

MELBOURNE  
RECITAL  
CENTRE

# **Gifts, Benefits & Hospitality Policy**



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Melbourne Recital Centre (the Centre) amends its policies from time to time. This version was correct at **19/11/2024**. To confirm that this is the latest version of this policy, please refer to the Centre's intranet (Tempo) or contact the policy owner.

Policy Owner	Chief Operating Officer (COO)
Policy Category	Governance & Management

# Gifts, Benefits & Hospitality Policy

## Purpose

This document outlines the Centre's approach in relation to:

- Responding to offers of gifts, benefits and hospitality; and
- Providing gifts, benefits and hospitality.

The policy is designed to ensure that the Centre avoids conflicts of interest and maintains high levels of integrity and public trust. The policy intent is consistent with behaviour expected in the Code of Conduct for Victorian Public Sector Employees and Code of Conduct for Directors of Victorian Public Entities and is designed in accordance with the minimum accountabilities outlined in the Victorian Public Sector Commission.

## Scope

The policy applies to Centre Personnel.

The policy excludes staff benefits associated with house seats and complimentary tickets (refer Ticketing Policy); staff benefits associated with employment (refer Staff Development & Performance Policy); and fundraising activities.

## Authorising Environment

1. The policy is set and approved by the Board and made under the:
  - a. [Corporations Act 2001](#)
  - b. Melbourne Recital Centre Constitution
2. This policy supports the compliance associated with:
  - a. [Victorian Public Sector Commission \(VPSC\)](#)
    - i. [Gifts, Benefits & Hospitality Minimum Accountabilities](#)
    - ii. [Code of Conduct for Victorian Public Sector Employees](#)
    - iii. [Code of Conduct for Directors of Victorian Public Entities](#)
  - b. [Public Administration Act 2004](#)

This framework should be read in conjunction with the Centre's integrity related policies including:

1. Conflict of Interest Policy
2. Fraud, Corruption & Other Losses Policy
3. Complaints & Public Interest Disclosure Policy

## Policy

The Centre is committed to and will uphold the following principles in applying this policy.

### 1. Impartiality

Centre Personnel have a duty to:

- Place the public interest above their private interest when carrying out their official functions and duties;
- Not accept gifts, benefits or hospitality that could give rise to perceived, potential or actual conflicts of interest, including perception of preferential treatment or bias;
- Not accept offers from those about whom they are likely to make business decisions.

### 2. Accountability

Centre Personnel are accountable for:

- Declaring all non-token offers of gifts, benefits and hospitality;
- Declining non-token offers of gifts, benefits and hospitality, or where an exception applies under this policy, seeking approval to accept the offer; and
- The responsible provision of gifts, benefits and hospitality.

### 3. Risk Management

Through its governance practices, the Centre will:

- Assess and manage risks associated with gifts, benefits and hospitality;
- Communicate this policy on the offering of provision of gifts, benefits and hospitality to contractors, consultants and other business associates.

### 4. Breaches

Contravention to the 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 conflict of interest (section 3.7); public trust (section 3.9) and gifts and benefits (section 4.2)
- Breaches of the binding Code of Conduct for Directors of Victorian Public Entities; and
- Centre Personnel making improper use of their position.

Individuals who consider that gifts, benefits and hospitality or conflict of interest may not have been declared nor appropriately managed, should be encouraged to speak up and notify their manager, Chief Operating Officer (COO) or the Chief Executive Officer (CEO), where the matter involves staff or contractors, or the MRC Board Chair, where the matter involves MRC directors.

Alternatively, individuals who believe they have observed corrupt conduct in their colleagues may also make a public interest disclosure directly to the Independent Broad-based Anti-corruption Commission (IBAC) – refer to the Complaints and Public Interest Disclosures policy.

Contravention to this policy may result in disciplinary action being taken consistent with the Centre's Enterprise Agreement 2021, including dismissal of employees. Contract agreements may be subject to re-negotiation or termination where they relate to business associates. The Centre will take decisive action, including possible disciplinary action, against Centre Personnel who discriminate against or victimise those who speak up in good faith.

## **5. Further Information**

A conflict of interest resulting from the acceptance of a gift, benefit or hospitality is not always clear. Individuals who are unsure about the acceptance of a gift, benefit or hospitality, or the application of this policy can seek advice or further information from the COO or the Governance Project Manager.

## Procedural Principles

### 1. Being offered Gifts, Benefits and Hospitality

Centre Personnel must:

- Not seek or solicit gifts, benefits and hospitality for themselves or others;
- Refuse all offers of gifts, benefits and hospitality for themselves or others that:
  - Are money, items used in a similar way to money (gift cards/vouchers), or items easily converted to money;
  - Give rise to an actual, potential or perceived conflict of interest;
  - Could compromise the public's trust in either the public sector entity or individual from performing public duties in an impartial manner;
  - Is not consistent with community expectations;
  - 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 legitimate business benefit.
- Declare all non-token offers (valued at \$50 or more) of gifts, benefits and hospitality (whether accepted or declined) in writing on either:
  - the Centre's Gifts, Benefits & Hospitality Register, and seek written approval from the manager or authorised delegate in advance of accepting any non-token offer; or
  - the Centre's Register of Private Interests for Directors
- Refuse bribes or inducements and report inducements and bribery attempts to:
  - the Chief Operating Officer (COO) or Chief Executive Officer (CEO), where the matter involves staff; or
  - MRC Board Chair, where the matter involves MRC directors.

