



# GIFTS, BENEFITS AND HOSPITALITY POLICY

This policy and any subsequent amendments are issued pursuant to Mallee Catchment Management Authority Board Charter of Corporate Governance.

## Metadata

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# 1. Purpose

This policy sets out Mallee Catchment Management Authority's (CMA's) position on:

- Responding to offers of gifts benefits and hospitality; and
- Providing gifts benefits and hospitality.

This policy is intended to support individuals and the Mallee CMA to avoid conflicts of interest and maintain high levels of integrity and public trust.

Mallee CMA has issued this policy to support behaviour consistent with the Code of Conduct for Victorian Public Sector Employees, (the Code). All employees are required under clause 1.2 of the Code to comply with this policy.

It applies to all workplace participants, this includes: executives, board members, individuals, 'in house' contractors, consultants and any individuals or groups undertaking activity for, or on behalf of, Mallee CMA.

# 2. Key Principles

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.

Mallee CMA 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. 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 of gifts, benefits and hospitality policies and processes.

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: Mallee CMA, through its policies, processes and audit and risk 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 team's work and functions and monitor the risks to which their direct reports are exposed.

# 3. Roles and Responsibilities

Role	Responsibility
<b>Board members and employees</b>	Ensuring their own conduct meets the required standards of integrity, placing the public interest above their own interests when carrying out official duties. This includes declaring all gift offers in accordance with this policy and refusing prohibited gifts. <b>Obligations and good practice</b> Board members and employees must act in accordance with their respective obligations and with good public sector governance practice, including:

	<ul style="list-style-type: none"> <li>the establishing Act, being Catchment and Land Protection Act</li> <li>the Public Administration Act 2004 ('PAA')</li> <li>binding codes and accountabilities issued by the VPSC, in particular: <ul style="list-style-type: none"> <li>Code of Conduct for Directors of Victorian Public Entities;</li> <li>Code of Conduct for Victorian Public Sector Employees; and</li> <li>Minimum accountabilities for managing gifts, benefits and hospitality (numbers 1 to 4 and 8 to 13);</li> <li>government policy;</li> </ul> </li> <li>any directions, guidelines and/or statements of obligation or expectation issued by the Minister;</li> <li>all other laws and obligations that bind the agency.</li> </ul>								
<b>Chair, CEO, and employees with direct reports</b>	<ul style="list-style-type: none"> <li>Being aware of, and monitoring, the risks inherent in their team's work and functions;</li> <li>Modelling good practice and promoting awareness of this policy and related processes.</li> </ul>								
<b>Responsible person</b>	<ul style="list-style-type: none"> <li>Receives notification of any gift offers and suspected bribery attempts;</li> <li>Provides advice about this policy and how to comply.</li> </ul> <table border="1" data-bbox="493 972 1268 1187"> <thead> <tr> <th colspan="2"><b>Responsible person</b></th> </tr> </thead> <tbody> <tr> <td>Employee</td> <td>CEO (or delegated Manager)</td> </tr> <tr> <td>Board member or CEO</td> <td>Board Chair</td> </tr> <tr> <td>Board Chair</td> <td>Deputy Board Chair</td> </tr> </tbody> </table>	<b>Responsible person</b>		Employee	CEO (or delegated Manager)	Board member or CEO	Board Chair	Board Chair	Deputy Board Chair
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Board Chair	Deputy Board Chair								
<b>All employees</b>	<ul style="list-style-type: none"> <li>Declare all (non-token) offers of gifts, benefits and hospitality;</li> <li>Decline reportable offers of gifts, benefits and hospitality, or where an exception applies under this policy, seeking approval to accept the offer;</li> <li>Immediate disclosure of all gifts, benefits and hospitality offered;</li> <li>Forward the signed <a href="#">005-042-FORM - Offer of Gifts, Benefits and Hospitality Declaration form</a> to the Chief Finance Officer (CFO) irrespective of whether gift was accepted.</li> </ul>								

