

Document Name: **GIFTS, BENEFITS AND HOSPITALITY**

Restrictions:

## POLICY STATEMENT

This policy states South West Healthcare's (SWH) position on responding to offers of gifts, benefits and hospitality, and to providing gifts, benefits and hospitality. It is intended to support individuals and SWH avoid conflicts of interest and maintain high levels of integrity and public trust.

SWH has issued this policy to support behavior consistent with the Code of Conduct for Victorian public sector employees. All employees are required under clause 1.2 of the Code to comply with this policy

## OBJECTIVE

This policy has been developed in accordance with requirements outlined in the *Minimum accountabilities for the management of gifts, benefits and hospitality* issued by the Victorian Public Sector Commission (VPSC).

SWH is committed to and will uphold the following principles in applying this policy:

**Impartiality:** Individuals have a duty to place the public interest above their private interests when carrying out their official functions and duties at SWH. They will not accept gifts, benefits or hospitality that could raise a reasonable perception of, or actual, bias, or preferential treatment. Individuals do not accept offers from those about whom they are likely to make business decisions.

**Accountability:** Individuals are accountable for:

- Declaring all non-token offers of gifts, benefits, and hospitality;
- Declining non-token offers of gifts, benefits, and hospitality, or where an exception applies under this policy, seeking approval to accept the offer; and,
- The responsible provision of gifts, benefits and hospitality.

Individuals with direct reports are accountable for overseeing management of their direct reports' acceptance or refusal of non-token gifts, benefits and hospitality, modelling good practice and promoting awareness.

**Integrity:** Individuals strive to earn and sustain public trust through providing or responding to offers of gifts, benefits and hospitality in a manner that is consistent with community expectations. Individuals will refuse any offer that may lead to an actual, perceived or potential conflict of interest.

**Risk-based Approach:** SWH, through its policies, processes and Audit and Risk Management Committee, will ensure gifts, benefits and hospitality risks are appropriately assessed and managed. Individuals with direct reports will ensure they are aware of the risks inherent in their departments work and functions and to monitor the risks to which their direct reports are exposed

## MINIMUM ACCOUNTABILITIES

Under the Instructions supporting the Standing Directions of the Minister for Finance 2016, the VPSC has set minimum accountabilities for the appropriate management of gifts, benefits and hospitality. These can be found at *Schedule A*.

**SCOPE**

This policy applies to all workplace participants. This includes executives, employees, board directors, contractors and consultants,<sup>1</sup> volunteers and students, and any individuals or groups undertaking activity for or on behalf of SWH

**RESPONSIBILITIES**All employees

- Have a duty to always put the public interest, which is the interest of SWH, above the private interest when carrying out their SWH duties, in line with SWH Codes of Conduct.
- Must comply with the requirements of this policy.
- Some employees perform roles that necessarily call for greater scrutiny. The CEO, Executive and those employees involved in purchasing goods and services must not solicit or accept gifts, benefits, or hospitality from current or prospective contractors and suppliers. The CEO and Board Directors involved in awarding grants must not solicit or accept gifts, benefits, or hospitality from applicants. Board Directors must not solicit or accept gifts, benefits, or hospitality from lobbyists.

Chief Executive Officer (CEO)

- Shall attest annually to the Public Sector Standards Commissioner, that SWH has Conflicts of Interest and Gifts, Benefits and Hospitality policies in place that are:
  - Consistent with the minimum requirements and accountabilities outlined in the *Managing Conflicts of Interest: A guide to policy development and implementation* and the *Gifts, Benefits and Hospitality Policy Guide* published by the VPSC
- Promulgate and ensure awareness of and compliance with this policy by all workplace participants

Authorised Delegate

- Consider and approve/decline Gifts, Benefits and Hospitality Notifications made by employees.

