CULTURAL FACILITIES CORPORATION
Gifts, Benefits, and Hospitality Policy 2022-27

Chief Executive Financial Instruction 2.5

Authorised by:	Gordon Ramsay Chief Executive Officer Cultural Facilities Corporation
Date:	21 December 2022
Minor revision approved by A/g CEO Brooke Thomas	*13 July 2023*
Endorsed by the Board	December 2022
Date for review:	December 2027
Version:	Version 1.1

DOCUMENT PROPERTIES

Schedule of Amendments

New features (insertions)	
A more expansive policy than the existing CFC Gifts Policy or CFC Hospitality Policy, with alignment to the broader CMTEDD Gifts, Benefits and Hospitality Policy and taking into account a number of scenarios unique to the work of the CFC within ACT Government.	Date November 2022
Enhancements (changes)	
Minor revisions to better account for Canberra Theatre Centre's interaction with the live performance industry.	Date July 2023
Deletions	
	Date

Amendment History

Version No.	Issue Date	Author
Version 1.1	June 2023	Director, Collaboration & Engagement
Version 1.0 This policy replaces CFC Chief Executive Financial Instructions (CEFI) 8.3 Gifts Policy and CEFI 2.5 Official Hospitality with a single policy that is more consistent with the CMTEDD combined Gifts and Hospitality Policy. These two CEFIs are to be retired and replaced with this document which will become the new CEFI 2.5.	December 2022	Senior Corporate and Compliance Officer Chief of Staff

Details

Area responsible for Program	CFC – Corporate CFCcorporatefinance@act.gov.au
Stakeholders	All Cultural Facilities Corporation Staff
Document location	G:\CFC\Staff\Documents\CFC
Revision	This policy must be reviewed and updated every five years (or more frequently following major change to business operations and/or priorities).
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Contents

GIFTS, BENEFITS, AND HOSPITALITY POLICY

1. Purpose

From time to time, people who deal with the Cultural Facilities Corporation (CFC) wish to express appreciation for good service or assistance provided by a Board member or employee, or to build and strengthen these working relationships by giving some form of gift, benefit, or hospitality.

A gift, benefit, or hospitality accepted, regardless of its value, has the potential to place a Board member or employee in a conflict of interest situation and/or to damage the reputation of the CFC.

This policy has been developed to define what constitutes a gift, benefit, and hospitality and provides guidelines in reporting, accepting, provision of, or rejecting offers, and the approval process.

The policy also covers when gifts, benefits and hospitality can be given by Board members or employees to others.

2. Scope

This policy applies to Board members and employees and to other persons engaged to represent the CFC. It should also be considered by family members of Board members and employees in situations where the acceptance of gifts, benefits, or hospitality may impact on official duties.

This policy should be read in conjunction with the following documents:

- ACT Government CMTEDD Gifts and Hospitality Policy
- *Public Sector Management Act 1994*
- *Public Sector Management Standards 2016*
- ACT Government Conflict of Interest Policy and associated tools
- CFC Fraud and Corruption Prevention policy
- CFC FBT Policy and Guide
- ACTPS Code of Conduct
- *Financial Management Act 1996*
- *Public Interest Disclosure Act 2012*
- ACT Public Sector Healthy Food and Drink Choices Policy
- Criminal Code 2002
- ACT Register of Lobbyists

3. Responsibilities and Accountabilities

Board members and employees 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.

Board members and employees are expected to act responsibly towards the CFC when a gift, benefit, or hospitality is either offered, received, or rejected and managed in compliance with this policy.

The Chief Finance Officer (CFO) is responsible for the maintenance of the Register of Gifts, Benefits and Hospitality which contains disclosure declarations. The CFO is the Senior Executive Responsible for Business Integrity Risk (SERBIR).

Non-Compliance

Any person may report an alleged breach of this policy by an employee (other than the Chief Executive Officer (CEO)) to the CEO.

Any person may report an alleged breach by a Board member or the CEO to the Board Chair in writing.

The CEO or Board Chair as appropriate shall investigate any report received and take such action as is considered necessary.

Non-compliance may result in expenses incurred not being reimbursed and /or formal or informal disciplinary action. In the case of a contractor being responsible, immediate cessation of contract services may result.

