

## 1. PURPOSE

This policy states the Victorian Planning Authority's position on:

- responding to offers of gifts, benefits and hospitality; and
- providing gifts, benefits and hospitality.

This policy is intended to support individuals and the VPA to avoid conflicts of interest and maintain high levels of integrity and public trust.

The VPA has issued this policy to support behaviour consistent with the Code of Conduct for Victorian Public Sector Employees, and the Code of Conduct for Directors of Victorian Public Entities (the Code). All employees are required under clause 1.2 of the Code to comply with this policy.

## 2. APPLICATION

This policy applies to all workplace participants. For the purpose of this policy, this includes: executives, board members, employees, contractors, consultants and any individuals or groups undertaking activity for or on behalf of the VPA.

This policy applies to all offers of gifts, benefits and hospitality that could be perceived as relating to the individual's role at the VPA, including offers received in a personal or private capacity where there may be a perception that the offer relates to their role at the VPA.

## 3. POLICY PRINCIPLES

This policy has been developed in accordance with requirements outlined in the minimum accountabilities for the management of gifts, benefits and hospitality issued by the Victorian Public Sector Commission.

The VPA is committed to and will uphold the following principles in applying this policy:

**Impartiality** - individuals have a duty to place the public interest above their private interests when carrying out their official functions. They will not accept gifts, benefits or hospitality that could raise a reasonable perception of, or actual, bias or preferential treatment. Individuals do not accept offers from those about whom they are likely to make business decisions.

**Accountability** - individuals are accountable for:

- declaring all non-token offers of gifts, benefits and hospitality;
- declining non-token offers of gifts, benefits and hospitality, or where an exception applies under this policy, seeking approval to accept the offer; and
- the responsible provision of gifts, benefits and hospitality.

Individuals with direct reports are accountable for overseeing management of their direct reports' acceptance or refusal of non-token gifts, benefits and hospitality, modelling good practice and promoting awareness of gifts, benefits and hospitality policies and processes.

**Integrity** - individuals strive to earn and sustain public trust through providing or responding to offers of gifts, benefits and hospitality in a manner that is consistent with community expectations. Individuals will refuse any offer that may lead to an actual, perceived or potential conflict of interest.

**Risk-based approach** - the VPA, through its policies, processes and audit committee, will ensure gifts, benefits and hospitality risks are appropriately assessed and managed. Individuals with direct reports will ensure they are aware of the risks inherent in their team's work and functions and monitor the risks to which their direct reports are exposed.

#### 4. MINIMUM ACCOUNTABILITIES

Under the Instructions supporting the Standing Directions of the Minister for Finance 2016, the Victorian Public Sector Commission has set binding minimum accountabilities for the appropriate management of gifts, benefits and hospitality. These can be found at Appendix 1.

#### 5. DEFINITIONS

##### Business associate

An individual or body that the public sector organisation has, or plans to establish, some form of business relationship with, or who may seek commercial or other advantage by offering gifts, benefits or hospitality.

##### 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.

The value of benefits may be difficult to define in dollars, but as they are valued by the individual, they may be used to influence the individual's behaviour.

##### Ceremonial gifts

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

Ceremonial gifts are the property of the public sector organisation, irrespective of value, and should be accepted by individuals on behalf of the public sector organisation. The receipt of ceremonial gifts should be recorded on the register but does not need to be published online.

##### 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

Gifts are free or discounted items or services and any item or service 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), consumables (e.g. chocolates) and services (e.g. painting and repairs). Fundraising by public sector organisations that is consistent with relevant legislation and any government policy is not prohibited under the minimum accountabilities.

##### 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.

##### Legitimate business benefit

A gift, benefit or hospitality may have a legitimate business benefit if it furthers the conduct of official business or other legitimate goals of the public sector organisation, the public sector or the State. Legitimate business benefits of accepting offers of hospitality (and unusually gifts) may include:

- improved industry knowledge and better understanding of industry perspectives; and
- professional development of VPA staff in areas that are relevant to their role.

Whether these provide a legitimate business benefit will depend on the relative worth of the offer, the potential public perception and community expectations.

