

Gifts, Benefits and Hospitality Policy

About this document

Purpose This policy and the accompanying procedure set out how as an organisation and individually, we:

- respond to offers of gifts, benefits and hospitality
- provide gifts, benefits and hospitality

This includes our responsibilities to keep records and publish information about offers of gifts, benefits and hospitality.

The aim of this policy and procedure is to support VAGO Officers avoid conflicts of interest, maintain integrity and public trust via the transparent management of any offers of gifts benefits and hospitality.

Application This policy applies to all VAGO employees, contractors and consultants.

Minimum Accountabilities

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

Essentially a gift, benefit or hospitality must not be gifted or accepted if the offer does not comply with the minimum accountabilities.

This policy is based on these [minimum accountabilities](#) and together with the related procedure and our gifts, benefits and hospitality register outlines how VAGO and VAGO staff comply with the minimum accountabilities. This policy demonstrates how VAGO meets minimum accountability 9.

Why do we have minimum accountabilities? When we perform our public duties, it's vital that our decision-making is impartial. This helps to maintain the public's trust in our organisation and prevent corruption. Having clear rules around both giving and receiving gifts, benefits and hospitality provide support to staff to understand how to act to maintain trust in our organisations and prevent corruption.

In support of this idea, the Victorian Public Sector Commission (VPSC) issues minimum accountabilities for the management of gifts, benefits and hospitality. These are binding on our organisation. This policy is based on the [minimum accountabilities](#) and supports VAGO in ensuring it meets those accountabilities.

Guiding principle The requirements in these gifts, benefits and hospitality policy are at least as strong as those in the minimum accountabilities.

Developing a culture of 'thanks is enough' at VAGO.

Moving to 'thanks is enough'

We encourage all VAGO staff to help us develop a culture of 'thanks is enough'.

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

We encourage all staff to take steps to help external stakeholders understand our policy and this aim – for example, we encourage you to discourage gift offers, especially repeat offers.



Two types of offers.

While we strive to create a culture of "thanks is enough" from time to time you might be offered a gift, benefit or hospitality. There are different rules about what offers you can accept depending on whether the offer is valued at less than \$50 or more than \$50.

Offers valued at less than \$50 The offer is worth less than \$50. It is considered a small token of gratitude. It is referred to as a token offer.

Offers valued at more than \$50 The offer is worth \$50 or more. This is a more significant token of gratitude. These are called non-token offers.

Offers of gifts, benefits and hospitality to VAGO employees

There are four minimum accountabilities that VAGO staff must meet in relation considering whether to accept offers of gifts, benefits and hospitality. These are described below.

Do not solicit offers

Do not solicit offers You must not seek any gift, benefit or hospitality, for yourself or others, if the offer could reasonably be seen as connected to your employment. This is minimum accountability 1.

Offers you must refuse

You must always refuse a gift, benefit or hospitality (irrespective of the value of the offer), if any of the following apply. This is minimum accountability 2.

Money or similar

You must refuse the offer if it is money, used in a similar way to money, or easily converted to money.

Conflict of interest

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

Repeat offers that cause a conflict of interest

You must refuse the offer if it is a repeat offer that could reasonably be seen as adding up to a conflict of interest.

Repeat offers are multiple offers from the same person, group or organisation. Their combined effect can sometimes lead to the perception that they could influence you and that is why they should be refused.

Decisions you are likely to make or influence

You must refuse the offer if it is from a person, group or organisation you're likely to make or influence a decision about in the foreseeable future. This could reasonably be seen as a conflict of interest.

Advantage to supplier or sponsor

You must refuse the offer if accepting it could reasonably be seen as advantaging a supplier or sponsor in a future procurement.

Public trust

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

Community expectations

You must refuse the offer if it is not consistent with community expectations. There are some examples below.

Endorsement

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

Offers by suppliers or contractors

You must refuse offers from suppliers for free or discounted development opportunities that they were not engaged to provide. Staff may only accept development opportunities from suppliers where there is a legitimate business reason, attendance meets community expectations and any risk of conflict of interest can be appropriately managed.

