

**Municipal Association of Victoria**

**Gifts, Benefits and Hospitality Policy**

**Approved 4 June 2021**

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Date

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**Document History**

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| --- | --- |
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| **Approved by** | MAV Board |
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# PURPOSE

The purpose of this policy is to:

* establish standards applying to gifts, benefits and hospitality offered to or by MAV Employees/Members in line with those in operation in municipal councils and the public sector
* protect MAV Employees/Members from unwittingly having a conflict of interest
* prevent corrupt conduct and reinforce the MAV’s values of impartiality, integrity and accountability
* protect the integrity and reputation of the MAV
* ensure that any gifts accepted are properly managed and disclosed

# 2. SCOPE

This policy applies to gifts, benefits or hospitality offered to or received by MAV Employees/Members[[1]](#footnote-2).

The policy also applies where gifts, benefits or hospitality are provided to members of an Employees’/Members’ immediate family if the applicable gift can be linked to the Employees’/Members’ duties and / or position at the MAV.

Ths policy does not apply if the gift is received in a private context that is unrelated to the Employees’/Members’ duties and or position at the MAV and if it does not raise a conflict of interest.

# 3. LEGISLATIVE CONTEXT

The MAV is a statutory body established by the Municipal Association Act 1907. The MAV is not subject to the provisions of the Financial Management Act 1994 or the Public Administration Act 2004.

Although there is no legislative requirement to do so, the MAV has adopted a policy for gifts, benefits and hospitality in the interests of sound governance practice.

Note: The MAV reserves the right to take action under the secret commissions provisions in sections 175 – 179 of the *Crimes Act 1958* (Vic) (as may be amended from time to time).

# 4. PRINCIPLES

The following principles form the basis of the MAV Gifts, Benefits and Hospitality Policy.

MAV Employees/Members must:

1. Not accept gifts for themselves or others that could be reasonably perceived as undermining the integrity and impartiality of the MAV or give rise to an actual, potential or perceived conflict of interest..
2. Refuse all offers of gifts, benefits or hospitality from people or organisations about whom they are likely to make decisions involving:
   1. tender processes
   2. procurement
   3. policy

d. recruitment

1. Not for themselves or others accept gifts, benefits or hospitality with a value of more than $100 (unless exempt hospitality)
2. Not for themselves or others, seek or solicit gifts, benefits or hospitality
3. Refuse all offers of money or items used in a similar way to money, or items easily converted to money such as shares and gift cards
4. Refuse bribes or inducements and report inducements and bribery attempts immediately to the Chief Executive Officer (CEO).
5. Not accept for themselves or others anonymous gifts, benefits and hospitality
6. Declare offers of gifts, benefits and hospitality (whether accepted or declined) of a value between $50 and $100 or other than where this policy provides for explicit exclusions.

MAV Employees/Members can accept:

* refreshments
* business lunches provided by the MAV or a third party in the reasonable course of performing their business functions
* hospitality at MAV functions attended in the normal course of performing their duties
* token gifts below the value of $50 without the need to complete a Declaration of Gifts, Benefits and Hospitality Form
* Gifts with a value of between $50 and $100 subject to completion of a Declaration of Gifts, Benefits and Hospitality Form.

Within five business days MAV Employees/Members must complete a Declaration of Gifts, Benefits and Hospitality Form. for:

* all offers or receipt of gifts, benefits and hospitality that are not excluded by this policy
* all gifts above $50 in value whether or not they have been accepted or declined and the reason for declining them
* all offers where repeat gifts are involved, that have been received and declined and the reason for the declination.

MAV Employees/Members must report any attempts or perceived attempts of bribery or inducements to the CEO at the earliest opportunity.

If unsure about how to respond to an offer of a gift, benefit or hospitality, please seek advice from a manager or the CEO.

Gifts or benefits of token value may be accepted by MAV Employees/Members provided they do not create a sense of obligation in the receiver that will influence, or appear to influence, the exercise of their official duties.

All gifts, benefits and hospitality declared on a Declaration of Gifts, Benefits and Hospitality form will be recorded in the Gift Register.

# 5. POLICY

## 5.1 Gifts or Benefits

MAV Employees/Members must not solicit, demand or request gifts or any personal benefit by virtue of their position which could prejudicially influence, or be perceived to influence, a person in the performance of their public or professional duties.

