

## 1. PURPOSE

To outline Holmesglen Institute's position on:

- responding to offers of gifts, benefits and hospitality
- providing gifts, benefits and hospitality.

## 2. SCOPE

Applies to all workplace participants. This includes executives, board members, employees, contractors, consultants and any individuals or groups undertaking activity for or on behalf of the Institute. Note: Contractors and consultants are only bound by the code if explicitly required by their contract for services.

## 3. POLICY STATEMENT

The Institute applies the minimum requirements set out in the Victorian Public Sector Commission's Gifts, Benefits and Hospitality Policy Guide.

Workplace participants must:

- not solicit gifts, benefits or hospitality for themselves or any other individual
- only accept offers of gifts, benefits or hospitality valued at \$50 or more (non-token) where there is a legitimate business purpose
- seek written approval prior to acceptance of non-token offers when possible or within 5 business days when prior approval is not possible ensure that gifts, benefits or hospitality provided on behalf of the Institute are provided for a business purpose that:
  - furthers the conduct of the Institute's official business, or
  - promotes and supports the Institute's objectives and priorities.

## 4. PRINCIPLES

### 4.1 Responding to offers of gifts, benefits and hospitality

(i) Individuals offered gifts, benefits and hospitality:

- must not, for themselves or others seek or solicit gifts, benefits or hospitality
- refuse all offers of gifts, benefits and hospitality that:
  - are money or items converted to or used in a similar way to money
  - give rise to an actual, potential or perceived conflict of interest
  - may adversely affect their standing or the Institute's reputation
  - are non-token offers without a legitimate business benefit and where an exception applies seek approval prior to accepting the non-token offer.
  - are from individuals or organisations involved in any potential business or commercial decision.
  - may be seen to influence institute business or commercial decisions.
- must declare all non - token offers of gifts, benefits and hospitality whether accepted or not.

(ii) Individuals must refuse bribes or inducements and report bribery attempts and inducements to the Chief Executive or Associate Director Human Resources.

### 4.2 Providing gifts, benefits and hospitality

A gift register will be kept and Individuals must ensure that:

- gifts, benefits and hospitality are provided for official Institute business purposes which furthers the conduct of official business or other legitimate Institute goals, objectives and priorities
- costs are proportionate to the benefits obtained for the Institute and considered reasonable in terms of community expectations
- when hospitality is provided, individuals demonstrate professionalism and extend a duty of care to other participants.

4.3 The Board, through its Audit Committee will review the Institute’s administration of this policy.

4.4 Any criminal or corrupt behaviour will be reported to the Victorian Police or the Independent Broad-based Anti-Corruption Commission in accordance with relevant Institute policies and procedures.

## 5. ACCOUNTABILITIES

Action	Accountability
<ul style="list-style-type: none"> <li>▪ Review the Institute’s administration of its gifts, benefits and hospitality policy, processes and register, including an analysis of risks, mitigations strategies and improvement measures.</li> </ul>	Audit Committee
<ul style="list-style-type: none"> <li>▪ Declare all non-token offers of gifts, benefits and hospitality;</li> <li>▪ Decline non-token offers of gifts, benefits and hospitality that do not provide a legitimate business benefit, or where an exception applies, seek approval to accept the offer.</li> <li>▪ Ensure the responsible provision of gifts, benefits and hospitality.</li> <li>▪ Oversee the management of direct reports’ acceptance or refusal of non-token gifts, benefits and hospitality, and ensure relevant documentation is completed</li> </ul>	Workplace participants
<ul style="list-style-type: none"> <li>▪ Report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-Corruption Commission in accordance with relevant Institute policies and procedures.</li> </ul>	Chief Executive Associate Director Human Resources
<ul style="list-style-type: none"> <li>▪ Implement procedures to support this policy</li> <li>▪ Maintain a <a href="#">Gifts, Benefits and Hospitality Register</a> and publish it on the Institute’s website</li> <li>▪ Provide reports to the Institute’s Audit Committee on the administration of its gifts, benefits and hospitality policy, processes and register, including an analysis of risks, mitigations strategies and improvement measures.</li> </ul>	Chief Financial Officer

## 6. DEFINITIONS

Term	Meaning
Business associate	An individual or body that the Institute 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.

Term	Meaning
Benefits	<p>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.</p> <p>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.</p>
Conflicts of interest	<p>A conflict of interest may be actual, potential or perceived.</p> <p>An actual conflict of interest is where there is a <u>real conflict</u> between an employee's public duties and private interests.</p> <p>A potential conflict of interest is when an employee has private interests that <u>could conflict</u> 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.</p> <p>A perceived conflict of interest is when the public or a third party could <u>form the view</u> that an employee's private interests could improperly influence their decisions or actions, now or in the future.</p>
Gifts	<p>Gifts are free or discounted items or services and any item or service that would generally be seen by the public as a gift. These include items of high value (e.g. artwork, jewellery, or expensive pens), low value (e.g. small bunch of flowers), consumables (e.g. chocolates) and services (e.g. painting and repairs). Fundraising by public sector organisations that is consistent with relevant legislation and any government policy is not prohibited under the minimum accountabilities.</p>
Hospitality	<p>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.</p>
Legitimate business benefits	<p>A gift, benefit or hospitality may have a legitimate business benefit if it furthers the conduct of official business or other legitimate goals of the Institute, the Victorian public sector or the State.</p>
Register	<p>The register is an electronic record of all declarable gifts, benefits and hospitality.</p>
Token offer	<p>A token offer is an offer of a gift, benefit or hospitality that is offered as a courtesy or is of inconsequential or trivial value to both the person making the offer and the individual and cannot be worth more than \$50 (including cumulative offers from the same source over a 12 month period).</p>

Term	Meaning
Non-token offer	A non-token offer is an offer of 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 <a href="#">Gifts, Benefits and Hospitality Register</a> .
Workplace participants	Covered under this policy are executives, Board and committee members, individual employees, contractors, volunteers, consultants and any individuals or groups undertaking activity for or on behalf of the Institute or its controlled entities.

## 7. CONTEXT AND/OR REFERENCE DOCUMENTS

### Internal

[Gifts, Benefits and Hospitality Register](#)

### External

[Financial Management Act 1994 \(Vic\)](#)

[Standing Directions under the Financial Management Act \(Vic\) 2018](#)

[Public Administration Act 2004](#)

[Gifts, Benefits and Hospitality Policy Guide June 2018 - Victorian Public Sector Commission](#)

[Code of conduct for Victorian public sector employees](#)

[Code of conduct for Directors of Victorian public entities](#)

## 8. REVIEW

This policy must be reviewed no later than three years from the date of approval.

The policy will remain in force until such time as it has been reviewed and re-approved or rescinded. The policy may be withdrawn or amended as part of continuous improvement prior to the scheduled review date.

## 9. VERSION HISTORY

Version Number	Date	Summary of changes
1	August 2017	Revised for new rule, policy and procedure framework approved by the Board in December 2016.
2	October 2017	Updated to include Audit Committee feedback.
3	July 2019	Scheduled review and updated for changes to the Standing Directions.
4	April 2022	Scheduled review and updated for references to the Victorian Gifts, Benefits and Hospitality Policy Guide 2018 (formerly Framework).