### **Public official**

Public official has the same meaning as section 4 of the Public Administration Act 2004 and includes, public sector employees, statutory office holders and directors of public entities.

### **Public register**

A public register is a record, preferably digital, of a subset of the information contained in a register, for publication as required by the minimum accountabilities. Guidance regarding the information that should be published is provided in the [Victorian Public Sector Commission Policy Guide](#).

### **Register**

A register is a record, preferably digital, of all declarable gifts, benefits and hospitality. Guidance regarding the information that should be recorded is provided in the Policy Guide.

### **Token offer**

A token offer is a gift, benefit or hospitality that is of inconsequential or trivial value to both the person making the offer and the recipient (such as basic courtesy). The minimum accountabilities state that token offers cannot be worth \$50 or more.

### **Non-token offer**

A non-token offer is 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 a gift, benefit and hospitality register.

## **6. MANAGEMENT OF OFFERS OF GIFTS, BENEFITS AND HOSPITALITY**

This section sets out the process for accepting, declining and recording offers of gifts, benefits and hospitality. Any exceptions to this process must have the prior written approval of the Executive Director, Corporate Services.

### **6.1 Conflict of interest and reputational risks**

When deciding whether to accept an offer, individuals should first consider if the offer could be perceived as influencing them in performing their duties or lead to reputational damage. The more valuable the offer, the more likely that a conflict of interest or reputational risk exists.

Figure 1. GIFT test

This table is a useful tool when considering how to respond to a gift offer.

<b>G</b>	<b>Giver</b>	<b>Who is offering the gift, benefit or hospitality and what is their relationship to me?</b> Does my role require me to select contractors, award grants, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make?
<b>I</b>	<b>Influence</b>	<b>Are they seeking to gain an advantage or influence my decisions or actions?</b> Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy or a token of appreciation or valuable non-token offer? Does its timing coincide with a decision I am about to make or my endorsement of a product or service?
<b>F</b>	<b>Favour</b>	<b>Are they seeking a favour in return for the gift, benefit or hospitality?</b> Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months? Would accepting it create an obligation to return a favour?
<b>T</b>	<b>Trust</b>	<b>Would accepting the gift, benefit or hospitality diminish public trust?</b> How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family, friends or associates think?

Under section 27 (2) of the *Victorian Planning Authority Act 2017*, the acceptance of gifts with a total value of \$500 or more over a 5 year period from the same party (including their representatives) is regarded as creating a conflict of interest. Depending on the circumstances, acceptance of gifts at a lesser value may still create a conflict. The definition in the Act excludes peak industry bodies such as UDIA or PCA from being caught by this monetary limit.

## 6.2 Requirement for refusing offers

Individuals should consider the GIFT test at Figure 1 and the requirements below to help decide whether to refuse an offer. Individuals are to refuse offers:

- likely to influence them, or be perceived to influence them, in the course of their duties or that raise an actual, potential or perceived conflict of interest;
- could bring them, the VPA or the public sector into disrepute;
- made by a person or organisation about which they will likely make or influence a decision (this also applies to processes involving grants, sponsorship, or planning decisions), particularly offers:
  - made by a current or prospective supplier;
  - made during a procurement or tender process by a person or organisation involved in the process; or

- made by a landowner or developer subject to a draft planning scheme amendment;
- likely to be a bribe or inducement to make a decision or act in a particular way;
- that extend to organisations or concerns under their control or of which they are a beneficiary;
- that extend to their relatives or friends;
- of money, or used in a similar way to money, or something easily converted to money;
- where, in relation to hospitality and events, the VPA will already be sufficiently represented to meet its business needs;
- where acceptance could be perceived as endorsement of a product or service, or acceptance would unfairly advantage the sponsor in future procurement decisions;
- made by a person or organisation with a primary purpose to lobby Ministers, Members of Parliament or public sector organisations; or
- made in secret.

If an individual considers they have been offered a bribe or inducement, the offer must be reported to the CEO or Executive Director Corporate Services (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).

### 6.3 Token offers

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

The minimum accountabilities state that token offers cannot be worth \$50 or more.

