

TARGET AUDIENCE

Organisational

PROCEDURE

Code of Conduct:

All members of Central Gippsland Health shall comply with the Code of Conduct for Victorian Public Sector Employees. Code of Conduct can be accessed through the link: [Code of Conduct for Victorian Public Sector Employees](#).

Accepting Gifts, Benefits and Hospitality:

Central Gippsland Health manages gifts, benefits and hospitality following both the Code of Conduct for Victorian Public Sector Employees and Gifts, Benefits and Hospitality Policy Framework: Victorian Public Sector: which can be accessed through the link:

<http://vpssc.vic.gov.au/resources/gifts-benefits-and-hospitality-resource-suite/>

Minimum accountabilities for managing offers of gifts, benefits and hospitality for all CGH staff:

Public officials offered gifts, benefits and hospitality

- Do not, for themselves or others seek or solicit gifts benefits or hospitality
- Refuse all offers of gifts benefits and hospitality that:
 - Are money, items used in a similar way to money, or items that are easily converted to money
 - Give rise to an actual, potential or perceived conflict of interest
 - May adversely affect their standing as a public official or which may bring their public sector employer or of the public sector into disrepute

Or

- Are non-token offers without a legitimate business benefit
- Declare all non-token offers (valued at \$50 or more) of gifts, benefits and hospitality (whether accepted or declined on their organisations register and seek written approval from Chief Executive Officer or to accept any non-token offer
- Refuse bribes or inducements and report inducements and bribery attempts to the Chief Executive Officer who should report any criminal activity or corrupt conduct to Victoria Police or the Independent Broad-Based Anti-Corruption Commission
- Refuse all offers of gifts, benefits or hospitality from people or organisations about whom they are likely to make decisions involving:
 - recruitment
 - tender processes
 - procurement
 - enforcement
 - licensing; or
 - regulation

CGH Executive, Staff and Visiting Medical Officers are prohibited from requesting or receiving benefits associated with pathology and medical imaging services.

[Health Insurance Act 1973 Part IIBA](#)

https://www.legislation.gov.au/Details/C2012C00184/Html/Text#_Toc315965806

Any person offered a gift is required to determine if it could be considered a reportable gift.

What may be considered a reportable gift?

Reportable gifts include accepted gifts, benefits and hospitality, not including those that are offered to employees in association with their work as a courtesy, such as a box of chocolates or flowers. The gifts may have been offered to an employee directly or extended to them as a guest of their partner or other close relation.

The GIFT test <http://vpssc.vic.gov.au/wp-content/uploads/2016/10/HOST-test-and-GIFT-test.pdf> can be used as a tool when deciding whether to accept or decline a gift, benefit or hospitality.

If unsure about how to respond to an offer of a gift, benefit or hospitality, seek advice from the Executive Assistant to the Chief Executive Officer in the Executive Office.

Irrespective of the value, any gift that could create a reasonable perception that an employee could be influenced must be refused.

If the gift meets the reportable gift requirements, the person receiving a reportable gift shall complete the [Gift Declaration form](#) and forward to the Executive Assistant to the Chief Executive Officer. The Chief Executive Officer will determine whether or not the gift may be accepted.

Information on the form is then transferred to a gifts register which is managed by the Executive Assistant to the Chief Executive Officer.

The gift register is reviewed by the CGH Risk & Audit Committee on an annual basis.

Central Gippsland Health is required to submit an annual attestation to the Secretary of the Department of Health & Human Services to demonstrate the operation, review, promulgation and scrutiny of appropriate gifts, benefits and hospitality policies and processes at CGH.

Provision of gifts and hospitality to external guests:

Provision of any gift or hospitality needs to meet the requirement that it furthers the conduct of official business or other legitimate organisational/government goals or priorities.

Gifts and Hospitality may be provided for such purposes as:

- Receiving guests – a gift may be provided to make guests welcome and to serve as a reminder of their visit;
- Facilitation of relationships between third party organisations that are in the interest of CGH;
- Celebration of the opening of an event, exhibition or establishment of a new service;
- Launching an initiative.

A balanced judgement shall be made between costs incurred and the potential benefit, and whether this could be considered reasonable in terms of community expectations. Provision of such gifts/hospitality shall enhance the reputation of the organisation. Gifts normally should be symbolic, rather than financial, in value.

Catering functions for staff:

CGH may occasionally provide catered activities for employees. These may include:

- catering at training courses or planning days;
- catering at functions where an organisational or individual staff achievement is being recognised.

