

## Gifts, Benefits and Hospitality Policy

### Purpose

This policy states Trust for Nature's (TFN) position on:

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

This policy is intended to support individuals to whom this policy applies and TFN to avoid conflicts of interest and maintain high levels of integrity and public trust.

TFN has issued this policy to support behaviour consistent with the Code of Conduct for Victorian Public Sector Employees and the Code of Conduct for Directors of Victorian Public Entities (the Code).

### Scope

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

### Policy Principles

This policy is consistent with the Department of Environment, Water and Planning (DELWP) recommended model policy for Gifts, Benefits and Hospitality (GBH) which is published by DELWP. DELWP's policy approach includes guidance and practical tips for implementing the policy principles, which is more detailed than TFN's internal approach to policies whereby guidance is provided separately as an accompaniment to the policy.

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 (VPSC).

TFN 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.

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### 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

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

### Minimum Accountabilities

Under the Instructions supporting the Standing Directions 2018, the VPSC has set binding minimum accountabilities for the appropriate management of gifts, benefits and hospitality.

These can be found at [Schedule A](#).

### Definitions

#### Business associate

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

#### Benefits

Benefits include preferential treatment, privileged access, favours or other advantage offered to an individual. They may include invitations to sporting, cultural or social events, access to discounts and loyalty programs and promises of a new job.

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

#### Ceremonial gifts

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

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

#### Conflict of interest

Conflicts may be:

**Actual:** There is a real conflict between an employee's public duties and private interests.

**Potential:** An employee has private interests that could conflict with their public duties. This refers to circumstances where it is foreseeable that a conflict may arise in future and steps should be taken now to mitigate that future risk.

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**Perceived:** The public or a third party could reasonably form the view that an employee's private interests could improperly influence their decisions or actions, now or in the future.

### Gifts

Gifts are free or discounted items or services and any item or service that would generally be seen by the public as a gift. These include items of high value (e.g. artwork, jewellery, or expensive pens), low value (e.g. small bunch of flowers), consumables (e.g. chocolates) and services (e.g. painting and repairs). Fundraising by public sector organisations that is consistent with relevant legislation and any government policy is not prohibited under the minimum accountabilities.

### Hospitality

Hospitality is the friendly reception and entertainment of guests. Hospitality may range from light refreshments at a business meeting to expensive restaurant meals and sponsored travel and accommodation.

### Legitimate business benefit

A gift, benefit or hospitality may have a legitimate business benefit if it furthers the conduct of official business or other legitimate goals of the public sector organisation, the public sector or the State.

### 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.

## Management of offers of gifts, benefits and hospitality

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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 or the Board Chair as appropriate

### Conflict of interest and reputational risks

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

**Figure 1. GIFT test**

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

<b>G</b>	<b>Giver</b>	<p><b>Who is offering the gift, benefit or hospitality and what is their relationship to me?</b></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>
<b>I</b>	<b>Influence</b>	<p><b>Are they seeking to gain an advantage or influence my decisions or actions?</b></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>
<b>F</b>	<b>Favour</b>	<p><b>Are they seeking a favour in return for the gift, benefit or hospitality?</b></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>
<b>T</b>	<b>Trust</b>	<p><b>Would accepting the gift, benefit or hospitality diminish public trust?</b></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;

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- could bring them, TFN 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;
  - made during a procurement or tender process by a person or organisation involved in the process; or
- 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;
- where acceptance could be perceived as endorsement of a product or service, or acceptance would unfairly advantage the sponsor in future procurement decisions;
- made by a person or organisation with a primary purpose to lobby Ministers, Members of Parliament or public sector organisations; or
- made in secret.

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

### 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 TFN's register, as long as the offer does not create a conflict of interest or lead to reputational damage.

#### ***DELWP policy and practice:***

*DELWP does not require token gifts to be declared on registers.*

### 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 or organisational delegate, 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, TFN 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 TFN, 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.

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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.

### ***DELWP policy and practice:***

*DELWP allows conference organisers to pay the costs for a staff member to present at a conference in their area of expertise including flights, accommodation, meals and conference admission.*

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

All non-token offers, whether accepted or declined, must be recorded in TFN'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 TFN, public sector or State.

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

#### Unacceptable

- "Networking"
- "Maintaining stakeholder relationships"

#### Acceptable

- "Individual is responsible for evaluating and reporting on the outcomes of TFN's sponsorship of Event A. Individual attended Event A in an official capacity and reported back to TFN 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 TFN."

### Declaring reportable gift offers

Board members and employees who receive a reportable gift offer must complete and lodge a 'Gift offer declaration form' ([refer Appendix 1](#)) as per the instructions included on the form. The Legal Counsel will be responsible for accepting declaration forms and maintaining the gifts register. Access to the register is restricted to relevant persons within TFN.

Should you seek further clarification on whether lodging a form is necessary, employees should speak with their manager or in the case of Board members, the Chair.