Individuals may generally accept token offers without approval or declaring the offer on the VPA's gift register, as long as the offer does not create a conflict of interest or lead to reputational damage.

### 6.4 Non-token offers

Individuals can only accept non-token offers if they have a legitimate business benefit. All accepted non-token offers must be approved in writing based on the table below, recorded in the gifts, benefits and hospitality register and be consistent with the following requirements:

- it does not raise an actual, potential or perceived conflict of interest or have the potential to bring the individual, the VPA or the public sector into disrepute; and
- there is a legitimate business reason for acceptance. It is offered in the course of the individual's official duties, relates to the individual's responsibilities and has a benefit to the VPA, public sector or the State.

The following table outlines responsibility for approving the acceptance of reportable gift offers:

Offer made to:	Acceptance approved by:
Board Member	Chair
Chair	Deputy Chair and Chair Risk and Audit
CEO	Chair
Executive Director	CEO
Other employees	Relevant Executive Director

Individuals may be offered a gift or hospitality where there is no opportunity to seek written approval prior to accepting. For example, they may be offered a wrapped gift that they later identify as being a non-token gift. In these cases, the individual must seek approval within five business days.

Where the gift would likely bring you or the VPA into disrepute, the gift should be returned. If it represents a conflict of interest for you, the VPA should either return the gift or transfer ownership to the VPA to mitigate this risk.

Where an invitation to attend an event cannot be accepted (for example due to a conflict of interest), but there are legitimate business benefits in the employee attending, then the VPA may choose to cover the cost of the employee's attendance.

### Summary flow chart

To assist employees and Board Members, a flowchart of how to respond to gift offers is set out in **Appendix 2**.

#### 6.5 Recording non-token offers of gifts, benefits and hospitality

All non-token offers, whether accepted or declined, must be recorded in the VPA's gifts, benefits and hospitality register (D/16/7657 in TRIM). The business reason for accepting the non-token offer must be recorded in the register with sufficient detail to link the acceptance to the individual's work functions and benefit to the VPA, public sector or State.

Individuals should consider the following examples of acceptable and unacceptable levels of detail to be included in the gift register when recording the business reason:

##### Unacceptable

- "Networking"
- "Maintaining stakeholder relationships"

##### Acceptable

- "Individual is responsible for evaluating and reporting on the outcomes of the VPA's sponsorship of Event A. Individual attended Event A in an official capacity and reported back to the VPA on the event."
- "Individual presented to a visiting international delegation. The delegation presented the individual with a cultural item worth an estimated \$200. Declining the gift would have caused offence. The gift was accepted on behalf of the VPA."

All staff who receive offers of gifts, benefits or hospitality are responsible for updating the gift register. The Governance and Corporate Information Manager is responsible for maintaining the register and periodically checking it is up to date.

The VPA's Risk and Audit Committee will receive a report at least annually on the administration and quality control of the gifts, benefits and hospitality policy, processes and register. The report will include analysis of the VPA'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.

The public register will contain a subset of the information detailed in the VPA's internal register.

#### 6.6 Ownership of gifts offered to individuals

Non-token gifts with a legitimate business benefit that have been accepted by an individual for their work or contribution may be retained by the individual where the gift is not likely to bring them or the VPA into disrepute, and where their manager or organisational delegate has provided written approval. Employees must transfer to the VPA official gifts or any gift of cultural significance or significant value.

#### 6.7 Repeat offers

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. Individuals should refuse repeat offers from the same source if they create a conflict of interest or may lead to reputational damage.

#### 6.8 Ceremonial gifts

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 individuals on behalf of the VPA. The receipt of ceremonial gifts should be recorded on the VPA's gift register but this information does not need to be published online.

#### 6.9 Hospitality provided by Victorian public sector organisations

Victorian public sector organisations may provide hospitality to stakeholders, as part of their functions. When offered hospitality by a Victorian public sector organisation, individuals should consider the requirements of the minimum accountabilities.

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 the VPA's functions and objectives and with the individual's role.

### 6.10 Official business events

An official business event is an event hosted by an external organisation that it is in the public interest for an employee to attend. These invitations are different to gifts, benefits and hospitality offers and include seminars, conferences and working lunches.