<p><b>General Managers &amp; Managers</b></p>	<ul style="list-style-type: none"> <li>• Make employees aware of: <ul style="list-style-type: none"> <li>○ the Code of Conduct for Victorian Public Sector Employees;</li> <li>○ the VPSCs Gifts, benefits and hospitality policy guide; and</li> <li>○ this policy.</li> </ul> </li> <li>• Monitor the work of employees and the risks they are exposed to with respect to the receipt of gifts, benefits and hospitality;</li> <li>• Consider their direct reports' personal and professional interests and the types of gifts, benefits and hospitality that could have high relative value to those employees and contractors;</li> <li>• Ensure gifts of more than nominal value are disclosed using <a href="#">005-042-FORM - Offer of Gifts, Benefits and Hospitality Declaration Form</a> and forwarded to the CFO;</li> <li>• Report bribery attempts to the CFO or CEO;</li> <li>• Ensure that when providing gifts and hospitality it reflects prudent use of public resources and does not compromise the real or perceived integrity of recipients.</li> </ul>
<p><b>Chief Finance Officer (CFO)</b></p>	<ul style="list-style-type: none"> <li>• Have processes in place for the lodging and processing of gift offer declaration forms;</li> <li>• Ensure a Gifts, benefits and hospitality register is maintained;</li> <li>• Ensure the register and this policy are subject to regular scrutiny, including annual board review of the policy;</li> <li>• Ensure the Audit and Risk Committee (ARC) and Board receive a report at least annually on the administration and quality control of the gifts, benefits and hospitality policy, processes and register;</li> <li>• Ensure employees are provided advice and training in relation to this policy;</li> <li>• Provide an avenue for reporting bribery or corruption attempts;</li> <li>• Take appropriate action regarding reported bribery attempts;</li> <li>• Ensure the gifts, benefits and hospitality register is published on the Mallee CMA website every six months to cover the current and the previous financial year.</li> </ul>
<p><b>Chief Executive Officer (CEO)</b></p>	<ul style="list-style-type: none"> <li>• Determine the ownership of reportable gifts received by board members and employees. Non-token gifts accepted by an individual for their work or contribution may be retained by the individual where their manager (or delegate) has provided written approval. Employees must transfer to Mallee CMA official gifts or any gift of cultural significance or significant value (over \$50)</li> <li>• Provide approval (where required) for gifts, benefits or hospitality offered to employees using <a href="#">005-042-FORM – Offer of Gifts, Benefits and Hospitality Declaration Form</a>.</li> </ul>

<b>ARC and Mallee CMA Board</b>	<ul style="list-style-type: none"> <li>Review this policy at least annually to keep up-to-date with legislative and regulatory changes and to ensure this policy is consistent with current DELWP model policy</li> <li>Conduct an analysis of Mallee CMA's gifts, benefits and hospitality risks, at least annually, (including multiple offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.</li> </ul>
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#### 4. Business rules – Management of offers

Activity	Rules												
Conflict of interest and reputational risks	<p>When deciding whether to accept an offer, individuals should first consider if the offer could be perceived as influencing them in performing their duties or lead to reputational damage. The more valuable the offer, the more likely that a conflict of interest or reputational risk exists. The following table is a useful tool when considering how to respond to a gift offer</p> <p>Figure 1: GIFT test</p> <table border="1" data-bbox="408 898 1430 1704"> <tr> <td data-bbox="408 898 472 1077"> <b>G</b> </td> <td data-bbox="472 898 663 1077">           Giver         </td> <td data-bbox="663 898 1430 1077"> <b>Who is offering the gift, benefit or hospitality and what is their relationship to me?</b>            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?         </td> </tr> <tr> <td data-bbox="408 1077 472 1319"> <b>I</b> </td> <td data-bbox="472 1077 663 1319">           Influence         </td> <td data-bbox="663 1077 1430 1319"> <b>Are they seeking to gain an advantage or influence my decisions or actions?</b>            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 or my endorsement of a product or service?         </td> </tr> <tr> <td data-bbox="408 1319 472 1529"> <b>F</b> </td> <td data-bbox="472 1319 663 1529">           Favour         </td> <td data-bbox="663 1319 1430 1529"> <b>Are they seeking a favour in return for the gift, benefit or hospitality?</b>            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?         </td> </tr> <tr> <td data-bbox="408 1529 472 1704"> <b>T</b> </td> <td data-bbox="472 1529 663 1704">           Trust         </td> <td data-bbox="663 1529 1430 1704"> <b>Would accepting the gift, benefit or hospitality diminish public trust?</b>            How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family, friends or associates think?         </td> </tr> </table>	<b>G</b>	Giver	<b>Who is offering the gift, benefit or hospitality and what is their relationship to me?</b> 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?	<b>I</b>	Influence	<b>Are they seeking to gain an advantage or influence my decisions or actions?</b> 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 or my endorsement of a product or service?	<b>F</b>	Favour	<b>Are they seeking a favour in return for the gift, benefit or hospitality?</b> 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?	<b>T</b>	Trust	<b>Would accepting the gift, benefit or hospitality diminish public trust?</b> How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family, friends or associates think?
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<b>Requirements for refusing offers</b>	<p>Individuals should consider the GIFT test at Figure 1 and the requirements below to help decide whether to refuse an offer. Individuals are to refuse non-token offers:</p> <ul style="list-style-type: none"> <li>likely to influence them, or be perceived to influence them, in the course of their duties or raise an actual, potential or perceived conflict of interest;</li> <li>could bring them, their Mallee CMA or the public sector into disrepute;</li> <li>made by a person or organisation about which they will likely make or influence a decision (also applies to processes involving grants, sponsorship, regulation, enforcement or licensing) particularly offers:             <ul style="list-style-type: none"> <li>made by a current or prospective supplier</li> </ul> </li> </ul>												