To avoid compromising situations or a situation where a conflict of interest is unwittingly created, Employees/Members are not to accept gifts or benefits that could reasonably be perceived as undermining the integrity and impartiality of the MAV or give rise to an actual, potential or perceived conflict of interest.. This includes refusal of all offers of gifts, benefits or hospitality from people or organisations about which the employee is or is likely to be involved in making decisions on tenders, procurement, recruitment and policy decisions.

Employees/Members must complete a Declaration of Gifts, Benefits and Hospitality Form maintained by the MAV for any gifts, benefits or hospitality that are above $50 in value or not specifically excluded in this policy.

The acceptance of gifts or hospitality by an Employee/Member is permissible if it is a token gift up to the value of $100 or it involves light refreshments, business lunches or refreshments at or during breaks in meetings or hospitality provided at MAV functions.

It is also permissible where the hospitality is part of the normal duties performed i.e. attendance at a Rotary Dinner, formally speaking at an event hosted by an external party or attendance at an MAV function that would be expected as part of performing the Employees/Members role and duties.

Subject to prior approval by a manager/CEO in regard to an Employee/Member (including situations that involve that Employee’s/Member’s spouse or partner, family member, direct relative or member of household), the cost of attending a function or event may be covered by the MAV if the attendance is deemed of value to the MAV and provides an opportunity to network or undertake business of common purpose.

**POLICY (cont'd)**

If the decision is that the MAV will not pay for an Employee/Member’s attendance at an event or a function, permission should be sought from their manager/CEO as to whether the Employee/Member can attend (provided they pay the full value of the offer themselves) and to confirm whether in attending their may be any potential implications for MAV’s reputation or image.

## 5.2 Token Gifts

Gifts of a token nature may be accepted only when:

* Acceptance would not cause any potential perceived or actual compromise or conflict of interest, and
* The gift does not have a significant monetary value (up to $100 in value). Examples include a book or plaque, etc offered by a visiting dignitary, and
* The gift is offered on a one-off basis and is not a regular occurrence

## 5.3 Official Gifts

Employees/Members may be involved in social, cultural or community events where official gifts are presented or exchanged. In such circumstances, where it would appear impolite or inappropriate to decline the offer, it is reasonable for MAV Employees/Members to accept official gifts on behalf of the MAV.

Any official gifts received must be declared to the Manager HR & Corporate Services/CEO for inclusion in the Register of Gifts, Benefits and Hospitality and will considered the property of the MAV.

Where an item is not suitable for public display, the recipient can make an application to the CEO to retain the gift. The CEO will consider such applications on a case by case basis and will use their discretion as to the appropriate disposal/utilisation of the official gift. The declaration and retention of the gift will be recorded in the Register of Gifts, Benefits and Hospitality.

## 5.4 Gifts of Appreciation

MAV Employees/Members are not to accept gifts of greater than $100 in value. In circumstances where such gifts are offered, the Employee/Member is to politely refuse the offer explaining that it is against MAV policy for them to accept such an offer.

Gifts that would generally be considered of nominal value might be such items as a bouquet of flowers, a box of chocolates or a hamper.

While one gift of nominal value may be considered insufficient to cause concern that the MAV Employee/Member is deviating from MAV policy, the sum of multiple gifts may be considered sufficient to do so. Refer to paragraph 5.8 of this policy for further detail.

Any gifts of appreciation above $50 in value must be declared to the Manager HR & Corporate Services/CEO and reported in the Register of Gifts, Benefits and Hospitality.

## 5.5 Providing Gifts to External Organisations/Individuals

MAV Employees/Members are encouraged to seek an approach to demonstrating their appreciation for services rendered that does not involve the presentation of a gift or benefit. Acceptable alternatives might include a letter of thanks or a thank you card as they are considered less likely to result in a situation that compromises either party.

In instances where a gift is considered appropriate it is to be of a modest nature and not exceed $50 in value..

## 5.6 Providing Gifts to Staff

The MAV does not fund gifts to staff for departures, birthdays, marriages or birth of children. These occasions are celebrated with a gift purchased from staff donations.