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

4. Definition of a gift

In this policy, a gift means the voluntary transfer of property or the giving of a benefit or hospitality to a Board member or employee at no charge or at a discounted charge or free of any other consideration as a consequence of the Board member's or employee's service with the CFC.

A gift also includes the above if received by a relative or someone else with whom the Board member or employee has a direct association.

A gift may include, but is not limited to, the following:

- an item received where a staff member opens an exhibition or makes a speech in their official capacity;

- an item given to a staff member hosting a visiting overseas delegation;
- an item received in appreciation of service to a customer;
- prizes, including lucky door prizes;
- promotional materials, including clothing, books, CDs;
- bottles of wine, flowers, manufacturers' samples, or personal items;
- benefits under loyalty schemes;
- discounts on service or commercial items;
- tickets to entertainment such as sporting events, where function does not directly relate to recipient's work and the recipient's attendance would not directly benefit the CFC (invitations to events related to the recipient's work are covered under Hospitality and Events, see Section 14);
- invitations to hosted events and provision of meals or other similar hospitality, unless the caveats in the above point apply;
- invitations to participate in golf days;
- equipment or facilities, including laptops, cameras;
- free or discounted places on training and development courses, excluding those provided by other parts of ACT Government (other than contra-deals, or associated with the presentation of papers, membership arrangements etc);
- fees to individuals for presentations, training, or facilitation (unless in a formal paid capacity and a Second Jobs form has been approved);
- offers of cash or shares;
- preferential treatment;
- job promotion;
- access to confidential information;
- accommodation and hire car discounts; and
- sponsored travel.

5. Integrity, honesty, and meeting community expectations

Board members and employees are expected to:

- earn and maintain public trust;
- be honest and transparent in all of their dealings;
- avoid situations which may lead to real or perceived conflict of interest;
- provide advice without bias;
- make balanced and fair decisions;

- use any power invested in them responsibly;
- use the resources given to them to achieve the best outcomes for the community; and
- submit themselves and their dealings with other employees and the public to scrutiny.

Board members and employees 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. Examples include:

- the person or organisation is in a current or potential contractual relationship with the CFC;
- the employee has the power to make a decision, especially financial, concerning the person or organisation receiving assistance or services from the directorate or statutory authority; or
- the person or organisation's primary purpose is to lobby Ministers, Members of the Legislative Assembly, the ACT Government, or the CFC.

If Board members and employees have any doubt about whether they should accept or give a gift they should first discuss the matter with their manager or SERBIR.

Please refer to the *ACT Government Conflict of Interest Policy* and associated tools located on the CFC Intranet.

6. When you can accept gifts

You may accept gifts in the following scenarios:

- the item is of minimal value ($50 excl GST or less) and offered as a thank you for something already done, such as presenting at a conference or participating in a course;
- if multiple gifts received from the same donor (a person or a number of persons from the same company or organisation) in any one financial year have a total retail value of not more than $100 excl GST;
- a Board member or staff member is attending an event in a capacity of patronage, promotion, public relations, or professional development, or in consideration of a performance, exhibition, or object the CFC wishes to explore procuring, presenting, or acquiring;
- a discounted product or service is offered, and the discount is reasonable and generally available or capable of being negotiated by others not connected with the organisation;
- a meal or other hospitality received at a function is related to the role of the Board Member or employee, or the Board member or employee is officially representing the organisation, or where the appropriate fee for the function has been paid;

- it is not possible to politely decline the gift without causing embarrassment, for example gifts offered by visiting delegations of foreign officials;
- 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 14).

Receipt of a cash gift

In extraordinary circumstances when receiving international delegations, cultural sensitivity may result in the acceptance by CFC 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 Corporate Finance team.

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. Similarly, gifts from other Governments, non-government organisations, or clients may be accepted if they are given as mementos or are of a symbolic nature (for example, a small box of chocolates given as a thank you for speaking at an event).

7. Dealing with gifts received

Where a gift is received, you must consider whether a reasonable person would agree that the gift is valued under $50 excl GST (which can also include researching an indicative cost online). If you are uncertain, either disclose the gift via the Gift, Benefit, and Hospitality Disclosure form (see Attachment A) OR put in writing to your manager a simple rationale for why you believe the item does not need to be disclosed and keep this rationale on file.

