DTF Gifts, Benefits and Hospitality Policy

Compliance

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* + 1. Purpose

This policy states the position of the Department of Treasury and Finance (DTF) on:

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

This policy is intended to support individuals and DTF to avoid conflicts of interest and maintain high levels of integrity and public trust.

DTF has issued this policy to support behaviour consistent with the Code of Conduct for Victorian Public Sector Employees (the Code). All employees are required under clause 1.2 of the Code to comply with this policy.

* + 1. Scope

This policy applies to all workplace participants. For the purpose of this policy, this includes executives, employees, contractors[[1]](#footnote-1), consultants and any individuals or groups undertaking activity for or on behalf of DTF.

For ease of reading, in this policy we use the term ‘employee’ to cover anyone the policy applies to, as set out above, regardless of their employment or engagement status.

* + 1. Statement

This policy has been developed in accordance with requirements outlined in the minimum accountabilities for the management of gifts, benefits and hospitality issued by the Victorian Public Sector Commission (see section 4 below).

DTF 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 reasonable 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:** DTF, through its policies, processes, and audit 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.

* + 1. Roles and Responsibilities

When you’re doing work for DTF, no matter what that work is, you must act with integrity and impartiality consistent with 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 includes placing the public interest above your private interests.

This does not just help your workplace; it protects you if you are accused of wrongdoing and helps you to navigate difficult situations.

* + - 1. Employees

As an employee, you must comply with this policy when you:

* + - are offered gifts, benefits or hospitality
		- provide gifts, benefits or hospitality.

**Seek advice:** If unsure what to do, check with your manager, or integrity@dtf.vic.gov.au

* + - 1. Managers

If you’re a manager with direct reports, you must also:

* + - be aware of the gifts, benefits and hospitality risks inherent in your direct reports’ roles
		- oversee your direct reports’ compliance with this policy
		- promote awareness and give advice
		- model good practice.
			1. Head of organisation

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. Moving to ‘thanks is enough’

DTF encourages its staff to help develop a culture of ‘thanks is enough’.

The default position of the Department when offered gifts, benefits and hospitality is to politely say “no thank you” and express gratitude instead. Even if they are permitted under this policy, declining gifts, benefits and hospitality will discourage gift offers from stakeholders, especially repeat offers.

* + 1. Minimum accountabilities

Under the [*Standing Directions 2018 under the Financial Management Act 1994*](https://www.dtf.vic.gov.au/sites/default/files/document/Standing-Directions-2018.docx), the Victorian Public Sector Commission has set binding minimum accountabilities for the appropriate management of gifts, benefits and hospitality. These can be found at
[Appendix A.](#_Appendix_A:_Minimum)

* + - 1. Fundraising

Fundraising undertaken by our organisation, or on behalf of our organisation with its prior consent, does not breach the minimum accountabilities provided it abides by relevant law, government policy and the codes of conduct issued by the VPSC.

Fundraising in Victoria is variously regulated by [Consumer Affairs Victoria](https://www.consumer.vic.gov.au/) and the [Victorian Gambling and Casino Control Commission](https://www.vgccc.vic.gov.au/).

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:

* + - raising awareness for or contributing to an online fundraiser
		- selling chocolates in the workplace
		- participation in fundraisers by third parties, such as sausage sizzles.

No organisational funding may be used to carry out or contribute to any individual fundraisers.

Other obligations may be relevant in respect of fundraising, such as conflicts of interest.

Employees need to always abide by these code of conduct obligations.

* + 1. Definitions
			1. Benefits

Benefits include preferential treatment, privileged access, favours or other advantage offered to an individual. They may include invitations to sporting, cultural or social events, access to discounts and loyalty programs and promises of a new job.

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

* + - 1. Business associate

An individual or body that the public sector organisation has, or plans to establish, some form of business relationship with, or who may seek commercial or other advantage by offering gifts, benefits or hospitality.

* + - 1. Community expectations

‘Community expectations’ generally refer to the set of behaviours, standards, and values that are considered acceptable or appropriate by a particular group, community, or society at large. In the context of government policies, the term is often used to ensure that employees or representatives act in a manner that aligns with the ethical, moral, and social norms of the public they serve.