The MAV may provide gifts to staff to:

* Acknowledge retirement of a long-standing staff member:
  + 10 years of service - $150
  + 15 years of service - $250
  + 20 or more years of service - $350
* Acknowledge the death of a spouse or close family member with a card and flowers up to the value of $100.

Prior to the purchase of a gift or condolence flowers the CEO must provide written approval for the purchase. Such gifts and condolence flowers are not required to be included in the register.

## 5.7 Monetary gifts

The offer of monetary gifts (or its equivalent e.g. gift card, loans, shares) of any amount is never considered acceptable. Such gifts are in the nature of bribery and corruption, should be immediately declined and reported to the CEO at the earliest opportunity.

## 5.8 Multiple gifts

Multiple or repeat gifts from a single source (person or organisation) are not to be accepted. The cumulative value of these gifts could well exceed $100 in value and be significant. Multiple and repeat gifts could be perceived as an attempt to exert undue influence or bribe an Employee/Member. When accepting gifts becomes a habit or even an expectation, Employees/Members are likely to be compromised and be in breach of this policy and the MAV Staff/Board Code of Conduct.

## 5.9 Hospitality

Where hospitality is only modest in nature and provides an opportunity to network or undertake business of a common purpose, it may be appropriate to accept such invitations. Participation in refreshments, business lunches or refreshments at or during breaks in meetings, seminars or training or hospitality provided at MAV functions are all permissible activities as they form part of the normal business activity of the MAV. Such hospitality does not need to be declared.

In the case of invitations to functions that are entirely non-work related or where the majority activity is focused on hospitality, then the offer of hospitality should be politely declined.

An opportunity may exist for an Employee/Member to attend (provided prior approval is sought from the manager/CEO) for the MAV to either reimburse the organisers for the full cost or if the individual personally pays for their own attendance.

Any hospitality of this nature estimated to be in excess of $50 must be declared and recorded in a Gifts, Benefits and Hospitality Register.

## 5.10 Provision of Hospitality to Others

The provision of hospitality (ie light refreshments, lunches, dinners) provided to members and third parties as part of MAV activities and events is to be modest and reflect the nature, purpose and timing of the event.

The types of events where the provision of hospitality is appropriate are:

* meetings with external parties
* meetings where members have travelled from rural and/or regional locations
* meetings that go for more than two hours or are held over a meal time, ie lunch
* CEO/Mayor/Councillor forums

MAV Employees/Members are to be mindful of achieving a balance between prudent use of MAV resources and being hospitable to our members/third parties.

Refer to MAV catering guidelines for more information including expenditure guidelines and the approval process.

## 5.11 Catered Functions for Employeees/Members

There are occasions when the MAV may provide catering for Employees/Members. These include:

* MAV Board, Audit and Risk Committee, Insurance and Workcare Board meetings
* Staff training courses, workshops, planning days or seminars depending on the time of day and length of duration
* Celebrations of major achievements or completion of significant projects
* Farewells for staff leaving the MAV
* Welcomes to new staff joining the MAV
* Special occasions as approved by the CEO
* Annual Christmas lunch

Wherever possible catering expenses are to be minimised by:

* conducting farewells and welcomes to staff at morning or afternoon tea instead of lunchtime
* combining two or more events together, ie farewell to retiring staff member, with celebration of an achievement plus welcoming a new staff member

Refer to MAV catering guidelines for more information including expenditure guidelines and the approval process.

## 5.12 Provision of Alcohol at MAV events

The provision of alcohol at MAV events is not encouraged and must be approved in writing by the CEO.

A limited amount of alcohol along with non-alcoholic drinks may be provided at MAV special/ceremonial events i.e. biannual evening CEO/Metro/Rurual forums and the welcome to new councillors every fours years and Annual Conference Dinner.

All Employees/Members are expected to consume alcohol in moderation. The onus is on Employees/Members to comply with the Occupational Health and Safety Act 2004, Victorian and other State/Territory road laws and the MAV Staff Code of Conduct.

## 5.13 Declining gifts, benefits and hospitality

Where an offer of a gift, benefit or hospitality is in breach of this policy, would or might cause an actual or perceived conflict of interest, is in the nature of a bribe or inducement, or where the Employee/Member would feel uncomfortable or potentially compromised if they accepted the offer, the offer is to be immediately declined.

