

# Gifts, Benefits and Hospitality Policy

Finance

## Procedure Details

Sponsor	Chief Financial Officer	Policy ID	MCET-725537380-5130
Responsible Officer	Head - Legal, Risk and Compliance	Version	1.0
Review Frequency	Annually	Approved Date	19/07/2023

## 1. Purpose

This policy provides guidance about the way the Melbourne Convention and Exhibition Trust (MCET) maintains the highest levels of integrity and public trust when managing Gifts, Benefits, and Hospitality and has been developed in accordance with the requirements outlined in the *Minimum Accountabilities for managing, gifts, benefits and hospitality* issued by the Victorian Public Sector Commission.

It covers:

- (a) responding to offers of Gifts, Benefits and Hospitality (collectively “Offers”) made by certain third parties in **Section 5**;
- (b) Official Business Events in **section 6**;
- (c) the provision of Gifts, Benefits, and Hospitality by MCT in **Section 7**;
- (d) Register and reporting requirements in **sections 8 and 9**; and
- (e) Other matters.

## 2. Scope

This policy covers all Employees.

## 3. What is excluded from the operation of this policy

This policy does not apply:

- 3.1 Where Offers are received by Employees in a private capacity unrelated to their role or responsibilities at MCET. This includes attendance by the Employee at a particular event as a family member’s guest.
- 3.2 To complimentary tickets allocated under the *Complimentary Ticket Policy*.



- 3.3 To tickets to rehearsal, dress, trial or workshop performances which have no commercial value because the ticket is not available for sale to the public and the attendance to which is consistent with MCET’s statutory functions.
- 3.4 Hospitality that is purely internal and only involves Employees.
- 3.5 To invitations received to attend functions or events and receive Hospitality provided by the Victorian Government or other Victorian public sector organisations (including MCET) provided that:
- a) The Hospitality is offered as part of official business; and
  - b) the reason for the Employee’s attendance is consistent with MCET’s statutory functions and objectives; and
  - c) the Employee’s attendance is appropriate within the scope of their role.

This exclusion does not apply to Hospitality provided by private organisations acting on behalf of the Victorian Government or other Victorian public sector organisations.

- 3.6 For the avoidance of doubt, Section 5 does not apply to Official Business Events.

## 4. Definitions

Title	Definition
Authorising Officer	Executives in relation to employees within their team, the CEO in relation to executives, and the Trust Chair in relation to the CEO.
Benefits	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. 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.
Business Associate	An individual or body that MCET has, or plans to establish, some form of business relationship with, or who may seek to or expect commercial benefit or other advantages by making an offer
Ceremonial Gifts	Ceremonial gifts are official gifts provided as part of the culture and practices of communities and government within Australia or internationally. Ceremonial gives are usually provided when conducting business with official delegates or representatives from another organisation, community or foreign government.
Conflict of Interests	The Employee’s Private Interests conflict with their official functions as a public officer. Conflicts may be: <ul style="list-style-type: none"> <li>• <b>Actual:</b> There is a real conflict between an Employee’s public duties and their private interests.</li> <li>• <b>Potential:</b> An Employee has private interests that could conflict with their public duties. This refers to circumstances</li> </ul>



Title	Definition
	<p>where it is foreseeable that a conflict may arise in future and steps should be taken now to mitigate that future risk.</p> <ul style="list-style-type: none"> <li>• <b>Perceived:</b> The public or a third party could reasonably form the view that an Employee's private interests could improperly influence their decisions or actions, now or in the future.</li> </ul>
Eligible Employee	For the purposes of Official Business Events, has the meaning as set out in paragraph 6.2.
Employee	All persons employed by MCET and contractors, consultants, and any individuals or groups undertaking activities for or on MCET's behalf when explicitly required to do so under their contract for services or other similar agreement.
Gifts	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 repair). Fund raising by MCET that is consistent with relevant legislation and any government policy is not prohibited under the minimum accountabilities.
Hospitality	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.
Legitimate Business Benefit	A Gift, Benefit or Hospitality may have a legitimate business benefit if it furthers the conduct of official business or other legitimate goals of MCET in accordance with MCET's statutory functions.
Non-token Offer	An Offer 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. Offers worth more than \$50 are Non-token Offers and must be recorded on the register.
OBE register	Means the register which records all accepted Non-token Offers considered an Official Business Event.
Offer	Means an offer of Gifts, Benefits or Hospitality.
Official business event (Or OBE)	Has the meaning as set out in paragraph 6.2.
Register	Means MCET's internal and external Register that captures all relevant information in relation to accepted and declined Non-token offers in accordance with this policy.