* + - 1. Conflict of interest

Conflicts may be:

* + - **Actual**: There is a real conflict between an employee’s public duties and private interests.
		- **Potential**: 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**: The public or a third party could reasonably form the view that an employee’s private interests could improperly influence their decisions or actions, now or in the future.
			1. Fundraising

Raising money in a way that does not breach the minimum accountabilities because it occurs under a fundraising policy that is consistent with relevant law, government policy and codes of conduct issued by the VPSC.

* + - 1. Gifts

Gifts are free or discounted items or services and any item or service that would generally be seen by the public as a gift. These include items of high value (e.g., artwork, jewellery, or expensive pens), low value (e.g., small bunch of flowers), consumables (e.g., chocolates) and services (e.g., painting and repairs). Gifts can also be in the form of digital items (e.g., eGift cards and eVouchers).

* + - 1. Hospitality

Hospitality is the friendly reception and entertainment of guests. Hospitality may range from light refreshments at a business meeting to expensive restaurant meals and sponsored travel and accommodation.

* + - 1. 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.

* + - 1. Non-token offer

A non-token offer is 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 $50 or more are non-token offers and must be recorded on a gift, benefit and hospitality register.

If a joint offer is made by multiple people the total value of the offer is used to determine its worth, not the value of each individual contribution.

* + - 1. Official gifts and items

Official gifts and items (formerly known as ceremonial gifts) are gifts provided as part of the culture and practices of communities and government, within Australia or internationally. Official gifts are usually provided to the Department, as opposed to an individual, when conducting business with official delegates or representatives from another organisation, community or foreign government.

Official gifts are the property of DTF, irrespective of value, and should be accepted by individuals on behalf of DTF. The receipt of official gifts should be recorded on the register but does not need to be published online.

* + - 1. Policy Guide

The VPSC Policy Guide, available on the VPSC website, assists Victorian public officials to apply the minimum accountabilities.

* + - 1. Public official

Public official has the same meaning as section 4 of the *Public Administration Act 2004* and includes public sector employees, statutory office holders and directors of public entities.

* + - 1. Public register

A public register is a record, preferably digital, of a subset of the information contained in a register, for publication as required by the minimum accountabilities. Guidance regarding the information that should be published is provided in the Policy Guide.

The DTF online register can be found here: [DTF Gifts Benefits and Hospitality Register](https://www.dtf.vic.gov.au/governance-and-corporate-documents/gifts-benefits-and-hospitality-register)

* + - 1. Register (internal)

A register is a record, preferably digital, of all declarable gifts, benefits and hospitality. Guidance regarding the information that should be recorded is provided in the Policy Guide.

* + - 1. 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 courtesy). The minimum accountabilities state that token offers cannot be worth more than $50.

# Part A – Offers to employees

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 of the Secretary.

* + 1. Do not solicit offers

Consistent with the minimum accountabilities, 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.

* + 1. Integrity test – offers you must refuse

Consistent with the minimum accountabilities, you must always refuse a gift, benefit or hospitality (token or non-token), if any of the following in Section 9.1 apply.

* + - 1. Minimum accountabilities
				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.

* + - * 1. 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.

The DTF Conflict of Interest Policy can be found here: [DTF Conflict of Interest Policy](http://cmweblink/easylink?D16%252f179817%255bv3%255d?db%3dPT%26view)

***Example***

*Sally is involved in managing a tender for a major contract. Part of doing so involves interviewing each applicant.*

*One applicant offers to host Sally at their office for the interview and provide her with food.*

*Even if the value of the meal was well below $50, it would be reasonable for people to believe that it could influence how Sally performed her public duty of impartially awarding the contract. Sally must refuse and declare the offer.*

***Guidance***

*Refuse the offer if it is from a member of the community or an organisation you’re likely to make or influence a decision about in the foreseeable future, such as a prisoner or a person subject to regulation (for example, applying for a licence).*

* + - * 1. Public trust

You must refuse the offer if it could compromise the public’s trust that you’ll perform your job in an impartial manner or the public’s trust in the impartiality of your organisation or the public sector.

* + - * 1. Non-token offer without a legitimate business reason

You must refuse a non-token offer unless there is a legitimate business reason to accept. It must further the conduct of official business or other legitimate goals of our organisation, the public sector or the State.

