



# Managing gifts and benefits: a guide for Hospital and Health Service employees

This guide has been designed to address common scenarios and dilemmas in decision-making associated with any potential offer or acceptance of a gift or benefit.

## Frequently Asked Questions

The list of frequently asked questions (FAQs) below does not represent a complete and comprehensive listing of all possible questions.

### What is a gift or benefit?

A gift or benefit is anything of value that is offered to you apart from your normal employment entitlements.

It can be either tangible or intangible:

#### Tangible gifts/benefits

Anything that has physical substance or can easily be valued. This includes:

- cash, gift cards, scratchies and shares
- goods/products
- hospitality (e.g. meals or drinks)
- promotional materials (e.g. free pens, diaries)
- fees for service (e.g. speaker fee)
- free or subsidised travel or accommodation
- entertainment
- discounts on goods and services.

#### Intangible gifts/benefits

Anything that has no substance and their value cannot be or is difficult to measure. This includes:

- preferential treatment
- privileged access
- promise of a special favour or advantage (e.g. "insider" information)
- introductions to important people, groups or associations.

### I am unsure whether to accept a gift or benefit – what should I do?

The desire to accept a gift or benefit that is in addition to the fair wages you already receive for doing your job can create a conflict of interest. In the first instance, you should always consider the value and purpose of the gift or benefit before making any decision about whether you should accept it.

### I am unsure whether to declare a gift or benefit received – what do I need to do?

If you are unsure whether the gift or benefit you received must be declared, discuss this with your manager. If there is still ambiguity, "[Declare it anyway](#)".

### Why is it important to declare a gift or benefit?

As a public sector employee, you are required to behave with the highest integrity, and ensure that your conduct is beyond reproach. In general, you are expected to refuse any form of reward beyond your usual employment entitlements, because acceptance may raise doubts about your integrity and may reflect poorly on your agency and the government as a whole.



Accepting gifts or benefits can create a conflict of interest between your public duty and your personal interests. In particular, if you work in a sensitive area or one of particular trust (e.g. internal audit, purchasing or patient care), you must refuse any gift that could create a perception of bias or influence if you accept it or you risk being the subject of a corruption investigation.

As a public sector employee, you should never, under any circumstances, accept a gift of cash, fees for service or of anything readily convertible to cash as doing so can create the perception that you are acting corruptly and may constitute a criminal offence.

Deliberately not disclosing, or undervaluing, gifts and benefits to avoid reporting them may be considered fraud.

**I'm a healthcare professional and I work part-time at a public hospital and part-time in my own practice. I just checked the information disclosure requirements for gifts and payments I received from a pharmaceutical company who is a member of Medicines Australia – should I be declaring the gift or payment with my Health Service?**

Yes.

Being a public sector employee involves a public trust, meaning that your duties must be carried out independent of influence, impartially, transparently and with integrity. The acceptance of a gift or benefit may imply a relationship that could be perceived to interfere with your objectivity, independence and the impartial performance of your public duties.

All gifts<sup>1</sup> received by you are to be reported to your supervisor on a declaration of gifts and benefits form. Gifts and benefits remain the property of your Health Service unless your Health Service policy allows you to retain them in particular circumstances.

**I'm on a procurement panel to procure pharmaceutical drugs for Queensland Health and a potential supplier offered me airfares and accommodation for an upcoming health conference – should I accept?**

No.

You should refuse all offers of gifts or benefits from people or organisations when you are likely to make decisions involving:

- tender processes, including managing a contract once the tender process has ceased
- procurement
- patient care (where the medicine or product of the donor is involved)
- enforcement
- licensing, or
- regulation.

If you work in one of these high-risk areas you are vulnerable to being influenced in the way in which you perform your duties and it creates significant corruption risks.

You will also need to consider if the offer has created a bias against the potential supplier that you need to declare. You may, for example, consider that the potential supplier was trying to influence your decision and you have formed a negative opinion of them.

**Important note:** If the potential supplier is aware that you are on the procurement panel, you should report the offer to the panel Chair (or, if you are the Chair, to your manager) as this may be an attempted bribe by the potential supplier.

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<sup>1</sup> Check your Health Service's policy on gift and their value threshold.



### **Should I accept a fee for speaking at a presentation?**

No.

Organisations may want to provide fees to you as a gesture of gratitude and appreciation for your services.

Such a benefit could create a conflict of interest for you that you would need to declare and manage.

You may accept small tokens of thanks (such as a bottle of wine, a candle or box of chocolates for delivering a speech). However, you should consider the value of the gift, the sensitivity of your position, and perceptions surrounding your acceptance of the gift.

