



Gifts, Benefits and Hospitality Policy

Authorised by: Board

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1 Introduction

- a. Gifts, benefits and hospitality are a common and well established practice of conducting business. The purposes range from promoting engagement and relationships which facilitate business outcomes, through to employee recognition and enhancing corporate values and culture
- b. whilst common practice, there are opportunities where gifts, benefits or hospitality might be perceived as inappropriate and conflict with Victorian Ports Corporation's (Melbourne) (VPCM's) position as a Government business enterprise
- c. the Gifts, Benefits and Hospitality Policy (this policy) explains VPCM's position for Directors and employees in relation to the acceptance, receipt (or declination) and provision of gifts, benefits and hospitality and provides certain boundaries, guidance and a decision making framework to make prudent decisions
- d. this policy provides clarity and understanding of risks related to accepting gifts, benefits or hospitality and a framework for deciding when this may be acceptable
- e. adherence to this policy will help ensure that the reputation of Directors, employees and VPCM is upheld.

2 Policy

2.1 Background

- a. as a public entity VPCM must comply with the *Public Administration Act 2004* (Vic) (the Act) which specifies that public officials should demonstrate:
 - i. integrity by avoiding real or apparent conflict of interest
 - ii. impartiality by making decisions and providing advice on merit without bias, caprice, favouritism or self-interest
 - iii. accountability by seeking to achieve best use of resources and submitting themselves to appropriate scrutiny.
- b. to assist the public sector with the requirements of the Act, the Victorian Public Sector Commission (the Commission) has issued binding codes of conduct for public sector Directors and employees. Further guidance is outlined in the Commission's *Gifts, Benefits and Hospitality - Policy Guide* (July 2018)
- c. VPCM reinforces the requirements of the Act and the Commission with supporting documentation that includes for example the Code of Organisational Values and Behaviour of Employees (Code of Conduct) and this Policy
- d. as public trust depends on honest dealings, VPCM Directors and employees must not accept gifts, benefits or hospitality from people who may seek to or inadvertently influence their decisions unfairly. VPCM Directors and employees must be mindful of this overlay and are expected to:
 - i. earn and sustain public trust
 - ii. be honest, open and transparent in their dealings
 - iii. make decisions without bias
 - iv. avoid any real or apparent conflicts of interest
 - v. use their powers responsibly
 - vi. report improper conduct
 - vii. seek to achieve best use of resources
 - viii. submit themselves to appropriate scrutiny

- e VPCM recognises that in business it is not uncommon for gifts, benefits and hospitality to be offered from time to time and that in most cases, they are offered without an ulterior motive or expectation of a return favour.

2.2 Scope

- a this policy applies to the acceptance, receipt (or declination) and provision of gifts, benefits and hospitality
- b this policy applies to all VPCM Directors and employees
- c this policy also applies to contractors and consultants to the extent that they are performing a role that could be considered as part of VPCM staff establishment. Contractors and consultants are to consider the implications of any of their actions that may be perceived as breaching this policy whilst they are engaged directly by VPCM and representing VPCM officially
- d this policy does not apply to sponsorships or donations by VPCM.

