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Gifts, Benefits and

Hospitality Policy

and Procedure

CM: D24/276007

Table of Contents

1 [Purpose1](#_Purpose)

[2 Application1](#_Application)

3 [**Policy Principles** **1**](#_Policy_principles)

[3.1 Public Interest](#_Public_interest)

[3.2 Accountability](#_Accountability)

[3.3 Risk-based approach](#_Risk-based_approach)

4 [Definitions4](#_Definitions)

[5 Management of offers of gifts, benefits and hospitality5](#_Management_of_offers)

[5.1 Token offers](#_Token_offers)

[5.2 Non-token offers](#_Non-token_offers)

[5.3 Accepting Non-Token Offers - Legitimate Business Reasons](#_Accepting_Non-Token_Offers)

[5.4 Non-token offers from another public sector organisation](#_Non-token_offers_from)

[5.5 Non-token offers from a public entity or other public sector organisation](#_5.5_Non-token_offers)

[5.6 Non-token offers of uncertain origin](#_Non-token_offers_of)

[5.7 Non-token offers from an interstate or Commonwealth public sector organisation](#_Non-token_offers_from_1)

[5.8 Declaring and recording non-token offers of gifts, benefits and hospitality](#_Declaring_and_recording)

[5.9 Ownership of gifts offered to individuals](#_Ownership_of_gifts)

[5.10 Token offers – what you must do](#_Token_offers_–)

[5.11 Official gifts and items – what you must do](#_Official_gifts_and)

[6 Management of offers of gifts, benefits and hospitality10](#_Management_of_the)

[6.1 Requirements for providing gifts, benefits and hospitality](#_Requirements_for_providing)

[6.2 Containing costs](#_Containing_costs)

[6.3 Conduct during hospitality](#_Conduct_during_hospitality)

[6.4 Record-keeping](#_Record-keeping)

[7 Reporting12](#_Reporting)

[8 Related policy, legislation and other documents12](#_Related_policy,_legislation)

[9 Authorising Officer and organisational delegate 12](#_Authorising_Officer_and)

[10 Breaches12](#_Breaches)

[11 Speak up13](#_Speak_up)

[12 Contacts for further information13](#_Contacts_for_further)

[12.1 Policy management details](#_Policy_management_details)

[Appendix A - Victorian Public Sector Minimum Accountabilities14-16](#Appendix_A)

[Appendix B - Gifts, Benefits and Hospitality Declaration Form17-18](#Appendix_B)

#### Purpose

This policy states the department’s position on:

* responding to offers of gifts, benefits and hospitality
* providing gifts, benefits and hospitality.

This policy is intended to support employees and the department to avoid conflicts of interest and to maintain high levels of integrity, public trust and to prevent corruption.

The department has issued this policy to support behaviour consistent with the *Code of Conduct for Victorian Public Sector Employees*, which is binding under section 61 of the *Public Administration Act* *2004*. All employees are required under clause 1.2 of the code to comply with this policy.

#### Application

This policy applies to all VPS employees, contractors[[1]](#footnote-1), consultants and any individuals or groups undertaking activity for or on behalf of the department. It also applies to administrative offices2 and entities that have a section 53 (1) (b)[[2]](#footnote-2) exemption under the *Financial Management Act 1994* to consolidate their Annual Financial statements into the department’s financial statements.

For the purpose of this policy, all workplace participants will be referred to as ‘employees.’

#### Policy principles

This policy has been developed in accordance with requirements outlined in the binding *Minimum accountabilities for managing gifts, benefits and hospitality* (Appendix A)issued by the Victorian Public Sector Commission (VPSC) on 1 July 2024.

This policy is underpinned by the following principles:

* 1. Public interest

All employees must place public interest above their private interest when performing official duties. Employees have a duty to serve the government of the day, through its Ministers, and by:

* acting apolitically and providing frank and fearless advice to government
* complying with legislation and government and departmental policies
* performing their roles fairly and reasonably and adhering to the principles of natural justice
* applying the public sector values (Respect, Accountability, Integrity, Impartiality, Responsiveness, Leadership and Human Rights) set out at section 7 of the *Public Administration Act 2004*
* adhering to the *Code of Conduct for Victorian Public Sector Employees*
* not accepting gifts, benefits or hospitality that could raise a perception of, or actual, bias or preferential treatment
* not accepting offers from current or prospective suppliers
* not accepting offers from those about whom they are likely to make business decisions
* creating a culture of “thanks is enough” so as to discourage the acceptance of gifts, benefits or hospitality even if they are permitted under this policy.
  1. Accountability

All employees are accountable for:

* not engaging in the soliciting of gifts, benefits and hospitality for themselves or others
* declaring all non-token offers of gifts, benefits and hospitality
* declining all non-token offers of gifts, benefits and hospitality, or where an exception applies under this policy, seeking pre-approval to accept the offer
* the responsible provision of gifts, benefits and hospitality.

