DTF Gifts, Benefits and Hospitality Policy

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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. Application

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.

* + 1. Policy principles

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. Minimum accountabilities

Under the *Instructions supporting the Standing Directions of the Minister for Finance 2016*, the Victorian Public Sector Commission has set binding minimum accountabilities for the appropriate management of gifts, benefits and hospitality. These can be found at Schedule A.

* + 1. Definitions

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.

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.

Ceremonial gifts

Ceremonial gifts are official gifts provided as part of the culture and practices of communities and government, within Australia or internationally. Ceremonial gifts are usually provided when conducting business with official delegates or representatives from another organisation, community or foreign government.

Ceremonial gifts are the property of the public sector organisation, irrespective of value, and should be accepted by individuals on behalf of the public sector organisation. The receipt of ceremonial gifts should be recorded on the register but does not need to be published online.

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.

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). Fundraising by public sector organisations that is consistent with relevant legislation and any government policy is not prohibited under the minimum accountabilities.

Hospitality

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

Legitimate business benefit

A gift, benefit or hospitality may have a legitimate business benefit if it furthers the conduct of official business or other legitimate goals of the public sector organisation, the public sector or the State.

Policy Guide

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

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.

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.

Register

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.

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.

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

* + 1. 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 of the Secretary.

Conflict of interest and reputational risks

When deciding whether to accept an offer, individuals should first consider if the offer could be perceived as influencing them in performing their duties or lead to reputational damage. The more valuable the offer, the more likely that a conflict of interest or reputational risk exists.

Figure 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 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? |

Requirement for refusing offers

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

* + - likely to influence them, or be perceived to influence them, in the course of their duties or that raise an actual, potential or perceived conflict of interest;
		- could bring them, DTF, or the public sector into disrepute;
		- made by a person or organisation about which they will likely make or influence a decision (this also applies to processes involving grants, sponsorship, regulation, enforcement or licensing), particularly offers:
			* made by a current or prospective supplier; or
			* made during a procurement or tender process by a person or organisation involved in the process.
		- likely to be a bribe or inducement to make a decision or act in a particular way;
		- that extend to their relatives or friends;
		- of money, or used in a similar way to money, or something easily converted to money;
		- where, in relation to hospitality and events after consultation with the appropriate manager it is apparent that the organisation 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 organisations; or
		- made in secret.

If an individual considers they have been offered a bribe or inducement, the offer must be reported to the Secretary or their delegate (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).

Token offers

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

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

Individuals may generally accept token offers without the need to approve or declare the offer on the DTF register as long as the offer does not create a conflict of interest or lead to reputational damage. Consideration should be given to the impact of cumulative token offers from the same source and whether their acceptance raises the potential for a conflict of interest. Managers should report any concerns to Corporate Delivery Services.

If you have any concerns about accepting a gift, benefit or hospitality or the nominal values, speak to your manager.

Non-token offers

Individuals can only accept non-token offers if they have a legitimate business benefit.

Gifts benefits and/or hospitality should not be accepted from any organisation or person that you are likely to be making a decision about.

Accepted non-token offers must 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.
		- There is a legitimate business reason for acceptance. It is offered in the course of the individual’s official duties, relates to the individual’s responsibilities and has a benefit to the Department, the public sector or the State.

Any conflict of interest must be advised to the Secretary with an explanation of the conflict, any potential damage that may arise and how this has been or will be managed to mitigate any risk to government.

If there is a legitimate business reason for accepting gifts, benefits and/or hospitality valued above $50:

* + - VPS staff must seek approval from a Director;
		- Directors must seek approval from an Executive Director;
		- Executive Directors must seek approval from a Deputy Secretary; and
		- Deputy Secretaries must seek approval from the Secretary.

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

Where the gift would likely bring you or the organisation into disrepute, the organisation should return the gift. If it represents a conflict of interest for you, the organisation should either return the gift or transfer ownership to the organisation to mitigate this risk.

Gifts

To accept a gift it must be of nominal value and in the best interest of the community not the individual.

Gifts in all cases are initially considered the property of the State and should be registered. If the gift is of nominal value and has no cultural or artistic significance, the gift may be retained.

Do not accept:

* + - accommodation, travel or entertainment vouchers;
		- gifts from people or organisations that you are likely to make decisions about; and
		- gifts with a value above the DTF nominal value threshold of $50 (except where refusal would cause offence, in which case the gift will remain the property of the State).

Benefits

While the value of a benefit may sometimes be difficult to quantify in dollars, they may be highly valued by the intended recipient and therefore used to influence their behaviour.

Do not accept preferential treatment, privileged access, favours or other advantages offered because of your role. This includes:

* + - invitations to sporting, cultural or social events;
		- access to discounts and loyalty programs; and
		- promise of a new job.