### 2. Providing Gifts, Benefits and Hospitality

Centre Personnel must:

- Ensure that the provision of gift, benefit and hospitality (token or non-token) on behalf of the Centre is authorised in accordance with the policies on Conflict of Interest, Delegations, Expenditure and Procurement;
- Ensure that any gift, benefit and hospitality is provided for a legitimate business purpose in that it furthers the conduct of Centre business, organisational goals or promotes and supports government policy objective and priorities;
- Ensure that the costs associate with the provision of gifts, benefit and hospitality are proportionate to the benefits obtained for the Centre and would be considered reasonable in terms of community expectations;

- Ensure that gift, benefit and hospitality is provided in accordance with the Centre's brand values;
- Ensure that when hospitality is provided, individuals demonstrate professionalism in their conduct and uphold their obligations to extend a duty of care to other participants.

### **3. Attendance at Official Business Events**

- The Centre recognises there can be legitimate business benefits when Centre Personnel attend Official Business Events, either in the events that the Centre hosts or attends, to ensure the Centre fulfils its function under the MRC Constitution and to further strategic goals or those of the public sector or State of Victoria.
- Legitimate business purposes can include but are not limited to business development, stakeholder relationship building and activities that facilitate professional connections within the local, national and international live music sector.
- Attendance by Centre Personnel at an Official Business Event for legitimate business purposes will not be considered a gift, benefit or hospitality under this policy and will not need to be included on the Gift, Benefit & Hospitality Register.
- Gifts, benefits & hospitality received at an event that is not regarded as an Official Business Event must be declared on the Gift, Benefit & Hospitality Register.
- Attendance at both Official Business Events and non-Official Business Events must be approved in accordance with the Gift, Benefit & Hospitality procedure.

### **4. Governance**

#### **The CEO is accountable for:**

- Communicating within the organisation and to business associates that a breach of the gifts, benefits and hospitality policy or processes may constitute a breach of binding codes of conduct, may constitute criminal or corrupt conduct, and may result in disciplinary action.
- Actively supporting and protecting employees who speak up in good faith about a possible breach of the policy by responding in a constructive manner to the information provided and by taking decisive action against anyone who discriminates against or victimises an employee who speaks up in good faith.

#### **The COO is accountable for:**

- Establishing, implementing and reviewing the Gifts, Benefits & framework for the effective management of gifts, benefits and hospitality that address the minimum accountabilities.

- Publishing the Gifts, Benefits & Hospitality policy and a public version of the register on the Centre's website, in line with the Service Level Agreement with Creative Victoria.
- Ensuring the above information is provided to (potential suppliers) relating to procurement matters.
- Reporting annually to the Finance, Audit, Investment & Risk (FAIR) Committee on the administration and quality control of its Gifts, Benefits and Hospitality framework. The report must include a summary of the internal Gifts, Benefits & Hospitality Register, any analysis, risk mitigation measures and proposed improvements, if required.

**In addition to the above, Key Management Personnel are accountable for:**

- Overseeing the acceptance or refusal of non-token gifts, benefits and hospitality for their respective teams;
- Modelling and promulgating best practice;
- Fostering a culture of integrity;
- Promoting awareness of gifts, benefits and hospitality framework; and
- Reviewing risks inherent in their team's work and functions and monitoring those risks to which their team is exposed.

**The Board Chair is accountable for:**

- Establishing, implementing and reviewing declarable Gifts, Benefits & Hospitality by MRC directors for the effective management of gifts, benefits and hospitality that comply with the Code of Conduct for Directors of Public Sector Entities.

## **5. Management of Gifts, Benefits & Hospitality**

Refer to the Gifts, Benefits & Hospitality procedure.



## Roles & Responsibilities

<b>Board</b>	For exercising specific authority in setting and approving and complying with this policy.
<b>Chief Executive Officer (CEO)</b>	For exercising specific authority under the policy and for providing organisational leadership which encourages promulgation and compliance to the Gift, Benefit & Hospitality framework (inclusive policies and procedures).
<b>Chief Operating Officer (COO)</b>	For exercising specific authority under this policy; maintaining the Gift, Benefit & Hospitality frameworks as well as addressing dispute resolution. For ensuring compliance to the Service Level Agreement with respect to keeping Registers current.
<b>Key Management Personnel</b>	For promulgating the application of this policy; ensuring compliance to policy and procedure on a day-to-day basis in their areas of responsibility; and responding effectively and consistently to instances of breach.
<b>Policy Owner</b>	For providing advice to the Centre's personnel on the intent and operation of the policy for which they are responsible; for identifying potential changes and updates to the policy; and for leading the process of change and approval for updating and implementation of policies and procedures.
<b>Centre Personnel</b>	For complying with the requirements of this policy and developing requisite awareness of the Centre's policies and procedures to the extent required for discharging the requirements of their roles.