Executive Director People and Culture

- Is the SWH CEO's delegate for the oversight of this policy.
- Manage and oversee the GBH Register, and ensure that a subset of which will be published on SWH website and kept up-to-date.
- Provide a report annually to the Audit and Risk Management Committee that includes an analysis of the gifts, benefits and hospitality policy, processes and register, associated risks, risk mitigation measures and any proposed improvements.
- Ensure that statutory requirements, government policy and associated directives relevant to gifts, benefits and hospitality, and conflicts of interest are met.

Audit and Risk Management Committee

- Review the Gifts, Benefits and Hospitality (GBH) Register ([Appendix 2](#)) annually.

<sup>1</sup> Note the application of clause 1.4 of the Code of conduct for Victorian public sector employees to the engagement of contractors and consultants. Contractors and consultants are only bound by the code if explicitly required by their contract for service.

## MANAGEMENT OF GIFTS, BENEFITS AND HOSPITALITY

This section sets out the process for accepting, declining and recording offers of gifts, benefits and hospitality.

When deciding whether to accept an offer, individuals should first consider if the offer could be perceived as influencing them in the performance of their duties, or lead to reputational damage. The more valuable the offer, the more likely that a conflict of interest or reputational risk exists

### Token offers

- Token offers of nominal value, such as flowers, pens, notepads and chocolates (or other similar consumables) may be accepted without approval or declaring the offer on the Gifts, Hospitality and Benefits (GBH) Register ([Appendix 2](#)). Token offers may also include modest hospitality such as light refreshments during a meeting.
- Token offers cannot be worth more than \$50.
- Individuals may generally accept token offers without approval from an Authorised Delegate or declaring the offer on the GBH Register, as long as the offer does not create a conflict of interest or lead to reputational damage

### Non-token offers

- All non-token offers must be notified on the Gifts, Benefits and Hospitality Notification Form ([Appendix 1](#)) and to the relevant Authorised Delegate for approval. Workplace participants and Authorised Delegates should consider the GIFT test at Table 1 and the requirements noted to help respond to a non-token offer.
- Individuals may be offered a gift where there is no opportunity to seek prior written approval from the relevant Authorised Delegate prior to accepting. For example, a wrapped gift they later identify as being a non-token gift. In these cases, the individual must seek approval from the relevant Authorised Delegate within 5 business days.
- Where the gift would likely bring the individual or SWH into disrepute, SWH will return the gift. It represents a conflict of interest for the individual, SWH will either return the gift or transfer ownership to SWH to mitigate the risk.

### Requirements for refusing offers

All workplace participants are to refuse non-token offers:

- From a person or organisation seeking to influence them, or to be perceived to influence them, in the course of them carrying out their duties or raises an actual, potential or perceived conflict of interest decision;
- Could bring them, SWH or the public sector into disrepute;
- Made by a person or organisation about which they will likely make or influence a decision (this also applies to processes involving grants, sponsorship, regulation, enforcement, or licencing), particularly offers:
  - Made by a current or prospective supplier; or
  - Made during a tender or procurement process by a person or organisation involved in the process.
- Likely to be a bribe or inducement to make a decision or act in a particular way
- Of money, or used in a similar way to money, or something easily converted to money;
- That extend to their relatives or friends;
- Where in relation to hospitality and events, SWH will already be sufficiently represented to meet its business needs;
- Where acceptance could be perceived as endorsement of a product or service, or

acceptance would unfairly advantage the sponsor in future procurement decisions;

- Made by a person or organisation with a primary purpose to lobby SWH;
- Made in secret.

If an individual considers they have been offered a bribe or inducement, the offer must be reported to the CEO or their delegate, who should report any criminal or corrupt conduct to the Victoria Police or the Independent Broad-based Anti-corruption Commission (IBAC).

