

Giving and Receiving Gifts, Benefits and Hospitality Policy

1. Purpose

This policy states VicTrack's position on:

- a) responding to offers of Gifts, Benefits and Hospitality; and
- b) providing Gifts, Benefits and Hospitality.

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

VicTrack has issued this policy to support behaviour consistent with the Code. All individuals are required under clause 1.2 of the Code to comply with this policy.

If you have any queries regarding the operation of this policy, please contact the VicTrack Company Secretary.

2. Scope

This policy applies to all VicTrack workplace participants, including executives, board members, employees, contractors¹, consultants and any individuals or groups undertaking activity for or on behalf of VicTrack.

3. Definitions

Term	Definition
Benefits	Benefits are preferential treatment, privileged access, favours or other advantage offered. They include invitations to sporting, cultural or social events, access to discounts and loyalty programs, and promises of a new job. While their value may sometimes be difficult to quantify, they may be valued by the intended recipient and therefore used to influence the recipient's behaviour.
Bribes	Bribes are money or other inducements given or promised to individuals to corruptly influence the performance of their role.
Business Associate	Business Associate means an external individual or entity which the organisation has, or plans to establish, some form of business relationship, or who may seek commercial or other advantage by offering Gifts, Benefits or Hospitality.
Code	Code means the Code of Conduct for Victorian Public Sector Employees 2015.
Declaration Form	Declaration Form means the online form used to record the making of a non-token.

¹ Note the application of clause 1.4 of the Code of Conduct for Victorian Public Sector Employees to the Engagement of Contractors and Consultants. Contractors and consultants are only bound by the code if explicitly required by their contract for services.

Gifts	Gifts are free or heavily discounted items that (where the discount is not available to the general public) would generally be seen by the public as a gift and include money or anything that can be converted into money such as gift voucher or cards and shares. These include items of high value (e.g. artwork, jewellery, or expensive pens), low value (e.g. small bunch of flowers) and consumables (e.g. chocolates). 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 treatment of guests, including but not limited to offers of light refreshments at a business meeting, drinks or a party, entertainment, restaurant meals and/or sponsored travel and accommodation. Hospitality may be provided to an individual. It may also be provided by an individual. Prior to accepting offer of Hospitality, you should familiarise yourself with VicTrack's Drug and Alcohol Policy.
Individual	Individual means any person in their capacity as a VicTrack director, full or part-time employee, or contractor engaged by VicTrack who is bound by the Code.
Legitimate Business Purpose	Gifts, Benefits and Hospitality accepted or provided for a business purpose, in that it furthers the conduct of official business or other legitimate goals of VicTrack, the public sector or the State.
Modest Hospitality	Modest Hospitality includes light refreshments (such as tea or coffee) offered as a courtesy and/or light meals (such as sandwiches) served at a business meeting held over meal times.
Non-token Offer	Any offer that is not a Token Offer. All Non-token Offers must be recorded on the online Declaration Form.
Offeror	The person or organization making the offer of a Gift, Benefit or Hospitality.
Procurement Process	Procurement Process means a tender, request for quote, an expression of interest or like procurement process.
Public Official	Public Official has the same meaning as under section 4 of the Public Administration Act 2004. This includes: <ul style="list-style-type: none"> • public sector employees; • statutory office holders; and • directors of public entities.
Relevant Manager	Relevant Manager means: <ul style="list-style-type: none"> • for employees of VicTrack and consultants and contractors engaged by VicTrack who are bound by the Code, their departmental Executive General Manager; • for an Executive General Manager, the Chief Executive; and • for the Chief Executive, either the Company Secretary, the Executive General Manager Business Services or the Chair of the VicTrack Board (on advice of the Company Secretary if required).
Token Offer	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 person receiving the offer, and in any case not exceeding \$50. It may include promotional items such as pens and note pads, gift of chocolate, flowers or wine and Modest Hospitality which would be considered a basic courtesy, such as light refreshments offered during a meeting.
Training Opportunity	Means a training course, seminar or other educational activity or the like.

4. Policy

This policy has been developed in accordance with requirements outlined in the minimum accountabilities for managing Gifts, Benefits and Hospitality issued by the Victorian Public Sector Commission (see section 5 below).

