

Staff Name	Date of Offer	Organisation/Person offering	Gift Description	Reason for Gift	Value (\$)	Comments
s. 22						
s. 22						
Ronan O'Connor	Aug-17	Hear and Say	Hear and Say Gala Black Tie Ball tickets for 2 people	Hear and Say is celebrating its 25 th year of supporting children and families affected by hearing Loss. We are a large sponsor and supporter of Hear and Say. In this context we have sponsored a couple of tables at this year's ball and would like to invite you and partner as our guest at the Hear and Say Gala on Saturday 19 August 2017.	\$330.00	Accepted
s. 22						
Liz s. 22	Jul-17	Ernst & Young	Inv tton to Charity Gala	Hear and Say is celebrating its 25 th year of supporting children and families affected by hearing Loss. We are a large sponsor and supporter of Hear and Say. In this context we have sponsored a couple of tables at this year's ball and would like to invite you and partner as our guest at the Hear and Say Gala on Saturday 19 August 2017.	\$165.00	Accepted
Rebecca s. 22	Aug-17	Empire Group	2 x blankets & bag of goodies	Relationship building	\$50.00	Accepted
Brad s. 22	Sep-17	JP Consulting	Invitation to Corporate Breakfast - ACHSM	While i am unable to ascertain the motives of JP Consulting in offering attendance at the breakfast, i suspect this was prompted for two reasons: 1. JP Consulting has some history working in the interoperability space and would want to position themselves for future work. I have made no undertakings to JP Consulting of any future work, and all future work would go through a procurement process. Additionally, should JP Consulting bid for future work, I would need to declare this breakfast attendance to the procurement panel as a potential perceived conflict of interest. 2. JP Consulting may wish to contract me within their organisation at some point in the future.	\$68.00	Likely to accept. At this stage, i am inclined to accept the inv tation, as there are also going to be key people from eHealth Queensland at the table, and these connections will be useful to my work within the Agency in the future. The breakfast is on 18 October

Gift Register

Staff Name	Date of Offer	Organisation/Person offering	Gift Description	Reason for Gift	Value (Decision	Delegate making decision	Comments
Andrew s. 22	9/11/2018	Society of Hospital Pharmacists of Australia (SA/NT Branch)	Set of 2 glasses	Token of appreciation	\$30			
Andrew s. 22	9/11/2018	Society of Hospital Pharmacists of Australia (SA/NT Branch)	Olive oil and dukkha	Token of appreciation	\$20			
Matt s. 22	20/12/2018	Empire Careers	1 Picnic rug and 1 Coffee Keep cup		\$60			
Melissa s. 22	20/12/2018	Empire Careers	1 Picnic rug and 1 Coffee Keep cup		\$60			
Kristine s. 22	20/12/2018	Empire Careers	1 Picnic rug and 1 Coffee Keep cup		\$60			
Elizabeth s. 22	21/06/2019	Karsten's	Invitation to EOFY drinks/canapes	Agency is a client and have used the facilities for on events	\$20	Approved	Steven Issa	No conflict of interest determined

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s. 22

From: Monica Trujillo
Sent: Friday, 4 May 2018 6:03 PM
To: Kathryn Dolan
Cc: Jean s. 22
Subject: Gift registry

Hi Kathryn

Just wanted you to add to the gift registry I received an Amazon echo dot today as a thank you gift for presenting at the Healthdirect partners conference. I looked it up and commercial value is about 72-78 AUD.

Photos attached

Let me know if any issues

Cheers

Monica


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Telstra 4G 11:43 am 79%

how.much does an echo dot cost




Amazon Echo Dot for Beginne...


\$5.73
from Audible



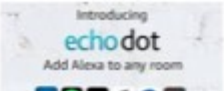
Amazon Echo Dot (2nd Gen)
Black
More style options
★★★★☆ (5)
\$78.00
from 2 stores



All-new Echo (2nd Gen) With
Improved Sound, Powered By ...
More style options
★★★★★ (4,848)
\$123.46 + tax
USD92.99 + tax
from 10+ stores



Amazon Echo Dot Wireless
Home Speakers - Black
★★★★★ (32,741)
\$72.00
from 5+ stores



Introducing
echo dot
Add Alexa to any room

Amazon Echo Dot (2nd
Generation)

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Australian Government

Australian Digital Health Agency



INTERNAL USE ONLY

Accountable Authority Instructions Internal Policy

24 August 2018

Approved for internal use

OFFICIAL

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Key information

Owner	Executive General Manager Organisational Capability and Change Management
Business unit	Organisational Capability and Change Management
Filename	Accountable Authority Instructions v24082018 Last saved 12/09/2018 1:16 PM
Date of next review	30 June 2019
Contact for enquiries	Chief Financial Officer

Approval

This document has been approved on the basis that the appropriate input has been obtained during its development.

Tim Kelsey

24 August 2018

Chief Executive Officer

Document version history

Version	Date	Comments
v30062016	30 November 2016	Amended in accordance with Agency Board approval on 17 November 2016
v14062018	14 June 2018	Amended in accordance with Agency Board approval on 14 June 2018
v24082018	24 August 2018	Amended in accordance with Agency Board approval on 24 August 2018

Document control

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Security

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1 Introduction

These Accountable Authority Instructions (AAIs) are issued by the Australian Digital Health Agency (the Agency) under section 20A of the *Public Governance, Performance and Accountability Act 2013*.

All Agency officials must comply with the requirements in these AAIs. They have been developed to ensure that the Agency complies with the Commonwealth's requirements of a corporate Commonwealth entity including the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), the *Public Governance, Performance and Accountability Rule 2014* (PGPA Rule) and the Commonwealth Procurement Rules (CPRs).

The AAIs constitute directions that Agency officials must comply with.

The Executive General Manager Organisational Capability and Change Management can issue additional policies and procedures to support instructions outlined in these AAIs.

Failure by an official to comply with a lawful and reasonable direction may result in disciplinary action, and breach of the Agency's Code of Conduct.

Scope

These AAIs set out the obligations of officials in relation to the resource management requirements contained in the Commonwealth's Resource Management Framework.

These AAIs apply to all Agency officials. For the purpose of these AAIs, "officials" include:

- all Agency employees, employed under the Public Service Act 1999 (PS Act),
- all Agency employees, employed under Common Law contracts,
- any other person who is defined as an official in accordance with section 13 of the PGPA Act and section 9 of the PGPA Rule.

2 Authorisations

The Chief Executive Officer has issued a Chief Executive Officer Authorisation of Agency officials in relation to financial decisions and Agency policies authorisation.

In this document, the Chief Executive Officer has authorised certain officials to:

- enter into contracts or agreements (including deeds of agreement);
- sign a confidentiality / non-disclosure agreement imposing confidentiality obligations on the Agency,
- authorise travel expenditure,
- authorise an indemnity, warranty or guarantee,
- make or administer internal or administrative policies for the Agency, and
- acquire, hold and dispose of real and personal property.

Instructions – all officials

- Officials are personally accountable for their decisions and actions.
- Officials must only approve transactions if you have a current authorisation for the type of transaction.
- Officials must only approve transactions that are at, or under, the transaction limit for that transaction type.
- Officials must not use their financial authorisation to approve transactions for their own benefit.
- Officials must comply with any directions contained in the *Chief Executive Officer Authorisation of Agency Officials in relation to financial decisions and Agency policies*.
- Officials must ensure that they understand their duties and responsibilities before exercising a financial authorisation.
- Officials must ensure that the decision to commit relevant money is documented in writing as soon as practicable after giving it, and that the detail contained in the approval documentation is commensurate with the scale and scope of the transaction and the degree of public interest.
- Officials must consider:
 - whether the request/proposal is in the best interest of the Agency?
 - whether the request or decision is within the direction given by the authorisation?
 - if their involvement constitutes a real or perceived conflict of interest?
 - what the risks associated with approving or not approving the request/proposal may be?
 - if there are viable alternatives to the request/proposal?
 - what the anticipated perceptions of the request/proposal may be?
 - what the ongoing impact to the Agency's resources may be?

3 Duties of officials

Section 15 of the PGPA Act imposes a duty on the Australian Digital Health Agency Board (the Board) to govern the Agency in a way that promotes the 'proper' use and management of the public resources.

The PGPA Rule (Digital Health) describes that the Chief Executive Officer is responsible for the day-to-day administration of the Agency, and that they have power to do all things necessary or convenient to be done for or in connection with the performance of his or her functions.

Duties of officials

Sections 25 to 29 of the PGPA Act set out the general duties that apply to officials of all Commonwealth entities, the Agency officials, particularly in their management and use of public resources. There are four general duties, which are:

1 A duty of care and diligence (section 25)

Officials need to undertake their employment roles with the same degree of care and diligence that would reasonably be expected of any official in the same position.

An example of not exercising care and diligence could be undertaking an unfamiliar task without checking legislative requirements, related guidance and the Agency's operational guidelines/instructions.

2 A duty to act in good faith and for a proper purpose (section 26)

Officials need to act in a sincere and honest way for the purpose that they are employed. In doing so, an official is required to manage or use public resources in a proper manner.

An example of not acting honestly, in good faith and for a proper purpose could be providing information to a person in a way that intentionally deceives or misleads them or purporting to have authority to approve something when they knowingly do not.

3 A duty in relation to use of position (section 27) and a duty in relation to use of information (section 28)

Officials must not improperly use their positions or information to gain a benefit or an advantage for themselves or for another person; or cause, or seek to cause, detriment to the Commonwealth or another person.

An example of misuse of position could be: an official using their title to seek a discount that benefits them personally or a member of their family.

An example of misuse of information could be: leaking financial information to the media that an official has access to, in performing their role in the Agency.

4 A duty to disclose interests (section 29)

Officials need to report relevant material personal interests in relation to the affairs of the entity they work for.

This disclosure needs to be undertaken in accordance with Part 2.2 of the PGPA Rule 2014.

An example of this could be: an official being on an employment selection panel that is interviewing a friend or family member for a position with the Agency.

Key guidance	Key references
<ul style="list-style-type: none">Resource Management Guide No 203: General duties of officials	<ul style="list-style-type: none">PGPA Act: s25-29

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4 Managing risk and internal accountability

This AAI is issued under section 20A of the PGPA Act. It provides instruction to officials on activities relating to the Agency's corporate governance, including managing risks, fraud risk management and control, audit, accounts and records, and insurance.

4.1 Accountability for managing risk

Sections 16 to 19 of the PGPA Act describes the need for the Agency to establish and maintain appropriate risk frameworks and systems that ensure:

- the development of the Agency's risk management framework, supporting systems and control framework that is fit for purpose, giving consideration to the complexity (or maturity) of the Agency;
- cooperation with stakeholders to achieve common objectives;
- consideration of the requirements imposed on others, to ensure that specific risks are placed with those best placed to manage the risk; and
- the communication of risk, and an entity's ability to manage specific risks, with the responsible minister.

Accountability and responsibility for the Agency's performance lies with the Board and Chief Executive Officer. This includes accountability for the Agency's management of risk.

While the Board, Chief Executive Officer and Executive Leadership Team are ultimately *accountable* for the management of risks, it is the *responsibility* of all officials to undertake the management of risk.

Key guidance	Key references
<ul style="list-style-type: none"> • Australian Digital Health Agency's Risk Management Strategy, Framework and Policy • Resource Management Guide No 200: General duties of accountable authorities • Resource Management Guide No 203: General duties of officials 	<ul style="list-style-type: none"> • PGPA Act: s16

Instructions – all officials

All officials must actively manage risks that are part of their day-to-day work by:

- Complying with the Agency's Risk Management Strategy, Framework and Policy;
- Identifying key risks and responding to them; and
- Reporting key risks to the responsible person.

Instructions – officials responsible for risk management activities

- Responsibility for the implementation of the Agency's Risk Management Strategy, Framework and Policy is the responsibility of the Executive Leadership Team, the Occupational Health and Safety committee and Risk Manager.
- Detailed risk responsibilities are described in the Agency's Risk Management Strategy, Framework and Policy.

4.2 Disclosure of interests

Section 29 of the PGPA Act places a duty on all officials to disclose material personal interests relating to the affairs of the entity. It is fundamental to good governance that material personal interests are raised and dealt with effectively. Failure to do so can undermine confidence and trust in the Agency and potentially the Commonwealth more broadly.

The duty to disclose applies only to material personal interests. Materiality depends on the size and nature of the interest and the surrounding circumstances. Material personal interests should not be confined to financial or similar interests. To be material a personal interest must be of a type that can give rise to a real or perceived conflict of interest. The phrase 'relating to the affairs of the entity' should be read broadly. For example, it includes activities of the entity that involve collaboration with other entities inside or outside government. The overriding principle for a declaration of a material personal interest should be: if in doubt, declare the interest in accordance with legislative requirements and instructions of the Agency.

The PGPA Rule provides in sections 12 to 16C the requirements and consequences, where applicable, for disclosure of material personal interests that relate to the affairs of the entity.

Key guidance	Key references
<ul style="list-style-type: none"> • Australian Digital Health Agency Conflict of Interest Policy • Resource Management Guide No 203: General duties of officials 	<ul style="list-style-type: none"> • PGPA Act: s29 • PGPA Rule: s12 to 16D

Instructions – all officials

- Officials must disclose a material personal interest that relates to the affairs of the Agency in line with the Australian Digital Health Agency Conflict of Interest Policy.

4.3 Fraud risk management and control

Section 10 of the PGPA Rule (preventing, detecting and dealing with fraud) provides that the Board must take all reasonable measures to prevent, detect, and deal with fraud. This includes conducting regular fraud risk assessments, developing and implementing a fraud control plan that deals with identified risks and ensuring that the risk of fraud is taken into account in planning and conducting the activities of the entity.