	<ul style="list-style-type: none"> <li>○ made during a procurement or tender process by a person or organisation involved in the process</li> <li>• likely to be a bribe or inducement to consider or act in a particular way;</li> <li>• that extend to their relatives or friends</li> <li>• of money, or used in a similar way to money, or something easily converted to money</li> <li>• where, in relation to hospitality and events, the organisation will already be sufficiently represented to meet its business needs</li> <li>• where acceptance could be perceived as endorsement of a product or service, or acceptance would unfairly advantage the sponsor in future procurement decisions</li> <li>• made by a person or organisation with a primary purpose to lobby Ministers, Members of Parliament or public sector agencies; and</li> <li>• made in secret.</li> </ul> <p>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 Victoria Police or the Independent Broad-based Anti-corruption Commission).</p>
<p><b>Token offers</b></p>	<p>A token offer is an offer of a gift, benefit or hospitality that is of inconsequential or trivial value to both the person making the offer and the individual. It may include promotional items such as pens and note pads, and modest hospitality that would be considered a basic courtesy, such as light refreshments during a meeting.</p> <p>The minimum accountabilities state that token offers cannot be worth more than \$50.</p> <p>Individuals may generally accept token offers without approval or declaring the offer on the Mallee CMA's register, as long as the offer does not create a conflict of interest or lead to reputational damage.</p> <p><b>Disclosing token offers</b></p> <p><i>Regardless of whether a token offer is accepted</i>, it must be disclosed as soon as practicable to the responsible person. The board member or employee who receives the offer must send an email to the responsible person that sets out:</p> <ul style="list-style-type: none"> <li>• the date of the offer</li> <li>• the source (organisation or individual) of the offer</li> <li>• what was offered and why</li> <li>• that it was a token offer, including an estimate of: <ul style="list-style-type: none"> <li>○ the value of the gift offered; and</li> <li>○ the combined value of all gifts offered to them from that source in the last 12 months</li> </ul> </li> <li>• whether it was a prohibited gift (refer section 5) and, if so, why; and</li> <li>• whether the offer was accepted or refused</li> <li>• A gifts declaration form and the gifts register <b>does not</b> need to be completed.</li> </ul>
<p><b>Non-token offers</b></p>	<p>Individuals can only accept non-token offers if they have a legitimate business benefit. All accepted non-token offers <b>must</b> be approved in writing by the individual's manager (or delegate); recorded in the gifts, benefits and hospitality register; consistent with the following requirements:</p>

	<ul style="list-style-type: none"> <li>• it does not raise an actual, potential or perceived conflict of interest or have the potential to bring the individual, Mallee CMA or the public sector into disrepute; and</li> <li>• 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 Mallee CMA, the public sector or the State.</li> </ul> <p>Individuals may be offered a gift or hospitality where there is no opportunity to seek written approval from their manager prior to accepting. For example, they may be offered a wrapped gift that they later identify as being a non-token gift. In these cases, the individual must seek approval from their manager within five business days of receiving the gift.</p> <p>Where the gift would likely bring you or the organisation into disrepute, the organisation should return the gift. If it represents a conflict of interest for you, the organisation should either return the gift or transfer ownership to the organisation to mitigate this risk.</p> <p><b>NB: All offers worth more than \$50 are non-token offers and must be recorded</b> on a gift, benefit and hospitality register.</p>
<p><b>Reporting non-token offers of gifts, benefits and hospitality</b></p>	<p>All non-token offers, whether accepted or declined, must be recorded in the Mallee CMA's gifts, benefits and hospitality register. The business reason for accepting the non-token offer must be recorded in the register with sufficient detail to link the acceptance to the individual's work functions and benefit to Mallee CMA, public sector or State.</p> <p>Individuals should consider the following examples of acceptable and unacceptable levels of detail to be included in Mallee CMA's register when recording the business reason:</p> <p><b>Unacceptable</b></p> <ul style="list-style-type: none"> <li>• "Networking"</li> <li>• "Maintaining stakeholder relationships"</li> </ul> <p><b>Acceptable</b></p> <ul style="list-style-type: none"> <li>• "Individual is responsible for evaluating and reporting outcomes of the Mallee CMA's sponsorship of Event A. Individual attended Event A in an official capacity and reported back to the Mallee CMA on the event."</li> <li>• "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 on behalf of the Mallee CMA."</li> </ul> <p><b>Note:</b> A conflict of interest resulting from the acceptance of a gift, benefit or hospitality is not always clear to those who have them. Individuals who are unsure about the acceptance of a gift, benefit or hospitality, or the application of this policy, should ask their manager or CFO for advice.</p>
<p><b>Declaring gift offers</b></p>	<p>A board member or employee who is offered a gift must, <b>regardless of whether the gift is accepted:</b></p> <ul style="list-style-type: none"> <li>• verbally disclose the offer to the responsible person as soon as practicable; and</li> <li>• within five working days of the offer, sign and lodge a properly completed gift offer declaration form.</li> </ul>