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

Public interest: 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 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:

- (a) declaring all Non-token Offers of Gifts, Benefits and Hospitality;
- (b) declining Non-token Offers of Gifts, Benefits and Hospitality, or where an exception applies under this policy, seeking approval to accept the Non-token Offer (subject to compliance with the Gift cap referred to in section 6.4); and
- (c) 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 Offers of Gifts, Benefits and Hospitality, modelling good practice and promoting awareness of Gifts, Benefits and Hospitality policies and processes.

Risk-based approach: VicTrack, through its policies, processes and Audit & Risk Management Committee, will ensure risks associated with Gifts, Benefits and Hospitality 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.

5. Responsibilities and accountabilities

As an overarching guide, individuals must comply with the minimum accountabilities set out in **Schedule 1** for the appropriate management of the receipt and giving of Gifts, Benefit and Hospitality. Where there is an inconsistency between this policy and the minimum accountabilities set out in **Schedule 1**, the minimum accountabilities take precedence.

6. Management of offers received of Gifts, Benefits and Hospitality

This section sets out the process for accepting, declining and recording offers received of Gifts, Benefits and Hospitality. **Any exceptions** to this process must have the prior written approval of the Chief Executive.

6.1. Token Offers

6.1.1. What is a Token Offer

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 which would be considered a basic courtesy.

Whilst the primary determinant of a Token Offer is that it would not be reasonably perceived within or outside the organisation as influencing an individual or raising an actual, potential or perceived conflict of interest, it cannot be worth more than \$50.

Token Offers are made often by the same person or organisation and are over the token item threshold on a cumulative basis over a rolling 12 month period, these multiple offers may actually or potentially influence the recipient, and consideration should be given that the offers should be considered as Non-token Offers.

6.1.2. What Token Offers may be accepted

Token Offers can be accepted by individuals provided their acceptance does not create a conflict of interest e.g. be likely to or potentially influence them, or be perceived to influence them, in the course of their duties or raise an actual, potential or perceived conflict of interest (individuals should discuss this with their relevant Group Manager or Executive General Manager if unsure).

6.1.3. Actions required

Individuals may accept a Token Offers of a Gifts, Benefits and Hospitality without approval or completing the online Declaration Form.

6.2. Non-token Offers

6.2.1. What is a Non-token Offer

A Non-token Offer is an offer of a Gift, Benefit or Hospitality that is not a Token Offer (ie it is greater than \$50 in value) and/or is an offer 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, or may potentially influence the recipient.

6.2.2. What Non-token Offers may be accepted

All Non-token Offers, whether accepted or declined must be declared on the online Declaration Form.

Acceptance of Non-token Offers is generally discouraged.

Non-token Offers may only be accepted upon approval by the individual's Relevant Manager. This approval is required prior to accepting the offer. The approval must be documented via completing the online Declaration Form.

As a guide to Relevant Managers when considering requests for Non-token Offers:

- Non-token Offers can only be accepted if not precluded under sections **6.3 to 6.8** or due to any of the following points;
- they are not precluded under the GIFT test at **Table 1**;
- for presentations, industry forums, lunches and dinners and the like, there must be a presentation, keynote speech or the like or the general forum content and / or purpose should be relevant to the individual's official duties or responsibilities and/or has a Legitimate Business Purpose in that it furthers the conduct of official business or other legitimate goals of VicTrack, the public sector or the State;
- networking and stakeholder relationship management are a valuable ways to make relevant business connections and maintain working relationships **however any networking or stakeholder relationship management activities must be** limited to the types of events and forums noted in the point directly above (see section **6.9** for details on how to networking and stakeholder relationship management activities should be recorded on the online Declaration Form);

6.2.3. What Non-token Offers must be declined

All Non-token Offers, whether accepted or declined must be declared on the Declaration Form.

Acceptance of Non-token Offers is generally discouraged.

Non-token Offers must be refused where:

- the offer gives rise to an actual, potential or perceived conflict of interest;
- the offer activity has no express link to the individual's official duties or responsibilities and/or does not have a Legitimate Business Purpose. This includes:
 - sporting events (eg football, grand prix, tennis, rugby, horse racing etc);
 - cultural events (Moomba, Melbourne International Film or Comedy Festivals etc)
 - other general entertainment events (concerts, movies etc),
 - and the like;
- acceptance is likely to influence the individual, or be perceived to influence them, in the course of their duties or future business decisions;
- the offer is likely to be a bribe or inducement the individual to make a decision or act in a particular way (see section **6.10**);
- the offer is from:
 - a current or prospective supplier to VicTrack or a person or organisation involved in a Procurement Process with VicTrack where the individual is likely to participate in, or be involved in the process of, making any current or potential business decision in relation to that supplier or Procurement Process;
 - from a person or organisation about which the individual will likely make a decision (also applies to processes involving grants, sponsorship, regulation, enforcement or licensing);
- the offer extends to the individual's relatives or friends;
- the offer is of cash or cash equivalent (e.g. used in a similar way to money such as a gift certificate or card or something easily converted to money such as shares);
- in relation to Hospitality and events, VicTrack will already be sufficiently represented to meet its business needs;
- acceptance of the offer could be perceived as endorsement of a product or service, or acceptance would unfairly advantage the sponsor in a future Procurement Process;
- the offer is made by a person or organisation with a primary purpose to lobby or influence VicTrack;
- the offer is made in secret;
- the offer is provided as a reward for a past act or decision;
- the offer is likely to be perceived as undermining the impartiality, integrity and accountability of the individual or VicTrack;
- the offer gives the appearance of unethical or compromising conduct on the part of an individual or VicTrack;
- the offer is for travel and accommodation; or
- the offer is a Gift in value greater than \$150. All Non-token Gifts must be surrendered to the VicTrack Social Club.

Table 1. GIFT test

G	Giver	Who is providing the Gift, Benefit or Hospitality and what is their relationship to me? 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?
I	Influence	Are they seeking to gain an advantage or influence my decisions or actions? Has the Gift, Benefit or Hospitality been offered to me publicly or privately? Is it a courtesy or a token of appreciation or valuable Non-token Offer? Does its timing coincide with a decision I am about to make or endorse a product or service?
F	Favour	Are they seeking a favour in return for the Gift, Benefit or Hospitality? Has the Gift, Benefit or Hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months? Would accepting it create an obligation to return a favour?
T	Trust	Would accepting the Gift, Benefit or Hospitality diminish public trust? How would the public view acceptance of this Gift, Benefit or Hospitality? What would my colleagues, family, friends or associates think?

6.3. Legitimate Business Purpose

A Non-token Offer can only be accepted where there is a Legitimate Business Purpose.

Examples of Non-token Offers without a Legitimate Business Purpose, and therefore cannot be accepted, may include:

- tickets to sporting, entertainment, cultural events or the like;
- presentations, industry forums, lunches and dinners and the like where there is no presentation, keynote speech or the like or the general forum content and / or purpose is not relevant to the individual's official duties or responsibilities and/or it does not further the conduct of official business or other legitimate goals of VicTrack, the public sector or the State;
- Hospitality provided while introducing you to a product or service where your role requires you to impartially assess new products and services, which may be undermined if you accept or are seen to accept such Hospitality.

6.4. Special rules for Non-token Offers of Gifts and certain Benefits

The following special rules apply to Non-token Offers of Gifts and certain Benefits:

- no Gift over the value of \$150 can be accepted;
- the following Gifts and Benefits vest in VicTrack:
 - when individuals attend a conference, either as a participant or speaker, they are representing VicTrack. As VicTrack has paid for the individual's costs, such as time, labour or accommodation, any benefits accruing from the individual's activities belong to VicTrack, including speaker's fees; and

- **ALL** non-token Gifts must be surrendered to the VicTrack Social Club and the surrender recorded on the online Declaration Form (see section **6.09** below).

6.5. Training course, seminar or other educational activity

From time to time, individuals may be offered the Benefit of complimentary attendance at a Training Opportunity. The Training Opportunity may also include an element of Hospitality. A Training Opportunity may be accepted even if the provider is a current supplier, **however in order to meet reasonable community expectations, any Training Opportunity:**

- must provide training relevant to an individual's assigned duties or professional discipline;
- is not provided solely to VicTrack employees (it is also offered to other clients of the provider and / or other industry participants), unless the training is provided as part of a contractual arrangement with VicTrack;
- only includes Modest Hospitality such as a light breakfast or sandwich lunch;
- is not provided by an individual or entity involved in a current Procurement Process; and
- does not include travel, accommodation or non-modest Entertainment or other Benefits (these must be paid for by VicTrack).

In addition to the above, the GIFT test at **Table 1** above should also be considered before any Training Opportunity is accepted.

