

OFFICIAL



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

Document reference number	GPOL 005			
Approved by	Board			
BRN	2024/06/69			
Responsible Officer	Quality and Compliance Coordinator			
Consultation / Workflow	QCC > CFO > ARC > Board			
Date of first issue	November 2014			
Last updated	June 2024			
Review frequency	Annual			
Future review date	May 2025			
Review triggers	VPSC Model Policy and Code of Conduct, FMA SD 3.4.11			
Distribution / Communication	<input checked="" type="checkbox"/> MCMA website	<input type="checkbox"/> Our-Space	<input type="checkbox"/> Electronic version	<input type="checkbox"/> Other

1. Purpose

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, employees encounter difficult situations where they're not sure if they're doing the right thing.

This policy sets out how Mallee Catchment Management Authority (CMA) and its employees:

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

2. Scope

The policy 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.

For ease of reading, in this policy we use the term 'employee' to cover anyone the policy applies to, as set out above, regardless of their employment or engagement status.

3. Minimum accountabilities

The Victorian Public Sector Commission (VPSC) issues minimum accountabilities for the management of gifts, benefits, and hospitality. These are binding on our organisation.

This policy is based on the minimum accountabilities.

4. Roles and Responsibilities – Key things you must do

When doing work for Mallee CMA, no matter what that work is, you must act with integrity and impartiality consistent with the Code of conduct for Victorian public sector employees. This includes placing the public interest above your private interests.

This does not just help your workplace. It protects you if you are accused of wrongdoing and helps you to navigate difficult situations.

Role	Responsibility
Employees	<p>Must comply with this policy when you:</p> <ul style="list-style-type: none">• are offered gifts, benefits, or hospitality.• provide gifts, benefits, or hospitality. <p>Seek advice: If unsure what to do, check with your manager, CFO, Quality and Compliance Coordinator, or email foi@malleecma.com.au</p>
Managers	<p>A manager with direct reports, must also:</p> <ul style="list-style-type: none">• be aware of the gifts, benefits, and hospitality risks inherent in your direct reports' roles.• oversee your direct reports' compliance with this policy.• promote awareness and give advice.• model good practice.

OFFICIAL

Chief Finance Officer (CFO)	<p>Provide a report at least annually to the ARC that includes the matters set out in Appendix 2 - Annual Report to Audit and Risk Committee in relation to:</p> <ul style="list-style-type: none"> • risk analysis • steps taken to improve compliance. • recommendations for improvement. <p>Ensure a gifts, benefits and hospitality register is maintained and a public version is published on the Mallee CMA website every six months to cover the current and the previous financial year.</p>
CEO	As a public sector body head, the CEO must fulfill their obligations under the minimum accountabilities for the management of gifts, benefits and hospitality issued by the Victorian Public Sector Commission
ARC and Board	Review the annual report and policy.

5. Moving to ‘thanks is enough’.

We encourage you to help Mallee CMA develop a culture of ‘thanks is enough’.

Our aim is to move to a culture in which offers are not accepted even if they are permitted under this policy.

We’ll be taking steps to help external stakeholders understand our policy and this aim – for example, that we discourage gift offers, especially repeat offers.

Part A – Offers to employees

6. 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.

7. Business rules – Integrity test – offers you must refuse

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

Minimum accountabilities

Activity	Rules
Money or similar	You must refuse the offer if it is money, used in a similar way to money, or easily converted to money
Conflict of interest	<p>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.</p> <p>The more valuable the offer, the more likely that a conflict of interest or reputational risk exists, see GPOL 061 - Conflict of interest policy - Board and Committees or OPOL 017 - Conflict of Interest Policy Workplace Participants</p>

Example

Sally is involved in managing a tender for a major contract. Part of doing so involves interviewing each applicant. One applicant offers to host Sally at their office for the interview and provide her with food.

Even if the value of the meal was well below \$50, it would be reasonable for people to believe that it could influence how Sally performed her public duty of impartially awarding the contract. Sally must refuse and declare the offer.

