



## GIFTS, BENEFITS and HOSPITALITY POLICY

<b>Document Type:</b>	Policy	<b>Endorsed by:</b>	Audit and Risk
<b>Department:</b>	Support Services	<b>Section:</b>	Finance

### **Purpose**

The Victorian Public Sector Commission (VPSC) has issued the Gifts, Benefits and Hospitality Guide which sets out the minimum accountability and reporting requirements relating to offers of gifts, benefits and/or hospitality to public sector employees. This policy details Moyne Health Services procedures to ensure compliance with this guide.

### **Scope**

All Moyne Health Services Board Members, Employees, Volunteers and respective family members.

### **Definition of key words<sup>1</sup>**

#### Business associate

An individual or body that the public sector organisation 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.

The value of benefits may be difficult to define in dollars, but as they are valued by the individual, they may be used to influence the individual's behaviour.

#### 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 the public sector organisation, irrespective of value, and should be accepted by individuals on behalf of the public sector organisation. The receipt of ceremonial gifts should be recorded on the register but does not need to be published online.

<sup>1</sup> <https://vpsc.vic.gov.au/html-resources/gifts-benefits-hospitality-policy-guide/3-definitions/>



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### Conflict of interest

Conflicts may be:

**Actual:** There is a **real conflict** between an employee's public duties 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 now to mitigate that future risk.

**Perceived:** The public or a third party could reasonably **form the view** that an employee's private interests could improperly 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 bunch of flowers), consumables (e.g. chocolates) and services (e.g. painting and repairs). Fundraising by public sector organisations that is consistent with relevant legislation and any government policy is not prohibited under the 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 the public sector organisation, 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, public sector employees, statutory office holders and directors of public entities.

### Public register

A public register is a record, preferably digital, of a subset of the information contained in a register, for publication as required by the minimum accountabilities. Guidance regarding the information that should be published is provided in the Policy Guide.

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Version Changed: 21/07/2021	Last Reviewed on: 21/07/2021	Due for Review : 25/08/2024



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### Register

A register is a record, preferably digital, of all declarable gifts, benefits and hospitality. Guidance regarding the information that should be recorded is provided in the VPSC Policy Guide.

### 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 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 to be 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 a gift, benefit and hospitality register.

### Policy statement

Moyne Health Services supports the VPSC Gift, Benefits and Hospitality Guide as issued by the Public Sector Standards Commissioner, which states that public officials have a responsibility to behave with integrity and impartiality and to respond appropriately to any offers of gifts, benefits and hospitality.

This policy is intended to cover both direct and indirect offers of gifts, benefits and hospitality to Board Members, employees and their respective families.

### Procedure or guidelines

Moyne Health Services employees, particularly those who have regular contact with patients and members of the public or private business, may be offered gifts in the normal course of their work and be uncertain of how to respond. The content of this policy sets out to remove uncertainty and provide clear guidance on how staff/Board Members must respond and avoids the potential for misunderstanding and embarrassment.

Accepting gifts can give the impression that an employee will favour a particular person or organization when making decisions or taking action, hence it is imperative that employees, at all levels and Board Members do not accept gifts, benefits or hospitality from people seeking to influence their decisions unfairly.



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**Moyne Health Services Board of Directors and Chief Executive are required to adhere to the following minimum accountabilities<sup>2</sup>:**

### ***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) of gifts, benefits and hospitality (whether accepted or declined) on the 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.

<sup>2</sup> <https://vpsc.vic.gov.au/html-resources/gifts-benefits-hospitality-policy-guide/2-minimum-accountabilities/>



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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.

### Reporting Requirements

Any accepted gifts of more than nominal value are considered a Reportable Gift.

All reportable gifts are to be declared by the relevant staff/Board Member on the Declaration Form ([Gifts Declaration Form](#)) and forwarded to the Chief Executive's office.

Details of such gifts are then to be transferred to the Gift Register and a summary of the Gift Register is presented to the Audit and Risk Committee annually as per the committee workplan. The Audit and Risk Committee will review the gifts register to ensure that there is transparent reporting of accepted gifts, benefits and hospitality, and there is no evidence of attempts to improperly influence the decisions and actions taken by employees of the Service.

### Annual Attestation

The Board is required to make an annual attestation to the Secretary of the Department of Health, in a form specified by the Secretary, to the operation, review, promulgation and scrutiny of Gifts, Benefits and Hospitality Policy and procedures within the Service.



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### Responding to offers of gifts and hospitality

#### Gifts and Gratuities Checklist

The following is designed to give guidance to MHS Board Members and employees in relation to the acceptance or declining of the offer of a gift, gratuity or hospitality.

1. Is the offer of nominal value, made for reasons of genuine appreciation for something I have done, without any encouragement from me?
2. If I accept the gift/gratuity/hospitality, would a reasonable person be confident that I could be independent in doing my job?
3. Could I always feel free of any obligation to do something in return for the donor?
4. Would I be comfortable if the gift was transparent to my organization, its clients and the general public?