Disclosable gifts (those over $50 excl GST) must be dealt with in one of the following ways and the intended course of action identified on the Gift, Benefit, and Hospitality Disclosure form, for approval by the CEO or Board Chair:

- the gift remains the property of the CFC for official use – this would be a suitable way of dealing with gifts that can be used in the work environment such as calendars, wall hangings, diaries, and stationery items, while a gift of wine could be used at an official function;
- the gift is used as a door prize or raffle prize at a CFC Social Club event or other CFC social function e.g. the volunteers' Christmas party;
- the gift is donated to charity;
- the gift is of cultural significance and will be made property of the CFC; or
- the gift is purchased at fair market value from the CFC.

In each case, the course of action seeks to ensure that the Board member or employee to whom the gift was given does not personally benefit from its receipt.

If any of the above is not a suitable course of action, the CEO or Board Chair will provide direction.

Any gift of a USB device or charger or any other device that could be inserted into or connected to a computer or other electronic device should be destroyed and disposed of immediately and absolutely never inserted into or connected to a work or personal electronic device.

8. Donations

Generally requests for donations should only be considered when received from philanthropic organisations and such approaches must only be considered if made in writing. All requests to provide donations should be referred to the SERBIR or the Director for consideration. The CFO must be notified where requests for or grants of money are made in the guise of donations.

The donation of artworks or social history artefacts in the context of the CFC's role as a collecting institution should be conducted in accordance with relevant collecting policies and acquisition procedures.

Donations to theatre programs or social capital programs in the context of the CFC's role as a performing arts institution should be conducted in accordance with relevant philanthropic policies.

9. Gifts to family members

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

If a family member receives a gift where acceptance may be considered a conflict of interest for an employee or Board member of the CFC, this must be declared in writing to the employee's manager/supervisor as soon as possible, using *ACT Government Conflict of Interest Form* which is an attachment to the *ACT Government Conflict of Interest Policy.* Depending on the situation the supervisor may determine that the matter needs to be discussed with the SERBIR to determine what if any action needs to be undertaken to remove a possible conflict of interest.

10. When to decline gifts

An offer of a gift should always be declined if:

- the gift appears to be more than of a token nature in the circumstances;
- there would be a sense of obligation to the person offering the gift;
- a reasonable person could consider that there may be influence applied as a consequence of acceptance of the gift; or
- the gift is in the form of non-packaged food of uncertain origin.

Any gift received shall be subject to the provisions of this policy.

11. Providing gifts to external guests

The CFC may provide gifts to others in scenarios such as:

- 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 performance, event, or exhibition;
- fostering co-operation, the development of working partnerships and future collaboration for matters that are in the community interests.

Gifts may be provided for the purpose of making the guests feel welcome and to provide a reminder of the visit; however, normally the gift should be symbolic in nature rather than high in value.

In general, should the gift be estimated to exceed $50 excl GST in value to an individual, the approval of the SERBIR or CEO must be obtained.

Where a gift that is estimated to exceed $50 excl GST in value to an individual, is given, a Gift, Benefit, and Hospitality provision form must be completed (see Attachment B) and approved by the CEO or Board Chair. Details of gifts provided will be then entered into the CFC Gifts, Benefits and Hospitality Register.

In acknowledgement of customary hospitality arrangements in the live performance industry and where any customary gifts to a visiting company (e.g. flowers, champagne chocolates) will be recorded in the Event’s financial acquittal, Canberra Theatre Centre restaff are exempt from the requirement to seek pre-approval for provision of Gifts, Benefits and Hospitality or to record it on the Register.

12. Providing gifts to employees

Gifts should not be given to employees for undertaking their job; for example a member of another agency/directorate should not be given a gift for doing a presentation to the CFC. 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 CFC resources. However, the CEO or Board Chair, may approve providing a small token, award, or another item deemed appropriate in particular circumstances such as:

- recognition as part of the Don Aitkin Awards;
- a retirement gift for a long-serving employee;
- a thank you gift for Board member at the completion of their term;
- flowers or a card for a significant bereavement.

When presenting any gift, 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 CFC.

Gifts should not be paid for by the CFC in circumstances of staff birthdays, farewells, or other such life events. It is up to other staff as colleagues to contribute in these scenarios if they wish.