OFFICIAL

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
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.
<p>Example</p> <p><i>James is required to meet with a supplier to conduct business. The supplier invites James to meet him at a corporate box during a sporting event (at no cost to James but at a cost to the supplier). There is no legitimate business reason for the meeting to take place in this way. James must refuse and declare the offer.</i></p>	
Community expectations	You must refuse the offer (token or non-token) if it is not consistent with community expectations.
Bribe	<p>You must refuse the offer if it could reasonably be seen as a bribe or other inducement.</p> <p>Report the offer to Mallee CMA CEO or CFO.</p> <p>They will report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission.</p>
Repeat offers that cause a conflict of interest	<p>Repeat offers are multiple offers from the same person, group, or organisation. Their combined effect can sometimes lead to the perception that they could influence you.</p> <p>Refuse the offer if it is a repeat offer (token or non-token) that could reasonably be seen as adding up to a conflict of interest.</p>
<p>Example</p> <p><i>Rachael is responsible for managing a relationship with one of our suppliers. She often meets with the supplier's representative at a café because it's a convenient place for both parties to meet. The supplier has offered to pay for Rachael's coffee. It may be appropriate for Rachael to accept the offer a single time or perhaps occasionally. However, the supplier offers every or most times. It would not be appropriate for Rachael to accept each time or more than occasionally, because it could create the perception of influence. A member of the public could reasonably infer that Rachel expects suppliers to pay for her food and drink when they meet and that this may influence her decision making.</i></p>	
Decisions you are likely to make or influence	<p>Refuse the offer if it is from a person, group, or organisation you're likely to make or influence a decision about in the foreseeable future. This could reasonably be seen as a conflict of interest.</p> <p>Exception</p> <ul style="list-style-type: none"> • The only exception is that you can accept an offer if it is: • token hospitality (a basic courtesy) • a learning opportunity, such as a webinar, and all of the following apply: <ul style="list-style-type: none"> ○ it is relevant to your work duties ○ it has a legitimate business reason (benefit) ○ it is free for all attendees ○ the covering or discounting of additional costs (travel, accommodation) is not included in the offer ○ it is consistent with community expectations.

OFFICIAL

Offers by suppliers or contractors	<p>Accepting offers from suppliers for free or discounted development opportunities that they were not engaged to provide will not pass the integrity test in some circumstances.</p> <p>Staff may only accept development opportunities from suppliers where there is a legitimate business reason, attendance meets community expectations and any risk of conflict of interest can be appropriately managed.</p> <p>To ensure that our staff have development opportunities that do not raise conflicts of interest, our organisation will try to build training and development offerings into our contracts as deliverables, wherever appropriate.</p>
<p>Example</p> <p><i>An organisation you are likely to make, or influence, a decision about in the foreseeable future offers you a learning opportunity that is relevant to your work duties and has a legitimate business benefit. It is free for all attendees.</i></p> <p><i>You can accept the offer if it is also consistent with community expectations.</i></p> <p><i>An offer to attend a free webinar is far more likely to be consistent with community expectations than an offer to attend a conference – particularly if the latter includes accommodation, travel, or related benefits, such as a gala dinner.</i></p> <p><i>Refuse the offer if it is made by a person, group, or organisation whose primary purpose is to lobby ministers, members of parliament or public sector agencies</i></p>	
Endorsement	<p>Refuse the offer if accepting it could reasonably be seen as endorsing a product or service.</p>
<p>Example</p> <p><i>An organisation is offered several vehicles to use by a dealership. The dealership is making the offer on the basis that it can include advertising indicating that it is the preferred dealer of vehicles to Government. In this instance the offer should be refused.</i></p>	
Advantage to a supplier or sponsor	<p>Refuse the offer if accepting it could reasonably be seen as advantaging a supplier or sponsor in a future procurement.</p>
<p>Example</p> <p><i>Eman is attending a conference, paid for by her organisation, as part of her work. At the conference she should avoid accepting offers from the sponsors of the conference or any exhibitors. A member of the public might see this as an attempt by the offeror to make Eman more favourable to them in the future.</i></p>	
Sufficient attendees	<p>For hospitality and events, refuse the offer if our organisation will already be sufficiently represented to meet its business needs or – as is the case for all other offers – if it does not comply with other elements of the integrity test.</p>
Your own judgement	<p>Refuse the offer if you feel that accepting it would breach your obligations under the Code of conduct for Victorian public sector employees. This is a broad test that you can use to protect yourself if you are still unsure about accepting an offer. If you're uncertain, you can seek advice from your manager, CFO or Quality and Compliance Coordinator, or email foi@malleecma.com.au.</p>