Sufficient attendees

You must refuse offers relating to hospitality and events if our organisation will already be sufficiently represented to meet its business needs or – as is the case for all other offers – if it does not comply with other elements of the integrity test.

Bribes

You must refuse the offer if it could reasonably be seen as a bribe or other inducement. In this instance you must also report the offer to Director Strategy, Governance and Risk.

They will report any criminal or corrupt conduct to Victoria Police and/or the Independent Broad-based Anti-Corruption Commission.

Offers of \$50 or more without a legitimate business reason You must refuse offers values at \$50 or more (a non-token offer) unless there is a legitimate business reason to accept. It must further the conduct of official business or other legitimate goals of our organisation, the public sector or the State.

Offers you should consider refusing

You should also consider refusing a gift, benefit or hospitality (token or non-token), if it doesn't feel right.

Your judgement suggests that something isn't right You should refuse the offer if you feel that accepting it would breach your obligations under the [Code of conduct for Victorian public sector employees of special bodies](#).

This is a broad test that you can use to protect yourself if you are still unsure about accepting an offer. If you're uncertain, you can seek advice from your manager, or VAGO's Director Strategy, Governance and Risk.

Declining or returning an offer.

Declining and returning offers In most cases where the offer should or must be refused, you should decline it at the time the offer is made to you. Sometimes this can be difficult, for example:

- The offer may have been delivered to our organisation via mail, making declining difficult.
- Declining the offer may cause offence or even be unsafe in the moment for the staff member being offered it.
- There may be some other reason why, in the moment, you are unable to decline the offer.
- On further reflection, you determine that it should not have been accepted in the first place.

In those cases gifts must be returned. Either you or VAGO will either return the gift to the offeror where appropriate. Where it is not appropriate VAGO will arrange to dispose of the gift.

In the case of benefits and hospitality, the most obvious scenario is that refusing would offend the offeror in a way that would make you feel unsafe.

In such cases, as soon as possible declare that you accepted the offer and why to your manager or Director Strategy, Governance and Risk.

Follow-up response

VAGO management will take action to ensure our staff are not placed in such situations in the future.

Offers made in a personal capacity.

Offers made in a personal capacity It is normal to receive offers of gifts, benefits and hospitality in your personal life that are unconnected to your work.

You can accept these offers, provided you believe on reasonable grounds that the offers are made in a personal capacity.

If you are unsure whether an offer is being made to you in a personal capacity or because of your role with our organisation, apply the integrity test outlined in the GBH Procedure, consider the GIFT questions in Appendix A and follow this policy as you would in your professional capacity.

Declare all offers worth \$50 or more (non-token offers)

Declare all offers

If you receive an offer valued at \$50 or more, you must:

- declare the offer in writing on [VAGO's gifts, benefits and hospitality register](#), even if you refuse it
- always refuse the offer unless it complies with this policy and you have permission from your manager or Director, Strategy, Governance and Risk.

This is minimum accountability 3.

Your behaviour when accepting hospitality

Behaviour & hospitality

If you are accepting hospitality as a VAGO employee, you must:

- demonstrate professionalism in your conduct at the event
- uphold your obligation to extend a duty of care to other participants at the event.

This is minimum accountability 7.

Providing gifts, benefits and hospitality on behalf of VAGO

There are four minimum accountabilities that VAGO staff must meet in relation providing of gifts, benefits and hospitality to others on behalf of VAGO. They apply when making any offer of a gift, benefit or hospitality, including an offer to another Victorian public sector organisation.

The gift is for a business purpose

Business purpose

You must ensure that any gift, benefit and hospitality (token or non-token) you provide on behalf of VAGO 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.

This is minimum accountability 4.

The gift meets cost and community expectation

Cost and expectation

You must ensure that the cost of providing a gift, benefit or hospitality is:

- proportionate to the benefits obtained for the State
- would be considered reasonable in terms of community expectations.

This is minimum accountability 5.

This gift does not give rise to a conflict of interest

Conflict of interest

You must ensure that you do not provide a gift, benefit or hospitality unless:

- no conflict of interest exists (actual, potential or perceived), or
- you declare a conflict and your organisation develops a management plan that explicitly allows you to provide it.