The Employee/Member should explain the MAV’s policy to the person making the offer to avoid any offence being taken.

Where an Employee/Member believes that an offer is in the nature of a bribe or inducement, the Employee/Member is to immediately advise the person making the offer that they believe that their conduct is unethical and may be unlawful and that they will be reporting the incident to the Chief Executive Officer for action.

# 6. DECLARATION OF OFFERS OF GIFTS, BENEFITS AND HOSPITALITY

Offers of gifts, benefits and hospitality (except where specifically excluded by this policy) with a value of $50 or more are to be declared by completing a Gifts, Benefits and Hospitality Form. Where an Employee/Member does not know the value of a gift, benefit or hospitality, they should make reasonable efforts to ascertain its value. Where it seems reasonable that the value is close to or over $50, a declaration is to be made.

All gifts, benefits or hospitality offered and/or received with a value over $50 must be reported to the Manager, HR & Corporate Services by completing a Declaration of Gifts, Benefits and Hospitality Form (Appendix A) as soon as practicable but no more than 5 working days after receipt of, or the offer of the gift was made. The declaration form must be completed regardless of whether the Employee/Member accepted or refused the offer.

Declarations made by members of the MAV Board, Audit and Risk Committee,Insurance Board and WorkCare Board are to be signed off by the President. Declarations made by the President are to be signed off by the CEO. Where a declaration is made by the CEO, this is to be signed off by the President.

Where a gift, benefit or hospitality is offered to an Employee/Member by the same person or organisation on two or more occasions within a twelve month period, whether or not the individual value of the gift, benefit or hospitality is below $50 in value, this is to be declared and recorded in the register.

There is no requirement to declare token gifts, benefits and hospitality below $50 in value.

There is no requirement for an Employee/Member to declare the provision of refreshments, business lunches or refreshments at or during breaks in meetings, seminars or training or hospitality provided at MAV functions (including the circumstances set out in sections 5.11 and 5.12) while performing the normal duties applicable to their role as an employee of the MAV.

The Manager, HR & Corporate Services will be responsible for maintaining the MAV Register of Gifts, Benefits and Hospitality (Appendix B) and submission of reports to the Management Board and Audit and Risk Committee bi-annually

The Register will include the following information:

* Date offered
* Description of the gift, benefit or hospitality
* Known or estimated Value
* Recipient
* Donor/Provider Details
* Whether the person has offered repeated gifts
* Whether the gift was accepted or refused
* If refused, reason for refusal
* Treatment (retained by employee, returned or transferred to ownership of the MAV)

# TRAINING

All new staff are trained on this policy as part of their induction to the MAV. In addition annual refresher training is provided to all staff in the final quarter of the financial year (ie April-June).

The training is conducted by the Manager, HR and Corporate Services and Manager, Governance.

# FAILURE TO COMPLY WITH THE POLICY

Failure to comply with this policy may result in:

### Disciplinary action including the possibility of immediate dismissal or termination of the Employee’s arrangements with MAV

### Prosecution under criminal legislation such as the secret commissions provisions in sections 175 – 179 of the *Crimes Act 1958* (Vic) (as may be amended from time to time).

MAV reserves the right to take any other action it considers appropriate to address a breach of this policy.

# RESPONSIBILITY AND PERIODIC REVIEW

The MAV Board is responsible for the adoption and periodic review of this policy. This policy will be reviewed within six months of each MAV Board election.