Further, section 10 of the PGPA Rule provides that the accountable authority must have appropriate mechanisms for:

- preventing fraud, including ensuring that officials in the entity are made aware of what constitutes fraud;
- detecting fraud, including a process for officials of the entity and other persons to confidentially report suspected fraud to the entity;

- investigating or otherwise dealing with fraud or suspected fraud; and
- recording and reporting incidences of fraud or suspected fraud.

Key guidance	Key references
<ul style="list-style-type: none"> • Australian Digital Health Agency's Fraud Policy • Australian Digital Health Agency's Fraud Control Plan • Resource Management Guide No 200: General duties of accountable authorities • Resource Management Guide No 201: Preventing, detecting and dealing with fraud • Resource Management Guide No 203: General duties of officials 	<ul style="list-style-type: none"> • PGPA Rule: s10

Instructions – all officials

- Officials must act in accordance with the Australian Digital Health Agency's Fraud Control Plan.

4.4 Audit

Section 45 of the PGPA Act requires the Agency to establish an audit committee. The Audit and Risk Committee is established to assist the Board discharge its responsibilities under the PGPA Act 2013 in respect of:

- Financial reporting;
- Performance reporting;
- Risk oversight and management;
- Internal control; and
- Compliance with relevant laws and policies.

The Audit and Risk Committee provides a forum for communication between the accountable authority, senior managers of the Commonwealth entity and the internal and external auditors of the Commonwealth entity i.e. the Commonwealth Auditor-General.

Key guidance	Key references
<ul style="list-style-type: none"> • Australian Digital Health Agency Internal Audit Protocols (to be drafted by the Agency post 1 July 2016) • Australian Digital Health Agency Audit and Risk Committee Charter • Resource Management Guide No 202: Audit Committees 	<ul style="list-style-type: none"> • PGPA Act: s45, • PGPA Rule: s17

Instructions – all officials

- All officials must cooperate with:
 - The Agency's internal audit function, and the Australian Digital Health Agency's Internal Audit protocols;
 - The Australian Digital Health Agency Audit and Risk Committee; and
 - Representatives of the Australian National Audit Office.

4.5 Accounts and records

Section 41 of the PGPA Act requires that the Agency maintains accounts and records properly to record and explain the Agency's transactions and financial position. It also requires the form of these records conform to requirements in the rules, and facilitates the preparation of annual financial statements and audit reports.

Section 41 also establishes that the Finance Minister and the Minister for Health are entitled to full and free access to the accounts and records of the Agency, subject to any Commonwealth law that prohibits disclosure of particular information.

Section 67 — 69 of the PGPA Rule (Digital Health) describes that each state/territory Health Minister may request the following reports, documents and information from the Board:

- the Agency's corporate plan, once the Board has given the corporate plan to the Minister for Health and Minister for Finance;
- the Agency's records;
- the Agency's annual performance statements;
- the Agency's accounts and records;
- the Agency's annual financial statements, once the Board has prepared the annual financial statements and given them to the Auditor-General;
- the Agency's annual report, once the Board has given the annual report to the Minister for Health;
- a report or recommendation prepared by a standing advisory committee for consideration by the Board, once the Board has received the report or recommendation from the standing advisory committee.

The Board must advise state/territory health ministers of availability of documents as soon as practicable. The Board must provide these within 30 days after the state/territory Health Minister's request.

Section 32 of the *Auditor-General Act 1997* provides the Auditor-General with the power to direct officials to obtain information that the Auditor-General requires. Information gathering typically occurs by Australian National Audit Office (ANAO) officials.

Key guidance	Key references
<ul style="list-style-type: none"> • Australian Digital Health Agency Document Management Policy (to be drafted post 1 July 2016) • Public Governance, Performance and Accountability (Financial Reporting) Rule (FRR) • Resource Management Guide No. 125: Commonwealth Entities Financial Statements Guide • Resource Management Guide No. 209: Guidance for Commonwealth entities on the requirements to keep non-financial records 	<ul style="list-style-type: none"> • PGPA Act: s41 • Archives Act 1983

Instructions – all officials

- Officials must maintain appropriate accounts and records to meet the requirements of the PGPA Act, PGPA Rule and the Public Governance, Performance and Accountability (Financial Reporting) Rule (FRR).
- Officials must comply with any lawful request by the Finance Minister, the Minister for Health, State Health Ministers and Auditor-General (ANAO) for access to the Agency's accounts and records.

4.6 Insurance

The Agency is required to insure their assets and liabilities through Comcover, and to arrange workers compensation insurance through Comcare. The risks normally covered, but not limited to, include:

- property loss, destruction or damage;
- general liability and professional indemnity;
- motor vehicle loss, destruction or damage;
- personal accident and travel;
- expatriate; and
- workers' compensation claims.

It is the Chief Executive Officer's responsibility to ensure that appropriate coverage is maintained at all times and that changes to assets, liabilities and insurable risks generally are immediately notified to Comcover and incorporated into the Agency's insurance program. Comcover is not responsible for insurable risks that have not been included in the Agency's insurance program.

As with any insurance, this cover will have limits, excess thresholds and other conditions attached. For example, there is the usual duty to disclose matters relevant, it is then the insurer's decision whether to accept the risk insured, and on what terms (i.e. the duty of full disclosure). There will be circumstances where a Commonwealth entity is not covered, for example where a claim results from a contractual breach or an unlawful act.

Key guidance	Key references
<ul style="list-style-type: none"> • Australian Digital Health Agency's Risk Management Strategy, Framework and Procedure • Resource Management Guide No 205: Insurance • Comcover Statement of Cover 	<ul style="list-style-type: none"> • PGPA Act: s62 • PGPA Rule: s23

Instructions – all officials

- Officials must disclose any insurance risks and report any potential insurance claim or incident to the insurer.

5 Approval and commitment of relevant money

This AAI is issued under section 20A of the PGPA Act. It provides instruction to officials on approving and committing relevant money such as when entering into arrangements. It includes instructions in relation to:

- approving proposed commitments of relevant money and entering into arrangements;
- guarantees, indemnities, warranties and other contingent liabilities;
- official travel; and
- official hospitality.

Proper use of public resources

Section 15 of the PGPA Act imposes a duty on the Board to promote the proper use and management of public resources for which they are responsible.

Consistent with this duty, the Chief Executive Officer has established controls that ensure officials consider the proper use (i.e. efficient, effective, economical and ethical use) of public resources when making decisions regarding the commitment of relevant money.

What is a commitment of relevant money?

Relevant money becomes 'committed' when the Agency undertakes an activity that results in an obligation to pay relevant money.

For example, entering into an arrangement under which relevant money will become payable, including obligations that are contingent upon certain events occurring, such as the granting of indemnities, guarantees and warranties by the Agency to another party.

Before committing relevant money

Before any official makes a commitment of relevant money such as entering into an arrangement, the official must be satisfied that they have authority to enter into the arrangement, consistent with the Australian Digital Health Agency Chief Executive Officer Authorisation of Agency officials in relation to financial decisions and Agency policies.

5.1 Approving and making commitments of relevant money

Officials must comply with the requirements of section 18 of the PGPA Rule when approving the commitment of relevant money.

What is relevant money?

Relevant money is money standing to the credit of any bank account of, or that is held by, the Agency.

What is a commitment of relevant money?

Relevant money becomes 'committed' when the Agency undertakes an activity that results in an obligation to pay relevant money. For example, entering into an arrangement under which relevant money will become payable.

What is an arrangement?

Section 23 of the PGPA Act refers to an arrangement as including a contract, agreement deed or understanding. This is a broad definition and includes a range of agreements, such as Memorandum of Understandings, and standing offers.

Before committing relevant money

Before an official commits relevant money, they must be satisfied that:

- they have authority to enter into the commitment;
- they have acted in accordance with the Agency's procurement policy; and
- they have not acted inconsistent with the policies of the Australian Government.

Key guidance	Key references
<ul style="list-style-type: none"> • Australian Digital Health Agency Procurement Policy • Resource Management Guide No 400: Commitment of relevant money 	<ul style="list-style-type: none"> • PGPA Act: s15, s22 • PGPA Rule: s18

Approving Commitments of Relevant Money

Instructions – all officials

- All officials must not approve a proposed commitment of relevant money, unless they have been authorised to do so.
- Proposed commitments of relevant money must be approved consistent with any written requirements specified in these instructions or the terms of the relevant authorisation instrument.
- When required, the official must seek approval for a proposed commitment of relevant money from an authorised official, the Chief Executive Officer or the Board.
- Approvals for proposed commitments of relevant money must be properly recorded prior to approaching the market, or before a ministerial announcement.

Instructions – officials who have been authorised to approve commitments of relevant money

- All officials must comply with the requirements of section 18 of the PGPA Rule 2014 (Approving commitments of relevant money), and approve the commitment of relevant money consistent with any written requirements, specified in these instructions or the terms of the relevant authorisation instrument.
- If verbal approval for a commitment of relevant money is obtained, approval must be recorded in writing as soon as practicable after giving it (section 18 of the PGPA Rule 2014).
- All officials may approve a commitment of relevant money subject to conditions.

Entering into arrangements**Instructions – officials who have been authorised to enter into arrangements**

- Officials must ensure that a commitment of relevant money has been approved before or at the same time as entering into an arrangement to which the commitment relates.
- Before entering into an arrangement, the official must ensure it is within the scope of their authorisation.

5.2 Indemnities, guarantees and warranties

Indemnities, guarantees and warranties (and certain liability caps in contracts) may give rise to a contingent liability. That is, a commitment that may give rise to a cost as a result of a future event. Often, these types of arrangements are used to allocate risk between parties to an arrangement.

Generally, the risk should be allocated to the party best placed to manage it. If the risk is accepted, the benefits from accepting the risk, should outweigh the cost of accepting the risk.

Key guidance	Key references
<ul style="list-style-type: none"> • Resource Management Guide No 400: Commitment of relevant money • Commonwealth Risk Management Policy (the Agency has chosen to align with this Government policy) • Comcover Statement of Cover 	<ul style="list-style-type: none"> • PGPA Act: s 15, s 16, s 61 (at time of publication no specific PGPA requirements) • PGPA Rule: s18

Instructions – all officials

- Officials must not enter into an arrangement that includes an indemnity, guarantee or warranty unless they have been authorised to grant the indemnity, guarantee or warranty on behalf of the Agency by the Chief Executive Officer or Chief Financial Officer.
- All material indemnities are to be recorded on the Agency's Indemnities, Guarantees and Warranties register.

5.3 Official hospitality

Official hospitality offered by the Agency entails the use of relevant money to provide hospitality to persons other than Agency officials, to facilitate business with external organisations or individuals with related vocational, technical, business in common with the Agency with the view to achieving the Agency's objectives.

Official hospitality may include the provision of entertainment, gifts of property, prizes or other benefits.

The Chief Executive Officer has not authorised the approval of official hospitality arrangements to Agency officials.

For instructions relating to the gifting of relevant property, see [AAI 11 Managing relevant property](#).

Exclusions

The following types of expenditure are not classified as official hospitality for the purposes of these AAIs:

- meals provided at external workshops, seminars, or conferences that are attended by Agency officials. These costs are to be included as a cost associated with the training course/meeting.
- business catering offered to Agency officials and outsiders.

Key guidance	Key references
<ul style="list-style-type: none"> • Australian Digital Health Agency Procurement Policy • Resource Management Guide No 400: Commitment of relevant money 	<ul style="list-style-type: none"> • PGPA Act: s 15 • PGPA Rule: s18

Instructions – all officials

Official hospitality

- Officials must not enter into an arrangement to provide official hospitality, unless they have received approval from the Chief Executive Officer to enter into the arrangement.
- When requesting approval, all officials must prepare a brief to the CEO detailing the reason for the official hospitality request, and how this request would represent 'value for money' (see [AAI 5 Approval and commitment of relevant money](#)).
- Any decision to spend relevant money on official hospitality must be publicly defensible.

Business catering

- Officials must only provide business catering when the duration of the activity warrants the provision of catering and there are cost advantages in continuing an event through the meal break, rather than having to reconvene (e.g. – light refreshments made available during an all-day training course held offsite).
- Officials must ensure that business catering is of simple standard involving relatively low charges per head (e.g. – sandwiches and/or light finger food). Any departure from this instruction (for example, dinners provided at Executive conferences) must be approved by the Chief Executive Officer after careful consideration.
- A Commitment to Spend Relevant Money approval is required from an authorised officer, prior to purchasing business catering goods and services.

5.4 Official travel

Official travel is any travel where the Agency is responsible for any of the direct or indirect costs associated with that travel. This includes travel by officials, contractors and consultants to undertake work duties to achieve one or more of the Agency's objectives.

Official travel must only be undertaken where there is a demonstrated business need and where other communication tools, such as teleconferencing and videoconferencing, are not an effective option.

Key guidance	Key references
<ul style="list-style-type: none"> • Australian Digital Health Agency Travel Policy • Resource Management Guide No 400: Commitment of relevant money • Resource Management Guide No 404: Official Domestic Travel – Use of the Lowest Practical Fare • Resource Management Guide No 405: Official International Travel – Use of the Best Fare of the Day • Whole of Australian Government Travel Arrangements 	<ul style="list-style-type: none"> • PGPA Act: s 15 • PGPA Rule: s18

Instructions – all officials

- Before arranging travel officials must investigate if they can use any other communication means to achieve the objective of the travel.
- Officials must obtain approval from an official who holds a travel authorisation before booking any official travel:
 - Chief Executive Officer is authorised to approve international travel;
 - Chief Financial Officer and Chief of Staff are authorised to approve domestic travel.
 - Executive General Managers and General Managers are authorised to approve domestic travel.
- Officials must not enter into an arrangement for official travel unless the terms and conditions are consistent with the Commitment to Spend Relevant Money– travel delegates’ approval.

Instructions – travel authorisers

- Travel authorisers must not approve their own travel.
- When approving proposed travel, travel authorisers must ensure that:
 - The traveller could not use any other communication means to achieve the objective of the travel.
 - The travel is for official purposes only, or is in accordance with an individual officers entitlements.
 - Overnight accommodation is only approved when there is a specific business need.
 - Travel duration is sufficient to meet all of the proposed business needs.
 - There is funding available to cover the proposed expenditure.