***Example***

*James is required to meet with a supplier to conduct business. The supplier invites James to meet him at a corporate box during a sporting event (at no cost to James but at a cost to the supplier).*

*There is no legitimate business reason for the meeting to take place in this way.*

*James must refuse and declare the offer.*

* + - * 1. Community expectations

You must refuse the offer (token or non-token) if it is not consistent with community expectations.

* + - * 1. Bribe

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

Report the offer to DTF’s Public Interest Disclosure Coordinator.

They will report any criminal or corrupt conduct to [Victoria Police](https://www.police.vic.gov.au/report) or the [Independent Broad-based Anti-corruption Commission](https://www.ibac.vic.gov.au/report).

* + - 1. Additional requirements

DTF has decided that staff must also refuse a gift, benefit or hospitality if any of the following apply.

* + - * 1. Repeat offers that cause a conflict of interest

Repeat offers are multiple offers from the same person, group or organisation. Their combined effect can sometimes lead to the perception that they could influence you.

Refuse the offer if it is a repeat offer (token or non-token) that could reasonably be seen as adding up to a conflict of interest.

***Example***

*Rachael is responsible for managing a relationship with one of our suppliers. She often meets with the supplier’s representative at a café because it’s a convenient place for both parties to meet.*

*The supplier has offered to pay for Rachael’s coffee. It may be appropriate for Rachael to accept the offer a single time or perhaps occasionally. However, the supplier offers every or most times.*

*It would not be appropriate for Rachael to accept each time or more than occasionally, because it could create the perception of influence. A member of the public could reasonably infer that Rachel expects suppliers to pay for her food and drink when they meet and that this may influence her decision making.*

* + - * 1. Decisions you are likely to make or influence

Refuse the offer if it is from a person, group or organisation you’re likely to make or influence a decision about in the foreseeable future. This could reasonably be seen as a conflict of interest.

* + - * 1. Offers by suppliers or contractors

Accepting offers from suppliers for free or discounted development opportunities that they were not engaged to provide will not pass the integrity test in some circumstances.

Staff may only accept development opportunities from suppliers where there is a legitimate business reason, attendance meets community expectations and any risk of conflict of interest can be appropriately managed.

***Example***

*An organisation you are likely to make, or influence, a decision about in the foreseeable future offers you a learning opportunity that is relevant to your work duties and has a legitimate business benefit. It is free for all attendees.*

*You can accept the offer if it is also consistent with community expectations.*

*An offer to attend a free webinar is far more likely to be consistent with community expectations than an offer to attend a conference – particularly if the latter includes accommodation, travel or related benefits, such as a gala dinner.*

*Refuse the offer if it is made by a person, group or organisation whose primary purpose is to lobby ministers, members of parliament or public sector agencies.*

* + - * 1. Endorsement

Refuse the offer if accepting it could reasonably be seen as endorsing a product or service.

***Example***

*An organisation is offered several vehicles to use by a dealership. The dealership is making the offer on the basis that it can include advertising indicating that it is the preferred dealer of vehicles to Government. In this instance the offer should be refused.*

* + - * 1. Advantage to a supplier or sponsor

Refuse the offer if accepting it could reasonably be seen as advantaging a supplier or sponsor in a future procurement.

***Example***

*Eman is attending a conference, paid for by her organisation, as part of her work. At the conference she should avoid accepting offers from the sponsors of the conference or any exhibitors. A member of the public might see this as an attempt by the offeror to make Eman more favourable to them in the future.*

* + - * 1. Sufficient attendees

For hospitality and events, refuse the offer if the organisation will already be sufficiently represented to meet its business needs or – as is the case for all other offers – if it does not comply with other elements of the integrity test.

* + - * 1. Your own judgement

Refuse the offer 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 staff are unsure about accepting an offer you can always contact the People & Governance team at integrity@dtf.vic.gov.au.

* + - 1. Declining offers

In most cases where the offer should or must be refused, you should decline it at the time the offer is made to you. Sometimes this can be difficult, for example:

* + - The offer may have been delivered to our organisation via mail, making declining difficult.
		- Declining the offer may cause offence or even be unsafe in the moment for the staff member being offered it.
		- There may be some other reason why, in the moment, you are unable to decline the offer.
			* 1. Gifts

In the case of gifts, declare the offer as normal and make it clear to your manager or the appropriate delegate that you were unable to decline the offer in the moment, but you have not accepted it.

**Follow-up response**

DTF will dispose of the gift and an explanation and rejection will be sent to the offeror where appropriate.

