

FINANCE NON-CLINICAL POLICY

GIFTS, BENEFITS AND HOSPITALITY POLICY

Staff this document applies to:

- All Austin Health Staff

Related Austin Health policies, procedures or guidelines:

[Cash Management Policy](#)

[Code of Conduct](#)

[Conflict of Interest Policy](#)

[Delegations of Authority Policy](#)

[Employee & Volunteer Reimbursement Policy](#)

[Integrity Governance Framework](#)

[Procurement Policy](#)

[Public Interest Disclosure Policy](#)

[Travel Policy](#)

Key points:

The Gifts, Benefits and Hospitality Policy provides guidance to all Austin Health Staff in relation to the acceptance and provision of Gifts, Benefits and Hospitality. The policy includes mandatory obligations that Staff must comply with. The policy includes the minimum accountabilities of the Victorian Public Sector Commission and should be read in conjunction with Employee & Volunteer Reimbursement Policy.

Policy Objective:

When we perform our public duties, it's vital that our decision-making is impartial. This helps to maintain the public's trust in our organisation and prevent corruption. Sometimes, when offering or receiving gifts, benefits and hospitality, Staff encounter difficult situations where they're not sure if they're doing the right thing. This policy sets out how our organisation and its Staff:

- respond to offers of gifts, benefits and hospitality
- provide gifts, benefits and hospitality.

Roles and Responsibilities:

Chief Financial Officer: is responsible to oversee and implement the Gifts, Benefits and Hospitality Policy. The Chief Financial Officer is also nominated to:

- Maintain appropriate processes to ensure timely responses to the Conflict of Interest/Breach Register, and Gifts, Benefits and Hospitality Register.
- Undertake a regular review of all Gifts, Benefits and Hospitality declarations and upload a de-

identified copy of the report onto the external website following each financial year.

- Routinely disseminate information on the Gifts, Benefits and Hospitality Policy through Staff.
- Report at least annually to the Audit and Risk Committee on the administration and quality control of its Gifts, Benefits and Hospitality Policy, processes and register. This report must include analysis of Austin Health'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.
- Establish and communicate a clear policy position on the Gifts, Benefits and Hospitality Policy to business associates on the offering of gifts, benefits and hospitality to Staff, including the possible repercussions for a business associate acting contrary to the organisation's policy position.
- In lieu of the appropriate Executive Director being available, direct secondary approval for offers of Gifts, Benefits or Hospitality that are of a value of \$50 or more, following initial approval by the relevant Approver.

Executives, Managers and Supervisors must:

- Make Staff aware of this policy.
- Undertake assessments of submissions for Gifts, Benefits or Hospitality made by Staff as the Approver based on the principal of providing 'one-up' review. Submitters are to be advised of an outcome within 2 weeks (where there is no opportunity to seek written approval, it must be done within 5 days of acceptance and that if the accepted offer is subsequently considered to bring Austin Health or the public sector into disrepute, it should be returned).
- For Executive Directors, secondary approval for offers of Gifts, Benefits or Hospitality that exceed \$50, following initial approval by the relevant Approver (in the case an offer with a value of \$50 or more has been made within the Finance Department, secondary approval must be afforded by the Chief Operating Officer).
- Manage conflicts of interest in an appropriate fashion, in accordance with Austin Health's Conflict of Interest Policy.
- Identify risks specific to their business unit or work environment and put measures in place to address these.
- Monitor the work of Staff and the risks they are exposed to in relation to conflicts of interest, or Gifts, Benefits and Hospitality issues, and regularly discuss these with Staff.
- Educate Staff on the use of the Gifts, Benefits and Hospitality Register, and the Conflicts of Interest/Breach Register.

Definitions:

Approver: The individual assessing a Gifts, Benefits and Hospitality register submission, based on the principal of a one-up review.

Benefits: Preferential treatment, privileged access, favours or other advantage offered. For example, invitations to sporting, cultural or social events, access to discounts, or the promise of a new job.

Bribes: are money or other inducements given or promised to Staff to corruptly influence the performance of their role. Bribery of a Public Official is an offence punishable by up to ten years imprisonment.

Business Associate: An individual, group or organisation that our organisation has, or plans to have, a business relationship with or who may seek commercial or other advantage.

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.

Conflicts of Interest: A conflict of interest exists if you have a private interest that could influence, or reasonably be seen to influence, how you perform your public duties. The conflict can be actual, potential or perceived. If a conflict of interest exists, our conflict-of-interest policy will also apply.

Executive Director: a member of the Austin Health Executive.

Gifts: Items or services that are free, discounted, or would generally be seen by the public as a gift. For example: items such as vouchers, gift cards, artwork, chocolates or flowers; services such as car repair. The monetary value of a gift is the estimated monetary value of the item if it were not being provided either free or discounted. Remember that gift cards and vouchers must be treated the same as money under the minimum accountabilities.