Table 1. GIFT Test

<b>G</b>	Giver	<i>Who is providing the gift, benefit or hospitality and what is their relationship to me?</i> Does my role require me to select suppliers, award grants or contracts? Could the person or organisation benefit from my decision?
<b>I</b>	Influence	<i>Are they seeking to gain an advantage or influence my decisions or actions?</i> Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy or token of appreciation or a valuable no-token offer? Does its timing influence a decision I'm about to make?
<b>F</b>	Favour	<i>Are they seeking a favour in return for the gift, benefit or hospitality?</i> Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months? Would accepting the offer create an obligation to return a favour?
<b>T</b>	Trust	<i>Would accepting the gift, benefit or hospitality diminish public trust?</i> How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family, friends or associates think?

### Accepting and approving gifts, benefits and hospitality

Suppliers may offer corporate sponsorship in support of a SWH research project, grand rounds, clinical symposiums, or functions. Appropriate sponsorships may be accepted where there is a clear and demonstrable benefit to the public, SWH, or where such sponsorship allows SWH to optimise limited resources.

For sponsorship of, or gifts and benefits to specific individuals, there may be a Legitimate Business Benefit (as defined) for accepting a non-token offer. The distinction between corporate sponsorship (permitted except during a tender) and personal sponsorship (prohibited), is that corporate sponsorship may be accepted where there is a clear and demonstrable benefit to SWH as a whole, as opposed to being of private benefit to an individual employee.

No corporate sponsorship can be considered from a supplier or potential supplier if SWH is in the process of or anticipating to request for tenders from the organisation, evaluating a tender from the organisation, or in negotiations with the organisation. At all other times, SWH encourages its suppliers and local businesses to support its hospitals in other ways.

If SWH individuals believe there is a legitimate business reason for accepting an offer, they must seek approval in writing from the person listed below by completing the

Gifts, Benefits and Hospitality Notification Form ([Appendix 1](#)).

Category	Authorised Delegate
All employees	CEO or Executive Director
Executive Director	CEO
CEO	Board Chair

All gifts, benefits and hospitality received by the CEO are reported annually to the Secretary of the Department of Health.

In deciding whether to approve the acceptance of an offer or a gift, the Authorised Delegate should ensure there can be no reasonable public perception of partiality. In particular consideration should be given to:

- Why the offer was made;
- The frequency of offers from particular suppliers. For example, one function per year may be acceptable, whereas attending functions on a monthly basis may not;
- The nature of the offer. Events with an associated educational professional development presentation would more likely be acceptable;
- Who has been invited? An event with representatives from multiple health services is more likely to be acceptable than one-on-one dining or entertainment. In some circumstances it might be appropriate for an employee's partner to attend, but other family members should not be considered;
- The relationship between the donor and the recipient. If the employee is in a position to provide advice or make decisions on matters including (but not limited to) tendering outcomes, granting licences, inspecting and regulating businesses to giving approvals, it is more likely that the gift would be perceived as inappropriate;
- The transparency and openness of the gift. If the gift is offered to an employee in the public forum, it is less likely to be perceived as a gift of influence;
- It does not raise an actual or perceived conflict of interest or have the potential to bring the individual, SWH or the public sector into disrepute; and,
- There is a legitimate business reason for acceptance. It is offered in the course of the individual's official duties, relates to the individual's responsibilities and has a benefit to SWH, the public sector or the State.

Individuals may be offered a gift where there is no opportunity to seek prior written approval from the relevant authorised delegate prior to accepting. For example, they may be offered a wrapped gift they later identify as being a non-token gift. In these cases, the individual must seek approval from the relevant authorised delegate within 5 business days.

Where the gift would likely bring the individual or SWH into disrepute, SWH will return the gift. If it represents a conflict of interest for the individual, SWH will either return the gift or transfer ownership to SWH to mitigate the risk.

### Recording non-token offers of gifts, benefits and hospitality

Employees must notify all non-token offers, whether accepted or declined, and they must be recorded on the GBH Register. If multiple gifts, benefits or hospitality offers are received from the same donor by an individual and in any financial year, the cumulative value of which exceeds more than \$50, then each individual gift, benefit or hospitality event must be declared.