Employees 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.

Head of Organisation is accountable for:

* As a public sector body head, the Secretary must fulfill their obligations under the [minimum accountabilities](https://vpsc.vic.gov.au/ethics-behaviours-culture/gifts-benefits-hospitality/minimum-accountabilities/).
  1. Risk-based approach

The Department, through its policies, processes and audit and risk management committee, 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.

#### Definitions

|  |  |
| --- | --- |
| **Gifts** | Free or discounted items and any item (including gift cards and vouchers) that would generally be seen by the public as a gift. These include items of high value (e.g. artwork, jewellery, or expensive pens) or services (such as car repair), low value (e.g. small bunch of flowers) and consumables (e.g. chocolates). Fundraising by public sector organisations that is consistent with relevant legislation and any government policy is not prohibited under the minimum accountabilities. Individual fundraising undertaken by our employees in a private capacity does not breach the minimum accountabilities as long as it is clearly undertaken in a private capacity. This kind of fundraising might include: selling chocolates. |
| **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.  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. |
| **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. |
| **Conflicts of interest** |  |
| *Actual conflict of interest:* | A real conflict between an employee’s public duties and private interests. |
| *Potential conflict of interest:* | An employee has private interests that could conflict 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. |
| *Perceived conflict of interest*: | The public or a third party could form the view that an employee’s private interests could improperly influence their decisions or actions, now or in the future. |
| **Supplier** | Company or individual that supplies goods or services to the public sector organisation or could reasonably be expected to seek to supply goods or services to the public sector organisation. This is consistent with the definition adopted by the Victorian Government Purchasing Board in its Supplier Code of Conduct. |
| **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. |
| **Legitimate business benefit** | Gifts, benefits and hospitality accepted or provided for a business purpose, in that it furthers the conduct of official business or other legitimate goals of the organisation, public sector or State. |
| **Public official** | As defined under section 4 of the *Public Administration Act 2004*. Public officials include:   * public sector employees * statutory office holders * directors of public entities. |
| **Official gifts and items** | Official gifts and items include:   * official gifts * official items (items with cultural, ceremonial, religious, historic, or other significance)   Sometimes accepted or given on behalf of our organisation as part of business with official delegates or representatives of a community group, organisation, or government. Official gifts and items are declared and recorded regardless of their value and regardless of whether they were accepted or refused. |
| Internal register | The official record of all declarable offers of gifts, benefits and hospitality made to our employees or organisation, whether accepted or declined.  Access to the internal register is restricted to relevant persons in our organisation. Certain information from the internal register is published online in the public register, consistent with VPSC guidance on [gifts, benefits and hospitality](https://vpsc.vic.gov.au/ethics-behaviours-culture/gifts-benefits-hospitality/minimum-accountabilities/)  The full title is ‘Register of gifts, benefits and hospitality – declarable offers.’ The Register records the date an offer was made and by whom, the nature of the offer, its estimated value, the raising of any actual, potential or perceived conflicts of interest or reputational risks and how the offer was managed. For accepted offers, it details the business reason for acceptance and the officer approving the acceptance. |
| Public Register | The official record of information made public from our organisation’s internal register. It is published online on your department’s public website.  For accepted offers, the de-identified public register records the date an offer was made, the role of the recipient and the departmental branch/division they occupy, the role of the donor and the organisation they represent, a description of the offer, its estimated value, whether the donor is a business associate of the recipient and the business reason provided by the recipient for accepting the offer. Declined offers only include the recipient’s role, a general description of the offer, its estimated value, and a general description of the donor’s organisation. |
| **Token offer** | The offer of a gift benefit or hospitality 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 offer 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 worth more than $50 (including cumulative offers from the same source over a 12-month period). |
| **Non-token offer** | The 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 gifts, benefit and hospitality register. |

#### 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 the prior written approval at the Deputy Secretary level. A [Gifts, Benefits and Hospitality Decision Tree](http://P04179.internal.vic.gov.au/TRIMResolver/record.aspx?record=D18%2f64285&dbid=PP&chksum=SIySGElQBHURuX6vn%2fwSZw%3d%3d)  (104 KB,PDF) has been created to step you through the process.