Official business events need to have a tangible connection to an employee's role and be directly related to the agency's work.

Most official business events fall under five categories:

- *stakeholder engagement* – opportunities to develop networks with people interested in the VPA's activities
- *sector knowledge* – opportunities to develop a deeper knowledge of the industry and to improve government programs
- *business leveraging* – opportunities to network with partners interested in investment and collaboration
- *professional knowledge* – opportunities to maintain knowledge relating to a qualification (e.g. *CPD points*), build expertise in a technical field or become acquainted with industry changes.
- *funded service delivery* – opportunities to observe the delivery of programs funded by state government grants

In addition to those five categories, there are situations where it is in the public interest for the public service to be represented in some capacity. Those include:

- *state functions* – attending an event or function hosted by the Government or the Governor
- *accompanying the Minister* – supporting a government spokesperson (including Ministers and Parliamentary Secretaries) in the execution of their duties
- *government events* – attending a function organised and hosted by another government agency or public sector entity
- *industry stakeholders* – attending an event hosted by industry or community stakeholders where attendance provides a legitimate business benefit.

Employees are required to declare their attendance as official business events.

Employees can attend an official business event when:

- the invitation was extended by the event host rather than a third party
- the event is directly related to their official duties at the VPA
- it is for a business purpose consistent with the VPA's functions and objectives
- it is in the public interest and the best interests of the VPA to be represented at the event
- the activities and level of hospitality at the event is consistent with community expectations
- there is no conflict of interest (real, potential or perceived) for the employee to attend
- attending the event will not bring the employee, the VPA or the public service into disrepute
- the host does not have an interest in any business decision the employee is likely to make or influence as part of their official duties.

Before an official business event invitation is accepted, consider:

- whether the employee is the most appropriate person to attend
- the number of people from the VPA attending
- what the employee's purpose to attend is – to present, develop work skills or purely out of interest
- if the event is a gift offer rather than official business event attendance

Events that are limited to providing hospitality and serve no business purpose are not to be regarded as an official business event. Official business events must be recorded in the gift register, but are not included in the published version of the register.

### 7. MANAGEMENT OF THE PROVISION OF GIFTS, BENEFITS AND HOSPITALITY

This section sets out the requirements for providing gifts, benefits and hospitality.

Figure 2. HOST test

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

#### 7.1 Requirements for providing gifts, benefits and hospitality

Gifts, benefits and hospitality may be provided when welcoming guests, to facilitate the development of business relationships, further public sector business outcomes and to celebrate achievements.

When deciding whether to provide gifts, benefits or hospitality or the type of gift, benefit or hospitality to provide, individuals must ensure:

- any gift, benefit or hospitality is provided for a business reason that furthers the conduct of official business or other legitimate organisational goals, or promotes and supports government policy objectives and priorities;



- that any costs are proportionate to the benefits obtained for the State, and would be considered reasonable in terms of community expectations (the 'HOST' test at Figure 2 is a good reminder of what to think about in making this assessment); and
- it does not raise an actual, potential or perceived conflict of interest.

## 7.2 Containing costs

Individuals should contain costs involved with providing gifts, benefits and hospitality wherever possible, and should comply with the financial probity and efficient use of resources guidance outlined in the Code of Conduct for Victorian Public Sector Employees, and the Code of Conduct for Directors of Public Entities. The following questions may be useful to assist individuals to decide on the type of gift, benefit or hospitality to provide:

- Will the cost of providing the gift, benefit or hospitality be proportionate to the potential benefits?
- Is an external venue necessary or does the organisation have facilities to host the event?
- Is the proposed catering or hospitality proportionate to the number of attendees?
- Does the size of the event and number of attendees align with intended outcomes?
- Is the gift symbolic, rather than financial, in value?
- Will providing the gift, benefit or hospitality be viewed by the public as excessive?

## 7.3 Hospitality involving VPA employees

Hospitality concerning inter and intra-departmental (within the VPA and between the VPA and other State government department/s) activities requires special consideration. It may normally only be authorised as an integral component of wider business activities such as training courses, planning days, conferences, meetings that extend beyond two hours duration and the like, where continuity or extension of the activity through or into a hospitality function is integral to the proper public purpose of the event.