2.3 Definitions

Benefit	is preferential treatment, privileged access, favours or other advantage offered. They include invitations to sporting, cultural or social events, access to discounts and loyalty programs, and promises of a new job. While their value may sometimes be difficult to quantify in dollars, they may be highly valued by the intended recipient and therefore used to influence their behaviour.
Business associate	an external individual or entity which the organisation has, or plans to establish, some form of business relationship, or who may seek commercial or other advantage by offering gifts, benefits or hospitality.
Ceremonial gifts	are official gifts which are offered by one agency to another by dignitaries usually to commemorate a visit. Such gifts are often provided to a host agency when conducting official business with delegates from another organisation.
Conflict of Interest	conflicts may be: Actual: There is a real conflict between an employee's public duties and private interests. Potential: An employee has private interests that could conflict with their public duties. This refers to circumstances where it is foreseeable that a conflict may arise in future and steps should be taken now to mitigate that future risk. Perceived: The public or a third party could reasonably form the view that an employee's private interests could improperly influence their decisions or actions, now or in the future.
Gifts	are free or heavily discounted items, intangible benefits or hospitality exceeding common courtesy that are offered to employees in association with their work. Gifts may also be provided by organisations to, for example, a visiting delegation from another jurisdiction. They may be enduring such as a work of art or consumables such as a box of chocolates. They range in value from nominal to significant and may be given for different reasons.
Gifts, benefits and hospitality register (the Register)	is a register of reportable gifts and benefits. It records the date the gift, benefit or hospitality was offered, information about the donor and recipient, the nature of the gift, its estimated value and how it was handled. For accepted offers, it details the business reason for acceptance and the officer approving the acceptance. A designated person maintains the register, which is reviewed by the Audit and Finance Committee.
Gift of influence	is intended to generally ingratiate the giver with the recipient for favourable treatment in the future.
Hospitality	is the friendly reception and treatment of guests, ranging from offers of light refreshment at a business meeting to restaurant meals. Hospitality may be offered to a public sector employee. It may also be provided by public sector organisations.
Legitimate Business Benefit	gifts, benefits and hospitality accepted or provided for a business purpose, in that it furthers the conduct of official business or other legitimate goals of the organisation, public sector or State
Modest hospitality	includes light refreshments such as tea or coffee offered as a courtesy and light meals such as sandwiches served at a business meeting held over meal times.

Non-Token Offer	is an offer of a gift, benefit or hospitality that is, or may be perceived to be by the recipient, the person making the offer or by the wider community, of more than inconsequential value. All offers worth more than \$50 are non-token offers and must be recorded on a gifts, benefits and hospitality register
Significant gift	is a gift that has a value greater than the nominal value. All significant gifts must be recorded in the gifts register and the assets register
Token offer	is an offer of a gift, benefit or hospitality that is offered as a courtesy or is of inconsequential or trivial value to both the person making the offer and the person receiving the offer. Whilst the primary determinant of a token offer is that it would not be reasonably perceived within or outside the organisation as influencing an individual or raising an actual, potential or perceived conflict of interest, it cannot be worth more than \$50. If accepted, it does not require recording in the Register
Value	is the estimated or actual value of a gift in Australian dollars.

3 Accepting Gifts, Benefits and Hospitality

3.1 Minimum Acceptance Requirements

- a VPCM Directors and employees offered gifts, benefits and/or hospitality:
 - i do not, for themselves or others, seek or solicit gifts, benefits and hospitality
 - ii refuse all offers of gifts, benefits and hospitality that:
 - are money, items used in a similar way to money, or items easily converted to money
 - give rise to an actual, potential or perceived conflict of interest
 - may adversely affect their standing as a public official or which may bring their public sector employer or the public sector into disrepute
 - are non-token offers without a legitimate business benefit
 - iii declare all non-token offers (valued at \$50 or more) of gifts, benefits and hospitality (whether accepted or declined) on the register and seek written approval from their manager or organisational delegate to accept any non-token offer. Non Token offers can only be accepted if they have a legitimate business benefit.
 - iv refuse bribes or inducements and report inducements and bribery attempts to the head of the public sector organisation or their delegate (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission)
 - v seek advice from the Chairman, in the case of Directors, or for employees, their line manager or EGM if they are unsure about how to respond to an offer of a gift, benefit or hospitality
- b the divide between a director's and employee's professional and personal life may not always be clear. Directors and employees must remain mindful at all times of external perceptions of their actions when receiving gifts, benefits and hospitality from any third party associated with VPCM.

3.2 Ceremonial gifts

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

3.3 Hospitality provided by Victorian public sector organisations

- a Victorian public sector organisations may provide hospitality to stakeholders, as part of their functions. When offered hospitality by a Victorian public sector organisation, attendees should consider the requirements of the minimum accountabilities
- b accepted hospitality offered by a Victorian public sector organisation as part of official business does not need to be declared or reported, where the reason for the individual's attendance is consistent with VPCM's functions and objectives and with the individual's role.

3.4 Repeat Offers

- a receiving multiple offers (token or non-token) from the same person or organisation can generate a stronger perception that the person or organisation could influence you. Repeat offers from the same source should be refused if they create a conflict of interest or may lead to reputational damage.