<p><b>Gifts Register</b></p>	<p>A <i>Register of responses to reportable gift offers</i> ('gifts register') must be maintained that includes a record of:</p> <ul style="list-style-type: none"> <li>• all reportable gift offers and responses (based on completed gift offer declaration forms); and</li> <li>• if the gift offer was accepted, how the gift will be used or disposed of by the agency.</li> </ul> <p>The CEO must have processes in place for ensuring that the register is up-to-date; is protected from unauthorised changes; and is published on the agency's external website. This includes designating employee position(s) whose occupant(s) manage these functions. In addition:</p> <p><b>Employees</b></p> <p>The CEO must ensure employees are provided with regular reminders of the need to lodge gift offer declaration forms.</p> <p><b>Board members</b></p> <p>At the start of each board meeting, the chair must ask all board members present to state whether their entries in the gifts register are complete and correct. If there are no changes, the minutes will note that:</p> <p style="padding-left: 40px;"><i>'All board members present confirmed that their entries in the Register of responses to reportable gift offers are complete and correct'.</i></p> <p>If changes are declared, these will be noted in the minutes, together with the board member's undertaking to lodge a gift offer declaration form within five working days of the Board meeting.</p> <p><b>Publishing of gifts register on external website</b></p> <p>A copy of the gifts register that complies with privacy obligations ( ) must be published on the agency's external website. It should be updated at least every six months. Entries should remain on the website for at least the current and previous financial year.</p>
<p><b>Recording prohibited gift offers</b></p>	<p>To assist Mallee CMA to monitor the frequency and nature of prohibited gift offers, it is essential that all such offers are disclosed in accordance with the requirements for token or reportable gift offers.</p>
<p><b>Ownership of gifts offered to individuals</b></p>	<p>Non-token gifts with a legitimate business benefit that have been accepted by an individual for their work or contribution may be retained by the individual where the gift is not likely to bring them or the Mallee CMA into disrepute, and where their manager or organisational delegate has provided written approval. Employees must transfer to Mallee CMA official gifts or any gift of cultural significance or significant value.</p> <p><b>Dealing with accepted gifts</b></p> <p>The CEO must have processes in place for the receipt and use or disposal of reportable gifts by the agency, including processes for:</p> <p><b>Donating other reportable gifts</b></p> <p>Consideration should be given gifts such as food hampers to be auctioned to staff with the proceeds donated to charity.</p>
<p><b>Repeat offers</b></p>	<p>Receiving multiple offers (token or non-token) from the same person or organisation can generate a stronger perception that the person or organisation could influence you. Individuals should refuse repeat offers from the same source if they create a conflict of interest or may lead to reputational damage</p>



<b>Ceremonial gifts</b>	Ceremonial gifts are official gifts provided as part of the culture and practices of communities and government, within Australia or internationally. Ceremonial gifts are the property of the organisation, irrespective of value, and should be accepted by individuals on behalf of Mallee CMA. The receipt of ceremonial gifts should be recorded on the Mallee CMA's register but this information does not need to be published online.
<b>Hospitality provided by Victorian public sector organisations</b>	Victorian public sector organisations may provide hospitality to stakeholders, as part of their functions. When offered hospitality by a Victorian public sector organisation, individuals should consider the requirements of the minimum accountabilities.  Accepted hospitality offered by a Victorian public sector organisation as part of official business does not need to be declared or reported, where the reason for the individual's attendance is consistent with the Mallee CMA's functions and objectives and with the individual's role.