# 10. RELATED MAV POLICIES/DOCUMENTS

* [Declaration of Gifts, Benefits and Hospitality Form.](https://mavasnau.sharepoint.com/:w:/s/Corporate/ETqwdvdEv8NMnuaakwa5EKIBPP4lzZKaBNwCWFFAwTeKfQ?e=40gPwN)
* [MAV Members Code of Conduct](https://mavasnau.sharepoint.com/:b:/s/Corporate/EQsKNcQEcEpDkMs-3Jr070QBiuworR4HFlQio1SnTTt3Uw?e=TpyM6R)
* [MAV Staff Code of Conduct](https://mavasnau.sharepoint.com/:b:/s/Corporate/EQsKNcQEcEpDkMs-3Jr070QBiuworR4HFlQio1SnTTt3Uw?e=TpyM6R)
* [MAV Fraud & Corruption Framework & Plan](https://mavasnau.sharepoint.com/:b:/s/Corporate/EQsKNcQEcEpDkMs-3Jr070QBiuworR4HFlQio1SnTTt3Uw?e=TpyM6R)
* [MAV Sponsorship Policy](https://mavasnau.sharepoint.com/:w:/s/Corporate/ERiOdov3OUJEivta5Pdijr0Bo-OmKUoMIDDGdDhVb9VdaA?e=AdXvCA)
* [Fraud and Corruption Policy](https://mavasnau.sharepoint.com/:w:/s/Corporate/EXAs1LqAnFxCvywoW0EdLFYBBG3zFSFW80a0KXlxUUjE0A?e=WR7bpS)
* [Public Interest Disclosures Policy](https://mavasnau.sharepoint.com/:w:/s/Corporate/EfybwI7gLJ1MjZ27x6abvUkBMGemuS-WwX0632FPs64ErA?e=E2ctYK)
* [Public Interest Disclosures Procedures](https://mavasnau.sharepoint.com/:w:/s/Corporate/EfybwI7gLJ1MjZ27x6abvUkBMGemuS-WwX0632FPs64ErA?e=f1S5Yv)

# APPENDIX A - Declaration of Gifts, Benefits and Hospitality Form

This form is to be completed by the recipient of a reportable Gift (includes benefit or hospitality) within seven days of receipt of the Gift or offer and given to the Manager, HR and Corporate Services to be entered into the Register of Gifts, Benefits and Hospitality.

**Gift offered to:**

Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Title:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Date offered:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date Gift received:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Gift offered by:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Organisation:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Describe the relationship between the giver and recipient:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Reason Gift was offered:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Description of Gift:** (including attached photograph / photocopy of Gift where applicable)

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Estimated value of Gift: \_\_\_\_\_\_\_**

A. o First time Gift accepted within the last 12 months by this individual or organisation *or*   
  
B. o Previous Gift(s) accepted within the last 12 months from this individual / organisation

If (B), the cumulative value of Gifts accepted from this individual / organisation within the last 12 months: $\_\_\_\_\_\_

**Decision regarding Gift:**

Was the Gift accepted or refused? (Please circle) If refused, reason for refusal:**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

A: o Retained by the individual B:o Transferred to MAV’s ownership C: o Returned to donor

**Signature of recipient:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Approved by manager/CEO:**  
Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Title**:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Signature:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Gifts Register Updated by Manager, HR & Corporate Services:**

Signature:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# APPENDIX B - Register of Gifts, Benefits and Hospitality

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Date offered** | **Date received** | **Offered to**  **(name, position** | **Offered by**  **(name, position, organisation)** | **Reason offered** | **Description of gift** | **Estimated value** | **Accepted**  **Declined**  **Returned** | **Decision regarding gift** | **Authorised by (name., position, organisation)** |
|  |  |  |  |  |  |  |  |  |  |
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# APPENDIX C - Definitions

***benefit:*** Something which is believed to be of value to the receiver, such as a service i.e. access to sporting event, preferential treatment (queue jumping), access to confidential information, accommodation, personal services, pleasure or vacation trips. Benefits are the preferential treatment, privileged access, favours or other advantage offered to an employee. 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.

***Employee:*** An employee, contractor, sub-contractor or consultant undertaking work for the MAV.

***Gifts*** Are the 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.

***gifts of appreciation****:* Refers to gifts that are presented to an individual to express thanks, such as flowers, chocolates. These gifts are generally a one-off occurrence.

**hospitality**: Covers provision of refreshments, lunches, dinners or social and sporting events with or without alcohol in excess of $50

**Member:** An MAV Management Board member, MAV Audit & Risk Committee member, MAV Workcare Board member or MAV Insurance Board member

**monetary gifts**: Defined as cash, cheques, money orders, travellers’ cheques, direct deposits and the like.

**official gifts:** Refers to gifts received by individuals that are presented to the MAV. These gifts are received from organisations or corporations that are bestowing a corporate gift (plaques, plates, vases, trophies, artwork) or souvenir to the MAV. These gifts remain the property of the MAV and will generally be displayed for public viewing.