Instructions – all officials – domestic travel and international travel

- Officials must comply with the Agency’s travel policy
- When booking travel officials must:
 - Use the Lowest Practical Fare (LPF) or International Best Fare (IBF).
 - Act in accordance with Resource Management Guide No. 404 – Official Domestic Air Travel - Use of the Lowest Practical Fare and/or No 405: Official International Travel – Use of the Best Fare of the Day.
 - Follow the process outlined in the Australian Digital Health Agency’s Travel Policy.
 - Follow any conditions described by the relevant travel approver.
- Officials must use the Department of Health Shared Services Travel module to book domestic and ex-Australia international airlines, accommodation and car rental services.
- A variation of up to 5 per cent in the total cost of travel is permissible for the purposes of obtaining approval, in order to take account of unknown minor costs that may arise. For example, excess baggage and toll charges.
- Officials must repay any debts arising as a result of the modification or cancellation of domestic travel within seven days of the receipt of an invoice.

6 Procurement

This AAI is issued under section 20A of the PGPA Act. This part, together with [AAI 5 Approval and commitment of relevant money](#), provides instruction to officials on undertaking a procurement process and entering into a procurement contract.

The Agency became a *prescribed* corporate Commonwealth entity with effect from 1 January 2018 with obligations to comply with Division 2 of the Commonwealth Procurement Rules (CPRs). In addition, the Agency must apply a procurement threshold and reporting threshold of \$80,000 for procurements other than construction services (CPRs, section 3.7) which is consistent with non-corporate Commonwealth entities.

This AAI is consistent with the Commonwealth Procurement Rules and is supported by the Agency's Procurement Policy and Procurement Manual.

What is procurement?

Procurement includes the whole process of acquiring goods or services. It begins when the Agency identifies a need to procure a good or service, continues through to the signing of the procurement contract and its ongoing management, including expiry, termination and/or consideration of disposal.

Procurement also covers a situation where the Agency acquires goods or services on behalf of another entity or a third party.

Value for money

Officials are to achieve value for money for Agency procurement activities. Value for money is achieved by:

- Encouraging competition and non-discriminatory processes.
- Using Commonwealth resources properly (efficient, effective, economical and ethical use of resources).
- Making decisions in an accountable and transparent manner.
- Considering the risks.
- Conducting a procurement process proportional to the scale and scope of the procurement.

Consistent with the application of the CPRs, the Agency has the following thresholds for undertaking procurements:

Procurement value (GST inclusive)	Requirement
Up to \$10,000 over the life of the procurement	<ul style="list-style-type: none"> Commitment to Spend Relevant Money approval is obtained from the relevant authorised Agency official under the Chief Executive Officer Authorisation of Agency officials in relation to financial decisions and Agency Policies. No written quotations required for procurements <i>under a total aggregate</i> value of \$10,000 (GST <i>inclusive</i>) over the life of the procurement. Preference should be given to using existing whole-of-government panel arrangements. Purchase can be undertaken on an Agency credit card by the official with authority to use an Agency credit card.
Over \$10,000 and up to \$79,999 over the life of the procurement	<ul style="list-style-type: none"> Commitment to Spend Relevant Money approval is obtained from the relevant authorised Agency official under the Chief Executive Officer Authorisation of Agency officials in relation to financial decisions and Agency Policies. At least one written quote must be obtained for procurements of a total aggregate value from \$10,000 (GST <i>inclusive</i>) up to \$79,999 (GST <i>inclusive</i>). The delegate is to determine the method of approach to market taking into consideration the number of suppliers in the marketplace, the value and risk profile of the procurement and whether the provider can be drawn from an existing whole-of-government panel arrangement. Procurement is work flowed through the Agency's procurement system.
From \$80,000 and up to \$3,499,999 over the life of the procurement	<ul style="list-style-type: none"> Commitment to Spend Relevant Money approval is obtained from an authorised Agency official under the Chief Executive Officer Authorisation of Agency officials in relation to financial decisions and Agency Policies. Where the total aggregate value of the procurement is from \$80,000 (GST <i>inclusive</i>) and up to \$3,499,999 (GST <i>inclusive</i>) over the life of the procurement, the method of procurement must either be open tender* or a Request for Quotation process conducted through an existing whole-of-government panel arrangement. A limited tender process may be used if the process meets a "Condition for limited tender" as outlined in the CPRs and must be endorsed by the Executive General Manager Organisational Capability and Change Management before commencing the procurement process. Procurement is work flowed through the Agency's procurement system.
From \$3,500,000 per annum over the life of the procurement	<ul style="list-style-type: none"> Commitment to Spend Relevant Money approval is obtained from the Australian Digital Health Agency Board except as otherwise provided in the then current Board Delegation to the Chief Executive Officer. Open approach to market is used*. Procurement is work flowed through the Agency's procurement system.

*Open approach to market includes existing panel arrangements that were initially established under an open approach to market. In some circumstances a limited tender approach is acceptable and officials should apply the criteria in accordance with the Agency's procurement guidelines for this when assessing the suitability of a limited tender.

Key guidance	Key references
<ul style="list-style-type: none"> Australian Digital Health Agency Procurement Policy Resource Management Guide No 400: Commitment of relevant money Resource Management Guide No. 411: Grants, Procurements and Other Financial Arrangements 	PGPA Rule: s 30

Instructions – all officials planning procurement activities

- Officials are not to conduct a procurement unless they have been properly authorised to do so, or, have received approval to do so from a properly authorised official.
- Officials must comply with any terms and conditions attached to the authorisation to make a procurement.
- Officials must ensure any procurement is a proper use (efficient, effective, economical and ethical) of public resources.
- Officials must comply with the Agency's Procurement Policy.
- Officials must act in accordance with the general duties of officials at sections 25 to 29 of the PGPA Act.
- Officials must treat all potential suppliers equitably.
- Officials must ensure that any decisions regarding procurement are documented and publicly defensible.
- Officials must not seek to obtain benefit from supplier practices that may be dishonest, unethical or unsafe.
- Officials must actively manage the risks associated with a procurement, including by:
 - identifying, assessing, allocating and treating the risks, proportionate to the scale and scope of the procurement; and
 - not accepting risks which another party is best placed to manage.
 - not accepting risks where the potential cost of the risk outweighs the benefit of accepting the risk.
- Officials must follow the Agency's procurement thresholds, requirements and process as described in this AAI and in the Agency's Procurement Guidelines.
- Officials must estimate the maximum value (GST inclusive) of the proposed procurement prior to selecting a procurement method. Any taxes or charges, extension and other options, and all forms of remuneration must be included when estimating the value of the procurement.
- Officials must not divide a procurement into separate parts for the purpose of avoiding a relevant procurement thresholds.
- Officials must include the maximum value of all procurement contracts where a procurement is conducted in multiple parts, with contracts awarded either at the same time or over a period of time with one or more suppliers.
- Officials must ensure that where a contract is being extended or varied, that details of the contract total (the original amount (GST inclusive) plus the proposed additional amount (GST inclusive)) forms part of the approver's consideration, prior to making the decision. Before approving the expenditure the authoriser must ensure that the contract total (GST inclusive) is within their approval limits.

Instructions – officials undertaking procurements over \$80,000

- Officials must undertake an open approach to market for all procurement valued at or above procurement thresholds, including using existing whole-of-government arrangements.
- Officials must comply with the additional rules for a procurement in the CPRs for goods and/or services with a maximum value at or above \$80,000 (GST inclusive) except if the procurement is exempt from the additional rules by Appendix A of the CPRs.

- Officials must undertake an open market process (including the use of existing whole-of-government panel arrangements) for all procurement valued at or above the relevant thresholds, unless it meets a condition for limited tender in the additional rules (Appendix A of CPRs), or is exempt from the additional rules.
- Officials must ensure that potential suppliers and tenderers are dealt with fairly and in a non-discriminatory manner when providing information leading to, during, and following, an approach to market.
- Officials must include all necessary information in the request documentation to enable potential suppliers to prepare and lodge submissions, including (but not limited to):
 - the nature and scope of the goods or services and any requirements to be fulfilled
 - any conditions for participation
 - any minimum content and format requirements
 - evaluation criteria to be considered in assessing submissions
 - any other terms or conditions relevant to the evaluation of submissions.
- When prescribing specifications in request documentation officials must:
 - not include any specification or conditions that create unnecessary obstacles to trade
 - where possible, define specifications in terms of performance and functional requirements
 - ensure specifications are consistent with international standards, except where the international standards would fail to meet the Agency's requirements or would impose greater burdens than the use of recognised Australian standards.
- If conditions for participation are included in a procurement, officials must limit those conditions to the legal, commercial, technical and financial abilities necessary for the supplier to fulfil the procurement.
- Officials must avoid a potential supplier, or group of potential suppliers, gaining an unfair advantage.
- Officials must provide to all potential suppliers all modifications, amendments or re-issued documents and allow adequate time, if required, for them to modify and re-lodge submissions, where the evaluation criteria or specifications set out in an approach to market or in request documentation are modified, or where an approach to market or request document is amended or re-issued.
- Officials must ensure that a supplier who has assisted in the design of specifications in a procurement does not have an unfair advantage over other potential suppliers.
- Officials must require potential suppliers to lodge submissions in accordance with a common deadline and provide sufficient time for potential suppliers to prepare and lodge submissions.
- Officials must ensure that where a time limit is extended, the new time limit is applied equitably.
- Officials must not accept late submissions unless the submission is late as a consequence of mishandling by the Agency.
- Officials must not penalise a potential supplier if their submission is late as a consequence of mishandling by the Agency.
- Officials must promptly reply to any reasonable request from a potential supplier for relevant information about a procurement.
- Officials must receive and open submissions fairly and impartially.
- Where officials provide tenderers with an opportunity to correct unintentional errors of form between the opening of submissions and any decision, officials must provide the opportunity equitably to all tenderers.
- Officials must treat all tender submissions as confidential before and after awarding the contract.
- Officials must ensure that any procurement will achieve a value for money outcome.

Instructions – officials assessing tenders

- Officials must ensure that any tender assessment is:
 - consistent with the request documentation
 - fair and equitable.
- When evaluating a potential supplier's suitability against the conditions for participation, officials must limit the evaluation to the financial, commercial and technical abilities, as specified in either the approach to market or request documentation.
- Officials must award the procurement contract to the tenderer that:
 - satisfies the conditions for participation
 - is fully capable of undertaking the contract
 - provides the best value for money.
- If an official deems that awarding the contract to that supplier is not in the public interest, an official must discuss this matter with the relevant authorising official or the Agency's General Counsel.
- Following the rejection of a submission, the official must promptly inform all affected tenderers of the decision and provide debriefings on request.
- For unsuccessful tenderers, the debriefing must include the reasons the submission was unsuccessful.

Instructions – officials entering into or varying an arrangement

- Officials must ensure that they have received approval from the relevant authorised official to enter into or vary an arrangement.

Instructions – documenting, reporting and managing

- Officials must ensure that appropriate documentation is developed and retained for each stage of a procurement, including contract management.
- Officials must determine the level of documentation required, proportionate to the scale, scope and risk of the procurement.
- Officials must ensure that there is sufficient documentation to justify the procurement, demonstrate the processes followed and record relevant decisions. As a minimum they must retain:
 - a copy of the approval to approach the market
 - a copy of all requests for quotes
 - a copy of the responses received from suppliers
 - evidence of the evaluation process undertaken
 - a copy of the approval to commit the funds and enter into the agreement
 - a copy of the final executed contract.
- Officials must ensure that details of a procurement contract or variation, valued at or above \$80,000 is published on AusTender within 42 days of entering into the procurement contract.
- Officials must report a standing offer on AusTender within 42 days of entering into or varying the standing offer and keep relevant details current.

Instructions – contract management

- Officials must ensure that they have appropriate authority to administer a procurement contract:
 - 1 The authority to administer a procurement contract can come from section 23 of the PGPA Act or section 32B of the FFSP Act or other specific legislation (and may be express or implied)
 - 2 Officials must check that authority to administer a procurement contract has been delegated by the Board to the official's position and the procurement contract must be within the scope of the delegation.
- Officials must have appropriate documentation with the supplier (for example, a written contract or purchase order)
- Officials must actively manage all procurement contracts.
- Where there is non-compliance with a procurement contract, the official should take appropriate action consistent with the contract.
- Officials must make available, on request, the names of subcontractors engaged by a contractor in respect of a procurement contract.
- Officials must ensure that contract variations or extensions are approved consistent with any requirements within these instructions and entered into by a relevant delegate.
- Officials must ensure that payments under the contract (which are part of the administration of the contract) are made or authorised by a relevant delegate.

THIS DOCUMENT HAS BEEN RELEASED UNDER
THE FREEDOM OF INFORMATION ACT 1982
BY THE AUSTRALIAN DIGITAL HEALTH AGENCY

7 Corporate credit cards and credit vouchers

This AAI is issued under section 20A of the PGPA Act. It provides instruction to officials about the use of corporate credit cards.

What are corporate credit cards and credit vouchers?

A corporate credit card is a credit card issued to the Agency to enable it to obtain goods or services on credit (i.e. with payment deferred). A credit voucher, in a sense, is a paper based credit card that generally comes with an attached spending limit (e.g. a Cabcharge voucher).

Charge cards issued to the Agency are both a form of credit card for the purposes of the PGPA Act.

- Charge cards authorise the holder to buy goods or services on credit, with payment in full required to be made at a later date.
- Vendor cards (sometimes called “limited-purpose purchase cards”) are charge cards provided by specific retailers (e.g. Cabcharge cards).

Money borrowed by the Agency through the use of a credit card or credit voucher must be paid in full within a specific timeframe.