In addition, as part of the post-COVID return to office initiatives until 30 June 2023, the VPA will provide modest catering for employees (an indicative maximum of \$250 including GST per event) for events such as annual recognition events or marking the completion of a major project based on the following considerations:

- the extent to which the event will contribute to organisational objectives by, for example, reinforcing particular values or motivating staff,
- whether there have been multiple recent events that would result in perceptions of excess (maximum four per Division per financial year – to a maximum cost of \$500 per division per year), or
- the need to balance the positive benefits of public recognition with community expectations in relation to modest expenditure by public officials.

Celebrations of events such as birthdays, marriages or the birth of a child are not catered with public funds.

Working meals would normally involve participation of persons outside the organisation or, on occasion, employees from within the organisation, for example, where for practical reasons participants can only meet during the normal daily meal periods.

When Official Hospitality is provided, individuals must demonstrate professionalism in their conduct, and uphold their obligation to extend a duty of care to other participants.

## 7.4 Alcohol

Subject to the purpose of the event being for a legitimate official purpose, alcohol may be supplied for consumption provided that its provision does not contravene extant liquor laws, and is in compliance with the requirements of the *Occupational Health and Safety Act* 2004 and the *Liquor Control (Reform) Act* 1998, the VPS Code of Conduct and 'best practice' as represented by the Liquor Licensing Commission's Guidelines for the Responsible Serving of Alcohol.

The supply of alcohol for consumption at inter and intra-Departmental (within VPA and between VPA and other State government department/s) activities must be considered on individual case-by-case basis, and is subject to the approval of the Chief Executive Officer. The principle of a high degree of prudence and whether providing alcohol adds more value to the business of the State, must be applied when considering a decision to supply alcohol at an event.

Approval by the CEO must be obtained prior to the ordering of any alcohol and any catering for the function.

If alcohol is provided at any particular event, the VPA will only provide enough for consumption at responsible levels. For catering purposes, as a guide, this will be at an average of no more than two standard drinks per person.

The consumption of alcohol is only permitted within the function boundaries and for the duration of the official function period as outlined in the event invitation. Alcohol is not to be removed from the function boundaries, or stipulated boundaries for the purpose of the function.

All staff must observe appropriate behaviour and work together to ensure alcohol is served and consumed responsibly on departmental premises.

Employees should not be adversely affected by alcohol or drug use during working hours and must at all times carry out their duties and responsibilities in a safe manner.

### 7.5 Tipping and Gratuities

Tipping or gratuities are generally not permitted at the VPA's expense. If employees wish to tip, then it would be at their own cost. The Executive Director Corporate Services should be consulted if any clarification of this guideline is required.

### 7.6 Approval of hospitality and entertainment expenses

All hospitality to be provided must be approved, in advance, by the responsible Director and approved and organised through the Manager Executive Services (or the Executive Director Corporate Services) and must be in line with approved financial delegations. This approval must be obtained prior to purchasing of any goods and services.

Hospitality for major events should be supported by a memorandum requesting approval that sets out the reason for the expenditure and the proposed attendees (indicating employees and non-employees).

Further procurement and approval level information is available at *E14 - Internal Corporate Procurement Process Approvals* document (D/11/1968).

## 8. 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) – Appendix 1 to this policy
- VPA Conflict of Interest Policy for Staff
- VPA Conflict of Interest Policy for Board Members
- Public Administration Act 2004
- 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

- Victorian Planning Authority Act 2017
- VPA Procurement Policy and Procedures

## 9. BREACHES

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 an individual fails to avoid wherever possible or identify, declare and manage a conflict of interest related to gifts, benefits and hospitality in accordance with the VPA's Conflict of Interest Policy.

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, and/or the Code of Conduct for Directors of Public Entities, such as sections of the Code covering conflict of interest, public trust and gifts and benefits; and
- individuals making improper use of their position.

For further information on managing breaches of this policy, please contact the Executive Director, Corporate Services.

