

Gifts, Benefits and Hospitality Policy

Contents

1. Who does this policy apply to?	2
2. Quick guide	2
2.1 Key features of this policy	2
2.2 Quick guide flowchart	3
3. Context	4
3.1 Purpose	4
3.2 Policy principles	4
3.3 Definitions	5
4. Management of offers of gifts, benefits and hospitality	6
4.1 Conflict of interest and reputational risks	6
4.2 GIFT test (table 1).....	6
4.3 Token offers	6
4.4 Non-token offers	7
4.5 Requirement for refusing non-token offers	7
4.6 Requirements for accepting non-token offers.....	8
4.7 Recording non-token offers of gifts, benefits and hospitality	8
4.8 Ownership of gifts offered to individuals	9
4.9 Repeat offers	9
4.10 Ceremonial gifts	9
4.11 Hospitality provided by Victorian public sector organisations	9
5. Management of the provision of gifts, benefits and hospitality	9
5.1 Requirements for providing gifts, benefits and hospitality	9
5.2 HOST test (table 2)	10
5.3 Containing costs.....	10
5.4 Handling Breaches.....	10
5.5 Speak up	11
6. Governance	11
6.1 Authorising Officer and organisational delegate.....	11
6.2 Contacts for further information.....	11
7. Reporting	11
Version Control	11
Schedule A – Minimum accountabilities	12

1. Who does this policy apply to?

This policy applies to all people in Respect Victoria's workplace(s) including executives, board members, employees, contractors, consultants and any persons or groups (individuals) directly undertaking activity for or on behalf of Respect Victoria.

