

Responsible Reviewer: Board Chair **Department:** Governance
Section: Legislative Compliance **Endorsing Committee:** Board of Directors

Gifts, Benefits, Hospitality Policy

Purpose

Omeo District Health will ensure that it meets the high standard of integrity and impartiality expected from Victorian public sector employees. As such, employees and directors will not accept gifts, benefits or hospitality from people seeking to influence their decisions unfairly.

Target Audience

All Staff, Volunteers and Board Directors

Guideline

The Victorian Public Sector Commission has issued the Gifts Benefits and Hospitality Framework and the Gifts, Benefits and Hospitality Policy Guide for Victorian public sector employees.. The Framework and Guide includes, in particular, minimum accountabilities for the management of gifts, benefits and hospitality.

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

These minimum accountabilities are binding under the **Instructions supporting the Standing Direction of the Minister for Finance 2018, made under the Financial Management Act 1994.**

<https://www.dtf.vic.gov.au/financial-management-government/standing-directions-2018-under-financial-management-act-1994>

Public officials offered gifts, benefits and hospitality:

- Will not, for themselves or others, seek or solicit gifts, benefits and hospitality.
- Will 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.
- Will declare all non-token offers (valued at \$50 or more) 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.
- Will 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:

- Will 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.
- Will ensure that any costs are proportionate to the benefits obtained for the State, and would be considered reasonable in terms of community expectations.
- Will 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:

- Will establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality that comprehensively address these minimum accountabilities.
- Will 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.
- Will 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.
- Will 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.
- Will 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.
- Will 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.

Accepting Gifts:

At ODH small gifts of appreciation for work done may be accepted e.g. chocolates. Stationery and pens may be accepted at conferences.

Modest hospitality offered as a courtesy in the course of a business meeting is not a reportable gift.

Repeated Gifts and Attempted Bribes:

Repeated gifts or offer of gifts from a single source must be reported to the Hospital CEO. Staff must also report any staff member who tries to solicit a bribe.

Declaring and Recording Gifts:

Any gift, benefit or hospitality that has a nominal value of more than \$50.00 must be recorded on the Gift Register. This should include both gifts accepted and refused.

Any monetary gifts to employees must be passed to the CEO.

Significant gifts are also recorded on the assets register.

Attestation:

This Policy and the Gift register will be reviewed yearly and compliance noted for the Department of Health.

Take the GIFT test

The Gift test is a good reminder of what to think about when deciding whether to receive hospitality or gifts to staff or stakeholders. Take the GIFT test and when in doubt ask your manager.

G	Giver	<p>Who is providing the gift, benefit or hospitality and what is their relationship to me?</p> <p>Does my role require me to select contractors, award grants, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make?</p>
I	Influence	<p>Are they seeking to gain an advantage or influence my decisions or actions?</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 valuable non-token offer? Does its timing coincide with a decision I am about to make?</p>
F	Favour	<p>Are they seeking a favour in return for the gift, benefit or hospitality?</p> <p>Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months? Would accepting it create an obligation to return a favour?</p>
T	Trust	<p>Would accepting the gift, benefit or hospitality diminish public trust?</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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Take the HOST test

The HOST test is a good reminder of what to think about when deciding whether to provide hospitality or gifts to staff or stakeholders. Take the HOST test and when in doubt ask your manager.

H	Hospitality	<p>To whom is the gift or hospitality being provided?</p> <p>Will recipients be external business partners, or individuals of the host organisation?</p>
O	Objectives	<p>For what purpose will hospitality be provided?</p> <p>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 staff wellbeing and workplace satisfaction?</p>
S	Spend	<p>Will public funds be spent?</p> <p>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?</p>

T	Trust	<p>Will public trust be enhanced or diminished?</p> <p>Could you publicly explain the rationale for providing the gift or hospitality? Will the event be conducted in a manner which 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?</p>
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Evaluation

Regular document revision and review of relevant 'RiskMan' Reports

Key Aligned Documents

ODH Financial Code of Practice
 Gifts Declaration, see below attachment.