The business reason for accepting a non-token offer must be recorded in the GBH Register and provide sufficient detail to link the acceptance to the individual's work functions and benefits to SWH, the public sector or the State.

Authorised Delegates should consider the following examples of acceptable and unacceptable levels of detail to be included in the GBH Register when recording the business reason:

#### Unacceptable

*"Networking"*

*"Maintaining stakeholder relationships"*

#### Acceptable

"Individual is responsible for evaluating and reporting outcomes of SWH sponsorship or event A. Individual attended Event A in an official capacity and reported back to SWH on the event."

"Individual presented to a visiting international delegation. The delegation presented the individual with a cultural item worth an estimated \$200. Declining the gift would have caused offence. The gift was accepted, written approval was subsequently obtained for the gift, which became SWH property."

### Ownership of gifts offered to individuals

Non-token gifts accepted by an individual for their work contribution may be retained by the individual where their Authorised Delegate has provided written approval.

#### REPRESENTING SWH

When employees attend a conference as a participant, or speaker, or apply for an award in recognition of their public sector work, they are representing SWH. Consequently, any benefits accruing from the employee's activity belong to SWH if greater than the nominal value. This includes door prizes, fees for speaking and financial grants. SWH may choose to use the gift to fund the employee's further work or development.

#### CEREMONIAL AND OTHER SIGNIFICANT GIFTS

International delegations may offer ceremonial gifts on behalf of their country or organisation to an employee. Ceremonial gifts of significant value become the property of SWH and should be recorded on the Asset Register. If these gifts are of cultural significance they must be offered to an appropriate public institution such as Melbourne Museum, National Gallery of Victoria or similar. Significant gifts or the proceeds from their sale may be donated to SWH.

#### SPONSORED TRAVEL AND ACCOMMODATION

Employees must not accept personal sponsorship or offers of other support from suppliers. For example, offers of sponsored travel for the purpose of assessing new medical equipment located at the supplier's premises or in operation at other hospitals or healthcare organisations must be declined because of a potential conflict of interest. However if the offer is considered to be in the best interest of the public or SWH, the

employee may apply via the appropriate process to seek approval. If the matter is of a personal interest, all costs must be borne by the employee.

If in the course of the tender process, the evaluation panel has shortlisted suppliers or selected a piece of equipment, the panel may recommend to the relevant Executive Director that further assessment of the item is necessary before an informed purchasing decision is made. In this situation the panel may recommend that an offer of support (in the form of free or subsidised travel) from the tenderer be accepted. As a general principle it will be a requirement of tenderers that access to a working example of equipment can be provided during the tender evaluation process. The CEO or the relevant Executive Director will nominate appropriately qualified employee(s) to conduct the visit.

From time to time suppliers may offer sponsorship and free or subsidised travel and/or accommodation to support a SWH employee at a conference or to be part of a group of clinical or technical specialists reviewing the performance of a drug or other form of medical treatment or technology as a result of that employee's recognised expertise in the field. Employees may also be offered participation in an industry familiarisation tour which may include free or subsidised travel. If accepted, any monetary payments must be paid into the employee's cost centre for the benefit of the employee's department. Unless the offer arises as a result of a particular person's clinical or technical expertise, such sponsorship must be an offer to SWH and not to the individual employee of SWH. An offer to an individual will only be considered if the recipient is attending in an official capacity and is chairing the conference or a major session at the conference, presenting a paper contributing their knowledge and expertise as a recognised clinical or technical expert or otherwise making an active and essential contribution to the event. The decision on whether to accept the offer and the conditions of acceptance will be the responsibility of the CEO or the relevant Executive Director.

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## Examples

### Example 1:

*A supplier extends an invitation direct to a SWH employee to attend their head office in Germany to view and assess new medical equipment. The invitation includes all travel and accommodation expenses.*

The invitation must be declined as it was made to an individual and is deemed a personal sponsorship.

