team; and
- A ticket to a golf day that was provided to a recipient whose ordinary role is a policy officer.

Group attendance at events/Purchase of tables

On occasion it may be deemed appropriate for the Directorate to purchase tables at a major stakeholder's function or award presentation. Attendance by CMTEDD employees and clients at the purchased tables must be recorded on the Gifts and Hospitality Event Attendance form, on the Register. The relevant Decision Maker must approve the purchase of the tables prior to the function. Note: the Decision Maker cannot be one of the people attending the function.

Transport related to approved event attendance

The ACT Government is committed to active travel. Where it is possible and safe to do so active methods of travel should be chosen. For example: a combination of walking and public transport.

GIFTS AND HOSPITALITY POLICY

The use of taxis/rideshare to and from events where employees are representing the Directorate is allowable. Wherever possible, transportation should be shared between attendees to assist in keeping transport costs to a minimum.

Hospitality/event invitations or tickets linked to the Directorate funding or sponsoring activities

In instances where a sponsorship/funding/grant agreement specifies or results at any time in the offer of tickets to events and/or hospitality to employees, the decision as to the allocation of these rests with the Decision Maker. Declaration by recipients is required as normal. See also section [2.8 Sponsorship/Funding/Grants](#).

Invitations that include a plus one

Some invitations to events or hospitality may include a plus one. Thought should be given as to the appropriateness of extending the invitation to someone external to the Directorate, for example a partner.

Staff intending to bring somebody external to CMTEDD to an event **must** note who they are bringing in the Register. CMTEDD staff attending as a plus one will need to complete their own entry in the register.

2.6 Provision of Hospitality and Events

2.6.1 Provision of hospitality by the Directorate

Hospitality must only be provided in accordance with this policy, the [CMTEDD DGIs](#) and the [ACT Public Sector Healthy Food and Drink Choices Policy](#). Public monies can only be spent on providing hospitality that will foster the efficient conduct of public business or promote the public interest and where a clear benefit to the Directorate is able to be demonstrated.

Hospitality may be provided in conjunction with CMTEDD delivered events such as launches, meetings of boards and committees, inter-governmental or industry meetings, sales and marketing events, and visits by overseas officials.

Provision of Hospitality for Public Service Employees.

As a general principle public money should not be used to provide hospitality for public service employees. The number of ACT Public Service (ACTPS) officials attending a function involving the provision of hospitality by the Directorate should be restricted to those who would be able to advance the interests of the CMTEDD, or where the CMTEDD would benefit from their attendance.

Limited hospitality for employees may be provided and received in the following circumstances:

- light refreshments for functions with direct relevance to business objectives; or
- employee functions such as customer service awards and recognition of major employee achievements, which requires approval by the SERBIR, Director-General or the Under Treasurer as appropriate.

GIFTS AND HOSPITALITY POLICY

Expenses associated with meetings are **NOT** to be regarded as hospitality expenditure and don't need to be reported under this policy (see [2.5.1 What constitutes hospitality?](#)).

Catered meals should generally not be provided for functions that do not traverse normal lunch times or after normal working hours eating times.

Employee functions are to be paid for by employees and employees are encouraged to bring their own refreshments to planned extended internal meetings.

Determining the Level of hospitality That Can Reasonably Be Provided.

The level of hospitality and cost incurred should be related to the level of importance of the external parties/activities and the benefits accruing to the Directorate. For example, more substantial and formal hospitality would be provided for a meeting with a visiting dignitary than would be provided for attendees at a board meeting.

the following should be considered when determining the level hospitality to be provided:

- How will the community benefit?
- How much will it cost?
- Would the cost be proportionate to the benefit derived?
- Who will participate in it?
- Is there a conflict of interest – real or perceived?
- What would be the consequences if hospitality is refused e.g. would it adversely affect stakeholder relationships?
- Can the organisation of the event etc be improved to provide greater benefit or cost efficiency to the outcome sought?

Providing Hospitality to External Parties

In circumstances where it is deemed appropriate to provide hospitality to external parties, this should be limited and undertaken in a manner ensuring that such hospitality cannot be construed as unduly influencing decision making. Where there is doubt regarding the excessiveness or appropriateness of hospitality, it should be referred to the SERBIR, Director-General or the Under Treasurer for consideration.

