

Acceptance of Gifts, Benefits and Hospitality Policy

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Overview

Trust in public institutions lies at the heart of good government. In Victoria public servants are expected to display values that uphold the public's trust in government. This includes behaving in an ethical and proper manner and being open and transparent. Central to upholding a high standard of integrity and accountability is the expectation that public servants are not unduly influenced, or perceived to be influenced, by their relationships with non-departmental persons or organisations.

The default departmental position in relation to offers of Gifts, Benefits or Hospitality (GBH) is to politely say 'no thank you', unless the offers are:

- Ceremonial Gifts
- Certain Thank You Gifts
- Certain conference and seminar attendance
- Where there are strong business reasons in the public interest to accept.

This policy reinforces the values of impartiality, accountability and integrity outlined in the [Code of Conduct for the Victorian Public Sector](#) (VPS Code of Conduct) and the Public Sector Values and Employment Principles specified in the [Public Administration Act 2004 \(Vic\)](#).

Purpose

The Acceptance of Gifts, Benefits and Hospitality Policy outlines the department's policy and procedures for managing situations where offers of a GBH are made to departmental persons. It is designed to support:

- Departmental persons in their responsibility to only accept an offer of GBH where it can be demonstrated to be in the public interest and does not create the perception of a conflict of interest or could raise a perception of, or actual, bias or preferential treatment
- Managers to develop and maintain processes and appropriate documentation to ensure that full and proper consideration is given to the management and reporting of all offers of GBH.

Scope

Organisational coverage

This policy applies to all administrative areas of the department and to agencies for whom the Secretary is the employer. The policy also applies to administrative offices established within the department.

People coverage

The term 'departmental person(s)' is used in this policy to identify those people covered by the policy:

- All departmental employees, including executive officers and employees covered by the [Victorian Public Service Enterprise Agreement 2016](#) (VPS Agreement)
- Workplace participants including (but not limited to) trainees, university and work experience students
- Apprentices, cadets and volunteers who perform work for or on behalf of the department
- Agency on-hire staff and contractors who the [Victorian Public Sector Commission](#) (VPSC) has specifically identified as being bound by the [VPS Code of Conduct](#). These people include those who:
 - supervise public sector employees
 - undertake work that is of a similar nature to the work undertaken by public sector employees at premises or a location generally regarded as a public sector workplace, or
 - use or have access to public sector resources or information that are not normally accessible or available to the public.

An immediate family member (defined as a partner or child living under the same roof) of a departmental person (as defined above) may be treated as a departmental person for the purposes of this policy on a case-by-case basis. That is, work-related GBH offered to a family member of a departmental person may be considered as though it were offered to the departmental person directly

as such offerings may be judged to create a perception of conflict of interest on the part of the departmental person.

Policy Requirements

1. Criteria for acceptance of GBH

A GBH is anything of value, including services and entertainment, that is offered to a departmental person in their work capacity beyond their normal employment entitlements.

The default departmental position in relation to offers of GBH is to politely say '**no thank you**', unless the offers are:

- Ceremonial Gifts
- Certain Thank You Gifts
- Certain conference and seminar attendance
- Where there are strong business reasons in the public interest to accept.

Ceremonial gifts

The gifting of items to departmental persons by third parties is commonly done as part of the culture and practices of communities and governments, both within Australia and internationally. Such gifts are referred to as Ceremonial Gifts. Departmental persons must be sensitive to those cultures and practices and be prepared to accept Ceremonial Gifts in a courteous and appreciative manner. The exchange of gifts is a practice that should be anticipated.

Ceremonial gifts are the property of the department, irrespective of value, and should be accepted by individuals on behalf of DoT. The receipt of ceremonial gifts worth \$50 or greater should be declared.

Thankyou gifts

Departmental persons who speak at conferences, seminars or other similar forums may be offered a gift in appreciation of their contribution. Such offers are normally done in public and may be accepted in a courteous and appreciative manner. Acceptance of any GBH worth \$50 or greater requires managerial approval and must be registered

Conference and seminar attendance as a speaker/presenter

Departmental persons who have been approved to present at a conference or seminar may accept funded or sponsored travel, accommodation and / or registration as part of their agreement with the event organiser. Acceptance of any offers of sponsored travel, accommodation and / or registration should be approved by the appropriate line manager.