Gifts, Benefits and Hospitality Register: is a register of reportable Gifts, Benefits and Hospitality. It records the date a Gift, Benefit or Hospitality was offered, information about the donor and the recipient, the nature of the Gift, Benefit or Hospitality, its estimated value and how it was handled.

Hospitality: Hospitality is the friendly reception and entertainment of guests. Hospitality may range from light refreshments at a business meeting to expensive restaurant meals and sponsored travel and accommodation.

Legitimate business benefit: a Gift, Benefit or Hospitality may have a legitimate business purpose if it furthers the conduct of official business or other legitimate goals of Austin Health, the public sector or the State.

Non-token Offer: The offer is worth \$50 or more.

Official gifts and items: Official gifts and items include:

- official gifts
- official items (items with cultural, ceremonial, religious, historic, or other significance)

Sometimes accepted or given on behalf of our organisation as part of business with official delegates or representatives of a community group, organisation, or government.

Internal register: The official record of all declarable offers of gifts, benefits and hospitality made to our Staff or organisation, whether accepted or declined. The full title is 'Register of gifts, benefits and hospitality – declarable offers.

Public register: The official record of information made public from our organisation's internal register. It is published online.

Public Official: has the same meaning as under section 4 of the *Public Administration Act 2004*. This includes:

- Public sector employees
- Statutory office holders
- Directors of public entities

Staff: for the purposes of this policy includes Board members, the Chief Executive Officer, Executive Directors and all other employees of Austin Health, as well as any contractors or consultants bound by virtue of being expressly required to by the terms of their contract for services with Austin Health.

Token Offer: The offer is worth less than \$50. If a joint offer is made by multiple people the total value of the offer is used to determine its worth, not the value of each individual contribution and includes cumulative offers from the same source over a 12-month period).

Policy

1. Receiving offers or gifts, benefits and hospitality

Do not solicit offers

Consistent with the minimum accountabilities, you must not solicit (seek) any gift, benefit or hospitality, for yourself or others, if the offer could reasonably be seen as connected to your employment.

Offers you must refuse

Consistent with the minimum accountabilities (listed below), you must always refuse a gift, benefit or hospitality (token or non-token), if any of the following apply.

a) Money or similar

You must refuse the offer if it is money, used in a similar way to money, or easily converted to money. Consider whether it would be more appropriate that the Foundation manage the donation and liaise accordingly.

b) Conflict of interest

You must refuse the offer if it gives rise to a conflict of interest (actual, potential or perceived). This means you must refuse the offer if it could influence, or reasonably be seen to influence, how you perform your public duties (see Conflict of Interest Policy).

c) Public trust

You must refuse the offer if it could compromise the public's trust that you'll perform your job in an impartial manner or the public's trust in the impartiality of your organisation or the public sector.

d) Non-token offer without a legitimate business reason

You must refuse a non-token offer unless there is a legitimate business reason to accept. It must further the conduct of official business or other legitimate goals of our organisation, the public sector or the State.

e) Community expectations

You must refuse the offer (token or non-token) if it is not consistent with community expectations.

f) Bribe

You must refuse the offer if it could reasonably be seen as a bribe or other inducement.

Report the offer to Chief Financial Officer. They will report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-Corruption Commission.

2. Declining offers (further reasons)

Staff are to refuse any Gifts, Benefits or Hospitality offered, whether they are token or non- token offers, if they:

- could bring you, Austin Health or the public sector into disrepute;
- are made by a person or organisation about which you will likely make or influence a decision, particularly offers:
 - o made by a current or prospective supplier;
 - o made during a procurement or tender process by a person or organization involved in the process
- extend to their family or friends;
- where, in relation to Hospitality and events, Austin Health will already be sufficiently represented to meet its business needs;
- where acceptance could be perceived as endorsement of a product or service, or acceptance would unfairly advantage the offeror in future procurement decisions;
- are made by a person or organisation with a primary purpose to lobby Ministers, Members of Parliament or public sector organisations; or
- are made in secret.
- Further, Staff must refuse all non-token offers of Gifts, Benefits or Hospitality (to the value of \$50 or above) except where a Legitimate business purpose applies. Where a legitimate business purpose may apply, Staff must consult with their direct manager to determine whether the offer can be accepted. In deciding, managers must consider whether acceptance of the offer furthers the conduct of official business or other legitimate goals of Austin Health, the public sector or the State. Should further advice be required then they should consult with the relevant Executive Director.
- Gifts of more than token value should in all cases remain the property of Austin Health unless otherwise approved.
- Ceremonial Gifts are the property of Austin Health, irrespective of value, and should be accepted by Staff on behalf of Austin Health. The receipt of Ceremonial gifts must be recorded on the internal Austin Health Gifts, Benefits and Hospitality Register, but do not need to be published externally.
- Staff must refuse multiple offers (token or non-token) from the same person or organisation if they create a conflict of interest or may lead to reputational damage.