Directorates may provide hospitality to others for the purposes of:

- Receiving guests (examples representatives from Non-Government Organisations,
- Visiting delegations from overseas or other State or Territory jurisdictions);
- Launching of a new Government endorsed community program, service or initiative; celebrating the opening of a Government sponsored or run event or exhibition; and
- Fostering co-operation, the development of working partnerships and future collaboration for matters that are in the community interests.

ACT Public Sector Healthy Food and Drink Choices Policy

The [ACT Public Sector Healthy Food and Drink Choices Policy](#) sets out requirements around what can be provided by the Directorate in way of hospitality, including that as a general rule alcohol is not to usually be provided. This policy applies in all circumstances where the Directorate is providing catering except where the catering is being provided by Venues Canberra or Events ACT. Additionally, the [ACT Public Sector Healthy Food and Drink Choices Policy](#) does not apply where the Directorate is paying for meals but has not specified what food is to be provided (e.g. a dinner at a restaurant where guests are ordering of the standard menu or purchasing a table at an event run by an external organisation).

GIFTS AND HOSPITALITY POLICY

Exemption from the ACT Public Sector Healthy Food and Drink Choices Policy

Only the Director-General is able to exempt occasional social events from the [ACT Public Sector Healthy Food and Drink Choices Policy](#). When applying for an exemption information has to be provided on why the event cannot comply with the policy, what action is being undertaken to make the event healthier, what action is being taken to make it comply in future and what exemptions have previously been approved for the business unit.

Hospitality arranged by Economic Development

Hospitality arranged by Economic Development where the majority of attendees are from outside the ACT Public Service is considered to be outside the scope of the [ACT Public Sector Healthy Food and Drink Choices Policy](#), although where possible any such hospitality should still be as healthy as possible. Hospitality primarily for consumption by people outside the ACT Public Service organised by Economic Development, including where alcohol is provided, is to be approved by the Deputy Director-General Economic Development prior to the event.

Hospitality organised by Economic Development primarily for ACT Public Servants must abide by the [ACT Public Sector Healthy Food and Drink Choices Policy](#) and any deviation from the policy must be approved by the Director-General.

2.6.2 Use of Government Facilities for Hospitality and Events

Appropriate use of Government Facilities for Hospitality

Even when the Directorate is using ACT Government Facilities (either for free or when hiring) organisers of all functions and events must comply with the following requirements of appropriate use:

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

Inappropriate use of Government Facilities for Hospitality

The following conduct constitutes inappropriate use and would constitute a failure to comply with the obligations and standard of conduct expected of a public service employee:

- use of the venue/hospitality for personal gain or for the gain of persons or organisations with which they are associated personally;
- use of the venue/hospitality to conduct anything other than official business;
- use of the venue without prior approval from the appropriate delegate; or
- provision of hospitality where it may be construed as inappropriately influencing decision making.

GIFTS AND HOSPITALITY POLICY

Venues Canberra

The Corporate Suite at GIO Stadium Canberra, and one table at Manuka Oval during GWS Games and international cricket events, are available for Venues Canberra to use to promote their business. Clients (existing or potential), and Directorate representatives may be invited to attend at the discretion of the Executive Branch Manager, Venues Canberra.

Invitations made by Venues Canberra are invitations of hospitality and should be entered into the 'organising a function where providing hospitality form' in the [CMTEDD Gift and Hospitality Register](#).

Where the invitations have been provided (at the discretion of the Executive Branch Manager, Venues Canberra) to CMTEDD staff, the attendees must record their attendance in the directorates event register by completing the digital "[Gifts and Hospitality](#)" form for events attendance.

Fringe Benefits Tax

The Directorate is liable for Fringe Benefits Tax (FBT) in accordance with the [Fringe Benefits Tax Assessment Act 1986](#). Hospitality benefits provided to employees in connection with their employment is subject to FBT legislation, under the category of entertainment.

For all events involving hospitality expenditure an [Entertainment Fringe Benefits Tax Declaration](#) must be completed and forward after the event to [Shared Services Finance, CMTEDD Reporting](#) along with copies of the related invoices and/or petty cash reimbursements. It is the responsibility of the employee who organised the hospitality to complete the form.

Note: Venues Canberra has its own Tax File Number and has alternative arrangements in place for FBT.

