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## GIFT, BENEFITS AND HOSPITALITY POLICY

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Distribution: Corporate

Section: Risk OH&S

Authorised by: Signature \_\_\_\_\_

Date \_\_\_\_\_

Chief Executive Officer

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### 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 Members.

### Guideline

The Victorian Public Sector Commission has issued guidelines for Victorian public sector employees on giving and receiving gifts, Benefits and hospitality. The policy framework includes, in particular, minimum accountabilities for the management of gifts, benefits and hospitality. These minimum accountabilities are binding under the **Instructions supporting the Standing Direction of the Minister for Finance 2016**.

<http://www.dtf.vic.gov.au/Government-Financial-Management/Standing-Directions-of-the-Minister-for-Finance/Standing-Directions-of-the-Minister-for-Finance-2016>

### Individuals:

- Will not solicit gifts, benefits or hospitality.
- Will refuse all offers of gifts, benefits or hospitality that could be reasonably perceived as undermining the integrity and impartiality of their organisation or themselves.
- Will refuse all offers of gifts, benefits or hospitality from people or organisations about whom they are likely to make decisions involving:
  - Tender processes
  - Procurement
  - Enforcement
  - Licensing
  - Regulation.
- Will refuse all offers of money or items easily converted to money such as shares.
- Will refuse bribes and report bribery attempts to the head of the public sector organisation or their delegate and to Victoria Police.
- If unsure about how to respond to an offer of a gift, benefit or hospitality of more than nominal value, seek advice from their manager.

### Heads of Public Sector Organisations:

- Will establish and regularly review policies and processes to respond to offers of gifts, benefits and hospitality, including multiple offers from the same source.
- Will promulgate and establish awareness and compliance with gifts, benefits and hospitality policies from all members of the organisation – from front line employees to board directors.

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- Will reinforce to all members of the organisation that a breach of gifts, benefits and hospitality policies could constitute a breach of binding codes of conduct and result in disciplinary action.
- Ensure that records are kept of accepted gifts, benefits and hospitality of more than nominal value (\$50.00) and that such records are subject to regular scrutiny, including review by the organisation's audit committee.

### 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.

<b>G</b>	<b>Giver</b>	<p><b>Who is providing the gift, benefit or hospitality and what is their relationship to me?</b></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>
<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 valuable non-token offer? Does its timing coincide with a decision I am about to make?</p>
<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? 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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### 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.

<b>H</b>	<b>Hospitality</b>	<p><b>To whom is the gift or hospitality being provided?</b></p> <p>Will recipients be external business partners, or individuals of the host organisation?</p>
<b>O</b>	<b>Objectives</b>	<p><b>For what purpose will hospitality be provided?</b></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>
<b>S</b>	<b>Spend</b>	<p><b>Will public funds be spent?</b></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>
<b>T</b>	<b>Trust</b>	<p><b>Will public trust be enhanced or diminished?</b></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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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

#### D.1 legislation

Crimes Act 1958 [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)

Financial Management Act 1994 [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)

Freedom of Information Act 1982 [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)

Information Privacy Act 2000 [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)

Liquor Control Reform Act 1998 [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)

Occupational Health and Safety Act 2004 [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)

Public Administration Act 2004 [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)

#### D.2 guidelines

An Auditor is an Auditor ... Right? [www.iaa.org.au](http://www.iaa.org.au)

Code of Conduct for Victorian Public Sector Employees [www.ssa.vic.gov.au](http://www.ssa.vic.gov.au)

Code of Conduct for Victorian Public Sector Employees of Special Bodies [www.ssa.vic.gov.au](http://www.ssa.vic.gov.au)

Conflict of Interest Policy Framework [www.ssa.vic.gov.au](http://www.ssa.vic.gov.au)

Directors Code of Conduct and Guidance Notes [www.ssa.vic.gov.au](http://www.ssa.vic.gov.au)

Ethics Framework [www.ssa.vic.gov.au](http://www.ssa.vic.gov.au)

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### Ethics Framework Planner [www.ssa.vic.gov.au](http://www.ssa.vic.gov.au) References

Good Practice Guide on Governance for Victorian Public Sector Entities [www.ssa.vic.gov.au](http://www.ssa.vic.gov.au)

Good Practice Guidelines: Conduct of Commercial Engagements [www.vgpb.vic.gov.au](http://www.vgpb.vic.gov.au)

Victorian Public Service Executive Employment Handbook [www.ssa.vic.gov.au](http://www.ssa.vic.gov.au)

### D.3 learning and development

Ethics Resource Kit [www.ssa.vic.gov.au](http://www.ssa.vic.gov.au)

Good Governance of Public Sector Entities through e-Learning [www.ssa.vic.gov.au](http://www.ssa.vic.gov.au)

Managing Conflict of Interest e-Learning Guide [www.ssa.vic.gov.au](http://www.ssa.vic.gov.au)

Victorian Government Procurement Training Resources [www.procurement.vic.gov.au](http://www.procurement.vic.gov.au)

### References

State Services Authority 2010 Gifts, Benefits and Hospitality Policy Framework- Victorian Public Sector.

Premier's Circular No. 2010/1 Gifts, Benefits and Hospitality Policy Framework

Alexandra District Hospital (2010) Gifts, Benefits and Hospitality Policy no.MGMT.044

Health Purchasing Policy

<https://www.hpv.org.au/assets/General/healthpurchasingpolicies-completenessfile-1.pdf>

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Gifts, Benefits, Hospitality, Bribes, Attestation.

<http://vpsc.vic.gov.au/wp-content/uploads/2016/10/Gifts-benefits-and-hospitality-policy-framework.pdf>

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### 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	
<b><i>Details of the gift, benefit or hospitality</i></b>	
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: <ul style="list-style-type: none"> <li>a) create an actual potential or perceived conflict of interest exist (Y/N); or</li> <li>b) bring you, the organisation or the public sector into disrepute (Y/N)?</li> </ul> (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: <ul style="list-style-type: none"> <li>a) it was offered during the course of the your official duties (Y/N); and</li> <li>b) it relates to your official responsibilities (Y/N); and</li> <li>c) it has a benefit to the organisation, public sector or State (Y/N).</li> </ul> (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 <b>YES / NO</b>	<i>Signature</i> <i>Date</i>

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Manager to complete	
1. Name, position and unit/division	
2. Relationship to employee	
<b>Complete if individual declined offer</b>	
3. I have reviewed this declaration form and submitted it for inclusion on the organisation's gifts, benefits and hospitality register.	Signature:  Date:
<b>Complete if individual accepted offer</b>	
4. I have reviewed this declaration form and, confirm that, to my knowledge, accepting this offer: <ul style="list-style-type: none"> <li>a) does not raise an actual, potential or perceived conflict of interest for the individual or myself; <b>and</b></li> <li>b) will not bring the individual, myself, the organisation or the public sector into disrepute; <b>and</b></li> <li>c) will provide a clear business benefit to the organisation, the public sector or the State.</li> </ul>	Signature:  Date:
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.)	
<i>Completed form to be submitted for inclusion on the organisation's gifts, benefits and hospitality register.</i>	