For the purposes of reporting Non-token Offer that is a Training Opportunity on the online Declaration Form, if the cost of the Training Opportunity cannot be ascertained from the provider, the Training Opportunity is to be recorded at \$50 per hour.

Any Training Opportunity:

- where the actual cost is \$50 or less (ie is a Token Offer in nature), or if the cost cannot be determined but is one hour or less in duration; or
- that is provided as part of a contractual arrangement with VicTrack,

does not need to be recorded on the online Declaration Form (**Non-Reportable Training Opportunity**).

All other instances must be considered as non-token and the online Declaration Form must be completed.

6.6. Vendor Christmas events

Where the Offeror is a vendor of goods or services to VicTrack, while attendance at a vendor's Christmas function is generally discouraged, individuals may participate, with approval by the individual's Relevant Manager and provided the following three tests are met:

- it is a Token Offer (the individual should check with the Offeror that is the case);
- the event is open to all of the Offeror's clients, not just VicTrack; and
- the Offeror is not currently, or likely to be in the immediate future, in a Procurement Process with VicTrack.

If all of the above three tests cannot be met, then the invitation must be declined and recorded on the online Declaration Form (see sections **6.8** and **6.9**) regardless of the value regardless of the value.

6.7. Networking & Stakeholder relationship management opportunities

As noted in section 6.2.2, networking is a valuable way to make relevant business connections and stakeholder relationship management is important **however networking and relationship management opportunities should be limited to** events such as presentations, industry forums, lunches and dinners and the like, where there is a presentation, keynote speech etc or the like or the general forum content should be relevant to the individual's official duties or responsibilities and/or has a Legitimate Business Purpose.

Therefore, 'networking' or 'stakeholder relationship management' is not the Benefit that is recorded on the online Declaration Form but rather how (a) the event is relevant to the individual's official duties or responsibilities and (b) has a Legitimate Business Purpose.

Where an individual considers that a Token Offer is worthy of recording (e.g. to monitor repeated offers or Gifts from a single source) it should be recorded on the online Declaration Form.

6.8. What do I need to do if a Non-token Offer cannot be accepted

If an individual is precluded from accepting a Non-token Offer:

- the Offeror be advised that the offer is refused as it does not conform with VicTrack's Gifts, Benefits and Hospitality policy;
- an online Declaration Form must be completed;
- where the Non-token Offer is a Gift and the Gift has been received by mail/courier, all genuine efforts must be made to return a delivered Gift. Where returning the Gift would be considered burdensome, offensive or impossible, the Gift may be accepted but must be donated to the VicTrack Social Club and an online Declaration Form must be completed.

6.9. Requirement to have ALL Non-token Offers (both accepted and declined) of Gifts, Benefits or Hospitality received recorded

And online Declaration Form must be completed for **ALL** Non-token Offers, **whether accepted or declined**.

All accepted Non-token Offers must be approved by the individual's Relevant Manager and Non-token Offers that are Gifts must be surrendered to VicTrack Social Club in accordance with Section 6.4.

Individuals may be offered a Non-token Offer of a Gift, Benefit or Hospitality where there is no opportunity to seek written approval from their Relevant Manager prior to accepting. For example, they may be offered a wrapped Gift that they later identify as being a Non-token Offer. In these cases, the individual must seek approval from their Relevant Manager within five business days after receipt of the Non-token Offer.

The Legitimate Business Purpose (see section 6.3 above) relevant to the Non-token Offer must be recorded on the online Declaration Form and provide sufficient detail to link (a) the acceptance of the Non-token Offer to the individual's work functions and (b) how acceptance furthers the conduct of official business or other legitimate goals of VicTrack, the public sector or the State.

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

Unacceptable	"Networking"
	"Maintaining stakeholder relationships"
	"Invitation to an event to develop relationships"

Acceptable

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

“Individual made a presentation to a visiting international delegation. The delegation presented the Individual with a cultural item worth an estimated \$140. Declining the Gift would have caused offence. The Gift was accepted, written approval was subsequently obtained for the Gift, which became VicTrack’s property.”

“Individual was invited to attend a luncheon which included a presentation on new train signalling systems”

6.10. Requirement to report attempts to bribe

If an individual considers they have been offered a bribe or inducement, the offer must be reported to the Chief Executive.

Where, in the reasonable opinion of the Chief Executive, the offer of a Gift, Benefit or Hospitality appears to constitute bribery or fraud, the Chief Executive will report the matter to the Police or the Independent Broad-based Anti-corruption Commission.