2.6.3 Approvals for Organising Hospitality and Events

Authorisation of Expenditure for the provision of Hospitality

Expenditure on the provision of hospitality requires authorisation **prior** to the event. Permission should be sought using the workflow in the Register. Approval must be provided by relevant Decision Maker ([Attachment A](#)) for costs up to a limit of \$5,000 (GST inclusive) per event. Expenditure above this limit must be approved by the SERBIR, Director-General or Under Treasurer. The Deputy Director-General Economic Development can approve expenditure over \$5,000 for events outside the scope of the Healthy Food and Drinks Policy (Economic Development organised hospitality only).

Authorisation to Provide Alcohol as part of the Hospitality

Any CMTEDD events involving alcohol should be limited and must be approved by the Director-General or Under Treasurer. The Deputy Director-General Economic Development can approve the provision of alcohol for events outside the scope of the Healthy Food and Drinks Policy (Economic Development organised hospitality only).

Failure to Obtain Prior Approval

Failure to obtain prior approval is a breach of this policy and a serious matter and could constitute a failure to comply with the obligations and standard of conduct expected of a public service employee, set out in the [Public Sector Management Act 1994](#) and the [Public Sector Management Standards 2016](#). It may result in expenses incurred not being

GIFTS AND HOSPITALITY POLICY

reimbursed and/or formal or informal disciplinary action. In the case of a contractor being responsible, immediate cessation of contract services may result. It may also constitute fraud or corruption against the ACT Government and where suspected theft or criminal actions occur, the matter will be referred to the Australian Federal Police.

2.7 Alcohol

Alcohol at CMTEDD hosted events

Because the effects of alcohol can detract from officers' work performance, as a general rule officers must not consume alcohol during work hours or on government premises. The Director-General, Under Treasurer or in limited circumstances the Deputy Director-General Economic Development (See [section 2.6.2](#)) as relevant, may make an exception for special occasions in accordance with the requirements of the [ACT Public Sector Healthy Food and Drink Choices Policy](#) and Section 17 of the [Public Sector Management Standards 2006](#). Under S113 of the [Public Sector Management Standards 2016](#), Section 17 of the PSM Standards 2006 continue to remain in force.

Alcohol when accepting external hospitality/attending external events

Where accepting hospitality involves the consumption of alcohol, this must occur in accordance with the ACTPS Code of Conduct, the [Public Sector Management Standards 2016](#) and the [ACTPS Alcohol and Other Drugs Policy](#) including:

- Approval **must** be given from the relevant delegate ([Appendix B](#)) prior to consuming alcohol while on duty³; and
- Demonstrating the responsibilities expected when representing the Directorate (see [section 2.5](#)).

2.8 Sponsorship/Funding/Grants

2.8.1 External Sponsorship of CMTEDD Activities

There are times when it will be appropriate to seek sponsorships. It should be made clear to the sponsor that any sponsorship will in no way afford the sponsor more favourable treatment in their other dealings with the Directorate. Care should be taken in accepting sponsorships that the public won't perceive it as providing the sponsor with preferential treatment in other dealings with the Directorate, for example sponsorships from organisations currently competing in tender processes with the Directorate.

Sponsorships should meet the requirements of the [ACTPS Healthy Food and Drink Choice Policy](#), particularly in relation to the use of the ACT Government logo.

Specific arrangements in relation to sponsorships should be in accordance with the relevant Business Unit's policy on the issue.

³ Please note that if as a public servant you are 'required' to attend a function/event on behalf of the ACT Government, then you are 'on duty' for the purpose of Section 17 of the [Public Sector Management Standards 2006](#) regardless of whether the event is held during ordinary business hours or 'out of hours'.

GIFTS AND HOSPITALITY POLICY

2.8.2 Benefits received through Directorate Sponsorship, Funding and/or Grants activities

Where the Directorate receives benefits, including gifts, tickets to events or hospitality due to the provision of a sponsorship, funding or grant, the treatment of the benefit needs to be considered as with any other gift or hospitality provided to staff.

In relation to events, the Decision Maker should consider if there is a benefit in someone attending as part of the acquittal process. Generally, there should not be a need for more than one or two staff to attend an event.

Where substantial numbers of tickets are provided, for example to sporting events, the preference would be to provide most if not all the tickets to charitable or community organisations.

Venues Canberra – Tickets Received Under Contractual Arrangements.