Title	Definition
Token offer	An offer that is of inconsequential or trivial value to both the person making the offer and the individual and, in all cases, is not worth more than \$50. Examples of such offers may include promotional items such as pens and notepads and modest hospitality that would be considered a basic courtesy, such as light refreshments during a meeting.

## 5. Policy: Receiving Offers

### 5.1 Key principles

#### *Impartiality and Integrity*

- a) Offers are not to be accepted unless there is a legitimate and compelling business or public interest reason to do so and it can be demonstrated that acceptance will not give rise to a Conflict of Interest.

#### *Accountability*

Employees must:

- b) Not seek or solicit Gifts, Benefits or Hospitality for themselves or others;
- c) Refuse all Offers that:
  - (i) are money items, used in a similar way to money or items easily converted to money;
  - (ii) are Non-token Offers without a legitimate business benefit;
  - (iii) are Token or Non-token Offers that:
    - Could be reasonably perceived to be in an inducement for them to act or conduct themselves in a particular way either now or in the future, or raise a perceived or actual bias towards preferential treatment;
    - Are made by current or prospective suppliers, contractor or other service providers;
    - Are Offers by individuals or organisations that Employees or MCET are currently engaging with or likely to be making business decisions about in future in relation to tender processes, procurement, enforcement, licencing or regulation;
    - Are work-related Offers made to an Employee's immediate family member that could give rise to a Conflict of Interest;
    - Could be perceived as an endorsement of a company or product;
    - Are repeated Token or Non-token Offers from a single source that may give rise to a Conflict of Interest; or
    - represent actual or attempted bribery.



- d) Consult the *Gifts Benefits and Hospitality Procedure* and consider the GIFT Test (**Attachment A**) prior to declaring all Offers received for review and reporting purposes.
- e) Consider whether cumulative offers from a single source are appropriate.

Authorising Officers hold the following additional accountabilities:

- f) To oversee the approval or rejection of Offers presented by their team members and ensure approval to accept a particular Offer is provided prior to the Offer being accepted.
- g) Assess the risks of accepting or declining Offers and document and manage these accordingly.
- h) Establish and communicate MCET's Gifts, Benefits and Hospitality Policy position to contractors, consultants and other business and key stakeholders through procurement documents, service contracts, or other communications, outlining to these stakeholders the potential consequences arising from an Employee acting contrary to this policy.
- i) Establish and communicate MCET's Gifts, Benefits and Hospitality Policy position to sponsors and donors and inform them that any Non-token offers will be recorded on a public register.

## 5.2 Ceremonial Gifts

Employees should accept all Ceremonial Gifts on behalf of MCET. Ceremonial Gifts must be reported by Employees and must be recorded on the internal Register but are not required to be published on the external Register. MCET will own the property in Ceremonial Gifts.

## 5.3 Inadvertent acceptance of a non-token Gift or Benefit

Situations may arise where a Gift or Benefit that should be refused has been inadvertently accepted which may not be easily returned. Examples would include a wrapped gift which has remained unopened, gifts accepted for cultural reasons where return would be considered culturally inappropriate, anonymous gifts and gifts received in a public forum where an attempt to return or refuse it may cause embarrassment or offence.

These Gifts and Benefits must be approved by an Authorising Officer within 5 business days and declared on the internal Register in accordance with this policy. The Authorising Officer will determine whether to retain or dispose of the Gift or Benefit or to transfer it to the use of MCET.

