



## Policy

<b>Policy</b>	Gifts, Benefits and Hospitality	<b>Document No.</b>	POL/FCS/033
<b>Date First Created</b>	29 March 2010	<b>Version</b>	11.0
<b>Authorisation</b>	AV Board	<b>Department</b>	Audit and Risk
<b>Applicable to</b>	All of AV	<b>Date Approved</b>	28 May 2018

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### 1 Purpose

1.1 The community expects high standards of integrity and impartiality from Victorian public sector employees and directors of public entities, including AV. They are expected to:

- ) earn and sustain public trust;
- ) be honest, open and transparent in their dealings;
- ) make decisions and provide advice without bias;
- ) avoid any real or apparent conflicts of interest;
- ) use their powers responsibly;
- ) report improper conduct;
- ) seek to achieve best use of resources; and
- ) submit themselves to appropriate scrutiny.

Public trust depends on honest dealings. AV employees must not accept gifts, benefits or hospitality from people seeking to influence their decisions. When providing hospitality, AV employees need to ensure that the hospitality reflects prudent use of public resources and does not compromise the real or perceived integrity of recipients. There should also be a clear 'line of sight' between the hospitality provided, its benefits to AV and the government and ultimately to the community.

AV should be mindful of public perceptions and sensitivities in relation to the use of public funds for the provision of gifts and hospitality.

### 2 Scope

2.1 The Gifts, Benefits and Hospitality Policy (the Policy) applies to AV Board of Directors, Board committees, employees, temporary contractors engaged through employment agencies, casuals and volunteers. These will be collectively referred to as 'employees' in the Policy. A breach of the Policy could constitute a breach of the Code of Conduct and as such could result in disciplinary action.



### 3 Policy Statement

AV will not accept or provide offers of gifts, benefits, hospitality, financial sponsorships or donations from or to current or prospective suppliers.

### 4 Responsibility

4.1 The Chief Executive Officer (CEO) will adopt the following minimum set of accountabilities:

- a) Establish, implement and review AV policies and processes for the effective management of gifts, benefits and hospitality that comprehensively address these minimum accountabilities.
- b) Establish and maintain 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.
- c) Communicate and make clear within AV 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.
- d) Establish and communicate 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.
- e) Report at least annually to the Audit and Risk Committee on the administration and quality control of its gifts, benefits and hospitality policy, processes and register. This report must include analysis of AV'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.
- f) Publish AV's gifts, benefits and hospitality policy and register on AV's intranet. The published register should cover the current and the previous financial year.
- g) Establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality that comprehensively address these minimum accountabilities.
- h) The CEO will be required to provide an annual attestation to the Secretary of the Department of Health and Human Services as to the operation, review, promulgation and scrutiny of gifts, benefits and hospitality policies and processes.

4.2 The Executive Director Corporate Services is responsible for maintaining the Gifts, Benefits and Hospitality Register (Gifts Register).

4.3 The Audit and Risk Committee will review the Gifts Register and the Policy on an annual basis.

### 5 Accepting Gifts and Hospitality

#### 5.1 Accepting gifts

In the course of conducting AV's business, gifts may be offered to build relationships, mark the opening of a joint venture or to further professional development. In most cases, these gifts will have been offered without an ulterior motive or an expectation of a return favour.



The Victorian community trusts that public sector employees, including AV employees, will perform their duties impartially and with integrity. They can only do this if their personal interests don't conflict with their public duty. Accepting gifts can give the impression that an employee will favour a particular person or organisation when making decisions or taking action. This may not be the intention of either the employee or the donor but impressions are important.

Public trust depends on honest dealings. AV employees must not accept gifts, benefits or hospitality from people seeking to influence their decisions.

#### 5.1.1 Tokens, mementos and small gifts of appreciation

Token gifts such as stationeries, coffee mugs, caps, USB flash drives, show bags and etc. handed out to everyone attending a conference, trade show or expo may generally be accepted. These items are not given as a personal gift for use outside the business environment and a reasonable person would not perceive token gifts as items designed to influence or win favours. Employees do not need to declare and report token gifts on the Gifts Register.

AV paramedics may receive small gifts of appreciation such as a box of chocolates, a bouquet of flower or movie tickets from their patients for the work they have done. These gifts are generally acceptable if the appreciation is being shown for a service provided, and declining the gift could cause embarrassment or offence. In addition, there is no intention (or possible perception of an intention) on the part of the donor to influence AV or its employees. It is recommended for AV paramedics to exercise judgement and assess personal circumstances.