* + - * 1. Benefits and hospitality

In the case of benefits and hospitality, it is very unusual for a situation to arise where an offer cannot be declined. The most obvious, but still extremely unlikely, scenario is that refusing would offend the offeror in a way that would make you feel unsafe.

In such cases, as soon as possible declare that you accepted the offer and why.

**Follow-up response**

DTF will take action to ensure our staff are not placed in unsafe situations in the future.

* + - 1. Helpful guide on whether to accept or refuse

You can use the following **GIFT** questions to help assess whether to accept or refuse a particular gift, benefit or hospitality. **GIFT** is an acronym that stands for: giver, influence, favour and trust.

Useful questions to prompt your thinking:

|  |  |  |
| --- | --- | --- |
| **G** | **Giver** | * + Who is providing the gift, benefit or hospitality and what is their relationship to me?
	+ Does my role require me to select suppliers, award grants, regulate industries or determine government policies?
	+ Could the person or organisation benefit from a decision I make?
 |
| **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 a valuable non-token offer?
	+ Does its timing coincide with a decision I am about to make?
 |
| **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?
 |

 **Figure 1: GIFT test**

Remember, these are meant to be useful prompts only. The obligations for employees are set out above in ‘***Part A – Offers to employees, 9. Integrity test - offers you must refuse***’.

For further information, you may also refer to the summary flowchart in [Appendix B](#_Appendix_B_–).

* + 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 9).
		- Remember, thanks is enough. Do you need to accept?
		- You do not need to declare the offer.
		- 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. Non-token offers – what you must do

If you receive a non-token offer (value $50 or more):

* + - You must declare the offer even if you refuse it.
		- 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).
		- As part of the integrity test, you must have a legitimate business reason to accept.
		- You must have prior approval in writing from your manager or delegate to accept.
		- If you accept the offer you do so on behalf of our organisation. It is not usually yours to keep. Some exceptions exist, but you will need to apply to see if you qualify in the circumstances. For more information see ‘applying for ownership of a non-token gift’ below.
		- The offer and outcome are recorded in the internal register. Certain information may also be published in the online public register.
			1. How to declare an offer

To declare a non-token offer:

* + - Use the declaration form on TreasuryNet: [Declaration of gifts, benefits and hospitality form](https://vicgov.sharepoint.com/sites/VG001087/SitePages/Declaration-of-gifts%2C-benefits-and-hospitality-form.aspx).
		- If you accept the offer, record the business reason on the form in enough detail to link it with your duties and the benefit to our organisation, the public sector or the State.
		- Submit the form to your manager, who will arrange for the offer and outcome to be recorded in the internal register.
		- The Secretary of DTF should submit their form to the DTF CFO for review and approval.

**Examples – legitimate business reason**

These are examples of how to record the legitimate business reason in enough detail:

**Unacceptable**

* + - ‘Networking’
		- ‘Maintaining stakeholder relationships’

**Acceptable**

* + - ‘I am responsible for evaluating and reporting on the outcomes of our organisation’s sponsorship of Event A. I was offered a free ticket by the event organisers. I accepted so I could attend Event A in an official capacity and reported back to our organisation on the event.’
		- ‘I presented to a visiting international delegation. The delegation presented me with a cultural item which, consistent with our organisation’s policy on official gifts and items, l accepted on behalf of the organisation.’
		- ‘I was offered to attend professional development by one of our stakeholders, who supplies legal services to my organisation and more broadly to other organisations in the public sector. The session would count towards my Continuing Professional Development obligations as a lawyer. The event was free to everyone, and my organisation paid for travel costs.’
			* 1. Internal register and public register

Access to the internal register is restricted to relevant persons in DTF. Certain information from the internal register is published online in the public register, consistent with VPSC guidance on gifts, benefits and hospitality.

* + - * 1. Applying for ownership of a non-token gift

Usually, a non-token gift belongs to the organisation. However, if the gift was given to you specifically in recognition of your work or contribution, you may retain it provided that:

* + - it is not an official gift (see **Section 13. Official gifts and items – what you must do**)
		- it is unlikely to bring you or our organisation into disrepute
		- it would be consistent with community expectations, and
		- your manager or appropriate delegate gives written approval.
			* 1. Retrospective approval

If you cannot obtain prior approval to accepting an offer, in limited circumstances you can obtain retrospective approval. Apply within 5 business days. For example:

* + - if it was reasonable to be unaware the gift was non-token – such as a wrapped gift
		- if it would have caused serious offence to refuse – but remember, except for official gifts or items, this is not usually sufficient reason.
			1. Offers made in a personal capacity

It is normal to receive offers of gifts, benefits and hospitality in your personal life that are unconnected to your work.