Providing gifts to staff:

CGH recognises staff achievements in the form of celebrating length of service milestones and/or retirement. Refer to CGH Service Recognition procedure. Also at times a token gift may be provided, e.g. cards/flowers sent to family members to acknowledge an employee's contribution to the workplace in the event of their death, or a newspaper tribute.

Provision of alcohol:

Decisions relating to the provision of alcohol shall be made on a case by case basis. The following needs to be considered:

- The timing of the event should be such that there is a minimal risk of employees returning to work impaired by alcohol;
- Any event should not exceed 2 hours duration;
- No more than 2 standard drinks per person should be provided;
- The provision of alcohol should be incidental to the overall level of hospitality provided.

Staff are reminded that they are obliged under the Code of Conduct not to be impaired by alcohol whilst in the workplace or whilst representing CGH. Refer to CGH Procedure: [Use of Alcohol and other drugs at CGH](#).

Managers who wish to provide gifts/hospitality need to determine if such provision meets the requirements of the Gifts, Benefits and Hospitality Policy Framework: Victorian Public Sector. The HOST test can be used as a tool when deciding whether to provide hospitality or gifts:

<http://vpssc.vic.gov.au/wp-content/uploads/2016/10/HOST-test-and-GIFT-test.pdf>

If unsure about how to manage provision of a gift, benefit or hospitality, seek advice from the Executive Assistant to the Chief Executive Officer in the Executive Office.

CGH shall ensure that it meets the record keeping obligations under the Public Records Act 1973 and the Financial Management Act 1994 to ensure that there is open and transparent use of public funds. There shall be records available relating to procurement and expenditure of funds for gifts and hospitality.

Breaches

Disciplinary action consistent with the relevant industrial instrument and legislation, including dismissal, may be taken where an individual fails to adhere to this procedure. This includes where an individual fails to avoid wherever possible or identify, declare and manage a conflict of interest related to gifts, benefits and hospitality in accordance with the CGH's Code of Conduct

Actions inconsistent with this procedure 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) and gifts and benefits (section 4.2); and
- individuals making improper use of their position.

OUTCOME:

Central Gippsland Health staff shall comply with the Code of Conduct for Victorian Public Sector Employees and Code of Conduct for Victorian Public Sector Employees and Gifts, Benefits and Hospitality Policy Framework: Victorian Public Sector

Legislation

Public Administration Act 2004.

Public Records Act 1973
Financial Management Act 1994
Health Insurance Act 1973
Standing Directions of the Minister of Finance 2016

Definitions:

Gifts are free or discounted items and any item 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) and consumables (e.g. chocolates). Fundraising by public sector organisations that is consistent with relevant legislation and any government policy is not prohibited under the minimum accountabilities

Gifts declaration is the form an employee uses to declare reportable gifts. Information on the form is either transferred to a gifts register or filed on a central secure file. If there is no gifts register, the audit committee audits the declarations on file.

Gift register: is a record, preferably electronic, of all declarable gifts, benefits and hospitality. It records the date an offer was made and by whom, the nature of the offer, its estimated value, the raising of any actual, potential or perceived conflicts of interest or reputational risks and how the offer was managed. For accepted offers, it details the business reason for acceptance and the officer approving the acceptance

Benefits are the preferential treatment, privileged access, favours or other advantage offered. They include invitations to sporting, cultural or social events, access to discounts and loyalty programs, and promises of a new job.

Hospitality is the friendly reception and treatment of guests, ranging from offers of light refreshment at a business meeting to restaurant meals and sponsored travel and accommodation.

Reportable gifts are those 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 is 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.

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. Whilst the primary determinant of a token offer is that it would not be reasonably perceived within or outside the organisation as influencing an individual or raising an actual, potential or perceived conflict of interest, it cannot be worth more than \$50 (including cumulative offers from the same source over a 12 month period).

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 gifts, benefits and hospitality register

Conflicts of interest

Actual conflict of interest: there is a real conflict between an employee's public duties and private interests.

Potential conflict of interest: an employee has private interests that could conflict with their public duties. This refers to circumstances where it is foreseeable that a conflict may arise in future and steps should be taken now to mitigate that future risk.

Perceived conflict of interest: the public or a third party could form the view that an employee's private interests could improperly influence their decisions or actions, now or in the future.

Focus Area(s)

National Safety and Quality Health Service Standards – Standard 1
Aged Care Standards – Standard 1

Community Care Common Standards – Standard 1

Disclaimer

Central Gippsland Health Staff member / committee who has/have approved this document accept the Site as relevant information for Central Gippsland Health staff to access and use appropriately.

The website will be reviewed periodically and changes made in response to professional, legislative or DHHS communiqué.