

Gifts, Benefits and Hospitality Policy

Board Approved Policy

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Purpose

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

All offers of gifts, benefits and hospitality will be recorded, accepted or declined according to the minimum accountabilities, this policy and any procedures issued by the VBA.

Scope

This policy applies to all employees defined as workplace participants including executives, employees, contractors, consultants and any employees or groups undertaking activity for or on behalf of the VBA.

This policy does not apply to members of the VBA Board who must adhere to the VBA Board Gifts, Benefits and Hospitality Policy.

Guiding principles

VBA's approach to gifts, benefits and hospitality is based on the following principles:

1. Impartiality - individuals place the public interest above their private interests.
2. Accountability - individuals are accountable for compliance with this policy.
3. Individuals - with direct reports oversee their compliance with the policy.
4. Integrity - individuals strive to earn and sustain public trust.
5. Risk-based approach - gifts, benefits and hospitality risks are assessed and managed.
6. Declare – all offers received and made which exceed \$20.

Speak up

Employees who believe that a conflict of interest within the VBA may not have been declared or appropriately managed, should speak up and notify their manager, People and Capability or make a report to Safe2Speak. This also applies to situations where any aspect of this policy or its related procedures is not being adhered to.



The VBA will take decisive action, including possible disciplinary action, against employees who discriminate against or victimise those who speak up in good faith. Employees who do not report breaches of this policy may be subject to disciplinary action.

Contraventions

Actions inconsistent with this policy and related procedures may constitute misconduct under the Public Administration Act 2004, which includes breaches of the Code of Conduct for Victorian Public Sector Employees.

Disciplinary action consistent with the relevant industrial instrument and legislation, including dismissal, may be taken where an employee fails to adhere to this policy and its related procedures. Material breaches of the policy will be reported to the Risk, Audit and Finance Committee.

Review and amendment

This policy will be reviewed biennially by the Risk, Audit and Finance Committee.

Definitions and Acronyms

Term/Acronym	Definition
Benefits	Benefits include preferential treatment, privileged access, favours or other advantage offered to an individual.
Conflict of Interest	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.
Hospitality	Hospitality is the friendly reception and entertainment of guests.
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.

Related Documents

Code	Document Name
N/A	Procedure: Managing offers of gifts, benefits and hospitality
N/A	Procedure: Offering gifts, benefits and hospitality
N/A	Code of Conduct for Victorian Public Sector Employees
PC-POL-004	Conflict of Interest Policy
PC-POL-012	Fraud and Corruption Control Policy



Appendix 1

Compliance with VPSC gifts, benefits and hospitality requirements

Mandate	GBH Policy	Draft procedures: DRAFT Offering GBH DRAFT Managing GBH offers.
VPSC Minimum accountabilities: Managing gifts, benefits and hospitality in the Victorian public sector		
Public officials offered gifts, benefits and hospitality: Do not, for themselves or others, seek or solicit gifts, benefits and hospitality Refuse all offers of gifts, benefits and hospitality that: <ul style="list-style-type: none"> ○ 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 ○ are non-token offers without a legitimate business benefit 	✓	
Declare all non-token offers		✓
Refuse bribes or inducements and report inducements and bribery attempts		✓ <i>Also Procedure: Reporting fraud, corruption and other losses</i>
Ensure that any gifts, benefits and hospitality provided is 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 Ensure that any costs are proportionate to the benefits obtained for the State and would be considered reasonable in terms of community expectations 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		✓
Establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality that comprehensively address these minimum accountabilities	✓	
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		✓
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 or criminal or corrupt conduct and may result in disciplinary action		✓
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		✓



Mandate	GBH Policy	Draft procedures: DRAFT Offering GBH DRAFT Managing GBH offers.
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		✓
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		✓
VPSC Model COI Policy		
Policy principles: • Impartiality, Accountability, Integrity	✓	
Definitions: • Business associate, benefits, ceremonial gifts, conflict of interest, gifts, hospitality, legitimate business benefit, public official, public register, register, token offer, non-token offer	✓	
GIFT test		✓
Requirements for refusing offers		✓
Token offers – circumstances when they may be retained	✓ Definition of token offer reduced from \$50 to \$20	✓
Non-token offers - circumstances when they may be retained		✓
Recording non-token offers – whether accepted or declined		✓
Ownership – approval requirements and disposal of offers not retained		✓
Repeat offers – requirement to refuse and report		✓
Ceremonial gifts		✓
Hospitality provided by Victorian public sector organisations		✓
Management of the provision of gifts, benefits and hospitality		✓
Host test – hospitality, objectives, spent, trust		✓
Containing costs – maximum unbudgeted expenses		✓
Alcohol – prohibition for internal events, modest provision for external facing events		✓
Catering – allowable timeframes for provision of internal catering		✓
Contraventions	✓	
Speak up	✓	

