

Goulburn Broken Catchment Management
Authority
Governance Policy
GOV 020

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Gifts, Benefits and Hospitality Policy

Gifts, Benefits and Hospitality Policy

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1. Purpose

This policy sets out the Goulburn Broken CMA standards and procedures for responding to offers and provision of gifts, benefits and hospitality.

This policy is intended to support individuals and the Goulburn Broken CMA to avoid conflicts of interest and maintain high levels of integrity and public trust. The Goulburn Broken CMA has issued this policy to support behaviour consistent with the Code of Conduct for Victorian Public Sector Employees, Code of Conduct for Victorian Public Sector Employees of Special Bodies and/or the Code of Conduct for Directors of Victorian Public Entities (the Code).

This policy aligns with the GB CMA Governance Business Principle – *Our sound and ethical Governance Structure and practices support the achievement of organisational goals and expectations, comply with all laws and regulations and satisfy community expectation.*

2. Scope

This policy applies to all employees – categories A, B & C and Board members, all of whom are required under clause 1.2 of the Code to comply with this policy.

3. Definitions

Asset register - The register of assets held or managed by the Goulburn Broken CMA under the *Financial Management Act 1994*. Significant (\$1,000 or above) gifts accepted on behalf of the Goulburn Broken CMA should be recorded on the asset register.

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.

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.

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.

Employee – any person directly engaged by GB CMA;

Category A – under an employment contract,

Category B – as a GB CMA volunteer; Advisory Group or Committee member

Category C – under a GB CMA student placement contract.

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.

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 more than \$50.

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 more than \$50 are non-token offers and must be recorded on a gift, benefit and hospitality register.

4. Principles

The Goulburn Broken CMA 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 Goulburn Broken CMA, through its policies, processes and Audit, Risk and Compliance 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.

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 and outlined in DELWP's Gifts, Benefits and Hospitality Model policy.

5. Background

The community expects high standards of integrity and impartiality from Victorian public sector employees, committee and advisory group members and Directors of public entities.

They are expected to:

- Earn and sustain public trust;
- Be honest, open and transparent in their dealings;
- Make decisions and provide advice without bias;
- Avoid any real or perceived conflicts of interest;
- Use their powers responsibly; and
- Report improper conduct.

Public trust depends on honest dealings therefore public sector employees and board members must not accept gifts, benefits or hospitality from people seeking to influence their decisions unfairly.

The integrity and impartiality values in the *Public Administration Act 2004* are reinforced in the codes of conduct

that the Public Sector Standards Commissioner has issued for directors and employees of public sector organisations.

The *Directors' Code of Conduct* warns Directors not to use their position to seek gifts or favours for themselves, members of their family or other close personal or business associates. In addition, they decline gifts or favours that may cast doubt on their ability to apply independent judgement. This also requires Directors to be mindful of their public position when accepting or refusing offers that may be made outside their capacity as a public official.

Similarly, the *Code of Conduct for Victorian Public Sector Employees* warns employees not to seek or accept gifts or benefits for themselves or others that could reasonably be perceived as influencing them.

Other documents give examples of situations where accepting a gift might lead to a conflict of interest. The *Victorian Public Service Executive Employment Handbook* says non-state government funded travel should only be approved where there is no conflict of interest or perception of improper influence.

In its guide on the *Conduct of Commercial Engagements*, the Victorian Government Purchasing Board recommends that unusual or exceptional invitations from any party with a declared or known interest in a project should not be accepted. Additionally employees must never accept money or anything easily converted to money such as shares. It is an offence punishable by a maximum of ten years imprisonment under the *Crimes Act 1958* and other legislation to bribe a public official.

Minimum Accountabilities

Under the Instructions supporting the Standing Directions 2018 under the *Financial Management Act 1994*, the Victorian Public Sector Commission has set binding minimum accountabilities for the appropriate management of gifts, benefits and hospitality as follows:

Public officials receiving 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.
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.

6. Receipt of Hospitality or Gifts Responsibility and processes

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 CEO.

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.

Employees should seek advice from their direct manager, the Corporate Program Manager or the CEO if they are uncertain of how to respond to an offer. Advisory group and committee members should seek advice from the chair of that group and/or the CEO via the relevant Program Manager. The Board Chair may also seek advice from the Corporate Program Manager, CEO, Portfolio Minister or their delegate. Directors and the CEO may seek advice from the Chair of the Goulburn Broken CMA Board. Seeking advice does not abrogate an employee’s responsibility for making the right decision.

Consideration must be given to whether there is a public benefit to attending private functions in an official capacity. Where there is no clear public benefit, the invitation should be declined. This is especially the case when attendance at the function could be perceived as an endorsement of the company or product.

Figure 1. GIFT test

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

G	Giver	<p>Who is offering the gift, benefit or hospitality and what is their relationship to me?</p> <p>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?</p>
I	Influence	<p>Are they seeking to gain an advantage or influence my decisions or actions?</p> <p>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?</p>
F	Favour	<p>Are they seeking a favour in return for the gift, benefit or hospitality?</p> <p>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?</p>
T	Trust	<p>Would accepting the gift, benefit or hospitality diminish public trust?</p> <p>How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family, friends or associates think?</p>

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 Goulburn Broken CMA 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, regulation, enforcement or licensing), particularly offers:
 - made by a current or prospective supplier; or
 - made during a procurement or tender process by a person or organisation involved in the process.
- likely to be a bribe or inducement to make a decision or act in a particular way;
- 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 organisation will already be sufficiently represented to meet its business needs, CEO approval is required if 3 or more people are to attend;
- 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 excluding community groups and partner organisations such as Community 4 Greater Shepparton, Murray Dairy and Land Care 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 (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).