3.5 Bulk/Generic Email Offers

- a offers that are part of a generic, bulk event invitation (such as 'spam' email) are not required to be recorded if the offer is declined or ignored.

3.6 Acceptance Guidelines

- a VPCM recognises that accepting gifts, benefits or hospitality may be warranted in some circumstances
- b VPCM employees are encouraged to build professional and effective relationships with suppliers, contractors, consultants and key stakeholders to enhance its reputation and contribute to future success
- c it is acknowledged that networking events are a common occurrence in business. It is acceptable for VPCM Directors and employees to attend such events if they are of a typical and standard practice that is relevant to the industry. Such events may have benefits for VPCM such as through individual professional development, to raise awareness of industry issues and trends or to strengthen industry engagement and relationships. Attendance at networking events should be registered on the Gift register if the event has a nominal value of \$50 or more
- d Directors and employees are required to maintain the appropriate level of interactions with external bodies and individuals in the course of VPCM business; however, should not place themselves or VPCM in situations where their integrity or impartiality may be compromised or challenged
- e Directors and employees must ensure that they do not subject themselves to criticism in their decision making and to be aware of real or perceived conflicts of interest particularly if they are involved in purchasing goods and services, managing tenders and evaluations; or dealing with external parties that are negotiating leases or applying for licenses with VPCM
- f all Directors and employees are required to apply the following GIFT test in relation to the particular gift, benefit or hospitality before submitting a request to accept the gift, benefit or hospitality

G	Giver	Who is providing the gift, benefit or hospitality and what is their relationship to me? Is this gift, benefit or hospitality being offered to me in my role which requires me to select contractors, award grants, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make?
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I	Influence	Are they seeking to influence my decisions or actions? Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy, token of appreciation or highly valuable? Does its timing coincide with a decision I am about to make?
F	Favour	Are they seeking a favour in return for the gift, benefit or hospitality? Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over 12 months? Would accepting it create an obligation to return a favour?
T	Trust	Would accepting the gift, benefit or hospitality diminish public trust? How would I feel if the gift, benefit or hospitality becomes public knowledge? What would my colleagues, family, friends or associates think?

- g a YES answer to any of the above may indicate that the gift, benefit or hospitality should be declined
- h a NO answer to all of the above may allow the employee to consider accepting the gift, benefit or hospitality, subject to the details in Sections 4.5 and 4.6 below
- i Token offers are deemed to be inconsequential or of trivial value to both the receiver and the giver. They may generally be accepted, as long as they do not create a conflict of interest or lead to reputational damage. They cannot be worth more than \$50.
- j Non Token Offers (valued above \$50) can only be accepted if they have a legitimate business benefit. That is, when the offer furthers the conduct of official business or other legitimate goals of VPCM, the public sector or the State. If it does not, the offer must always be declined.

3.7 Acceptance procedures for Non Token Offers

- a the following steps are to be followed after a director or employee has applied the GIFT test and is satisfied that accepting the gift, benefit or hospitality will not undermine their impartiality or integrity and place their or VPCM's reputation at risk
- b the value of \$50 has been identified as the nominal value of a gift, benefit or hospitality to determine whether an offer is a reportable item. Directors and employees should apply their judgement in determining circumstances where a lesser value might be more appropriate.
- c if there are cumulative offers from one source Directors and employees should use their judgement as to how these instances may be perceived
- d offers equivalent to or greater than \$50
 - i Gifts, benefits or hospitality with a nominal value equal to or greater than \$50 can be accepted subject to the approval of the Chairman in the case of Directors or the relevant manager in the case of employees only when a legitimate business benefit exists.
 - ii approval is sought through the submission and consideration of the Gifts, Benefits and Hospitality Notification Form
 - iii the Gifts, Benefits and Hospitality Notification Form must:
 - be completed and approved within 5 business days of receipt of the item, offer or invitation
 - note the actual value of the item if known or an estimated value of the item if unknown
 - specify all date requirements; date item was received, date item was offered, date of item event (i.e date(s) of meals, flights, accommodation etc.)

- iv the completed form is to be submitted to the Executive Assistant
- v any accepted gift with an estimated value of \$50 or more, should be handed to the Board Secretary. Such gifts are retained by VPCM and will be disposed of in accordance with this policy.