2. Quick guide

2.1 Key features of this policy

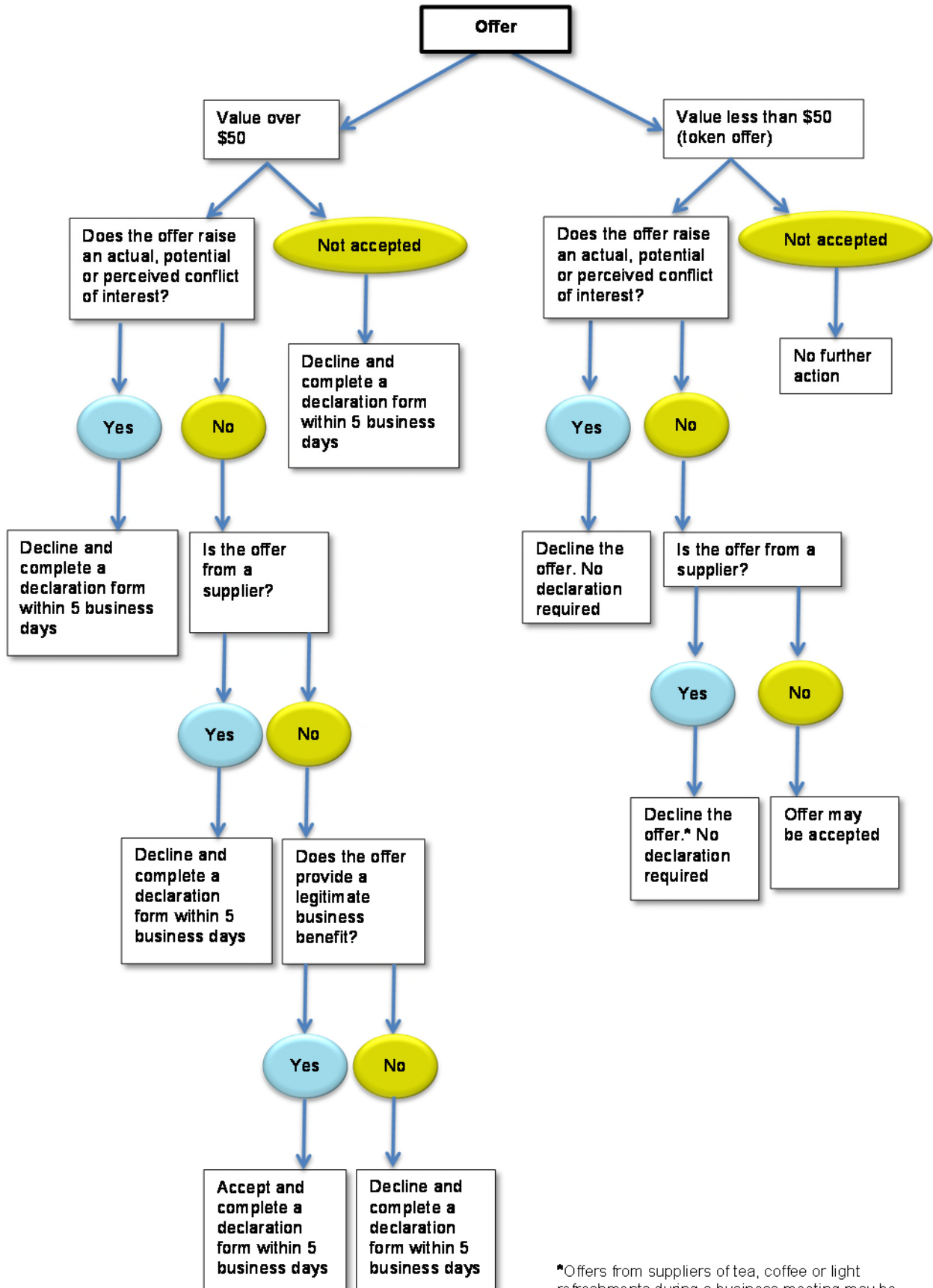
- The nominal value threshold for accepting a gift, benefit or hospitality is \$50.
- Any offer with a value over \$50, whether accepted or not, must be declared and recorded on Respect Victoria's internal register.
- Respect Victoria's internal register will be publicly published on Respect Victoria's website annually.
- To accept an offer of gifts, benefits or hospitality where the value is over \$50 individuals must:
 - seek their relevant authoriser's¹ approval before accepting (where possible)
 - demonstrate that there is no actual, perceived or potential conflict of interest;
 - demonstrate that there is a legitimate business benefit to Respect Victoria; and
 - complete and submit a declaration form with their authoriser's endorsement within five business days.
- Where the individual is unable to seek their authoriser's approval prior to acceptance, approval must be sought within five business days.
- Individuals must refuse all offers of gifts, benefits or hospitality from people or organisations about whom they are likely to make decisions involving:
 - tender processes, including managing a contract once the tender process has ceased;
 - procurement;
 - enforcement;
 - licensing, or regulation; or
 - awarding of grants, sponsorship or funding allocations to agencies or organisations.
- Individuals must refuse offers that:
 - are made by a current or prospective supplier;²
 - are likely to influence them, or be perceived to influence them, in the course of their duties, or raise an actual, potential or perceived conflict of interest;
 - are likely to be a bribe or inducement to make a decision or act in a particular way;
 - have no legitimate business benefit;
 - extend to their relatives or friends;
 - constitute money or can be used in a similar way to money, or something easily converted to money;
 - involve events and hospitality Respect Victoria will already be sufficiently represented at to meet its business needs; or
 - could be perceived as endorsement for a product or service, or where acceptance would unfairly advantage the sponsor in future procurement decisions.

If you are unsure about how to respond to an offer of a gift, benefit or hospitality, seek advice from the Chairperson of the Board (if a member of the Board or the CEO), or for all other staff, the CEO.

¹ For example, an authoriser may be a Manager for an employee, or the Chairperson for a Board member

² The Victorian Government *Supplier Code of Conduct* prohibits Suppliers from offering State personnel gifts or benefits, either directly or indirectly, and offers of hospitality must be limited to token offers of basic courtesy (such as tea and coffee during a meeting).

2.2 Quick guide flowchart



*Offers from suppliers of tea, coffee or light refreshments during a business meeting may be accepted.

3. Context

3.1 Purpose

This policy states Respect Victoria's position on:

- responding to offers of gifts, benefits and hospitality; and
- providing gifts, benefits and hospitality.

This policy supports individuals and Respect Victoria to avoid conflicts of interest and maintain high levels of integrity and public trust; reinforcing the Victorian public sector values of impartiality, integrity and accountability set out under section 7 of the *Public Administration Act 2004* (Vic).

Respect Victoria has issued this policy to support behaviour consistent with the Code of Conduct for Victorian public sector employees (the Code). All individuals are required under clause 1.2 of the Code to comply with this policy.

3.2 Policy principles

This policy has been developed in accordance with requirements outlined in the *Minimum accountabilities for managing gifts, benefits and hospitality* issued by the Victorian Public Sector Commission (*the minimum accountabilities*) (see Schedule A).