You can accept these offers, provided you believe on reasonable grounds that the offers are made in a personal capacity.

If you are unsure whether an offer is being made to you in a personal capacity or because of your role with our organisation, apply the integrity test, consider the GIFT questions and follow this policy as you would in your professional capacity.

* + - 1. Non-token offer from a government department

In the course of your work as an employee of DTF, 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’
		- you do not need to declare the non-token offer.

However, if the offer does not meet the ‘Integrity test - offers you must refuse’ it must be refused and declared.

* + - 1. Non-token offer from a public entity or other public sector organisation

In the course of your work as an employee of DTF, 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 DTF:

* + - 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 (Section 9)
		- 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. 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.

***Example***

*An offer may be made to our organisation by a visiting delegation from a Queensland government department. This offer should be treated like any other offer. It should be subject to the integrity test, and declarations should be made if necessary.*

* + 1. Exceptions to declaration rule
			1. 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’ apply as to whether you can do so.

* + - * 1. 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.

* + - * 1. Multi-employee declaration

Sometimes, our organisation will issue a non-token declaration on behalf of all or some of our employees.

If this happens, Managers should let their relevant employees know that a multi-employee declaration has been completed, 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 will be issued by your manager, or the most 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.

***Example***

*Sometimes, if a number of our employees receive a non-token offer to attend a learning opportunity, our organisation will issue a multi-employee declaration.*

*If we accept the offer using a multi-employee declaration we will let eligible employees know that they will be covered by this declaration if they attend.*

*Employees who decide to attend will still need to let the event organiser know as our organisation will only approve attendance for eligible employees, not confirm it with the organisers.*

*Employees still have an obligation to raise and manage any conflicts of interest that they believe the offer may create for them.*

* + 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 (item with cultural, ceremonial, religious, historic, or other significance).

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.

Regardless of its monetary value, an official gift or official item:

* + - must be declared
		- will be recorded in the internal register
		- must be handed over to People and Governance (DGS)
		- will also be recorded in DTF’s Official Gift register
		- will not usually be published in the online public register
		- belongs to DTF.

Some exceptions exist (see below).

* + - 1. 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 supports this
		- People and Governance approve it.

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

* + 1. Offers to our organisation

Sometimes offers are made to our organisation itself. For example, offers of equipment.

In deciding whether to accept such an offer, DTF will take into account:

* + - whether the offer passes the ‘Integrity test - offers you must refuse’
		- in particular, will carefully scrutinise:
			* the people or organisation making the offer
			* the nature and circumstances of the offer
			* the level of public benefit if the offer is accepted.

Our organisation must reject any offer that is not consistent with community expectations.

* + - 1. Official items

If an offer of an official item is accepted by one of our employees, it becomes the property of DTF, with some exceptions (see above). The item must be handed in to People and Governance team where it will be recorded on DTF’s Official Gift Register.

DTF will decide what to do with each official item that comes into its possession according to the nature of the item and our own policies. This may include storing the item, placing the item on display, donating the item, or destroying it.

Staff may apply for ownership of an official item they have been given (see 13.1 above).

* + - 1. Reward and recognition offers

Sometimes, an offer is made to provide our organisation with a benefit like discounts, free tickets or equipment for employees.

Sometimes, our organisation may decide to accept the offer for reward and recognition purposes after taking into account:

* + - the above factors, and
		- any other relevant requirements of this policy.
			1. Donations or gifts given on our organisation’s behalf

Sometimes an individual or business that has a relationship with our organisation may seek to donate or gift to a third party, like a charity, in our name or on our behalf. Often this happens without seeking prior approval from our organisation or giving us any opportunity to accept or refuse the gift or donation.

There are reputational risks associated with any donation or gift made on our behalf, even where this is well meaning.

For example, it can be seen as preferencing one charitable organisation over another and can impact the perception of and trust in the Victorian Government as a whole.

There are other risks associated with allowing a commercial partner to donate or gift in this manner, including the impact that this may have on future procurement or work activities.

