

Gifts, Benefits & Hospitality Policy

Title	Gifts, Benefits & Hospitality Policy	
Aim	To state TAC's overall intentions and direction in relation to acceptance and provision of gifts, benefits and hospitality across the organisation.	
Date of Issue/Update	June 2020	
Associated legislation	Public Administration Act 2004 Public Records Act 1973 Financial Management Act 1994 Freedom of Information Act 1982 Liquor Control Reform Act 1998	
Associated Documents	Code of Conduct for Victorian Public Sector Employees (2015) Code of Conduct for Directors of Victorian public entities 2016 VPSC Gifts, Benefits and Hospitality Policy Guide (June 2018) General Government Purchasing Guidelines Victorian Government Purchasing Board Policies Occupational Health and Safety Act 2004 TAC Reimbursement Policy TAC Procurement Policy	
Attachments	GIFT/HOST Tests Gifts, Benefits and Hospitality Declaration Form Gifts, Benefits and Hospitality Register Gifts, Benefits and Hospitality Decision Tree	
Enquiries Contact	Senior Taxation & Compliance Accountant #6027	
Approved by	Board	24/06/2021
Issuing Office	Business Enablement Division	

Contents

1. [Background](#)
2. [Minimum requirements and accountabilities](#)
3. [Responding to offers of Gifts, benefits & hospitality](#)
4. [Token offers](#)
5. [Non-token offers](#)
6. [Declaring](#)
7. [Recording](#)
8. [Corporate Hospitality](#)
9. [Gifts to Staff](#)
10. [Authorised Approvers](#)
11. [Review and Approval](#)
12. [Access and Communication](#)
13. [Compliance](#)
14. [Breaches](#)
15. [Attachment 1 – Gifts and Host Tests](#)
16. [Attachment 2 – Declaration](#)
17. [Attachment 3 – Register](#)
18. [Attachment 4 – Decision Tree](#)

1. Background

The Public Administration Act 2004, Code of conduct for Directors of Victorian public entities 2016 and the Code of Conduct for Victorian Public Sector Employees 2015 provide the legislative and policy framework for the acceptance and provision of gifts, benefits and hospitality by Victorian public sector directors and employees.

The codes of conduct provide information on key values that public sector directors and employees should demonstrate in their relationships with the government, the community, clients and other employees, and describes behaviours public sector employees should demonstrate for each value when performing their duties.

The *Gifts, Benefits and Hospitality Policy Guide 2018* (the Framework) issued by the Victorian Public Sector Commission (VPSC) in June 2018 provides the minimum requirements and accountabilities that agencies' gifts and benefits policies must include.

TAC's Gifts, Benefits and Hospitality Policy (the Policy) is based on the 'integrity' and 'impartiality' values contained in the Code of Conduct for Victorian Public Sector Employees and contains the minimum requirements and accountabilities of the Framework. It also encompasses TAC's underlying responsibility to the Victorian community with respect to the appropriate management and use of public monies in funding offers of gifts, benefits and hospitality.

2. Minimum requirements and accountabilities

TAC employees are to comply with the Policy in relation to accepting, providing, declaring and recording gifts, benefits and hospitality. It is predicated on the assumption that TAC staff and management will exercise reasonable discretion and prudent judgement in each circumstance where a gift, benefit or hospitality is accepted or provided.

Minimum requirements for all TAC staff - OFFERED gifts, benefits and hospitality

1. Do not, for themselves or others, seek or solicit gifts, benefits or hospitality.
2. Refuse all offers of gifts, benefits or 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 the TAC's register, and seek written approval from a Divisional Head, CEO or Chair to accept any non-token offer.
4. Refuse bribes or inducements and report inducements and bribery attempts to your manager and the Heads/CEO (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).

If unsure about how to respond to an offer of a gift, benefit or hospitality of more than nominal value, seek advice from your manager or the Financial Controller.

Minimum requirements for all TAC Staff - PROVIDING gifts, benefits and hospitality

1. Ensure that any gift or 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.
2. Ensure that any costs are proportionate to the benefits obtained for the organisation and/or State, and would be considered reasonable in terms of community expectations.
3. 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.