13. Gift Selection Guide for Cultural Sensitivities

It is important that any gift selected is appropriate. A business gift is a symbol of a relationship.

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. For advice, consult the Office of the International Engagement Commissioner.

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

14. Hospitality and Events

14.1 What constitutes hospitality?

Hospitality includes the provision or receipt of food or drink in the form of free or highly discounted goods or services.

For the purposes of this policy the following are **not** considered hospitality and do not have to be reported:

- light refreshments during a meeting for the purposes of transacting official business;
- light refreshments and/or light lunch during a meeting or training course;
- functions where staff have provided the catering, for example team morning teas where staff bring the food.
- arrangement of hospitality riders and/or backstage catering for venue hirers at Canberra Theatre Centre events where the cost of the food and beverage is charged on to the hirer of the venue.

14.2 Hospitality provided by the CFC

Hospitality must only be provided in accordance with this policy, the Chief Executive Financial Instructions and, ideally, the ACT Public Sector Healthy Food and Drink Choices Policy, with the exception of the operations of Canberra Theatre Centre with regard to theatre bars, green room riders, VIP hospitality, and other scenarios particular to operating a live performance venue.

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 CFC is able to be demonstrated.

Hospitality may be provided in conjunction with CFC delivered events such as exhibition and performance opening night events whether on behalf of CFC or hirers, launches, meetings of boards and committees, inter-governmental or industry meetings, sales and marketing events, and visits by overseas officials.

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 CFC. 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.

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 CEO or the SERBIR for consideration.

Authorisation of expenditure for the provision of hospitality

Expenditure on the provision of hospitality requires authorisation *prior* to the event.

The CEO must approve all hospitality expenditure in excess of $150 (excl GST).

The CFO approves all CEO hospitality expenditure over $50 (excl GST).

Business Unit Directors must approve all hospitality expenditure between $50 and $150 (excl GST).

No prior approval for hospitality is required for minor expenditure under $50 (excl GST).

In situations where it is not possible or feasible to seek prior approval, Business Unit Directors can provide hospitality up to a $150 limit, and a hospitality form will need to be completed for CEO approval as soon as possible after the hospitality has been provided.

Further, CTC staff in situations where it is not possible or feasible to seek prior approval, can provide hospitality up to a $50 limit, and a hospitality form will need to be completed for CEO approval as soon as possible after the hospitality has been provided.

Approval must be provided by the relevant decision-maker within the relevant and current financial delegations. The approval form is Attachment B.

In a situation where Canberra Theatre Centre provides hospitality in connection to a pre- or post-show function, green room riders, VIP hospitality, and other scenarios particular to operating a live performance venue, the hospitality and associated cost must be budgeted for and approved by the relevant decision-maker within the relevant and current financial delegations. In this situation, an approval form is not required, and the financial limit does not apply.

Authorisation to provide alcohol as part of hospitality

Any CFC events involving alcohol should be managed in line with Responsible Service of Alcohol and must be approved by the CEO. With regard to CTC green room riders, VIP hospitality, company gifts, and other scenarios particular to operating a live performance venue, the provision of alcohol as part of hospitality may be approved by a relevant decision-maker within the relevant and current financial delegations in the normal course of business in entering into contracts or approving staff to arrange events or hospitality.

Failure to Obtain Prior Approval to provide hospitality

Failure to obtain prior approval for providing hospitality is, unless there are exceptional circumstances, 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 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.

14.3 Providing hospitality to employees

Generally, hospitality should not be provided where the main beneficiaries are ACTPS employees. Employee functions are to be paid for by employees such as for birthday morning teas or team building events. .

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 recognition of employee achievements, for example the annual Don Aitkin Awards, which requires approval by the CEO.
- catering associated with attending a CTC pre- or post -show function or VIP event.

Expenses associated with meetings are **not** to be regarded as hospitality expenditure and do not need to be reported under this policy (see Section 14.1 What constitutes hospitality).

Approval limits for meeting expenditure are the same as those applying for other general expenditure.

14.4 Receiving hospitality and event attendance by employees outside of the CFC

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; for example, an invitation by a local business for a CFC employee to attend a public event as its guest, when the employee is a decision maker in a tender process involving that business, would be inappropriate.

Note there will be occasions where it is appropriate for an official to attend an event where the CFC 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 CFC has funded.