## 5. Business rules – Management of provision

Activity	Rules												
<b>Providing (offering) gifts, benefits and hospitality</b>	<p>Gifts, benefits and hospitality may be provided to welcome guests, facilitate the development of business relationships, further public sector business outcomes and to celebrate achievements.</p> <p>When deciding whether to provide gifts, benefits or hospitality or the type of gift, benefit or hospitality to provide, individuals must ensure:</p> <ul style="list-style-type: none"> <li>any gift, benefit or hospitality is provided for a business reason that furthers the conduct of official business or other legitimate organisational goals, or promotes and supports government policy objectives and priorities;</li> <li>any costs are proportionate to the benefits obtained for the State, and would be considered reasonable in terms of community expectations see the HOST test (Figure 2 below); and</li> <li>it does not raise an actual, potential or perceived conflict of interest.</li> </ul> <p><b>Figure 2: HOST test</b></p> <table border="1"> <tr> <td><b>H</b></td> <td>Hospitality</td> <td><b>To whom is the gift or hospitality being provided?</b> Will recipients be external business partners, or individuals of the host organisation?</td> </tr> <tr> <td><b>O</b></td> <td>Objectives</td> <td><b>For what purpose will hospitality be provided?</b> 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?</td> </tr> <tr> <td><b>S</b></td> <td>Spend</td> <td><b>Will public funds be spent?</b> 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?</td> </tr> <tr> <td><b>T</b></td> <td>Trust</td> <td><b>Will public trust be enhanced or diminished?</b> 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?</td> </tr> </table>	<b>H</b>	Hospitality	<b>To whom is the gift or hospitality being provided?</b> Will recipients be external business partners, or individuals of the host organisation?	<b>O</b>	Objectives	<b>For what purpose will hospitality be provided?</b> 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?	<b>S</b>	Spend	<b>Will public funds be spent?</b> 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>	Trust	<b>Will public trust be enhanced or diminished?</b> 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?
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	<p>MCMA may provide a donation to a not-for-profit organisation providing the donation:</p> <ul style="list-style-type: none"> <li>• is made in accordance with this policy.</li> <li>• would be considered symbolic rather than financial in value; and</li> <li>• is recorded in the Gifts, Benefits and Hospitality Register.</li> </ul> <p><b>Note the provision of:</b></p> <ul style="list-style-type: none"> <li>• Gifts, benefits and hospitality must comply with Mallee CMA's Purchasing &amp; Procurement policy</li> <li>• Alcohol at work related events must be consistent with Mallee CMA's Alcohol and Drugs Policy.</li> </ul>
<b>Containing costs</b>	<p>Individuals should contain costs involved with providing gifts, benefits and hospitality wherever possible, and should comply with the financial probity and efficient use of resources guidance outlined in the Code of Conduct for Victorian Public Sector Employees. The following questions may be useful to assist individuals to decide on the type of gift, benefit or hospitality to provide:</p> <ul style="list-style-type: none"> <li>• Will the cost of providing the gift, benefit or hospitality be proportionate to the potential benefits?</li> <li>• Is an external venue necessary or does the organisation have facilities to host the event?</li> <li>• Is the proposed catering or hospitality proportionate to the number of attendees?</li> <li>• Does the size of the event and number of attendees align with intended outcomes?</li> <li>• Is the gift symbolic, rather than financial, in value?</li> <li>• Will providing the gift, benefit or hospitality be viewed by the public as excessive?</li> </ul> <p><b>Note the:</b></p> <ul style="list-style-type: none"> <li>• MCMA Recognition of Service, Departure Gift and Floral Tributes policy; and</li> <li>• MCMA Alcohol and Drugs Policy (re: alcohol and work related events).</li> </ul>
<b>Providing hospitality at employee events</b>	<p>Mallee CMA may occasionally provide catered activities for board members and employees as annual recognition events or marking the completion of a major project based on the following considerations:</p> <ul style="list-style-type: none"> <li>• the extent to which the event will contribute to organisational objectives by, for example, reinforcing particular values or motivating staff,</li> <li>• whether there have been multiple recent events that would result in perceptions of excess, or</li> <li>• the need to balance the positive benefits of public recognition with community expectations in relation to modest expenditure by public officials.</li> </ul>
<b>Breaches</b>	<p>Disciplinary action consistent with the relevant industrial instrument and legislation, including dismissal, 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 Mallee CMA's Conflict of Interest policy.</p> <p>Actions inconsistent with this policy may constitute misconduct under the <i>Public Administration Act 2004</i>, which includes:</p> <ul style="list-style-type: none"> <li>• Breaches of the binding Code of Conduct for Victorian Public Sector Employees, such as sections of the Code covering conflict of interest, public trust, and gifts and benefits; and</li> <li>• Individuals making improper use of their position.</li> </ul> <p>For further information on managing breaches of this policy, please contact the CFO.</p>