3.8 Declining offers

- a Directors and employees are required to decline gifts, benefits or hospitality where the requirements of this Policy are not met and where the offer does not pass the GIFT test
- b Directors and employees who decline any offers of gifts, benefits or hospitality should do so politely and reference this Policy
- c where a declined gift, benefit or hospitality has an actual or estimated nominal value of \$50 or greater, the Gifts, Benefits and Hospitality Notification Form is to be completed in accordance
- d Gifts, benefits or offers of hospitality that are determined to be inappropriate, should be:
 - i returned to the giver with an appropriately written letter
 - ii brought to the attention of the recipient's line management.

3.9 Disposal procedure

The Procedure for the Disposal of Gifts (Procedure) applies to gifts which have been handed to the Board Secretary pursuant to the Policy and include:

- a if VPCM decides to retain a gift then it must be used for VPCM's or the public's benefit and it must be used in an appropriate manner
- b if VPCM does not have an appropriate use for the gift, it may be disposed of in accordance with the following guidelines:
 - disposal of gifts must be in the public interest and have regard to the wishes and expectations of the donor (if known). Disposal by donation to a charity, hospital, school, community, non-profit organisation or similar may be considered
 - if a gift is of historical or cultural significance, it may be offered to a public institution such as the Melbourne Museum, National Gallery of Victoria or similar
 - at the discretion of the Chief Executive Officer, VPCM may use gifts, other than ceremonial and significant gifts, to raise funds for charity or to employees in recognition of good performance
- c all decisions made under this Procedure must be endorsed by the CEO
- d details of the disposal must be entered into the Register.

3.10 Guiding examples

The GIFT test provides a broad framework in determining the appropriateness of gifts, benefits and hospitality that may be offered to Directors or employees. It is not feasible to produce a comprehensive list of all possible scenarios, nor is it desirable as the acceptance of gifts, benefits and hospitality requires the application of sound judgement.

The following examples are provided for further guidance and to assist Directors and employees in their application of the Policy. These examples are not intended to be exhaustive and any director or employee who is in doubt should talk to the Chairman, in the case of Directors, or for employees their manager, EGM or the CEO.

- a. Tokens, mementos and small gifts of appreciation up to a nominal value of \$50 (Eg: stationery, moderately priced bottles of wine or boxes of chocolates) as a token of appreciation for attendance at conferences, training, industry events, delivering presentations or speaking events on behalf of VPCM are generally acceptable if the appreciation is being shown for a service provided, and declining the gift could offend or cause embarrassment
- b. Token gifts accepted by an employee for their work or contribution (such as door prizes at an event, speaker recognition gifts) may be retained by the individual. Directors and employees must transfer all official gifts received on behalf of the organisation, any gift of cultural significance or gifts with a nominal value over \$50. Any gifts or benefits where fees for speaking are offered must be declined
- c. Light refreshments and modest hospitality up to a nominal value of \$50 offered as a part of official business (such as business meetings, lunches or conferences) may be acceptable and not reportable
- d. Hospitality with a value in excess of a nominal value of \$50 offered as a part of official business (such as business meetings, lunches or conferences) may be acceptable, however these hospitality events are reportable
- e. Offers of sponsored travel and accommodation and invitations to attend private functions should generally be declined because of the potential for perceived conflicts of interest. However, if the event or activity is considered to be in the public interest, then travel and accommodation costs may be paid by VPCM. In all cases the relevant EGM should be advised
- f. Participation in industry sporting days/events, corporate invitations to attend major sporting events may be acceptable as long as the invitation and purpose has been approved by the relevant EGM, relates to your official duties and has a legitimate business benefit
- g. Solicitations from and to suppliers, consultants or contractors through director/employee family or personal relationships are unacceptable and would constitute a breach of this Policy. For example, a VPCM employee may be involved in a tender process and is invited through another person (family or friend) to attend an event as a guest of one of the companies that will submit a tender to VPCM. The VPCM director or employee should decline such an offer
- h. When an offer of hospitality (or event) is provided through a generic bulk invitation (ie: spam email offers, generic membership offers etc), no declaration is required if the offer is not accepted
- i. Accepted hospitality offered by a Victorian public sector organisation as part of official business does not need to be declared or reported

