DJSIR Policy

Gifts, Benefits and Hospitality

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# Key points

* the department’s default position is to **politely decline** all offers of GBH.
* there are exceptional **circumstances** where offers may be considered, such as:
	+ a ceremonial gift offered to the department, where declining may cause offence to the offeror.
	+ token offers (i.e., valued at less than $50) which do not raise a conflict of interest, such as modest hospitality as part of a business meeting.
* all offers of GBH valued at $50 or more must be declared on the department's GBH register, even if they are declined.
* a register of offers of GBH valued at $50 or greater is published on the [department website](https://djsir.vic.gov.au/about-us/overview/policy-framework/gifts%2C-benefits-and-hospitality-policy).

# Need help with this policy?

**Email:** **integrity@ecodev.vic.gov.au**

# Policy statement

A gift, benefit, or hospitality (GBH) is anything of value, including services or entertainment, that is offered to a departmental person in their work capacity, beyond their normal employment entitlements.

This policy outlines the department’s requirements for:

* offers of GBH.
* provision of GBH.

# Scope

This policy applies to all department employees and workplace participants.

This includes all staff covered by the Victorian Public Services Enterprise Agreement 2020, executive officers, agency-on-hire staff, contractors and other workplace participants engaged by or on behalf of the department.

# Policy Requirements

1. **Responsibilities of departmental persons**

Departmental persons must:

* act in accordance with the department’s default position to **politely decline** all offers of GBH, unless exceptional circumstances apply.
* **not seek or solicit** GBH, for themselves or for others.
* ensure that acceptance or provision of GBH does not influence and could not reasonably be perceived to influence the staff member in their role.
* report any attempted bribes, including offers that could be **perceived** as a bribe or inducement, to an appropriate manager, the Public Interest Disclosure Coordinator or Deputy Coordinators, or the Independent Broad-based Anti-Corruption Commission.
* **register all non-token offers** (i.e., valued at $50 or greater), whether accepted or declined, on the department’s GBH register.
* **seek approval** from an appropriate manager **before accepting any non-token offers of GBH**, where possible. If there is no opportunity to seek written approval prior to accepting, the departmental person must seek approval from their manager within five days.

Departmental managers must:

Ensure departmental persons are aware of this policy and provide support and guidance where an offer of GBH is received.

Assess declared offers of GBH in line with this policy (prior to acceptance, where possible) to ensure that:

* acceptance does not raise an actual, potential, or perceived conflict of interest or have the potential to bring the individual, the department, or the public sector into disrepute.
* ensure there is a legitimate and articulated business reason for acceptance of any GBH.
* satisfy themselves that any expenditure for the provision of GBH fully complies with this policy, and not approve any claims that are not – including any retrospective claims submitted for reimbursement.
1. **When you must refuse offers of GBH**

The department’s default position is to **politely decline** all offers of GBH. Departmental persons **must refuse** all offers of GBH where:

* acceptance may influence, or be perceived to influence, any actions or decisions made in the course of their official duties.
* are non-token offers without a legitimate business benefit.
* the offer is money, gift vouchers, per-diems, or similar items easily converted to money.
* acceptance could raise unmanageable actual, potential of perceived conflicts of interest as defined in the Conflicts of Interest Policy.
* it could be perceived as a bribe or inducement to make a decision or engage in a specific action.
* the offer includes sponsored travel, accommodation or any other benefit, other than when offered by a conference organiser to facilitate a departmental person **presenting** at a conference in an official capacity.
* the offer falls under claimable travel expenses (under the Domestic Travel policy), such as per-diems, taxi fares, vehicle rental, or travel and accommodation costs that should be covered by the department.
* acceptance would benefit, or be perceived to benefit, a departmental person or their personal relationships or associates.
* the offer, or similar offers, have been made repeatedly by the same person or organisation.
* may adversely affect their standing as a public official or which may bring their public sector employer or the public sector into disrepute.

If a departmental person receives an offer of GBH that they consider may be inappropriate or improper, they should immediately report the matter to ensure that consideration is given to any further action that may be required.

