

Gifts, Benefits and Hospitality Policy and Procedure

Purpose

All Dhelkaya Health employees, particularly those who have regular contact with members of the public, benefactors, funders, contractors and suppliers, may be offered gifts in the course of their work and be uncertain of how to respond. This document outlines when it is appropriate to accept or decline a gift/benefit and how to declare, record and handle gifts, benefits and hospitality.

Scope

This procedure applies to all staff, including volunteers, students, contractors, Visiting Medical Officers and Board Directors.

Policy

Dhelkaya Health employees shall not seek or accept favours or gifts for services performed in connection with their official duties. The Chief Executive Officer (CEO), Executive Directors and other members of senior management have an important role to play in modelling the behaviour they expect of their employees.

Principles

Dhelkaya Health is committed to and will uphold the following principles by applying this policy:

1. Public interest – 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 when carrying out their official functions. They will not accept gifts, benefits or hospitality that could raise a perception of, or actual, bias or preferential treatment. Individuals do not accept offers from those about whom they are likely to make business decisions.
2. Accountability – individuals are accountable for:
 - 2.1. Declaring all non-token gifts, benefits and hospitality
 - 2.2. Declining all non-token offers of gifts, benefits and hospitality, or when an exemption applies, seeking approval to accept the offer; and
 - 2.3. The responsible provision of gifts, benefits and hospitality.
3. Breaches of this policy may result in disciplinary proceedings.

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Roles, Responsibilities and Delegations

ROLE	RESPONSIBILITY AND DELEGATION
Audit and Risk Management Committee	<ul style="list-style-type: none"> Receive an annual report on the administration and quality control of its gifts, benefits and hospitality policy, processes and register.
Chief Executive Officer (CEO)	<ul style="list-style-type: none"> Receive reports of declined gifts, benefits and hospitality Ensure all offers and accepted gifts, benefits and hospitality is recorded on the register Receive reports of any inducement or bribery attempts Establish, maintain and review organisational policies and procedures for the effective management of gifts, benefits and hospitality <p>Refer to Procedure – Section 12 for further detail of responsibilities</p>
Executive Directors, Directors and Department Managers	<ul style="list-style-type: none"> Receive reports of declined gifts, benefits and hospitality and escalate to the CEO Review and approve all non-token gift, benefit and hospitality offers Receive reports of any inducement or bribery attempts and escalate to the CEO Oversee and monitor the offers, acceptance and declining of gifts, benefits and hospitality for direct reports
All staff	<ul style="list-style-type: none"> Not, for themselves or others, seek or solicit gifts, benefits and hospitality Declare all non-token offers and seek written approval from their manager or CEO to accept any non-token offer Refuse bribes or inducements and report any inducement and bribery attempts to their manager or the CEO

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Procedure

1. General guidance
 - 1.1. Employees shall not seek or accept favours or gifts for services performed in connection with their official duties
 - 1.2. Small inexpensive gifts/benefits, such as a box of chocolates, bottle of wine or flowers from a grateful patient or client may be accepted with thanks, but must be recorded in the Gifts, Benefits and Hospitality Register if the value exceeds the \$50 nominal threshold
 - 1.3. No gift/benefit shall be accepted if intended to influence decisions about how work is undertaken, contracts let or goods purchased, or could reasonably be perceived as such
 - 1.4. An offer of such a gift/benefit should be politely declined, any unsolicited gift promptly returned and reported to the CEO and recorded on the Gifts, Benefits and Hospitality Register.
2. Staff offered gifts, benefits and hospitality should:
 - 2.1. Not, for themselves or others, seek or solicit gifts, benefits and hospitality
 - 2.2. Refuse all offers of gifts, benefits and hospitality that:
 - 2.2.1. Are money, items used in a similar way to money, or items easily converted to money
 - 2.2.2. Give rise to an actual, potential or perceived conflict of interest
 - 2.2.3. May adversely affect their standing as a public official or which may bring Dhelkaya Health or the public sector into disrepute; or
 - 2.2.4. Are non-token offers without a legitimate business benefit.
 - 2.3. Declare all non-token offers (valued at \$50 or more) of gifts, benefits and hospitality (whether accepted or declined) on Dhelkaya Health's Gifts, Benefits and Hospitality Register and seek written approval from their manager or CEO to accept any non-token offer.
 - 2.4. All non-token offers are to be formally submitted to EDONPA@castlemainehealth.org.au via a completed 'Gifts and Benefits Declaration Form'.
 - 2.5. Refuse bribes or inducements and report inducements and bribery attempts to the CEO or their delegate (who should report any criminal or corrupt conduct to Victoria Police or the Independent Board-based Anti-corruption Commission).
3. Accepting Gifts
 - 3.1. Tokens, mementos and small gifts of appreciation e.g. stationery such as pens or pads handed out to everyone attending a conference or made available by sales representatives. These may generally be accepted where such items are inexpensive and not intended to gain any influence or favour.
 - 3.2. Small gifts of appreciation e.g. box of chocolates, bottle of wine or flowers are generally acceptable, if the appreciation is being shown for a service provided, and declining the gift could cause embarrassment if offered.
 - 3.3. Modest hospitality e.g. light refreshments such as tea or coffee offered in the course of a business meeting may be accepted. These will have been offered as a courtesy and to make the guest feel welcome. Similarly, light refreshments such as finger food at an opening ceremony or sandwiches at a conference may be accepted. In all cases, the hospitality should

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be proportionate to the occasion. Modest hospitality offered as part of official business is not a reportable gift.