- Generic, bulk event invitations that are non-token and declined (e.g. spam email offers) do not need to be declared.

3. Declare all non-token offers

Declare all non-token offers of gifts, benefits and hospitality (offers to the value of \$50 or more), regardless of whether they are accepted or declined.

The offers must be recorded on the Austin Health Gifts, Benefits & Hospitality Register.

Use the following link: <https://giftregistryprod-austinhealth.msapproxy.net/>.

a) Token offers - what you must do

If you receive a token offer (value less than \$50):

- You can only accept the offer if it passes the 'integrity test' (item 2).
- Remember, thanks is enough. Do you need to accept?
- You do not need to declare the offer.
- You do not need a legitimate business reason to accept.
- You do not need approval from your manager to accept.
- You are the owner of the gift, benefit or hospitality.

b) Non-token offers - what you must do

If you receive a non-token offer (value \$50 or more):

- You must declare the offer even if you refuse it.
- Remember, thanks is enough. Even if you have a legitimate business reason, do you need to accept?
- You can accept the offer if it passes the 'integrity test' (item 2).
- As part of the integrity test, you must have a legitimate business reason to accept.
- Where feasible, you must have prior approval in writing from your manager or delegate to accept.
- If you accept the offer, you do so on behalf of our organisation, it is not usually yours to keep. Some exceptions exist, but you will need to apply to see if you qualify in the circumstances.
- The offer and outcome are recorded in the internal register. Certain information may also be published in the online public register.

Travel:

- If a vendor is funding any portion of costs associated with travel, the Gifts, Benefits and Hospitality Policy applies, and this must be declared on the Gifts, Benefits and Hospitality register.
- If a staff member is booking the travel, they must still comply with the Austin Health Travel Policy.

4. Providing gifts benefits and hospitality - others

When providing a gift, benefit or hospitality on behalf of our organisation, you must ensure all of the following:

Business purpose

Ensure it is for a business reason/purpose. There must be a legitimate business benefit that furthers the conduct of official business or other legitimate goals of our organisation, the public sector or the State. Some examples of legitimate business reasons are to:

- welcome guests
- facilitate the development of business relationships and outcomes
- celebrate achievements.

Cost and community expectation

- Ensure that any costs incurred are proportionate to the benefits obtained for the State.
- Ensure that the event would be considered reasonable and consistent with community

expectations.

Conflict of interest

Ensure it does not raise a conflict of interest (actual, potential or perceived).

Behaviour

If you participate in hospitality in your public sector role you must:

- demonstrate professionalism in your conduct
- uphold your duty of care to other participants.

5. Providing gifts, benefits and hospitality - Staff

When providing a gift, benefit or hospitality to staff on behalf of our organisation, you must consider the following:

a) Catered functions for Staff:

- Catered functions for Staff are permissible and are an effective means of celebrating achievements and are consistent with common business practice. When deciding if a function is appropriate the following should be considered:
- The extent to which the event will contribute to organisation objectives by, for example, reinforcing particular values or motivating staff.
- Whether there have been multiple recent events that would result in perceptions of excess should further events be funded.

b) Provision of alcohol:

- The provision of alcohol at any Austin Health sanctioned event will be considered on a case-by-case basis and must be approved by the Chief Executive Officer or the relevant Executive Director. The following parameters should be used as a guide:
- Any event where alcohol is served should be held at a time which minimises the risk of Staff returning to work impaired by alcohol (for example, if normal office hours are worked, the event should be held in the late afternoon or early evening).
- Any event should not exceed two hours in duration.
- On average no more than two standard drinks per person should be provided.
- The provision of alcohol should be incidental to the overall level of Hospitality provided.
- Staff should be reminded of their obligations under the relevant Code of Conduct prior to the event.

c) Providing Gifts to Staff:

The provision of token Gifts to Staff is permissible as part of:

- Reward and recognition programs or events.
- Celebrating length of service milestones and/or retirements.

d) Cost parameters:

The following cost parameters should be considered when providing Hospitality:

- Where possible, events should be held at a time of day least likely to attract expectations of, or a need for Hospitality.
- Generally, the length of an event including Hospitality should be kept to a minimum. Where longer events are required, catering can be provided at these events in line with reasonable expectations. For example, providing both morning tea and lunch at an all-day staff workshop.
- Public sector venues should be selected in preference to private venues. External venues should only be used if required, and where value for money can be demonstrated.
- Catering should be proportionate to the number of attendees.
- The size of the event and number of attendees should be aligned with intended outcomes.