Accepting Tickets

Employees of the CFC routinely are offered, request, or receive complimentary or discounted tickets to performances and events at both CFC and other organisations in the normal course of their duties and in line with normal practice across the live performance industry for the purposes of assessing shows, industry networking, and stakeholder engagement. This is regarded as an important part of their roles and is not counted as a gift or hospitality.

It should also be noted that the wider staff of the CFC are at times offered complimentary tickets at CTC and these do not count as gifts.

Employees of the CFC, notably of Canberra Museum and Gallery, are routinely invited to, or request to, view exhibitions or artworks including through attending exhibition opening events in the normal course of their duties and in line with normal practice across the cultural sector for the purposes of assessing exhibitions and artworks, industry networking, and stakeholder engagement. This is regarded as an important part of their roles and is not counted as a gift or hospitality.

Where a CFC employee is invited to an event that is not covered by the above and would involve some benefit such as a catered meal and high profile guest speakers, or corporate hospitality at a sporting match, including in a capacity as a representative of the CFC and the ACT Government more broadly, this counts as a gift and must be disclosed. If in doubt, disclose, using the Gift, Benefit, and Hospitality Disclosure form (see Attachment A).

14.5 Purchase of Tables

On occasion, it may be deemed appropriate for the CFC to purchase tables at a major stakeholder's function or award presentation. The CEO must approve the purchase of the tables prior to the function.

Attendance by CFC employees and clients at the purchased tables must be recorded on the Gift, Benefit, and Hospitality Disclosure form. Employees with approval to attend functions must receive hospitality in a manner that is consistent with the ACT Public Service Code of Conduct, including:

- acting professionally and recognising the trust placed in us as public servants;
- 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.

14.6 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).

Where on-demand transport is used, spending must be in accordance with the Credit Card Policy (CEFI 2.9) and the ACT Government Guidelines for Reasonable Expenses for Reimbursement, balanced with ensuring staff can get home safely.

14.7 Alcohol provision and consumption

Alcohol at CFC 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. However, CFC employees routinely attend events on CFC premises in a variety of industry-specific scenarios and in a variety of capacities where the responsible consumption of alcohol is acceptable and is covered by the standing authorisation at Attachment C. While these events are largely outside of office hours, they are often still work-related. These scenarios include:

- attending pre-show or post-show networking events at the CTC with stakeholders and VIPs where complimentary drinks are provided;
- attending a CTC show and purchasing alcohol from the CTC bar; or
- attending a CMAG exhibition opening or other event after hours where complimentary drinks are provided.

Employee should remain mindful that in these scenarios they are representing the CFC, and more broadly the ACT Government, and should behave appropriately.

Alcohol when accepting external hospitality/attending external events

Where accepting hospitality involves the consumption of alcohol, this must occur in accordance with the *ACT Public Service Code of Conduct*, the Public Sector Management Standards 2016 and the ACTPS Alcohol and Other Drugs Policy including:

- the requirement for ***prior*** approval from the relevant delegate to consume alcohol while on duty (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'). See Attachment C for standing approval in specific circumstances;
- acting professionally and recognising the trust placed in us as public servants;
- 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.

Noting that CFC employees routinely attend cultural events, largely after hours but still work-related, where alcohol is served or can be purchased (e.g. pre-show events at other performing arts venues or exhibition opening events at other galleries), the responsible consumption of alcohol is acceptable and is covered by the standing authorisation at Attachment C.

14.8 Use of CFC facilities for hospitality

With the exception of formal third-party hiring arrangements, (and noting that a number of CFC venues are available for public hire) the CFC's use of CFC facilities must ensure that

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

This includes, for example, the CFC's hosting of arts symposia in the CMAG foyer, or the CFC Public Meeting Room being hired by another Directorate for a planning day. It excludes, for example, the hire of Lanyon Homestead for a wedding, or hire of the CTC Link for an industry awards function.

The following are examples of conduct likely to constitute inappropriate use and a failure to comply with the obligations and standard of conduct expected of an employee:

- use of a CFC venue/hospitality for personal gain of an employee of the CFC or of persons or organisations with which they are associated personally;
- use of a CFC venue (separate from formal third-party formal arrangements (e.g.

weddings) which are allowable for staff on the same hired basis as members of the public) to conduct anything other than official business;

- use of a CFC venue (separate from formal third-party formal hire arrangements) without prior approval from the appropriate delegate; or
- provisions of hospitality where it may be construed as inappropriately influencing decision making.