## Internal References

<b>Gift Benefits Hospitality Form</b>	Tempo
<b>Gifts Benefits Hospitality Procedure</b>	Tempo
<b>Gifts Benefits Hospitality Register</b>	M:\0 CORPORATE SERVICES\Compliance\Gifts Benefits & Hospitality
<b>MRC Policies</b> - Conflict of Interest - Delegations - Expenditure - Procurement - Travel	Refer Tempo

## Definitions

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**Benefits** Includes preferential treatment, privileged access, favours or other advantage offered to an individual. This may include invitations to sporting, cultural or social events (when being used for private use), access to discounts and loyalty programs, and promises of a new job.

The value of benefits may be difficult to define in dollar but as they are valued by the individual, they may be used to influence the individual's behaviour.

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**Business Associate** An external individual, entity or third party which the Centre has, or plans to establish, some form of business relationship, or who may seek commercial or other advantage by offering gifts, benefits or hospitality.

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**Conflicts of Interest** A conflict of interest exists if you have a private interest that could influence, or reasonably be seen to influence, how you perform your public duties. The conflict can be actual, potential or perceived.

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**Gifts** Are free or discounted items and any item that would generally be seen by the public as a gift. The monetary value of a gift is the estimated monetary value of the item if it were not being provided either free or discounted. These include items such as artwork, jewellery or expensive pens, gift cards, vouchers, small bunch of flowers, chocolates or services (eg painting and repairs). Fundraising by public sector organisations that is consistent with relevant legislation any any government policy is not prohibited under the minimum accountabilities.

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**Hospitality** The friendly reception and entertainment of guests. Hospitality may range from light refreshments at a business meeting to expensive restaurant meals, invitations to sporting, cultural or social events (when attending for a public duty purpose) and sponsored travel and accommodation.

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**Legitimate Business Purpose** Gifts, benefits and hospitality may have a legitimate business benefit if it furthers the conduct of official business or other legitimate goals of the Centre, public sector or State of Victoria.

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<p><b>Offer</b></p> <ul style="list-style-type: none"> <li>- <b>Token</b></li> <li>- <b>Non token</b></li> </ul>	<p>A token offer of a gift, benefit or hospitality that is offered as a courtesy or is inconsequential or trivial value to both the person making the offer and the individual. A token offer cannot be worth more than \$50.</p> <p>A non-token offer of a gift, benefit or hospitality is one that may be perceived to be by the recipient, the person making the offer or by the wider community, to be more than inconsequential in value. All offers worth more than \$50 are non-token offers and must be recorded on the Gift, Benefit &amp; Hospitality Register (for staff) or Register of Private Interests (for MRC directors).</p>
<p><b>Official Business Event</b></p>	<p>An event where the reason for attendance relates to a legitimate business benefit and is consistent with the roles of the Centre personnel attending. It is often a live performance or cultural industry related/ focused event that can be open to the public and/or industry by invitation/tickets (and where a fee may or may not be charged). The events can be hosted by the Centre or are presented by the live music related organisation, businesses or entities associated with the Creative Victoria portfolio. Refer also Appendix 1.</p>
<p><b>Official or Ceremonial or culturally significant Gift</b></p>	<p>Official or ceremonial gifts are provided as part of the culture and practices of communities and government, within Australia or internationally. Ceremonial gifts are usually provided when conducting business with official delegates or representative from another organisation, community or foreign government.</p>
<p><b>Public Official</b></p>	<p>Has the same meaning as under section 4 of the <i>Public Administration Act 2004</i> and includes public sector employees, statutory office holders and directors of public entities.</p>
<p><b>Personnel</b></p> <ul style="list-style-type: none"> <li>- <b>Centre</b></li> <li>- <b>Key Management</b></li> </ul>	<p>Centre Personnel is an individual who is either directly engaged by the Centre as an employee, intern, volunteer or indirectly connected to the Centre by way of a consultancy, contract, arrangement or agreement. This includes Board members and external committee members of the Board.</p> <p>Key Management Personnel refers to staff within the Senior Leadership Team and members of Board and its committees.</p>

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**Registers**  
– **Gifts Benefits  
Hospitality**  
  
– **Private Interest**

An electronic record of all declarable gifts, benefits and hospitality made by Centre staff. It records the date an offer was made and by whom, the nature of the offer, its estimated value, and the outcome of whether the gift was accepted (to either individual or organisation) or declined. Additional detail on how conflicts of interest or reputational risks to be managed should be included on the Gifts, Benefits & Hospitality form. This forms the internal register. Another version (public register) is prepared for external publishing on the Centre’s website.

All declarable gifts, benefits and hospitality made by MRC’s directors are recorded on the Register of Private Interests.

## Next Review

The Policy framework is due for internal review every three years by Board (November 2027).

## Version History

Version #	Approved By	Effective Date	Sections Modified
1	Board	19 November 2024	Triennial Review
2			
3			
4			
5			