Respect Victoria is committed to and will uphold the following principles in applying this policy:

Impartiality: individuals have a duty to place the public interest above their private interests when carrying out their official functions. They will not accept gifts, benefits or hospitality that could raise a perception of, or actual, bias or preferential treatment. Individuals do not accept offers from those about whom they are likely to make business decisions.

Accountability: individuals 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.

Individuals with direct reports are accountable for overseeing management of their direct reports' acceptance or refusal of non-token gifts, benefits and hospitality, modelling good practice and promoting awareness of gifts, benefits and hospitality policies and processes.

Integrity: individuals strive to earn and sustain public trust through providing or responding to offers of gifts, benefits and hospitality in a manner that is consistent with community expectations. Individuals will refuse any offer that may lead to an actual, perceived or potential conflict of interest.

Risk-based approach: Respect Victoria, through its policies and processes, will ensure gifts, benefits and hospitality risks are appropriately assessed and managed. Individuals with direct reports will ensure they are aware of the risks inherent in their team's work and functions and monitor the risks to which their direct reports are exposed.

3.3 Definitions

Business associate	An external individual or entity which the organisation has, or plans to establish, some form of business relationship, or who may seek commercial or other advantage by offering gifts, benefits or hospitality.
Benefits	Preferential treatment, privileged access, favours or other advantage offered to an individual. This may include invitations to sporting, cultural or social events, access to discounts and loyalty programs, and promises of a new job.
Ceremonial gifts	<p>Ceremonial gifts are official gifts 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 representatives from another organisation, community or foreign government.</p> <p>Ceremonial gifts are the property of the public sector organisation, irrespective of value, and should be accepted by individuals on behalf of the public sector organisation. The receipt of ceremonial gifts should be recorded in the register but does not need to be published online.</p>
Conflicts of interest	<p>Actual conflict of interest: There is a <u>real conflict</u> between an employee’s public duties and private interests.</p> <p>Potential conflict of interest: An employee has private interests that <u>could conflict</u> with their public duties. This refers to circumstances where it is foreseeable that a conflict may arise in future and steps should be taken now to mitigate that future risk.</p> <p>Perceived conflict of interest: The public or a third party could <u>form the view</u> that an employee’s private interests could improperly influence their decisions or actions, now or in the future.</p>
Gifts	Free or discounted items and any item that would generally be seen by the public as a gift. These include but are not limited to items of high value (e.g. artwork, jewellery, or expensive pens), low value (e.g. small bunch of flowers) and consumables (e.g. chocolates) and services (e.g. painting and repairs). Fundraising by public sector organisations that is consistent with relevant legislation and any government policy is not prohibited under the minimum accountabilities.
Hospitality	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 the public sector organisation, the public sector or the State.
Public official	As defined in section 4 of the <i>Public Administration Act 2004</i> . This includes: <ul style="list-style-type: none"> • public sector employees • statutory office holders, and • directors of public entities.

Register	A record, preferably digital, of all declarable gifts, benefits and hospitality.
Token offer	A token offer is a gift, benefit or hospitality that is of inconsequential or trivial value to both the person making the offer and the recipient (such as basic courtesies). Token offers cannot be worth more than \$50.
Non-token offer	A non-token offer is an offer of a gift, benefit or hospitality that is, or may be perceived to be by the recipient, the person making the offer or by the wider community, of more than inconsequential value. All offers worth more than \$50 are non-token offers and must be recorded on a gift, benefit and hospitality register.

4. Management of offers of gifts, benefits and hospitality

This section sets out the process for accepting, declining and recording offers of gifts, benefits and hospitality. Any exceptions to this process must have prior written approval at Chairperson (for the Board) or CEO level.

4.1 Conflict of interest and reputational risks

When deciding whether to accept an offer, individuals should first consider if the offer could be perceived as influencing them in the performance of their duties, or lead to reputational damage. The more valuable the offer, the more likely that a conflict of interest or reputational risk exists. The GIFT test (below, Table 1) provides guidance on the assessment of offers.

4.2 GIFT test (table 1)

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

4.3 Token offers

A token offer is an offer of a gift, benefit or hospitality that is of inconsequential or trivial value to both the person making the offer and the individual. It may include promotional items such as pens and note pads, and modest hospitality that would be considered a basic courtesy, such as light refreshments during a meeting. The *minimum*

accountabilities state that token offers cannot be worth more than \$50.

