







- the date an offer was made
- details of the employee receiving the offer
- details of the individual and the organisation making the offer
- a description of the offer and its estimated or actual value
- whether the offer was accepted or declined
- where accepted, the decision on ownership of the offer (for self or for the organisation).

### 3. Approval of the acceptance of GBH

All non-token offers of GBH that a departmental person may accept under this policy, requires documented approval of the acceptance from an appropriate manager, prior to the departmental person accepting the offer. Evidence of this approval is to be attached or included with the departmental person's registration of their declaration of an offer of GBH. The approving manager should be the accepting officer's immediate line manager. Acceptance of any GBH offers by the Secretary will be approved by the Deputy Secretary, People and Business.

Approval to accept GBH should be obtained in advance of accepting a gift or attending hospitality. Where there is no opportunity to seek written approval prior to accepting, the individual must seek approval from their manager within five business days of the gift/benefit being received or hospitality attended.

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 the accepting employee'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](#) provides prompts to consider 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 must be rejected offer if:
  - made by a current or prospective supplier/contractor
  - 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).
- Acceptance conflicts with this policy and/or benefits you or your relationships personally.
- **They are repeated offers** (token or non-token, including of low value) 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, and an expectation of obligation.

### 5. Offers exempt from the GBH Policy

Two types of offers are exempt from the GBH Policy:

1. Where the offer (usually an invitation to an event) is an Official Business Event and which meets **all** the criteria defined in the [Attendance at Official Business Events Policy](#)
2. Items offered to you as a private citizen.



## 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 such gifts. 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 declaring and 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 & Ethical Behaviour](#).

## 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 appropriate 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 gift, benefit and/or hospitality within the department, please contact [Integrity & Ethical Behaviour](#) or use the [Speak Up](#) resources on the DoT intranet.

## 9. Offers that include 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.

## 11. Criteria for providing GBH

GBH may be provided to welcome guests, facilitate the development of business relationships, further the department's business outcomes and to celebrate achievements. When deciding whether to provide GBH, or what type to provide, you must 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
- any costs are proportionate to the benefits obtained for the State, and would be considered reasonable in terms of community expectations
- when hospitality is provided, individuals demonstrate professionalism in their conduct, and uphold their obligation to extend a duty of care to other participants.

Where a departmental person is considering providing hospitality, the HOST test is a good reminder of what to think about:

<b>H</b>	<b>Hospitality</b>	<p><b>To whom is the gift or hospitality being provided?</b></p> <p>Will recipients be external business associates, or individuals of the host organisation?</p>
<b>O</b>	<b>Objectives</b>	<p><b>For what purpose will hospitality be provided?</b></p> <p>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?</p>
<b>S</b>	<b>Spend</b>	<p><b>Will public funds be spent?</b></p> <p>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?</p>
<b>T</b>	<b>Trust</b>	<p><b>Will public trust be enhanced or diminished?</b></p> <p>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?</p>

## Provided for a business reason

GBH may be provided to external guests, such as business associates and international delegations, as well as to employees.

The decision to provide GBH must consider the likely benefits to the department and the State of Victoria. The department seeks to uphold the reputation of the Victorian public sector.

### External guests

The department may provide GBH for the purposes of:

- receiving guests (e.g. visiting delegation from another jurisdiction)
- facilitating relationships between third party organisations that are in the interests of the State (e.g. an event where community sector and business organisations can meet to establish partnerships)
- celebrating the opening of an event, exhibition, or the establishment of a new public body
- launching an initiative (e.g. a new community awareness campaign).

The following questions may be helpful to determine whether the GBH qualifies as being provided for a business reason:

- Will the provision of the GBH foster the conduct of public sector business?
- Will the provision of the GBH help to promote or support the government's policy objectives?
- In providing the GBH, can you be confident that the reputations of both the public sector and the external guests be upheld?

### Providing ceremonial gifts

Prior to providing an official ceremonial gift to a person or group representing a particular culture or country, reasonable enquiries should be made to ensure that the gift will be culturally appropriate.

For example:

Before providing an official ceremonial gift to an official representative of an Aboriginal or Torres Strait Islander group, make reasonable enquiries to check that the gift would be culturally appropriate. This could include making enquiries with:





1998 and the [VPS Code of Conduct](#), and must consider these prior to granting approval for the provision of alcohol or attendance at events at which alcohol is provided. For all other purposes and considerations, the default position under this policy, is that the department does not support the provision of alcohol at department events.