Declining offers

In most cases where the offer should or must be refused, you should decline it at the time the offer is made to you. Sometimes this can be difficult, for example:

- The offer may have been delivered to our organisation via mail, making declining difficult.
- Declining the offer may cause offence or even be unsafe in the moment for the employee being offered it.
- There may be some other reason why, in the moment, you are unable to decline the offer.

OFFICIAL

Activity	Business Rules
Gifts	<p>This is most common with gifts. In the case of gifts, declare the offer as normal and make it clear to your manager or the appropriate delegate that you were unable to decline the offer in the moment, but you have not accepted it.</p> <p>Follow-up response Our organisation will dispose of the gift and an explanation and rejection will be sent to the offeror where appropriate.</p>
Benefits and hospitality	<p>In the case of benefits and hospitality, it is very unusual for a situation to arise where you cannot decline an offer. The most obvious, but still extremely unlikely, scenario is that refusing would offend the offeror in a way that would make you feel unsafe.</p> <p>In such cases, as soon as possible declare that you accepted the offer and why.</p> <p>Follow-up response Mallee CMA will take action to ensure our staff are not placed in such situations in the future.</p>

Helpful guide on whether to accept or refuse

You can use the following GIFT questions to help assess whether to accept or refuse a particular gift, benefit, or hospitality. GIFT is an acronym that stands for: giver, influence, favour, and trust.

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

Remember, these are meant to be useful prompts only. Your obligations are set out in [7. Business rules - Integrity test - offers you must refuse](#)

8. 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’ \(item 7\)](#).
- 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.

9. 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' (Integrity test - offers you must refuse).
- As part of the integrity test, you must have a legitimate business reason to accept.
- 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. For more information see 'applying for ownership of a non-token gift' below.
- The offer and outcome are recorded in the internal register. Certain information may also be published in the online public register.

How to declare an offer

To declare a non-token offer:

- Use the declaration [FORM 005-042 - Offer of Gifts, Benefits and Hospitality Declaration Form](#).
- If you accept the offer, record the business reason on the form in enough detail to link it with your duties and the benefit to our organisation, the public sector, or the State.
- Submit the form to the relevant responsible person listed below, who will arrange for the offer and outcome to be recorded in the internal register.

Declarant	Responsible person
Employee	Manager or CEO
Board member or CEO	Board Chair
Board Chair	Independent third party

- CEO and Board Chair can submit the form to an independent third party (internal or external but not a subordinate) for review and approval.

Examples – legitimate business reason

These are examples of how to record the legitimate business reason in enough detail:

Unacceptable

- 'Networking'
- 'Maintaining stakeholder relationships'

Acceptable

- 'I am responsible for evaluating and reporting on the outcomes of Mallee CMA's sponsorship of Event A. I was offered a free ticket by the event organisers. I accepted so I could attend Event A in an official capacity and reported back to our organisation on the event.'
- 'I presented to a visiting international delegation. The delegation presented me with a cultural item which, consistent with Mallee CMA's policy on official gifts and items, I accepted on behalf of the organisation.'
- 'I was offered to attend professional development by one of our stakeholders, who supplies legal services to Mallee CMA and more broadly to other organisations in the public sector. The session would count towards my Continuing Professional Development obligations as an accountant. The event was free to everyone, and Mallee CMA paid for travel costs.'

OFFICIAL

Internal register and public register

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 VPSC guidance on gifts, benefits, and hospitality, and the *Privacy and Data Protection Act 2014*. A collection notice is available at [Appendix 1 Privacy collection statement - gift offers](#).

Applying for ownership of a non-token gift

Usually, a non-token gift belongs to the organisation. However, if the gift was given to you specifically in recognition of your work or contribution, you may retain it provided that:

- it is not an official gift (Part A – Offers to employees, [14. Official gifts and items – what you must do](#))
- it is unlikely to bring you or our organisation into disrepute
- it would be consistent with community expectations, and
- your manager or appropriate delegate gives written approval.