Individuals may generally accept token offers without approval or declaring the offer on Respect Victoria's register, as long as the offer does not create a conflict of interest or lead to reputational damage.

4.4 Non-token offers

Individuals can only accept non-token offers if they have a legitimate business benefit. All accepted non-token offers must be approved in writing by the individual's authoriser or delegate, recorded in the gifts, benefits and hospitality register and be consistent with the following requirements:

- it is not offered by a prohibited party, such as a current or prospective supplier;
- it does not raise an actual, potential or perceived conflict of interest or have the potential to bring the individual, Respect Victoria or the public sector into disrepute; and
- there is a legitimate business reason for acceptance. It is offered in the course of the individual's official duties, relates to the individual's responsibilities and has a benefit to Respect Victoria, public sector or the State.

Individuals may be offered a gift or hospitality where there is no opportunity to seek written approval from their authoriser prior to accepting. For example, they may be offered a wrapped gift that they later identify as being a non-token gift. In these cases, the individual must seek approval from their authoriser within five business days.

Where the gift would likely bring the employee or department into disrepute, the gift should be returned. Where the gift represents a conflict of interest to the individual, the gift should either be returned or ownership transferred to Respect Victoria to mitigate this risk.

Examples of token offers are: tea, coffee, light refreshments at meeting, promotional items such as pens and notepads or chocolates or flowers offered in appreciation.

Individuals **must refuse** all offers (excluding token hospitality, such as tea, coffee, light refreshments over a business meeting):

- made by a current or prospective supplier;
- made during a procurement or tender process by a person or organisation involved in the process;
- made by a person or organisation about which they will likely make a decision involving:
 - tender processes
 - procurement
 - enforcement
 - licensing or regulation
 - the awarding of grants, sponsorship or funding allocations to agencies or organisations.

4.5 Requirement for refusing non-token offers

Individuals should consider the GIFT test at **Table 1** and the requirements below to help decide whether to accept or refuse an offer. Individuals are to refuse offers:

- likely to influence them, or be perceived to influence them, in the course of their duties or raise an actual, potential or perceived conflict of interest;
- could bring them, Respect Victoria or the public sector into disrepute;
- made by a person or organisation about which they will likely make or influence a decision (this also applies to processes involving grants, sponsorship, regulation, enforcement or licensing), particularly offers:
 - made by a current or prospective supplier; or
 - made during a procurement or tender process by a person or organisation involved in the process;

- likely to be a bribe or inducement to make a decision or act in a particular way;
- that extend to their relatives or friends;
- with no legitimate business benefit;
- of money, or something used in a similar way to money or easily converted to money;
- where, in relation to hospitality and events, Respect Victoria will already be sufficiently represented to meet its business needs;
- where acceptance could be perceived as endorsement of a product or service, or acceptance would unfairly advantage the sponsor in future procurement decisions;
- made by a person or organisation with a primary purpose to lobby Ministers, Members of Parliament or public sector agencies; and
- made in secret.

If an individual considers they have been offered a bribe or inducement, the offer must be reported to the CEO who will report any criminal or corrupt conduct to Victoria Police and the Independent Broad-based Anti-corruption Commission.

4.6 Requirements for accepting non-token offers

There will be some exceptions where there is a legitimate business reason for accepting a non-token offer. All accepted non-token offers **must** be approved in writing by the individual's authoriser or the authorised delegate, recorded in the gifts, benefits and hospitality register and be consistent with the following requirements:

- it does not raise an actual, potential or perceived conflict of interest or have the potential to bring the individual, Respect Victoria or the public sector into disrepute (the 'GIFT' test at **Table 1** is a good reminder of what to think about in making this assessment); and
- there is a legitimate business reason for acceptance. It is offered in the course of the individual's official duties, relates to the individual's responsibilities and has a benefit to Respect Victoria, public sector or the State.

The value of a gift or benefit is assessed according to the wholesale price in the country of origin. Any disputes as to the value of a gift must be resolved by independent valuation. Valuations are to be obtained by valuers who are competent to value in the field or selected from a list of accredited valuers issued by the Commissioner for Taxation Incentives in the Arts.