* 1. 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 which would be considered a basic courtesy, such as light refreshments offered during a meeting.

Whilst the primary determinant of a token offer is that it would not be reasonably perceived within or outside the organisation as influencing an individual raising an actual, potential or perceived conflict of interest, it cannot be worth more than $50. If token offers are made often by the same person or organisation, the cumulative value of the offers over 12 months, or the perception that they may influence the recipient, may result in the offers becoming non-token.

Individuals may accept token offers of gifts, benefits and hospitality without prior approval or declaring the offer on the department’s Gifts, Benefits and Hospitality (GBH) register.

Department employees **must refuse** all offers (with the exception listed below):

* 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 the employee will likely make a decision involving approval of grants
* made by a person the department’s employee will likely make a decision involving recruitment.

**Exceptions:**

* token hospitality (a basic courtesy)
* a learning opportunity, such as a webinar, and all of the following apply:
* it is relevant to your work duties
* it has a legitimate business reason (benefit)
* it is free for all attendees
* the covering or discounting of additional costs (travel, accommodation) is not included in the offer
* it is consistent with community expectations.
  1. Non-token offers

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. The department’s threshold for token offers is $50. All offers valued over $50 are considered as non-token offers.

The department’s position is that all non-token offers should be declined, however, there will be some exceptions where there is a legitimate business reason for accepting a non-token offer (see section 5.3).

**The Integrity Test – Offers you must Refuse**

The department’s employees **must refuse** all non-token offers if any of the following apply**:**

* 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
* if it could compromise the public’s trust in performing your job in an impartial manner or the public’s trust in the impartiality of your organisation or the public sector
* if it does not align with community expectations
* by a person or organisation about which they will likely make a decision (also applies to processes involving recruitment, grants, sponsorship, regulation, enforcement or licensing)
* all offers from current or prospective government vendors or suppliers regardless of the monetary value (i.e. both token and non-token) with strictly limited exceptions (see the GBH Decision Tree \* Conditions).
* 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 used in a similar way to money, or something easily converted to money
* repeat offers are multiple offers (whether token or non-token) from the same person, group or organisation. Their combined effect can sometimes lead to the perception that they could influence you.
* where, in relation to hospitality and events, the department 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
* made in secret.
* if you feel that accepting it would breach your obligations under the [Code of conduct for Victorian public sector employees](https://vpsc.vic.gov.au/ethics-behaviours-culture/codes-of-conduct/code-of-conduct-for-victorian-public-sector-employees/). This is a broad test that you can use to protect yourself if you are still unsure about accepting an offer. If you’re uncertain, you can seek advice from your manager.

If an individual considers they have been offered a bribe or inducement, the offer must be reported to Finance Branch. Any criminal or corrupt conduct will be reported to the Independent Broad-based Anti-Corruption Commission and Victoria Police.

If you are offered a gift, benefit or hospitality at work, take the [GIFT Test](http://vpsc.vic.gov.au/html-resources/gifts-benefits-and-hospitality-policy-framework/appendix-a-take-the-gift-test/) to guide your decision-making:

**Table 1. GIFT test**

|  |  |  |
| --- | --- | --- |
| **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 endorse 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? |

* 1. Accepting Non-Token Offers - Legitimate Business Reasons

All accepted non-token offers **must** be pre-approved in writing by the individual’s manager (via a **Gifts, Benefits and Hospitality Declaration Form** (Appendix B)) 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, The department or the public sector into disrepute (the ‘[GIFT’ test](http://vpsc.vic.gov.au/html-resources/gifts-benefits-and-hospitality-policy-framework/appendix-a-take-the-gift-test/) at Table 1 is a good reminder of what to think about in making this assessment)
* there is a legitimate business reason for acceptance i.e. It is offered in the course of the individual’s official duties, relates to the individual’s responsibilities and has a benefit to the department, public sector or the State.
* Remember, thanks is enough. Even if you have a legitimate business reason, do you need to accept?
* You can accept the offer if it passes the ‘integrity test’ ([Integrity test - offers you must refuse](#_Minimum_accountabilities) – see section 5.2).

The business reason for accepting the non-token offer must be recorded on the **Gifts, Benefits and Hospitality Declaration Form** (Appendix B) and provide sufficient detail to link the acceptance to the individual’s work functions and benefit to the department, public sector or State. This information will also be recorded on the department’s Gifts, Benefits and Hospitality Register, which is required to be publicly published on the department’s website annually.