This is minimum accountability 6

Hospitality, conflicts or interest and behaviour at events you host.

Behaviour & hospitality

You must ensure that when hospitality is provided, participants:

- demonstrate professionalism in their conduct
- uphold their obligation to extend a duty of care to other participants.

If you are a participant who is accepting hospitality, you must also comply with these standards.

Breaches of this policy

If you think you may have breached this policy notify your manager in writing immediately. This enables us to assess how best to mitigate the risk – for example, we may arrange to return the gift.

VAGO's response

Under the minimum accountabilities, VAGO must always:

- actively support and protect employees who speak up in good faith
- take decisive action, including possible disciplinary action, against anyone who discriminates against or victimises an employee who speaks up in good faith
- respond in a constructive manner to the information provided (minimum accountability 9).

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

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

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

A finding of misconduct may amount to a breach of the code of conduct. Serious misconduct can result in termination of employment.

Contractors may be subject to contract renegotiation or termination.

If a criminal offence may have occurred, the Victorian or Federal Police may investigate and prosecute.

Speak up

We encourage you to speak up if you believe a breach of this policy:

- has happened
- is happening
- might be about to happen.

You can do so by notifying your manager or the Director Strategy, Governance and Risk

IBAC and the VO

Alternatively, if you believe corrupt or improper conduct is occurring, you can make a complaint directly to the Independent Broad-based Anti-corruption Commission (IBAC) or the Victorian Ombudsman.

Depending on the circumstances this can occur on a whistle-blower basis as a public interest disclosure.

Communication and reporting

Communicating our policy

This policy must be made available to all VAGO staff via our key documents register. It must also be published on the VAGO website to ensure that any VAGO business associates can understand our policy on the offering of gifts, benefits and hospitality to VAGO employees. This aligns with minimum accountabilities 10, 11 and 14.

Monitoring

The VAGO Audit and Risk Committee will receive a report, on a quarterly basis, on the administration and quality control of the gifts, benefits and hospitality policy, processes and register. The report will include analysis of VAGO's gifts, benefits and hospitality risks (including multiple offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements. This is minimum accountability 12.

Maintaining and publishing a register of offers.**Maintaining an official internal register**

VAGO must ensure establish and maintain an official internal register of non-token gifts, benefits and hospitality offered to employees.

At a minimum, the register must record sufficient information to:

- effectively monitor, assess and report on the minimum accountabilities,
- meet the information requirements for the public register.

This is minimum accountability 13.

Publishing the public register

VAGO will ensure that the public register of reportable gift offers received is available to the public via publication on our website. This is minimum accountability 14.

The public register should cover the previous financial year and be published within four months of each new financial year. The public register must at a minimum contain the following reportable information:

- all non-token offers, whether they were accepted or not
- the date each non-token offer was made
- the position of the recipient
- the position and organisation of the person making each offer
- where possible, whether the offeror is a business associate of the organisation
- a description of each offer and its value
- whether the offer was accepted or declined
- if accepted, the business reason for doing so.

Responsibilities

Group/role	Are responsible for ...
Auditor-General	<ul style="list-style-type: none"> • Oversee VAGO's adherence to the minimum accountabilities set by the Victorian Public Sector Commission in relation to gifts, benefits and hospitality, including establishing, implementing and reviewing organisational policies and processes for the effective management of gifts, benefits and hospitality. This is minimum accountability 9. • Modelling good practice and foster a culture of integrity. This is minimum accountability 8.
Operational Management Group (OMG)	<ul style="list-style-type: none"> • Endorse this policy • Promote and establish awareness of and compliance with this policy from all members of the organisation.