Departmental persons also have obligations under the [VPS Code of Conduct](#), and must not be impaired by alcohol or other illegal substances while in the workplace or while representing the department at an approved event. When hospitality is provided, departmental persons must demonstrate professionalism in their conduct and uphold their obligation to extend a duty of care to other participants. See the department's [Drug and Alcohol Policy](#) for more information about the consumption of alcohol while working or at work.

Decisions relating to the provision of alcohol as hospitality should be made on a case-by-case basis, assessed and approved by the relevant Executive Director or Group Deputy Secretary. The following parameters may be useful in making these decisions:

- provision of alcohol alone would be unusual and should be accompanied by the provision of a meal
- any event where alcohol is served should be held at a time that minimises the risk of employees returning to work and being impaired by alcohol (e.g. if standard office hours are worked, the event should be held in the late afternoon or early evening)
- events with alcohol service should not exceed two hours in duration
- no more than two standard drinks per person should be provided
- monitoring an employee's alcohol consumption is the responsibility of all employees
- the provision of alcohol should be incidental to the overall level of hospitality provided.

The department does not permit the provision of alcohol as a gift to department employees or guests of the department.

## 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.

## Task

Refuse all offers of gifts, benefits and hospitality that:

8.
  - 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
  - Are non-token offers without a legitimate business benefit.

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 [Speak Up](#) resources on the DoT intranet, or contact [Integrity & Ethical Behaviour](#).

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.

## Task

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.
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) and Administrative Offices
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
Departmental Event	<p>A Departmental event or Department endorsed event for the purposes of providing hospitality may include:</p> <ul style="list-style-type: none"><li>• A Department sponsored conference, workshop, lecture, panel presentation, networking function;</li><li>• Launch or opening /conclusion of a major infrastructure project;</li><li>• Whole of Department, Group or Division celebration.</li></ul> <p>Small team gatherings such as farewells, Christmas /Holiday Season or other celebrations where attending employees pay for themselves, are not considered Departmental events. Hospitality that is paid for from public funds is not permitted on these occasions. Adherence to the Department's <a href="#">Drug and Alcohol policy</a> is expected and consideration of the hospitality considerations is strongly encouraged.</p>
Departmental Person	The term 'departmental person(s)' is used in this policy to identify those people covered by the policy:

Term	Definition
	<ul style="list-style-type: none"> <li>• All departmental employees, including executive officers and employees covered by the <a href="#">Victorian Public Service Enterprise Agreement 2020</a> (VPS Agreement)</li> <li>• Workplace participants including (but not limited to) trainees, university and work experience students</li> <li>• Apprentices, cadets and volunteers who perform work for or on behalf of the department</li> <li>• Agency on-hire staff and contractors who the <a href="#">Victorian Public Sector Commission</a> (VPSC) has specifically identified as being bound by the <a href="#">VPS Code of Conduct</a>. These people include those who: <ul style="list-style-type: none"> <li>○ supervise public sector employees</li> <li>○ 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</li> <li>○ use or have access to public sector resources or information that are not normally accessible or available to the public.</li> </ul> </li> </ul>
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"> <li>• <b>Gifts</b> 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.</li> <li>• <b>Benefits</b> 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.</li> <li>• <b>Hospitality</b> is the friendly reception and entertainment of guests. Hospitality may range from light refreshments at a business meeting to expensive restaurant meals.</li> </ul>
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 established by the Victorian Public Sector Commission and the <i>Standing Directions of the Minister of Finance 2016</i> .
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

Term	Definition
	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 \$50 or more are non-token offers and must be recorded on the department's gift, benefit and hospitality register.
Ceremonial gift	<p>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.</p> <p>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.</p>
Thank you gift	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/seminar attendance as a speaker/presenter	<p>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.</p> <p>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.</p> <p>For further information, see the <a href="#">Attendance at Official Business Events Policy</a>.</p> <p>Offers from persons or organisations other than the event organiser are not to be accepted.</p>
Conference/seminar attendance as a participant	<p>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.</p> <p>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.</p>

## 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](#)
- [Drug and Alcohol 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 & OBE Offers – Common Scenarios](#)
- [Responding to Gifts, Benefits & Hospitality flowchart](#)

## External Resources

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

- [Victorian Public Service Enterprise Agreement 2020](#)
- [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
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<b>Enquires/ Contact</b>	<a href="mailto:integrity@transport.vic.gov.au">integrity@transport.vic.gov.au</a>
<b>Accountable officer</b>	Eric Henderson, Director, Integrity & Ethical Behaviour
<b>Approved by</b>	Paul Santamaria, Executive Director Governance & Portfolio Services
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Criteria	Details
<b>Summary of changes to latest version</b>	Amendments made to explicitly outline the with Minimum Requirements described by the VPSC and further guidance towards the Provision of GBH