Retrospective approval

If you cannot obtain prior approval to accepting an offer, in limited circumstances you can obtain retrospective approval. Apply within 5 business days. For example:

- if it was reasonable to be unaware the gift was non-token – such as a wrapped gift
- if it would have caused serious offence to refuse – but remember, except for official gifts or items, this is not usually sufficient reason.

10. Offers made in a personal capacity

It is normal to receive offers of gifts, benefits and hospitality in your personal life that are unconnected to your work.

You can accept these offers, provided you believe on reasonable grounds that the offers are made in a personal capacity.

If you are unsure whether an offer is being made to you in a personal capacity or because of your role with our organisation, apply the integrity test, consider the GIFT questions, and follow this policy as you would in your professional capacity.

11. Non-token offer from another public sector organisation

Non-token offer from a government department

In the course of your work as an employee of Mallee CMA, you might be offered a non-token gift, benefit, or hospitality by:

- a Victorian government department or administrative office
- the VPSC.

If this occurs:

- you can accept the offer if it complies with the '[Integrity test - offers you must refuse](#)'
- you do not need to declare the non-token offer.

However, if the offer does not meet the '[Integrity test - offers you must refuse](#)' it must be refused and declared.

Non-token offer from a public entity or other public sector organisation

In the course of your work as an employee of our organisation, you might be offered a non-token gift, benefit, or hospitality by another Victorian public sector organisation, such as a public entity.

OFFICIAL

For example, you might be offered free tickets to an event where our organisation:

- has helped to organise the event
- otherwise actively supports the event or the organisation.

If this occurs:

- you can accept the offer if it complies with the [Integrity test \(item 7\)](#)
- regardless of whether you accept the non-token offer, you must declare it.

Non-token offers of uncertain origin

If you receive an offer via a work colleague and you believe they may be offering on behalf of a third party with the possible intention of influencing, you:

- refuse the offer and declare it, and
- report it to your manager or the appropriate delegate, as it may need to be referred on to an integrity body or the police.

Offers from an interstate or Commonwealth public sector organisation

Offers from public sector organisations that are part of a different state or part of the Commonwealth public sector should be treated the same as any other organisation that is not a Victorian public sector organisation.

Example

An offer may be made to our organisation by a visiting delegation from a Queensland government department. This offer should be treated like any other offer. It should be subject to the integrity test, and declarations should be made if necessary.

12. Exceptions to declaration rule

Generic offers that are refused

In the course of your public duties, you may receive generic offers of non-token gifts or benefits. For example:

- emails targeting our employees with offers to attend a seminar or webinar at a discount rate
- SPAM email.

You don't need to declare a generic non-token offer if you refuse it.

If you want to accept it, the usual restrictions in the '[Integrity test - offers you must refuse](#)' apply as to whether you can do so.

Targeted email blasts

Often, generic offers may appear personalised by being addressed to you directly, or through the use of generative language tools that can quickly and believably personalise the body of emails whilst still sending them to a large number of people.

If you receive an email and you are unsure if it is a generic offer, talk to your manager to determine if you need to declare it. Some useful questions to ask when unsure are:

- Do I have a relationship with the person who sent the email?
- Do I have a relationship with the organisation who sent the email?
- Is the offer related to my work or the work of my area of the organisation?

If the answer to all of the above is 'no' then it is likely a generic offer.

OFFICIAL

Multi-employee declaration

Sometimes, Mallee CMA will issue a non-token declaration on behalf of all or some of our employees.

If this happens, we will let the relevant employees know, as it means they don't need to make an individual declaration of a non-token offer.

This can be a multi-employee refusal or multi-employee acceptance, depending on the offer.

These declarations will be issued by your manager or Quality and Compliance Coordinator in consultation with the CEO or CFO.

Employees are still responsible for declaring any actual, potential, or perceived conflicts of interest that they might have in relation to the offer.

Example

Sometimes, if a number of our employees receive a non-token offer to attend a learning opportunity, our organisation will issue a multi-employee declaration.