Accountabilities for CEO and Executives

1. Establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality.
2. Establish and maintain a register for gifts, benefits and hospitality that records sufficient information to effectively monitor, assess and report on the minimum accountabilities.
3. Communicate and make clear within the TAC 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.
4. 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 TAC's policy position.
5. Report at least annually to the TAC'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 TAC's gifts, benefits and hospitality risks (including repeat offers from the same source and offers from business associates), risk mitigations measures and any proposed improvements.
6. Publish the gifts, benefits and hospitality policy and register on the TAC's public website. The published register should cover the current and the previous financial year. The information published on the Public Register will be in accordance with the Framework issued by VPSC.

3. Responding to offers of Gifts, benefits & hospitality

Accepting/Providing

Directors

Directors should refuse all offers of gifts, benefits or hospitality which may be perceived as impeding their independent judgement.

Procurement Unit

Due to the perceived higher risk, all staff within the centralised procurement division must refuse all offers of gifts, benefits or hospitality from all people or organisations.

TAC Staff

No gifts, benefits or hospitality equal to, or greater than, the nominal value of \$50 are to be accepted or provided by TAC staff without (where practicable) the prior approval of a Divisional Head, CEO or Chair. Refer to section 6 for a schedule of Authorised Approvers.

Token Offers

Token offers are of inconsequential or trivial value to both you and the person making the offer and may generally be accepted. They may include mementos, small gifts of appreciation such as pens, pads that staff may receive in performing their duties, attending seminars etc. and cannot be worth more than \$50. The cumulative value of offers from the same source exceeding the token threshold of \$50 are no longer required to be declared and recorded on the register. You should still however consider the potential conflicts of interest and reputational risks that may arise.

Non-token Offers

Non-token offers are offers of a gift, benefit or hospitality that is, or may be perceived to be by the recipient, the person making the offer or by the wider community, of more than inconsequential value. All offers worth more than \$50 are non-token offers and must be recorded on the TAC's gifts, benefits and hospitality register.

At a minimum, you must decline non-token offers that if accepted would:

- be perceived as an inducement
- have no legitimate business benefit to the organisation
- give rise to an actual, potential or perceived conflict of interest.

A legitimate business benefit is one that furthers the conduct of official business or other legitimate goals of the TAC, public sector or State.

If you are sent a significant gift or are placed in a situation that you recognise as either compromising or could create a perception of compromise you should report it to your manager and, if possible, return it with a polite note. However, it is sometimes awkward to refuse a gift. If refusal of a gift might damage relationships, it may be appropriate to accept the gift on TAC's behalf. The gift should then be delivered to your Divisional Head along with a completed Gift Declaration form. The Divisional Head will deal with it in the appropriate manner. This may involve donating it to charity or putting it on display in TAC's premises.

If in doubt about gifts, benefits and hospitality offered, ask your manager or refer the matter to your ELT member.

Examples of responding to offers of gifts, benefits and hospitality

Scenario 1: Free attendance at public speaking engagement

Aaron, a TAC Claims Manager, is invited to speak at a conference relating to claims and injury management. In lieu of speaking, his conference fee of \$500 is waived by the event organisers.

In this situation, there is no conflict of interest and there is a legitimate business reason for attending this event. As such, Aaron can accept this offer. Being a non-token offer, Aaron should complete a Declaration Form and have this signed by his divisional head. Once authorised, Aaron should submit this form to the Senior Taxation and Compliance Accountant for inclusion on the Register.

Scenario 2: Supplier functions

Betty, a TAC IT manager, is invited by TAC's external IT contractor to a networking event. It will be hosted at a sporting event where food and alcohol will be provided at an estimated cost of \$150 per head.

'Networking' in isolation is not a sufficiently legitimate business reason for attending this event, therefore Betty should decline this invitation. Betty should still complete a Declaration form noting this, and have it signed by her Divisional Head. Once authorised, Betty should submit this form to the Senior Taxation and Compliance Accountant for inclusion on the Register.

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 TAC. The receipt of ceremonial gifts should be recorded on TAC's register but this information does not need to be published online.

Prizes

Employees are not to enter any "free" competitions at events so as to avoid the difficulty that may arise should one win a prize. An example of free competitions would be entering a business card competition as the employee has not contributed towards the prize.

However, if a raffle ticket is purchased and a prize is won, this does not constitute a gift as it was not free and does not need to be included in the register.