Our organisation expects that everyone who works with us is made aware of our expectations around donations made in our name.

While there is no opportunity to refuse the donation or gift once made, the commercial partner should be informed that no gift or donation should be made on our organisation’s behalf in future without a formal offer and approval.

Where a gift or donation has been made without prior approval, that gift or donation should be listed on the gifts, benefits and hospitality register, noting that there was no opportunity to accept or refuse.

# Part B – Providing to others

* + 1. Integrity test – providing gifts, benefits or hospitality

When providing a gift, benefit or hospitality on behalf of our organisation, you must ensure all of the following:

* + - 1. Business reason

Ensure it is for a business reason. There must be a legitimate business benefit that furthers the conduct of official business or other legitimate goals of our organisation, the public sector or the State.

Some examples of legitimate business reasons are to:

* + - welcome guests
		- facilitate the development of business relationships and outcomes
		- celebrate achievements.
			1. No conflict of interest

Ensure it does not raise a conflict of interest (actual, potential or perceived).

* + - 1. Proportionate costs

Ensure that any costs incurred are proportionate to the benefits obtained for the State.

* + - 1. Consistent with community expectations

Ensure that the event would be considered reasonable and consistent with community expectations.

* + - 1. Helpful guide on whether or not to provide gifts, benefits or hospitality to others

You can use the following **HOST** questions to help you assess if providing a particular gift, benefit or hospitality would comply with the ‘Integrity test – providing’ above.

**HOST** is an acronym that stands for: hospitality, objectives, spend and trust.

|  |  |  |
| --- | --- | --- |
| **H** | **Hospitality** | * To whom is the gift or hospitality being provided?
* Will recipients be external business associates, 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?
 |

 **Figure 2: HOST test**

* + 1. Processes you must follow – providing gifts, benefits or hospitality

DTF has processes and procedures for providing gifts, benefits and hospitality. For example, for providing hospitality at:

* + - internally focussed events
		- externally focussed events.

These requirements must be complied with. For example, requirements in relation to:

* + - alcohol
		- financial expenditure and approval
		- catering for employees and for office functions
		- reward and recognition programs
		- recording and reporting.

For further information see the [DTF Hospitality Guidelines](https://vicgov.sharepoint.com/sites/VG001087/SitePages/Hospitality-guidelines.aspx).

* + - 1. Planning days, forums, rewards and recognition

For a range of reasons, DTF may occasionally provide catered activities for employees. This might be as part of a larger staff related event, for example a training course, workshop, planning day seminar or conference.

When deciding whether DTF should pay for all, some or none of the costs associated with the staff event, consider:

* + - the extent to which the event will contribute to organisational objectives by reinforcing particular values or motivating staff;
		- whether there have been multiple recent events that would result in perceptions of excess if further events are funded; and
		- the need to balance the positive benefits of public recognition with community expectations in relation to modest and prudent expenditure by public officials.

Further information on the provision of hospitality for internal events can be found in the DTF Hospitality Guidelines that are available on TreasuryNet.

There is no requirement for hospitality or gifts provided by DTF at planning days, forums or as part of rewards and recognition to be recorded on the gift benefit and hospitality register.

* + - 1. Conduct during hospitality

Consistent with minimum accountability 7, if you participate in hospitality in your public sector role you must:

* + - demonstrate professionalism in your conduct
		- uphold your duty of care to other participants.
			1. Providing official gifts and items

Before providing an official gift or item, make reasonable enquiries to ensure it will be appropriate to do so.

***Example***

*Before providing a ceremonial gift to an official representative of an Aboriginal or Torres Strait Islander group, reasonable enquiries could include:*

* + - *consult the* [*DTF Diversity and Inclusion Framework*](https://vicgov.sharepoint.com/sites/VG001087/SitePages/A-new-framework-for-diversity-and-inclusion.aspx)
		- *making enquiries with the group that the person represents*
		- *making enquiries with an organisation such as the Victorian Aboriginal Heritage Council or the local Registered Aboriginal Party (RAP) or Traditional Owner Organisation.*

# Part C – Alleged Breaches

* + 1. Dealing with an alleged breach

If you may have breached this policy notify your manager in writing immediately. This enables us to assess how best to mitigate the risk – for example, we may arrange to return the gift.

