

# MELBOURNE & OLYMPIC PARKS POLICY

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<b>Document Name</b>	: Gift & Benefits Policy
<b>Way of Working</b>	: People > Working at M&OP
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## 1 Purpose

As a public sector entity Melbourne & Olympic Parks (M&OP) is required to demonstrate the highest level of integrity and independence.

This policy is intended to guide all Trustees and employees in their obligations with regards to the offering or accepting of gifts and benefits. The policy sets out:

- The conditions under which gifts or benefits may be accepted by Trustees or employees and the requirements in relation to reporting gifts or benefits offered or received.
- When it is appropriate to provide a gift or benefit to an external party.
- The approach to providing gifts or benefits to employees.

The approach is designed to meet the integrity and impartiality values and principles outlined in the Public Administration Act 2004, the Code of Conduct for Victorian Public Sector Employees and Directors' Code of Conduct and Guidance Notes.

## 2 Policy Scope

This document applies to all M&OP Trustees and employees and is applicable in all situations where gifts or benefits may be offered or received as a result of their employment.

This policy only applies where gifts or benefits are offered or received as a result of a Trustees role or employee's employment with M&OP. A Trustee or employee may be offered gift or benefit

- during the course of their duties at M&OP; or
- related to other work or appointments (e.g. Director of another Board)

Trustees or employees must assess the context in which the offer has been made to make a determination on whether this policy applies.

As a general approach this policy applies when the offer;

1. makes reference to the individuals role or title at M&OP.
2. refers to other Trustees or employees at M&OP.
3. was sent to a M&OP office address or email.

If there is doubt as to whether this policy applies to a Trustee or employee, the requirement is to disclose under this policy.

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### 3 Definitions

For consistent monitoring and reporting, the following definitions are used:

**Gift** - defined as a free or heavily discounted item, exceeding common courtesy. It may be enduring such as a work of art, or consumables such as a box of chocolates or bottle of wine.

**Benefit** (incorporating **hospitality**) defined as the preferential treatment, friendly reception, privileged access, favours or other advantage. It includes invitations to sporting, cultural or social events, access to discounts and loyalty programs, offers of hospitality that are beyond common courtesy or practise at business meetings.

**Employee** – for the purposes of this policy is defined as any individual who has a direct employment relationship with M&OP (fulltime, part-time or casual). Trustees are captured within this definition.

**Token offer** – is a gift or benefit that is offered as a courtesy and is of inconsequential or trivial value to both the person making the offer and the individual. Its value cannot be more than \$50 (including cumulative offers from the same source over a 12 month period).

**Non-token offer** – is a gift or benefit that is, or may be perceived to be by the recipient, the person making the offer or by the wider community as more than a token offer. All offers valued more than \$50 are non-token offers and must be recorded on the Gifts & Benefits Declaration & Register, irrespective of whether it is accepted or declined.

### 4 Policy Statement, Principles & Objectives

M&OP is a Victorian Government Public Sector Organisation which operates within the commercial sports and entertainment events and venue sector. Employees and Trustees as a result of their role and responsibilities at M&OP may be invited in the course of their employment to attend events. It may be appropriate to accept such invitations on behalf of M&OP in order to build industry relationships and/or represent the organisation at industry related functions..

M&OP requires all Trustees and employees to:

- Demonstrate the highest standards of integrity, and avoid all situations which may give rise to actual or perceived conflicts of interest.
- Maintain public trust by being honest, open and transparent.
- Never for themselves or others, seek or solicit gifts or benefits.
- Refuse all offers of gifts or benefits that:
  - are money, items used in a similar way to money, or items 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 the public sector into disrepute; or
  - are non-token offers without a legitimate business benefit.

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Trustee and employee family members and other personal contacts may also be offered gifts or benefits either directly or through the employee as a result of their employment. The same principles and guidelines as outlined in this document must be applied and the value of these gifts or benefits must be declared.

Should a Trustee or employee believe that they have been offered a bribe or inducement, or are about to be, they must immediately advise the CFO, CEO or Chairman as appropriate. If required they will report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission.

In some cases there may be a need to exercise judgment. Seeking advice can help to establish the acceptability of the gift or benefit. If in any doubt it is recommended the Trustee or employee seek advice from the CFO, CEO or Chairman as appropriate. (A useful test is to consider if it would be embarrassing or difficult to publicly explain or justify their action. If this is the case then the gift or benefit should be politely declined).

## 4.1 Accepting Gifts

Types of gifts:

- Customary gifts – exchange of gifts in an official capacity on behalf of M&OP may be customary in some circles when carrying out an official function. In all cases this gift is retained by M&OP.
- Token Gift - is an offer of a gift 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 gift 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 valued at more than \$50 (including cumulative offers from the same source over a 12 month period).
- Non-token gift - is an offer of a gift 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 valued at more than \$50 are non-token offers.

Should an employee be offered a gift in the course of their work or as a result of their role, the following rules must be adhered to:

Value of Gift	Action
<b>Token Gift</b> (value less than \$50.)	The gift may be retained by the recipient but must be registered in the Gifts & Benefits Declaration & Register.  When multiple gifts that exceed \$50 over a 12 month period from the same organisation are received they must be declared as below.
<b>Non-token Gift</b> with a value of more than \$50	Advise the Executive/CEO/Chairman/Minister as applicable of the situation under which the gift has been offered and the value of what has been offered, by completing the Gifts & Benefits Declaration Form.  The gift must be surrendered to M&OP. In limited circumstances,

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	Trustees or employees may be able to keep what has been offered but only following formal and documented approval by the CEO or Chairman.  If applicable, the CEO/Chairman may also consider offering the individual the option of purchasing the item at current market value.
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## 4.2 Accepting Benefits

Trustees or employees may accept invitations to official functions or industry events, as long as they are related to the business of M&OP, and provided that they do not involve a conflict of interest or create a perception that the Trustee or employee could be unduly influenced by accepting the invitation. In all cases the benefit received should be proportionate to the occasion.