	<p>Mallee CMA will communicate its policy on the offering and provision of gifts, benefits and hospitality to contractors, consultants and other business associates. Those identified as acting inconsistently with this policy may be subject to contract re-negotiation, including termination.</p>
<b>Speak up</b>	<p>Individuals who consider that gifts, benefits and hospitality or conflict of interest within Mallee CMA may not have been declared or is not being appropriately managed should speak up and notify their manager or CFO. Individuals who believe they have observed corrupt conduct in their colleagues may also make a protected disclosure directly to the Independent Based-based Anti-corruption Commission (IBAC).</p> <p>Mallee CMA will take decisive action, including possible disciplinary action, against individuals who discriminate against or victimise those who speak up in good faith.</p>
<b>Prohibited gifts - Gift offers of hospitality</b>	<p>Board members and employees must be particularly cautious about accepting gift offers of hospitality (i.e. food, drink, travel, accommodation, events or activities) from service providers (Suppliers). Gift offers of hospitality are often inconsistent with community expectations, due to a real or perceived conflict of interest. In such cases, the gift offer must be refused even if there is a legitimate business reason to accept.</p> <p><b>High risk events and activities provided by Service Providers (Suppliers)</b></p> <p>Invitations to attend or participate in a sporting, social, 'industry', arts, entertainment, or other event or activity are high risk. Examples of gift offers that must be refused include:</p> <ul style="list-style-type: none"> <li>• attending as a guest in a corporate box at the football or at a car or horse racing event;</li> <li>• attending a concert or theatre event;</li> <li>• attending an industry golf day or playing golf at a reduced fee;</li> <li>• being 'shouted' a meal at a restaurant; or</li> <li>• accepting complimentary or discounted tickets to attend the tennis.</li> </ul> <p>High risk events and activities provided by government or partner agencies must be declined unless prior written approval setting out clear reasoning is specifically granted by the responsible person (refer definitions). The signed and dated approval must be attached to the gift offer declaration form and noted in the gift register.</p> <p><b>Conferences and familiarisation tours</b></p> <p>Gift offers in relation to conferences or familiarisation tours (e.g. sponsored attendance, participation, travel, or accommodation) must be declined unless there is:</p> <ul style="list-style-type: none"> <li>• clear justification, such as where the invitation is issued by a government department, or the event is funded by DELWP, or, depending on the circumstances, the offeror is a peak body; and</li> <li>• prior written approval setting out clear reasoning is specifically granted by the CEO (for employees) or the responsible person (for the Chair, board members, and CEO). The signed and dated approval must be attached to the gift offer declaration form and noted in the gifts register.</li> </ul>
<b>Ban on soliciting gifts</b>	<p>Board members and employees must not solicit gifts in any form for themselves or others. To do so may constitute misuse of their position, a breach of this policy and/or a breach of the relevant code of conduct which may result in disciplinary action. Soliciting gifts may also constitute corruption which may result in criminal prosecution.</p>

<b>Privacy Protection</b>	<p>The CEO must have processes in place to ensure the agency complies with the <i>Privacy and Data Protection Act 2014</i> when collecting, using, and disclosing personal information in relation to gift offers (token and reportable). This includes ensuring that:</p> <ul style="list-style-type: none"> <li>• identifying information is deleted from the copy of the gifts register that is published on the agency's external website; and</li> <li>• a Privacy collection statement - gift offers is published on the website that is consistent with the template statement issued by DELWP.</li> </ul>
<b>Misuse of position</b>	<p>Accepting a prohibited gift offer may constitute misuse of a board member's or employee's position, a breach of this policy and/or a breach of the relevant code of conduct, and may result in disciplinary action. In addition, if the gift was offered with the expectation of something in return, such as preferential treatment, accepting it may constitute a bribe (refer Attempts to Bribe in this section) or other form of corruption and lead to criminal prosecution.</p>
<b>Attempts to bribe</b>	<p>A board member or employee who receives a gift offer that he/she believes is an attempted bribe must refuse the offer. He/she must:</p> <ul style="list-style-type: none"> <li>• Immediately notify the responsible person and lodge a gift offer declaration form, so that their refusal can be properly recorded; or</li> <li>• Report the matter to the Independent Broad-Based Anti-Corruption Commission (IBAC) as a protected disclosure.</li> </ul> <p>A board member or employee who believes that another board member or employee may have solicited or been offered a bribe which the other person has not reported must either notify the responsible person or report the matter to IBAC.</p> <p>The CEO must have processes in place to ensure that he/ she is notified when a responsible person becomes aware of a bribery issue. The CEO must notify IBAC of any matter which he/she believes on reasonable grounds may be corrupt conduct or, if appropriate, notify the police of a suspected offence.</p>
<b>Culture of integrity</b>	<p>It is essential that board members, employees, and external stakeholders are supported to raise queries and issues about gift offers, including queries and issues relating to their own conduct or that of others.</p> <p><b>Assistance with making decisions</b></p> <p>A conflict of interest resulting from the acceptance of a gift, benefit or hospitality is not always clear to those who have them. Individuals who are unsure about accepting a gift, benefit or hospitality, or the application of this policy, should ask their manager or CFO for advice.</p>
<b>Interstate, overseas travel and conference attendance</b>	<p>Board members and employees must ensure there is no conflict of interest if accepting funds from a sponsoring organisation; and should provide a disclaimer that there is no commitment on their behalf to the sponsor other than to attend/present a paper at the conference.</p> <p>An invitation to attend or present a paper at an overseas conference or seminar must not be accepted unless preliminary approval has been received from the CEO. For interstate conferences or seminars, manager's prior approval is required.</p> <p>Board members and employees must not accept an invitation to attend or present a paper at an interstate or overseas conference or seminar while on recreation or long service leave without prior approval of the Board Chair/CEO.</p>
<b>Monitoring compliance</b>	<p>The administration and quality control of the agency's policy and processes, including the gifts register and gift offer declaration forms, must be subject to regular scrutiny.</p> <p><b>Annual report by CEO to ARC:</b> The CEO must provide a report at least annually to the ARC that includes the matters set out in <b>Appendix 1</b> in relation to:</p> <ul style="list-style-type: none"> <li>• risk analysis</li> </ul>