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

GIFT and HOST Tests

'GIFT' and 'HOST' tests provide a concise and easy to use summary of all guiding principles in the policy framework and remind employees of what to think about when deciding whether to accept or decline a gift, benefit or hospitality, or provide gifts or hospitality. Employees are encouraged to use the GIFT and HOST tests and, if in doubt, ask their manager. Copies of the tests are provided in Attachment 1 – GIFT and HOST Tests.

Declaring

In respect of non-token offers received (greater than \$50), a Gift, Benefits and Hospitality Form (located on the intranet) is to be completed by the recipient within 21 days of the offer. It must be approved by an

authorised approver (Refer section 7) and submitted to the Senior Taxation & Compliance Accountant even where the gift has been accepted (or provided) without prior warning or approval in good faith.

The decision at all times must be perceived to be free of any potential conflict of interest and must be defensible in relation to potential requests for information under Freedom of Information or the media. A copy of the form is provided in Attachment 2 – Gifts, Benefits and Hospitality Notification Form.

Where an offer of gifts, benefits or hospitality equal to or greater than \$50 in value is received and not accepted (i.e. is declined), you are also required to declare such offers using the Gift, Benefit and Hospitality Declaration.

The business reason for accepting a non-token offer must be recorded in the register and provide sufficient detail to link the acceptance to the individual's work functions and benefit to the TAC, public sector or State.

For example: "Individual is responsible for evaluating and reporting outcomes of the TAC's sponsorship of Event A. Individual attended Event A in an official capacity and reported back to the TAC on the event."

Where an offer of hospitality is part of a generic, bulk event invitation that is declined, it does not need to be declared or recorded on a gift, benefit and hospitality register. For example, 'spam' email offers.

Recording

Gifts, benefits and hospitality equal to or greater than \$50 require the retention of relevant documentation such as the notification forms and the Gifts and Hospitality Register to assist in the monitoring and review process. Record keeping will also include recording any escalations and breaches and the resolution action taken. The Senior Taxation & Compliance Accountant is responsible for the maintenance of the Gifts and Hospitality Register. The Register will be separately reviewed on a monthly basis by a member of the TAC Finance Team against the GB&H declaration forms, and signed off in respect of the accuracy thereto. A copy of the register will be issued at least twice a year to Divisional Heads to confirm the accuracy of the details provided.

The public register will contain a subset of the information detailed in TAC's internal register in accordance with the guidance prescribed in the Framework issued by VPSC.

4. Corporate Hospitality

This section of the Policy provides guidance to TAC employees in relation to corporate hospitality and refers to the act or practice of being hospitable and entertainment of clients.

In all cases, hospitality should be modest and prudent, properly balancing the public interest in an efficient and professional public service with the responsible use of public funds. In summary, hospitality can take a number of forms, but in the context of TAC, can be classified into two categories:

- External – an activity to help foster the conduct of public business with persons outside of the TAC. These persons may include clients, business partners, suppliers and contractors.
- Internal – an activity funded by the TAC for the health and wellbeing of the TAC staff.

External Hospitality

External hospitality may involve, but is not limited to, hospitality provided during activities, events and meetings hosted by the CEO, members of the executive group and/or direct reports of the Heads.

The primary purpose of these activities is to foster the strategic and operational goals of the TAC. It may include people from the business, government and academic sectors as well as those who have provided services to the agency either at no charge or at token cost to show appreciation for their time and effort.

Such hospitality may occur in the workplace, at seminars, conferences or in restaurants and other venues, and are characterised by the provision of meals and/or beverages. The provision must also be at a cost and in a form and manner that is appropriate to the nature of that interest and business purpose.

External hospitality is prohibited where it involves only TAC employees who are not CEO, executive, or a direct report of an executive. However, external hospitality may be permitted for these employees if appropriate pre-approval is obtained from the CEO or a Divisional Head.

Internal Hospitality

Internal hospitality may occur in the workplace or at function venues and may include, but is not limited to, meals and/or beverages for training sessions/conferences, retreats, agency forums, functions to recognise and reward staff and working lunches held at the TAC premises.

The provision of internal hospitality must also be at a cost and in a form and manner that is appropriate to the nature of the activity. It should also abide by the principle that it be modest and prudent, and properly balance the public interest in an efficient and professional public service with the responsible use of public funds.