An individual who believes that another board member or employee may have solicited or been offered a bribe which the other person has not reported must either notify the CEO or report the matter to IBAC as a protected disclosure.

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 more than \$50.

Individuals may generally accept token offers without approval or declaring the offer on the Gifts, Benefits and Hospitality register, as long as the offer does not create a conflict of interest or lead to reputational damage.

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 by the individual's manager and CEO, 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 Goulburn Broken CMA 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 Goulburn Broken CMA, public sector or the State.

Individuals may be offered a gift or hospitality where there is no opportunity to seek written approval from their manager 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 from their manager within five business days.

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

Conferences and familiarisation tours

Gift offers in relation to conferences or familiarisation tours (e.g. sponsored attendance, participation, travel, or accommodation) must be declined unless there is:

- **Clear justification**, such as where the invitation is issued by a government department, or the event is funded by DELWP, or, depending on the circumstances, the offeror is a peak body; and
- **Prior written approval** that sets out clear reasons is specifically granted by the CEO (for employees) or the responsible person (for the chair, board members, and CEO). The signed and dated approval must be attached to the gift offer declaration form (item 10) and noted in the gifts register.

Recording non-token offers of gifts, benefits and hospitality

All non-token offers, whether accepted or declined, must be recorded in Goulburn Broken CMA's gifts, benefits and hospitality register. 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 Goulburn Broken CMA, public sector or State.

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

Unacceptable

- "Networking"
- "Maintaining stakeholder relationships"

Acceptable

- “Individual is responsible for evaluating and reporting on the outcomes of the Goulburn Broken CMA’s sponsorship of Event A. Individual attended Event A in an official capacity and reported back to Goulburn Broken CMA 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 Goulburn Broken CMA.”

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.

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 Goulburn Broken CMA. The receipt of ceremonial gifts should be recorded on the [Gifts, Benefits and Hospitality Register](#) but this information does not need to be published online.

7. Approval Process

If the gift, benefit or hospitality is over the nominal value of \$50 or has received numerous offers from the same source totaling to the value of \$50, or received gifts more than three times within a year from the same organisation the gift/s are “reportable”. The following steps must be followed for all reportable gifts:

1. Gifts, Benefits or Hospitality should not be accepted until approval is given by the CEO or Chair as appropriate. Only in cases where it would offend/not be practical to decline a gift at the time of the offer, the CEO/Chair will review the decision made by the employee retrospectively.
2. For invitations to attend an event, which is not official business approval should be sought from the CEO via the Gifts, Benefits and Hospitality Register on the Portal at least 5 days prior to the event.
3. A “[Declaration of Gift, Benefit or Hospitality](#)” form should be completed on the portal by personnel. (See Appendix A for how to locate and fill out the form). This will workflow to the person’s line manager and will sit on the portal as “in progress”. Should it not be approved by the Line Manager the item will not progress and the decision should be discussed with the staff member.
4. Regardless of value, if the gift offered is of cultural, historical or other significance including being any gift from a visiting delegation it is reportable.
5. The line manager must approve the form for it to be work-flowed to the CEO. An explanation of the approval may be added if deemed beneficial.
6. Where the CEO is in receipt of gifts, benefits or hospitality, the CEO should seek approval from the ARCC Chair or Board Chair via a manual form to ensure transparency.
7. Where the Chair is in receipt of gifts, benefits or hospitality, the Chair should seek approval from the ARCC Chair or the CEO via a manual form.

8. Where a committee or advisory group member is in receipt of gifts, benefits or hospitality, the member should seek approval from the committee or advisory group chair and in turn the CEO via a manual form.
9. Once approved, the information moves to the “approved” section of the [Gifts, Benefits and Hospitality Register](#) on the portal (Appendix B).
10. In deciding whether to approve or disapprove an offer the CEO/Chair will consider whether accepting the offer would breach this policy document.
11. Once a determination has been made, the CEO/Chair will either approve or decline the form and the staff member notified via the portal form or in the case of a hard copy form being submitted, via email. Employees should discuss the outcome with their Line Manager should they disagree with the decision. Board, committee and advisory group members should discuss the outcome with their chair.
12. Access to the register is restricted to relevant persons within Goulburn Broken CMA. The Privacy Collection Statement can be found in Appendix G.
13. The Audit and Risk and Compliance 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 gifts, benefits and hospitality risks (including multiple offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.
14. The public register will contain a deidentified subset of the information detailed in the Goulburn Broken CMA’s internal register.

[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, benefit or hospitality is not likely to bring them or Goulburn Broken CMA into disrepute, and where their line manager and CEO has provided written approval. Employees must transfer to the Goulburn Broken CMA official gifts or any gift of cultural significance or significant value.