In most occasions it would not be acceptable to accept further benefits related to an invitation such as flights and accommodation. The premise and test is that if it is important to M&OP to attend or be present at a particular event, M&OP should be prepared to pay for the related accommodation and travel costs.

Where multiple invitations have been received from one organisation over a twelve month period and where the combined value exceeds \$50 the benefit must be reported at the higher level.

Should a Trustee or employee be offered a benefit, the following rules must be adhered to.

Value of Benefit	Action
<b>Token Benefit</b> with a value of less than \$50.	Agree with your manager in writing as to the circumstances in which accepting such a benefit would be acceptable. When in doubt confirm each specific instance with your manager. (E-mail is acceptable)
<b>Non-token Benefit</b> that is worth more than \$50	Advise the Executive/CEO/Chairman/Minister of the situation under which the offer has been made and the value of what has been offered by completing the Gifts & Benefits Declaration Form and obtaining the necessary approval to attend.

Acceptance of Non-token benefits may be appropriate in some circumstances due to the nature of the industry in which M&OP operates. An example would be when the person is invited in an official capacity to represent M&OP or to further a business relationship.

In all circumstances, the following is required:

- The individuals' behaviour must be in line with M&OP Code of Conduct Policy when attending official business.
- The individual must be able to reciprocate the offer through their position, financial delegation and approved budget at M&OP.

Refer to Gifts & Benefits Procedure for further guidance.

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### 4.3 Declining a Gift or Benefit

All non-token offers, whether accepted or declined, must be recorded in the Gifts & Benefits Register using the Declaration Form.

### 4.4 Providing Gifts to External Parties

There are limited circumstances in which gifts may be offered to an external party:

- Regular clients may receive a gift of value in recognition of their ongoing support of M&OP or to recognise a special occasion. In all circumstances this must be approved by the CEO or CFO and must be in terms of an approved budget.
- Gifts may be provided for the purposes of making guests feel welcome and to provide a reminder of their visit - the customary “exchange of gifts”. In this circumstance, gifts should only be symbolic rather than financial, in value.

### 4.5 Providing Benefits to External Parties

Benefits should only be for the purpose of welcoming guests, facilitating the development of current and future business relationships, and celebrating achievements. All benefits to external parties must always be in the interest and in line with M&OP’s purpose as outlined in the M&OP Act and must be in terms of an approved budget.

### 4.6 Costs Proportionate to the Benefits

When deciding on the type of gift or benefit to provide, a judgement must be made between the costs incurred and the potential benefits to M&OP and the State. Costs should be contained wherever possible and consideration should be made to whether the proposed gift or benefit is in line with community expectations. The provision of gifts and benefits must be in line with M&OPs financial delegations and procurement policies.

### 4.7 Providing Gifts to Employees or Trustees

As a rule M&OP does not provide gifts to employees, however the following exceptions apply:

- 25 years’ service is recognised by invitation to join the 25 Year Club and this will be acknowledged with a small gift to recipients.
- The Human Resource function may authorise if appropriate the purchase of flowers for births, serious illness or injury to M&OP staff or bereavements related to close family members.
- A small gift may also be provided to departing Trustees or long serving staff who have made a major contribution to the business of M&OP. This is entirely at the discretion of the CEO or Trust Chair and should be symbolic in nature.

### 4.8 Providing Benefits to Employees or Trustees

The following rules apply to the provision of benefits to Trustees or employees of M&OP:

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- Each department when setting and obtaining approval for their annual budget is permitted to budget for an amount communicated within the budget guidelines, for teambuilding functions (FBT rules must be adhered to if used outside M&OP).
- No unbudgeted departmental level entertaining such as lunches or after work functions will be funded by M&OP. It may in exceptional circumstances be appropriate to recognise outstanding team or individual performance – this expenditure can be authorised by the CEO only.
- Hospitality may be provided to M&OP employees as part of a larger team event (i.e. a training course, workshop, planning day seminar or conference).
- The Human Resource function will formally plan and budget for employee functions as part of the annual business plan. Employee functions are to provide a forum for communication, recognise outstanding achievements or promoting particular behaviours, this will be budgeted for within the overall function planning
- For the policy on attending events in a M&OP venue. (Refer to the [Employee Ticketing Policy](#))

## 4.9 Duty of Care

In all instances of providing a benefit to an external party or to employees/trustees, individuals must demonstrate professionalism in their conduct, and uphold their obligation to extend a duty of care to other participants.

## 4.10 Fringe Benefits Tax

Expenditure for the direct benefit an employee/s obtains can be subject to Fringe Benefits Tax (FBT). This can include; gifts, functions (Christmas, Farewell) and entertainment of clients where an employee is present. (Refer to the Fringe Benefit Procedures.)

## 5 Responsibility

It is the responsibility of each Trustee and employee to read and understand this policy. If an individual believes that there is an exceptional reason for operating outside this policy formal and documented approval from the CFO, CEO or Chairman is required prior to undertaking the activity.

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## 6 Compliance & Standards

This policy seeks to provide a uniform approach to ensure compliance with all the relevant laws and regulations, and with applicable industry, government and organisational standards or policies and procedures including but not limited to:

- Crimes Act 1958
- Public Administration Act 2004
- Code of Conduct for Victorian Public Sector Employees
- Directors' Code of Conduct and Guidance Notes

## 7 Further Information

- Conflict of Interest Policy
- Gifts & Benefits Declaration and Register
- Gifts & Benefits Procedure

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