

Gifts, Benefits and Hospitality Policy

1. Purpose

To build public trust, the receipt of, or the making of, offers of Gifts, Benefits or Hospitality by Workplace Participants must be in line with community expectations and must not be perceived to influence them in the performance of their duties. By avoiding such Conflicts of Interest, Workplace Participants set a strong foundation for integrity and avoid reputational damage to VicTrack and the public sector.

This Policy states VicTrack's position on:

- a) responding to the receipt of offers of Gifts, Benefits and Hospitality; and
- b) making offers of Gifts, Benefits and Hospitality.

This Policy is intended to support individuals and VicTrack to avoid Conflicts of Interest that can arise through receiving and giving Gifts, Benefits and Hospitality and maintain high levels of integrity and public trust.

VicTrack has issued this Policy to support behaviour consistent with the Code. All Workplace Participants are required under 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 Workplace Participants.

3. Definitions

The following terms are referred to throughout this document.

Term	Definition
Accountable Officer	As set out in Section 42 of the <i>Financial Management Act 1994</i> (Vic), being the chief executive officer, by whatever name that position is called by VicTrack.
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, promises of a new job and also includes any other offered item that a reasonable person would consider to be included in the definition of Benefits. 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.
Bribe	A bribe is where money or other inducements given or promised to individuals to corruptly influence them in the performance of their role.
Code	Code means the: <ul style="list-style-type: none">• Code of Conduct for Victorian Public Sector Employees 2015 issued by the Victorian Public Sector Commission and that applies to and is binding on all public sector employees as defined in the <i>Public Administration Act 2004</i>; or• Code of Conduct for Directors of Victorian Public Entities 2016 issued by the Victorian Public Sector Commission and that applies to and is binding on all Directors of public entities and statutory office holders, as defined <i>Public Administration Act 2004</i>, as applicable.

Conflict of interest	<p>The acceptance of, or making of, an offer of Gifts, Benefits or Hospitality could improperly influence, or be seen to influence, the decision or actions of a Workplace Participant in the performance of their duties. Conflicts may be:</p> <p>Actual: There is a <u>real conflict</u> between an employee's public duties and private interests.</p> <p>Potential: An employee has private interests that <u>could conflict</u> 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.</p> <p>Perceived: The public or a third party could reasonably <u>form the view</u> that an employee's private interests could improperly influence their decisions or actions, now or in the future.</p>
Declaration Form	The form identified within the Procedure for the reporting of items of Gifts, Benefits or Hospitality received by, or made by, Workplace Participants.
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) and also any other offered item that a reasonable person would consider to be included in the definition of Gifts. 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) and also includes any other offered item that a reasonable person would consider to be included in the definition of Hospitality. Hospitality may be provided to an individual. It may also be provided by an individual.
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.
Making Offers Procedure	The Gifts, Benefits and Hospitality (Giving) Procedure (VT-SP 236) that sets out VicTrack's processes and procedures associated with making offers of Gifts, Benefits and Hospitality.
Minimum Accountabilities	The minimum accountabilities set by the Victorian Public Sector Commission for managing gifts, benefits and hospitality that are binding under Instruction 3.4.11 of Instructions supporting the Standing Directions of the Minister of Finance 2016 as set out at https://vpssc.vic.gov.au/ethics-behaviours-culture/gifts-benefits-hospitality/minimum-accountabilities/
Non-token Offer	Any offer of a Gift, Benefit or Hospitality that is not a Token Offer.
Policy	This policy, being the Gifts, Benefits and Hospitality Policy
Precluded Class of Offer	Those items of Gifts, Benefits or Hospitality that must not be accepted, as set out in the Procedure.
Procedures	Means the Receiving Offers Procedure and the Making Offers Procedure.
Public Official	<p>Public Official has the same meaning as under section 4 of the Public Administration Act 2004. This includes:</p> <ul style="list-style-type: none"> • public sector employees; • statutory office holders; and • directors of public entities.

Receiving Offers Procedure	The Gifts, Benefits and Hospitality (Receiving) Procedure (VT-SP 237) that sets out VicTrack's processes and procedures associated with receiving offers of Gifts, Benefits and Hospitality.
Register	The register that is maintained to record all Non-token offers of Gifts, Benefits and Hospitality received and made. The Register will record sufficient information to effectively monitor, assess and report of the giving and receiving of offers of Gifts, Benefits and Hospitality.
Token Offer	An item of 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 does not exceeding \$50.
Workplace Participants	<p>Include executives, board members, non-director Committee Members, employees, contractors, consultants and any individuals or groups undertaking activity for or on behalf of VicTrack.</p> <p><small>The Code requires that contractors or consultants engaged by VicTrack (including contractors or consultants engaged through an employment agency) to comply with the Code and relevant policies and procedures, where the contractors or consultants (a) supervise VicTrack employees; (b) undertake work that is of a similar nature to the work undertaken by VicTrack employees at a premise or location generally regarded as VicTrack workplace; or (c) use or have access to VicTrack resources or information that are not normally accessible or available to the public.</small></p>

4. Policy

VicTrack has considered and applied the Minimum Accountabilities when formulating this Policy, and the accompanying Procedures. Where there is a misalignment between this Policy and / or the Procedures and the higher standard will take precedence. The accompanying Procedures contain further clarification of the various terms contained below.