If we accept the offer using a multi-employee declaration, we will let eligible employees know that they will be covered by this declaration if they attend.

Employees who decide to attend will still need to let the event organiser know as our organisation will only approve attendance for eligible employees, not confirm it with the organisers.

Employees still have an obligation to raise and manage any conflicts of interest that they believe the offer may create for them.

13. Official gifts and items – what you must do

If you accept the following you do so on behalf of Mallee CMA:

- official gift
- official item (item with cultural, ceremonial, religious, historic, or other significance).

Official gifts and official items (for example a culturally significant gift from an official delegation) are an exception to our usual 'thanks but no thanks' approach.

Regardless of its monetary value, an official gift or official item:

- must be declared
- will be recorded in the internal register
- will not usually be published in the online public register
- belongs to Mallee CMA, not you.

Some exceptions exist (see below).

Applying for ownership of an official item

If an official item was given to you specifically in recognition of your work or contribution, you may retain it provided that:

- it is the express wish of the giver
- it benefits Mallee CMA's relationship with the giver
- it is appropriate given the significance and value of the item
- it would be consistent with community expectations
- it is unlikely to bring you or Mallee CMA into disrepute, and
- your manager or, depending on the gift, an appropriately senior delegate gives written approval.

You cannot retain the gift unless it meets all the above requirements.

14. Offers to Mallee CMA

Sometimes offers are made to Mallee CMA itself. For example, offers of equipment.

In deciding whether to accept such an offer, Mallee CMA will take into account:

- whether the offer passes the '[Integrity test - offers you must refuse](#)'
- in particular, will carefully scrutinise:
 - the people or organisation making the offer
 - the nature and circumstances of the offer
 - the level of public benefit if the offer is accepted.

Mallee CMA must reject any offer that is not consistent with community expectations.

Official items

If an offer of an official item is accepted by one of our employees, it becomes the property of Mallee CMA, with some exceptions (see above). Mallee CMA will decide what to do with each official item that comes into its possession according to the nature of the item and our own policies.

Reward and recognition offers

Sometimes, an offer is made to provide Mallee CMA with a benefit like discounts, free tickets, or equipment for employees.

Sometimes, Mallee CMA may decide to accept the offer for reward and recognition purposes after taking into account:

- the above factors, and
- any other relevant requirements of this policy.

Donations or gifts given on Mallee CMA's behalf

Sometimes an individual or business that has a relationship with Mallee CMA may seek to donate or gift to a third party, like a charity, in our name or on our behalf. Often this happens without seeking prior approval from our organisation or giving us any opportunity to accept or refuse the gift or donation.

There are reputational risks associated with any donation or gift made on our behalf, even where this is well meaning.

For example, it can be seen as preferencing one charitable organisation over another and can impact the perception of and trust in the Victorian Government as a whole.

There are other risks associated with allowing a commercial partner to donate or gift in this manner, including the impact that this may have on future procurement or work activities.

Mallee CMA expects that everyone who works with us is made aware of our expectations around donations made in our name.

While there is no opportunity to refuse the donation or gift once made, the commercial partner should be informed that no gift or donation should be made on Mallee CMA's behalf in future without a formal offer and approval.

Where a gift or donation has been made without prior approval, that gift or donation should be listed on the gifts, benefits, and hospitality register, noting that there was no opportunity to accept or refuse.

Part B – Providing to others

15. Business rules – Integrity test – Providing to others

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

Activity	Rules
Business reason	<p>Ensure it is for a business reason. 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.</p> <p>Some examples of legitimate business reasons are to:</p> <ul style="list-style-type: none"> • welcome guests • facilitate the development of business relationships and outcomes • celebrate achievements.
No conflict of interest	Ensure it does not raise a conflict of interest (actual, potential, or perceived).
Proportionate costs	Ensure that any costs incurred are proportionate to the benefits obtained for the State.
Consistent with community expectations	Ensure that the event would be considered reasonable and consistent with community expectations.

Example

Mallee CMA is running a workshop for all staff, with mandatory attendance. It is an all-day event, and lunch has been organised for all attendees.

