

## Policy Statement

The Victorian Public Sector Commission (VPSC) issues minimum accountabilities for the management of gifts, benefits and hospitality. These are binding on our organisation. This policy is based on the minimum accountabilities.

## Policy Details

### Fundraising

Fundraising undertaken by our organisation, or on behalf of our organisation with its prior consent, does not breach the minimum accountabilities provided it complies with our fundraising policy [\[link\]](#).

Our fundraising policy is consistent with relevant law, government policy and the codes of conduct issued by the VPSC. Fundraising in Victoria is variously regulated by Consumer Affairs Victoria and the Victorian Gambling and Casino Control Commission.

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 at 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 abide by these code of conduct obligations at all times.

### Key things you must do

When you're doing work for our organisation, no matter what that work is, you must act with integrity and impartiality consistent with the 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.

### Employees

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

- are offered gifts, benefits or hospitality

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- provide gifts, benefits or hospitality.

Seek advice

If unsure what to do, check with your manager.

## 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.

## Head of organisation

As a public sector body head, the Chief Executive Officer must fulfil their obligations under the minimum accountabilities

### Moving to 'thanks is enough'

We encourage you to help us develop a culture of 'thanks is enough'.

Our aim is to move to a culture in which offers are not accepted even if they are permitted under this policy.

We'll be taking steps to help external stakeholders understand our policy and this aim – for example, that we discourage gift offers, especially repeat offers.

### 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.

### 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 apply.

For further information, you may also refer to the summary flowchart in Appendix A.

## 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.

### 2. Conflict of interest

You must refuse the offer if it gives rise to a conflict of interest (actual, potential or perceived). This means you must refuse the offer if it could influence, or reasonably be seen to influence, how you perform your public duties.

### 3. Public trust

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

### 4. 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.

### 5. Community expectations

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

### 6. Bribe

You must refuse the offer if it could reasonably be seen as a bribe or other inducement. Report the offer to the Chief Executive Officer. They will report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission

## Additional requirements

Our organisation has decided that you must also refuse a gift, benefit or hospitality if any of the following apply.

### 7. 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.

### 8. 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.

## Exception

The only exception is that you can accept an offer if it is:

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

### 9. 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.

### 10. Endorsement

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

### 11. 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.

### 12. Sufficient attendees

For hospitality and events, refuse the offer if our 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.

### 13. 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. 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.

## 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.

## Gifts

This is most common with 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. You or our organisation will dispose of the gift and an explanation and rejection will be sent to the offer or where appropriate.

## Benefits and hospitality

In the case of benefits and hospitality, it is very unusual for a situation to arise where you cannot decline an offer. 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. Our organisation will take action to ensure our staff are not placed in such situations in the future.

## 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

### 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, group or organisation benefit from a decision I make?

### 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 basic courtesy or token of appreciation or is it a non-token offer?
- Does its timing coincide with a decision I'll be making in the foreseeable future?

### 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, group or organisation made several offers over the last 12 months?
- Would accepting create an obligation, or feeling of obligation, to return a favour?

### 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?

Remember, these are meant to be useful prompts only. The obligations for employees are set out in 'Part B – Offers to employees, 8. Integrity test - offers you must refuse'.

#### 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' (item 8).
- 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.

#### 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.

#### How to declare an offer

To declare a non-token offer:

- Use the declaration form [\[link\]](#).
- 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 CEO [insert equivalent title for your organisation – for example, Secretary of Department or other agency head] should submit their form to an independent third

party (internal or external but not a subordinate) for review and approval. For example, a senior executive in the portfolio department or in the VPSC.

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, I 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.'

Internal register and public register

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

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 (Part B – Offers to employees, 14. 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.

## 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.

## 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.

## Non-token offer from another public sector organisation

### Non-token offer from a government department

- In the course of your work as an employee of our organisation, you might be offered a non-token gift, benefit or hospitality by:
- a Victorian government department or administrative office
- the VPSC.

### If this occurs

- you can accept the offer if it complies with the 'Integrity test - offers you must refuse'
- 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.

## Non-token offer from a public entity or other public sector organisation

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

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

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

### If this occurs:



- you can accept the offer if it complies with the Integrity test (item 8)
- regardless of whether you accept the non-token offer, you must declare it.

#### 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.

#### 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.

#### Exceptions to declaration rule

##### Generic offers that are refused

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

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

You don't need to declare a generic non-token offer if you refuse it. If you want to accept it, the usual restrictions in the 'Integrity test - offers you must refuse' apply as to whether you can do so.

##### Targeted email blasts

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

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

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

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

### Multi-employee declaration

Sometimes, our organisation will issue a non-token declaration on behalf of all or some of our employees. If this happens, we will let the relevant employees know, as it means they don't need to make an individual declaration of a non-token offer. This can be a multi-employee refusal or multi-employee acceptance, depending on the offer. These declarations will be issued by the Chief Executive Officer. Employees are still responsible for declaring any actual, potential or perceived conflicts of interest that they might have in relation to the offer.