### Example 2

*A supplier extends an invitation to SWH for an employee to attend their head office in Germany to view and assess new medical equipment. The invitation includes all travel and accommodation expenses.*

If there is a clear and demonstrable benefit to the health service, SWH may accept the sponsorship, approve the trip and select the most appropriate employee(s) to attend.

**Example 3**

*X is a doctor who occasionally works as a renal specialist at SWH. He is hoping to attend a symposium in China on the emerging field of commercial kidney donation for transplants and is seeking sponsorship for his trip. SWH has declined due to lack of funds and interest in the symposium. X sends an email to various pharmaceutical suppliers seeking funding for the trip in exchange for promoting their products within SWH.*

This would be unacceptable as X has breached the policy by soliciting funds for personal benefits and compromised his position further by offering to promote the company's products. If X attends the symposium it must be at his own expense and he must not promote the products he observes at the symposium.

**Example 4**

*Y is a VMO with a fractional appointment at SWH. He has been approached by a supplier in his private capacity with the offer of paid travel and/or conference expenses.*

As Y is an employee of SWH the Gifts, Benefits and Hospitality policy applies and a notification and approval is required. If Y has accepted this offer in his private capacity, this should be noted on the notification and Y should be precluded from any decision making or influence on the procurement of goods and services from that supplier

**SWH  
PROVIDING  
GIFTS,  
BENEFITS  
AND  
HOSPITALITY**

This section sets out the requirements for providing gifts, benefits and hospitality.

Requirements for providing gifts, benefits and hospitality

Gifts, benefits, or hospitality may be provided to welcome guests, facilitate the development of business relationships, further public sector business outcomes and to celebrate achievements.

When deciding to provide gifts, benefits, or hospitality, SWH employees must ensure that:

- Any gift, benefit or hospitality is provided to further the conduct of SWH official business or other legitimate goals;
- Any costs are proportionate to the benefits obtained for SWH and would be considered reasonable in terms of community expectations (the HOST test at Table 2) is a good reminder of what to think about in making this assessment); and
- It does not raise an actual, potential or perceived conflict of interest.

Table 2: The HOST Test

<b>H</b>	<i>Hospitality</i>	<i>To whom is the gift or hospitality being provided?</i> Will recipients be external business partners, or individuals from SWH?
<b>O</b>	<i>Objectives</i>	<i>For what purpose will the hospitality be provided?</i> Is the hospitality being provided to further the conduct of official business? Will it promote and support government policy objectives and priorities? Will it contribute to employee wellbeing and workplace satisfaction?
<b>S</b>	<i>Spend</i>	<i>Will public funds be spent?</i> What type of hospitality will be provided? Will it be modest or expensive and will alcohol be provided as a courtesy or an indulgence? Will the costs incurred be proportionate to the benefits obtained?
<b>T</b>	<i>Trust</i>	<i>Will public trust be enhanced or diminished?</i> Could you publicly explain the rationale for providing the gift or hospitality? Will the event be conducted in a manner that upholds the reputation of the public sector? Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures?

- Will the cost of providing the gift, benefit or hospitality be proportionate to the potential benefits?
- Is an external venue necessary or does SWH have facilities to host the event?
- Is the proposed catering or hospitality proportionate to the number of attendees?
- Does the size of the event and number of attendees align with the intended outcomes?
- Is the gift symbolic, rather than financial, in value?
- Will providing the gift, benefit or hospitality be viewed by the public as excessive?

**Containing costs**

Individuals should contain costs involved in the provision of gifts, benefits and hospitality wherever possible. The following questions may be useful to assist individuals to decide the type of gift, benefit or hospitality to provide

## Breaches

Disciplinary action including dismissal, consistent with the relevant industrial instrument, legislation, and SWH procedures, may be taken where an individual fails to adhere to this policy. This includes where an individual fails to avoid wherever possible or identify, declare and manage a conflict of interest related to gifts, benefits and hospitality in accordance with SWH Codes of Conduct.