Individuals may be offered a gift or hospitality where there is no opportunity to seek written approval from their authoriser prior to accepting. For example, they may be offered a wrapped gift that they later identify as being a non-token gift. In these cases, the individual must seek approval from their authoriser within five business days, or transfer ownership to Respect Victoria. For example if a gift is given by a visiting overseas delegation it may be more appropriate to transfer ownership to Respect Victoria instead of trying to return the gift which may have the unintended consequences of damaging business relationships.

4.7 Recording non-token offers of gifts, benefits and hospitality

All non-token offers, whether accepted or declined, must be recorded in Respect Victoria's gifts, benefits and hospitality register. The business reason for accepting the non-token offer must be recorded in the register and provide sufficient detail to link the acceptance to the individual's work functions and benefit to Respect Victoria.

This can be done by completing the reportable Gifts, Benefits and Hospitality form, accessible via Respect Victoria's website. The completed form must be submitted within five business days.

When completing the Gifts, Benefits and Hospitality form individuals should consider the following examples of acceptable and unacceptable levels of detail as these details will be entered on the register and publically published:

Unacceptable: “Networking” or “Maintaining stakeholder relationships.”

Acceptable: “Individual is responsible for evaluating and reporting outcomes of Respect Victoria’s sponsorship of Event A. Individual attended Event A in an official capacity and reported back to the organisation on the event.”

“Individual presented to a visiting international delegation. The delegation presented the Individual with a cultural item worth an estimated \$200. Declining the gift would have caused offence. The Gift was accepted, written approval was subsequently obtained for the gift, which became Respect Victoria’s property.”

4.8 Ownership of gifts offered to individuals

Non-token gifts with a legitimate business benefit that have been accepted by an individual for their work or contribution may be retained by the individual where the gift is not likely to bring them or Respect Victoria into disrepute, and where their authoriser or organisational delegate has provided written approval. Individuals must transfer to Respect Victoria official gifts or any gift of cultural significance or significant value.

4.9 Repeat offers

Receiving multiple offers (token or non-token) from the same person or organisation can generate a stronger perception that the person or organisation could influence you. Individuals should refuse repeat offers from the same source if they create a conflict of interest or may lead to reputational damage.

4.10 Ceremonial gifts

Ceremonial gifts are official gifts provided as part of the culture and practices of communities and government, within Australia or internationally. Ceremonial gifts are the property of Respect Victoria, irrespective of value, and should be accepted by individuals on behalf of Respect Victoria. The receipt of ceremonial gifts should be recorded on Respect Victoria’s register but this information does not need to be publically published.

4.11 Hospitality provided by Victorian public sector organisations

Victorian public sector organisations may provide hospitality to stakeholders as part of their functions. When offered hospitality by a Victorian public sector organisation, individuals should consider the requirements of the minimum accountabilities.

Accepted hospitality offered by a Victorian public sector organisation as part of official business does not need to be declared or reported where the reason for the individual’s attendance is consistent with Respect Victoria’s functions and objectives and with the individual’s role.

5. Management of the provision of gifts, benefits and hospitality

This section sets out the requirements for providing gifts, benefits and hospitality.

5.1 Requirements for providing gifts, benefits and hospitality

Gifts, benefits and hospitality may be provided to welcome guests, facilitate the development of business relationships, further public sector business outcomes and to celebrate achievements.

When deciding whether to provide gifts, benefits or hospitality or the type of gift, benefit or hospitality to provide, individuals must ensure:

- any gift, benefit or hospitality is provided for a business reason in that it furthers the conduct of official business or other legitimate organisational goals, or promotes and supports government policy objectives and

priorities;

- that any costs are proportionate to the benefits obtained for the State, and would be considered reasonable in terms of community expectations (the ‘HOST’ test at **Table 2** is a good reminder of what to think about in making this assessment); and
- it does not raise an actual, potential or perceived conflict of interest.

5.2 HOST test (table 2)

H	Hospitality	To whom is the gift or hospitality being provided? Will recipients be external business partners, or individuals of the host organisation?
O	Objectives	For what purpose will hospitality be provided? 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?
S	Spend	Will public funds be spent? 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?
T	Trust	Will public trust be enhanced or diminished? 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?

5.3 Containing costs

Individuals should contain costs involved in the provision of gifts, benefits and hospitality wherever possible. The following questions may be useful to assist individuals to decide the type of gift, benefit or hospitality to provide:

- Will the cost of providing the gift, benefit or hospitality be proportionate to the potential benefits?
- Is an external venue necessary or does the organisation have facilities to host the event?
- Is the proposed catering or hospitality proportionate to the number of attendees?
- Does the size of the event and number of attendees align with intended outcomes?
- Is the gift symbolic, rather than financial, in value?
- Will providing the gift, benefit or hospitality be viewed by the public as excessive?