Internal hospitality is prohibited where it involves only TAC employees who are not the CEO, executive or a direct report of a Head. However, internal hospitality may be permitted for these employees if appropriate pre-approval is obtained from the CEO or a Divisional Head.

Scenario 3: Onsite Training Workshop

TAC Finance staff are taking part in a full day workshop onsite for an update on Accounting Standards. This occurs annually. Morning tea, a light sandwich lunch and refreshments are provided. In this situation, it is appropriate for TAC to fund this since the cost is modest, frequency is irregular and is in connection with a work related workshop (CPD event).

Legitimate business purposes

Hospitality must only be provided at events that are for a legitimate business purpose. However, hospitality is not the norm when conducting business or considering work-related needs of agency staff.

Modest and prudent expenditure

The level of hospitality and the cost incurred must be relative to the level of importance of the participants or potential benefits accrued to the TAC. This means ensuring that hospitality costs are kept to a minimum and catering/entertainment arrangements are appropriate for the nature of the event.

Responsible serving of Alcohol

When providing alcohol at any event, the TAC event organiser(s) must be aware of the associated requirements regarding the responsible serving of alcohol. Please refer to the following for current advice:

- Occupational Health and Safety Act 2004
- The Australian Alcohol Guidelines (National Health and Medical Research Council)
- Liquor Laws of Victoria

Pre-approval requirements

Supply of alcohol

- The supply of alcohol of any value at an event must be considered on a case-by-case basis and requires prior approval by the Divisional Head. As the type of function requiring the supply of alcohol may vary, so will the quantity, quality and expenditure on purchases. Appropriate guidance must be obtained from the Divisional Head or CEO.

Incurring hospitality

- All hospitality needs to be pre-approved, unless it is incurred by the CEO or a Divisional Head.

Partners

- Hospitality should not be funded and provided by TAC for partners of employees, unless approved by the CEO.

Tipping

Domestic:

- Tipping is explicitly prohibited.

Overseas:

- Tipping is permitted with prior approval during overseas travel only. The tip cannot be more than 15% of the total amount. No tip or gratuity should be provided where the bill includes a service charge. International travel is covered by the Per Diem bona fide travel allowance, in line with ATO requirements.

Auditable records

All decisions regarding hospitality are recorded in TAC's financial management systems and are made readily available for scrutiny by both internal and external auditors. In addition, corporate hospitality documentation, receipts and invoices are routinely sought under Freedom of Information.

5. Gifts to Staff

This section of the Policy provides a guide in relation to TAC-funded gifts to staff. The policy aims to recognise the contribution of employees who have provided considerable continuous service to the TAC as a result of resignation or retirement. TAC also supports providing appropriate gifts to employees for other special occasions or personal matters.

Eligibility

All employees are eligible unless any of the following criteria applies:

- dismissed for breach of their employment contract; or
- resigns/retires within 12 months of commencement; or
- casual employees with less than 12 months; or
- agency staff; or
- for points 2 - 4 it may be appropriate to provide a gift at the manager's discretion.

Staff Gift Limitations

Celebrations of events such as birthdays, marriages or the birth of a child should not be funded by the TAC.

The following staff gift limitations apply:

Category	Type of gift	Cost
Death of an employee's immediate family (as defined in the TAC policy)	Flowers, hamper, donation to charity as per family's request	Up to \$75 plus delivery
Retirement	Engraved pen, hamper, gift certificate or similar	<p>> 1 year to 5 years up to \$200</p> <p>> 5 years up to \$200, and for each completed year of service thereafter an additional \$50</p> <p>> 10 Years up to \$500 and for each completed year of service thereafter an additional \$50</p>

The CEO has the discretion to increase the policy's gift limits where applicable.

Rewards and Recognition

Whilst gifts may be provided to employees, for example as part of an organisational reward and recognition program, this should only occur in exceptional circumstances and any gifts should be token in nature, i.e. \$50 or less.

Purchasing of Gifts

The gift can be organised via the next-up manager or by People and Culture as staff address details may be required. The cost of the purchase can be claimed through the expense reimbursement process.

6. Authorised Approvers

No Gifts, Benefits or Hospitality are to be received by TAC staff without (where practicable) the prior approval of an authorised approver. Relevant authorised approvers are tabled below.