# 6 Policy: Official Business Events (OBE)

6.1 Unique amongst other Victorian Public sector agencies, MCET's key statutory functions provide for:

- a) the development, promotion, management, operation and use of convention and exhibition facilities and services in Victoria, including the use of those facilities and services for entertainment purposes<sup>1</sup>; and

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<sup>1</sup> Section 5(a) *Melbourne Convention and Exhibition Trust Act 1996*



- b) with the approval of the Minister, the development, promotion, management, operation and use of tourism or hospitality facilities and services in Victoria, including the use of those facilities and services for entertainment purposes.<sup>2</sup>

MCET acknowledges that to properly discharge these key functions, Eligible Employees may be required to interact with the private and public sectors in ways that might otherwise not be permitted if considered a Gift, Benefit or Hospitality under Section 5. Where these interactions are considered Official Business Events, Eligible Employees may attend these events where the reasons are consistent with MCET statutory functions and in accordance with this Section 6.

6.2 For the purposes of this Section 6:

- a) “*Eligible Employees*” means:
- (i) Trust Members, the CEO and Directors when attending a non-MCET event for any one of the purposes in paragraph 6.2(b)(iv) below;
  - (ii) Employees involved in programming, sales, exhibition, operations, business development or stakeholder relations directly related to the relevant event;
  - (iii) Employees in corporate partnership roles when the event directly relates to their role in cultivating corporate partnerships; and
  - (iv) Employees from other business areas who can demonstrate, with the approval on an Authorising Officer, the business need to attend an event for any of the purposes in paragraph 6.2(b)(iv) to attend on this basis.
- b) “*Official Business Event*” or “*OBE*” is one where **all** of the following must be met:
- (i) The event is one of the following:
    - 1. Federal or local government function or event;
    - 2. MCET corporate partner;
    - 3. Related industry event (for example, food and beverage); or
    - 4. An education or training related event which is relevant to the Employee’s role.
  - (ii) The Eligible Employee’s role is directly related to the event and/or related industry.
  - (iii) No Conflict of Interest, bias, or preferential treatment will arise if the Eligible Employee attends.
  - (iv) The Eligible Employee’s attendance is required for at least one of the following reasons:
    - 1. To pursue opportunities on behalf of MCET through networking with third parties with whom MCET may derive commercial benefit, either through commercial partnerships or other collaboration opportunities.
    - 2. The Eligible Employee is responsible for managing the relationship between MCET and external bodies or individuals. These may include current and potential presenters and corporate partners. Attending events can be a critical part of maintaining and

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<sup>2</sup> Section 5(b) *Melbourne Convention and Exhibition Trust Act 1996*



developing effective relationships and networks. To avoid doubt, this does not include contract management.

3. To maintain a broad and deep knowledge of the live performance, convention and exhibition industry or latest developments in related industries such as tourism, food and beverage and creative industries, increasing the value achieved from public money and thereby assisting to achieve MCET's strategic objectives.
4. To maintain strength or build knowledge relating to a qualification, build expertise or understanding in relation to a particular technical business-related area: for example new approaches in a professional field or becoming acquainted with new responsibilities such as legislative changes.

## 7 Policy: Providing MCET-funded Gifts, Benefits and Hospitality

### 7.1 General guidelines

- a) Employees may only provide Gifts, Benefits and Hospitality funded by MCET when **all** of the following criteria is met:
  - (i) It is in the best interests of MCET, has Legitimate Business Interest, and supports government policy objectives and priorities;
  - (ii) It does not give rise to a Conflict of Interest;
  - (iii) It has a direct relationship to the performance of the Employee's role and is not of a private nature;
  - (iv) The overall cost would be considered reasonable in terms of community expectations and proportionate to the benefits accruing to MCET;
  - (v) The overall cost is within approved budget limits and duly authorised; and
  - (vi) Individuals demonstrate professionalism in their conduct and uphold their obligations to extend a duty of care to other participants.
- b) An Employee unsure about the provision of Gifts, Benefits and Hospitality of more than Token value should consult the "HOST" Test (**Attachment B**) for guidance. If unsure, further advice and assistance is available from the Legal, Risk and Compliance team.
- c) Gifts, Benefits and Hospitality funded and provided by MCET do not need to be declared or registered on the Register.