1. **Offers that can be considered for acceptance**

There are a small number of exceptional circumstances where offers may be considered, including:

* ceremonial gifts offered as part of culture and practice of communities such as from an overseas delegation, where declining would cause offence to the offeror.
* token offers (i.e., valued at less than $50) which do not raise a conflict of interest, such as modest hospitality as part of a business meeting.
* thank-you gifts offered to a speaker at a conference or seminar, provided the offer would not be perceived as excessive or inappropriate.
* where there is a clearly demonstrated business reason for acceptance, by furthering the business of the department or there is a public benefit in accepting the offer.
1. **Other options for dealing with GBH**

Departmental persons must exercise discretion around the treatment of both declined and accepted material offers of GBH. In some instances, it is appropriate practice to:

return the item to the person or organisation making the offer.

donate the item to the department’s Social Club.

1. **Official Business Events**

Official business events (OBE) are not GBH.

OBE are core business activities of the department that may involve attending events as a representative of the department or the Victorian state government in the normal course of public duties.

Determining whether an event constitutes OBE or GBH varies depending on a departmental person’s position and role. For example, an event may be considered OBE for an Executive Director but not for their direct reports.

For an event to be considered OBE, **all the following criteria** must be satisfied:

* the person or organisation issuing the invitation must be:
	+ the event organiser,
	+ host or an official sponsor, **or**
	+ the offer is made on behalf of a government department, Minister, or official representative.
* the departmental person receiving the invitation is in a role that relates **directly** to the event or industry within which the event is occurring.
* there is a reasonable expectation that the departmental person would attend the event as an official representative of either the department or the Victorian state government.
* attendance would provide a benefit to the department, Victorian state government or to the public, that can be clearly articulated and is proportionate to the value of the offer.
* the departmental person has (ideally written/ email) approval from their line manager in advance of the event.

When attending OBEs, there may be some limited, exceptional circumstances where it is appropriate for a guest to accompany the departmental person. For example, State receptions or opening nights of gala cultural events.

1. **Provision of GBH by the Department**

Providing GBH should be avoided unless:

* it is for a business reason that furthers the conduct of official business or promotes and supports department policy objectives and priorities.
* costs are demonstrably proportionate to the benefits.
* it does not raise any actual, potential, or perceived conflict of interest.

Departmental persons should consider the following when determining whether to provide GBH:

* maximum benefits at the most economical cost.
* catering is proportionate to the activity.
* meals provided are of reasonable cost.
* public sector venues should be selected in preference to private venues.
* tips or gratuities are not included in hospitality expenditure.
* ensure that when hospitality is provided, individuals demonstrate professionalism in their conduct, and uphold their obligation to extend a duty of care to other participants.

For the provision of hospitality greater than $1,000, departmental persons and the appropriate approving manager should:

* consider the department’s *Event Attendance Hosting Protocol.*
* ensure that the Event Briefing clearly articulates the circumstances of the GBH, and that:
	+ the provision of GBH does not give rise to any conflicts of interest.
	+ the cost of the GBH is proportionate to the nature of the event and benefit to the State.
* obtain approval before the event from the relevant Financial Delegate.

Costs associated with providing GBH should be limited and must comply with the Code of Conduct.

**Provision of alcohol**

If alcohol is to be provided at an event, the following guidelines should be used:

* the event should be held at a time which minimises the risk of employees returning to work impaired by alcohol.
* no more than two standard drinks per person should be catered.
* the event should normally not exceed two hours in duration.
* the provision of alcohol should be incidental to the overall level of hospitality provided.

**Provision of GBH for DJSIR Staff**

Gifts offered to department employees and workplace participants should be of a reasonable value that would meet community expectations of appropriate use of public funds. Items offered for this purpose must be appropriate to the workplace context and preferably not involve alcohol. The purchase of such rewards must be approved by the appropriate financial delegate for the accrued value if multiple gifts are purchased.

# Policy non-compliance – Speak Up

Departmental persons who are aware of any GBH issues within the department (such as undeclared or inappropriately managed offers, or improper offers made by external persons or organisations) should immediately report their concerns to:

* their manager or supervisor.
* Integrity Services.
* the online ‘Speak Up’ function (with the option to report anonymously).