* + - 1. Our organisation’s response

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 identify, declare and manage a conflict of interest related to gifts, benefits and hospitality in accordance with the [DTF Conflict of Interest Policy](http://cmweblink/easylink?D16%252f179817%255bv3%255d?db%3dPT%26view).

Actions inconsistent with this policy may constitute misconduct under the [Public Administration Act 2004](https://www.legislation.vic.gov.au/in-force/acts/public-administration-act-2004/087), which includes:

* + - breaches of the binding [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/), such as sections of the Code covering conflict of interest, public trust and gifts and benefits; and
		- individuals making improper use of their position.

For further information on managing breaches of this policy, please contact People and Governance.

DTF 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 renegotiation, including termination.

* + 1. Speak up

We encourage you to speak up if you believe a breach of this policy:

* + - has happened
		- is happening
		- might be about to happen.

You can do so by notifying your manager or DTF’s Public Interest Disclosure Coordinator. Further information on making public interest disclosures is available on TreasuryNet.

* + - 1. IBAC and the Victorian Ombudsman

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.

Sometimes this can occur on a whistle-blower basis as a public interest disclosure.

* + - 1. How our organisation must respond

Our organisation must always:

* + - actively support and protect employees who speak up in good faith.
		- 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.

# Part D – More about this policy

* + 1. Related documents

Key documents related to this policy include:

* + - 1. Forms
		- [DTF Declaration of gifts, benefits and hospitality form](https://vicgov.sharepoint.com/sites/VG001087/SitePages/Declaration-of-gifts%2C-benefits-and-hospitality-form.aspx)
			1. Guidance
		- [DTF Hospitality Guidelines](https://vicgov.sharepoint.com/sites/VG001087/SitePages/Hospitality-guidelines.aspx?web=1)
		- [Minimum accountabilities for the management of gifts, benefits and hospitality](https://vpsc.vic.gov.au/ethics-behaviours-culture/gifts-benefits-hospitality/minimum-accountabilities/)
			1. Policies
		- [DTF Conflict of Interest Policy [D16/179817 v3]](http://cmweblink/easylink?D16%252f179817%255bv3%255d?db%3dPT%26view)
		- [DTF Risk Management Policy and Framework [D23/148871]](http://cmweblink/easylink?D23%252f148871?db%3dPT%26view)
		- [DTF Integrity Framework [D21/200678]](http://cmweblink/easylink?D21%252f200678?db%3dPT%26view)
			1. Codes
		- [Public Administration Act 2004](https://www.legislation.vic.gov.au/in-force/acts/public-administration-act-2004/087)
		- [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/)
		1. Authorising Officer and organisational delegate
			1. Secretary

This policy is issued under the authority of the Secretary and is subject to a review every two years.

The Secretary may, in relation to any individual requests, vary the general policy due to special circumstances.

The Secretary will:

* + - set the policy and the provision of advice to executives and staff on the Victorian public sector’s approach to gifts, benefits and hospitality; and
		- provide direction in relation to individual requests to vary the general policy due to special circumstances.
			1. Director, Corporate Performance

The organisational delegate is the Director, Corporate Performance. Accountabilities for managing gifts, benefits and hospitalities include:

* + - establishing and regularly reviewing policies and processes to respond to offers of gifts, benefits and hospitality, including multiple offers from the same source;
		- educating members of the organisation that a breach of gifts, benefits and hospitality policies could constitute a breach of codes of conduct and result in disciplinary action;
		- recording accepted gifts, benefits and hospitality of more than nominal value (subject to scrutiny and review by DTF) in the internal register. Access to the internal register is restricted to select members of the People and Governance (DGS) team; and
		- publishing the public register on the DTF website. The public register will contain a subset of the information detailed in the Department’s internal register in accordance with the guidelines from the VPSC.
			1. The Audit and Risk Committee
		- The DTF Audit and Risk 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 DTF’s gifts, benefits and hospitality risks (including multiple offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.
			1. Managers
		- ensure that their staff are aware of the policy and guidelines relating to giving and receiving gifts, benefits and hospitality; and
		- provide a first point of clarification regarding what is acceptable or not acceptable under the policy.
			1. Staff
		- understand the policy and implement it thoroughly and rigorously; and
		- report gifts, benefits and hospitality within 14 days of providing or receiving.

