

# Gifts, Benefits and Hospitality Policy

## Section 1 - Purpose

(1) This policy states Melbourne Polytechnic's position on:

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

(2) This policy is intended to support individuals and Melbourne Polytechnic to avoid conflicts of interest and maintain high levels of integrity and public trust.

(3) This policy has been developed in accordance with:

- a. Behaviour consistent with the [Code of Conduct for Victorian Public Sector Employees](#)
- b. Requirements outlined in the [Gifts, benefits and hospitality guide issued by the Victorian Public Sector Commission](#).

## Section 2 - Scope

(4) This policy applies across Melbourne Polytechnic (MP) and includes: Board directors, executives, employees, contractors, consultants and any other individuals or groups undertaking work for or on behalf of Melbourne Polytechnic.

## Section 3 - Policy

### Policy Statement

(5) Melbourne Polytechnic adopts gifts, benefits and hospitality management practices that comply with the [Standing Directions of the Minister for Finance](#) and the [Victorian Public Sector Commission's Gifts, benefits and hospitality policy guide](#).

### Principles

(6) 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](#) (refer to [Appendix A](#)).

(7) Melbourne Polytechnic is committed to and will uphold the following principles in applying this policy:

(8) 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.

(9) Accountability - individuals are accountable for:

- a. declaring all non-token offers of gifts, benefits and hospitality;
- b. declining non-token offers of gifts, benefits and hospitality, or where an exception applies under this policy, seeking approval to accept the offer; and
- c. the responsible provision of gifts, benefits and hospitality.

(10) 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.

(11) 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.

(12) Risk-based approach: Melbourne Polytechnic through its policies, processes, and Audit Risk and Finance 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.

## Management of offers of gifts, benefits and hospitality

(13) This section sets out the process for accepting, declining and recording offers of gifts, benefits and hospitality. Any exceptions to this process must have the prior written approval of the relevant organisational delegate.

## Conflict of interest and reputational risks

(14) 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.

**Table 1. GIFT test**

<b>G</b>	Giver	Who is providing the gift, benefit or hospitality and what is their relationship to me? Does my role require me to select suppliers/contractors or award grants? Could the person or organisation benefit from a decision I make?
<b>I</b>	Influence	Are they seeking to gain an advantage or influence my decisions or actions? Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy/token of appreciation, or a valuable non-token offer? Does its timing coincide with a decision I am about to make?
<b>F</b>	Favour	Are they seeking a favour in return for the gift, benefit or hospitality? Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months? Would accepting the offer create an obligation to return a favour?
<b>T</b>	Trust	Would accepting the gift, benefit or hospitality diminish public trust? How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family, friends or associates think?

## Requirement for Refusing Offers

(15) Individuals should consider the GIFT test at Table 1 and the requirements below to help decide whether to refuse an offer. Individuals are to refuse offers:

- a. likely to influence them, or be perceived to influence them, in the course of their duties or that raise an actual, potential or perceived conflict of interest;
- b. that could bring them, Melbourne Polytechnic or the public sector into disrepute;

- c. made by a person or organisation about which they will likely make, or influence, a decision about (this also applies to processes involving grants, sponsorship, regulation, enforcement or licensing), particularly offers:
  - i. made by a current or prospective supplier; and/or
  - ii. made during a procurement or tender process by a person or organisation involved in the process.
- d. likely to be a bribe or inducement to make a decision or act in a particular way;
- e. that extend to their relatives or friends;
- f. of money, or used in a similar way to money, or something easily converted to money;
- g. where, in relation to hospitality and events, the organisation will already be sufficiently represented to meet its business needs;
- h. where acceptance could be perceived as endorsement of a product or service, or acceptance would unfairly advantage the sponsor in future procurement decisions;
- i. trial before you buy, or Free Trial products, or trial of products at less than market value, either individually or to the institute as these may be perceived to give an advantage to a particular supplier. In the event that product features and benefits need to be assessed, this should be undertaken as part of an approved procurement process;
- j. made by a person or organisation with a primary purpose to lobby Ministers, Members of Parliament or public sector organisations; or
- k. made in secret.

(16) If an individual considers they have been offered a bribe or inducement, the offer must be reported to the Chief Executive or their delegate (who should report any criminal or corrupt conduct to Victoria Police or the [Independent Broad-based Anti-corruption Commission](#)).

## Token offers

(17) 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.

(18) The minimum accountabilities state that token offers cannot be worth more than \$50.