Examples of acceptable and unacceptable levels of detail to be included when recording the business reason are below.

|  |  |
| --- | --- |
| **Unacceptable:** | “Networking”  “Maintaining stakeholder relationships” |
| **Acceptable:** | “Individual is responsible for evaluating and reporting outcomes of the department’s sponsorship of Event A. Individual attended Event A in an official capacity and reported back to the department 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 prior approval was subsequently obtained for the gift, which became property of the department.” |

* 1. Non-token offers from another public sector organisation

#### Non-token offer from a government department

In the course of your work as an employee of our organisation, you might be offered a non-token gift, benefit or hospitality by:

* a Victorian government department or administrative office
* the VPSC.

If this occurs:

* you can accept the offer if it complies with the ‘[Integrity test - offers you must refuse](#_Minimum_accountabilities)’ (see section 5.2)
* you do not need to declare the non-token offer

However, if the offer does not meet the ‘[Integrity test - offers you must refuse](#_Minimum_accountabilities)’ it must be refused and declared.

5.5 Non-token offers from a public entity or other public sector organisation

In the course of your work as an employee of our organisation, you might be offered a non-token gift, benefit or hospitality by another Victorian public sector organisation, such as a public entity.

For example, you might be offered free tickets to an event where our organisation:

* has helped to organise the event
* otherwise actively supports the event or the organisation.

If this occurs:

* you can accept the offer if it complies with the Integrity test (see section 5.2)
* regardless of whether you accept the non-token offer, **you must declare it**.
  1. Non-token offers of uncertain origin
* If you receive an offer via a work colleague and you believe they may be offering on behalf of a third party with the possible intention of influencing you:
* **refuse the offer and declare it**, and
* report it to your manager or the appropriate delegate, as it may need to be referred on to an integrity body or the police.
  1. Non-token offers from an interstate or Commonwealth public sector organisation

Offers from public sector organisations that are part of a different state or part of the Commonwealth public sector should be treated the same as any other organisation that is not a Victorian public sector organisation.

* 1. Declaring and recording non-token offers of gifts, benefits and hospitality

Individuals must declare all non-token offers, whether accepted or declined by completing and providing a **Gifts, Benefits and Hospitality Declaration Form** (Appendix B) to the Finance Branch. Where there is no opportunity to seek written prior approval from their manager prior to accepting a gift or hospitality, the individual must seek approval from their manager and complete a Gifts, Benefits and Hospitality Declaration Form within five business days. In these circumstances, staff must notify the provider of the non-token offer that the acceptance is conditional upon obtaining written approval from management to retain the offer.

The Secretary of the department should submit their form to either a departmental Deputy Secretary or the CFO i.e. an independent third party (internal or external but not a subordinate) for review and approval.

#### Exceptions to declaration rule

#### Generic offers that are refused

In the course of your public duties you may receive generic offers of non-token gifts or benefits. For example:

* emails targeting our employees with offers to attend a seminar or webinar at a discount rate
* SPAM email.

You don’t need to declare a generic non-token offer if you refuse it. If you want to accept it, the usual restrictions in the ‘[Integrity test - offers you must refuse](#_Minimum_accountabilities)’ (see Section 5.2) apply as to whether you can do so.

#### Targeted email blasts

Often, generic offers may appear personalised by being addressed to you directly, or through the use of generative language tools that can quickly and believably personalise the body of emails whilst still sending them to a large number of people.

If you receive an email and you are unsure if it is a generic offer, talk to your manager to determine if you need to declare it. Some useful questions to ask when unsure are:

* Do I have a relationship with the person who sent the email?
* Do I have a relationship with the organisation who sent the email?
* Is the offer related to my work or the work of my area of the organisation?

If the answer to all of the above is ‘no’ then it is likely a generic offer.

#### Multi-employee declaration

Sometimes, it is possible to issue a non-token declaration on behalf of all or some of our employees.

If this happens, you should let the relevant employees know, as it means they don’t need to make an individual declaration of a non-token offer. This can be a multi-employee refusal or multi-employee acceptance, depending on the offer. These declarations can be issued by a manager or appropriate delegate.

Employees are still responsible for declaring any actual, potential or perceived conflicts of interest that they might have in relation to the offer.

* 1. Ownership of gifts offered to individuals

Non-token gifts accepted by an individual for their work or contribution may be retained by the individual where their manager or organisational delegate has provided prior written approval. Employees must transfer to the department official gifts or any gift of cultural significance or significant value (over $50).