[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 non-token hospitality offered by Victorian public sector organisations as part of official business is to be declared and reported in the same way as private organisations. This is based on the need to attend events for the purposes of stakeholder engagement, to develop professional and sector knowledge, and to collaborate on projects. However public sector hospitality is not published in the public register.

8. 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

H	Hospitality	<p>To whom is the gift or hospitality being provided? Will recipients be external business partners, or individuals of the host organisation?</p>
O	Objectives	<p>For what purpose will 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?</p>
S	Spend	<p>Will public funds be spent? What type of hospitality will be provided? Will it be modest or expensive, and will alcohol be provided as a courtesy or an indulgence? Will the costs incurred be proportionate to the benefits obtained?</p>
T	Trust	<p>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?</p>

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:

GOV 020 – Gifts, Benefits and Hospitality Policy

- 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.

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?

The following processes must be followed to ensure transparency and public trust.

- Material expenses (ie greater than \$250) must be approved, in advance, by the responsible Program Manager (and an appropriate financial delegate if the Program Manager does not possess a financial delegation). The financial delegate must authorise/incur expenditure in accordance with the Goulburn Broken CMA's purchasing policies.
- \$250 is the maximum expenditure on others where the expenditure has not been explicitly budgeted for. This nominal limit is a total for a discrete, unbudgeted gift or hospitality. It is not per person or an annual total.
- The reason for the expenditure, and its business purpose, should be documented on the purchase order. Further, personnel will be required to complete the [Provision of Gifts Benefits Hospitality Policy \(Event Summary\) Form](#) located on the portal detailing the event and names of attendees (See Appendix E). The form is to be attached to the invoice for the use of the Corporate Program Accounts Payable personnel for Fringe Benefits Tax purposes.
- Tipping or gratuities are generally not permitted at the Goulburn Broken CMA's expense. If employees wish to tip, then it would usually be at their own cost. Tips and gratuities may be provided where they would normally be appropriate, for example whilst travelling overseas, but should not exceed 10% of the total amount. No tip or gratuity should be provided where the bill includes a service charge (see also Procedure HRM 052).
- Expenditure on minor gifts for protocol or of a public relations nature are acceptable where such gifts conform to the Goulburn Broken CMA's functions and would be considered acceptable in accordance with community expectations.

GOV 020 – Gifts, Benefits and Hospitality Policy

- Hospitality costs may be subject to Fringe Benefits Tax (FBT). Personnel should endeavour to minimise this liability and seek guidance from Accounts on the applicability of FBT prior to incurring expenditure (See Appendix D).

Reward and recognition programs or life events

Modest gifts may be provided to employees in exceptional circumstances. Financial gifts to employees such as vouchers or gift cards are prohibited.

Flowers/ Plants or modest gifts can be purchased from public funds to recognise life events such as the death of an employee or close family member to maximum value of \$100 (excluding delivery).

Providing catering and alcohol for external events

Catering is provided at functions for external guests subject to the following criteria:

- there is a real benefit to the department,
- the expenditure is modest and proportionate to the benefit,
- it is not excessive,
- it is not too frequent,
- it is consistent with community expectations, and
- it is consistent with practice across programs.

Alcohol may be purchased with public funds to serve at functions for external guests based on the following:

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

Providing alcohol at internal events

The purchase of alcohol with public funds for internal events is not permitted. Having non-employees, guests or stakeholders at an event does not necessarily mean it is not an internal event.

For recognition events the business unit may fund a modest meal and soft drinks. Staff purchase alcohol if they choose.

Providing catering for internal events and meetings

Modest catering may be provided for employees 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,
- the practices are consistently applied across program areas,
- whether there have been multiple recent events that would result in perceptions of excess, 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.

Meetings are to be scheduled to avoid conflict with meal times. Where that is not possible, a break is encouraged to enable participants to seek their own refreshments. If an event or meeting extends over meal times, modest hospitality can be provided.

As a guideline, provide refreshments when meetings exceed these times:

- 2 hours - for morning or afternoon tea
- 3 hours - for lunch
- 5 hours - for lunch and either morning or afternoon tea
- 7 hours - for lunch, morning tea and afternoon tea

Note: Where attendees are required to drive from alternate office locations, then travel time can be added to the meeting hours guidelines above.

For meetings where meals are provided, employees are encouraged to hold on site to minimise additional FBT costs and administration.

If unclear about whether hospitality should be provided, the matter should be referred to the employee's immediate supervisor for consideration. Where approval has not been sought prior the cost may be borne by the employee if deemed to be inappropriate expenditure.

Importantly if a mistake or oversight is made in relation to any of the above personnel must bring it to the attention of their manager immediately they become aware of it.

9. Standards (or References)

Minimum accountabilities for the management of gifts, benefits and hospitality (see Instructions supporting the Standing Directions 2018 under the Financial Management Act 1994)

Public Administration Act 2004

Victorian Financial Management Act 1994.

DELWP Gifts, Benefits and Hospitality Model

DELWP – Board and Governance - Financial Management

Code of Conduct for Victorian Public Sector Employees

Code of Conduct for Directors of Victorian Public Entities

GOV 020 – Gifts, Benefits and Hospitality Policy

Victorian Public Sector Commission’s Gifts, Benefits and Hospitality Policy Guide

Goulburn Broken CMA Procedures:

HRM 052 – Travel, meals and other work related expenses

GOV 017 – Conflict of Interest Policy

GOV010 – Public Interest Disclosures Policy

GOV 011 – Public Interest Disclosures Procedure

10. Breach of this Policy

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 Goulburn Broken CMA’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 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 Corporate Program Manager.