This is a legitimate business reason for Mallee CMA to provide hospitality. It does not raise a conflict of interest, it is proportionate in costs, and it is consistent with community expectations.

Helpful guide on whether or not to provide gifts, benefits, or hospitality to others

You can use the following HOST questions to help you assess if providing a particular gift, benefit or hospitality would comply with the [‘Integrity test – providing’](#) above.

HOST is an acronym that stands for: hospitality, objectives, spend and trust.

H	Hospitality	<p>To whom is the gift or hospitality being provided?</p> <p>Will recipients be external business associates, our employees, or a mixture of both?</p>
O	Objectives	<p>What is the business reason for providing the hospitality?</p> <p>Will it further the conduct of official business?</p> <p>Will it promote and support government policy objectives and priorities?</p> <p>Will it contribute to staff wellbeing and workplace satisfaction?</p>
S	Spend	<p>Will the cost be proportionate to the benefits obtained?</p> <p>What type of hospitality will be provided?</p> <p>Will the hospitality be modest or expensive?</p> <p>If alcohol is to be provided, why? Would it be a courtesy or an indulgence?</p> <p>Is an external venue necessary or can our organisation host the event?</p> <p>Is the catering or hospitality proportionate to the number of attendees?</p> <p>Does the size of the event and number of attendees align with the intended outcomes?</p> <p>If a gift is to be given, is it symbolic rather than financial in value?</p>

OFFICIAL

T	Trust	Will public trust be enhanced or diminished? Will the gift, benefit or hospitality be proportionate to public expectations or seen as excessive? Is there a conflict of interest? Could you publicly explain the rationale for providing the gift, benefit, 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?
----------	--------------	--

Remember, these are meant to be useful prompts only. The obligations on you are set out in the '[Integrity test – providing](#)'

16. Processes you must follow – providing

Mallee CMA has processes and procedures for providing gifts, benefits, and hospitality. For example, for providing hospitality at:

- internally focussed events
- externally focussed events.

These requirements must be complied with. For example, requirements in relation to:

- alcohol
- financial expenditure and approval
- catering for employees and for office functions
- reward and recognition programs
- recording and reporting.

For further information see our organisation's policy on:

- [GPOL 009 - Purchasing and Procurement policy](#)
- [GPOL 020 - Recognition of service and departure policy and procedure](#)
- [GPOL 045 - Code of Conduct Policy](#)
- [OPOL 030 - Alcohol and Drugs Policy](#)

Conduct during hospitality

Consistent with [minimum accountability 7](#), 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.

Providing official gifts and items

Before providing an official gift or item, make reasonable enquiries to ensure it will be appropriate to do so.

Example

Before providing a ceremonial gift to an official representative of an Aboriginal or Torres Strait Islander group, reasonable enquiries could include making enquiries with:

- *Mallee CMA Diversity and Inclusion Plan*
- *the group that the person represents*
- *an organisation such as the Victorian Aboriginal Heritage Council or the local Registered Aboriginal Party (RAP) or Traditional Owner Organisation.*

Part C – Alleged Breaches

17. 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.

Mallee CMA's response

Mallee CMA will respond to alleged breaches of this policy consistent with the Act, the code, this policy, and any other obligations that apply.

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.

18. 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, the CEO or CFO, or by emailing foi@malleecma.com.au

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.

How our organisation must respond

Mallee CMA must always:

- actively support and protect employees who speak up in good faith
- take decisive action, including possible disciplinary action, against anyone who discriminates against or victimises an employee who speaks up in good faith
- respond in a constructive manner to the information provided.