* 1. Token offers – what you must do

If you receive a token offer (value less than $50):

* You can only accept the offer if it passes the ‘integrity test’ (see section 5.2).
* Remember, thanks is enough. Do you need to accept?
* You do not need to declare the offer (unless it is an Official gift, see sections 5.11).
* You do not need a legitimate business reason to accept.
* You do not need approval from your manager to accept.
* You are the owner of the gift, benefit or hospitality.
  1. Official gifts and items – what you must do

If you accept the following you do so on behalf of our organisation:

* official gift
* official item or object (items with cultural, ceremonial, religious, historic, or other significance. Does not include hospitality).
* official gifts and official items (for example a culturally significant gift from an official delegation) are an exception to our usual ‘thanks but no thanks’ approach.
* accepted official gifts (valued $50 and above), must be declared on the internal register.
* declined official gifts, regardless of their monetary value, do not need to be recorded on the internal register.
* official gifts will not be published in the online public register.
* belongs to our organisation, not you.

Some exceptions exist (see below)

**Applying for ownership of an official item**.

If an official item was given to you specifically in recognition of your work or contribution, you may retain it provided that:

* it is the express wish of the giver
* it benefits our organisation’s relationship with the giver
* it is appropriate given the significance and value of the item
* it would be consistent with community expectations
* it is unlikely to bring you or our organisation into disrepute, and
* your manager or, depending on the gift, an appropriately senior delegate gives written approval.

You cannot retain the gift unless it meets all the above requirements.

A GBH Declaration Form should be completed to register accepted non-token Official Gift offers on the department’s internal register (declined offers, regardless of value, do not need to be registered). Note accepted Official Gifts offers will not be published on the Department’s website.

#### Management of the provision of gifts, benefits and hospitality

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

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

* 1. Requirements for providing gifts, benefits and hospitality

When deciding whether to provide gifts, benefits or hospitality, or the type of gift, benefit or hospitality to provide, individuals must ensure the following “Integrity Test” questions:

* 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)
* it does not raise an actual, potential or perceived conflict of interest.

The HOST test is a good reminder of what to think about when deciding whether to offer hospitality or gifts to staff or stakeholders:

**Table 2. HOST test**

|  |  |  |
| --- | --- | --- |
| **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?**  Will the gift, benefit or hospitality be proportionate to public expectations or seen as excessive? Is there a conflict of interest? 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 andrecording procedures? |

* 1. 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?
* If a gift is to be given, is it symbolic rather than financial in value?
* Will providing the gift, benefit or hospitality be viewed by the public as excessive?
  1. Conduct during hospitality

Consistent with minimum accountability 7, public sector staff who are either participating in or providing hospitality must demonstrate professionalism in their conduct and uphold their duty of care to other participants.

* 1. Record-keeping

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

Visit the Catering and Hospitality page on the DPC intranet for additional information including fringe benefits tax information. For DGS staff, please contact your Compliance Officer.

#### Reporting

The information from Gifts, Benefits and Hospitality forms will also be recorded on the Gifts, Benefits and Hospitality Register. To provide public transparency, the Gifts, Benefit and Hospitality Register will be published annually on the department’s public website. The register will make public all offers whether accepted or declined valued over $50.

The department’s Audit and Risk Management Committee will receive a report at least annually on the administration and quality control of the gifts, benefits and hospitality policy, processes and register. The report will include analysis of Department’s gifts, benefits and hospitality risks (including repeat or multiple offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.

#### Related policy, legislation and other documents

This policy should be read in conjunction with other integrity policies and guidance including. Note, some of these Policies are DPC-specific, DGS staff should contact the DGS Compliance Officer for equivalent information:

* Conflict of Interest Policy
* Fraud, Corruption and Other Losses Prevention and Management Policy
* DPC Guide on Making and Handling Protected Public Interest Disclosures
* Misconduct Policy and Procedure.

Other related policies and guidance include:

* Financial Code of Practice (DPC)
* Hospitality Form and Flowchart (DPC & DGS)
* GBH Decision Tree (DPC & DGS)
* Procurement and Contract Management Toolkit (DPC)
* Risk Management Policy and Framework (DPC)
* *Code of conduct for Victorian Public Sector Employees 2015*
* *Code of conduct for Directors of Victorian Public Entities 2016*
* VPSC’s Gifts, benefits and hospitality policy framework
* VPSC’s Managing Conflicts of Interest: A Guide to Policy Development and Implementation

Relevant legislation includes:

* *Standing Directions of the Assistant Treasurer 2018* (under the *Financial Management Act 1994*)
* *Independent Broad-based Anti-Corruption Commission Act 2011*
* *Financial Management Act 1994*
* *Public Administration Act 2004.*

#### Authorising Officer and organisational delegate

This policy is issued under the authority of the Secretary, (DPC & DGS) and is subject to annual review.