The Goulburn Broken CMA 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.

Speak up

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

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

11. Replaces

Policy No. 3.25 – Receipt of Gifts, Benefits and Hospitality Policy, July 2010

Policy No. 3.27 – Provision of Gifts, Benefits and Hospitality Policy, Nov 2010

12. Consultation

The Goulburn Broken CMA is committed to consultation and cooperation between management and employees. The Goulburn Broken CMA will involve employees both formally and informally in workplace change that would impact on its employees.

13. Communication of the Policy

All employees will receive information about the policy at induction and will be provided with electronic access or a written copy of the policy after any revisions.

The approved policy will be available to all employees, categories A, B & C on the Goulburn Broken CMA portal site.

14. Responsibilities / Authorisation

Policies and Procedures are developed by Management, endorsed by the Management Team and approved by the Chief Executive Officer. All policies are endorsed by the Audit Risk and Compliance Committee and approved by the Board.

15. Review

The Corporate Program Manager will review this policy annually and forward to the Audit Risk and Compliance Committee for endorsement.

Authorisation and Endorsement

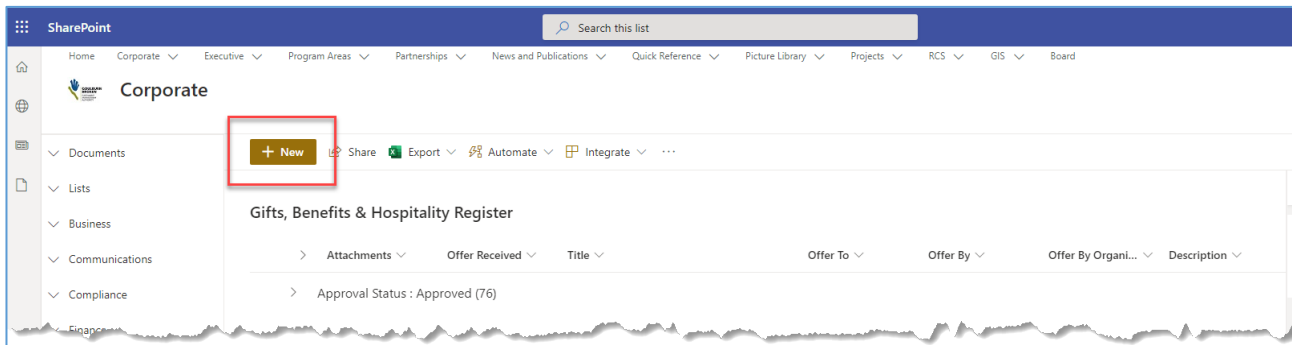
Final Version 12.0 endorsed at Audit Risk and Compliance Committee Meeting Number ARCC 143 held on the 24^t July 2023.

Approved at Board Meeting GBB287 on the 29 August 2023.