Gift recipient	Authorised Approvers
Directors and CEO	Chair or Chair of the Audit Committee
Head	CEO
Senior Manager	Divisional Head
TAC staff	Divisional Head

7. Gifts, benefits and hospitality policy Review and Approval

The Gifts, Benefits and Hospitality Policy will be reviewed on an annual basis by the Senior Taxation & Compliance Accountant in line with the Framework, and will be submitted to the Audit Committee for review and endorsement.

8. Access and communication of the Policy

The Policy (and related documents including Gifts, Benefits and Hospitality Notification Form and Gift Register) will be communicated and made available to each employee and contractor of the TAC through the TAC intranet.

9. Compliance

The CEO will provide an annual attestation to the Secretary of the Department of Treasury and Finance in accordance with governance arrangements advised by the Premier's Circular No. 2012/02 dated 4 April 2012.

10. Breaches

A breach of the gifts, benefits and hospitality policy or process may constitute a breach of binding codes of conduct, may constitute criminal or corrupt conducts, and may result in disciplinary action, which could include termination of employment.

Attachment 1 – GIFTS and HOST Tests

The GIFT test is a good reminder of what to think about when deciding whether to accept or decline a gift, benefit or hospitality.

G	Giver	<p>Who is providing 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 influence my decisions or actions?</p> <p>Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy, a token of appreciation or valuable non-token offer? Does its timing coincide with a decision I am about to make?</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>

The HOST test is a good reminder of what to think about when deciding whether to provide hospitality or gifts to staff or stakeholders.

H	Hospitality	<p>To whom is the gift or hospitality being provided?</p> <p>Will recipients be external business partners, or individuals of the host organisation?</p>
O	Objectives	<p>For what purpose will hospitality be provided?</p> <p>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?</p> <p>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?</p> <p>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>

When in doubt, ask your manager.

Attachment 2 – Gifts, Benefits and Hospitality Declaration

Transport Accident Commission Gifts, Benefits and Hospitality Declaration

This declaration form supports the TAC's Gifts, Benefits and Hospitality Policy. Employees must declare all qualifying non-token offers of gifts, benefits and hospitality (whether accepted or declined). This declaration must be signed by the relevant approver in accordance with the Policy. For most employees, this will be your Divisional Head.

Individual to complete	
1. Declaration date	
2. Name: Role: Division:	
Details of the gift, benefit or hospitality	
3. Date offered	
4. Describe the gift, benefit or hospitality offered	
5. Estimated or actual value	
6. Offered by:- Name: Role: Organisation:	
Reason for making the offer (sufficient detail required): (eg. "Kelly is responsible for evaluating and reporting outcomes of the TAC's sponsorship of Event A. Kelly attended Event A in an official capacity and reported back to the TAC on the event." Is the offer a ceremonial gift? Provide details if so.	
7. Would accepting the offer: a) create an actual potential or perceived conflict of interest exist (Y/N); or b) bring you, the organisation or the public sector into disrepute (Y/N)? (If either is answered YES, then the offer must be declined in accordance with the minimum accountabilities)	<i>Detail of conflict of interest:</i>
8. Is there a legitimate business benefit to the TAC, public sector or State for accepting the offer. (If NO then offer must be declined, and if YES then the business benefit must be detailed, in accordance with the minimum accountabilities).	<i>Sufficient detail of business benefit:</i>
9. Decision regarding offer: <input type="checkbox"/> Declined or <input type="checkbox"/> Retained or <input type="checkbox"/> Transferred to TAC's ownership	
Comments:	
Signature of recipient:	Date:

Relevant approver in accordance with the Gifts, Benefits and Hospitality Policy to complete (for most employees, this will be your Divisional Head)

1. Name:
Role:
Division:

Complete if individual accepted offer

2. I have reviewed this declaration form and confirm that, to my knowledge, accepting this offer:

- a) does not raise an actual, potential or perceived conflict of interest for the individual or myself; **and**
- b) will not bring the individual, myself, the organisation or the public sector into disrepute; **and**
- c) will provide a clear business benefit to the organisation, the public sector or the State.

Signature:

Date:

Complete if individual declined offer

3. I have reviewed this declaration form and submitted it for inclusion on the TAC's gifts, benefits and hospitality register.

Signature:

Date:

Completed form to be submitted for inclusion on the organisation's gifts, benefits and hospitality register.