#### 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. This includes where an individual fails to avoid wherever possible or to identify, declare and manage a conflict of interest related to gifts, benefits and hospitality in accordance with the department’s Conflict of interest 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)
* individuals making improper use of their position.

For further information on managing breaches of this policy, please contact the Finance Branch. The department 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.

#### Speak up

Employees who consider that a gifts, benefits and hospitality or conflict of interest within the department may not have been declared or is not being appropriately managed should speak up and notify their manager or the Finance Branch. This advice should be read in conjunction with relevant Department’s Guide on Making and Handling Protected Public Interest Disclosures.

Alternatively, if you believe corrupt or improper conduct is occurring, you can make a complaint directly to the Independent Broad-based Anti-corruption Commission (IBAC) or the Victorian Ombudsman.

The department will take decisive action, including possible disciplinary action, against employees who discriminate against or victimise those who speak up in good faith.

#### Contacts for further information

A conflict of interest resulting from the acceptance of a gift, benefit or hospitality may not always clear. Employees who are unsure about a possible conflict of interest, or the application of this policy, should contact the Compliance Officer in Finance Branch for advice.

* 1. Policy management details

|  |  |
| --- | --- |
| **Title and version number** | Gifts, Benefits and Hospitality Policy |
| **TRIM record number** | D24/276007 |
| **Policy owner/branch** | Angela Borg, Compliance Officer, Finance Branch |
| **Date of Secretary approval** | 15 June 2025 |
| **Effective date** | 1 July 2025 |
| **Review date** | ANNUAL |

Appendix A

Victorian Public Sector Minimum Accountabilities

(issued by the Victorian Public Sector Commission and effective from 1 July 2024)

You must comply with the minimum accountabilities when responding to all offers of

gifts, benefits or hospitality (token or non-token above $50), including offers from other public

sector organisations.

Part B – Receiving offers of gifts, benefits and hospitality

Minimum accountability 1 – Do not solicit offers

You must not solicit (seek) any gift, benefit or hospitality, for yourself or others, if the

offer could reasonably be seen as connected to your employment.

Minimum accountability 2 – Offers you must refuse

You must always refuse a gift, benefit or hospitality (token or non-token above $50) if any of the

following apply:

**1. Money or similar**

You must refuse the offer if it is money, used in a similar way to money, or easily

converted to money.

**2. Conflict of interest**

You must refuse the offer if it gives rise to a conflict of interest (actual, potential or

perceived). This means you must refuse the offer if it could influence, or reasonably be

seen to influence, how you perform your public duties.

**3. Public trust**

You must refuse the offer if it could compromise the public’s trust that you will perform

your public duties in an impartial manner or the public’s trust in the impartiality of your

organisation or the public sector.

**4. Community expectations**

You must refuse the offer if it is not consistent with community expectations.

**5. Bribes**

You must refuse the offer if it could reasonably be seen as a bribe or other inducement.

Report the offer to the head of your public sector organisation or their delegate (who

should report any criminal or corrupt conduct to Victoria Police or the Independent

Broad-based Anti-corruption Commission).

**6. Legitimate business reason – non-token offers**

Even if the offer complies with all the other requirements above, you must refuse a non-token offer unless there is a legitimate business reason to accept it. The offer must

further the conduct of official business or other legitimate goals of your organisation,

the public sector or the State.

Minimum accountability 3 – Declare all non-token offers

If you receive a non-token offer (valued at $50 or more), you must:

1. declare the offer in writing, even if you refuse it.
2. always refuse the offer unless it complies with minimum accountability 2 and you have approval as set out in your organisation’s policy.
3. The offer and outcome will be recorded on the organisation’s official internal register

and in the public register.

Part C - Providing gifts, benefits and hospitality

These minimum accountabilities relate to providing gifts, benefits and hospitality on

behalf of your organisation. They apply when making any offer of a gift, benefit or hospitality, including an offer to another Victorian public sector organisation.

Minimum accountability 4 – business purpose

You must ensure that any gift, benefit and hospitality (token or non-token) you provide on behalf of your organisation 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.