15. Reporting and registration process

If there is any doubt about a gift, particularly if it concerns conflict of interest, employees should seek guidance from a director or the SERBIR.

Repeated offers of gifts or of hospitality from a single source and any obvious advances in the form of bribes should immediately be reported to the SERBIR and/or CEO.

16. Approval process for gifts received

Once the Gift, Benefit, and Hospitality Disclosure form (see Attachment A) has been completed, it has to be forwarded to the CEO or Board Chair for decision and proposed means of dealing with the gift. If the gift or benefit does not constitute a conflict of interest but its acceptance could give the appearance of undue influence, the CEO or Board Chair will use discretion to protect the CFC's reputation and decide to:

- return the item to the giver;
- let the recipient retain the gift;
- retain the gift within the CFC for display or use;
- donate the gift to charity;
- donate the gift to the CFC's social club to use or give as a prize.

Any gift or benefit of cultural significance becomes the property of the CFC.

When entering their decision on the Gift, Benefit, and Hospitality Disclosure form the CEO or Board Chair should also include any special criteria in dealing with the gift and may also include reasons for the decision. 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 particular location.

Once the CEO or Board Chair has made a decision, they should notify the recipient of the decision and ensure that the decision is carried out. The signed Gift, Benefit, and Hospitality Disclosure form will be forwarded to Corporate Finance to record the decision on the CFC Gifts, Benefits and Hospitality Register.

Privacy
Gifts covered by this policy are received in the course of employment or Board Membership and as such it is expected that repression of any information due to privacy concerns is not warranted. Should any Board Member or employee have any concerns about a privacy issue associated with a gift this should be discussed with the CEO or Board Chair at the time of lodgment

Decisions regarding the availability of the Gift, Benefit, and Hospitality Disclosure form to other CFC staff members or the general public will be at the sole discretion of the CEO and/or Board Chair as appropriate.

17. Authorisation process for gifts provided

Once the Gift, Benefit, and Hospitality provision form (see Attachment B) has been completed, it must be forwarded to the CEO or Board Chair for approval.

18. Gifts, benefits, and hospitality Register

Once the CEO has forwarded the completed Gift disclosure/provision form to Corporate Finance, the details of all gifts received and given will be entered into the Gifts, Benefits and Hospitality Register.

The CEO or Board Chair can refer any entry in the Gifts, Benefits, and Hospitality Register to a Board Meeting for review at their discretion.

Gifts with an estimated value under $50 excl GST 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 CFC not the individual; or
- there is some question as to the value of the gift.

Gift Disclosures must be completed within seven days of the gift being given or made and then forwarded to the CEO for decision.

Failure by employees to appropriately notify the receipt or offer of the gift within the allocated reporting timeframe may lead to misconduct and disciplinary action being taken against the employee. This would certainly be the case if it was found that the employee was in a conflict of interest situation and the employee knowingly concealed the receipt of the gift.

Voluntary Declaration

A Board Member or CFC employee may elect to declare a gift, even though it does not fall within the definition of a gift, benefit, or hospitality as contained in this policy.

19. Gifts, benefits, and hospitality Register review

The SERBIR should annually review the Gifts, Benefits, and Hospitality Register and provide the CEO a report on compliance, highlighting any matters of concern.

Gifts, Benefits, and Hospitality **Disclosure form**

This form is for use in conjunction with the CFC Gifts, Benefits, and Hospitality Policy. Complete this form within seven (7) days of receiving a gift, benefit or hospitality and refer the form to the CEO (or Board Chair where relevant). Employees are required to have the form noted by their Director prior to lodgment.