7. Management of the provision of Gifts, Benefits and Hospitality made by VicTrack

This section sets out the requirements for providing Gifts, Benefits and Hospitality. Any exceptions to this process must have the prior written approval of the Chief Executive.

A Non-token Offer made by VicTrack, whether accepted or declined must be declared on the online Declaration Form.

7.1. Requirements for providing Gifts, Benefits and Hospitality

Gifts, Benefits and Hospitality may be provided to welcome guests, 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 Legitimate Business Purpose;
- that any costs are proportionate to the benefits obtained for VicTrack, and would be considered reasonable in terms of community expectations (the ‘HOST’ test at **Table 2** below 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.
- It is not inconsistent with the HOST test table below

Table 2. HOST test

H	Hospitality	To whom is the Gift or Hospitality being provided? Will recipients be external business partners, or individuals of the host organisation?
O	Objectives	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?
S	Spend	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?
T	Trust	Will public trust be enhanced or diminished? Could you publicly explain the rationale for providing the Gift, Benefit 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, Benefit or Hospitality been kept in accordance with reporting and recording procedures?

7.2. Containing costs

Individuals should contain costs involved in the provision of Gifts, Benefits and Hospitality wherever possible. The following questions may be useful to assist individuals to decide 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?
- will providing the Gift, Benefit or Hospitality be viewed by the public as excessive?

7.3. Do not offer

An Employee should not offer a Gift, Benefit or Hospitality in the following circumstances:

- as a reward for a past act or decision on the part of the intended recipient;
- as an inducement for a future act or decision of the intended recipient; or
- if the offer gives the appearance of unethical or compromising conduct on the part of an Employee.

7.4. Inappropriate Gifts, Benefits and Hospitality

The following Gifts, Benefits and Hospitality should not be offered in any circumstances:

- a Non-token Offer of a Gift, Benefit or Hospitality except with the prior written approval of the Relevant Manager; or

- a Gift of cash or a cash equivalent (such as gift vouchers or cards).

7.5. Employees

VicTrack occasionally provides catered activities for Employees and these include events:

- that are part of a larger staff-related event, for example, a staff forum, Board or Board Committee meeting, training course, workshop, planning day, seminar or conference; and
- to recognise an organisational or individual staff achievement, for example, the successful completion of a project or the retirement of a long-standing member of staff.

Catering an event for Employees can be an effective means of celebrating achievements or promoting particular behaviours and is consistent with common business practice.

Whilst celebration events for an individual(s) such as birthdays, marriages or the birth of a child should not be funded by VicTrack, Gifts, Benefits or Hospitality to employees, for example as part of any VicTrack reward, recognition, culture development and / or a motivational program are permitted provided any Gift, Benefit or Hospitality is a Token Offer in nature.

Exceptions to the above can be approved by the Chief Executive or the Executive General Manager People & Culture.

7.6. Deciding whether VicTrack should pay for catering for events

In deciding whether VicTrack should pay for all, some or none of the costs associated with an event, including those referred to in paragraph 7.5 above, the following factors should be considered:

- the extent to which the event will contribute to organisational objectives, for example, reinforcing particular values or motivating staff;
- whether there have been multiple recent events that would result in perceptions of excess should further events be funded; and
- the need to balance the positive benefits of public recognition with community expectations in relation to modest and prudent expenditure by the public sector.

The supply of alcohol at a catered event should be considered on a case by case basis and approved by the Chief Executive. You are reminded of VicTrack's Drug and Alcohol Policy.

7.7. Requirement to have all Non-token Offers of Gifts, Benefits or Hospitality made documented and recorded

All Non-token Offers of Gifts, Benefits or Hospitality made to a third party, regardless of whether accepted or declined, must be recorded on the online Declaration Form and be approved by the individual's Relevant Manager.

It is the responsibility of the Employee who gives the Gift, Benefit or Hospitality to complete the online Declaration Form.

8. Authorising officer

This policy is issued under the authority of the Company Secretary and is subject to annual review.

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 VicTrack's Conflict of Interest policy.

Actions inconsistent with this policy may constitute misconduct under the *Public Administration Act* 2004, which include:

- (a) breaches of the Code, such as sections of the Code covering conflict of interest (section 3.7), public trust (section 3.9) and gifts and benefits (section 4.2); and
- (b) individuals making improper use of their position.