3.4. Substantial hospitality e.g. restaurant meals, sporting tickets/corporate boxes, travel and accommodation invariably exceeding the nominal threshold of \$50 must always be recorded in the Gifts, Benefits and Hospitality Register (CEO's Office). In deciding whether or not to accept substantial hospitality, particular care must be taken to ensure that no actual or perceived conflict of interest exists.

4. Declining gifts

4.1. Employees involved in purchasing goods and services must not accept gifts from contractors/suppliers, particularly when a tender has been advertised or direct sourcing has occurred.

4.2. Gifts and hospitality that does not have an organisational benefit – employees are required to consider whether there is an organisational benefit in attending private functions in an official capacity. Where there is no clear organisational benefit, the invitation is to be declined. This is especially the case when attendance at the function could be perceived as an endorsement of the company or product.

5. Gift test

5.1. A good reminder of what to think about when deciding whether to accept or decline a gift, benefit or hospitality. Take the GIFT test and when in doubt ask your manager.

5.2. **Giver** – Who is providing the gift, benefit or hospitality and what is their relationship to me? Does my role require me to select contractors or suppliers? Could the person or organisation benefit from a decision I make?

5.3. **Influence** – are they seeking to influence my decisions or actions? Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy, a token of appreciation or highly valuable? Does its timing coincide with a decision I am about to make?

5.4. **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 it create an obligation to return a favour?

5.5. **Trust** – would accepting the gift, benefit or hospitality diminish public trust? How would I feel if the gift, benefit or hospitality became public knowledge? What would be colleagues, family, friends or associates think?

6. Staff providing gifts, benefits and hospitality

6.1. 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.

6.2. Ensure that any costs are proportionate to the benefits obtained for the State, and would be considered reasonable in terms of community expectations.

6.3. 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.

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7. Declaring and recording gifts, benefits and hospitality

7.1. Reportable gifts include any gifts of more than the nominal value of \$50 (or \$100 in a 12-month period from a single giver) whether they are accepted or not. The details of the offer of such gifts are to be recorded by the employee on a Gifts and Benefits Declaration Form including the decision taken to accept or decline the gift. Forward completed form to the CEO office where the details will be transferred to the Gifts, Benefits and Hospitality Register.

8. Recording gifts of assets valued in excess of \$1,000

8.1. Gifts of assets valued in excess of \$1,000 will be added to the assets register when received.

9. Ceremonial gifts

9.1. Individuals may accept ceremonial gifts on behalf of Dhelkaya Health if approved by the relevant Director. Ceremonial gifts need to be recorded on the internal register but does not need to be published.

9.2. Ceremonial gifts are treated separately to other types of gifts because: they are the property of the organisation, irrespective of value, and are less likely to create a conflict of interest; and refusing ceremonial gifts may cause offence or embarrassment to the organisation or community who offered the gift.

10. Maintenance, archival and retention disposal forms and register

10.1. Completed hardcopy Gifts, Benefits and Hospitality Declaration Form may be archived after four years of receipt after checking that the information has been transferred to the register. The electronic register will be maintained on an ongoing basis and not deleted or archived.

11. Reporting of breaches of this procedure

11.1. Suspected inducements or attempted bribery, or observation of corrupt conduct by other staff (e.g. accepting a bribe) are to be reported to a senior manager or staff can also make a protected disclosure directly to the Independent Broad-based Anti-corruption Commission (IBAC).

11.2. Breaches of this procedure may result in disciplinary action, including dismissal, when employees fail to adhere to this procedure, this includes when an employee fails to avoid, wherever possible, or identify, declare and manage a conflict of interest related to gifts, benefits and hospitality.

12. CEO responsibilities in relating to gifts, benefits and hospitality include:

12.1. Establishing, implementing and reviewing organisational policies and procedures for the effective management of gifts, benefits and hospitality that comprehensively address the minimum requirements and accountabilities under the *Financial Management Act 1994*.

12.2. Establishing and maintaining 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.

12.3. Communicating and making 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.

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- 12.4. Establishing and communicating 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
- 12.5. Reporting at least annually to the organisation’s Audit and Risk Management 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
- 12.6. Publishing the organisation’s gifts, benefits and hospitality policy and register on the organisation’s public website. The published register should cover the current and previous financial year.

Definitions & Abbreviations

Business associate is 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

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.

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.

Employees and staff include volunteers, contractors and Board Members

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, jewelry 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.

Gifts, benefits and hospitality register is a register outlining the date the gift or benefit was acquired, type of gift or benefit, who gave the gift or benefit, who received the gift or benefit

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 is if it furthers the conduct of official business or other legitimate goals of the public sector organisation, the public sector of the State.

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Nominal value is \$50 in the case of an individual gift/benefit or \$100 in the case of cumulative gifts/benefits in any 12-month period.

Public official means any officer, employee or representative of any regional, federal, state, provincial, country or municipal government or government department, agency or other division

Governance

INFORMATION

Authoriser	Audit and Risk Management Committee
Approving authority	Compliance and Risk Management Committee
Department	Governance
Section	Corporate Governance
Risk Rating	Medium
Document Owner	Chief Executive Officer
Author/Contributors	Chief Executive Officer Manager Corporate Governance and Risk
Legislation, Acts & Standards	Financial Management Act 1994 Victorian Public Sector Commission <i>Gifts, benefits and hospitality resource</i>
Key Aligned Documents	Conflict of Interest Policy Fraud and Corruption Policy and Procedure Gifts and Benefits Declaration Form
References	Gifts, Benefits and Hospitality Procedure – Castlemaine Health Gifts, Benefits and Hospitality – Echuca Regional Health

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