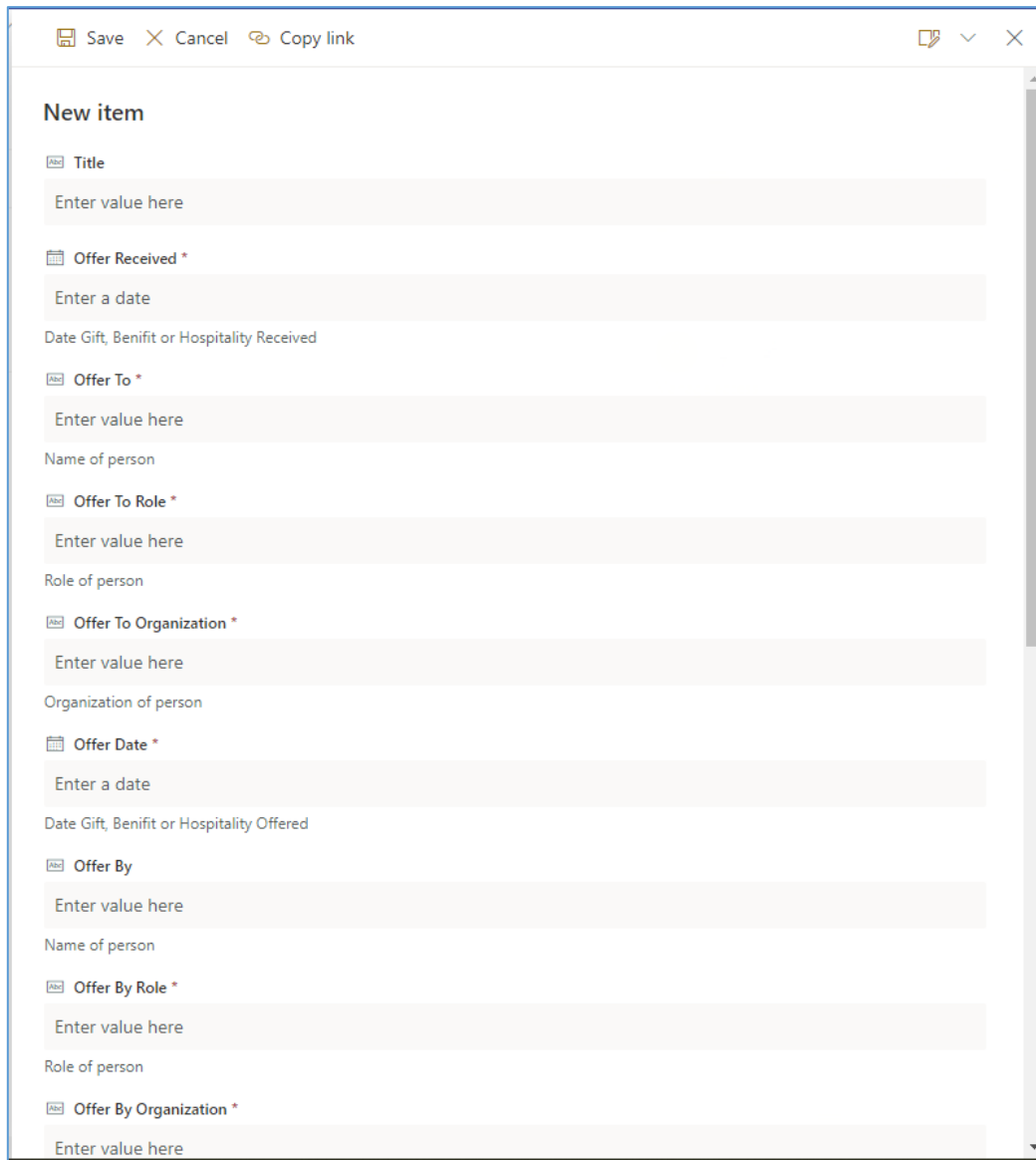
Appendix A

Procedure for personnel submitting Gift, Benefits & Hospitality Declaration

Go to site on the [portal](#): or follow Portal Home/Corporate/Gifts, Benefits & Hospitality Register.



Click on “New” located at the top of the page and the following form will appear.



Save Cancel Copy link

New item

Title
Enter value here

Offer Received *
Enter a date
Date Gift, Benefit or Hospitality Received

Offer To *
Enter value here
Name of person

Offer To Role *
Enter value here
Role of person

Offer To Organization *
Enter value here
Organization of person

Offer Date *
Enter a date
Date Gift, Benefit or Hospitality Offered

Offer By
Enter value here
Name of person

Offer By Role *
Enter value here
Role of person

Offer By Organization *
Enter value here

This form should be filled out online by the person receiving or providing the gift, benefit or hospitality.

The form will automatically be work flowed to the person’s line manager for approval. Once approved it will sit in the “Approval – Gifts Register: In progress” for the Corporate Program Manager or CEO to review.

If approved by the Corporate Program Manager/CEO, the items will be moved to the “Approval – Gifts Register: Approved”.

Where possible approval must be sought from the Corporate Program Manager or CEO **prior** to providing or receiving the gift, benefit or hospitality.

Should the gift, hospitality or benefit not be approved, the employee/Board member will be required to decline the offer.

Should the item already be received it should be returned to the source if possible, or if not, alternative options discussed with the Corporate Program Manager or CEO.

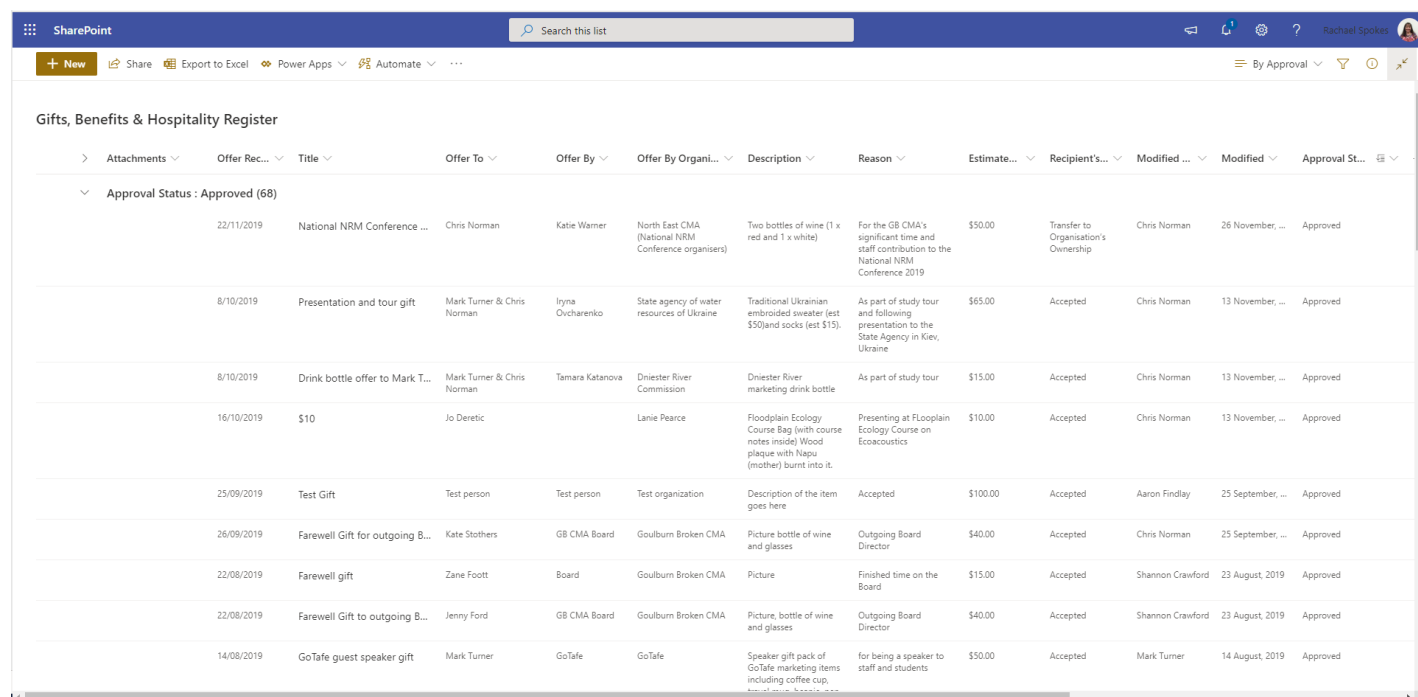
The EA to the CEO will prepare a report to be reviewed by the Board Annually. The Board will then advise the Minister this process has been completed.