Group/role	Are responsible for ...
Audit and Risk Committee (ARC)	<ul style="list-style-type: none"> • Consider quarterly reporting on the on the administration and quality control of the gifts, benefits and hospitality policy, processes and register • provide and consider recommendations for improvements
Director Strategy, Governance and Risk	<ul style="list-style-type: none"> • facilitate compliance with this policy and procedure including regularly reminding staff of their obligations related to this policy and providing advice about this policy • publish VAGO's gifts benefits and hospitality policy and register (current and previous financial year) on VAGO's public website • provide training on GBH • report breaches of this policy to the Auditor-General and the ARC • manage breaches of this policy
Chief Financial Officer	<ul style="list-style-type: none"> • Ensure that hospitality expenditure is recorded and reported in accordance with whole of government financial management, accountability and reporting requirements.
VAGO manager	<ul style="list-style-type: none"> • Ensure teams have read this policy, completed training requirements in SuccessFactors and report/ identify any gifts, benefits or hospitality as per the procedure. • Meet the requirements specified in this policy. Being mindful of the effect on the independence and impartial performance of their official duties in considering whether to accept or provide gifts, benefits and hospitality and record offers in the Gifts, benefits and hospitality register. • Communicate VAGO's policy on the offering and provision of gifts, benefits and hospitality to contractors, consultants and other business associates.
VAGO staff, contractors and consultants	<ul style="list-style-type: none"> • Meet the requirements specified in this policy. Being mindful of the effect on the independence and impartial performance of their official duties in considering whether to accept or provide gifts, benefits and hospitality and record offers in the Gifts, benefits and hospitality register. • Communicate VAGO's policy on the offering and provision of gifts, benefits and hospitality to contractors, consultants and other business associates.

Supporting documents and information

References and Links

- [VPSG Gifts, Benefits and Hospitality Resource Centre](#)

Legislation

- [Public Administration Act 1994](#)

Policies

- [Gifts, Benefits and Hospitality policy](#)
- [Conflict of Interest policy](#)
- [VPS Management of Misconduct policy](#)
- [Complaints Management Policy](#)

Code of conduct

- [VPS Code of Conduct for Special Bodies](#)
- [APES 110 Code of Ethics for Professional Accountants](#)

Internal register

- [Gift, benefits and hospitality register](#)

Seeking further advice

If you are unsure about accepting a gift, benefit or hospitality, or the application of this policy ask your manager or the Director Strategy, Governance and Risk

Policy review and version history

Policy review statement

This policy will be reviewed every two years from the last approval date, when there is a significant change in the Victorian Public Sector Commission's (VPSC) guidance, or as required to ensure its currency

Version history

Version	Date	Changes made	Prepared or amended by
1.0	01/07/2018	Initial Release.	
1.1	01/07/2019	Changes related to IA Review – Internal Financial Controls	Executive Officer
1.2	10/01/2024	Scheduled review	Executive Officer, Special Projects
1.3	22/08/2024	Change related to updated guidance released by the VPSC	Director Strategy, Governance and Risk
Policy Owner	Director Strategy, Governance and Risk		
Approved by	Andrew Greaves, Auditor-General	Date	21 November 2024

Appendix A - the GIFT test

Using your own judgment - Take the GIFT test

The GIFT test is a good reminder of what to think about when deciding whether to accept or decline a gift, benefit or hospitality and to determine whether accepting would result in an unacceptable conflict of interest.

Giver	<ul style="list-style-type: none"> • Who is providing the gift, benefit or hospitality and what is their relationship to me? • Does my role require me to select suppliers, award grants, regulate industries or determine government policies? • Could the person, group or organisation benefit from a decision I make?
Influence	<ul style="list-style-type: none"> • Are they seeking to gain an advantage or influence my decisions or actions? • Has the gift, benefit or hospitality been offered to me publicly or privately? • Is it a basic courtesy or token of appreciation or is it a non-token offer? • Does its timing coincide with a decision I'll be making in the foreseeable future?
Favour	<ul style="list-style-type: none"> • Are they seeking a favour in return for the gift, benefit or hospitality? • Has the gift, benefit or hospitality been offered honestly? • Has the person, group or organisation made several offers over the last 12 months? • Would accepting create an obligation, or feeling of obligation, to return a favour?
Trust	<ul style="list-style-type: none"> • Would accepting the gift, benefit or hospitality diminish public trust? • How would the public view acceptance of this gift, benefit or hospitality? • What would my colleagues, family, friends or associates think?