The Chair (for board members and the CEO) and the CEO (for employees) must ensure that all board members and employees receive **induction training** and annual **refresher training**, including:

- information about the aim, principles, accountabilities, and requirements of this policy;
- practical guidance on how to comply with it (e.g. where to obtain gift offer declaration forms, how to refuse a gift without giving offence, etc.); and
- advice that a breach of this policy may constitute a breach of a binding code of conduct and may result in disciplinary action and, in the case of corrupt conduct, criminal prosecution.

A copy of Trust for Nature's policy and related practical guidance must be provided to each board member and employee when they commence their term of appointment/employment. Updates to the policy and related guidance must be provided as soon as practicable after they occur.

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In addition:

Employees – TFN managers must ensure that employees are provided with regular reminders of the need to lodge gift offer declaration forms.

Board members – At the start of each Board meeting, the Chair must ask all board members present to state whether their entries in the gifts register are complete and correct. If there are no changes, the minutes will note that:

*‘All board members present confirmed that their entries in the Register of responses to reportable gift offers are complete and correct’.*

If changes are declared, these will be noted in the minutes, together with the board member’s undertaking to lodge a gift offer declaration form within five working days.

TFN’s Audit and 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 register. The report will include analysis of TFN gifts, benefits and hospitality risks (including multiple offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.

The public register will contain a subset of the information detailed in TFN’s internal register. The public register is to be published on TFN’s external website, along with TFN’s policy, and should cover the current and previous financial year in accordance with the minimum accountabilities.

***DELWP policy and practice:***

*DELWP does not require staff to record token offers or sustenance (light food and drink with business meetings, such as juice and sandwiches).*

### Ownership of gifts offered to individuals

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

***DELWP policy and practice:***

*DELWP encourages gifts such as food hampers to be auctioned to staff with the proceeds donated to charity.*

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

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### 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 TFN's functions and objectives and with the individual's role.

***DELWP policy and practice:***

*DELWP policy is that hospitality offered by both public and private sector organisations as part of official business is not published in the public register. 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.*

*DELWP practice is that both public and private sector hospitality is declared and recorded on an internal register. This allows for monitoring and oversight of declarations. Hospitality that is offered, but not accepted is not declared or recorded.*

*An Official Business Events policy and declaration form is provided at Appendix 1 for adoption if desired.*

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### Management of the provision of gifts, benefits and hospitality

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

Figure 2. HOST test

<b>H</b>	<b>Hospitality</b>	<p><b>To whom is the gift or hospitality being provided?</b> Will recipients be external business partners, or individuals of the host organisation?</p>
<b>O</b>	<b>Objectives</b>	<p><b>For what purpose will hospitality be provided?</b> Is the hospitality being provided to further the conduct of official business? Will it promote and support government policy objectives and priorities? Will it contribute to staff wellbeing and workplace satisfaction?</p>
<b>S</b>	<b>Spend</b>	<p><b>Will public funds be spent?</b> What type of hospitality will be provided? Will it be modest or expensive, and will alcohol be provided as a courtesy or an indulgence? Will the costs incurred be proportionate to the benefits obtained?</p>
<b>T</b>	<b>Trust</b>	<p><b>Will public trust be enhanced or diminished?</b> Could you publicly explain the rationale for providing the gift or hospitality? Will the event be conducted in a manner which upholds the reputation of the public sector? Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures?</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:

- 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.

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### 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?

#### ***DELWP policy and practice:***

##### ***Reward and recognition programs***

*Modest gifts may be provided to employees in exceptional circumstances as part of the Recognising Our Staff program. Financial gifts to employees such as vouchers or gift cards are prohibited. Where financial gifts for reward and recognition programs are currently in use, it is recommended that they be phased out by mid-2020.*

##### ***Maximum expenditure on unbudgeted gifts***

*DELWP has set a nominal limit of \$150 for the maximum expenditure on gifts to others, where the expenditure has not been explicitly budgeted for. This nominal limit is a total for a discrete, unbudgeted gift. It is not per person or an annual total.*

##### ***Flowers***

*Flowers can be purchased from public funds in the event of the death of an employee or close family member. Should work colleagues choose to recognise life events such as the birth of a child flowers and gifts are funded through staff collections.*

##### ***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, and*
- *it is consistent with community expectations.*

*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*

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- the provision of alcohol should be incidental to the overall level of hospitality provided.

### **Providing alcohol at internal events**

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

DELWP practice for recognition events is that the business unit funds a modest meal and soft drinks. Staff purchase alcohol if they choose.

### **Providing catering at internal events**

DELWP provides modest catering 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,
- 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.