For further information on managing breaches of this policy, please contact the Company Secretary.

VicTrack 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 VicTrack may not have been declared or is not being appropriately managed should speak up and notify their manager or the Company Secretary.

VicTrack 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 the acceptance of a Gift, Benefit or Hospitality, or the application of this policy, should ask their Relevant Manager or the Company Secretary for advice.

12. Governance

VicTrack's Audit & Risk Management Committee will receive a report at least annually on the administration and quality control of the Gifts, Benefits and Hospitality policy, processes and registers. The report will include analysis of VicTrack'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 Chief Executive is responsible for providing the annual attestation that:

- VicTrack has Gifts, Benefits and Hospitality policies and procedures in place;
- the policies and procedures are consistent with the minimum requirements and accountabilities outlined in the Gifts, Benefits and Hospitality Policy Framework for the Victorian Public Sector as issued by the Public Sector Standards Commissioner; and
- the policies and procedures are updated, promulgated and provided to the Audit and Risk Management Committee for review at least once a year.

13. References

This policy should be read and applied in conjunction with the following documents:

Document ID	Document Title
-------------	----------------

	<i>The Victorian Public Sector Commission's Gifts, Benefits and Hospitality Policy Framework</i>
	<i>The Code of Conduct for Victorian Public Sector Employees 2015, published by the Victorian Commissioner for Public Employment</i>
	<i>The Code of Conduct for Directors of Victorian Public Entities 2016</i>
VT-PO 151	VicTrack's Conflict of Interest Policy
VT-PO 161	VicTrack's Conflict of Interest for Directors Policy
VT-PO 160	VicTrack's Drug and Alcohol Policy
VT-PO 020	VicTrack's Procurement Policy
	Minimum accountabilities for the management of Gifts, Benefits and Hospitality (see <i>Instructions supporting the Standing Directions of the Minister for Finance</i>)
	<i>Public Administration Act 2004</i>

14. Document review and approval

Delegation	Name	Position	Version	Date
Owner	Barry Whitehead	Company Secretary	7.0	10 Feb 2020
Reviewers	Andrew Bluck	Assistant Company Secretary	7.0	10 Feb 2020
Approver	Barry Whitehead	Company Secretary	7.0	10 Feb 2020

15. Document history

Version	Amendment description	Author	Date
1.0	New Policy	Company Secretary	Jun 2010
2.0	Policy endorsed for release	Executive Team	22 May 2013
3.0	Policy revised to alignment with Government Framework by adopting model policy issued by VPS	Executive Team	21 Sep 2017
4.0	Further revisions to adopt the alignment with Government Framework (rather than solely the model policy issued by VPS)	Executive Team (with delegation to finalise)	12 Feb 2018 Issued 22 Jul 2018
5.0	Slight modifications made to Schedule 4 – Declaration form	Company Secretary	29 Oct 2018
6.0	Update to definition of Relevant Manager, inclusion of section 6.8	Company Secretary	21 Jan 2019
7.0	Update to the new VicTrack Policy template, further revisions to adopt the alignment with Government Framework and update to the online declarations form.	Company Secretary	10 Feb 2020

16. Review period

This policy will be reviewed at least every one (1) year by the Company Secretariat, or amended as appropriate.

The content of this document is uncontrolled when printed. The current version of this document is available on The Loop.

Schedule 1

Minimum accountabilities

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 Purpose;
3. declare all Non-token Offers (valued at \$50 or more²) 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; and
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:

1. 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;
2. ensure that any costs are proportionate to the benefits obtained for the State, and would be considered reasonable in terms of community expectations; and
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.

Heads of public sector organisations:

1. establish, implement and review organisational policies and processes for the effective management of Gifts, Benefits and Hospitality that comprehensively address these minimum accountabilities;
2. 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;
3. 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;

² Except where a person employed under the *Education and Training Reform Act 2006* in a Victorian Government school receives an offer from or on behalf of a parent, guardian, carer, or student intended to express appreciation of the person's contribution to the education of a student or students, in which case non-token includes any offer worth more than \$100.

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 organisation's policy position. This must take into consideration any whole of Victorian Government supplier's code of conduct;
5. 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; and
6. 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. Establish, implement and review organisational policies and processes for the effective management of Gifts, Benefits and Hospitality that comprehensively address these minimum accountabilities.