Actions inconsistent with this policy may constitute misconduct under the Public Sector Administration Act 2004, which includes:

- Breaches of the binding Code of conduct for Victorian public sector employees, such as sections of the code covering conflict of interest (section 3.7), public trust (section 3.9) and gifts and benefits (section 4.2); and,
- Individuals making improper use of their position.

Individuals who consider that gifts, benefits and hospitality or conflict of interest may not have been declared or is not being appropriately managed should speak up and notify their Executive Director or the Executive Director People and Culture.

Individuals who believe they have observed corrupt conduct in their colleagues may also make a protected disclosure directly to the Independent Broad-based Anti-corruption Commission (IBAC). SWH will take decisive action, including possible disciplinary action, against individuals who discriminate or victimise those who speak up in good faith.

For further information on managing breaches of this policy, please contact the Executive Director People and Culture.

## Key aligned policies

Workforce Management  
**Codes of Conduct**  
**Strategic Procurement and Contract Management**  
**Fraud Policy**  
**Purchasing Card (Credit Card)**  
**Protected Disclosure**  
**Integrated Risk Management**

## Key aligned documents

**Instrument of Delegation**  
**Strategic Procurement Process**  
**Function Bookings**

## Legislation, standards & best practice

Public Sector Administration Act (Vic) 2004  
 Minimum Accountabilities for the management of gifts, benefits and hospitality (see Instructions supporting the Standing Directions of the Minister for Finance)  
 Code of Conduct for Directors of Victorian Public Entities  
 VPSC Gifts, Benefits and Hospitality Policy Guide  
 VPSC Conflict of Interest Guidance for Organisations  
 National Standards: Standard 1 Clinical Governance

## References

Barwon Health Gifts, Benefits and Hospitality Policy  
 GV Health Gifts, Benefits and Hospitality Procedure  
 Melbourne Health Conflict of Interest and Managing Gifts, Benefits and Hospitality Obligations Policy

**Appendixes** Schedule A: Minimum Accountabilities for the management of gifts, benefits and hospitality

[Appendix 1](#): Gifts, Benefits and Hospitality Notification Form

[Appendix 2](#): Gifts, Benefits and Hospitality Register

**Contributors**

	Name First initial. Surname	Position I.e. AUM Intensive care	Involved in			
			Development / review	Ratification	Implementation	Compliance
<b>Lead Reviewer:</b>	J Locke	Human Resources Consultant	X			
<b>Contributors:</b>						
<b>Committee/s:</b>	Workforce committee			X		
<b>Consumer input</b>						
<b>Executive sponsor</b>	E Holley	Interim Exec Director of People and Culture				

**Implementation & communication** Intranet and communication from the CEO

**Compliance** Risk Register  
 Conflict of Interest Register  
 Gifts, Benefits and Hospitality Register  
 Annual audit and report to Audit and Risk Management Committee

**Definitions**

**Authorised Delegate**  
 Means the CEO, Executive Directors and for the CEO, the Board Chair is the authorised delegate.

**Business Associate**  
 An individual or body that SWH has, or plans to establish, some form of business relationship with, or who may seek commercial or other advantage by offering gifts, benefits or hospitality.

**Benefits**  
 Benefits include preferential treatment, privileged access, favours, or other advantage offered to an individual. They may include invitations to sporting, cultural or social events, access to discounts and loyalty programs and promises of a new job.

**Bribes**  
 Bribes means money or other inducements given or promised to an individual to corruptly influence the performance of the individual’s role.

**Ceremonial Gifts**  
 Ceremonial gifts are official gifts provided as part of the culture and practices of communities and government, within Australia or internationally. Ceremonial gifts are usually provided when conducting business with official delegates or representatives

from another organisation, community or foreign government.

Ceremonial gifts are the property of SWH, irrespective of the value, and should be accepted by individuals on behalf of SWH. The receipt of ceremonial gifts should be recorded on the register but does not need to be published online.