Bribes and bribery attempts must be reported to your Deputy Secretary or their delegate and Victoria Police.

Hospitality

Official State hospitality is exempt from this policy framework.

Official or general hospitality should only be accepted when there is a legitimate business reason. DTF’s nominal value threshold is $50.

If there is a legitimate business reason for accepting hospitality valued at less than $50, individual staff can make the decision about accepting the hospitality, provided there is no real or perceived conflict of interest.

If there is a legitimate business reason for accepting hospitality valued above $50, approval must be sought.

* + - VPS staff must seek approval from a Director;
		- Directors must seek approval from an Executive Director;
		- Executive Directors must seek approval from a Deputy Secretary; and
		- Deputy Secretaries must seek approval from the Secretary.

If a non-token offer of hospitality is offered, it must be must be recorded on the gift, benefit and hospitality register irrespective of whether the offer is accepted or declined.

Officers invited to attend celebrations of milestone events organised by contractors should, where possible, decline, as a real or perceived conflict of interest may occur in the acceptance of such events.

When deciding to accept hospitality, there is a duty to always resolve a conflict in the public interest, not personal interest.

Attendance at conferences supplied by an external party (unless a part of the employee’s duties and approved by the relevant cost centre manager) should be recorded on the gifts, benefits and hospitality register.

Recording non-token offers of gifts, benefits and hospitality

All non-token offers, whether accepted or declined, must be recorded in the DTF gifts, benefits and hospitality register. The business reason for accepting the non-token offer must be recorded in the register along with sufficient detail to link the acceptance to the individual’s work functions and benefit to the Department, public sector or State.

Individuals who receive non-token gifts are required to declare them in accordance with this policy within 14 days of receiving them.

Declarations can be made through TreasuryNet using the gifts, benefits and hospitality form at the following link:

[treasurynet.dtf.vic.gov.au/gbh](http://treasurynet.dtf.vic.gov.au/gbh)

Access to the register is restricted to select members of the Corporate Delivery Services team.

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.

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.

Ownership of gifts offered to individuals

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

Gifts to be retained by the State should be handed to the Director, Corporate Delivery Services. These gifts will be stored and/or donated to a suitable institution or registered charity.

Repeat offers

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

Ceremonial gifts

Ceremonial gifts are official gifts provided as part of the culture and practices of communities and government, within Australia or internationally. Ceremonial gifts are the property of the organisation, irrespective of value, and should be accepted by individuals on behalf of the Department. The receipt of ceremonial gifts should be recorded on the DTF gifts, benefits and hospitality register but this information does not need to be published online.

Hospitality provided by Victorian public sector organisations

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

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

* + 1. Management of the provision of gifts, benefits and hospitality

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

Figure 2: HOST test

|  |  |  |
| --- | --- | --- |
| 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? |

Requirements for providing gifts, benefits and hospitality

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

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

* + - any gift, benefit or hospitality is provided for a business reason that 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 Figure 2 is a good reminder of what to think about in making this assessment); and
		- it does not raise an actual, potential or perceived conflict of interest.

Gifts

There must be a legitimate business reason for providing a gift.

A gift should be a token and must be of modest value.

We may recognise significant staff achievements and provide token gifts as part of:

* + - reward and recognition programs or events; and
		- celebrating length of service milestones and/or retirements.

Sending flowers or a gift to a staff member in recognition of a personal milestone (such as the birth of a child or birthday) or as a condolence or farewell should be funded by staff donations.

Hospitality

Government funds must be used prudently. There must be a legitimate business reason to provide hospitality.

For further detail on expenditure of public monies on hospitality, contact Corporate Finance.

We may recognise significant staff achievements and provide token hospitality as part of:

* + - reward and recognition programs or events; and
		- celebrating length of service milestones and/or retirements.

Celebrations of events such as farewells, birthdays, marriages or the birth of children should not be funded using public monies.

When you provide a gift or hospitality on behalf of the Department, it should be:

* + - provided in the course of, or at the conclusion of business;
		- reflective of the importance of the business; and
		- clear if there is a full or partial contribution from staff for the activity and clearly recorded on the invoice since this will have an impact on the FBT calculation.

The supply of alcohol (to any value) at any event must be considered on a case by case basis and requires prior written approval by a Deputy Secretary or the Secretary. For further detail on purchases of alcohol, contact Corporate Finance.