4 Providing Gifts, Benefits and Hospitality

4.1 Provision considerations

- a hospitality or the giving of gifts is often provided to welcome guests, facilitate the development of business relationships, further business outcomes and celebrate achievements
- b when planning to provide gifts, benefits or hospitality VPCM will:
 - i apply the HOST Test (refer to Section 6(e))
 - ii consider the nature of the gift, benefit or hospitality
 - iii seek to contain costs
 - iv ensure that the offer is less than the expected benefits
 - v ensure consistency and transparency of treatment internally and externally.

4.2 Providing Gifts, Benefits or Hospitality to external guests

- a as a Government business enterprise, VPCM's principal responsibilities are to the interests of its shareholder, the Victorian Government, which represents the interests of all Victorians and the economy. In the normal course of VPCM's business, gifts, benefits or hospitality may be provided for the purposes of:
 - i receiving or hosting guests
 - ii facilitating relationships
 - iii celebrating an event or achievement

- iv launching an initiative
- v raising awareness and interest
- vi strengthening VPCM's reputation and brand.

4.3 Providing Gifts, Benefits or Hospitality to Employees

- a Employees are important stakeholders in VPCM's business and are critical to achieving corporate objectives
- b consistent with external considerations, there are circumstances where the provision of gifts, benefits or hospitality to employees will promote corporate objectives through:
 - i motivating employees
 - ii networking and collaboration
 - iii enhancing work satisfaction and corporate culture
 - iv facilitating training and learning opportunities
 - v rewarding and recognising performance.

4.4 Minimum accountabilities for provision of gifts, benefits and hospitality

- a. VPCM Directors and employees providing gifts, benefits and hospitality are required to ensure:
 - i. 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.
 - ii. that any costs are proportionate to the benefits obtained for the State and would be considered reasonable in terms of community expectations.
 - iii. that they demonstrate professionalism in their conduct and uphold their obligation to extend a duty of care to other participants.
 - iv. it does not raise an actual, potential or perceived conflict of interest.

4.5 Provision Guidelines

- a. All Directors and employees are required to apply the following HOST test in relation to the provision of gifts, benefits or hospitality before submitting a request to offer a gift, benefit or hospitality:

H	Hospitality	To whom is the gift or hospitality being provided? Will recipients be external business partners, or employees of the host organisation?
O	Objectives	For what purpose will the hospitality be provided? Is the hospitality being provided to further the conduct of official business? Will it promote and support government policy objectives and priorities? Will it contribute to staff wellbeing and workplace satisfaction?
S	Spend	Will public funds be spent? What type of hospitality will be provided? Will it be modest or expensive, and will alcohol be provided? Will the costs incurred be proportionate to and less than the benefits obtained?
T	Trust	Will public trust be enhanced or diminished? Could you publicly explain the rationale for providing the gift or hospitality? Will the event be conducted in a manner which upholds the reputation of the public sector? Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures?

4.6 Containing costs

- a. Directors and employees should contain costs involved in the provision of gifts, benefits and hospitality wherever possible. The following questions may be useful to assist with deciding on the type of gift, benefit or hospitality to provide:
 - i. Will the cost of providing the gift, benefit or hospitality be proportionate to the potential benefits?
 - ii. Is an external venue necessary or does VPCM have the facilities to host the event?
 - iii. Is the proposed catering or hospitality proportionate to the number of attendees?
 - iv. Does the size of the event and number of attendees align with intended outcomes?
 - v. Will providing the gift, benefit or hospitality be viewed by the public as excessive?

4.7 Providing Alcohol

- a. VPCM hosted events will generally be alcohol free.
- b. Where the provision of alcohol is intended at a VPCM hosted event the following parameters apply:
 - i. the provision of alcohol must be approved by the CEO
 - ii. the event should be held at a time which minimises the risk of employees returning to work impaired by alcohol. For example, if normal office hours are worked, the event should be held in the late afternoon or early evening
 - iii. the event should not exceed two hours in duration
 - iv. no more than two standard drinks per person should be provided
 - v. the provision of alcohol should be incidental to the overall level of hospitality provided.