Appendix B

Gifts Benefits and Hospitality Register

The Gifts, Benefits and Hospitality Register is located on the Portal:

<https://goulburnbroken.cma.sharepoint.com/corporate/Lists/Gifts%20Benefits%20%20Hospitality%20Register/By%20Approval%20%20Not%20Approved.aspx>



Offer Rec...	Title	Offer To	Offer By	Offer By Organi...	Description	Reason	Estimate...	Recipient's...	Modified ...	Modified	Approval St...
22/11/2019	National NRM Conference ...	Chris Norman	Katie Warner	North East CMA (National NRM Conference organisers)	Two bottles of wine (1 x red and 1 x white)	For the GB CMA's significant time and staff contribution to the National NRM Conference 2019	\$50.00	Transfer to Organisation's Ownership	Chris Norman	26 November, ...	Approved
8/10/2019	Presentation and tour gift	Mark Turner & Chris Norman	Iryna Ovcharenko	State agency of water resources of Ukraine	Traditional Ukrainian embroidered sweater (est \$50) and socks (est \$15).	As part of study tour and following presentation to the State Agency in Kiev, Ukraine	\$65.00	Accepted	Chris Norman	13 November, ...	Approved
8/10/2019	Drink bottle offer to Mark T...	Mark Turner & Chris Norman	Tamara Katanova	Driester River Commission	Driester River marketing drink bottle	As part of study tour	\$15.00	Accepted	Chris Norman	13 November, ...	Approved
16/10/2019	\$10	Jo Deretic		Lanie Pearce	Floodplain Ecology Course Bag (with course notes inside) Wood plaque with Napu (mother) burnt into it.	Presenting at Floodplain Ecology Course on Ecoacoustics	\$10.00	Accepted	Chris Norman	13 November, ...	Approved
25/09/2019	Test Gift	Test person	Test person	Test organization	Description of the item goes here	Accepted	\$100.00	Accepted	Aaron Findlay	25 September, ...	Approved
26/09/2019	Farewell Gift for outgoing B...	Kate Stothers	GB CMA Board	Goulburn Broken CMA	Picture bottle of wine and glasses	Outgoing Board Director	\$40.00	Accepted	Chris Norman	25 September, ...	Approved
22/08/2019	Farewell gift	Zane Foott	Board	Goulburn Broken CMA	Picture	Finished time on the Board	\$15.00	Accepted	Shannon Crawford	23 August, 2019	Approved
22/08/2019	Farewell Gift to outgoing B...	Jenny Ford	GB CMA Board	Goulburn Broken CMA	Picture, bottle of wine and glasses	Outgoing Board Director	\$40.00	Accepted	Shannon Crawford	23 August, 2019	Approved
14/08/2019	GoTafe guest speaker gift	Mark Turner	GoTafe	GoTafe	Speaker gift pack of GoTafe marketing items including coffee cup.	for being a speaker to staff and students	\$50.00	Accepted	Mark Turner	14 August, 2019	Approved

Appendix C – Summary flowchart

Have you received a gift offer as a result of your role with the agency?

‘GIFT’ includes:

- **items or services** (e.g. chocolates, bottle of wine, commemorative object, calendar, door prize)
- **benefits** (e.g. promise of a new job)
- **hospitality that exceeds common courtesy.** (‘Hospitality’ includes food, drink, travel, accommodation, events or activities – e.g. sporting, social, industry, arts or entertainment. ‘Common courtesy’ is polite, basic and modest. It does not raise a conflict of interest. Whether an offer exceeds common courtesy depends on what is offered, by whom, to whom, when, why.)

Yes

No (hospitality does not exceed common courtesy)

Policy does not apply

Policy applies

Is it a prohibited gift?