### 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
- will not usually be published in the online public register
- belongs to our organisation, not you.

Some exceptions exist (see below).

### Applying for ownership of an official item

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

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

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

### 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, our organisation 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.

### Official items

If an offer of an official item is accepted by one of our employees, it becomes the property of our organisation, with some exceptions (see above). Our organisation 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.

### 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.

### 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.

## Providing to others

### Integrity test – providing

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.

#### 2. No conflict of interest

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

#### 3. Proportionate costs

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

#### 4. Consistent with community expectations

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

## 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.

## Useful questions to prompt your thinking

## Hospitality

- To whom is the gift or hospitality being provided?
- Will recipients be external business associates, our employees, or a mixture of both?

## Objectives

- What is the business reason for providing the hospitality?
- Will it 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?

## Spend

- Will the cost be proportionate to the benefits obtained?
- What type of hospitality will be provided?
- Will the hospitality be modest or expensive?
- If alcohol is to be provided, why? Would it be a courtesy or an indulgence?
- Is an external venue necessary or can our organisation host the event?
- Is the catering or hospitality proportionate to the number of attendees?
- Does the size of the event and number of attendees align with the intended outcomes?
- If a gift is to be given, is it symbolic rather than financial in value?

## Trust

- Will public trust be enhanced or diminished?
- Will the gift, benefit or hospitality be proportionate to public expectations or seen as excessive?
- Is there a conflict of interest?
- Could you publicly explain the rationale for providing the gift, benefit 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?

Remember, these are meant to be useful prompts only. The obligations on you are set out in the 'Integrity test – providing gifts, benefits or hospitality'

## Processes you must follow – providing

Our organisation 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.

### 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.

### Providing official gifts and items

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

### Alleged Breaches

#### 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.

#### Our organisation's response

Our organisation will respond to alleged breaches of this policy consistent with the Act, the code, this policy and any other obligations that apply.

We will take a graduated approach. Our response will be fair, reasonable and proportionate. In some instances, no action will be taken. In others, we will deal with the matter:

- on an informal basis, for example, through education or counselling
- through a performance management process or similar, or
- if other methods are not appropriate, through a misconduct process.

A finding of misconduct may amount to a breach of the code of conduct. Serious misconduct can result in termination of employment. Contractors may be subject to contract renegotiation or termination. If a criminal offence may have occurred, the Victorian or Federal Police may investigate and prosecute.

### 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 a workplace contact officer.

## 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.

## 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.

## Applicability

The policy applies to:

- employees of our organisation
- contractors, consultants and labour hire employees required as part of their contract to comply with this policy
- other workplace participants.

## Accountability

The Board carries stewardship of the Code of Conduct and the CEO carries delegated responsibility.

## Definitions

### Benefits

Preferential treatment, favours or other advantage. For example, invitations to sporting, cultural or social events, access to discounts, or the promise of a new job.

### Business associate

An individual, group or organisation that our organisation has, or plans to have, a business relationship with or who may seek commercial or other advantage.

### Conflict of interest

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

If a conflict of interest exists, our conflict of interest policy will also apply.

For more information, see our Conflict of interest policy for employees [\[link\]](#).

### 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.

### Gifts

Items or services that are free, discounted, or would generally be seen by the public as a gift. For example: items such as vouchers, gift cards, artwork, chocolates or flowers; services such as car repair.

The monetary value of a gift is the estimated monetary value of the item if it were not being provided either free or discounted. Remember that gift cards and vouchers must be treated the same as money under the minimum accountabilities.

### Hospitality

The friendly reception and entertainment of guests. Ranges from light refreshment at a business meeting to expensive restaurant meals and sponsored travel and accommodation.

### Legitimate business reason

Furtheres the conduct of official business or other legitimate goals of our organisation, the public sector or the State

### Non-token offer

The offer is worth \$50 or more.



## Official gifts and items

Official gifts and items include:

- official gifts
- official items (items with cultural, ceremonial, religious, historic, or other significance)

Sometimes accepted or given on behalf of our organisation as part of business with official delegates or representatives of a community group, organisation, or government. Example Our organisation has been working with a local community group representing people of a specific cultural background. In gratitude for our work, the group presents the staff member leading the group with a gift that is culturally significant to them. This is an official item. The community group, in addition to this official item, provides the staff member with a bottle of wine for the team to celebrate the successful work. This is an official gift – it is not culturally significant, but it was provided by an organisation in recognition of our relationship with them. The staff member accepts both gifts on behalf of our organisation, declares both, and our organisation determines what to do with the gift as soon as reasonably possible. Official gifts and items are declared and recorded regardless of their value and regardless of whether they were accepted or refused.

## Internal register

The official record of all declarable offers of gifts, benefits and hospitality made to our employees or organisation, whether accepted or declined. The full title is 'Register of gifts, benefits and hospitality – declarable offers'.

## Token offer

The offer is worth less than \$50.

## Legislation

Code of conduct for Victorian public sector employees