In cases where the gifts are money or are considered the equivalent of money such as lottery tickets, scratch-and-win tickets or gift cards, these gifts cannot be accepted by individuals, and will become the property of AV regardless of value. Any money received as a result of these gifts will be receipted to donated funds.

#### 5.1.2 Modest hospitality

Light refreshments such as tea, coffee or a modest meal offered in the course of a business meeting may be accepted. These will have been offered as a courtesy to make the guest feel welcome and are incidental to the business meeting. Similarly light refreshments such as finger food at an opening ceremony or meals at a conference may be accepted. In all cases the hospitality offered should be proportionate to the occasion. Modest hospitality offered as part of official business is not a reportable gift.

### 5.2 Transferring gifts to AV's ownership

#### 5.2.1 When representing AV

When AV employees attend a conference either as a participant or speaker or apply for an award in recognition of their AV work, they are representing AV. AV has usually paid for the employees' costs; their time, labour or accommodation. Any benefits accruing from the activities belong to AV. This includes door prizes, fees for speaking and financial grants. AV will record any revenue from fees and grants on the public ledger and, in the case of the grants, may choose to fund the employee's further work or development.

#### 5.2.2 Ceremonial and other significant gifts

Visiting delegates may offer ceremonial gifts on behalf of their organisations to an AV employee. Ceremonial gifts become the property of AV and are recorded on the asset register. If they are of cultural significance they may be offered to an appropriate public institution such as the Melbourne Museum, National Gallery of Victoria or similar organisation. AV may decide to donate other significant gifts, or the proceeds from their sale, to charity.



## 5.3 Declining gifts

### 5.3.1 Relationship between recipient and donor is crucial

Some AV employees perform roles that necessarily call for greater scrutiny. Employees involved in purchasing goods and services (including but not limited to Procurement & Commercial department and Property Services department employees) must not accept gifts from contractors and suppliers, particularly when a tender has been advertised. AV will not accept or provide offers of gifts, benefits, hospitality, financial sponsorships or donations from or to current or prospective suppliers. A Gifts, Benefits and Hospitality form must be completed even if the gift is declined (refer to 7.1)

### 5.3.2 Alternatives to sponsored travel and accommodation

AV employees may receive offers of sponsored travel and accommodation to attend a conference or to participate in an industry familiarisation tour. Such offers should generally be declined because of the potential for a conflict of interest. However, if attendance at the conference or the industry familiarisation tour is considered to be in the public interest then AV could pay for the travel and accommodation instead.

### 5.3.3 Gifts and hospitality that do not have AV business benefit (including sporting and cultural events)

Sporting and cultural events are generally to be declined (as irrelevant to business) unless clearly an official business related event (e.g. on duty paramedics).

### 5.3.4 Repeat gifts and attempted bribery

AV and its employees need to be alert to repeated offers of gifts from a single source. The cumulative value of the gifts over a year may be quite high. In addition, when accepting gifts becomes a habit or even an expectation, AV employees are more likely to be compromised.

AV employees must immediately report to the Executive Director Corporate Services and to Victoria Police any attempt to bribe them or their colleagues with money or other benefits (minimum requirement 3.1(e)). AV employees must also report any colleague who tries to solicit a bribe.

### 5.3.5 Suggested ways to decline gifts

The easiest way to decline a gift will usually be:

- ) to explain that the acceptance of a gift is not possible under the mandatory requirements of the Policy,
- ) to explain that AV's overarching principles apply to all situations and is not targeted to the relationship/ instance in question (i.e. the refusal is not personal); and
- ) considering suggesting that an alternative means of expressing appreciation for AV's work could be to make a donation to either AV itself, to "AV for a Cause", or to AV's support of the "Relay for Life" charity.

## 6 Providing Gifts and Hospitality

### 6.1 Gifts and hospitality provided to external parties

AV may provide hospitality for the purposes of:

- ) Receiving guests (for example, hosting a meeting held over lunchtime);
- ) Facilitating relationships between third party organisations that are in the interests of AV (for example, an event to establish a partnership arrangement);



- ) Celebrating the opening of an event, exhibition or the establishment of a branch; or
- ) Launching an initiative (for example, the launching of a new community awareness campaign).

AV may provide a gift for the purposes of making guests feel welcome and provide a reminder of the visit. However the gift should normally be symbolic, rather than financial, in value.

## 6.2 Catered functions for employees

AV may occasionally provide catered activities for employees, such as:

- ) As part of a larger employees related event, (for example a training course, workshop, planning day seminar or conference); or
- ) To recognise an organisational or individual employee achievement (for example, the successful completion of a project or the retirement of a long-standing employee).