Consider the following when making an assessment of accepting or declining gifts and hospitality

<b>G</b>	<b>Giver</b>	<p><b>Who is making the offer and what is their relationship to me?</b></p> <p>Does my role require me to select suppliers, award grants, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make?</p>
<b>I</b>	<b>Influence</b>	<p><b>Are they seeking to gain an advantage or influence my decisions or actions?</b></p> <p>Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy or a token of appreciation or a valuable non-token offer? Does its timing coincide with a decision I am about to make?</p>



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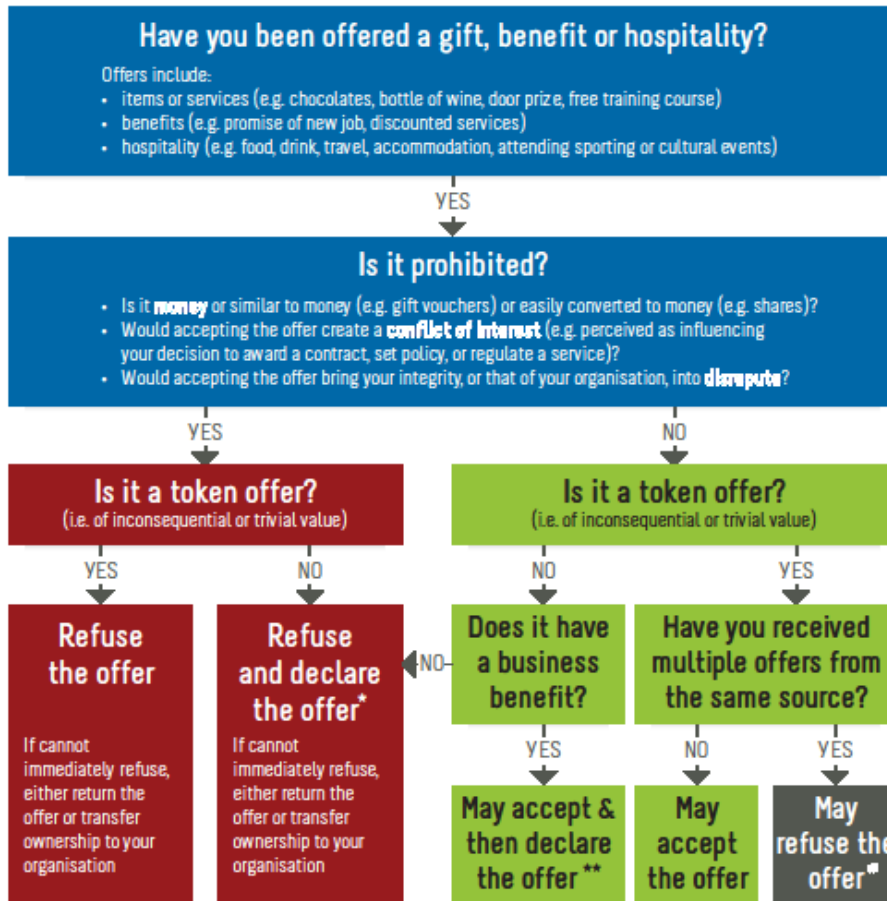
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<b>F</b>	<b>Favour</b>	<p><b>Are they seeking a favour in return for the gift, benefit or hospitality?</b></p> <p>Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months?</p> <p>Would accepting it create an obligation to return a favour?</p>
<b>T</b>	<b>Trust</b>	<p><b>Would accepting the gift, benefit or hospitality diminish public trust?</b></p> <p>How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family, friends or associates think?</p>

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# RESPONDING TO GIFTS, BENEFITS AND HOSPITALITY

Public officials do not seek offers of gifts, benefits and hospitality.



\* Generic, bulk event invitations that are declined (e.g. spam email offers) do not need to be declared.  
 \*\* Hospitality from Victorian public sector organisations does not need to be declared.  
 More than one token offer may be accepted. However, care should be taken to ensure that multiple offers are not used as a device to avoid offers being recorded on the register.





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### Expected Outcome

1. That staff/Board Members of the Service understand this policy and do not accept gifts of more than a nominal value or that may be considered an attempt to influence their roles or actions.
2. All reportable gifts are declared are recorded on the Gift Register and published on the MHS website
3. Updates on the Gift Register are presented to the Audit and Risk Committee annually as a standard agenda item.

### References & related standards

- Victorian Public Sector Commission Gifts, Benefits and Hospitality Policy guide – July 2020

### Key aligned / linked documents

- [Code of Ethics and Good Conduct](#)
- [VPSC Gifts, Benefits and Hospitality Policy Guide](#)

Approval of Current Version				
	Name	Position	Signature	Date
<b>Author/Reviewer:</b>	Katharina Redford	General Manager Support Services		23/07/2020
<b>Consulted:</b>	Executive team			
<b>Approved by:</b>	Kevin Leddin	Audit and Risk Committee (chair)	As per meeting minutes	20/08/2020
<b>Changes made in this version</b>	Aligned with VPSC guidelines			
<b>Education</b>	For circulation to all staff			
<b>Audit</b>	For approval at Audit and Risk Committee annually			