### **I accepted sponsored travel to attend a conference, but I will be attending outside work hours and in my private time – is it a declarable gift or benefit?**

Yes.

If you are offered a gift or benefit that could be perceived to adversely affect your impartiality you should declare it in accordance with your Health Service's policy, regardless of whether it was offered to you in a private capacity. This is because acceptance of that gift or benefit could create the perception that it has influenced, or could influence, your duties as a public sector employee.

### **Can I accept sponsored travel?**

Sponsored travel is a benefit that can pose a significant risk to both your and your Health Service's reputation and should therefore be treated cautiously. Sponsored travel should only be approved where you and your agency can resolve or manage, in a transparent way, any possible conflict of interest or perceptions of bias that arise. Your agency can avoid the risks of sponsored travel by paying for your work-related travel expenses.

### **I have been offered paid conference attendance through my private practice, but my principal place of work<sup>2</sup> is at a Health Service – can I accept it and is it a declarable gift or benefit?**

Yes.

If you decide to accept a gift or benefit in the course of your other employment, then you are to declare that to your Health Service. This is because your obligations as a public sector employee come first. The receipt of the gift or benefit at any time has the potential to influence (or appear to influence) a decision you make as an employee of a Health Service, such as a decision to prescribe a drug and/or treatment during the course of your public employment.

### **I am appointed to the external board of a pharmaceutical company and I attend board and committee meetings. I receive fees for my service, and I am reimbursed the costs of airfares and accommodation – is this a declarable gift/benefit?**

No, but before engaging in external board meetings and committee meetings you should have had approval of secondary employment in place by your Health Service's delegated officer. This would be the case regardless of whether this is a paid appointment.

Your appointment also requires you to complete a conflict of interest declaration, because it represents a perceived or potential conflict of interest. Your conflict of interest must be managed through an approved management plan, just in case an allegation is made against you.

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<sup>2</sup> The location declared by you as the address at which you mostly practise your profession. If you are not practising, or not practising mostly at one address, then your principal place of residence is used. For further information, see the Australian Health Practitioner Regulation Agency [website](#).



You must take great care to ensure that any secondary employment does not interfere with the performance of your public duties, give rise to an actual conflict of interest, or involve any use of your worktime or the Health Service's resources.

### **I won an academic prize – do I need to report it as a gift or benefit?**

If you win cash (or a cash-equivalent) academic prize or gift that is directly attributable to your working with/for your Health Service, you must **surrender** the prize or gift to your Health Service in accordance with its policy if:

- you are representing or acting on behalf of your Health Service
- you have a skill, knowledge or information derived from your employment with your Health Service
- the Health Service has ownership of the intellectual property involved.

If you, however, win a non-cash academic prize or gift (e.g. an e-book reader) that is directly attributable to your working with/for your Health Service, you must **declare** it in accordance with its policy.

### **Do I need to fill out a declaration form for each gift or benefit, or can I do it at the end of the financial year for all gifts and benefits received?**

You must complete a gifts and benefits declaration each time you receive a gift or benefit if it is above the amount prescribed by your Health Service's policy. Consult your Health Service's policy about receiving gifts and benefits as you will often be required to complete the declaration within a prescribed number of days.

You are required to declare all gifts and benefits with a value greater than \$150, subject to your Health Service's policy.

If you receive multiple low-value monetary gifts or benefits from the same person/supplier that add up to more than \$150 within 12 months, you are still required to declare them. Check your Health Service's policy about this issue.

Regularly accepting gifts or benefits represents a corruption risk and may be an attempt to groom you. Your Health Service's code of conduct requires you to act with impartiality and integrity. By continuing to accept gifts or benefits you risk breaching the code of conduct, and you might be disciplined for doing so.

### **I decline a gift or benefit – do I need to declare?**

There is no legislative or mandatory guidance provided by the Public Service Commission (for example<sup>3</sup>). However, your Health Service may have a policy requiring that offers of a gift or benefit are to be declared regardless of whether you accept the offer, as well as those gifts and benefits that are accepted – you should enquire with your manager about your Health Service's declaration requirements.

**Health Services are encouraged to build upon these FAQs and tailor them to their particular business. This will help employees avoid common pitfalls associated with gifts and benefits.**

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<sup>3</sup> Gifts and benefits (Directive 22/09) and the Gifts and benefits guideline.



## Decision tree

This flowchart highlights decision points and recommended courses of action in managing a gift or benefit.