- Catering should be procured at competitive rates and avoid more expensive options.

Gifts, benefits or hospitality provided to staff is to be in line with approved business expenditure outlined in the Employee & Volunteer Reimbursement Policy.

6. Culture and good practice

When considered appropriate, the giving of a Gift for the purposes of making guests feel welcome and provide a reminder of the visit is acceptable.

Modest hospitality in relation to external guests may be provided for the purposes of:

- Receiving guests (for example a visiting delegation from another organisation, or hosting a meeting held over lunch time).
- Facilitating relationships during official events between third party organisations that are in the interests of the State (for example, a community of practice forum where sector organisations can meet business organisations to establish partnerships).
- Celebrating the opening of an event, exhibition, or establishment of a new public body; or launching an initiative (for example, the launching of a new community awareness campaign).

7. Registering offers of Gifts, Benefits and Hospitality

The Gifts Benefits and Hospitality Register is an online application and is located at:

<https://giftregistryprod-austinhealth.msapproxy.net/create>

Access to the internal register is restricted to relevant persons in our organisation. Certain information from the internal register is published online in the public register, consistent with Victorian Public Sector Commission guidance on gifts, benefits and hospitality.

8. Policies and process

Dealing with an alleged breach

If you may have breached this policy notify your manager in writing immediately. This enables us to assess how best to mitigate the risk – for example, we may arrange to return the gift.

Our organisation's response

Our organisation will respond to alleged breaches of this policy consistent with the Act, the code, this policy and any other obligations that apply. Our organisation will always:

- actively support and protect employees who speak up in good faith
- respond in a constructive manner to the information provided.

We will take a graduated approach. Our response will be fair, reasonable and proportionate. In some instances, no action will be taken. In others, we will deal with the matter:

- on an informal basis, for example, through education or counselling
- through a performance management process or similar, or
- if other methods are not appropriate, through a misconduct process.

A finding of misconduct may amount to a breach of the code of conduct. Serious misconduct can result in termination of employment.

Contractors may be subject to contract renegotiation or termination.

If a criminal offence may have occurred, the Victorian or Federal Police may investigate and prosecute.

IBAC and the Victorian Ombudsman

Alternatively, if you believe corrupt or improper conduct is occurring, you can make a complaint directly to the Independent Broad-based Anti-Corruption Commission (IBAC) or the Victorian Ombudsman.

Sometimes this can occur on a whistle-blower basis as a public interest disclosure.

Speak up

We encourage you to speak up if you believe a breach of this policy:

- has happened

- is happening
- might be about to happen.

You can do so by notifying your manager or Procurement@austin.org.au.

9. Communication

Communicating to employees

Advice should be sought where there is uncertainty about accepting a gift, benefit or hospitality, or the application of this policy. Ask your manager or email Procurement@austin.org.au

Communicating to business associates and suppliers

Formal Procurement engagement with Suppliers will reference the Gifts, Benefits and Hospitality Policy.

Staff should communicate a clear Austin Health policy position to Business Associates on the offering of Gifts, Benefits and Hospitality.

Reports to Audit & Risk Committee

The Austin Health Gifts, Benefits and Hospitality Register will be reviewed twice yearly by the Procurement Governance Committee, which will report to the Chief Financial Officer on any entries requiring further scrutiny.

An annual report will also be submitted, including analyses of the entries made and any identified risks and mitigation strategies, to Austin Health's Audit and Risk Committee.

The Austin Health Gifts, Benefits and Hospitality Register will be reviewed quarterly by the Procurement Governance Committee, which will report to the Chief Financial Officer on any entries requiring further scrutiny.

An annual report will also be submitted, including analyses of the entries made and any identified risks and mitigation strategies, to Austin Health's Audit and Risk Committee.

This policy and a de-identified copy of the Gifts, Benefits and Hospitality Register must be published annually on Austin Health's Public website which should cover the current and previous financial year.

This policy is subject to review every three years.

Legislation/References/Supporting Documents:

Victorian Public Sector Commission Gifts, Benefits and Hospitality Policy Guide:

[https://vpsc.vic.gov.au/html-resources/vpsc-gifts-benefits-hospitality-policy/Victorian Public Sector Commission Minimum Accountabilities](https://vpsc.vic.gov.au/html-resources/vpsc-gifts-benefits-hospitality-policy/Victorian%20Public%20Sector%20Commission%20Minimum%20Accountabilities)

<https://vpsc.vic.gov.au/ethics-behaviours-culture/gifts-benefits-hospitality/minimum-accountabilities/>

Authorised/endorsed by:

Executive Policy Review Committee.

Board Audit and Risk Committee

Austin Health Board, 7 November 2024

Primary Person/Department Responsible for Document:

Chief Financial Officer