Minimum accountability 5 – cost and community expectations

You must ensure that the cost of providing a gift, benefit or hospitality is:

* proportionate to the benefits obtained for the State
* would be considered reasonable in terms of community expectations

**Minimum accountability 6 – conflicts of interest**

You must ensure that you do not provide a gift, benefit or hospitality unless:

* no conflict of interest exists (actual, potential or perceived), or
* you declare a conflict and your organisation develops a management plan that

explicitly allows you to provide it.

**Minimum accountability 7 – behaviour**

You must ensure that when hospitality is provided, participants:

* demonstrate professionalism in their conduct
* uphold their obligation to extend a duty of care to other participants.
* If you are a participant who is accepting hospitality, you must also comply with these

standards.

**Part D – additional obligations for heads of public sector organisations**

As the head of a public sector organisation, in addition to the other minimum accountabilities, you must also comply with the following requirements.

**Minimum accountability 8 – culture and good practice**

* You must model good practice and foster a culture of integrity.

**Minimum accountability 9 – policies and processes**

* You must establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality.
* Your organisation’s policy must comprehensively address the minimum

accountabilities.

* You must ensure that the requirements in your organisation’s gifts, benefits and

hospitality policy, are at least as strong as those in the minimum accountabilities.

**The VPSC recommends that your organisation:**

* adopt the gifts benefits and hospitality model policy and model forms published by

the VPSC.

* where appropriate, adapt them to take into account your organisation’s functions

and any requirements in its establishing documentation.

**When an employee speaks up in good faith**

You must ensure that your organisation’s policy and procedures require the organisation to:

* actively support and protect employees who speak up in good faith about a

possible breach of the policy.

* take decisive action, including possible disciplinary action, against anyone who

discriminates against or victimises an employee who speaks up in good faith respond in a constructive manner to the information provided.

**Minimum accountability 10 – communicating to employees**

* You must ensure that your organisation’s policy and related processes are

communicated effectively to employees. This includes communicating that a breach of the policy may constitute a breach of a binding code of conduct and, where appropriate, may result in disciplinary action. In some circumstances, a breach may constitute criminal or corrupt conduct.

**Minimum accountability 11 – communicating to business associates**

* You must ensure that a clear policy position is established and communicated to

business associates on the offering of gifts, benefits and hospitality to employees,

including the possible repercussions for a business associate acting contrary to the

organisation’s policy position.

* The information provided to (potential) suppliers should include:
  + what constitutes a gift, benefit or hospitality
  + the organisation’s policy
  + that the organisation discourages the making of offers
  + any whole of Victorian Government supplier codes of conduct.

**Minimum accountability 12 – reports to audit committee**

* You must 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 internal register.

* This report must include a copy of the internal register, 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.

**Minimum accountability 13 – internal register**

* You must ensure that an official internal register of non-token gifts, benefits and

hospitality offered to employees is established and maintained.

* At a minimum, the register must record sufficient information to:
* effectively monitor, assess and report on the minimum accountabilities,

meet the information requirements for the public register.

**Minimum accountability 14 – publishing organisation’s policy and the public register**

You must ensure that the following documents are available to the public:

* your organisation’s gifts, benefit and hospitality policy
* the public register of reportable gift offers received.
* If your organisation has an external website the policy and public register must be

published on it. If no public website exists, other reasonable arrangements must be

made to ensure the information is available to the public.

* The public register should cover the previous financial year and be published within four months of each new financial year.
* The public register must at a minimum contain the following reportable information:
  + all non-token offers, whether they were accepted or not
  + the date each non-token offer was made
  + the position of the recipient
  + the position and organisation of the person making each offer
  + where possible, whether the offeror is a business associate of the organisation
  + a description of each offer and its value
  + whether the offer was accepted or declined
  + if accepted, the business reason for doing so.

