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SA Health

# Policy

Gifts and Benefits

INFORMAL COPY WHEN PRINTED

Version 2.0

Approval date: 30 May 2023

PDS Reference No: D0419

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Government  
of South Australia

SA Health

## 1. Name of Policy

Gifts and Benefits

## 2. Policy statement

This Policy sets out the mandatory requirements and standard of conduct regarding gifts and benefits offered in the course of employment activities.

## 3. Applicability

This policy applies to all employees and contracted staff of SA Health; that is all employees and contracted staff of the Department for Health and Wellbeing (DHW), Local Health Networks (LHNs) including state-wide services aligned with those Networks, and SA Ambulance Service (SAAS).

### Out of Scope

This Policy does not apply where:

- > A gift or benefit is an award that recognises employee achievements through the SA Health Awards and similar local award schemes.
- > A donations or bequest is made to SA Health, which must be managed in line with the [Charitable Gifts and Donations Policy](#).

## 4. Policy principles

SA Health's approach to gifts and benefits is underpinned by the following principles:

- > We act in accordance with the Code of Ethics for the South Australian Public Sector.
- > We support transparency and accountability.
- > We act with professional integrity and impartiality to uphold the community's trust and confidence.
- > We are ethical and place the public interest above our own private interests when carrying out official functions.
- > We support employees of SA Health to avoid conflicts of interest.

## 5. Policy requirements

### Offers of Gifts or Benefits

All staff must:

- > Declare any non-token offer of a gift or benefit within 7 days of the offer being made, regardless of whether the offer is accepted or declined.
- > Not solicit a gift or benefit.
- > Not accept offers of a gift or benefit in the form of money or an instrument easily converted to money.
- > Not accept offers of a gift or benefit if involved in any aspect of a procurement or contract management process (refer to the [Probity in SA Health Procurement Policy](#)).

## Accepting Offers of Gifts or Benefits

All staff must:

- > Only accept a non-token offer of a gift or benefit where:
  - There is a legitimate business benefit; and
  - Acceptance of the non-token offer is approved by the agency's Authorised Officer.
- > Where a gift or benefit worth \$50 or more has been received from an anonymous party and is unable to be returned:
  - The gift must be declared within 7 days; and
  - Advice must be sought from their agency's Authorised Officer regarding the use or disposal of the gift.
- > Seek advice from their agency's Authorised Officer where there is likely to be some sensitivity associated with the gift or benefit, including (but not limited to) where refusal to accept risks causing offense. In these instances, potential cultural issues must be considered and managed with sensitivity and respect.
- > Not accept a gift or benefit where there is, or may be, actual or perceived conflict of interest (refer to the [Declaration and Management of Interests Policy](#)).
- > Not accept, receive or utilise benefits that arise from government funded business for personal gain, including (but not limited to) benefit schemes.

## Offering Gifts or Benefits

When planning to offer a gift or benefit, staff must:

- > Obtain approval from an appropriate financial delegate prior to purchasing the gift.
- > Not gift or offer SA Health assets without the written consent from either the Chief Executive, DHW (for DHW staff), or the relevant LHN/SAAS Chief Executive Officer.

## Gifts and Benefits Register

DHW, LHNs and SAAS must:

- > Develop and maintain a Gifts and Benefits Register, which must be updated to include all declared offers of gifts and benefits.
- > Nominate an Authorised Officer with an appropriate level of seniority and experience to:
  - Receive declarations of offered gifts and benefits;
  - Manage the Gifts and Benefits Register;
  - Provide advice as to whether a gift or benefit can be accepted or must be refused; and
  - Manage any conflict of interest identified from offers of gifts and benefits.
- > Publish all declared gifts and benefits online, in accordance with the [Department of the Premier and Cabinet Circular 35 – Proactive Disclosure of Regularly Requested Information](#).
- > Ensure the relevant agency's Audit and Risk Committee, or other equivalent governance body, receives on a six (6) monthly basis, a report on the level of compliance with this policy.