(19) Individuals may generally accept token offers without approval or declaring the offer on the Melbourne Polytechnic's register, as long as the offer does not create a conflict of interest or lead to reputational damage.

## Non-token offer

(20) Individuals can only accept non-token offers if they have a legitimate business benefit. All accepted non-token offers must be approved in writing by the individual's manager or organisational delegate, recorded in the gifts, benefits and hospitality register and be consistent with the following requirements:

- a. it does not raise an actual, potential or perceived conflict of interest or have the potential to bring the individual, Melbourne Polytechnic or the public sector into disrepute; and
- b. 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 Melbourne Polytechnic, public sector or the State.

(21) 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.

(22) 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, the organisation should either return the gift or transfer ownership to the organisation to mitigate this risk.

## **Recording Non-token Offers of Gifts, Benefits and Hospitality**

(23) All non-token offers, whether accepted or declined, must be recorded in the Melbourne Polytechnic 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 Melbourne Polytechnic, public sector or State.

(24) Individuals should consider the following examples of acceptable and unacceptable levels of detail to be included in the Melbourne Polytechnic register when recording the business reason:

- a. Unacceptable. Networking that involves non-token offers and does not derive a legitimate business benefit.
- b. Acceptable:
  - i. Individual is responsible for evaluating and reporting on the outcomes of Melbourne Polytechnic sponsorship of Event A. Individual attended Event A in an official capacity and reported back to Melbourne Polytechnic on the event.
  - ii. 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 Melbourne Polytechnic.
  - iii. Networking and/or training that clearly benefits Melbourne Polytechnic, provided no active procurement or tender is in progress.

(25) Access to the register is restricted to relevant persons within Melbourne Polytechnic.

(26) Melbourne Polytechnic's Audit Risk and Finance 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 analysis of Melbourne Polytechnic's gifts, benefits and hospitality risks (including multiple offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.

(27) The public register will contain a subset of the information detailed in Melbourne Polytechnic's internal register.

## **Ownership of Non-token Gifts Offered to Individuals**

(28) 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 Melbourne Polytechnic into disrepute, and where their manager or organisational delegate has provided written approval.

## **Official Gifts of Gifts of Cultural Significance**

(29) Melbourne Polytechnic recognises that from time to time employees may be offered gifts as part of a cultural exchange or a reflection of an organisational partnership. Where refusal of the gift would offend and damage the relationship with Melbourne Polytechnic, the gift can be accepted and must be transferred to Melbourne Polytechnic. Employees must transfer to Melbourne Polytechnic official gifts or any gift of cultural significance or significant value.

## **Repeat offers**

(30) 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.

## Ceremonial Gifts

(31) 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 Melbourne Polytechnic. The receipt of ceremonial gifts should be recorded on Melbourne Polytechnic's register but this information does not need to be published online.

## Institutional Gifts or Benefit

(32) Where it is not appropriate for a gift or benefit to be received by an individual staff member or associate (for instance, a gift or benefit that is meant for a Directorate or for the entire Institute) the Chief Executive may accept the gift or benefit on behalf of a Directorate or the Institute. For the purposes of assessing the value of gifts or benefits offered to, or accepted on behalf of, a group, it is the total value of the gift or series of gifts that should be assessed, not the value per staff member.

(33) This includes trial before you buy opportunity i.e. being offered the opportunity to pilot a product or services prior to going through the necessary procurement process as this may be perceived to give an advantage to a particular supplier

## Hospitality Provided by Victorian Public Sector Organisations

(34) 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.

(35) 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 Melbourne Polytechnic's functions and objectives and with the individual's role.

## Management of the Provision of Gifts, Benefits and Hospitality

(36) This section sets out the requirements for providing gifts, benefits and hospitality.

**Table 2. HOST test**

<b>H</b>	Hospitality	To whom is the gift or hospitality being provided? Will recipients be external business partners, or individuals of Melbourne Polytechnic?
<b>O</b>	Objectives	For what purpose will hospitality be provided? Is the hospitality being provided to further the conduct of MP's business? Will it contribute to staff wellbeing and workplace satisfaction?
<b>S</b>	Spend	Will public funds be spent? 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	Will public trust be enhanced or diminished? 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 MP's procedures?

## Requirements for Providing Gifts, Benefits and Hospitality

(37) Gifts, benefits and hospitality may be provided when welcoming guests, to facilitate the development of business relationships, further public sector business outcomes and to celebrate achievements.

(38) Melbourne Polytechnic conducts business internationally and recognises the need for cultural sensitivity in places

where gifts and hospitality are part of established business customs.