DTF will also record hospitality expenditure in accordance with whole of government financial management, accountability and reporting requirements.

* + - 1. Department of Government Services

The Department of Government Services, through a corporate shared services model, is responsible for operational policy development, corporate governance and administration, and the delivery of services to the Department of Treasury and Finance as a client department. This includes providing DTF’s integrity-related services (such as managing the Gifts, Benefits and Hospitality register, Conflicts of Interest, and Declarations of Private Interests). Under the corporate shared services model, the opportunity for standardisation of templates and processes across central agencies exists, which will enable better service delivery and drive productivity over time.

All information (including personal information) provided by DTF staff remains under the governance of DTF policies. DGS acts solely as a shared service provider and DTF maintains control over how its information is managed and protected. The Department treats all personal information in accordance with the Privacy and Data Protection Act 2014 (Vic) and the Public Records Act 1973 (Vic).

* + 1. How to discourage gifts, benefits and hospitality

You may choose to ask a provider of corporate hospitality in the course of legitimate business activity to invoice the Department for the cost of the hospitality. This may not be necessary if the expense is modest and it is unlikely to be perceived as influencing the officer.

You can use the Department’s Notification to Suppliers pro forma (see TreasuryNet) and other means to discourage private sector organisations from offering gifts, benefits and/or hospitality. Organisations should be advised that gifts may either be refused or donated to appropriate charities.

See information for suppliers and contracts at D12/274324. This is provided on TreasuryNet at: [treasurynet.dtf.vic.gov.au/gbh](http://treasurynet.dtf.vic.gov.au/gbh)

* + 1. Tipping

Tipping at DTF’s expense:

* + - is not permitted unless you have been authorised by a supervisor to do so, and it is in a cultural setting (such as in some overseas countries) where tipping is a customary practice;
		- should not exceed 15 per cent of the total amount under any circumstances; and
		- cannot be provided where the bill includes a service charge.
		1. Administration of expense and approval requirements

Staff must follow DTF procurement policies and these can be found on TreasuryNet.

* + 1. Fringe benefits tax

Hospitality costs may be subject to fringe benefits tax (FBT). FBT is a Commonwealth tax managed by the Australian Taxation Office and applies to benefits provided to employees (including associates of the employee) by their employer.

To meet its FBT obligations, the Department is required to record the purpose and duration of hospitality, number of participants (identifying internal and external), whether alcohol is being served and the location of the event. Using the appropriate forms to capture these details will lessen the risk of incorrect coding for FBT purposes.

Further guidance regarding FBT can be obtained from TreasuryNet or by contacting Corporate Finance.

* + 1. Contacts for further information

If you are unsure about accepting a gift, benefit or hospitality, or the application of this policy ask your manager or contact the People and Governance team by emailing integrity@dtf.vic.gov.au

# Appendix A: Minimum Accountabilities

The minimum accountabilities are issued by the Victorian Public Sector Commission (VPSC). Complete details of the minimum accountabilities can be found here: <https://vpsc.vic.gov.au/ethics-behaviours-culture/gifts-benefits-hospitality/minimum-accountabilities/>

**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 not token) if any of the following apply:

**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]](#footnote-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.

**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.

**Community expectations**

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

**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).

**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[[3]](#footnote-3)), you must:

* + - declare the offer in writing, even if you refuse it
		- always refuse the offer unless it complies with minimum accountability 2 and you have approval as set out in your organisation’s policy.

The offer and outcome will be recorded on the organisation’s official internal register and in the public register.

**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.

**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 – Quick Reference Chart

1. Note the application of clause 1.4 of the Code of conduct for Victorian public sector employees to the engagement of contractors and consultants. Contractors and consultants are only bound by the code if explicitly required by their contract for services. [↑](#footnote-ref-1)
2. Important: the Department of Education may permit members of the Teaching Service to accept ‘non cash‘ vouchers offered to convey appreciation to members of the Teaching Service by students, parents, guardians and/or carers – that is, vouchers which are not universally accepted in the way that cash or a debit card are, and which can’t be converted into cash. [↑](#footnote-ref-2)
3. Important: The Department of Education may set a token limit of $100 for an offer conveying appreciation to members of the Teaching Service by students, parents, guardians and/or carers.

If a joint offer is made by multiple people the total value of the offer is used to determine its worth, not the value of each individual contribution. [↑](#footnote-ref-3)