4.8 Guiding examples

The HOST test provides a broad framework in determining the appropriateness of gifts, benefits or hospitality that may be provided by VPCM. It is not feasible to produce a comprehensive list of all possible scenarios, nor is it desirable as the provision of gifts, benefits and hospitality requires the application of sound judgement. The following examples are outlined for further guidance and to assist employees in their application of the Policy. These examples are not intended to be exhaustive and any employee who is in doubt should talk to their line manager or EGM:

- a. Hosting town hall style community events to raise awareness of critical port initiatives such as Steer Clear or to consult on community projects is appropriate
- b. It is appropriate to host industry events or forums that aid the delivery of VPCM's business objectives and priority projects
- c. It may be appropriate to provide VPCM branded materials and information packs to aid in the delivery of key messages
- d. Depending on the time and duration of engagement activities it may be appropriate to provide light refreshments
- e. Directors and senior employees of VPCM make significant contributions to the strategic success of the business. It is therefore appropriate to provide a suitable farewell gift and host a small function for departing individual
- f. It is appropriate to send flowers and a card to employees (or their families) who are grieving the loss of a close relative or who are absent from work recovering from serious injury or illness
- g. It is a longstanding maritime and ports custom to exchange ceremonial gifts of appreciation with visiting dignitaries and to acknowledge the maiden voyage of significant vessels and ships
- h. It is appropriate to maintain a commitment to employee health and wellbeing through the modest provision of wellness programs arranged in accordance with this Policy
- i. It is appropriate to recognise the significant achievements and service milestones of employees by providing token gifts of appreciation
- j. Catered activities for employees as part of larger employee related events may warrant basic catering; various examples could include morning teas or lunches for the retirement of a long serving employee, a significant project completion, CEO staff exchanges, a training course, workshop, board meeting, planning day or conference
- k. A whole of business Christmas lunch is an appropriate way to celebrate the year's achievements and reward employees equally for their efforts. Where an appropriate VPCM venue or public facility such as a town hall cannot be sourced for the event, a modestly priced reception centre or restaurant with accompanying services will be chosen. VPCM will only fund one employee Christmas event each year.

5 Recording and Reporting

- a Gifts, benefits and hospitality must be recorded where it is:
 - i accepted and worth more than \$50
 - ii declined and worth more than \$50
 - iii provided and worth more than \$50
 - iv a ceremonial gift
- a recording of accepted or declined items occurs in the Register via the Gifts, Benefits and Hospitality Notification Form in accordance with Acceptance Procedures or requirements for declining offers
- b recording of provided hospitality greater than \$50 occurs in the Register via the Gifts, Benefits and Hospitality Notification Form. In addition, hospitality expenditure is recorded and reported in accordance with whole of government financial management, accountability and reporting requirements
- c the Executive Assistant administers the Register and recording of gifts, benefits and hospitality
- d significant gifts that are accepted may be recorded on the assets register, if relevant
- e 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 are not required to be declared or recorded
- f on behalf of the Board, the Audit and Finance Committee reviews the Register to monitor compliance with internal policies and Victorian Government

requirements, as well as checking for evidence (or lack of) of attempts to improperly influence the decisions or actions taken by its employees.

6 Governance

6.1 Minimum accountability for the Chief Executive Officer

The Chief Executive Officer must:

- a. establish, implement and review VPCM's policy and processes for the effective management of gifts, benefits and hospitality that comprehensively address the minimum requirements of the VPSC policy framework.
- b. establish and maintain a register for gifts, benefits and hospitality offered to VPCM Directors, executive and staff that, at a minimum, records sufficient information to effectively monitor, assess and report on the minimum requirements of the VPSC policy framework.
- c. communicate and make clear within VPCM that a breach of the gifts, benefits and hospitality policy or processes may constitute a breach of binding codes of conduct and may constitute criminal or corrupt conduct and may result in disciplinary action.
- d. establish and communicate a clear policy position to business associates on the offering of gifts, benefits and hospitality to VPCM employees, including possible consequences for a business associate acting contrary to VPCM's policy position. This must take into consideration any whole of Victorian Government supplier codes of conduct.
- e. report at least annually to the VPCM Audit and Finance Committee on the administration and quality control of its gifts, benefits and hospitality policy, processes and register. This report must include analysis of VPCM'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.
- f. publish VPCM's gifts, benefits and hospitality policy and register on VPCM's public website. The published register should cover the current and the previous financial year.