**reportable gifts:** Are those that must be recorded on a gifts declaration form and/or a gifts register. They are gifts accepted or declined with a value of $50 or more or multiple gifts of any value.

**token gifts:** Are of low dollar value and infrequently received. These gifts may include low-priced promotional items, souvenirs or corporate gifts such as pens, mugs, gifts of single bottles of reasonably priced alcohol.

**value:** Value means the face value or estimated retail value.

# APPENDIX D - Whether to accept a gift or not?

If unsure about how to respond to an offer of a gift, benfit or hospitality seek advice from your manager/CEO.

The ‘gift test’ is a useful summary of relevant factors to refer to in deciding whether or not to accept a gift and, in doing so, assists to determine whether or not the acceptance of the gift would raise a conflict of interest:

|  |  |  |
| --- | --- | --- |
| **G** | Giver | Who is providing the gift and what is their relationship to me? |
| **I** | Influencer | Are they seeking to influence my decisions or actions? |
| **F** | Favour | Are they seeking a favour in return for the gift? |
| **T** | Trust | Would accepting the gift diminish public trust? |

In determining whether it is appropriate for you to accept a gift,benefit or hospitalitythe ‘gift test’ should be considered together with the following factors:

### The value of the gift, particularly if the value of the gift is excessive or disproportionate to the circumstances in which it is offered and can be perceived as an attempt to influence or bias the recipient

### Whether it would be embarrassing or difficult to publicly explain or justify the acceptance of the gift

### Whether or not the donor has an existing business or contractual relationship with the MAV

### Whether the gift is likely to influence an employee in the course of their duties or where acceptance would cause a perceived, potential or actual conflict of interest

### Whether the gift has a public benefit or represents a business benefit to MAV (e.g. networking at a social event, developing a key relationship with a stakeholder etc)

### The timing of the gift and whether there is a probity concern or issue (e.g. The donor is likely to submit a tender which has recently been advertised or is a bidder in a current bid process);

### Whether the invitation is motivated by commonly accepted business courtesies and would be seen as customary and proper under the business circumstances

### Whether the offer and/or acceptance of gifts has occurred on a repetitive basis and in particularly, whether the recipient has accepted a gift from that donor in the last 12 months and, if so, the cumulative value of those gifts.

# APPENDIX E – Scenarios

**Scenario 1 –**

An international delegation is visiting Victoria to vist and study local government. Their three day tour has been conducted by Wendy. At the end of the tour they present Wendy with a jade brooch as a token of their appreciation. The brooch is independently valued at more than $2000.

*What should Wendy do?*

*Wendy should comply with the Official Gifts part of the GBH Policy and if she believes that declining the gift will cause offence, will accept it on behalf the MAV, register it and place on public display. Wendy should, in future, ensure that delegations are aware of the preference for cultural gifts to be of a modest nature.*

**Scenario 2 –**

Lisa has been asked to organise a workshop for MAV staff on the Strategic Plan. The CEO is keen for the workshop to be held off-site to avoid distractions. Staff are excited about this opportunity to get away form the office and suggest going to the Yarra Valley for lunch and including a winery visit at the end of the day.

*Lisa will comply with the catering guidelines (incorporated into the GBH policy) in relation to expenditure and will remind staff that alcohol is only provided to MAV staff at special events, which do not include workshops or other training. In addition, the proposal for the workshop to be held in the Yarra Valley will be assessed against other, more modest and proximate venues and will not be chosen.*

**Scenario 3 –**

Andrew has been working on a Memorandum of Understanding (MOU) with the Victorian Municipal Surveyor’s Building Group and the MAV for the two organisations to work together.

It’s taken over six months of to-ing and fro-ing to reach agreement and final sign-off. Richard from the Victorian Municipal Surveyor’s Building Group organises a lunch with Andrew to celebrate the signing of the MOU.

*What should Andrew do?*

*Andrew can accept the lunch invitation if he assesses the value of the lunch at $50 or less, if it is likely to be greater than $50 he should either decline or seek approval from his manager to accept the invitation on the basis that the MAV covers the cost. Where the lunch value exceeds $50 it must be included in the register if Andrew declines the invitation.*

1. See [Appendix C](#AppendixC) for a definition of Employees and Members. [↑](#footnote-ref-2)