(39) When deciding whether to provide gifts, benefits or hospitality or the type of gift, benefit or hospitality to provide, individuals must ensure that:

- a. 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;
- b. that any costs are proportionate to the benefits obtained for the State, and would be considered reasonable in terms of community expectations (the 'HOST' test at Table 2 is a good reminder of what to think about in making this assessment);
- c. No gifts of money (or items similar to money or easily converted to money, such as gift cards and shares) are provided;
- d. They demonstrate professionalism in their conduct, and uphold their obligation to extend a duty of care to other participants;
- e. It does not raise an actual, potential or perceived conflict of interest; and
- f. It complies with Melbourne Polytechnic's Delegation of Authority and Procurement policies.

[Appendix B](#) provides examples relating to the provision of gifts, benefits or hospitality.

## Containing costs

(40) Melbourne Polytechnic will contain costs involved in the provision of 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:

- a. Will the cost of providing the gift, benefit or hospitality be proportionate to the potential benefits?
- b. Is an external venue necessary or does Melbourne Polytechnic have facilities to host the event?
- c. Is the proposed catering or hospitality proportionate to the number of attendees?
- d. Does the size of the event and number of attendees align with intended outcomes?
- e. Is the gift symbolic, rather than financial, in value?
- f. Will providing the gift, benefit or hospitality be viewed by the public as excessive?

## Providing Alcohol

(41) The reasonable provision of alcohol may be permitted at Melbourne Polytechnic events depending on the circumstances. Alcohol is to be served responsibly consistent with obligations under the [Occupation Health and Safety Act 2004](#), the [Liquor Control Reform Act 1998](#), and the relevant Codes of Conduct. In deciding whether to provide alcohol, Melbourne Polytechnic will also consider the following parameters:

- a. Each employee has a responsibility to ensure that their conduct at work is appropriate and not adversely affected by alcohol, and that they extend a duty of care to other participants;
- b. The provision of alcohol should be associated with a meal and non-alcoholic beverages; and
- c. The provision of alcohol should be ancillary to the overall level of hospitality provided.

## Breaches

(42) 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 Melbourne Polytechnic's [Conflict of Interest \(Employee\) Policy](#).

(43) Actions inconsistent with this policy may constitute misconduct under the [Public Administration Act 2004](#), which includes:

- a. Breaches of the binding [Code of Conduct for Victorian Public Sector Employees](#), such as sections of the Code covering conflicts of interest, public trust and gifts and benefits; and
- b. Individuals making improper use of their position.

(44) For further information on managing breaches of this policy, please contact the Director Risk Information Security and Compliance.

(45) Melbourne Polytechnic will communicate its policy on 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.

## Speak up

(46) Individuals who consider that gifts, benefits and hospitality or conflict/s of interest within Melbourne Polytechnic may not have been declared or are not being appropriately managed should speak up and notify their manager, the Chief Executive, the Director Risk Information Security and Compliance, or the Executive Director Finance, Reporting, Assurance and Marketing. Individuals who believe they have observed corrupt conduct in their colleagues may also make a protected disclosure directly to the [Independent Broad-based Anti-Corruption Commission](#) (IBAC).

(47) Melbourne Polytechnic will take decisive action, including possible disciplinary action, against individuals who discriminate against or victimise those who speak up in good faith.

## Contacts for further information

(48) A conflict of interest resulting from the acceptance of gifts, benefits or hospitality are 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 one of: the Chief Executive Officer, the Director Risk Information Security and Compliance, or the Executive Director Finance, Reporting, Assurance and Marketing for advice.

# Section 4 - Responsibility and Accountability

Task	Responsibility	Notes
Review, sign and submit declarations of gifts, benefits and hospitality for recording on the register	Relevant Head of Department or Director	Use the <a href="#">Gifts, Benefits and Hospitality Declaration Form</a>
Ensure that the Gifts, Benefits and Hospitality register is maintained and updated for publication twice annually Ensure that Melbourne Polytechnic's Gifts, Benefits and Hospitality policy is published	Director Risk Information Security and Compliance	In accordance with the minimum accountabilities of the VPSC Gifts, benefits and hospitality Policy Guide ( <a href="#">Appendix A</a> )
Report to the Audit Risk and Finance Committee on the administration and quality control of gifts, benefits and hospitality risks (including repeat offers and offers from business associates)	Director Risk Information Security and Compliance	At least annually
Approval for gifts, benefits and hospitality expenditures	As per the <a href="#">Delegation of Authority Policy</a>	

(49) All MP personnel (directors and staff) are to complete a GBH declaration and, if possible, receive approval, prior to acceptance or soon after acceptance has occurred.