4.1 Workplace Participants *receiving* offers of Gifts, Benefits and Hospitality:

Workplace Participants:

1. must not, for themselves or others, seek or solicit offers of Gifts, Benefits and Hospitality;
2. must refuse all offers of Gifts, Benefits and Hospitality that:
 - are a Precluded Class of Offer;
 - give rise to Conflict of Interest;
 - may adversely affect their standing as a Public Official or which may bring VicTrack or the public sector into disrepute; or
 - are Non-token Offers without a Legitimate Business Purpose;
3. will declare all Non-token Offers of Gifts, Benefits and Hospitality received (whether accepted or declined) on VicTrack's Gifts, Benefits and Hospitality Register, and seek written approval in line with the processes set out in the Receiving Offers Procedure for receiving any Non-token Offer;
4. surrender any accepted non-token gifts to the Social Committee; and
5. refuse and report any attempted Bribe or inducements in line with VicTrack's Public Interest Disclosure Policy and Procedure; and
6. when Hospitality is provided, individuals must demonstrate professionalism in their conduct.

4.2 Workplace Participants *making offers of Gifts, Benefits and Hospitality*:

Workplace Participants must ensure that:

1. any offers of a Gift, Benefit or Hospitality made is provided for a business purpose in that it furthers the conduct of official business or other legitimate organisational goals of VicTrack, or promotes and supports government policy objectives and priorities;
2. any costs associated with an offer made of a Gift, Benefit or Hospitality are proportionate to the benefits obtained for VicTrack and / or the State, and would be considered reasonable in terms of community expectations;
3. ensure that any offer made of a Gift, Benefit or Hospitality provided is done so free of any Conflict of Interest;
4. will declare all Non-token Offers of Gifts, Benefits and Hospitality made (whether accepted or declined) on VicTrack's Gifts, Benefits and Hospitality Register, and seek written approval in line with the processes set out in the Making Offers Procedure for making any Non-token Offer; and
5. when hospitality is provided, individuals must demonstrate professionalism in their conduct, and uphold their obligation to extend a duty of care to other participants.

4.3 Declaring, recording and reporting Gifts, Benefits and Hospitality

A Declaration Form must be completed for ALL:

- Non-token Offers received; and
- Non-token Offers made,

regardless of whether accepted or declined.

A Register of Non-token Offers received and made of will be kept.

VicTrack will publish an extract of the Register for the two most recent financial years on its website.

5. Governance

At least annually, a report will be provided to the Audit & Risk Management Committee on the administration and quality control of this Policy, the Procedures and the Register. This report must include analysis of VicTrack'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.

VicTrack's Accountable Officer must ensure that VicTrack develops policies and procedures that apply the Minimum Accountabilities set out in the Victorian Public Sector Commission's Gifts, Benefits and Hospitality Policy Framework.

6. Non-compliance

VicTrack will communicate its policy on the offering and provision of Gifts, Benefits and Hospitality to contractors, consultants and other Business Associates.

A breach of Policy or Procedures may constitute a breach of Code and may constitute criminal or corrupt conduct and may result in disciplinary action.

7. Other Related documents

Doc ID	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</i>
	<i>The Code of Conduct for Directors of Victorian Public Entities 2016</i>
VT-SP 236	VicTrack's Gifts, Benefits and Hospitality (Receiving Offers) Procedure
VT-SP 236	VicTrack's Gifts, Benefits and Hospitality (Making Offers) Procedure
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>Financial Management Act 1994 (Vic)</i>
	<i>Public Administration Act 2004 (Vic)</i>

8. Document review and approval

Delegation	Name	Position	Version	Date
Owner	Barry Whitehead	Company Secretary		
Reviewers	Andrew Bluck	Assistant Company Secretary		
Approver	Barry Whitehead	Company Secretary		

9. Document history

Version	Amendment description	Author	Date
1.0	New Policy and Procedures separated from VT-PO 047	Company Secretary	

10. Review period

This Policy will be reviewed at least every three (3) year by the Company Secretariat or amended as appropriate.

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