Key guidance	Key references
<ul style="list-style-type: none"> • Australian Digital Health Agency Credit Card Policy 	<ul style="list-style-type: none"> • PGPA Act: s 15 • PGPA Rule: s18

Instructions – all officials – restrictions on the use of Agency credit cards

- Only the person issued with an Agency credit card or credit voucher, or someone specifically authorised by that person, are permitted to use that credit card or credit voucher.
- Officials must only use an Agency credit card or card number to obtain goods or services for the Agency.
- Officials must not use an Agency credit card or card number for private expenditure.
- If an accidental misuse of an Agency credit card occurs, the official must provide a written report to the Chief Financial Officer within 48 hours identifying the use, and detailing the circumstances in which the card was used for private purposes. The debt incurred through the use of the Agency credit card for private purposes must be repaid within seven days of receipt of the invoice.
- If use of a credit card is deemed to be inappropriate or a deliberate misuse, the official will be subject to disciplinary action.

Instructions – authorisations

- Before using a Commonwealth credit card or credit voucher, an official must ensure that Commitment to Spend Relevant Money approval is obtained from a relevant authorised official before entering into the arrangement.
- Credit cards have transaction and monthly limits. An official must have authorisation to use an Agency credit card in line with the Agency's Credit Card Policy.
- An official must not split a single transaction in order to circumvent a transaction or monthly card limits.
- An official must ensure that use of an Agency credit card or credit voucher is consistent with the approval given, including any conditions of the approval.

Instructions – record keeping

- An official must retain a copy of all documentation relating to the use of an Agency credit card or credit voucher. Records may be maintained electronically.

Instructions – security

- Officials must ensure that any Agency credit cards and credit vouchers issued are stored safely and securely.
- Officials must notify the credit card provider if an Agency credit card is lost or stolen. The official must also inform the Chief Financial Officer.

Instructions – verification

- An official must verify the credit card statement within five working days of notification. When verifying a statement an official must:
 - accurately confirm that the expenditure was for official purposes
 - verify that the documentation (e.g. – sales dockets, tax invoices, receipts, renewal notices, approvals etc.) matches the transactions listed in the statement
 - correctly claim any GST included in the transaction by selecting the correct tax code
 - ensure accurate cost centre/s, general ledger code/s and descriptions of the transactions are recorded in the Agency's financial information system
 - submit the statement for manager review.
- An official must dispute any transaction which an official may believe to be incorrect. In the first instance an official must clarify or rectify the issue by contacting the merchant or retailer.

Instructions – officials within the Agency's Finance function – non-compliance

- The Agency's internal audit function and the Australian National Audit Office (ANAO) conduct compliance audits aimed at identifying the misuse of credit cards and compliance issues.
- In addition, officials within the Agency's Finance function must conduct a quality assurance process aimed at identifying instances of non-compliance with the provisions of this part and the conditions contained in the cardholder agreement signed by cardholders when receiving their Agency credit card.
- The Agency's Finance function will undertake annual reviews of card and voucher holders and credit limits.

Instructions – Chief Financial Officer and borrowing agreements for Commonwealth credit cards and vouchers

- Only the Chief Executive Officer and the Chief Financial Officer can enter into a borrowing agreement for the issue to, and use by, the Agency of credit cards or credit vouchers.

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THE FREEDOM OF INFORMATION ACT 1982
BY THE AUSTRALIAN DIGITAL HEALTH AGENCY

8 Making payments of relevant money

This AAI is issued under section 20A of the PGPA Act. It provides instruction to officials on making payments of relevant money, the payment of accounts and taxation obligations.

Internal controls are the key mechanism by which the Chief Executive Officer controls who makes payments on its behalf. An official can only make a payment of relevant money if they have been authorised to make the payment.

This requirement applies to all payments, including both manual and automated payments. A payment involves the transfer of cash, the issuing of instructions to process an electronic funds transfer (EFT), the execution and issuing of a cheque, the use of a debit card or through another process.

Key guidance	Key references
<ul style="list-style-type: none"> Resource Management Guide No. 400: Commitment of relevant money 	<ul style="list-style-type: none"> PGPA Act: s15, and s16 PGPA Rule: s18

8.1 Making payments

Section 16 of the PGPA Act imposes a duty on the Board and Chief Executive Officer to establish an appropriate system of internal controls. These internal controls allow conditions and limits to be set over who can make a payment of relevant money to ensure that there are appropriate controls in place for payments of relevant money.

Key guidance	Key references
<ul style="list-style-type: none"> Australian Digital Health Agency Payment Policy 	

Instructions – all officials

- Only officials authorised to make payments of relevant money are to make payments in accordance with the Australian Digital Health Agency Payments Policy.

8.2 Taxation obligations

Officials must meet all of the Agency's taxation obligations.

Key guidance	Key references
<ul style="list-style-type: none"> Australian Taxation Office: Fringe Benefits Tax (FBT) Australian Taxation Office: Goods and Services Tax Fringe Benefits Tax Act (GST) 	<ul style="list-style-type: none"> PGPA Act: s41 Australian Taxation Office: Goods and Services Tax Fringe Benefits Tax Act (GST) 1986 A new Tax System(Goods and Services Tax) 1999

Instructions – all officials

- Officials must maintain appropriate records for the required duration and provide information as requested to enable the Agency to meet its taxation obligations.
- Before seeking approval for a proposed commitment of relevant money, an authorised official must:
 - consider the potential FBT implications of the proposed commitment and
 - ensure that the price to be charged for the goods and/or services is inclusive of GST, where applicable.
- Officials must ensure that a valid tax invoice is obtained for each purchase to enable the Agency to claim input tax credits for the purposes of GST, where applicable.
- Officials must ensure that all contracts for the acquisition or sale of goods and services by the Department, appropriately address taxation issues.
- Officials must ensure that GST is included on all invoices issued to third parties, where applicable.

9 Managing relevant money

This AAI is issued under section 20A of the PGPA Act. It provides instruction to officials on the proper management of relevant money. This includes:

- receiving relevant money;
- banking;
- loss of relevant money;
- cash advances;
- investments and borrowings (excluding by way of credit cards or credit vouchers, see [AAI 7 Corporate credit cards and credit vouchers](#)); and
- user charging.

What is relevant money?

Relevant money is money that the Agency holds as cash or in a bank account. Relevant money includes Australian currency, foreign currency and cheques in any currency.

Corporate Commonwealth entities receive money in a variety of ways. Such as through appropriations, borrowings, rebates, levies (often received on behalf of the Commonwealth) and fees. Money held on trust by Commonwealth entities (for the benefit of persons outside of a Commonwealth entity) and money found on corporate Commonwealth entity premises is also relevant money.

For the purposes of this instruction, relevant money does not include unbankable money. For further guidance on dealing with unbankable money refer to [AAI 11 Managing relevant property](#).

The PGPA legislation imposes obligations in relation to relevant money held by all Commonwealth entities, irrespective of whether the money is provided through the federal Budget, a special appropriation or raised by the Agency (such as through user charging).

Key guidance	Key references
<ul style="list-style-type: none"> • Resource Management Guide 300: Banking of relevant money received by Ministers and officials • Resource Management Guide No. 301: Investment by Commonwealth entities • Resource Management Guide 400: Commitment of relevant money • Resource Management Guide 413: The banking of cash by Commonwealth entities • FMG 2, September 2006: Australian Government Foreign Exchange Risk Management Guidelines 	<ul style="list-style-type: none"> • PGPA Act: s8; s54, s55; s57; s59; • PGPA Rule: s19; s20; s21; s22A. • <i>Public Governance, Performance and Accountability (Investment) Authorisation 2014</i> (Made by the Finance Minister under subparagraph 59(1)(b)(iii) of the PGPA Act.)

9.1 Receiving relevant money

Instructions – all officials

- Officials who receive relevant money, must deposit the money in a bank before the end of the next banking day.
- Officials who receive relevant money must take reasonable steps to ensure the safe custody to banking the money.
- If an official finds money on Agency premises, it must be passed to the Chief Financial Officer on the day when the money is found or, if that is not possible, on the next business day. Officials must take reasonable steps to trace the owner and return the money found on Agency premises.

Instructions – officials responsible for receiving and handling relevant money

- Officials responsible for collecting relevant money must ensure that records of all collections and deposits of relevant money are maintained at all times
- Officials responsible for collecting relevant money must acknowledge receipt of the money by signing the Remittance Register.
- Where relevant money is unbankable money, then the official must deal with it in accordance with [AAI 11 Managing relevant property](#)
- Officials must complete a formal handover/takeover procedure when relevant money is transferred to another official.

9.2 Banking

Corporate Commonwealth entities, including the Agency, are legally separate from the Commonwealth.

The Chief Executive Officer has been delegated the power by the Board to establish and maintain banking arrangements. The Chief Executive Officer has authorised the Chief Financial Officer to manage banking arrangements.

Section 55 of the PGPA Act requires officials of all Commonwealth entities who receive relevant money (bankable money) to deposit it in the Agency's bank account the next business day, or in extenuating circumstances, as soon as practicable.

Key guidance	Key references
<ul style="list-style-type: none"> • Resource Management Guide 300: Banking of relevant money received by Ministers and officials • Resource Management Guide 413: The banking of cash by Commonwealth entities 	<ul style="list-style-type: none"> • PGPA Act: s8; s54; s55 • PGPA Rule: s19; s20; s21

Instructions – all officials

- Only the Chief Executive Officer and the Chief Financial Officer together can open a bank account on behalf of the Agency.
- Officials who receive relevant money (bankable money) to deposit it in the Agency's bank account the next business day, or in extenuating circumstances, as soon as practicable.

What is unbankable money?

Relevant money can be held by the Agency, and is classed as 'not bankable' when:

- the money will not be accepted by any bank in the place where the money is held, e.g. – foreign coins, damaged or contaminated money
- banking of the money is considered to be uneconomical, e.g. – where the cost of transporting the money to an appropriate bank, or the foreign exchange conversion (including transaction fees) is greater than the collective value of the money held.

In this scenario, the money must be appropriately stored until sufficient money is accumulated so that it is no longer considered uneconomical to bank.

For the purposes of these instructions, money classified as unbankable becomes relevant property and must be dealt with in accordance with the instructions outlined in the [AAI 11 Managing relevant property](#).

If circumstances change so that the money no longer falls into the categories outlined above, then it becomes bankable money and must be dealt with accordingly.

9.3 Loss of relevant money

All officials must ensure the security of any relevant money they have custody of.

Where the loss of relevant money results from:

- a failure by an official to take reasonable steps in the circumstances to prevent the loss; or
- the misconduct of an official

an amount equivalent to the loss of the relevant money must be recovered from the official.

Instructions - all officials

- Officials must not misuse or improperly dispose of relevant money.
- Officials are responsible for the security of any relevant money they receive, or have custody of, and must take reasonable steps to safeguard the money from loss.
- If a loss of relevant money occurs while the money is in an officials custody, the official must be liable to repay the Agency an amount equal to the loss, unless the official took reasonable steps to prevent the loss.
- An official must report any loss of relevant money to the Chief Financial Officer immediately.
- Officials must report any incident involving theft or possible serious misappropriation of relevant money to either:
 - the Chief Financial Officer, or
 - the Chief Executive Officer.

9.4 Cash advances (including petty cash and cash floats)

A cash advance (including petty cash and a change float) is relevant money that has been withdrawn from the Agency's bank account and provided to a specific official, or group of officials, to make payments in cash. It also includes money received for the purposes of reimbursing the petty cash or change float.

Cash advances are typically used as change floats or to cover minor expenses that cannot conveniently or cost effectively be processed for payment by cheque, Electronic Funds Transfer or a credit card.

Instructions – all officials

- Officials must not establish a cash advance without the documented approval of the Chief Financial Officer.

Instructions – Chief Financial Officer

- The Chief Financial Officer must not approve the establishment of a cash advance unless they are satisfied of the need and purpose of the advance.
- The Chief Financial Officer must not approve the establishment of a cash advance unless they are satisfied that the risks which might arise from it will be managed appropriately.
- The Chief Financial Officer must maintain a register of all cash advances held within the Department.
- The Chief Financial Officer must monitor the use of cash advances to ensure compliance with these instructions and the continued need for the advance.

Instructions – officials who are authorised to hold cash advances

- Officials are responsible for the cash advance and must take reasonable steps to safeguard the money from loss.
- Officials must not make a payment for any purpose other than that for which the cash advance was established.
- Officials must not enter into an arrangement in relation to a cash advance, unless approval from the Chief Financial Officer has been received.
- As a minimum, an official must ensure that a reconciliation of the cash advance is undertaken each month.
- Periodic reviews must be undertaken at least monthly by an official not responsible for the advance account.
- Officials must only make a payment from a cash advance when the normal payment methods are impractical.
- Officials must ensure that any payments from the cash advance:
 - are a proper use of relevant money
 - have been approved by the relevant official
 - are supported by an invoice or receipt. Copies of these receipts must be retained on file.

9.5 Investments and borrowings

Investments

Consistent with the requirements of the PGPA Act, the Agency must not invest relevant money for which the entity is responsible unless the money is 'not immediately required for the purposes of the entity'.

The Australian Digital Health Agency Board is accountable for all investment decisions undertaken by the Agency.

When the money is not immediately required for the Agency's purposes, the Agency make investments listed in subparagraphs 59(1)(b)(i)-(ii) of the PGPA Act. These investments are conservative - money may only be placed:

- on deposit with a bank, including a deposit evidenced by a certificate of deposit, or
- invested in securities of, or securities guaranteed by, the Commonwealth, a state or a territory.

The Chief Financial Officer is to seek advice from the Department of Finance, if unsure about the investment choice for the Agency and, if necessary, seek the Finance Minister's approval for making certain classes of investments.

When determining whether to make an investment decision, the Board members must act in accordance with the Duties for Accountable Authorities, outlined in sections 15-19 of the PGPA Act.