In deciding if AV should pay for all, some or none of the costs associated with the employee event, consideration should be given to the following:

- ) the extent to which the event will contribute to organisational objectives by, for example reinforcing particular values or motivating employees;
- ) whether there have been multiple recent events that would result in perceptions of excess should further events be funded; and
- ) the need to balance the positive benefits of public recognition with community expectations in relation to modest and prudent expenditure by AV.

## 6.3 Providing gifts to employees

AV may recognise significant achievements and provide token gifts as part of the following:

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

A token gift, such as a card and/or flowers, may also be sent to family members to acknowledge an employee's contribution to the workplace in the event of their death. Doing so can also assist colleagues with their bereavement.

Celebrations of events such as birthdays, marriages or the birth of children should not be funded using AV funds.

## 6.4 Overarching considerations

When deciding on the type of hospitality to provide a balanced judgement should be made between the costs incurred and the potential benefits accrued to AV and whether the proposed hospitality is in line with community expectations, or may lead to conflict of interest issues.

Where possible, events should be held at a time of day least likely to attract expectations of, or a need for, hospitality.

All costs associated with AV gifts and hospitality must be approved by the appropriate financial delegate in accordance with the AV Financial Delegations and Authorities Framework.

Alcohol is not permitted to be paid for out of official funds without the prior approval of the Board or CEO.



The HOST Test (Appendix B) provides an overview of key matters to consider when deciding whether to provide a gift, benefit or hospitality.

## 7 Reporting Gifts and Hospitality

### 7.1 Declaring gifts, benefits or hospitality received

When an AV employee is offered a gift, benefit or hospitality which has a nominal value greater than \$50 they must complete a Gifts, Benefits and Hospitality Declaration Form. The form must be completed even if the gift is declined. Details of the gift, benefit or hospitality will be recorded in the Gifts Register. Irrespective of dollar value, a gift offer that could create a reasonable perception that an employee could be influenced must be refused and the decision be recorded in the Gifts, Benefits and Hospitality Declaration Form.

Before a decision to accept a gift offer is made, the decision must be approved by the authorised persons as follows:

Intended recipient	Authorised persons for approval
AV employees excluding Executive Director Corporate Services, Board and Board committees	Executive Director Corporate Services
Executive Director Corporate Services	CEO
Board and Board committee members	Board Chair
Board Chair	Audit and Risk Committee Chair

This approval can be obtained by completing the Gifts, Benefits and Hospitality Declaration Form.

The Gifts Register will be maintained by the Executive Director Corporate Services and will be provided to the Audit and Risk Committee for review annually.

### 7.2 Provision of gifts and hospitality provided

AV has reporting and recording obligations which help to ensure transparency and accountability and ensure that public funds are appropriately authorised and incurred in accordance with business needs and captured in the financial records. AV should ensure that records relating to the provision of hospitality such as approval forms and records relating to procurement and expenditure are readily accessible.

## 8 Breaches

An employee's failure to avoid wherever possible or identify, declare and manage a conflict of interest situation arising from gifts, benefits and hospitality activities in accordance with this policy could lead to disciplinary action including dismissal (consistent with the relevant industrial instrument and legislation). Contractors may be subject to contract re-negotiation, including termination.

Additionally, actions inconsistent with this policy may constitute misconduct under the *Public Administration Act 2004*, which includes:





- breaches of the binding Code of conduct for Victorian public sector employees, such as sections of the Code covering conflict of interest (section 3.7), public trust (section 3.9), gifts and benefits (section 4.2), and use of official information (section 3.4); and
- employees making improper use of their position.

For further information on managing breaches of this policy, please contact Executive Director Corporate Services.

## 9 Speak Up

Employees who consider that gifts, benefits and hospitality within AV may not have been declared or is not being appropriately managed should speak up and notify their manager, Executive Director Corporate Services, CEO, Audit and Risk Committee Chair or Board Chair as appropriate.

AV will take decisive action, including possible disciplinary action, against employees who discriminate against or victimise those who Speak Up in good faith.

## 10 Related Documents

Gifts, Benefits and Hospitality Declaration Form

Gifts Register

Entertainment and Official Meetings Policy

AV Financial Delegations and Authorities Framework

Code of Conduct

Conflict of Interest Framework

Gifts, benefits and hospitality policy framework (issued by Victorian Public Sector Commission)

## 11 Policy Review

This document has been Risk Rated as High and therefore the Audit and Risk Manager will review the Policy annually and provide to the Audit and Risk Committee for approval.