Departmental persons who have been approved to present at a conference or seminar should register their attendance as an Official Business Event (OBE). Any hospitality received as part of the conference or seminar package is incidental and does not require registration separately.

For further information, see the [Attendance at Official Business Events Policy](#).

Offers from persons or organisations other than the event organiser are not to be accepted.

Conference and seminar attendance as a participant

Departmental persons who are attending a conference or seminar as a participant must not accept sponsored travel, accommodation and / or registration. Any offers of this nature must be declared and registered. An exception may be where attendance is part of an intra- or inter-government arrangement. Acceptance should have approval from the appropriate line manager and the Secretary.

Incidental hospitality provided as part of the seminar or conference package (e.g. a light lunch or refreshments) does not require a separate registration and should be included in the registration of attendance at the conference or seminar.

General

Other offers of GBH can be accepted where:

1. The offer is work-related, and
2. There is a strong public interest business reason to accept, and
3. This business reason can be clearly demonstrated and articulated, and
4. The acceptance otherwise fully complies with this policy.

Acceptance of any GBH worth \$50 or greater requires managerial approval and must be registered.

2. Register offers of GBH

All offers of GBH valued at \$50 or more are considered non-token offers and **MUST** be registered immediately, irrespective of the offer being accepted or declined. Acceptance of any non-token offer **MUST** also have the documented approval of the appropriate line manager and the evidence of this approval must be included in the register.

Publication of the register

For transparency, and to comply with the minimum accountabilities, a subset of the information outlined in the GBH Register must be recorded in a public register and published on the department's internet site. The public register should be published at the end of the financial year and must cover both the most recent and the previous financial year.

As per the [VPSC](#) guidance, the department's publication of the register will include the following information:

- The date an offer was made;
- The employee being made the offer:
 - *if the offer was accepted* – record the individual's position title and branch (e.g. Director, Safety and Culture);
 - *if the offer was declined* – record only their position title (e.g. Director);
- The individual or organisation making the offer:
 - *if the offer was accepted* – record the organisation's name and the individual's position title (e.g. Director, Oz Sports);
 - *if the offer was declined* – use a generic description for the type of organisation/person who made the offer (e.g. Sports Association);
- The nature of the offer and its estimated or actual value;
- If the offer was accepted or declined; and
- The decision on ownership of the offer.

3. Approval of the acceptance of GBH

All non-token offers of GBH that are accepted require documented approval from an appropriate manager to be attached to the registration. The approving manager should be the accepting officer's immediate line manager. Acceptance by the Secretary will be approved by the Deputy Secretary, People and Business.

Approvals should be obtained in advance wherever possible. Where there is no opportunity to seek written approval prior to accepting, the individual must seek approval from their manager within five business days.

A decision to accept non-token offers is the responsibility of the departmental person concerned. Such decisions are to be made in accordance with this policy. As a rule, all offers should be made known to a staff member's manager and any acceptance done in an open and transparent manner.

4. When you must reject offers of GBH

You must reject all offers of GBH if:

- **You are an Authorised Officer**, defined as an employee of the department appointed by the Minister or Secretary to carry out a compliance or enforcement function under legislation administered by the department
- **Accepting may influence you**, or reasonably be perceived to influence you, in the performance of your public role. The [VPSC 'GIFT' test](#) is a good reminder to think about how accepting offers of GBH may create conflicts of interests. The more valuable the offer, the more likely that a conflict of interest or reputational risk exists.
- Excluding token hospitality, such as sandwiches during a meeting, the offer is:
 - Made by a current or prospective supplier;
 - Made during a procurement or tender process by a person or organisation involved in the process; or
 - Made by a person about whom, or organisation about which, the department likely to make a decision (this includes processes involving grants, sponsorship, regulation, enforcement or issuing of practising certificates and includes all parties to any matter that is the subject of a formal complaint or is under investigation by the department).
- You believe you should attend but **acceptance would conflict with this policy**. In this case, you or the department should pay for a table or your attendance.
- **They are repeated offers** (token or non-token) from the same person or organisation, as these may generate perceptions that you are open to being influenced. Individuals should be aware of how accepting many small repeated offers of GBH may create actual or perceived conflicts of interests.