- Is it **money** or is similar to money (e.g. gift vouchers) or easily converted into money (e.g. shares)?
- Is it a **conflict of interest** (real, potential or perceived)? – e.g. offered by an external source with an interest in a decision that you are likely to make or can influence (e.g. tender process; procurement of goods/services; awarding of a grant or sponsorship; setting of policy; enforcement, licensing or regulation; contracts).
- Could it in any other way create a **reasonable perception** that it is offered to influence, or could influence, your judgement (i.e. how you act, or fail to act, now or in the future)?
- Is it inconsistent with **community expectations**?
- Could it in any other way bring your integrity, or that of the agency, into **disrepute**?

Yes

No

It is prohibited

- Refuse the gift.
- **Disclose** offer to your ‘responsible person’ (line manager for employees; chair for board members and the CEO) as follows:
 - Token offers by email
 - Reportable offers verbally and by lodging a gift offer declaration form.

Yes – it is ‘reportable’

- Is there a ‘legitimate business reason’ to accept the offer?

No

Yes

‘Reportable’ obligations

- You can either refuse or accept the gift.
- Regardless, you must inform your ‘responsible person’ and disclose the offer by lodging a gift offer declaration form.
- If you accept the offer, the agency is the owner of the gift, not you.

Token or reportable?

- Does the combined total of offers to you from this source in the last 12 months exceed \$50? OR
- Regardless of value, is the gift offered of cultural, historical or other significance?

No – it is ‘token’

‘Token’ obligations

- You can either refuse or accept the gift.
- Regardless, you must disclose the offer by email to your ‘responsible person’ and keep a copy of it.
- If you accept the gift, you can keep it as your own.

Note that information about reportable gift offers is published (de-identified) on the agency’s website.

Appendix D

Fringe Benefits Tax

A summary of potential FBT implications follows:

FBT and Hospitality

Circumstances in Which Food or Drink Provided by Employer	FBT Payable Y/N
(a) Food or Drink Consumed on the Employer's premises	
(i) by employees	
1) at a social function	Y
2) in an in house dining facility - not a social function	N
3) in an in-house dining facility - at a social function	Y
4) morning and afternoon teas and light lunches	N
(ii)by associates	
1) at a social function	Y
2) in an in house dining facility - not a social function	Y
3) in an in-house dining facility - at a social function	Y
4) morning and afternoon teas and light lunches	Y
(iii)by clients	
1) at a social function	N
2) in an in house dining facility - not a social function	N
3) in an in-house dining facility - at a social function	N
4) morning and afternoon teas and light lunches	N
(b) Food or Drink consumed off the employer's premises	
1) at a social function or business lunch	
o by employee	Y
o by associate	Y
o by clients	N
(c) Alcohol	
1) employee travelling - wine accompanies evening meal	N
2) provided at conclusion of a seminar with finger food	N
(d) Food or Drink consumed by employees while travelling	
1) employee travels and dines alone	N
2) two or more travelling employees dine together	N
3) travelling with clients and dine together	N
4) as in 3) except employer pays for all meals	
o employee's meal	N