### **Conflict of Interest**

Conflicts may be:

**Actual:** There is a real conflict between an employee's public duty and private interests.

**Potential:** An employee has private interests that could conflict with their public duties. This refers to circumstances where it is foreseeable that a conflict may arise in future and steps should be taken to mitigate that future risk.

**Perceived:** The public or a third party could reasonably form the view that an employee's private interests could influence their decisions or actions, now or in the future.

### **Gifts**

Gifts are free or discounted items or services and any item or service that would generally be seen by the public as a gift. These include items of high value (e.g. artwork, jewellery, or expensive pens), low value (e.g. small bunches of flowers), consumables (e.g. chocolates) and services (e.g. painting and repairs). Fundraising that is permitted by SWH that is consistent with relevant legislation and any government policy is not prohibited under minimum accountabilities.

### **Hospitality**

Hospitality is the friendly reception and entertainment of guests. Hospitality may range from light refreshments at a business meeting to expensive restaurant meals and sponsored travel and accommodation.

### **Legitimate Business Benefit**

A gift, benefit or hospitality may have a legitimate business benefit if it furthers the conduct of official business or other legitimate goals of SWH, the public sector or the State.

### **Public Official**

Public official has the same meaning as section 4 of the Public Administration Act 2004 and includes SWH employees, and Board Directors of SWH.

### **Public Register**

A public register is a record, preferably digital, of a subset of information contained in a register, for publication as required by the minimum accountabilities.

### **Register**

A register is a record, preferably digital, of all declared gifts, benefits, and hospitality.

### **Token Offer**

A token offer is a gift, benefit, or hospitality that is of inconsequential or trivial value to both the person making the offer and the recipient (such as basic courtesy). The minimum accountabilities state that the token offers cannot be worth more than \$50.

### **Non-token Offer**

A non-token offer is a gift, benefit, or hospitality that is, or may be perceived by the recipient, the person making the offer or by the wider community, of more than inconsequential value. All offers worth more than \$50 are non-token offers and must be recorded on the Gift, Benefit and Hospitality Register.

## SCHEDULE A: MINIMUM ACCOUNTABILITIES

### Public officials offered gifts, benefits and hospitality:

1. Do not, for themselves or others, seek or solicit gifts, benefits and hospitality.
2. Refuse all offers of gifts, benefits and hospitality that:
  - are money, items used in a similar way to money, or items easily converted to money;
  - give rise to an actual, potential or perceived conflict of interest;
  - may adversely affect their standing as a public official or which may bring their public sector employer or the public sector into disrepute; or
  - are non-token offers without a legitimate business benefit.
3. Declare all non-token offers (valued at \$50 or more<sup>2</sup>) of gifts, benefits and hospitality (whether accepted or declined) on their organisation's register, and seek written approval from their manager or organisational delegate to accept any non-token offer.
4. Refuse bribes or inducements and report inducements and bribery attempts to the head of the public sector organisation or their delegate (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).

### Public officials providing gifts, benefits and hospitality:

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

### Heads of public sector organisations:

8. Establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality that comprehensively address these minimum accountabilities.
9. Establish and maintain a register for gifts, benefits and hospitality offered to public officials that, at a minimum, records sufficient information to effectively monitor, assess and report on these minimum accountabilities.
10. Communicate and make clear within the organisation that a breach of the gifts, benefits and hospitality policies or processes may constitute a breach of binding codes of conduct and may constitute criminal or corrupt conduct, and may result in disciplinary action.
11. Establish and communicate a clear policy position to business associates on the offering of gifts, benefits and hospitality to employees, including possible consequences for a business associate acting contrary to the organisation's policy position. This must take into consideration any whole of Victorian Government supplier codes of conduct.
12. Report at least annually to the organisation's audit committee on the administration and quality control of its gifts, benefits and hospitality policy, processes and register. This report must include analysis of the organisation's gifts, benefits and hospitality risks (including repeat offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.
13. Publish the organisation's gifts, benefits and hospitality policy and register on the organisation's public website (applies only to organisations with an established website). The published register should cover the current and the previous financial year.