Records relating to the provision of hospitality such as approval forms and records relating to procurement and expenditure must be retained in accordance with the requirements under the *Financial Management Act 1994* (Vic).

5.4 Handling Breaches

Disciplinary action consistent with the relevant industrial instrument and legislation, including dismissal, may be taken where an individual fails to adhere to this policy.

Actions inconsistent with this 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 as sections of the Code covering conflict of interest (section 3.7), public trust (section 3.9) and gifts and benefits (section 4.2); and
- individuals making improper use of their position.

Respect Victoria will communicate its policy on the offering and provision of gifts, benefits and hospitality to contractors, consultants and other business associates. Those identified as acting inconsistently with this policy may be subject to contract re-negotiation, including termination.

5.5 Speak up

Individuals who consider that gifts, benefits and hospitality or conflict of interest within Respect Victoria may not have been declared or is not being appropriately managed should speak up and notify their authoriser.

Respect Victoria will take decisive action, including possible disciplinary action, against individuals who discriminate against or victimise those who speak up in good faith.

6. Governance

6.1 Authorising Officer and organisational delegate

Authority to approve provision and acceptance of gifts, benefits and hospitality is delegated under Section 20(1) of the *Public Administration Act 2004* (Vic) by the Chairperson of the Board of Respect Victoria.

6.2 Contacts for further information

A conflict of interest resulting from the acceptance of a gift, benefit or hospitality is not always clear to those who have them. Individuals who are unsure about the acceptance of a gift, benefit or hospitality, or the application of this policy, should ask their authoriser, the Gifts, Benefits and Hospitality officer(s) or seek legal advice from the Principal Legal Advisor.

7. Reporting

Respect Victoria’s gifts, benefits and hospitality register will be published annually on Respect Victoria’s public website. The register will make public all offers whether accepted or declined valued over \$50.

Version Control

Version	Date	Changes
1.0	4 October 2018	Approved by Board

To receive this publication in an accessible format phone (03) 9096 9501, using the National Relay Service 13 36 77 if required, or email contact@respectvictoria.vic.gov.au

Schedule A

Minimum accountabilities

Public officials offered gifts, benefits and hospitality:

Do not, for themselves or others, seek or solicit gifts, benefits and hospitality.

1. Refuse all offers of gifts, benefits and hospitality 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.
2. Declare all non-token offers (valued at \$50 or more) of gifts, benefits and hospitality (whether accepted or declined) on Respect Victoria's register, and seek written approval from their authoriser and the authorised delegate to accept any non-token offer.
3. Refuse bribes or inducements and report inducements and bribery attempts to the CEO (who will report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).

Public officials providing gifts, benefits and hospitality:

4. Ensure that any gift, benefit and hospitality is provided for a business purpose in that it furthers the conduct of official business or other legitimate organisational goals, or promotes and supports government policy objectives and priorities.
5. Ensure that any costs are proportionate to the benefits obtained for the State and would be considered reasonable in terms of community expectations.
6. Ensure that when hospitality is provided, individuals demonstrate professionalism in their conduct, and uphold their obligation to extend a duty of care to other participants.

CEO / Chairperson of the Board (for the members of the Board)

7. Establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality that comprehensively address these minimum accountabilities.
8. Establish and maintain a register for gifts, benefits and hospitality offered to public officials that, at a minimum, records sufficient information to effectively monitor, assess and report on these minimum accountabilities.
9. Communicate and make clear within Respect Victoria that a breach of the gifts, benefits and hospitality policies or processes may constitute a breach of binding codes of conduct and may constitute criminal or corrupt conduct, and may result in disciplinary action.
10. Establish and communicate a clear policy position to business associates on the offering of gifts, benefits and hospitality to individuals, including possible consequences for a business associate acting contrary to the organisation's policy position. This must take into consideration any whole of Victorian Government supplier codes of conduct.
11. Report at least annually to the organisation's audit committee on the administration and quality control of its gifts, benefits and hospitality policy, processes and register. This report must include analysis of the organisation'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.
12. Publish the organisation's gifts, benefits and hospitality policy and register on the organisation's public website. The published register should cover the current and the previous financial year.