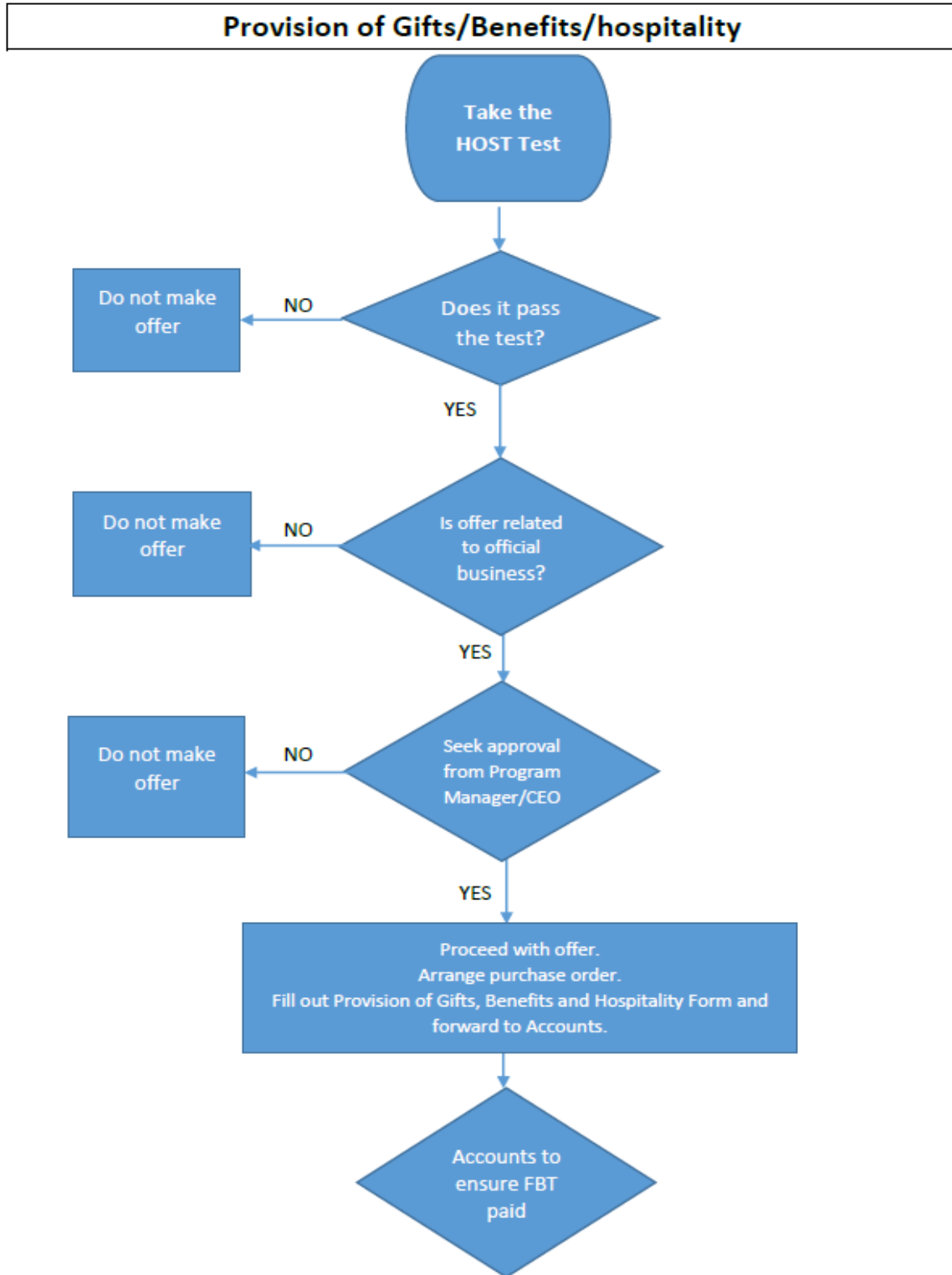
	o clients meal	N
5)	dines with client who is travelling separately	N
6)	Dines with employee not travelling	
	o only employee's meal provided	N
	Both employees meal provided	
	o travelling employee's meal	N
	o • non-travelling employee's meal	Y
7)	dines with client who is not travelling	
	o only employee's meal provided	N
	Employee's and client's meal provided	
	o employee's meal	N
	o client's meal	Y
(e) Employees dining with other employees of same employer or with employees of associates		
1)	employee entertains another employee and is reimbursed by employer	Y
2)	employee entertains another employee of an associated company of the employer and is subsequently reimbursed	
	o employer's employee	Y
	o associate employee	Y
(f) Meal consumed by employee while attending a seminar		
1)	provided incidental to a seminar and satisfies section 32 - 35 of the Income Tax Assessment Act and is not held on employer's premises	N
2)	light breakfast provided at a seminar that does not satisfy section 32 -35	N
3)	light refreshments including a moderate amount of alcohol provided immediately after a seminar that does not satisfy section 32 – 35	N
(g) Food or Drink consumed by employees at promotion		
1)	function held on employer's premises and is open to the general public	Y
(h) Meals provided under an arrangement		
1)	employer is not aware or does not consent to employees being taken out to dinner by clients	
	o employees	Y
	o client's employee	N
(i) Meals for accompanying spouses		
1)	with employee travelling on business and employer pays for all meals	
	o employee	N
	o spouse	Y
(j) Food or drink provided by tax-exempt bodies		
1)	'Non-deductible' meal entertainment provided to employees, whether or not on employer's premises	Y
2)	meals provided to employees in an in-house dining facility	N



3) non meal entertainment provided at employer's premises N



Appendix F



Appendix G

Goulburn Broken CMA

Privacy collection statement – gift, benefits and hospitality offers

Background

This privacy collection statement is published in accordance with the Information Privacy Principles in Schedule 1 of the *Privacy and Data Protection Act 2014*.

This agency is part of the public sector. As such, it complies with a range of laws and related obligations, including:

- the *Public Administration Act 2004*;
- the *Minimum accountabilities for the management of gifts, benefits and hospitality* issued by the Victorian Public Sector Commission; and
- the *Privacy and Data Protection Act 2014*.

Collection, retention and use of information

As part of this agency's compliance with its obligations and with good public sector governance practice:

1. If an individual or organisation offers a gift, benefit or hospitality to a board member or employee of the agency as a result of that person's role with the agency, information about the offer will be recorded, retained, and used by the agency.
2. Details of the information that will be recorded, retained and used by the agency are set out in the agency's policy on *Gifts, benefits and hospitality – responding to gift offers* ('gifts policy').
3. The agency's gifts, benefits and hospitality policy is published on its external website <http://www.gbcma.vic.gov.au>.
4. As set out in its gifts, benefits and hospitality policy, the agency publishes a 'de-identified' copy of its gifts register on its external website.
5. The purpose of publishing the 'de-identified' copy of the agency's gifts register on its external website is to:
 - promote transparency in public sector decision making; and
 - comply with the *Minimum accountabilities for the management of gifts, benefits and hospitality*.

Viewing information

If you have offered a gift to a board member or employee of this agency as a result of that person's role with the agency you can view the information that has been recorded by contacting: reception@gbcma.vic.gov.au

Please note that, in accordance with the agency's gifts, benefits and hospitality policy, whilst information on both 'reportable' and 'token' gifts (as defined in the policy) are recorded, retained and used by the agency:

- only information on reportable gifts is recorded in the gifts register; and
- steps have been taken to ‘de-identify’ personal information in the copy of the gifts register that is published on the agency’s external website.