The VPA will communicate its policy on the offering and provision of gifts, benefits and hospitality to contractors, consultants and other business associates. Those identified as acting inconsistently with this policy may be subject to contract re-negotiation, including termination.

## 10. SPEAK UP

Individuals who consider that gifts, benefits and hospitality or conflict of interest within the VPA may not have been declared or is not being appropriately managed should speak up and notify their manager or the Executive Director Corporate Services. Individuals who believe they have observed corrupt conduct in their colleagues may also make a protected disclosure directly to the Independent Broad-based Anti-corruption Commission (IBAC).

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

## 11. CONTACTS FOR FURTHER INFORMATION

A conflict of interest resulting from the acceptance of a gift, benefit or hospitality is not always clear to those who have them. Individuals who are unsure about accepting a gift, benefit or hospitality, or the application of this policy, should ask their manager or the Governance and Corporate Information Manager for advice.

### DOCUMENT CONTROL

Date	Version	Author	Nature of Change
July 2008	V1	Ed Small	First Draft
May 2010	V2 & V3	Ed Small	Revision in light of VPS Framework
June 2012	V4	Ed Small	Minor edit - State Services Authority Framework revised
June 2013	V5	Ed Small	Minor edit
June 2014	V6	Matthew Thornley	Updated to reflect change from GAA to MPA. Amended following feedback from Risk and Audit Committee
September 2014	V7	Ed Small	Minor edits requested by Risk and Audit Committee
May 2015	V8	Matthew Thornley	Minor edit
May 2016	V9	Matthew Thornley	Reviewed and re-approved without changes
December 2016	V10	Matthew Thornley	Updated to reflect change from MPA to VPA, and revisions in VPSC Framework
March 2017	V11	Matthew Thornley	Updated based on Department's model policy
July 2017	V11.1	Matthew Thornley	Re-approved by VPA
June 2018	V12	Matthew Thornley	Updated to reflect changes in job titles and financial delegations
November 2018	V13	Matthew Thornley	Minor changes requested by Board
September 2019	V14	Matthew Thornley	Updated based on Department's revised model policy
April 2022	V15	Ed Small	Minor amendment to recognise divisional staff teas
September 2022	V16	Ed Small	Annual Review

Version authorisation	
Authorised by:	Victorian Planning Authority
Date of Authorisation:	14 September 2022
Effective Date:	14 September 2022
Date of Last Amendment:	April 2022
Contact Person:	Matthew Thornley

### APPENDIX 1: MINIMUM ACCOUNTABILITIES<sup>1</sup>

#### Public officials offered gifts, benefits and hospitality:

1. Do not, for themselves or others, seek or solicit gifts, benefits and hospitality.
2. 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; or
  - are non-token offers without a legitimate business benefit.
3. Declare all non-token offers (valued at \$50 or more) of gifts, benefits and hospitality (whether accepted or declined) on their organisation's register, and seek written approval from their manager or organisational delegate to accept any non-token offer.
4. 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).

#### Public officials providing gifts, benefits and hospitality:

5. 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.
6. Ensure that any costs are proportionate to the benefits obtained for the State, and would be considered reasonable in terms of community expectations.
7. 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.

#### Heads of public sector organisations:

8. Establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality that comprehensively address these minimum accountabilities.
9. Establish and maintain a register for gifts, benefits and hospitality offered to public officials that, at a minimum, records sufficient information to effectively monitor, assess and report on these minimum accountabilities.
10. Communicate and make clear within the organisation 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.
11. Establish and communicate a clear policy position to business associates on the offering of gifts, benefits and hospitality to employees, including possible consequences for a business associate acting contrary to the organisation's policy position. This must take into consideration any whole of Victorian Government supplier codes of conduct.
12. Report at least annually to the organisation's audit 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.

<sup>1</sup> Source: <https://vpas.vic.gov.au/html-resources/gifts-benefits-hospitality-policy-guide/2-minimum-accountabilities/>

13. Publish the organisation's gifts, benefits and hospitality policy and register on the organisation's public website (applies only to organisations with an established website). The published register should cover the current and the previous financial year.

APPENDIX 2 – FLOWCHART

