

## Purpose

This policy states Barwon Health'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 Barwon Health to avoid conflicts of interest and maintain high levels of integrity and public trust.

Barwon Health has issued this policy to support behavior 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.

## Target Audience

This policy applies to all workplace participants. For the purpose of this policy, this includes: executives, board members, employees, contractors<sup>1</sup>, consultants and any individuals or groups undertaking activity for or on behalf of Barwon Health.

## Definitions

**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.

### 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.

- 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.

## 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.

### Minimum accountabilities

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

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

### 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.

### Register

The register is the record of declarable gifts, benefits and hospitality. Access to the (full) register is restricted to relevant persons within Barwon Health.

A subset of the Register is the Public register, for publication as required by the minimum accountabilities. The Barwon Health public register is located on our website.

## Background

This policy is based on the VPSC model Gifts, Benefits and Hospitality Policy.

## Policy

Workplace participants are accountable for avoiding any apparent or actual conflicts of interest or reputational damage related to the provision or acceptance of Gifts, Benefits and Hospitality.

Barwon Health will maintain a register of Non Token offers made to workplace participants and the register will be revised periodically by senior Management.

Note: Gifts, benefits and hospitality offered to Barwon Health workplace participants that may be associated with completing Continuing Medical Education (such as accommodation, meals, flights/travel or excursions that may be fully or partially subsidized by an external party), or associated with other events, must also be assessed as per this policy.

### For offers of gifts, benefits and hospitality:

- Individuals may generally accept Token offers without approval or declaring the offer on the Barwon Health register as long as the offer does not create a conflict of interest or lead to reputational damage.
- Individuals can only accept Non Token offers if they have a legitimate business benefit. All offers must be approved in writing by the Manager (or their delegate) via the Barwon Health register, and must not create an actual, potential or perceived conflict of interest, or have the potential for reputational damage.
- Where offers would likely bring the individual or the organisation into disrepute, the gift should be returned by the organisation. Where offer represents a conflict to the individual, the organisation should either return the gift or transfer the ownership of the gift to the organisation.
- The individual must transfer to Barwon Health any official gifts or any gift of Cultural significance or significant value.
- Ceremonial gifts are the property of the organisation irrespective of value and should be accepted on behalf of Barwon Health. The Receipts of such gifts should be recorded on the register.
- Business invitations issued in bulk (ie to multiple organisations) and where the invitation relates to the individual's duties, may be accepted and do not need to be recorded in the register.
- Repeat Token or Non Token offers from the same person / source/ organisation should be refused if they create a conflict of interest or may lead to reputational damage.
- Hospitality provided by other Victorian Public Sector (VPS) organisations: individuals should consider the requirements of the minimum accountabilities. Accepted hospitality by VPS organisations does not need to be declared or reported if the individuals' attendance is consistent with the functions and objectives of Barwon Health and the individual's role.
- The GIFT test (described in the Gifts, Benefits and Hospitality Procedure) is applied prior to making a decision.

All non-token offers, whether accepted or declined, must be accurately and promptly recorded in Barwon Health'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 Barwon Health, public sector or State.

The gifts, benefit and hospitality register is found on One Point and is the responsibility of the individual concerned to promptly and accurately self-complete upon being offered a Non Token gift or offer. Approval / notification processes are embedded in the register.

Approving Managers will be electronically alerted that there has been a declaration made and that requires review. The approving Manager is to promptly review the register declarations of their direct reports and, without delay, respond by either approving or rejecting the declaration and decision made by the gift recipient.

If an individual considers they have been offered a bribe or inducement, the offer must be reported to the Chief People & Culture who will evaluate whether in fact this is the case. If it is the case then the Chief People & Culture will report the matter to the Chief Executive Officer (who has a legislative obligation to report certain corrupt conduct to the Independent Broad-based Anti-corruption Commission).

#### For the provision of gifts, benefits and hospitality:

Gifts, benefits and hospitality may be offered when welcoming guests, to facilitate the development or business relationships, further public sector business outcomes and to celebrate achievements. When making decisions related to the potential offer of gifts, benefits and hospitality the individual must ensure:

- Any provision of gifts, benefits or hospitality is made in accordance with the Instrument of Delegation Policy (IOD).
- Any gift, benefit or hospitality is provided for a legitimate business reason that furthers the conduct of official business or other legitimate organisational goals or promotes and supports government policy objectives and priorities.
- Costs must be proportionate to the benefits obtained and must be considered reasonable in terms of community expectations.
- The HOST test (described in the Gifts, Benefits and Hospitality Procedure) is applied prior to making a decision.
- The offer does not raise an actual or potential conflict of interest.

#### **Breaches of policy**

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 Barwon Health's Conflict of Interest Policy.

#### **Speak up:**

Any workplace participant who considers that gifts, benefits and hospitality or conflict of interest within Barwon Health may have not been declared or is not being appropriately managed should speak up and notify their manager or the Chief People & Culture Officer. Individuals who believe they have observed corrupt conduct in their colleagues may also make a protected disclosure directly to the independent Based Anti-Corruption Commission (IBAC).

Barwon Health will take decisive action, including possible disciplinary action, against individuals who discriminate or who victimise those who speak up in good faith.

## Evaluation

Senior management will review the register periodically, and respond to any issues arising including risks, mitigations and improvement opportunities.

Barwon Health's Audit and Risk Committee will receive a report at least annually on the administration and quality control of the gifts, benefits and hospitality policy, processes and register. The report will include an analysis of risk, risk mitigation measures and proposed improvements.

In line with VPSC requirements, a public register will be available comprising a subset of the information detailed in the Barwon Health internal register.

## Key Aligned Documents

[Code of Conduct Policy](#)

[Conflict of Interest Policy Barwon Health Board and Board Committees](#)

[Corporate Purchasing Cards](#)

[Financial Management Policy](#)

[Gift, Benefits and Hospitality Register, One Point.](#)

[Instrument of Delegation Policy](#)

[Procurement Governance Policy](#)

## Key Legislation, Acts & Standards

[Public Administration Act 2004 \(VIC\)](#)

## References

Victoria State Government, Treasury and Finance. (2018) [Gifts, Benefits and Hospitality Register](#)

Victoria State Government. (2021). [Standing Directions 2018 under the Financial Management Act 1994 - Minimum accountabilities for the management of gifts, benefits and hospitality](#)

Victorian Public Sector Commission (VPSC). (2018). [Code of Conduct for Directors](#)

Victorian Public Sector Commission (VPSC). (2018). [Code of Conduct for Victorian Public Sector Employees](#)

Victorian Public Sector Commission (VPSC). (2018). [Code of Conduct for Victorian Public Sector Employees of Special Bodies](#)

## Contributors

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## Schedule A: Minimum accountabilities

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

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

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

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

### Heads of public sector organisations:

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

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