Name	To the Chief Executive Officer / Board Chair: I wish to disclose the following gift/benefit/hospitality in accordance with the Policy:
Received from	The gift/benefit/hospitality was received from: (name and address of donor and where applicable the donor's company/organisation name)
Details of gift/benefit/hospitality	Description of gift/benefit/hospitality, date received and estimated value.
Comments	I propose that the gift/benefit/hospitality be dealt with as follows and seek your agreement to this.
Signature	I declare the above to be true and correct. ………………………………………………………………… Date: / /
	Authorised by CEO/Board Chair ………………………………………………………………… Date: / /

ATTACHMENT B

CULTURAL FACILITIES CORPORATION

Gifts, Benefits and Hospitality Provision/ Approval Form

This form is used in conjunction with the CFC *Chief Executive Financial Instruction 2.5 Gifts, Benefits and Hospitality Policy.* All gifts, benefits or hospitality provision is to be approved **prior to the event**, where it is practical to do so.

Please attach a copy of the quote or other supporting information for the authorising officer to review.

Function Details (to be provided by requesting officer)

Business Unit: Select

Cost Centre:

Section:

Event Code:

Estimated Cost Incl GST:

Name of Function/Meeting:

Date of Function/Meeting:

Time of Function/Meeting:

Location of Function:

Reason for Entertainment:

Alcohol provided Yes: ☐ No: ☐ Provision of alcohol approved by CEO Yes: ☐ No: ☐

Attendees

Total number of attendees:

Number of CFC staff:

Number of ACT Gov staff:

Number of non ACT Gov staff:

Requesting Officer

Name:

Position:

Signature:

Date:

Authorising Officer

Name:

Position:

Signature:

Date:

Position:	Threshold:
Chief Executive Officer	>$150
Directors: Canberra Theatre Centre, Collaboration and Business Development, Galleries Museums and Heritage, Facility Operations and Capital Works	<$150
Chief Finance Officer to approve CEO expenditure	>$50

Authorised forms should be emailed to: CFCAccounts@act.gov.au

Submit

As of March 2024

Standing approval of consumption of alcohol by CFC employees at certain events

I, Gordon Ramsay,

- exercising my delegation under the *ACT Government Alcohol and Other Drugs Policy;* and
- in accordance with s17 of the Public Sector Management Standards 2006; and
- for avoidance of doubt as to whether a staff member is "on duty" in certain circumstances –

provide standing approval for the moderate consumption of alcohol by employees and Board members of the Cultural Facilities Corporation on government premises at public events relating to attending performances, exhibitions, and other functions pertaining to the core business of the CFC.

This may include

- pre- and post-show events as well as performances at Canberra Theatre Centre;
- exhibition openings and related events at Canberra Museum and Gallery and ACT Historic Places;
- events by external hirers in any CFC premises where a CFC staff member is an invited guest; and
- other relevant stakeholder engagement activities.

I also exercise this delegation in relation to employees attending similar events, after hours, in a work-related capacity, at other venues.

This may include

- pre- and post-show events as well as performances at other performing arts venues; and
- off-site events directly line with normal practice across the cultural sector for the purposes of assessing exhibitions and artworks, industry networking, and stakeholder engagement
- exhibition openings and related events at other galleries, museums, or cultural institutions.

Signed

Gordon Ramsay
CEO

Date: 1/2/2023

The CFC Gifts, Benefits, and Hospital Register is located in G:\Executive\1 FINANCE AND TREASURY MANAGEMENT\Donations\Gifts, Benefits, and Hospitality Register

EXAMPLE

GIFTS, BENEFITS, AND HOSPITALITY REGISTER

The register below shows gifts, benefits, and hospitality and their value that have been offered and or received by Cultural Facilities Corporation Board members and employees.

Offered and receipt of gifts, benefits, and hospitality				
Date of Receipt of Offer	**Description of gift, benefit and/or hospitality offered**	**Reason for acceptance**	**Person/Organisation offering gift, benefit and/or hospitality**	**Value of gift, benefit and/or hospitality ($ excl GST)**
1/12/2021	Container of tea	Declining would cause cultural offence	Embassy	$50.00

The register below shows gifts, benefits and hospitality and their value that have been provided by Cultural Facilities Corporation Board members and employees.

Provision of gifts, benefits, and Hospitality				
Date gift, benefit and/or hospitality provided	**Description of gift, benefit and/or hospitality Offered**	**Reason gift, benefit and/or hospitality was provided**	**Person/organisation gift, benefit and/or hospitality was provided to**	**Value of gift, benefit and/or hospitality ($ excl GST)**
10 July 2021	Purchase of table at ACT Tourism Awards	CFC representation at event; • Encourages and enhances professional networks	CMAG staff	