The department will take appropriate action, including possible disciplinary action, against employees who discriminate against or victimise those who speak up in good faith. The department may also consider writing to external persons or organisations to ensure that they are aware of this policy and that staff generally cannot accept offers of GBH.

Reports of non-compliance will be assessed by Integrity Services, and any confirmed breaches may constitute misconduct, corruption, or fraud; and may result in disciplinary action, termination or other action.

# Definitions

**Benefits**

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.

**Gifts**

Gifts are free or discounted items or services and any item or service that would generally be seen by the public as valuable. These include items of high value (e.g. artwork, jewellery, or expensive pens), low value (e.g. small bunch of flowers), consumables (e.g. chocolates) and services (e.g. painting and repairs).

**Hospitality**

Hospitality is the friendly reception and entertainment of guests. Hospitality may range from light refreshments at a business meeting to expensive restaurant meals and sponsored travel and accommodation.

**Token offers**

A token offer is an offer or provision of GBH that is of inconsequential or trivial value to both the offeror and the receiver. It may include promotional items such as pens and note pads, or modest hospitality that would be considered a basic courtesy, such as light refreshments during a meeting.

Token GBH cannot be anything valued at $50 or more.

**Estimated value**

Departmental persons who are required to register an offer of GBH are required to include an actual or estimated value of the offer.

In most instances, establishing or estimating the value of an offer can be completed via an online search, or by contacting the person or organisation making the offer.

However, where the value cannot be easily confirmed, departmental persons should make a reasonable estimate, and err on the side of caution (i.e., the offer should be valued at $50 or greater).

Where alcohol is included in an offer of hospitality the value of the GBH is taken to be greater than $50 in all circumstances, regardless of whether the departmental person consumes alcohol.

**Ceremonial gifts**

Ceremonial gifts are official gifts provided as part of the culture and practices of communities and government, within Australia or internationally. They are often provided when conducting business with official delegates or representatives from another organisation, community, or foreign government.

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, regardless of their value, and should be accepted by individuals on behalf of the department.

**Ancillary GBH as part of conferences and other events**

In some situations, departmental persons approved to present at conferences, seminars, and other similar events may accept funded or sponsored travel, accommodation and/or registration as part of their agreement with the event organiser.

Acceptance of any such offers should be approved by the appropriate line manager as part of obtaining approval to attend the event, and all accepted components should be directly related to the event. Any components of the offer that are not accepted (for example, a *per diem* or private meals) should be declined and registered.

Incidental hospitality of token value provided as part of event attendance, such as a light lunch or other non-alcoholic refreshments, does not require separate registration. However, departmental persons must always remain alert to any perceived conflicts that may arise.

Departmental persons attending conferences and other events as a participant (but not a presenter) must not accept any sponsored travel, accommodation or registration, and must register any offers of this nature on the GBH register.

# Related policies, legislation, and other documents

This policy reinforces adherence to the public sector values of impartiality and integrity as set out in the *Code of Conduct for Victorian Public Sector Employees* (Code of Conduct), and the Public Sector Values and Employment Principles specified in the *Public Administration Act 2004* (Vic)*.*

The Victorian Public Sector Commission (VPSC) also sets binding minimum accountabilities for the appropriate management of GBH, as set out in the Instructions supporting the Standing Directions of the Minister for Finance 2018, under the *Financial Management Act 1994*.

**Policies**

* Conflict of Interest Policy
* Appropriate Workplace Behaviour Policy
* Domestic Travel Policy
* Drug and Alcohol Policy
* Management of Misconduct Policy
* Procurement Policy
* Staff Expenses and P-Card Policy

**External links**

* Minimum accountabilities for the management of gifts, benefits and hospitality
* *Public Administration Act 2004*
* Code of Conduct for Victorian Public Sector Employees
* Code of Conduct for Victorian Public Sector Employees of Special Bodies
* Code of Conduct for Directors of Victorian Public Entities