Appendix B

Gifts, Benefits and Hospitality Declaration Form

This declaration form supports the department’s Gifts, Benefits and Hospitality Policy. Employees must declare all non-token offers, (valued at $50 and above) of gifts, benefits and hospitality (whether accepted or declined) using this form and seek written prior approval from their manager or organisational delegate to accept any non-token offer. Note, all **official gifts** (valued at $50 and above) must be declared. Official gifts that are declined, regardless of their monetary value, are **not** required to be declared.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Individual to complete** | | | | | | | |
| **Department Name** |  | | | | | | |
| **Name** |  | | | **Declaration date** | |  | |
| **Position title** |  | | | **Contact number** | |  | |
| **Branch** |  | | | **Division** | |  | |
| **Details of the gift, benefit or hospitality** | | | | | | | |
| 1. Date offered | | |  | | | | |
| 1. Describe the gift, benefit or hospitality offered   **NOTE: Please contact your Compliance Officer if you have been offered accommodation or airfares to determine if these offers can be accepted.** | | |  | | | | |
| 1. Was this an Official or ceremonial gift to the value of $50 and above?   YES/NO   1. Who has ownership of the Official gift? 2. If an employee has written managerial approval been given? | | |  | | | | |
| 1. Estimated or actual value | | |  | | | | |
| 1. Offered by (name of individual/organisation making the offer) | | |  | | | | |
| 1. Is the person or entity making the offer a business associate of the organisation (YES/NO)? If yes, describe the relationship between them and the organisation. If not, describe the relationship between you and the person or organisation making the offer.   **NOTE: There are stricter rules when accepting GBH offers from government suppliers and vendors. Please refer to the GBH Decision Tree for guidance in the GBH Policy and Procedure on the department’s intranet. Note, this response will be published on the department’s public website at the end of each financial year.** | | |  | | | | |
| 1. Reason for making the offer | | |  | | | | |
| 1. Would accepting the offer: 2. create an actual potential or perceived conflict of interest exist (YES/NO); or 3. bring you, the organisation or the public sector into disrepute (YES/NO)?   (If either is answered YES, then the offer must be declined in accordance with the minimum accountabilities) | | | **Details of conflict of interest:** | | | | |
| 1. Is there a legitimate business benefit to the organisation, public sector or State for accepting the offer, i.e., does it meet the following: 2. it was offered during the course of your official duties (YES/NO); and 3. it relates to your official responsibilities (YES/NO); and 4. it has a benefit to the organisation, public sector or State (YES/NO).   (If NO then the offer must be declined, and if YES then the business benefit must be detailed, in accordance with the minimum accountabilities).  **NOTE: From 1 July 2024, in accordance with the new VPSC minimum accountabilities, the “Business Reason” you provide for accepting an offer will be included in the GBH Register and published on the department’s public website each financial year. See further guidance on how to respond in the next column.** | | | **Detail of business benefit:** (Keep your response clear and concise. Do not exceed 60 words as this response will be published on the department’s public website at the end of each financial year. “Networking opportunity” or “Stakeholder engagement” are not valid responses. Refer to the department’s GBH Policy on the intranet for further guidance). | | | | |
| 1. I accepted the offer | | | **YES / NO** | | | | |
| 1. Signature | | |  | | | | |
| **Manager to complete (prior to the GBH offer being accepted)** | | | | | | | | |
| **Name** |  | | | | **Declaration date** | |  | |
| **Position title** |  | | | | **Contact number** | |  | |
| **Branch** |  | | | | **Division** | |  | |
| **Complete if individual declined offer** | | | | | | | | |
| 1. DECLINED GBH Offers need to be Declared but **do not** require Manager’s Approval (Note: all official gifts (valued at $50 and above) must be declared. Official gifts that are declined, regardless of their monetary value, are **not required** to be declared). | | | | | | | | |
| **Complete if individual accepted offer** | | | | | | | | |
| 1. I have reviewed this declaration form and confirm that, to my knowledge, accepting this offer: 2. does not raise an actual, potential or perceived conflict of interest for the individual or myself; **and** 3. will not bring the individual, myself, the organisation or the public sector into disrepute; **and** 4. will provide a clear business benefit to the organisation, the public sector or the State. | | Signature:  Date: | | | | | | |
| 1. Detail decision regarding ownership of tangible offers (e.g., specify whether employee retained gift; transferred to organisation’s ownership; returned to donor; donated to charity etc.) | |  | | | | | | |
| Completed forms are to be submitted to the respective department’s inbox for inclusion on the department’s Gifts, Benefits and Hospitality Register.   * [Gifts@dpc.vic.gov.au](mailto:Gifts@dpc.vic.gov.au) Department of Premier and Cabinet * [GBH@dgs.vic.gov.au](mailto:GBH@dgs.vic.gov.au) Department of Government Services | | | | | | | | |

1. Note clause 1.4 of the Code of Conduct for Victorian Public Sector Employees which provides that public sector employers are to require contractors and consultants to comply with the code and relevant policies and procedures in certain circumstances. Contractors and consultants are only bound by the code if explicitly required by their contract for services. [↑](#footnote-ref-1)
2. This policy is applicable to the Department’s divisions, Administrative Offices and Section 53(1)(b) entities. [↑](#footnote-ref-2)