Key Legislation, Acts & Standards

Legislation

Public Administration Act 2004 www.legislation.vic.gov.au

Guidelines

Code of Conduct for Victorian Public Sector Employees www.ssa.vic.gov.au
 Code of Conduct for Victorian Public Sector Employees of Special Bodies www.ssa.vic.gov.au

References

Gifts, Benefits and Hospitality Policy Guide (formerly Framework) Victorian Public Sector Commission 2018 <https://vpsc.vic.gov.au/html-resources/gifts-benefits-hospitality-policy-guide/>
 Gifts, Benefits and Hospitality Flow Chart Victorian Public Sector Commission 2018 <https://vpsc.vic.gov.au/wp-content/uploads/2018/06/Gifts-benefit-and-hospitality-flow-chart.pdf>
 Gifts, Benefits and Hospitality Minimum Accountabilities Victorian Public Sector Commission 2018 <https://vpsc.vic.gov.au/html-resources/minimum-accountabilities/>

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Audit Committee Chair	Finance, Risk & Audit Committee
Board of Directors	Corporate
Acting CEO	Corporate

Key Words

Gifts, Benefits, Hospitality, Bribes, Attestation.

GIFTS DECLARATION

This declaration form supports the Omeo District Health's Gifts, benefits and hospitality policy. Employees must declare all non-token offers of gifts, benefits and hospitality (whether accepted or declined) on and seek written approval from their manager or organisational delegate to accept any non-token offer.

Individual to complete	
1. Declaration date	
2. Name, position and unit/division	
Details of the gift, benefit or hospitality	
3. Date offered	
4. Describe the gift, benefit or hospitality offered	
5. Estimated or actual value	
6. Offered by (name of individual/organisation making the offer)	
7. Is the person or entity making the offer a business associate of the organisation (Y/N)? If yes, describe the relationship between them and the organisation. If no, describe the relationship between you and the person or organisation making the offer.	
8. Reason for making the offer	
9. Would accepting the offer: a) create an actual potential or perceived conflict of interest exist (Y/N); or b) bring you, the organisation or the public sector into disrepute (Y/N)? (If either is answered YES, then the offer must be declined in accordance with the minimum accountabilities)	<i>Detail of conflict of interest:</i>
10. Is there a legitimate business benefit to the organisation, public sector or State for accepting the offer, i.e. does it meet the following?: a) it was offered during the course of your official duties (Y/N); and b) it relates to your official responsibilities (Y/N); and c) it has a benefit to the organisation, public sector or State (Y/N). (If NO then offer must be declined, and if YES then the business benefit must be detailed, in accordance with the minimum accountabilities).	<i>Detail of business benefit:</i>
11. I accepted the offer YES / NO	<i>Signature</i> <i>Date</i>

Manager to complete	
1. Name, position and unit/division	
2. Relationship to employee	
Complete if individual declined offer	

<p>3. I have reviewed this declaration form and submitted it for inclusion on the organisation's gifts, benefits and hospitality register.</p>	<p>Signature:</p> <p>Date:</p>
<p>Complete if individual accepted offer</p>	
<p>4. I have reviewed this declaration form and, confirm that, to my knowledge, accepting this offer:</p> <ul style="list-style-type: none"> a) does not raise an actual, potential or perceived conflict of interest for the individual or myself; and b) will not bring the individual, myself, the organisation or the public sector into disrepute; and c) will provide a clear business benefit to the organisation, the public sector or the State. 	<p>Signature:</p> <p>Date:</p>
<p>5. Detail decision regarding ownership of tangible offers (e.g. specify whether employee retained gift; transferred to organisation's ownership; returned to offeror; donated to charity etc.)</p>	
<p><i>Completed form to be submitted for inclusion on the organisation's gifts, benefits and hospitality register.</i></p>	