Venues Canberra is allocated a number of general admission tickets to each Brumbies and Canberra Raiders game, and number to the Greater Western Sydney (GWS) Giants events at Manuka Oval under the terms of the contractual agreements with those hirers.

These tickets are donated to charitable or community organisations where applicable or upon request. Any tickets not utilised in this manner may be allocated at the discretion of the Executive Branch Manager or Senior Manager of Venues Canberra. Information concerning distribution processes is available from Venues Canberra.

Distribution of all tickets to each event is to be accounted for and recorded by Venues Canberra and filed according to directorate records management protocols.

CMTEDD staff who receive a ticket are to record their attendance at the game on the Register as the receipt a gift. Staff who receive tickets to watch the games are receiving benefits above and beyond that of an ordinary ACT Public Servant.

2.9 Corrupt Behaviour and Breaches of this Policy

2.9.1 Bribery

All employees are required to report to the Senior Executive Responsible for Business Integrity Risk (SERBIR) if they, or their family, are offered a bribe or monetary gift (including lottery tickets or items easily convertible to cash) when carrying out official duties. Accepting a benefit that may be defined as a bribe may be fraudulent and breach the [Criminal Code 2002](#), and disciplinary action will occur as relevant, with potential referral to the Australian Federal Police.

2.9.2 Reporting Corrupt Behaviour

External Parties

Any employee who believes they or a member of their family have been offered a bribe must refuse the bribe if safe to do so, write down any details they can about the person making the offer and the situation, and provide the details to the SERBIR. The SERBIR will decide whether to investigate the matter or refer the matter to the Australian Federal Police.

GIFTS AND HOSPITALITY POLICY

If an employee is offered a bribe from a party internal to the ACT Public Service or witnesses any other corrupt or fraudulent behaviour, including failure to declare conflict of interest, please refer to the sections below.

Public Interest Disclosure

Public Interest Disclosures (PIDs) are a special type of report which attracts protection for those who make them. Disclosures of disclosable conduct play a critical role in ensuring that the administration of government is transparent, and that public sector wrongdoing is investigated and corrected.

Because of this important role, laws have been made to protect those who report disclosable conduct. A PID is the mechanism used to report disclosable conduct.

Disclosable conduct is an action or a policy, practice or procedure of a public sector entity, or public official for a public sector entity, that is:

- maladministration; or
- results in a substantial and specific danger to public health or safety, or the environment.

Disclosable conduct can be about the actions of an instrumentality, officer, employee, contractor or anyone else who exercises a function on behalf of the Government, including Ministers and Members of the Legislative Assembly.

Information on PIDs and reporting disclosable conduct and who to report it to in CMTEDD can be found [here](#).

Mandatory Corruption Notifications

The [Integrity Commission Act 2018](#) has a mandatory corruption notification requirement for certain public officials to report suspected corrupt conduct to the ACT Integrity Commission. All heads of public sector entities and Senior Executive Service (SES) members must notify the commission about any reasonable suspicions of serious or systemic corrupt conduct. Mandatory reporting requirements can be found [here](#).

See the [ACT Integrity Commission website](#) for further information.

2.9.3 Reporting Breaches of this Policy and Other Inappropriate Behaviour

Any allegations of conduct in breach of this policy must be reported. This includes any allegations or concerns about individual or multiple individuals' behaviours, actions with how an employee has or hasn't reported a gift, benefit, hospitality or sponsorship, or their conduct during an event, including consumption of alcohol.

To make a report, contact the CMTEDD Employee Relations team as soon as possible in writing at CMTEDDPeopleandCapability@act.gov.au.

GIFTS AND HOSPITALITY POLICY

APPENDIX A: DECISION DELEGATIONS

Only the Director-General can exempt the provision of hospitality from the requirements of the [ACT Public Sector Healthy Food and Drink Policy](#).

Only the SERBIR or the Under Treasurer can approve the purchase of gifts for staff, or the provision of hospitality valued over \$5,000.

Only the Director-General, Under Treasurer, or the Deputy Director-General Economic Development in certain circumstances (see [section 2.6](#)) can approve the provision of alcohol.

Where the regular Decision Maker is not available either the SERBIR, Director-General or the Under Treasurer may be asked to make the decision.