## 12 Document Management

An approved electronic version of this document can be found in HPRM file reference: POL/FCS/033.

## 13 Definitions

Term	Definition
Benefits	The preferential treatment, privileged access, favours or other advantage offered to an employee. They include invitations to sporting, cultural or social events, access to discounts and loyalty programs, and promises of a new job. While their value may sometimes be difficult to quantify in dollars, they may be highly valued by the intended recipient and therefore used to influence their behaviour.



<b>Term</b>	<b>Definition</b>
Bribes	Money or other inducements given or promised to employees to corruptly influence the performance of their role. Bribery of a public official is an offence punishable by a maximum of ten years imprisonment.
Conflicts of interest	When an employee's private interests conflict with their public duty. Employees have a duty to always resolve a conflict in the public interest, not their own. This may mean that they decline a gift or transfer the gift to AV's ownership if this is identified as being in the public interest.
Gifts	Free or heavily discounted items, intangible benefits or hospitality exceeding common courtesy that are offered to employees in association with their work. They may be enduring such as a work of art or consumables such as a box of chocolates. They range in value from nominal to significant and may be given for different reasons.
Hospitality	The friendly reception and treatment of guests. It is hospitable to offer light refreshments in the course of a business meeting or as part of a conference program. Hospitality can range from offers of light refreshment at a business meeting to restaurant meals and sponsored travel and accommodation.
Nominal value	The value of a gift offer. It is used to determine whether an offer, if accepted, is a reportable gift. AV has determined that \$50 is its threshold for nominal value. Irrespective of dollar value, a gift offer that could create a reasonable perception that an employee could be influenced must be refused.
Official business	Work that is consistent with a public sector organisation's functions and objectives, and an employee's role. The CEO may be asked to accompany a Minister on official business. Senior employees may be asked to attend the official opening of a government sponsored project or to take part in a study tour of institutions to develop government policy. These activities constitute official business, do not have a private benefit and would not ordinarily be recorded as a reportable gift.
Reportable gifts	Gifts that must be recorded, typically on a gifts declaration form and/or a gifts register. At a minimum, reportable gifts include accepted gifts, benefits and hospitality that exceed a nominal value. They could also include gift offers of any value, whether they are accepted or not. The gifts may have been offered to an employee directly or extended to them as a guest of their partner or other close relation.
Value	The estimated or actual value of a gift in Australian dollars. It is also the cumulative value of gifts offered by the same individual or organisation within a 12-month period. Significant gifts may warrant independent valuation.





# APPENDIX A: Take the GIFT Test



## Take the GIFT test

The GIFT test is 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.

<b>G</b>	<b>Giver</b>	<p><b>Who is providing the gift, benefit or hospitality and what is their relationship to me?</b></p> <p><i>Does my role require me to select contractors, award grants, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make?</i></p>
<b>I</b>	<b>Influence</b>	<p><b>Are they seeking to influence my decision or actions?</b></p> <p><i>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?</i></p>
<b>F</b>	<b>Favour</b>	<p><b>Are they seeking a favour in return for the gift, benefit or hospitality</b></p> <p><i>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?</i></p>
<b>T</b>	<b>Trust</b>	<p><b>Would accepting the gift, benefit or hospitality diminish public trust?</b></p> <p><i>How would I feel if the gift, benefit or hospitality became public knowledge? What would my colleagues, family, friends or associates think?</i></p>



## APPENDIX B: Take the HOST Test



### Take the HOST test

The HOST test is a good reminder of what to think about when deciding whether to provide hospitality or gifts to employee or stakeholders. Take the HOST test and when in doubt ask your manager.

<b>H</b>	<b>Hospitality</b>	<p><b>To whom is the gift or hospitality being provided?</b></p> <p><i>Will recipients be external business partners, or employees of the Ambulance Victoria?</i></p>
<b>O</b>	<b>Objectives</b>	<p><b>For what purpose will hospitality be provided?</b></p> <p><i>Is the hospitality being provided to further the conduct of official business? Will it promote and support AV policy, objectives and priorities? Will it contribute to employee wellbeing and workplace satisfaction?</i></p>
<b>S</b>	<b>Spend</b>	<p><b>Will public funds be spent?</b></p> <p><i>What type of hospitality will be provided? Will it be modest or expensive, and will alcohol be provided? Will the costs incurred be proportionate to and less than the benefits obtained?</i></p>
<b>T</b>	<b>Trust</b>	<p><b>Will public trust be enhanced or diminished?</b></p> <p><i>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 AV and public sector? Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures?</i></p>