	<ul style="list-style-type: none"> <li>• steps taken to improve compliance</li> <li>• recommendations for improvement.</li> </ul>
<p><b>Promoting and improving compliance</b></p>	<p>To promote and improve compliance with this policy:</p> <p><b>Induction and refresher training – board members and employees</b></p> <p>The chair (for board members and the CEO) and the CEO (for employees) must ensure all board members and employees receive <b>induction training</b> and annual <b>refresher training</b>, including:</p> <ul style="list-style-type: none"> <li>• information about the aim, principles, accountabilities, and requirements of this policy.</li> <li>• practical guidance on how to comply with it (e.g. where to obtain gift offer declaration forms, how to refuse a gift without giving offence, etc.); and</li> <li>• advice that a breach of this policy may constitute a breach of a binding code of conduct and may result in disciplinary action and, in the case of corrupt conduct, criminal prosecution.</li> </ul> <p>A copy of the agency’s policy and related practical guidance must be provided to each board member and employee when they commence their term of appointment or employment. Updates to the policy and related guidance must be provided as soon as practicable after they occur.</p> <p><b>Gifts hub – board members and employees</b></p> <p>The CEO must designate an employee position whose occupant manages (or acts as) a ‘Gifts hub’ to provide responsible persons and other board members and employees with a central point from which to obtain expert advice and guidance materials.</p> <p><b>Contracts for ‘in house’ contractors and consultants</b></p> <p>All contracts for ‘in house’ contractors and consultants (including those engaged through an employment agency) must explicitly state that the contractor or consultant is bound by this policy and by the Code of Conduct for Victorian Public Sector Employees.</p> <p><b>External stakeholders (tenderers, suppliers, external contractors, etc.)</b></p> <p>All contracts for suppliers and external contractors must ensure that the contract can be revoked (or renegotiated) by the agency if the supplier or external contractor offers a prohibited gift to a board member or employee.</p> <p>The CEO must have processes in place to ensure external stakeholders have ready access to information that explains the prohibitions and restrictions in this policy.</p> <p>This includes ensuring that:</p> <ul style="list-style-type: none"> <li>• an up-to-date copy of this policy is published on the agency’s external website; and</li> <li>• suitable guidance material is: <ul style="list-style-type: none"> <li>○ included in information packages for prospective tenderers and suppliers.</li> <li>○ provided directly to all suppliers and external contractors, with regular reminders thereafter; and</li> <li>○ published on the agency’s website.</li> </ul> </li> </ul> <p><b>Remedial action</b></p> <p>The CEO must have processes in place to ensure patterns of frequent or prohibited gift offers are identified and, where appropriate, <b>remedial action</b> is taken - e.g. a letter is sent to the source of the offers explaining why such offers must not be made.</p>

## 6. Definitions

Term	Meaning
Benefits	<p>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.</p> <p>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.</p>
Bribe	<p>An offer of money or other inducement made with the intention to corruptly influence a board member or employee in the performance of their duties. Bribery or attempted bribery of a public official is a criminal offence.</p>
Business associate	<p>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.</p>
Conflict of interest	<p>Conflicts may be:</p> <ul style="list-style-type: none"> <li>• <b>Actual (Real):</b> it currently exists;</li> <li>• <b>Potential:</b> it may arise, given the circumstances;</li> <li>• <b>Perceived:</b> members of the public or a third party could reasonably form the view that a conflict exists, or could arise, that may influence the performance of their duties as an employee, now or in the future.</li> </ul>
Ceremonial gifts	<p>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.</p> <p>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.</p>
Executive Management Team	<p>Consists of Mallee CMA Chief Executive Officer (CEO), General Managers and the Chief Finance Officer (CFO)</p>
Gifts	<p>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.</p>
Hospitality	<p>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.</p>
Legitimate business reason	<p>A business purpose that furthers the official business or other legitimate goals of the agency, public sector, or State.</p>
Non-token offer	<p>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.</p>