Decision Maker	Able to provide approval for:
SERBIR	Director-General Under Treasurer Deputy Director-General Policy and Cabinet Deputy Director-General Economic Development Deputy Director-General Workforce Capability and Governance Deputy Director-General Access Canberra Chief Digital Officer Public Sector Standards Commissioner Commissioner for International Engagement Executive Group Manager Corporate Executive Group Manager Communications and Engagement Chief Finance Officer Office of Head of Service Staff All staff where regular Decision Maker is not available
Under Treasurer SERBIR	Deputy Under Treasurer Economic, Revenue, Insurance, Property and Shared Services Deputy Under Treasurer Budget, Procurement, Infrastructure and Finance Under Treasurer's Office staff
Deputy Director-General Policy and Cabinet	Policy and Cabinet staff only
Deputy Director-General Economic Development	Economic Development staff only
Deputy Director-General Workforce Capability and Governance	Workforce Capability and Governance staff only

GIFTS AND HOSPITALITY POLICY

Decision Maker	Able to provide approval for:
Deputy Director-General Access Canberra	Access Canberra staff only
Chief Digital Officer	Digital, Data and Technology Solutions staff only
Commissioner for International Engagement	Office of International Engagement staff only
Executive Group Manager Corporate	Corporate staff only
Executive Group Manager Communications and Engagement	Communications and Engagement staff only
Chief Finance Officer	Strategic Finance staff only
Deputy Under Treasurer Economic, Revenue, Insurance, Property and Shared Services	Economic, Revenue, Insurance, Property and Shared Services staff ACTIA staff
Deputy Under Treasurer Budget, Procurement, Infrastructure and Finance	Budget, Procurement, Infrastructure and Finance staff only

APPENDIX B: ALCOHOL DELEGATIONS

Public Sector Management Standards 2006 Section 17 - Alcohol

An officer must not, without the prior approval of the director-general:

- (a) consume alcohol while on duty; or
- (b) consume alcohol while on government premises during working hours; or
- (c) carry alcohol in a government vehicle.

Only the following Senior Executives are delegated under the CMTEDD HR Delegations to approve officers to consume alcohol while on duty and/or on government premises during working hours or carry alcohol in a government vehicle.

Delegation	Position	Able to provide approval for:
a) Approve an officer to consume alcohol while on duty whilst not on government premises.	Director-General*	All CMTEDD staff
	Under Treasurer	All CMTEDD staff Director- General CMTEDD
	Executive Group Manager Corporate / SERBIR	All CMTEDD staff Director-General CMTEDD Under Treasurer
	Deputy Director-General Economic Development	For Economic Development staff only.
	Deputy Director-General Access Canberra	For Access Canberra staff only.
	Chief Digital Officer	For Digital, Data and Technology Solutions staff only.
	Deputy Director-General Policy and Cabinet	For Policy and Cabinet staff only.
	Chief Finance Officer	For Strategic Finance staff only.
	Deputy Director-General Workforce Capability and Governance	For Workforce Capability and Governance staff only.
	Executive Group Manager Communications and Engagement	For Communications and Engagement staff only.
	Deputy Under Treasurer Economic, Revenue, Insurance Property and Shared Services	For Economic, Revenue, Insurance, Property and Shared Services staff only.
	Deputy Under Treasurer Budget, Procurement, Infrastructure and Finance	For Budget, Procurement, Infrastructure and Finance staff only.

GIFTS AND HOSPITALITY POLICY

Delegation	Position	Able to provide approval for:
	Commissioner for International Engagement**	Office of International Engagement staff only.
b) Approve an officer to consume alcohol while on government premises during working hours.	Under Treasurer	All CMTEDD staff Director- General CMTEDD
	Executive Group Manager Corporate / SERBIR	All CMTEDD staff Director-General CMTEDD Under Treasurer
	Deputy Director-General Economic Development	For Economic Development staff only.
	Commissioner for International Engagement**	Office of International Engagement staff only.
c) Approve an officer to carry alcohol in a government vehicle.	Under Treasurer	All CMTEDD staff Director- General CMTEDD
	Executive Group Manager Corporate / SERBIR	All CMTEDD staff Director-General CMTEDD Under Treasurer
	Deputy Director-General Economic Development	For Economic Development staff only.

* Please refer all approvals to the SERBIR

** OIE HR Delegations

CHIEF MINISTER, TREASURY AND ECONOMIC
DEVELOPMENT DIRECTORATE