### 7.2 Specific guidelines

Without limiting the application of the general principles in paragraph 7.1, Employees may be assisted by the following guidelines:

#### Specific guidelines: Provision of gifts, benefits, and hospitality

<b>Function and Events</b>	MCET sponsored functions and events can assist with external stakeholder engagement and enhance business relations that benefit MCET and the economic growth within the Victorian tourism industry or State. When official functions are being held, Employees attending
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## Specific guidelines: Provision of gifts, benefits, and hospitality

should be limited to those required to successfully run the official function. In general:

- for larger functions (greater than 50 participants) then the proportion of invited external guests should be greater than the number of MCET representatives.
- for smaller functions (50 participants or less), the number of MCET employees should be at least in balance with external invitees.

### MCET Employees

For a range of reasons, Gifts, Benefits and Hospitality may be occasionally provided for Employees. These may include but not limited;

- to staff-related events, for example a training course, workshop, planning day seminar, conference or quarterly staff update.
- to recognise individual Employee achievement (for example the successful completion of a project or the retirement of a long-standing member of staff, recognition of outstanding achievement, notable contribution in MCET's events (such as Unconventional Ideas to including participation in MCET owned events) or employee service awards.)
- to Gifts and Benefits to MCET employees to further increase MCET's employee value proposition (for example, complimentary tickets, gifts for employee recognition and service awards).

Any Employee Gifts, Benefits and Hospitality must be approved and considered 'reasonable' by the appropriate next up manager. Events or milestones considered 'private' and therefore not work-related include births, birthdays and marriages and Gifts or Hospitality used to celebrate such events should not be funded by MCET.

### Club Melbourne

Club Melbourne may provide Gifts, Benefits and Hospitality to enhance business relations that benefit MCET and the economic growth for Victorian Tourism or the State. These may include:

- annual events for recognition, achievements and inducting Club Melbourne Ambassadors.
- Club Melbourne Inaugural and other events.
- Gifts for end of year and appreciation.

### External Guests

Subject to approval by the relevant next-up manager, MCET may providing the following Gifts, Benefits or Hospitality where the reputation of the public sector is either upheld or enhanced:





## Specific guidelines: Provision of gifts, benefits, and hospitality

- receiving guests, for example, a visiting delegation from another jurisdiction, or hosting a meeting held over lunchtime or hosting of community sector organisations.
- celebrating the opening of an event, exhibition, or launching an initiative.

## 8 Registers

### 8.1 Internal Register

- a) The Legal, Risk and Governance Team maintains the internal and external Registers which capture all Non-Token Offers received by Employees.
- b) The internal Register is reviewed regularly, and risk assessed by the Head - Legal, Risk and Compliance to ensure transparent reporting of Offers and to scrutinise whether there have been attempts to improperly influence the decisions or actions of Employees.
- c) MCET is required to report annually to the Audit and Risk Committee on the administration and reviewed regularly and risk assessed by the Head - Legal, Risk and Compliance to ensure transparent reporting of Offers and to scrutinise whether there have been attempts to improperly influence the decisions or actions of Employees.

### 8.2 External Register

MCET is required to publish a modified version of the internal Register externally on its website in accordance with the following guidelines:

- a) In accordance with MCET's Privacy Statement, individual names are not published on the external register.
- b) For declined Non-Token Offers, a generic description of the recipient's role and of the organisation or individual making the Offer is required only.
- c) For accepted and transferred Offers: the full role title of the recipient and the organisation name and role title of the person providing the Offer shall be disclosed.
- d) Ceremonial Gifts are not required to be published.

### 8.3 OBE Register

- a) The Legal, Risk and Governance Team maintains the OBE Register which captures all Non-Token OBE Offers received by Employees.
- b) The OBE Register is reviewed regularly, and risk assessed by the Head - Legal, Risk and Compliance to ensure transparent reporting and approval of OBE Offers and to scrutinise whether there have been attempts to improperly influence the decisions or actions of Employees.
- c) MCET is required to report annually to the Audit and Risk Committee on the administration and reviewed regularly and risk assessed by the Head - Legal, Risk and Compliance to ensure transparent reporting of OBE Offers and to scrutinise



whether there have been attempts to improperly influence the decisions or actions of Employees.