Part D – More about the policy

19. More information and advice

Seek advice

If you are unsure about accepting a gift, benefit or hospitality, or the application of this policy ask your manager the CEO or CFO, or by emailing foi@malleecma.com.au

20. Definitions

Term	Meaning
Benefits	Preferential treatment, favours or other advantage offered to an individual. They may include invitations to sporting, cultural or social events, access to discounts or the promise of a new job.
Business associate	An individual, group or body that Mallee CMA has, or plans to establish, some form of business relationship with, or who may seek commercial or other advantage.
Conflict of interest	<p>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:</p> <ul style="list-style-type: none"> • Actual (Real): it currently exists. • Potential: it may arise, given the circumstances • Perceived: 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 duties as an employee, now or in the future. <p>If a conflict of interest exists, Mallee CMA GPOL 061 - Conflict of interest policy - Board and Committees or Conflict of interest policy for workplace participants will apply.</p>
Gifts	<p>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.</p> <p>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.</p>
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.
Legitimate business reason	Furthers the official business or other legitimate goals of Mallee CMA, public sector, or the State.
Non-token offer	Offer is worth \$50 or more. Must be recorded on a gift, benefit, and hospitality register.
Official gifts and items	<p>Official gifts and items:</p> <ul style="list-style-type: none"> • Official gifts • Official items (items with cultural, ceremonial, religious, historic, or other significance) <p>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.</p>

OFFICIAL

Example

Mallee CMA has been working with a local community group representing people of a specific cultural background. In gratitude for our work, the group presents the staff member leading the group with a gift that is culturally significant to them. This is an official item.

The community group, in addition to this official item, provides the staff member with a bottle of wine for the team to celebrate the successful work.

This is an official gift – it is not culturally significant, but it was provided by an organisation in recognition of our relationship with them.

The staff member accepts both gifts on behalf of our organisation, declares both, and our organisation determines what to do with the gift as soon as reasonably possible.

Official gifts and items are declared and recorded regardless of their value and regardless of whether they were accepted or refused.

Internal register	The official record of all declarable offers of gifts, benefits and hospitality made to our employees or organisation, whether accepted or declined. The full title is ' QMS 002 REG - Register of gifts, benefits and hospitality – declarable offers '.
Public register	The official record of information made public from the Mallee CMA internal register. The public register can be viewed from the Mallee CMA website page About Us – Corporate Governance .
Token offer	Offer is worth less than \$50.

21. Related documents

Internal

[GPOL 009 - Purchasing and Procurement policy](#)

[GPOL 020 - Recognition of service and departure policy and procedure](#)

[GPOL 045 - Code of Conduct Policy](#)

[GPOL 061 - Conflict of interest policy - Board and Committees](#)

[OPOL 017 - Conflict of Interest Policy Workplace Participants](#)

[OPOL 030 - Alcohol and Drugs Policy](#)

[PRO 045-024 - Disciplinary Guidelines and Procedure](#)

[QMS 002 – Register of responses to reportable gift offers](#)

[FORM 005-042 – Offer of 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 – Privacy collection statement – gift offers

Background

This privacy collection statement is published in accordance with the Information Privacy Principles in Schedule 1 of the *Privacy and Data Protection Act 2014*.

This agency is part of the public sector. As such, it complies with a range of laws and related obligations, including:

- the *Public Administration Act 2004*
- the Minimum accountabilities for the management of gifts, benefits and hospitality issued by the Victorian Public Sector Commission
- the *Privacy and Data Protection Act 2014*.

Collection, retention, and use of information

As part of Mallee CMA's compliance with its obligations and with good public sector governance practice:

1. If an individual or organisation offers a reportable gift, benefit or hospitality to a board member or employee of the agency as a result of that person's role with the agency, information about the offer and who made it will be recorded, retained, and used by the agency.
2. The purpose of collecting this information is to record details of reportable gifts, benefits, and hospitality in an internal register to ensure compliance with government policy, including to:
 - comply with the Minimum accountabilities for the management of gifts, benefits, and hospitality
 - promote transparency in public sector decision making.
3. The Mallee CMA's gifts policy is published here [Malleecma.com.au/corporate-policies](https://malleecma.com.au/corporate-policies).
4. As set out in the gifts policy, the agency publishes a de-identified copy of the gifts register on its external website [Malleecma.com.au/corporate-policies](https://malleecma.com.au/corporate-policies), as required by the minimum accountabilities.
5. If you have offered a gift to a board member or employee of this agency as a result of that person's role with the agency you can view the information that has been recorded by emailing: Quality-Compliance@malleecma.com.au. or calling 03 5001 8600.

OFFICIAL

Appendix 2 - 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
 - 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)
- (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.