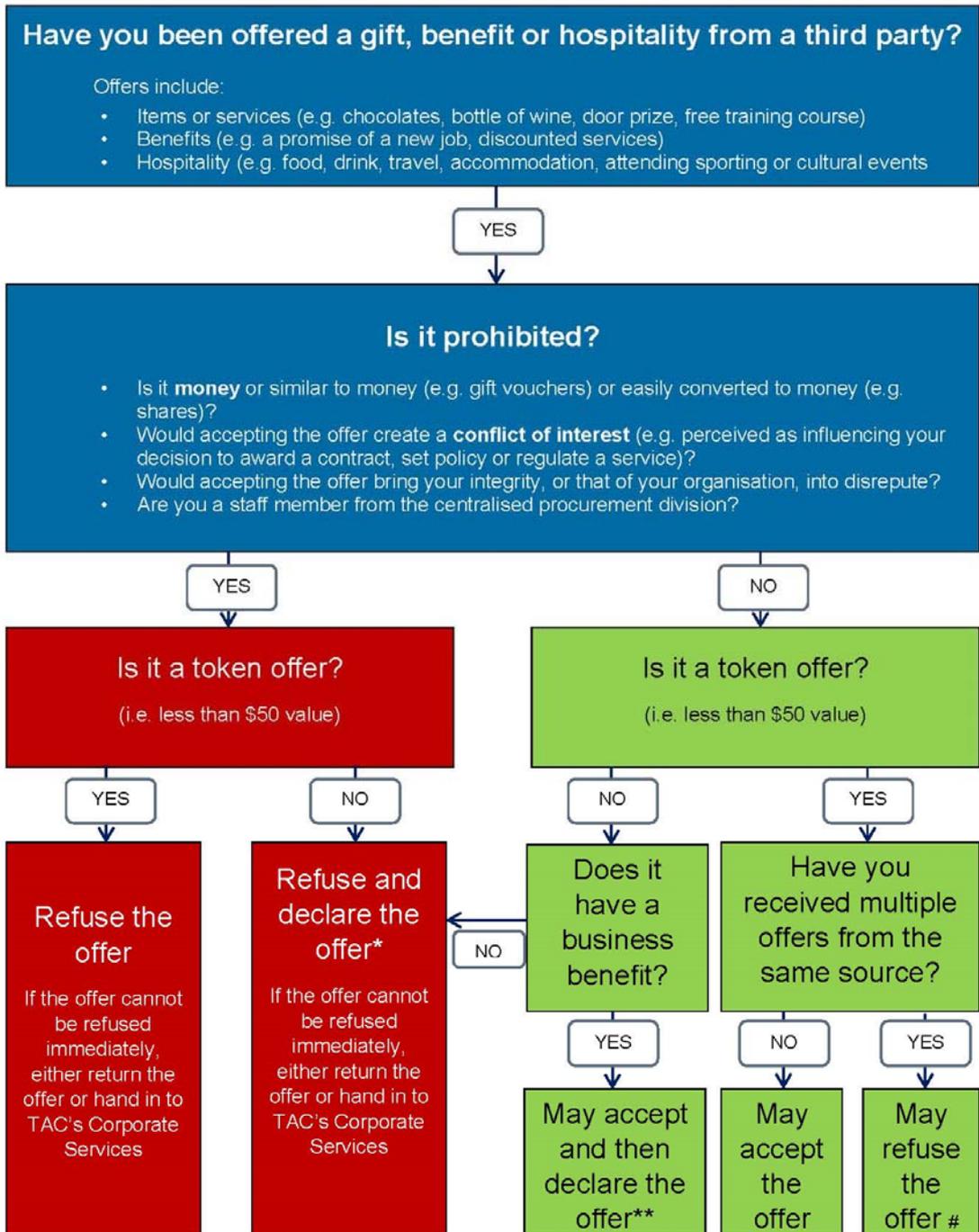
Gifts, benefits and hospitality register updated

Name:
Role:
Division:

Signature:

Date:

Attachment 4 – Gifts, Benefits and Hospitality Decision Tree



* Generic, bulk invitations that are declined (e.g. spam email offers) do not need to be declared

** Hospitality from Victorian public sector organisations provided as part of official business does not need to be declared

Consider potential conflict of interest before accepting multiple token offers from the one source.