Key guidance	Key references
<ul style="list-style-type: none"> • Resource Management Guide 301: Investment by Commonwealth entities • Resource Management Guide No 200: General duties of accountable authorities 	<ul style="list-style-type: none"> • PGPA Act: s59

Instructions – all officials

- The Board is to authorise investment decisions on behalf of the Agency. The Chief Executive Officer and the Chief Financial Officer are to execute any activities relating to these decisions.
- The Chief Financial Officer is authorised to invest relevant money 'not immediately required for the purposes of the entity' of the Agency in investments listed in subparagraphs 59(1)(b)(i)-(ii) of the PGPA Act:
- on deposit with a bank, including a deposit evidenced by a certificate of deposit, or
- invested in securities of, or securities guaranteed by, the Commonwealth, a state or a territory.

Borrowing - excluding by way of credit cards or credit vouchers (see [AAI 7 Corporate credit cards and credit vouchers](#))

The Agency does not have authority to borrow money. The Board must seek Finance Minister approval, prior to entering into a borrowing agreement on behalf of the Agency.

Instructions – all officials of corporate Commonwealth entities

- Officials must not enter into a borrowing agreement on behalf of the Agency, unless Board and Finance Minister approval to borrow money has been obtained.

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THE FREEDOM OF INFORMATION ACT 1982
BY THE AUSTRALIAN DIGITAL HEALTH AGENCY

10 Managing debt

This AAI is issued under section 20A of the PGPA Act. It provides guidance to officials on the management of debts and amounts owing.

What is a 'debt' and an 'amount owing'?

Amounts may be owed to the Agency, for a number of reasons, such as money owing as a result of an agreement, a transaction or legislation.

The PGPA Act refers to 'debts' and 'amounts owing' to a 'Commonwealth entity'.

Generally, a 'debt' is a sum of money owing to the Agency, which is known (or capable of being objectively determined) and not being disputed, due for payment now, and capable of being recovered in an action for debt.

For example, an official who has been overpaid a salary, or a supplier who has been overpaid on an invoice, may owe a debt to the Agency as a result of the overpayment.

An 'amount owing' includes all debts owed to the Agency, as well as amounts that are not yet due for payment (e.g. an invoice has been issued but payment is not due until next month).

Principles of debt recovery

Debts and amounts owing, including any incorrect payments or overpayments of money, represent a cost to taxpayers if not recovered and should therefore be pursued to the greatest possible extent.

The Board, in combination with the Chief Executive Officer, are responsible for debts owing to the Agency.

In relation to amounts owing, the general principle is that such amounts should immediately be paid in full when they become due for payment. However, in certain circumstances it may be appropriate to:

- defer the time for payment
- allow payment by instalments, or
- not pursue the payment of the amount owing to the Agency.

10.1 Recovery of debts

The responsibility for identifying debt lies with all Agency officials, while the Chief Financial Officer maintains quality assurance processes to assist and promote efficient and effective debt identification and collection.

Internal debt recovery action

Any official who receives an overpayment of salary or allowances or is granted leave in excess of entitlement will become a debtor of the Agency.

Debts owed to the Agency may be recovered by way of a common law right of offset from an official's pay or other credits or money owing to the official (e.g. travel allowance, recreation leave).

Where an error occurs, and leave is granted and taken in excess of entitlements or available credits, the excess leave is to be recovered by arrangement with the affected official.

It is not the Agency's intention to create financial hardship for that official. Options may include:

- pay action (i.e. salary reduction),
- adjustment of leave credits,
- substitution of a different kind of leave (but not adjusting recreation leave or long service leave with personal leave),
- use of flextime (if applicable), recovered from overtime payments, or
- an ongoing offset against accruing entitlements where it is clear that entitlements will continue to accrue.

Where the official elects to have the debt recovered by instalments they are to be informed that such action could incur a loan fringe benefit. A loan fringe benefit arises from a loan to an official on which a low (less than the statutory rate) rate of interest (or no interest) has been charged during the Fringe Benefit Tax (FBT) year. The use of the term loan is quite broad and includes a debt owed by the relevant official to the Agency.

Where an official is leaving the Agency, the amount of any recoverable overpayments may be deducted from any salary and/or pay in lieu of long service leave, recreation leave, or other moneys (except superannuation refunds), owing to the official, or former official, on termination.

External debt recovery action

A course of action for external debts is to be undertaken in consultation with the Chief Financial Officer.

Instructions – all officials

- All officials must notify the Chief Financial Officer of any overpayments, as soon as they become aware of them.

Instructions – officials authorised to pursue debt recovery

- Officials must cease any incorrect or ongoing over payments as soon as they become aware of them.
- Officials must make every reasonable effort to fully recover all amounts that are due and payable to the Agency at the time they are due.
- Overdue debts must be promptly identified and recovery action initiated as soon as possible.

Accounting for debts

- There must be a segregation of duties between revenue and debt recovery functions.
- To ensure the appropriate accounting of the Agency's debts, officials are to:
 - forward tax invoices to all of the Agency's debtors as soon as possible;
 - promptly post all debtor tax invoices to the Agency's financial information system; and
 - fully account for all debtor receipts.
- Officials must maintain accurate and complete debtor information to allow complete reporting in the Agency's financial statements.

Recovery of salary, allowance or other employee overpayments

- Before making a deduction of an amount of overpayment from an amount payable to an official, the Chief Financial Officer must ensure that:
 - the amount is correctly identified (i.e. it is not an estimate) and substantiated,
 - the official is notified of the amount owing and provided with an opportunity to discuss the manner in which repayments would be made, and
 - if no agreement can be reached, the official is notified of the amount to be deducted from the employee's future entitlement, and provided detail of the authority to make this deduction.

Recovery of travel debts

- Where an official incurs a travel debt (usually as a result of changing travel details after travel allowance has been paid):
 - The Agency can offset that debt against any amounts standing to the credit of the employee (for instance, a travel debt may be offset against an amount owed to the employee for travel allowance or other reimbursements), providing the amount of the debt is less than or equal to the credit.
 - Where the debt is greater than an amount owing to the official, overdue travel debts are not able to be automatically offset and will be subject to the recovery process as described above.

10.2 Non-recovery (write-off) of debts

A decision to not recover (write off) a debt should consider if:

- It would not be economical to pursue the recovery of the debt, or
- The debt is considered not legally recoverable, or
- The non-recovery has been authorised by an Act.

Writing off a debt does not legally extinguish the debt. For example, if the debtor's circumstances change in the future the debt can be reinstated and pursued.

Instructions – all officials

- Officials must ensure that any decision not to pursue the recovery of a debt is approved by the Chief Executive Officer.
- Officials must cease any incorrect or ongoing overpayments as soon as they are made aware of them, quantify the amount owing to the Agency and proceed with recovery of the overpayment.

Instructions – Chief Executive Officer being authorised to approve non-recovery of a debt

The Chief Executive Officer may approve the non-recovery of a debt where they:

- are satisfied that the debt is not legally recoverable,
- consider that it is not economical to pursue recovery of the debt.

All write-off of debts should be reported to the Board.

10.3 Waiver of amounts owing

A waiver is a concession granted to an individual or other body that extinguishes a debt or other amount owing to the Agency. This means that the amount owing is completely forgiven and can no longer be recovered (even if the debtor's circumstances change in the future).

Waivers may be considered appropriate where, for example, the recovery of a debt would be inequitable or cause ongoing financial hardship.

Instructions – all officials

- Officials must not approve the waiver of an amount owing under the PGFA Act.
- Officials must refer requests for waiver of an amount owing to the Board.

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BY THE AUSTRALIAN DIGITAL HEALTH AGENCY

11 Managing relevant property

This AAI is issued under section 20A of the PGPA Act.

It provides instruction to officials on the proper use and management of relevant property, including acquisition, disposal, custody, use and loss.

What is relevant property?

Relevant property is property (other than relevant money) that is owned or held by a Commonwealth entity, such as the Agency. Relevant property includes leased property and property held by the Commonwealth or a corporate Commonwealth entity on behalf of someone else.

Relevant property also encompasses gifts given to Agency officials.

Relevant property can include real property (i.e. land and buildings) and other goods and assets, such as:

- equipment and furniture;
- stationery and office supplies;
- vehicles and fuel;
- clothing and uniforms;
- IT and telecommunications assets;
- intellectual property and other intangible items;
- heritage and cultural assets;
- military equipment;
- shares, bonds, debentures and other securities; and
- accounts and records.

There are specific legislation and policies that apply to the acquisition, ownership, management and disposal of particular types of relevant property. For example, relevant property which involves land, buildings and/or public works is subject to the following:

- the *Lands Acquisition Act 1989*, and
- the *Public Works Committee Act 1969*.

What is an asset?

An asset refers to any relevant property (physical or intangible) which meets the capitalisation criteria to be recorded as an asset within the Agency's financial information management system and which has an expected useful life of at least twelve months.

Assets include long-life Agency items, such as land, buildings, furniture, machinery or equipment used in the Agency's operations.

A record of all assets must be maintained in the asset register within the Agency's financial information management system.

Asset or expense?

For accounting purposes, expenditure on relevant property is treated as either a capital or an operating expense.

Based on dollar-value, the criteria for categorising relevant property as an asset or as an expense is listed in the table below:

Relevant property value (GST exclusive)	Asset or expense?
\$0 to \$500	Expense
\$501 to \$2,000	Expense (note portable and attractive Items)
Greater than asset threshold	Asset

The asset thresholds are listed in the table below:

Category	Capitalisation threshold
Purchased IT hardware and IT software	\$500
Leasehold improvements	\$50,000
Internally developed IT software and internally developed IT hardware	\$100,000
IT projects (software and hardware integration)	\$100,000
All other property, plant and equipment	\$2,000

Portable and attractive items

A portable and attractive item is an item of relevant property valued between \$500 and \$2,000 (GST exclusive) that is susceptible to theft and misappropriation due to its:

- attractiveness
- portability
- ease of conversion into cash.

Some examples of portable and attractive items include:

- laptops, notebooks and tablets
- televisions
- cameras
- phones
- projectors

Details of portable and attractive items must be recorded and tracked for accountability purposes.

Key guidance	Key references
<ul style="list-style-type: none"> • Resource Management Guide No.200: General duties of accountable authorities • Resource Management Guide No 203: General duties of officials • Australian Government Intellectual Property Manual (adopted by the Agency as best practice) 	<ul style="list-style-type: none"> • PGPA Act: s15, s72 • PGPA Rule: s18, s26

11.1 Acquiring relevant property

The Agency can acquire or come to hold relevant property by:

- procuring the property (by lease or purchase),
- being given the property as a gift or donation,
- finding the property on the Agency's premises, or
- through compulsory acquisition of the property.

Acquisition of property under specific legislation, such as the acquisition of any interest in real property under the *Lands Acquisition Act 1989*, is subject to the provisions of that legislation.

Key guidance	Key references
<ul style="list-style-type: none"> • Resource Management Guide No. 200: General duties of accountable authorities • Resource Management Guide No 203: General duties of officials 	<ul style="list-style-type: none"> • PGPA Act: s15 • PGPA Rule: s18

Procuring relevant property

Instructions – officials responsible for procuring relevant property

When procuring relevant property, officials must:

- Act in an efficient, effective, economical and ethical manner
- Comply with the requirements outlined in:
 - [AAI 5 Approval and commitment of relevant money](#)
 - [AAI 8 Making payments of relevant money](#)
 - [AAI 6 Procurement](#)

Finding property on the Agency's premises

Property found on the Agency's premises is relevant property and must be dealt with in a proper manner.

Instructions – officials who find property on Commonwealth entity premises

- Officials are responsible for the security of any property that they find on the Agency's premises
- Officials must take reasonable steps to adequately safeguard any found property from loss.
- Officials must take reasonable action to locate the rightful owner of any property found on the Agency's premises.
- Officials must not misuse or improperly dispose of any found property.
- Officials must dispose of the items in accordance with the requirements relating to the disposal of found property.

Receiving gifts and benefits

Officials, in the course of their work, may be offered gifts such as souvenirs, bottles of wine and personal items, or benefits such as sponsored travel, hospitality, accommodation or entertainment.

Generally, officials should not accept gifts or benefits in the course of their work. However, there may be circumstances where it is appropriate to accept a gift or benefit. For example, where refusal could cause cultural offence or where attendance at an event is an important means of developing and maintaining relationships with key stakeholders.

Officials must carefully consider the appropriateness of a gift or benefit, before accepting or rejecting it.

- A decision to accept a gift must be defensible and able to withstand public scrutiny.
- Officials must have regard to the reputation of the Agency and the Commonwealth Government, when considering accepting a gift or benefit.

The main risk of accepting a gift or benefit is that it may result in an actual or perceived conflict of interest, and at the extreme, it could be perceived as a bribe.

Gifts from all sources (including private industry or government) which are provided to officials in the course of their work immediately become relevant property when received.

These instructions also apply to gifts or benefits received by a family member of an official, where the offer of the gift or benefit is the direct result of the official's work for the Agency.

The following gifts are outside the scope of this instruction:

- gifts, benefits, scholarships, bursaries or similar awards resulting from an official's own endeavours in academic or related fields
- gifts given to officials by colleagues from staff collections, e.g. on retirement or for maternity leave

Instructions - all officials

- Officials must not ask for, or encourage the giving of gifts to themselves, other officials or third parties.
- Officials must not accept a gift of cash, except in exceptional circumstances where to do so would cause cultural offence.
- Officials must not accept a gift or benefit which influences, or could be perceived to influence, their decision or action on a particular matter. In some circumstances, even token gifts that carry a company's logo (e.g. a pen) can create a perceived conflict of interest.
- Officials must have regard to the general duties of officials in deciding whether to accept a gift.
- Officials must not use official travel to accumulate "global rewards" benefits or other benefits for private purposes.
- Officials must notify their supervisor if they receive a gift or benefit in the course of their work.

How to report a gift or benefit?