## 6. Mandatory related documents

The following documents must be complied with under this Policy, to the extent that they are relevant:

- > [Declaration and Management of Interests Policy](#)
- > [Interaction between SA Health and the Therapeutic Goods Industry Policy](#)
- > [Overseas Travel Policy](#)
- > [Probity in SA Health Procurement Policy](#)
- > [Charitable Gifts and Donations Policy](#)

## 7. Supporting information

- > [Public Sector Act 2009](#)
- > [Health Care Act 2008](#)
- > [Commissioner for Public Sector Employment Guideline: Gifts and Benefits](#)
- > [Public Sector \(Honesty and Accountability\) Act 1995](#)
- > [Premier and Cabinet Circular PC035](#)

## 8. Definitions

- > **Authorised Officer:** means a public officer authorised, by the Chief Executive, Department for Health and Wellbeing, or Chief Executive Officer of the Local Health Networks and SA Ambulance Service, to provide advice regarding gifts and benefits offered to an employee.
- > **Benefit:** means a service or intangible item which is of value to or results in an advantage to the receiver. They may include preferential treatment, privileged access, favours, invitations to sporting, cultural or social events, access to discounts and loyalty programs, promises of a new job or promotion, sponsorship of flights, conferences etc, or access to confidential information.
- > **Benefit Scheme:** means a loyalty scheme which may include, but is not limited to, accruing value or points for schemes, such as frequent flyer schemes, car hire or other discounts, meals, hospitality and travel upgrades.
- > **Conflict of interest:** means a situation arising from conflict between the performance of public duty and private or personal interests. Conflicts of interest may be actual, or be perceived to exist, or potentially exist at some time in the future.
- > **Gift:** means anything of value offered to an employee above their normal salary or employment entitlements. This may include free or discounted items offered or gifted which has an intrinsic value and/or a value to the recipient, a member of their family, relation, friend or associate that exceeds common courtesy. They are generally tangible and may be enduring such as a work of art, mobile phone or tablet computer or consumable such as a box of chocolates, meals, wine or gift voucher.

- > **Gifts and benefits register:** means a record, of all declarable gifts and benefits. It records:
  - The recipient of the offer of a gift or benefit;
  - The date a gift or benefit was offered or received;
  - A description of the gift or benefit;
  - By whom the offer of a gift or benefit was made;
  - The estimated value;
  - Whether the offer was retained, declined or redirected (e.g., to a charity) by the recipient or the Agency;
  - For retained or redirected offers, the business reason for acceptance; and
  - If relevant, the Authorised Officer who approved the acceptance.
- > **Legitimate business benefit:** means when the offer furthers the conduct of official business or other legitimate goals of your organisation, the public sector or the State.
- > **Non-token offer:** means an offer of a gift or benefit that is, or may be perceived to be of more than inconsequential value by the recipient or the person making the offer. Non-token offers can only be accepted if they have a legitimate business benefit. All offers worth \$50 or more are non-token offers and must be recorded on a gifts and benefits register, regardless of whether they are accepted or declined.
- > **Token offer:** means an offer of a gift or benefit that is of inconsequential or trivial value to the recipient and the person making the offer and would not be perceived as an attempt to influence an individual or raise an actual, potential or perceived conflict of interest. A token offer cannot be worth more than \$50 (including cumulative offers from the same source over a twelve (12) month period).
- > **Statewide services:** includes Statewide Clinical Support Services, Prison Health, SA Dental Service, BreastScreen SA and any other state-wide services that fall under the governance of the Local Health Networks.

## 9. Compliance

This policy is binding on those to whom it applies or relates. Implementation at a local level may be subject to audit/assessment. The Domain Custodian must work towards the establishment of systems which demonstrate compliance with this policy, in accordance with the requirements of the [Integrated Compliance Policy](#).

Any instance of non-compliance with this policy must be reported to the Domain Custodian for the Integrity Domain and the Domain Custodian for the Risk, Compliance and Audit Policy Domain.

## 10. Document ownership

Policy owner: Director, Risk and Assurance Services as Domain Custodian for the Integrity Policy Domain

Title: Gifts and Benefits

ISBN: 978-1-76083-138-7

Objective reference number: A3114211

Review date: 30 June 2026

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For all other employees: Office of the CEO or assigned contact person

## 11. Document history

Version	Date approved	Approved by	Amendment notes
2.0	30/05/2023	Deputy Chief Executive, Strategy and Governance	Adapted to new Policy Framework requirements, formally reviewed and updated and combined with Employee Benefits Policy
1.1	27/11/2019	Director, Corporate Affairs	Minor updates and formally reviewed in line with 1-5 year scheduled timeline and transferred to new template
1.0	30/06/2016	Chief Executive Officer	New policy

## 12. Appendices

Nil