5. Offers exempt from the GBH Policy

Two types of offers are exempt from the GBH Policy:

1. an OBE which meets all the criteria defined in the [Attendance at Official Business Events Policy](#)
2. Items offered in a private capacity

Official Business Events (OBE)

Many core business activities of the department involve attending OBEs. Attendance at these events is **not subject to the GBH policy**. You **MUST**, however, register your attendance in the department's OBE Register. There is no requirement to register OBE's where people receive an invitation but elect not to attend.

An event should meet **ALL** the following criteria to be considered an OBE:

1. The organisation issuing the invitation is the organiser or host of the event, and
2. The industry in which the event is occurring is **directly related** to the role in which the invitee works, and
3. Attendance at the event will not create an actual, potential or perceived conflict of interest, and
4. Attendance at the event provides **at least one** of the following outcomes:
 - funded service delivery,
 - stakeholder engagement,
 - sector knowledge, or
 - professional knowledge.

Where the department has booked its own tickets to an event, this is automatically considered an OBE.

For further information, please see the [Attendance at Official Business Events Policy](#).

Items offered in a private capacity

A GBH is anything of value, including friendly reception or treatment of guests such as refreshments or entertainment, that is **offered to a departmental person in their work capacity** beyond their normal employment entitlements. This policy does not apply where an offer is made to a departmental person in their private capacity.

For example:

- An invitation to attend an event as a plus-one of a friend or family member, where the offer is not a result of their role at the department
- A scholarship, or other grant or payment, made to support the departmental person's education, awarded based on academic or other achievement
- Other gifts, benefits or hospitality offered or received in a departmental person's private capacity.

In all situations, the policy exemption is subject to the departmental person being satisfied that a perception would not be created that their integrity was being challenged if they were to accept.

In the rare event that doubt is created, the departmental person should carefully consider acceptance, seeking advice from their manager or the Director, Audit, Risk & Integrity as needed.

Frequent flyer points

Refer to the department's [Travel Policy](#) for information on frequent flyer points and associated rewards schemes.

6. Estimated value

Staff registering offers of gifts, benefits or hospitality are required to include the actual or estimated value of each offer.

In most instances this is quite simple. For example, where we have been offered tickets to an event, the value of the tickets can be established by contacting the organiser or through a simple online search. Prices are also often included on complimentary tickets. Similarly, gifts of wine, chocolate, etc. can be established via a google search.

On those rare occasions where a value cannot be easily established, people registering items should always err on the side of the higher value range.

Unless there is evidence for a lower amount (e.g. a menu with prices), a meal should be registered for no less than \$50, and if alcohol is included no less than \$100.

7. Ownership of gifts offered to individuals

All GBH accepted as a tangible item becomes the property of the department and will, as appropriate, be used, displayed, stored or disposed of by the department. The relevant manager is responsible for determining the appropriate course of action for managing the gift. This may include:

- Allowing the receiving departmental person to retain the gift (most appropriate for thank you gifts of low value that are commonly exchanged, e.g. office stationery, chocolates, bottles of wine, flowers, etc.)
- Sharing the gift with the workplace (e.g. office equipment, food and wine hampers, etc.)
- Displaying the gift in the workplace (commonly appropriate for Ceremonial Gifts)
- Securely storing the gift in the workplace (appropriate for items of value).

The decision on ownership of the gift is to be included when registering the item on the department's GBH Register.

Guidance on any additional registration and management requirements of gifts individually valued in excess of \$5,000 should be sought from Integrity Services.

8. Speak up

Departmental persons who consider that gifts, benefits or hospitality within the department may not have been declared or are not being appropriately managed should speak up and notify their manager or authorised representative.

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

If you have a concern with regard to a gifts, benefits and hospitality within the department, please contact [Integrity Services](#) or use the [Report a Concern facility on the DoT intranet](#).

9. Guests

Invitations to events that are assessed under this policy and include an invitation to the departmental person plus guest require careful consideration to determine the public interest that would be satisfied if the guest was to attend. As a rule, invitations for guests should not be accepted.