All gifts or benefits (regardless of value) must be disclosed where there is a concern that receiving that gift could be perceived as an attempt to influence an official. A record of this disclosure should be immediately made after acceptance of the gift or benefit.

A signed record must be retained on file by the official who accepted the gift or benefit. When completing the disclosure, officials must:

- describe the gift or benefit,
- the circumstance in which it was received,
- why it was not refused and if they propose to personally retain the gift, and
- provide an estimated value for the gift or benefit in Australian Dollars.

Retaining a gift for personal use

A recipient may retain a gift or benefit for personal use without seeking approval, if:

- they are satisfied that the circumstances in which the gift or benefit was accepted does not give rise to a real, potential or perceived conflict of interest, or compromise the reputation of the Agency or the Australian Government.
- the gift is valued at less than \$100. This includes low value promotional such as stationery items and keyrings.

A recipient must seek the written approval of the Agency's General Legal Counsel, if they wish to retain a gift or benefit that does not meet these criteria.

Official use, storage or disposal of gifts or benefits

Where it is not considered appropriate to allow an official to retain a gift, or the official does not wish to retain the gift, the item remains the property of the Agency and must be used, stored or disposed of accordingly.

There are no circumstances in which a gift of money, or the proceeds for the sale of a gift or benefit, may be retained by an official.

11.2 Disposing of relevant property

The Agency disposes of relevant property in a number of ways, such as by sale, gift, trade-in, transfer to another Commonwealth entity, destruction, recycling or dumping.

The Agency's general policy on the disposal of relevant property is that, wherever it is economical to do so, the property should be sold at market price or transferred (with or without payment) to another Commonwealth entity with a need for the property.

Disposal of property under specific legislation, such as the disposal of any interest in real property by the Commonwealth under the *Lands Acquisition Act 1989*, is subject to the provisions of that legislation.

Key guidance	Key references
<ul style="list-style-type: none"> Resource Management Guide No. 200: General duties of accountable authorities Resource Management Guide No 203: General duties of officials 	<ul style="list-style-type: none"> PGPA Act: s15

Instructions – all officials

- Officials must not dispose of property without the documented approval of the Chief Financial Officer.
- Officials must confirm with the Chief Financial Officer whether the relevant property for disposal is listed on the central assets register, prior to seeking approval to dispose.
- Officials must notify the Chief Financial Officer when an asset:
 - has been disposed that is included on the central assets register
 - is traded in when purchasing a replacement asset
 - is gifted
 - is lost, destroyed or damaged
 - is transferred to another business area
 - is disposed of by any other method.
- When an ICT asset is disposed of, traded in, gifted, transferred, lost, destroyed or damaged, they must notify the Director, Information Systems and Technology to enable update of the ICT asset register.
- Officials must ensure that a secure disposal method is selected where it would be considered a security risk to sell a particular item, e.g. mobile telephones, computers, laptop.

Instructions – officials responsible for the disposal of relevant property

- Officials must record the decision, valuation and valuation method of non-asset relevant property that is for disposal.
- Officials must ensure that, where economical to do so, relevant property is disposed of by:
 - transferring the property (with or without payment) to another Commonwealth entity with a need for the property; or
 - selling the property at market price.

Instructions – officials responsible for the disposal of found property

- Officials may only dispose of property (other than money) found on the Agency's premises if the property is not claimed by its owner within a reasonable timeframe, and reasonable effort has been made by the Agency to locate the rightful owner.
- Officials must not dispose of property without the documented approval of the Chief Financial Officer.
- Officials must dispose of the property by sale, unless doing so is impracticable or undesirable in the public interest.
- Officials must retain appropriate records in relation to the disposal of found property, including details of:
 - the rightful owner of the property (if known), and any steps taken to locate that person
 - the date the property came into the possession of the Agency
 - a full and clear description of the items
 - the date the property was disposed of
 - the disposal method
 - any proceeds arising from the disposal.
- Proceeds must be banked in accordance with [AAI 9.2 Banking of relevant money](#). A copy of the official receipt must be kept on file with the other relevant documentation.
- Officials must not dispose of property that is the contractual responsibility of a third party until the contractor has fulfilled their responsibilities in accordance with the terms and conditions of the agreement and an official handover (with appropriate documentation) has been provided to the Agency.

Instructions – all officials – gifting relevant property

- Officials must not make a gift of relevant property unless the Board or the Chief Executive Officer has given written authorisation to the gift being made.
- Officials must not make a gift of relevant property unless the property was acquired or produced to be used as a gift.
- If an official makes an unauthorised gift of relevant property they may be personally liable to the Agency for the value of the relevant property.

11.3 Custody, use and management of relevant property

Officials should promote the proper use, management and security of any relevant property they receive or of which they have custody.

Instructions – all officials

- Officials must not misuse or improperly dispose of relevant property.
- Officials are responsible for the security of any relevant property they receive, or have custody of, and must take reasonable steps to safeguard the property from loss or damage.
- Officials may only use relevant property for official purposes, unless permission for private use has been given.
- Officials may be required to participate in asset stocktakes to ensure the accountability for all assets and to identify discrepancies between the Agency's asset register and the actual assets held by the Agency.

Accountable forms

An accountable form is a form that, once completed, can be exchanged or negotiated for a benefit such as money, goods or services. Accountable forms include cheques, credit notes, official manual receipts, credit vouchers, and miscellaneous charge orders.

Instructions – all officials

- Officials must ensure the safe custody and control of any accountable forms in the official's possession.

Bonds, debentures and other securities

Bonds, debentures and other securities are written documents that are evidence of an obligation to pay money to fulfil a debt or other obligation. "Other securities" in this context means other documents similar to bonds and debentures, such as shares. When an official receives a bond, debenture or other security in the course of their work, it immediately becomes relevant property.

Instructions – all officials

If an official receive any bonds, debentures or other securities, they must ensure that:

- a receipt is issued for the securities received;
- a register is maintained of all securities received; and
- all reasonable steps are taken to safeguard the securities.

11.4 Loss and recovery of relevant property

In relation to relevant property, loss also includes deficiency, destruction or damage.

An official can be held responsible for a loss of relevant property, whether or not the property was in their custody at the time when it was lost.

A loss of property may result in a debt owed to the Agency by an official.

A person's liability to pay such a debt is not avoided just because they stop working for the Agency after the loss occurred. For further information on the management of debt refer to [AAI 10 Managing debt](#).

Instructions - all officials

- Officials are responsible for the security of any relevant property they receive, or have custody of, and must take reasonable steps to safeguard the property from loss.
- If an official does not take reasonable steps to prevent a loss of relevant property and a loss occurs while the property is in the official's custody, the official will be liable to pay an amount equal to the loss.
- If an official causes or contributes to a loss of relevant property by misconduct, or a deliberate or serious disregard for reasonable standards of care, the official will be liable to pay an amount that reflects their share of the responsibility for the loss.

12 Working with other Commonwealth entities and state/territory jurisdictions

This AAI provides instruction to officials about working cooperatively with other Commonwealth entities.

On a day-to-day basis, officials from different Commonwealth entities work collaboratively to undertake a number of activities, including the delivery of government services, the making of payments, the formulation of national policies, the implementation of complex reforms and the exchange of information and a range of specialist expertise.

The PGPA Act recognises the importance of cooperation with others.

Duties

Officials must cooperate with others to achieve common objectives, where practicable. This includes cooperation between Commonwealth entities.

Officials must ensure that the compliance, reporting and other obligations imposed on others in relation to the use or management of public resources takes into account the risks associated with that use or management and the effects imposing those requirements may have.

The duty is intended to encourage entities not to over-prescribe 'red tape' requirements on others in a joint relationship where those requirements do not go to ensuring the proper use and management of public resources.

Over-prescribing requirements for the management of public resources can have a negative impact on the efficient and economical use of public resources.

Where compliance and reporting requirements are imposed on others they should be necessary and focus on areas of significant risk, as identified in the Agency's Risk Assessment.

Inter-entity agreements

It is important that proper procedures are established to ensure the effective coordination of, and accountability for, inter-entity activities.

In many cases, a formal inter-entity agreement is an important mechanism for establishing and clarifying the way in which agencies work together. The Agency needs to be satisfied that such agreements will allow them to meet their individual accountabilities under the PGPA framework.

Inter-entity agreements are diverse in their purpose, form and content, with entities tailoring each agreement to suit a specific situation and range of requirements. For example, an agreement between two entities for the exchange of data might be represented by a simple exchange of letters. However, the provision of services, such as IT services may be undertaken through a service level agreement, while the respective responsibilities of entities involved in a cross-portfolio reform (e.g. Closing the Gap) may be outlined in an Memorandum of Understanding.

Inter-entity agreements between corporate Commonwealth entities may take various forms. For example they may take the form of a contract between the parties.

Given the diverse nature of inter-entity agreements and the purposes they may be designed to fulfil it is important to tailor each agreement to suit a specific situation and range of requirements. For example, an agreement between two entities for the exchange of data might be represented by a simple exchange of letters (which may or may not be contractual in nature). However, a more complex provision of services may be undertaken through a more detailed (and legally binding) contractual arrangement. In those instances, where one or more corporate Commonwealth entities work together or work with non-corporate Commonwealth entities to achieve certain objectives, each entity must consider whether they may be subject to the requirements of Government policy in respect of a particular activity.

For example if two (or more) corporate Commonwealth entities engage in a cooperative procurement and one (or more) of the entities is subject to the Commonwealth Procurement Rules (CPR), any procurement would need to be in compliance with the procurement rules as if the entity (or entities) subject to the CPR was engaging in procurement in its own right.

Regardless of the type of agreement entered into, all agreements need to be managed according to sound governance principles, including program effectiveness, accountability and transparency. The success of such agreements is dependent on effective relationship management and cooperation between the parties.

Officials may also wish to consider the National Collaboration Framework (NCF). The NCF was created to assist Commonwealth entities, state, territory and local jurisdictions to work collaboratively to achieve government objectives.

Commonwealth entities who are involved in longer term cross-portfolio or cross-jurisdictional collaborative programs, projects or service delivery, can utilise the NCF. The NCF has a structured approach to collaborative service delivery.

The NCF provides a tiered approach for Government entities to follow when seeking to collaborate. The framework provides tools and templates for entities to efficiently tailor and enter into inter-entity agreements, such as statements of intent, collaborative head agreement and project agreement.

Working with state/territory jurisdictions

In accordance with paragraph 82 of the PGPA Rule (Digital Health) each state/territory Health Minister may request the following reports, documents and information from the Board:

- the Agency's corporate plan, once the Board has given the corporate plan to the Minister for Health and Minister for Finance;
- the Agency's records;
- the Agency's annual performance statements;
- the Agency's accounts and records;
- the Agency's annual financial statements, once the Board has prepared the annual financial statements and given them to the Auditor-General;
- the Agency's annual report, once the Board has given the annual report to the Minister for Health;
- a report or recommendation prepared by a standing advisory committee for consideration by the Board, once the Board has received the report or recommendation from the standing advisory committee.

The Board must advise state/territory health ministers of availability of documents as soon as practicable.

The Board must provide these within 30 days after the state/territory health minister's request.

Key guidance	Key references
<ul style="list-style-type: none"> • Resource Management Guide No.200: General duties of accountable authorities • Resource Management Guide No.203: General duties of officials • National Collaboration Framework (processes, tools and a suite of template agreements to assist Commonwealth entities, state/territory and local jurisdictions to work collaboratively to achieve government objectives) • Audit Report No.41 2009-10: Effective Cross-Agency Agreements 	<ul style="list-style-type: none"> • PGPA Act: s 15, s17, s18. • PGPA Rule (Digital Health) s18

Instructions – all officials

- Officials must not enter into an arrangement that commits relevant money, unless they have been authorised the power to do so.
- When undertaking activities that commit or might commit relevant money, officials must comply with the requirements of [AAI 5 Approval and commitment of relevant money](#).
- When developing an inter-entity agreement, officials should ensure that it clearly articulates:
 - the objectives of the arrangement, including desired outcomes and timeframes;
 - the roles and responsibilities of the parties;
 - the details of the activities, including specifications of services or projects to be undertaken;
 - resources and timeframe to be applied by parties and PGPA framework issues;
 - the approach to identifying and sharing the risks and opportunities involved;
 - agreed modes of review and evaluation; and
 - agreed dispute resolution arrangements.
- Officials should ensure that an inter-entity agreement addresses accountability requirements, including the requirements in the PGPA Act, to enable the Australian Digital Health Agency Board to meet their responsibilities under the PGPA framework.
- Officials must assist in providing state jurisdictions documentation requests, consistent with the paragraph 82 of the PGPA Rule (Digital Health), in a timely manner.

Glossary

This glossary has been prepared to assist officials to understand the meaning of certain terms contained in the Agency's AAls. This glossary is not a source of legal definition.

A

account (in relation to the payment of accounts) can mean an invoice, claim or any legitimate request for the payment of moneys made on behalf of the Agency.

accountable authority for a Commonwealth entity is the person or group of persons that has the responsibility for, and control over, the entity's operations. For the purposes of the Agency, the accountable authority is the Australian Digital Health Agency Board.

Archives Act 1983 requires Commonwealth officials to preserve the archival resources of the Commonwealth.

amount owing is a sum of money which is owing to the Agency, that is ascertainable and certain (i.e. known or able to be determined objectively) but not necessarily due for payment. For example, an amount owing to the Agency from a supplier where an invoice has been issued, but payment is not due until a later date.

ATO is the acronym for the Australian Taxation Office.

authorisation is a means of devolving authority without exercising an express statutory power of delegation. Courts have recognised that in some circumstances for administrative necessity a statutory decision-maker may authorise others to act as his or her agent (i.e. on his or her behalf) with respect to the performance of a power or function authorised officials act for and on behalf of the person issuing the authorisation – they do not act in their own right.