(50) Gifts, benefits and hospitality can only be accepted with delegated authority.

(51) Approving delegates are required to approve or decline offers, and submit declarations of gifts, benefits and hospitality using the [Gifts, Benefits and Hospitality Declaration Form](#) for recording on the register.

(52) Director Risk Information Security and Compliance to ensure that the Gifts, Benefits and Hospitality register is maintained in accordance with the minimum accountabilities of the VPSC Gifts, benefits and hospitality Policy Guide ([Appendix A](#)) and updated for publication twice annually.

(53) Director Risk Information Security and Compliance to ensure that Melbourne Polytechnic's Gifts, Benefits and Hospitality policy is published in accordance with the VPSC [Gifts, Benefits and Hospitality Policy Guide](#) (Appendix A).

(54) Director Risk Information Security and Compliance to report at least annually to the Audit Risk and Finance Committee on the administration and quality control of gifts, benefits and hospitality risks (including repeat offers and offers from business associates).

## Section 5 - Supporting Documents and Templates

(55) Supporting documents:

- a. [Gifts, Benefits and Hospitality Declaration Form](#)
- b. Gifts, Benefits and Hospitality Register (maintained by the Governance, Risk and Compliance department)

(56) Relevant Melbourne Polytechnic documents:

- a. [Code of Conduct Policy](#)
- b. [Conflict of Interest \(Employee\) Policy](#)
- c. [Conflict of Interest \(Board\) Policy](#)
- d. [Delegation of Authority Policy](#)
- e. [Financial Code of Conduct Policy](#)
- f. [Fraud and Corruption Prevention Policy](#)
- g. [Procurement Policy](#)

(57) Relevant regulatory requirements

- [Code of Conduct for Victorian Public Sector Employees](#)
- [Code of Conduct for Directors of Victorian Public Entities](#)
- [Gifts, Benefits and Hospitality Policy Guide](#)
- [Public Administration Act 2004](#)

## Section 6 - Definitions

(58) For the purpose of this policy the following definitions apply:

- a. Business associate: An individual or body which the organisation has, or plans to establish, some form of business relationship, or who may seek commercial or other advantage by offering gifts, benefits or hospitality
- b. 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, or 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.

- c. Ceremonial gifts: 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. 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.
- d. Conflicts of interest. Conflicts may be:
  - i. Actual: There is a real conflict between an employee's public duties and private interests.
  - ii. 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.
  - iii. Perceived: The public or a third party could form the view that an employee's private interests could improperly influence their decisions or actions, now or in the future.
- e. Gifts: Free or discounted items or services and any item that would generally be seen by the public as a gift, . These include items of high value (e.g. artwork, jewellery, expensive pens), low value (e.g. small bunch of flowers) and 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 not prohibited under the minimum accountabilities.
- f. Hospitality: 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.
- g. Legitimate business benefit: Gifts, benefits and hospitality may have a legitimate business benefit if it furthers the conduct of official business or other legitimate goals of Melbourne Polytechnic, public sector or State.
- h. Public official: Includes individuals employed by Melbourne Polytechnic and members of the Melbourne Polytechnic Board.
- i. Public register: A public register is a record, preferably digital, of a subset of the information contained in a register, for publication as required by the minimum accountabilities.
- j. Register: A register is a record, preferably digital, of all declarable gifts, benefits and hospitality. A record of all declarable gifts, benefits and hospitality. It records the date an offer was made and by whom, the nature of the offer, its estimated value, the raising of any actual, potential or perceived conflicts of interest or reputational risks and how the offer was managed. For accepted offers, it details the business reason for acceptance and the officer approving the acceptance.
- k. Token offer: An offer of 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.
- l. 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. All offers worth more than \$50 are non-token offers and must be recorded on a gift, benefit and hospitality register.

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	12th October 2023
<b>Review Date</b>	11th September 2028
<b>Approval Authority</b>	Melbourne Polytechnic Board
<b>Approval Date</b>	11th September 2023
<b>Expiry Date</b>	Not Applicable
<b>Policy Owner</b>	Daryl Sadgrove Executive Director Strategy Performance and Growth
<b>Policy Implementation Officer</b>	Peter Chuah Risk and Compliance Manager
<b>Author</b>	Peter Chuah Director Risk Information Security and Compliance
<b>Enquiries Contact</b>	Peter Chuah Risk and Compliance Manager