10. Fringe Benefits Tax (FBT) application to accepted GBH

GBH that is offered under an agreement between a third party and the department may attract Fringe Benefits Tax (FBT).

Guidance on the application of FBT to the acceptance of GBH should be sought from the Finance team.

Responsibilities

Departmental persons

The [VPSC](#) has set binding minimum accountabilities for the appropriate management of gifts, benefits and hospitality which form the basis of the below responsibilities.

Task
1. Ensure your personal interests do not influence and could not reasonably be perceived to influence you in your official role.
2. Politely say 'no thank you' to offers of GBH (excluding token hospitality, such as sandwiches over a lunchtime meeting). The only exceptions to this position are Ceremonial Gifts, Thank You Gifts, certain conference and seminar attendance, and where there is a strong business reason to accept.
3. Authorised Officers are to decline all offers of GBH.
4. All non-token offers (i.e. valued at \$50 or greater) whether accepted or declined must be registered.
5. All non-token offers of GBH that are accepted require documented approval from an appropriate manager.
6. If a non-token gift is accepted, the relevant manager is responsible for determining the appropriate course of action for managing the gift.
7. Do not seek or solicit gifts, benefits and hospitality for yourself or others.
8. 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;• May give rise to an actual, potential or perceived conflict of interest;• May adversely affect their standing as a departmental person or which may bring the department or the public sector into disrepute; or• Are non-token offers without a legitimate business benefit.

Task

9. Declare all non-token offers of gifts, benefits and hospitality (whether accepted or declined) and seek written approval from a line manager where accepted. Departmental persons are not required to declare or record declined offers of hospitality that are part of a generic, bulk event invitation (such as 'spam' email) or accepted hospitality provided by another Victorian public sector organisation.
10. Refuse bribes or inducements and report inducements and bribery attempts to the department's Protected Disclosure Coordinator (who will report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-Corruption Commission).
11. Report any breaches or compliance concerns with regard to GBH or the GBH Register to the [Report a Concern](#) facility on the DoT intranet, or contact [Integrity Services](#).
12. Behave appropriately at all times and in accordance with departmental policies and the [VPS Code of Conduct](#), in particular section 3.5 Public Comment and section 3.9 Public Trust.

Departmental managers

Task

13. Departmental managers are responsible for ensuring all departmental persons are aware of the policy, and that support and guidance is provided to those departmental persons who receive an offer of GBH.
14. They must ensure that procedures for the disclosure and consideration of all offers provide for appropriate manager oversight and are consistent with the policy.
15. They must ensure that all offers valued at \$50 or more are registered in the department's GBH Register.

The Secretary

Task

16. Establish, implement and review departmental policies and processes for the effective management of gifts, benefits and hospitality that comprehensively address the minimum accountabilities as set out by the [VPSC](#).
17. Establish and maintain a register for gifts, benefits and hospitality offered to departmental persons that, at a minimum, records enough information to effectively monitor, assess and report on these minimum accountabilities.
18. Communicate and make clear within the department 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.
19. Establish and communicate a clear policy position to business associates on the offering of gifts, benefits and hospitality to departmental persons, including possible consequences for a business associate acting contrary to the department's policy position. This must take into consideration any whole of Victorian Government supplier codes of conduct.

Task

20. Report annually to the department's Audit, Risk and Integrity 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.
21. Publish the department's Gifts, Benefits and Hospitality Policy and Register on the department's public website. The published register should cover the current and the previous financial year.

Breach of Policy

An employee's failure to identify, declare and manage offers of GBH in accordance with this policy may result in disciplinary action, including termination, on the basis of a breach of the [VPS Code of Conduct](#).