Official business event	When an employee is invited to an event that it is in the public interest for them to attend such as events hosted by other government agencies, engagement with community or industry stakeholders or maintaining sector or professional knowledge
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 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 Victorian Public Sector Commission Policy Guide.
Register	A record, preferably digital, of all declarable gifts, benefits and hospitality. Guidance regarding the information that should be recorded is provided in the Policy Guide
Reportable (non-token) gift offer	Gift offer with an estimated value of \$50 or greater, or is of cultural, historic or other significance such as a ceremonial gift.
Sustenance	Food and drink that does not exceed common courtesy and is offered while performing official duties at another organisation's or individual's work premises such as coffee and sandwiches at a business meeting. If you are unsure if the event exceeds sustenance, talk to your line manager.
Token offer	A gift, benefit or hospitality that is of inconsequential and trivial value to both the person making the offer and the recipient (such as basic courtesies). Minimum accountabilities state that token offers cannot be worth more than \$50.

## 7. Related documents

### Internal

009 GPOL- Purchasing and Procurement policy  
017 GPOL - Conflict of Interest Policy - Employees  
020 GPOL - Recognition of service and departure policy and procedure  
045 GPOL - Code of Conduct Policy  
061 GPOL - Conflict of interest policy - Board and Committees  
030 OPOL - Alcohol and Drugs Policy  
045-024-PRO - Disciplinary Guidelines Procedure  
[QMS 002 – Register of responses to reportable gift offers](#)  
005-042-FORM - Gifts, Benefits and Hospitality Declaration Form

### External

Standing Directions of the Minister for Finance  
*Public Administration Act 2004*  
Code of Conduct for Victorian Public Sector Employees  
Code of Conduct for Directors of Victorian Public Entities  
Victorian Public Sector Commission's Gifts, Benefits and Hospitality Policy Guide  
*Financial Management Act 1994*  
*Privacy and Data Protection Act 2014*





## Appendix 1 - Annual Report to Audit and Risk Committee

The CFO's annual report to the ARC must, at a minimum, include the following information:

### A. Risk analysis

#### Sources, type, and targeting of gift offers (patterns and anomalies)

Reportable gifts: an analysis of patterns and anomalies in the gifts register, including an overview of:

- (i) *Gifts offered*: the types and value range of gifts offered, in particular:
  - main sources (organisations and individuals) of high value and/or frequent offers;
  - which areas of the agency and which positions (chair, board member, CEO, other employee positions) were subject to high value and/or frequent offers; and
  - patterns in areas identified by the ARC for high scrutiny (e.g. tendering and procurement).
- (ii) *Prohibited gifts*: the level, nature and sources of prohibited gifts offers.
- (iii) *Acceptance of gifts*: the total number, value, and percentage of gift offers accepted v. refused.
- (iv) *Use and disposal*: how the agency used or disposed of the gifts it received.
- (v) *Bribes*: any reports of suspected bribery attempts.

Token gifts: to the extent, if any, that the ARC requires, an analysis of token gift offers - e.g. some or all of (i) to (iii) above - in particular, prohibited token gift offers.

#### Level of compliance with policy

An overview of the estimated level of compliance with this policy, including:

- (i) Whether there are fewer entries in the gifts register than would reasonably be expected given the size and functions of the agency.
- (ii) Based on research conducted (e.g. surveys and focus groups with board members and employees; random and targeted spot checks with current/recent suppliers and external contractors, etc.), the estimated level of failure to:
  - disclose reportable gifts by lodging a gift offer declaration form;
  - disclose token gifts by emailing the responsible person;
  - refuse prohibited gifts.

### B. Steps taken to improve compliance (risk mitigation measures)

An overview of steps taken in the last year to improve compliance with this policy, including:

- (i) substantive changes to business rules, processes and record-keeping requirements;
- (ii) activities to promote awareness of, and improve compliance with, this policy, noting who the activities were directed to (i.e. board members, employees and/or external stakeholders);
- (iii) remedial action taken to address patterns of frequent or prohibited gift offers (e.g. letters to offerors); and
- (iv) progress in implementing any recommendations made to, and accepted by, the ARC and/or board.

### C. Recommendations (future improvements)

New recommendations, if any, for:

- (i) improving compliance with this policy; and/or
- (ii) updating this policy and related business rules, processes and record-keeping requirements.