DELWP practice is that meetings are 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

## Related Documents

### External

- Victorian Conservation Trust Act 1972 (the establishing Act)
- Public Administration Act 2004
- Minimum accountabilities for the management of gifts, benefits and hospitality (see Instructions supporting the Standing Directions under the FMA and the VPSC)
- Code of Conduct for Victorian Public Sector Employees
- Code of Conduct for Directors of Victorian Public Entities
- Victorian Public Sector Commission's Gifts, Benefits and Hospitality Policy Guide

### Internal

- TFN Conflict of Interest Policy (Board)
- TFN Fraud and Corruption Control Policy

### Breaches

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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 TFN's Conflict of Interest Policy (Board), and under the respective Codes for Directors and employees.

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

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

For further information on managing breaches of this policy, please contact Legal Counsel.

TFN 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 TFN may not have been declared or is not being appropriately managed should speak up and notify their manager or Legal Counsel. 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).

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

### Contact

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

### Policy Review

This document will be reviewed on a three year cycle or more frequently as required and is to be approved by the Board. Reporting to the Audit and Risk Committee will be conducted at least annually.

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### Schedule A – Minimum accountabilities

#### Public officials providing 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.

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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.

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### Appendix 1 – Gifts, benefits and hospitality declaration form

#### Instructions

To be completed by the recipient of the reportable gift, benefit or hospitality offer within 14 days of the offer being made and sent to TFN Legal Counsel via email and scanned as pdf.

**Important note** – fields shaded in:

- light grey will be published on the agency's public register on our website.
- dark grey will only be published on the public register if you accept the gift, benefit or hospitality.

You to complete	
Your name	[your name]
Your position (e.g. Policy Officer)	[your position]
Your unit or division (e.g. Climate Change)	[your unit or division]
Details of the gift, benefit or hospitality	
Date offered	[date offered]
Description of the gift, benefit or hospitality	[description of the gift, benefit or hospitality]
Estimated or actual value	[estimated or actual value]
Name of the person making the offer	[name of the person making the offer]
Position or title of the person making the offer	[position or title of the person making the offer]
Name of the organisation making the offer	[name of the organisation making the offer]
Type of organisation (e.g. conference organiser, government agency, consulting firm)	[type of organisation]
Why is the offer being made?	[reason for the offer being made]
Is the person or organisation making the offer a business associate of the agency? <b>If yes</b> , describe the relationship between them and the organisation. <b>If no</b> , describe the relationship between you and the person or organisation making the offer (e.g. friendship).	Select yes or no from this list.
	[relationship between the department and offeror]
	[relationship between you and the offeror]
Would accepting the offer create an actual, potential or perceived <b>conflict of interest</b> ? <b>If yes</b> , then the offer must be declined.	Select yes or no from this list.
Would accepting the offer bring you, the agency or the public sector into disrepute? <b>If yes</b> , then the offer must be declined.	Select yes or no from this list.

Policy - Gifts, Benefits and Hospitality	Last approved date: Dec 2019
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Review Responsibility: CFO	Approved by: Board

## Gifts, Benefits and Hospitality Policy

Is there a legitimate business benefit to the department or public sector for accepting the offer? <i>For example:</i>	<b>Select yes or no from this list.</b>
<ul style="list-style-type: none"> <li>• Was it offered during your official duties?</li> <li>• Does it relate to your official responsibilities?</li> <li>• Does accepting bring any benefit to the agency, public sector or State?</li> </ul> <p><b>If no</b>, then the offer must be declined. <b>If yes</b>, then the business benefit must be detailed.</p>	[details of the legitimate business benefit]
Is the offer an official or ceremonial gift provided when conducting business with official delegates or representatives from another organisation, the community or another government?	<b>Select yes or no from this list.</b>
<b>If yes</b> , please provide details.	[details of the official or ceremonial purpose]
Did I accept or decline the offer?	<b>Select accept or decline from this list.</b>
I declare that the details above are accurate and complete.	Signature:
	Date:
<b>Your manager or organisational delegate to complete</b>	
Your name	[reviewer's name]
Your position or title ( <i>e.g. Director</i> )	[reviewer's position or title]
Your unit or division ( <i>e.g. Climate Change</i> )	[reviewer's unit or division]
Your relationship to the declarant ( <i>e.g. line manager</i> )	[reviewer's relationship to declarant]
<b>Complete if the declarant declined the offer</b>	
I have reviewed this declaration form and submitted it for inclusion on our Gifts, Benefits & Hospitality Register.	Signature:
	Date:
<b>Complete if the declarant accepted the offer</b>	
What decision was made about the ownership and disposal of the gift? ( <i>e.g. was it kept by the declarant, transferred to the agency, returned, or donated to charity</i> )	<b>[details on how the gift was disposed of]</b>
I confirm that, to my knowledge, accepting this offer: <ul style="list-style-type: none"> <li>• does not raise an actual, potential or perceived conflict of interest for the individual or myself; <b>and</b></li> <li>• will not bring the individual, myself, the agency or the public sector into disrepute; <b>and</b></li> <li>• will provide a clear and legitimate business benefit to the agency, the public sector or the State.</li> </ul>	Signature:
	Date:

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