Definitions

Term	Definition
Department	The Department of Transport (DoT)
Business associate	An external individual or entity with which the department has, or plans to establish, some form of business relationship, or who may seek commercial or other advantage by offering gifts, benefits or hospitality
Conflicts of interest	<p>Conflicts of interest occur when departmental persons have private interests that could improperly influence, or be seen to influence, their decisions or actions in the performance of their public duties. Using your public role to avoid personal losses or gain personal advantage creates a conflict between the public's interests and your private interests. They can be:</p> <ul style="list-style-type: none">• an actual conflict of interest where there is a real and current conflict between a departmental person's public duties and responsibilities, and their private interests• a potential conflict of interest where a departmental person has private interests that could conflict with their future public duties• a perceived conflict of interest where a third party could form the view that a departmental person's relationships or other circumstances could improperly influence the performance of their duties, now or in the future.
Departmental Person	<p>The term 'departmental person(s)' is used in this policy to identify those people covered by the policy:</p> <ul style="list-style-type: none">• All departmental employees, including executive officers and employees covered by the Victorian Public Service Enterprise Agreement 2016 (VPS Agreement)• Workplace participants including (but not limited to) trainees, university and work experience students• Apprentices, cadets and volunteers who perform work for or on behalf of the department

Term	Definition
	<ul style="list-style-type: none"> • Agency on-hire staff and contractors who the Victorian Public Sector Commission (VPSC) has specifically identified as being bound by the VPS Code of Conduct. These people include those who: <ul style="list-style-type: none"> ○ supervise public sector employees ○ undertake work that is of a similar nature to the work undertaken by public sector employees at premises or a location generally regarded as a public sector workplace, or ○ use or have access to public sector resources or information that are not normally accessible or available to the public.
A Gift, Benefit or Hospitality (GBH)	<p>A GBH is anything of value, including services and entertainment, that is offered to a departmental person in their work capacity beyond their normal employment entitlements. They can be split into three categories:</p> <ul style="list-style-type: none"> • Gifts are free or discounted items and any item 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) and consumables (e.g. chocolates or alcohol). They also include free accommodation or travel. • 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. Hospitality associated with an event is incidental and the registration category should be as a benefit. • Hospitality is the friendly reception and entertainment of guests. Hospitality may range from light refreshments at a business meeting to expensive restaurant meals.
Official Business Event (OBE)	<p>Normally associated with a scheduled time and place of attendance, for industry, business, sporting/cultural, networking and learning purposes. Fully defined the Attendance at Official Business Events Policy.</p> <p>Excluded from official business events are activities that appear to be limited to hospitality or personal benefit such as: private breakfasts, dinners, lunches, Christmas functions, golf days, sporting events, comedy nights, etc.</p>
Register	Is the department's record of all declarable (\$50 or more) gifts, benefits and hospitality.
Public Register	Is a subset of the information contained in the register for publication as required by the minimum accountabilities.
Token offer	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 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 the department's gift, benefit and hospitality register.

Supporting Information

Related Policies

This policy should be read in conjunction with the following policies:

- [Attendance at Official Business Events Policy](#)
- [Conflict of Interest Policy](#)
- [Travel Policy](#)

Related Attachments

Department people should also familiarise themselves with the following departmental information which supports and informs this policy:

- [GBH Procedures](#)
- [GBH offers \(visual flowchart\)](#)
- [GBH offers \(common scenarios\)](#) – scenarios that may be encountered by staff and the types of factors that should be considered in deciding to accept or decline an offer.
- Register Gifts, Benefits and Hospitality

External Resources

In support of this policy, department people should also familiarise themselves with the following external information:

- [Victorian Public Service Enterprise Agreement 2016](#)
- [Code of Conduct for Victorian Public Sector Employees](#)
- [VPSC Guidance: G.I.F.T test](#) - a decision tool developed by the [VPSC](#) to assist departmental persons decide to accept or decline an offer of GBH.

Relevant Legislation

This policy meets the following requirements:

- [Public Administration Act 2004 \(Vic\)](#)

Document Control Information

Criteria	Details
Issuing Division, Branch	Governance & Portfolio Services
Enquires/ Contact	Heidi Ravenscroft, Heidi.ravenscroft@transport.vic.gov.au
Accountable officer	Eric Henderson, Director, Integrity & Ethical Behaviour
Approved by	Paul Santamaria, Executive Director Governance & Portfolio Services
Policy category	Integrity
Date effective	1 July 2020
Last reviewed	12 June 2020
Next review	12 June 2021
Version number	4.0
TRIM / Content Manager number	TBC
Summary of changes to latest version	This policy has been updated to account for change in location and platform for the GBH Register and change in contact information for enquiries relating to this policy.