- d) The OBE Register is not required to be published.



## 9 Reporting

- a) The internal Register is provided to the Executive Team and the Audit and Risk Committee on a quarterly basis.
- b) MCET is required to report annually to the Audit and Risk Committee on the administration and quality control of its policy, processes and Register. The report must include analysis of MCET'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.
- c) The Executive Team is required to provide the Audit and Risk Committee with written confirmation on an annual basis attesting to the completeness of the internal Register.
- d) The Chair of the Audit and Risk Committee is required to provide a report to the Department of Jobs, Skills, Industry and Regions detailing MCET's compliance with the VPSC's *Minimum Accountabilities for managing gifts, benefits and hospitality* as part of its annual Financial Management Compliance Report.
- e) MCET is required to publicly attest to its compliance with the VPSC's *Minimum Accountabilities for managing gifts, benefits and hospitality* as part of its Financial Management Compliance Attestation Statement which appears each year in its Annual Report.

## 10 Breaches

### 10.1 Non-compliance with this policy

- a) Disciplinary action in accordance with MCET's Disciplinary Procedure Policy and relevant legislation, including termination of employment, may be taken where an individual fails to comply with the requirements of this policy. In the appropriate case, non-compliance with this policy may constitute criminal or corrupt conduct.
- b) Any instance of non-compliance with this policy that constitutes a bribe is a criminal offence and will be reported to the Fraud and Corruption Control Group.

### 10.2 Reporting and Investigation of breaches or alleged breaches

- a) Any suspected or actual breaches of this policy should be reported in the first instance to the relevant Senior Manager. If an Employee is not comfortable reporting a breach to the relevant Senior Manager, they can make a report confidentially to the Head, Legal, Risk and Compliance.
- b) Employees can also make a protected disclosure to the Independent Broad-based Anti-corruption Commission (IBAC) (see MCET's *Protected Disclosure Policy*) or contact IBAC as follows:

By phone: 1300 735 135

By email: [info@ibac.vic.gov.au](mailto:info@ibac.vic.gov.au)

By website: [www.ibac.vic.gov.au](http://www.ibac.vic.gov.au)



## References

### External

Victorian Public Sector Commission - Gifts, Benefits and Hospitality Minimum Accountabilities

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### Internal

Gifts Benefits and Hospitality Procedure

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Disciplinary Procedure Policy

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Fraud and Corruption Awareness Notice

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Complimentary Ticket Policy

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## Attachment A: “GIFT” Test

The GIFT test is a good reminder of what to think about whether an Offer should be accepted or declined.

<b>GIFT Test</b>	
<b>Giver</b>	<p><b>Who is providing the Offer, and what is their relationship to me?</b></p> <p>Does my role require me to select suppliers, award grants, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make?</p>
<b>Influencer</b>	<p><b>Are they seeking to gain an advantage or influence my decisions or actions?</b></p> <p>Has the Offer been offered to me publicly or privately? Is it a courtesy or a token of appreciation or a valuable non-token offer? Does its timing coincide with a decision I am about to make?</p>
<b>Favour</b>	<p><b>Are they seeking a favour in return for the Offer?</b></p> <p>Has the Offer 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?</p>
<b>Trust</b>	<p><b>Would accepting the Offer diminish public trust?</b></p> <p>How would the public view acceptance of this Offer? What would my colleagues, family, friends or associates think?</p>



## Attachment B: “HOST” Test

HOST Test	
<b>Hospitality</b>	<b>To whom is the gift or hospitality being provided?</b> Will recipients be external Business Associates, or individuals of the host organisation?
<b>Objectives</b>	<b>For what purpose will hospitality be provided?</b> Is the hospitality being provided to further the conduct of official business? Will it promote and support government policy objectives and priorities? Will it contribute to staff wellbeing and workplace satisfaction?
<b>Spend</b>	<b>Will public funds be spent?</b> What type of hospitality will be provided? Will it be modest or expensive, and will alcohol be provided as a courtesy or an indulgence? Will the costs incurred be proportionate to the benefits obtained?
<b>Trust</b>	<b>Will public trust be enhanced or diminished?</b> 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 public sector? Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures?