6.2 Accountabilities and Responsibilities

- a. Directors must ensure they are familiar with this Policy and fulfil obligations to report offers of gifts, benefits and hospitality over the nominal value. It is important the Directors consider the reporting of all offers even if they do not appear to relate directly to VPCM
- b. the Audit and Finance Committee shall review the Register quarterly for purposes of transparency purposes
- c. the CEO must annually attest to having a policy in place that is consistent with the Gifts, Benefits and Hospitality Framework that is administered by the Victorian Public Sector Commission
- d. the CEO and EGMs must:
 - i. ensure there is no evidence of trends such as reoccurring gifts or benefits from one source over time
 - ii. promulgate and establish awareness and compliance with this Policy to all employees, contractors, suppliers and consultants who enter into contracts with VPCM
 - iii. where appropriate, approve the acceptance of gifts, benefits and hospitality

- e the Executive Assistant is responsible for the administration of the Register and ensuring the forms are completed and authorised prior to information being entered
- f the preparation of reports and monitoring of potential risks is the responsibility of the Board Secretary
- g the EGM Finance and Corporate Support must ensure hospitality expenditure is recorded and reported in accordance with whole of government financial management, accountability and reporting requirements. The EGM Finance and Corporate Support will monitor the recording of any revenue from fees and grants on VPCM's finance system once it has been communicated from Corporate Services
- h Employees must ensure they are familiar with the policy and comply with it, associated procedures and the Code of Conduct.

7 Risk Management and Financial Obligations

- a. VPCM has a Risk Management Policy and Risk Management Framework. Risks associated with each offer of a gift, benefit or hospitality will be considered as part of the acceptance procedures.
- b. All VPCM Employees and Directors understand that gifts, benefits and hospitality that are offered under an agreement between a third party and the organisation may attract fringe benefits tax. Guidance on the application of fringe benefits tax to the acceptance of gifts, benefits and hospitality should be sought from the EGM, Finance and Corporate Support.

8 Speak up and Breaches

- a. Individuals who consider that gifts, benefits and hospitality or conflict of interest within the organisation may not have been declared or is not being appropriately managed should speak up and notify their manager or the CEO. Management will take decisive action, including possible disciplinary action, against individuals who discriminate against or victimise those who speak up in good faith.
- b. disciplinary action consistent with the relevant industrial instrument and legislation, including dismissal, may be taken where an individual fails to adhere to this policy. This includes where a director or employee fails to avoid wherever possible or identify, declare and manage a conflict of interest related to gifts, benefits and hospitality.
- c. actions inconsistent with this policy may constitute misconduct under the *Public Administration Act 2004*, which includes:
 - breaches of the binding *Code of Conduct for Victorian Public Sector Employees*, such as sections of the Code covering conflict of interest, public trust and gifts and benefits; and
 - VPCM Directors and employees making improper use of their position.
- d. actions inconsistent with this policy may also constitute improper conduct under the *Public Interest Disclosures Act 2012* and employees should refer to VPCM's Public Interest Disclosures Procedures.
- e. for further information on managing breaches of this policy, please contact People and Culture.

11 Related policy, legislation and other documents

- Minimum accountabilities for the management of gifts, benefits and hospitality
(see *Instructions supporting the Standing Directions of the Minister for Finance*)
- *Public Administration Act 2004*
- Code of Organisational Values and Behaviour of Employees (Code of Conduct)
- Code of Conduct for Victorian Public Sector Employees
- Code of Conduct for Directors of Victorian Public Entities
- Victorian Public Sector Commission's Gifts, Benefits And Hospitality Policy Guide
- Delegations of Authority Policy (including instruments of Delegations)
- Procurement Policy and associated procedures and guidelines
- Gifts, Benefits and Hospitality Nomination Form
- Gifts, Benefits and Hospitality Register