B

bank is defined in section 3 of the PGPA Act to mean:

- (a) an authorised deposit-taking institution (within the meaning of the *Banking Act 1959*); or
- (b) the Reserve Bank of Australia; or
- (c) a person who carries on the business of banking outside Australia.

bankable money is defined in section 55 of the PGPA Act as relevant money that can be deposited in a bank.

banking day is defined in section 19(2) of the PGPA Rule as a day other than a Saturday, a Sunday or a day that is a public holiday in the place where the money was received.

BAS is the acronym for *business activity statement (BAS)*.

business activity statement (BAS) is the form used to report and pay a number of taxation obligations, including GST, PAYG instalments, PAYG withholding and FBT instalments. Entities must lodge a BAS with the ATO for each tax period.

C

Cabcharge card is a kind of credit card relating to taxi use, see *corporate credit card*.

Cabcharge voucher is a kind of credit voucher relating to taxi use, see *credit voucher*.

cash advance is relevant money that has been withdrawn from an entity bank account and provided to a specific official to make payments in cash. It also includes money received for the purposes of reimbursing the petty cash or change float. Cash advances are typically used as change floats or to cover minor expenses that are most conveniently or cost effectively processed by cash payments. This includes amounts held as *petty cash*.

charge card is a credit card that authorises the holder to buy goods or services on credit, with payment in full required at a later date. Examples include MasterCard, Visa and AMEX. Charge cards issued to the entity are a form of entity credit card.

Comcover is the Australian Government's general insurance fund responsible for protecting Commonwealth entities against insurable losses and promoting better practice risk management to improve policy formulation and the delivery of government programs and services. It ensures all Commonwealth General Government Sector (GGS) entities (fund members) have comprehensive financial protection from major threats that can arise from claims associated with insurable risks. Entities purchase cover for all normally insurable risks, with the exception of workers' compensation, which remains the responsibility of the Australian Government's Comcare.

Comcare is the workers' compensation insurer for the Australian Government, providing safety, rehabilitation and compensation services to Commonwealth employees (and employees of the ACT Government) under the auspices of the safety, rehabilitation and compensation services to Commonwealth employees.

Commonwealth means the Commonwealth of Australia. Corporate Commonwealth entities are legally separate from the Commonwealth.

Commonwealth entity is defined by section 10 of the PGPA Act to mean:

- (1) A Commonwealth entity is:
 - (a) a Department of State; or
 - (b) a Parliamentary Department; or
 - (c) a listed entity; or
 - (d) a body corporate that is established by a law of the Commonwealth; or
 - (e) a body corporate that:
 - (i) is established under a law of the Commonwealth (other than a Commonwealth company); and
 - (ii) is prescribed by an Act or the rules to be a Commonwealth entity.

Note: Commonwealth companies are not Commonwealth entities because they are not covered by this subsection. Chapter 3 deals with Commonwealth companies.

- (2) However, the High Court and the Future Fund Board of Guardians are not Commonwealth entities.

Section 7A of the PGPA Rule 2014 also identifies the bodies corporate, established under a law of the Commonwealth that are Commonwealth entities. This section also identifies the accountable authority of each entity where the accountable authority is not the governing body of the entity.

See further, below, at corporate Commonwealth entity, non-corporate Commonwealth entity, Department of State, Parliamentary Department and listed entity.

Commonwealth entity premises mean all premises owned or leased by a Commonwealth entity, or premises otherwise occupied by or in the care, custody or control of the Commonwealth entity. This includes land and buildings, as well as aircraft, vessels, vehicles, containers or receptacles.

Commonwealth Procurement Rules (CPRs) are issued by the Finance Minister under section 105B of the PGPA Act. The CPRs establish the core procurement legislative and policy framework for all non-corporate Commonwealth entities and some corporate Commonwealth entities prescribed in section 30 of the PGPA Rule 2014. The Agency is a prescribed corporate Commonwealth entity under the Commonwealth Procurement Rules (CPRs). Officials must comply with the Agency's Procurement Policy, which reflects these requirements.

contingent liability means a commitment that may give rise to a cost as a result of a future event. They often result from indemnities, guarantees, warranties or other commitments of this type which are included in contracts.

contract management is the active management throughout the life of a procurement contract or other contract to ensure a contractor's performance is satisfactory, stakeholders are well informed and all contract requirements are met. It includes managing the contractual relationships and ensuring that deliverables are provided to the required standard, within the agreed timeframe and achieve value for money.

correctly rendered invoice means a valid tax invoice that also includes entity specific information as defined in the contract, agreement or other arrangement (some contracts, agreement and arrangements may also contain their own references to what is a 'correctly rendered invoice').

corporate Commonwealth entity is defined in the PGPA Act at section 11 to mean a Commonwealth entity that is a body corporate. Corporate Commonwealth entities are legally separate from the Commonwealth, whereas non-corporate Commonwealth entities are part of the Commonwealth.

corporate credit card means a credit card issued to a Commonwealth entity to enable the Commonwealth entity to obtain cash, goods or services on credit. For the purposes of the PGPA framework, a corporate credit card number is subject to the same requirements as a corporate credit card. (see [AAI 7 Corporate credit cards and credit vouchers](#))

cost recovery involves charging the non-government sector some or all of the costs of specific government activities. The government must direct that the activity be cost recovered, there must be a statutory basis to charge the non-government sector and there must be alignment between expenses and revenue.

credit card see *corporate credit card*.

credit voucher is essentially a paper based credit card that enables the holder to buy goods or services on credit, with payment in full required at a later date. Credit vouchers generally come with an attached spending limit. A *Cabcharge voucher* is an example of a credit voucher.

D

days means calendar days.

debt (for the purposes of the PGPA framework) generally means a sum of money owing to the Commonwealth entity, which is known and not being disputed, due for payment now and legally capable of being recovered in an action for debt. For example, an official who has been overpaid a salary, or a person who has been overpaid for a good or service provided by the entity, may owe a debt to the entity as a result of the overpayment.

debtor means an individual or other body who owes a Commonwealth entity money.

E

equitably means treating an entity or person impartially, based on their commercial, legal, technical and financial abilities and not discriminating against them due to their size, degree of foreign affiliation or ownership, location or the origin of the goods or services.

enabling legislation for a Commonwealth entity that is established by or under an Act or legislative instrument means that Act or legislative instrument.

entity see Commonwealth entity, corporate Commonwealth entity and non-corporate Commonwealth entity.

F

FBT is the acronym for Fringe Benefits Tax.

fee (also known as a fee for service) is a payment for goods or services provided to, or at the request of, the person providing the goods or services. There is generally a direct relationship between the cost of delivering the service and the fee itself. A fee may come within the scope of the Australian Government's policy on cost recovery.

Finance Minister means the minister who administers the PGPA Act (see section 3 of the PGPA Act).

fraud against the Commonwealth is defined by the Commonwealth Fraud Guidance as 'dishonestly obtaining a benefit, or causing a loss, by deception or other means' fraud against the Commonwealth may include (but is not limited to):

- theft
- accounting fraud (false invoices, misappropriation etc.)
- unlawful use of, or obtaining property, equipment, material or services
- causing a loss, or avoiding and/or creating a liability
- providing false or misleading information to the Commonwealth, or failing to provide it when there is an obligation to do so
- misuse of Commonwealth assets, equipment or facilities
- cartel conduct
- making, or using false, forged or falsified documents, and
- wrongfully using Commonwealth information or intellectual property.

fringe benefits are benefits, other than salaries and wages, which are provided to an employee or an associate of the employee (usually a family member) by an employer or third party arranger.

Fringe Benefits Tax (FBT) is a tax on fringe benefits provided in respect of employment during the year of the tax. An entity must report to the ATO on all fringe benefits provided to officials.

G

gifting means relevant property given without payment or condition.

Goods and Services Tax (GST) is a broad based tax of 10 per cent on the sale of most goods and services consumed in Australia. GST is claimable through the submission of business activity statements to the ATO as input tax credits.

GST is the acronym for the Goods and Services Tax.

guarantee means a promise whereby one party assumes responsibility for the debt, or performance obligations, of another party should that party default in some way. For example, where an entity guarantees payment of bank borrowings by a third party. A guarantee may give rise to a contingent liability.

H

hospitality see *official hospitality*.

I

improperly dispose of generally means to dispose of relevant money or relevant property in a way that is not consistent with the provisions of the PGPA legislation, including the duty on an accountable authority to promote proper use and management of public resources.

indemnity means a legally binding promise whereby a party undertakes to accept the risk of loss or damage another party may suffer. For example, where the Agency hires a venue to host a conference it may indemnify the owner of that venue against losses that may be suffered if attendees damage the venue. An indemnity may give rise to a contingent liability.

input tax credits are amounts that can be claimed as a refund from the ATO in respect of GST paid on goods and services acquired in carrying on an enterprise.

inter-entity agreement is a documented relationship for the provision of services, exchange of information or other administrative function or support, signed between two or more entities. Examples include: a Memorandum of Understanding, Exchange of Letters, Business Partnership or a Service Level Agreement.

internal audit function is the unit or auditors that are responsible for the delivery of the internal audit services of the Agency.

L

levy is a form of tax. It is often used to refer to a tax that is imposed on a specific industry or class of persons, rather than a tax of general application. A levy may come within the scope of the Australian Government's policy on cost recovery.

liability cap is a legally binding commitment whereby a contractor's liability for damage or loss is limited to a certain amount. Arrangements such as indemnities can also contain liability caps when the maximum payout under the indemnity is capped at a specified amount of money.

listed entity in section 8 of the PGPA Act means:

- (a) any body (except a body corporate), person, group of persons or organisation (whether or not part of a Department of State); or
- (b) any combination of bodies (except bodies corporate), persons, groups of persons or organisations (whether or not part of a Department of State);

that is prescribed by an Act or the rules to be a listed entity.

M

Memorandum of Understanding (MoU) is a written agreement between two or more parties that defines the working relationship, expectations and responsibilities. MoUs are usually not legally binding on the parties.

misuse means to use **public resources** (including relevant money and relevant property) in a way that is not efficient, effective, economical or ethical.

N

non-corporate Commonwealth entity is one of two types of Commonwealth entity and is defined at sub section 11(b) of the PGPA Act as:

- (b) a non-corporate Commonwealth entity, which is a Commonwealth entity that is not a body corporate.

Note: Corporate Commonwealth entities are legally separate from the Commonwealth, whereas non-corporate Commonwealth entities are part of the Commonwealth.

O

official is defined in section 13 of the PGPA Act to mean:

(1) Each Commonwealth entity has officials.

Officials of Commonwealth entities (other than listed entities)

(2) An official of a Commonwealth entity (other than a listed entity) is a person who is in, or forms part of, the entity.

(3) Without limiting subsection (2), an official of a Commonwealth entity (other than a listed entity) includes:

(a) a person who is, or is a member of, the accountable authority of the entity; or

(b) a person who is an officer, employee or member of the entity; or

(c) a person, or a person in a class, prescribed by an Act or the rules to be an official of the entity.

(4) Despite subsections (2) and (3), each of the following is not an official of Commonwealth entity (other than a listed entity):

(a) a Minister;

(b) a judge;

(c) a consultant or independent contractor of the entity (other than a consultant or independent contractor of a kind prescribed by an Act or the rules for the purposes of paragraph (3)(c));

(d) a person, or a person in a class, prescribed by an Act or the rules not to be an official of the entity.

official hospitality generally involves the use of public resources to provide hospitality to persons other than officials to facilitate the achievement of one or more Commonwealth entity objectives.

official travel is any travel where the Commonwealth entity is responsible for any of the direct or indirect costs associated with that travel.

P

PAYG is the acronym for Pay As You Go.

petty cash means money used for small, incidental and one-off expenses, such as emergency stationery. See *cash advance*.

PGPA Act is the *Public Governance, Performance and Accountability Act 2013*

PGPA Rule is the *Public Governance, Performance and Accountability Rule 2014* issued under section 101 of the PGPA Act.

PGPA Rule (Digital Health) is the instrument prescribes matters relating to the Australian Digital Health Agency, particularly for sections 82 and 87 of the Act.

proper use when used in relation to use or management of public resources means efficient, effective, economical and ethical. See section 8 PGPA Act.

public resources means relevant money, relevant property, or appropriations. See section 8 PGPA Act.

R

RBA is the acronym for the Reserve Bank of Australia.

relevant money is defined in section 8 of the PGPA Act to mean:

- (a) money standing to the credit of any bank account of the Commonwealth or a corporate Commonwealth entity; or
- (b) money that is held by the Commonwealth or a corporate Commonwealth entity.

relevant property is defined in section 8 of the PGPA Act to mean:

- (a) property (other than relevant money) that is owned or held by the Commonwealth or a corporate Commonwealth entity; or
- (b) any other thing prescribed by the rules.

responsible minister in section 8 of the PGPA Act means for a Commonwealth entity or Commonwealth company the minister who is responsible for the entity or company, unless otherwise prescribed by the rules.

T

tax is classically defined (for constitutional purposes) as a compulsory exaction of money by a public authority for public purposes, which is enforceable by law and not a payment for services rendered. However, this is not a reliable guide for identifying taxes in all cases. The payer of a tax does not have a real choice about whether to pay the tax or not.

tax invoice see *valid tax invoice*.

travel see *official travel*.

U

unbankable money is relevant money that cannot be banked. For example, money in the form of foreign coins, or money that is not accepted by a bank because it is damaged, or money that is not recognised as legal tender.

V

valid tax invoice is a document, generally issued by a supplier, which contains specific information to satisfy legal requirements to enable an entity to claim an input tax credit (it may include a recipient-created tax invoice).

vendor card is a credit card issued by a specific retailer that authorises the holder to buy goods or services on credit, with payment in full required at a later date. Examples include Cabcharge cards, travel cards and fuel cards. Vendor cards issued to an Agency are a form of corporate credit card.