<sup>2</sup> Except where a person employed under the *Education and Training Reform Act 2006* in a Victorian Government school receives an offer from or on behalf of a parent, guardian, carer or student intended to express appreciation of the person's contribution to the education of a student or students, in which case non-token includes any offer worth more than \$100.

## APPENDIX 1

## GIFTS, BENEFITS AND HOSPITALITY NOTIFICATION FORM

***To be completed by recipients of gifts, benefits or hospitality offered or accepted and forwarded to the relevant Executive Director/CEO/Board Chair for approval. Attach any further information regarding the offer as required.***

Date Gift or Benefit Offered/Received:	
Recipient's Name:	
Position:	
Department:	
Received From (Name):	
Position:	
Organisation:	
Description of Gift/Benefit/Hospitality:	
Reason for Gift/Benefit/Hospitality:	
Estimated Value of Gift/Benefit/Hospitality:	
First time offer <input type="checkbox"/> or Previous offer(s) with last 12 months by this individual <input type="checkbox"/>	
Cumulative value of gifts offered by this individual within the last 12 months:	
Signature of Recipient:	

***To be completed by relevant Executive Director/CEO/Board Chair***

Decision Regarding Gift/Benefit/Hospitality:	
Signature:	
Print Name:	
Position Title:	
Date:	
<i>Please forward completed form to the Executive Director People and Culture, for notation in the GBH Register</i>	

***Office Use Only: People and Culture***

Date noted in GBH Register:	
Signature:	
Position:	



Item	Instruction
Date	Date the offer was made*
Recipient	Employee receiving the offer (record name, position*, unit/division*) In the public register : <ul style="list-style-type: none"> <li>• accepted offers – record the actual position and unit/division (e.g. Director, Safety &amp; Culture)</li> <li>• declined offers – record the generic position only (e.g. Director).</li> </ul>
Donor	Individual or organisation making the offer (record name, position*, organisation*) In the public register: <ul style="list-style-type: none"> <li>• accepted offers – record the actual position and organisation e.g. Director Oz Sports</li> <li>declined offers – record a generic description of the organisation e.g. Sports Association</li> </ul>
Business Associate	Note whether the donor is a business associate of the organisation (Yes/No) (Further instruction: Consider whether their offer is consistent with the organisation's policy.)
Offer	Description of the gift, benefit or hospitality*
Value	Estimated or actual value*
Reason	Reason the donor has given for making the offer
Legitimate Business Benefit	Note whether the offer is a legitimate business benefit (Yes/No) ie it <ol style="list-style-type: none"> <li>a) was offered during the course of the recipient's official duties; and</li> <li>b) relates to the recipient's official responsibilities; and</li> <li>c) benefits the organisation, public sector or State</li> </ol> (Further instruction: If the answer is NO then the offer must be declined, and if YES then the business benefit must be detailed, in accordance with the minimum accountabilities).
Risk	Record any risks. If accepted: <ol style="list-style-type: none"> <li>a) would an actual potential or perceived conflict of interest exist; or</li> <li>b) would it bring the recipient, organisation or public sector into disrepute?</li> </ol> (Further instruction: If either is answered YES, then the offer must be declined in accordance with the minimum accountabilities)
Ceremonial	Note whether the offer is an official or ceremonial gift provided when conducting business with official delegates or representatives from another organisation, community or foreign government.
Decision	Decision to decline or accept the offer*
Ownership	Record whether the recipient retained the gift; transferred it to the organisation's ownership; returned it to the donor or donated it to charity etc.
Approved by	If the offer is accepted, record who approved the recipient's acceptance of the offer and the decision on ownership (record the name, position and unit/division of the recipient's manager or senior decision-maker. ) (Further instruction: If the offer is a ceremonial gift it becomes the property of the organisation.)

These instructions are for both the private and public registers. Items marked with \* or highlighted in green provide guidance on the public register. The register and instructions are effective from 1 July 2018.