Containing costs

Individuals should contain the costs associated with providing gifts, benefits and hospitality wherever possible and should comply with the relevant sections relating to financial probity and efficient use of resources outlined in the Code of Conduct for Victorian Public Sector Employees. The following questions may be useful to assist individuals to decide on 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 Department have access to appropriate public sector facilities to host the event?
		- Is the proposed catering or hospitality proportionate to the number of attendees?
		- Has catering been procured at a competitive rate and does it avoid the inclusion of more expensive menu items?
		- Does the size of the event and number of attendees align with intended outcomes?
		- Is the gift symbolic, rather than financial, in value?
		- Will providing the gift, benefit or hospitality be viewed by the public as excessive?

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. Related policy, legislation and other documents
		- Minimum accountabilities for the management of gifts, benefits and hospitality
		(see Schedule A)
		- DTF Conflict of Interest Policy
		- DTF Risk Management Policy and Framework
		- DTF Integrity Framework
		- *Public Administration Act 2004*
		- Code of Conduct for Victorian Public Sector Employees
		- Victorian Public Sector Commission’s Gifts, Benefits and Hospitality Policy Guide
		- DTF Hospitality Guidelines
		1. Authorising Officer and organisational delegate

This policy is issued under the authority of the Secretary and is subject to annual review.

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

The organisational delegate is the Director, Corporate Delivery Services.

Accountabilities for managing gifts, benefits and hospitalities include:

Secretary

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

The Audit and Risk Committee

* + - receives a report annually, in accordance with the minimum accountabilities, on the administration and quality control of the GBH policy processes and register.

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.

Director, Corporate Delivery Services

* + - establishes and regularly reviews policies and processes to respond to offers of gifts, benefits and hospitality, including multiple offers from the same source;
		- educates 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; and
		- records accepted gifts, benefits and hospitality of more than nominal value (subject to scrutiny and review by DTF).

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. 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 identify, declare and manage a conflict of interest related to gifts, benefits and hospitality in accordance with the DTF 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, 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 Culture or the Director, Corporate Delivery Services.

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

Individuals who consider that 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 Department’s Protected Disclosure Coordinator. Individuals who believe they have observed corrupt conduct in their colleagues may also make a protected disclosure directly to the Independent Based-based Anti-corruption Commission (IBAC).

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

Further information on making protected disclosures is available on TreasuryNet.

* + 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

A conflict of interest resulting from the acceptance of a gift, benefit or hospitality is not always clear to those who have them. Individuals who are unsure about accepting a gift, benefit or hospitality, or the application of this policy, should ask their manager or the Director, Corporate Delivery Services for advice.

# Schedule A: Minimum Accountabilities

Public officials offered gifts, benefits and hospitality

1. Do not, for themselves or others, seek or solicit gifts, benefits and hospitality.
2. Refuse all offers of gifts, benefits and hospitality that:
	* + - are money, items used in a similar way to money, or items easily converted to money;
			- give rise to an actual, potential or perceived conflict of interest;
			- may adversely affect their standing as a public official or which may bring their public sector employer or the public sector into disrepute; or
			- are non-token offers without a legitimate business benefit.
3. Declare all non-token offers (valued at $50 or more[[2]](#footnote-2)) of gifts, benefits and hospitality (whether accepted or declined) on their organisation’s register, and seek written approval from their manager or organisational delegate to accept any non-token offer.
4. Refuse bribes or inducements and report inducements and bribery attempts to the head of the 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).

Public officials providing gifts, benefits and hospitality

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

Heads of public sector organisations

1. Establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality that comprehensively address these minimum accountabilities.
2. Establish and maintain a register for gifts, benefits and hospitality offered to public officials that, at a minimum, records sufficient information to effectively monitor, assess and report on these minimum accountabilities.
3. Communicate and make clear within the organisation that a breach of the gifts, benefits and hospitality policies or processes may constitute a breach of binding codes of conduct and may constitute criminal or corrupt conduct, and may result in disciplinary action.
4. Establish and communicate a clear policy position to business associates on the offering of gifts, benefits and hospitality to employees, including possible consequences for a business associate acting contrary to the organisation’s policy position. This must take into consideration any whole of Victorian Government supplier codes of conduct.
5. Report at least annually to the organisation’s audit committee on the administration and quality control of its gifts, benefits and hospitality policy, processes and register. This report must include analysis of the organisation’s gifts, benefits and hospitality risks (including repeat offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.
6. Publish the organisation’s gifts, benefits and hospitality policy and register on the organisation’s public website (applies only to organisations with an established website). The published register should cover the current and the previous financial year.
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. Except where a person employed under the *Education and Training Reform Act 2006* in a Victorian Government school receives an offer from or on behalf of a parent, guardian, carer or student intended to express appreciation of the person’s contribution to the education of a student or students, in which case non-token includes any offer worth more than $100. [↑](#footnote-ref-2)