W

waiver is a special concession granted to an individual or other body that extinguishes a debt or other amount owing to a Commonwealth entity.

warranty means a promise whereby one party provides certain assurances to another party. Warranties often relate to asset and sales agreements. For example, where an entity sells an asset to a third party it may provide a warranty that the entity has a right to sell the asset, the asset is fit for use and defective parts will be replaced within a specified period. A warranty may give rise to a contingent liability.



Australian Government

Australian Digital Health Agency



INTERNAL USE ONLY

Gifts and Benefits Policy

5 June 2019 v1.0

Approved for internal use

OFFICIAL

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THE FREEDOM OF INFORMATION ACT 1982
BY THE AUSTRALIAN DIGITAL HEALTH AGENCY

Key information

Owner	Chief Operations Officer
Business unit	Office of Chief Operations Officer
Filename	Gifts and Benefits Policy_v1.0 Last saved 4/06/2019 3:59 PM
Date of next review	4 June 2020
Contact for enquiries	Director, People and Capability

Approval

This document has been approved on the basis that the appropriate input has been obtained during its development.

Tim Kelsey

5 June 2019

Chief Executive Officer



Document version history

Version	Date	Comments
1.0	5 June 2019	Initial release

Document control

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1 Context

1.1 Rationale and purpose

Agency officials may be offered gifts or benefits, including hospitality. The purpose of this policy is to provide assistance to officials to determine when it is appropriate to accept a gift or benefit and to identify the circumstances where acceptance could result in real or perceived conflicts of interest.

1.2 Commencement date

This policy commenced on the date of approval (which is the date on the front page).

1.3 Scope and application

This policy applies to all Agency public officials. For the purposes of this policy, officials include:

- Board members (the Board is the Agency's Accountable Authority);
- members of Agency board advisory committees;
- Agency senior managers (including the Chief Executive Officer (CEO), Executive General Managers (EGMs) and General Managers (GMs));
- APS employees;
- common law employees;
- labour hire contractors;
- contractors and consultants engaged by the Agency to provide services to the Agency; and
- any other person who is defined as an official in accordance with section 13 of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) and section 9 of the *Public Governance, Performance and Accountability Rule 2014* (PGPA Rule).

1.4 Definitions

Term (and acronym)	Definition
Agency	Australian Digital Health Agency
APS	Australian Public Service
APS employee	Agency staff employed under the <i>Public Service Act 1999</i>
Common law employee	Non-APS employee employed by the Agency
Employee	An employee of the Agency – including APS employees and common law staff.
Official/public official	See 1.3 Scope and application.
Board member	A member of the Accountable Authority (the Board) of the Agency as defined in section 12 of the PGPA Act.

Term (and acronym)	Definition
Delegate	A person with authority as set out in the Agency's Human Resource Delegations and Approvals Information document.

1.5 Principles

All decisions relating to the acceptance of gifts or benefits should be based upon the requirement for officials to uphold the APS values, employment principles, the Agency Code of Conduct and the general duties of officials under the PGPA Act. Consistent with these requirements, gifts or benefits should never be accepted where to do so would result in an actual or perceived conflict of interest. Actual or perceived conflicts of interest are more likely to occur where a gift or benefit is offered to an official in a decision-making role and the person or organisation offering the gift:

- may benefit from a pending or active Agency process;
- is in an existing or potential contractual relationship with the Agency;
- receives, or is seeking, Commonwealth assistance; or
- has a primary purpose of lobbying ministers, members of parliament, departments or agencies.

Officials should not:

- accept any amount of cash or financial benefit;
- accept personal fees for the performance of their duties; or
- solicit any gift or benefit in connection with their official duties.

1.6 Support documents and associated policies

This policy is consistent with and should be read in conjunction with the:

- ethical framework for Agency officials outlined in the Agency Code of Conduct;
- duties of officials as specified in the PGPA Act, the PGPA Rule and the Public Governance, Performance and Accountability (Establishing the Australian Digital Health Agency) Rule 2016;
- Commonwealth Procurement Rules, in particular clauses 6.6 – 6.8;
- Agency's Conflict of Interest Policy;
- relevant Agency Accountable Authority Instructions (AAIs), in particular AAI 2. Authorisations, AAI 4.2 Disclosure of Interests, AAI 5.3 Official hospitality, AAI 5.4 Official travel and AAI 11.1 Receiving or retaining gifts or benefits; and
- *Criminal Code Act 1995*.

2 Accepting gifts and benefits

2.1 What gifts and benefits can be accepted

Offers which could be construed as a bribe, commission or any other kind of improper inducement in return for favourable treatment must be immediately reported to their General Manager or, in the case of SES officers, their immediate supervisor. In the case of a member of the Board or Advisory Committee, they must inform the Chair; in the case of the Board Chair, they must advise all Board members. Common examples of gifts or benefits officials may accept include:

- acceptance of a gift on behalf of the Agency as part of a formal exchange of gifts between official government representatives;
- acceptance of an 'inconsequential gift or benefit', where to do so would not create a perception of a conflict of interest or be otherwise in breach of the Agency's Code of Conduct. While the value of a gift or benefit is an important factor in determining whether it can be accepted, officials must also consider the circumstances under which a gift or benefit is offered. For example, a person or organisation may offer a particular official an 'inconsequential gift or benefit', but on a relatively regular, rather than one-off, basis. The official must apply the principles specified in this policy, while also taking account of cumulative value of the gifts and benefits and the timing and regularity with which gifts and benefits are offered to them, to decide whether it is appropriate to accept the gift or benefit in that particular situation; and
- acceptance of reasonable offers of hospitality where it can be demonstrated to genuinely assist the department to develop and maintain constructive relationships with stakeholders. This includes undertaking appropriate industry consultation and relationship management and maintenance with stakeholders, where it forms an important part of an official's role.

Before accepting a gift, an official must, where possible, seek prior approval from their:

- General Manager or, in the case of SES officers, their immediate supervisor for all gifts valued at more than \$200; or
- manager for all gifts valued up to \$200¹.

Before accepting a gift, a member of the Board or Advisory Committee must, where possible, seek approval from the Chair or in the case of the Board Chair, the members of the Board.

Delegates listed in the Agency's Human Resource Delegations and Approvals Information document are authorised to approve the acceptance of certain gifts and benefits in accordance with this policy.

¹ Immaterial or low value gifts or tokens of appreciation, such as a pen, a bunch of flowers, etcetera, received in the normal course of business activity are not reportable. Cups of coffee, or bottles of wine, from vested-interest third parties should not be accepted.

2.2 Travel incentive schemes

The Agency's Travel, Allowances and Expense Policy states that the 'Agency does not belong to a frequent flyer scheme and flights booked through the Travel Management Company do not accrue any frequent flyer points to the traveller'.

However, travellers are permitted to link their frequent flyer number to business travel bookings, which allow travellers to use online check-in, record meal and seat preferences, and use check-in scanners at airports for faster check-in and lounge access.

Sponsored travel

Sponsored travel is where transport, accommodation or living costs are met by a person or organisation external to the Agency and APS. The following principles apply where sponsored travel is offered:

- the Agency should meet the expenses associated with work undertaken on its behalf by its officials, and
- officials should avoid conflicts of interest or the appearance of such conflicts.

Offers of sponsored travel by a person or organisation external to the Agency and APS should be treated in the same manner as gifts and other benefits described in this policy. Acceptance of sponsored travel may be considered where the offer is made:

- by an inter-governmental or international agency, another government, an educational institution, a non-profit organisation, a recognised humanitarian organisation or a broad-based industry group; or
- on a general rather than a particular basis (e.g. industry familiarisation tours or where an organisation sponsors participants in a seminar).

In such cases, the source of the funding should be reputable and apolitical, and no actual or perceived conflict of interest should be created as a result of accepting the offer. Agency officials should not accept offers of travel sponsored by private organisations or groups. Acceptance may only be considered in exceptional circumstances where it is determined to be in the Agency's interest and where practical alternative means of travel or attendance at official expense is not otherwise available.

2.3 Entertainment

Offers of entertainment are often used by private organisations, groups or individuals as a means to create and expand networks, business contacts and relationships. Examples may include such things as invitations to sporting events, theatre tickets or a private dinner. Such offers should not be accepted or encouraged by Agency officials.

A conference dinner or meal, paid for by the Agency as part of a conference program, is not considered an offer of entertainment.

Offers to attend industry events (for example, a conference, seminar or similar event held by a vested-interest private industry organisation, especially where an existing Agency contractor) may be requested by Agency officials for consideration of prior approval by the relevant Division Head or CEO.

For such requests to be approved, the requestor needs to establish a case that:

- attendance will genuinely assist the Agency to develop and maintain constructive relationships with its stakeholders;

- the event represents a meaningful opportunity to make important business connections of considerable benefit to the Agency;
- there is a relevant and important representational role for the official attending; and
- attendance will not create an unacceptable real, potential or perceived conflict of interest.

While accompanying a Minister may be a relevant factor in considering whether an official attends an entertainment event, it is important that senior officials are mindful of their role in promoting the Agency's values and ensure that any decision to accept an offer of entertainment does not create an actual or perceived conflict of interest. The more prominent the event in question, the more important it is for an official to give due consideration to any adverse perceptions which may be generated by their acceptance.

An option for mitigating this issue may be for the official to pay for the event where it is reasonable and practical to do so.

Although circumstances may support officials accepting invitations to some events with prior approval, it is not appropriate to accept offers of paid travel or accommodation in relation to their attendance.

Any offers of entertainment which are accepted by officials should be recorded by completing a Gifts and Benefits Declaration form.

2.4 Accepting gifts and benefits without prior approval

The following gifts and benefits may be accepted where prior approval is not possible and then declared at the earliest possible time:

- Gifts accepted on behalf of the Agency as part of a formal exchange of gifts between official representatives of the Australian Government and another government. In these situations it may be appropriate for an official to accept a gift on behalf of the Agency, rather than on their own behalf. Customary gifts should be displayed in the Agency where appropriate;
- Where there are possible adverse consequences to Australia's interests which may flow from the non-acceptance of the gift, for example, where refusal could cause cultural offence; and
- Gifts presented at the conclusion of a conference or seminar at which an official has spoken.

Where a gift or benefit has been accepted without prior approval it must be declared to the official's General Manager, or, in the case of SES officers, their immediate supervisor, at the earliest possible time and then forwarded to People and Capability for recording.

2.5 Valuation process

An official who has received a gift or benefit is to obtain a reasonable estimate of value. A reasonable estimate may take the form of current market values, the value of similar items held by the Agency, or a written valuation. Officials should discuss their approach to determining value on the gift/benefit with their manager. The approach should be cost effective relative to the value involved.

2.6 Applying additional local restrictions

A General Manager or Executive General Manager can apply additional local restrictions (where they do not conflict with the provisions of this policy or relevant legislation) on the acceptance and retention of gifts and benefits, for individual officials or groups of officials. These restrictions should be based on an assessment of the potential ethical, reputational and corruption risk that acceptance of gifts and benefits may represent for the Agency. Relevant considerations may include but are not limited to:

- the function that the official undertakes and the existing or prospective relationships with external entities as a result of carrying out those functions (such as regulatory administration and application and complex compliance actions);
- the official's actual or perceived level of authority or influence relating to relevant decision-making or stakeholder engagement and management (including undertaking procurement or contract management on behalf of the Agency); and
- whether there is a clear conflict of interest at a particular point in time (such as during a tender process).

Local conditions for accepting and retaining gifts and benefits are to be:

- established in consultation with the Finance Branch and the People and Capability Branch;
- approved by the relevant executive General Manager; and
- registered on file with People and Capability.

2.7 Recording of gifts and benefits

Officials must declare all gifts which are not an 'Inconsequential gift or benefit' by completing a Gifts and Benefits Declaration form. Once it has been completed and signed by the relevant manager, the form needs to be submitted to the People and Capability section, which is responsible for maintaining the Gifts and Benefits Register.

All documentation associated with gifts and benefits is to be placed on the relevant personnel file in accordance with the Agency's records management policies.

2.8 Compliance

Failure to comply with the requirements of this and other Agency policies relating to gifts and benefits or conflict of interest may lead to disciplinary action under the Agency Code of Conduct. A range of sanctions may be imposed on an employee found to have breached the Code of Conduct, up to and including termination of their employment. In addition, the acceptance or solicitation of any benefit, in circumstances within the definition of a bribe, can be both a breach of the PGPA Act and an offence under the *Criminal Code Act 1995*.

2.9 Tax Compliance

Each year the Finance team will review the Gifts and Benefits Register to determine if a Fringe Benefits Tax (FBT) liability arises from gifts included in the register.

Gifts valued at more than \$300 including Goods and Services Tax (GST) may be subject to FBT and included in the FBT return. The Agency may recover the FBT liability from the official and may be required to include the fringe benefit on the official's annual Pay As You Go Payment Summary as a Reportable Fringe Benefit Amount.

2.10 Roles and responsibilities

Officials

All officials have a responsibility to:

- declare all gifts and benefits in accordance with this policy and provide the approved declarations to the People and Capability section via email pandc@digitalhealth.gov.au;
- seek prior approval before accepting a gift or benefit, or where this is not possible, declare the receipt of a gift or benefit at the earliest possible time;
- ensure no conflict of interest exists or could be perceived to exist from the acceptance of a gift or benefit;
- ensure that loyalty program points (such as frequent flyer points) that accumulate through official travel and/or other official expenditure are not used for personal benefit or gain; and
- in deciding to accept a gift or benefit, make decisions that are defensible and able to withstand public scrutiny.

Managers

When determining whether to provide approval for an official to accept a gift or benefit, managers have a responsibility to:

- ensure their decision is defensible and able to withstand public scrutiny; and
- ensure no conflict of interest exists or could be perceived to exist from the acceptance of a gift or benefit.

People and Capability

People and Capability is responsible for:

- receiving finalised declaration forms;
- updating the Agency Gifts and Benefits Register as declarations of gifts and benefits are received from Agency officials; and
- maintaining all documentation associated with gifts and benefits in accordance with the Agency's records management policies.