

# Gifts, benefits and hospitality policy

## Document information

Name of policy		Gifts, benefits and hospitality policy
Description of policy		To outline ESTA's requirements on responding to offers of and provision of gifts, benefits and hospitality
Policy applies to		<input checked="" type="checkbox"/> ESTA wide <input type="checkbox"/> Specific ( <i>outline location, site, organisational unit etc.</i> )
		<input checked="" type="checkbox"/> All Employees <input type="checkbox"/> Nominated Employees
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	May 2018	V2 Combine provision and acceptance of GB&H policies
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\* Unless otherwise indicated, this policy will still apply beyond the review date.

Related documents: legislation, policies, procedures, guidelines and local protocols	<ul style="list-style-type: none"> <li>• <i>Public Administration Act 2004</i></li> <li>• Minimum accountabilities for the management of gifts, benefits and hospitality Standing Directions of the Minister for Finance</li> <li>• ESTA's conflict of interest policy</li> <li>• Victorian Public Sector Commission (VPSC) Code of Conduct for public sector employees</li> <li>• Code of conduct for Directors of Victorian Public entities 2016</li> <li>• VPSC gifts, benefits and hospitality framework</li> </ul>
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# 1 Purpose

This policy states the position of ESTA on:

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

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

ESTA has issued this policy to support behaviour consistent with the Code of conduct for Victorian public sector employees (the Code) and ESTA's Code of Ethics and Business Conduct Policy. All employees are required under clause 1.2 of the Code to comply with this policy.

# 2 Scope

This policy applies to all ESTA employees. For the purpose of this policy this includes the Chair, Authority members, Committee members, executives, individuals, contractors<sup>1</sup>, consultants and any individuals or groups undertaking activity for or on behalf of ESTA.

# 3 Policy principles

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 (see section 4 below).

ESTA 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
- the responsible provision of gifts, benefits and hospitality.

Individuals with direct reports are accountable for overseeing the management of their direct reports' acceptance or refusal of non-token gifts, benefits and hospitality, modelling good practice and promoting awareness of the gifts, benefits and hospitality policies and processes.

**Integrity:** Individuals strive to earn and sustain public trust through providing or responding to offers of gifts, benefits and hospitality in a manner that is consistent with community expectations. Individuals will refuse an offer that may lead to an actual, perceived or potential conflict of interest.

**Risk-based approach:** ESTA, through its policies, processes and Audit, Risk Management and Compliance Committee (ARMCC), 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.

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<sup>1</sup> Note: Clause 1.4 of the Code of conduct for Victorian public sector employees only applies to contractors and consultants if explicitly required by their contract for services.

## 4 Minimum accountabilities

Under the instructions supporting the Standing Directions 2018 under the *Financial Management Act 1994* The Victorian Public Sector Commission has set binding minimum accountabilities for the appropriate management of gifts, benefits and hospitality. This is located in Appendix A.

## 5 Definitions

**Business associate** An individual or body that the public sector 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.

**Benefits** Include preferential treatment, privileged access, favours or other advantage offered to an individual. They may include invitations to sporting, cultural or social events, seminars, conferences, 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.

### Conflicts 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.

<i>Perceived:</i>	The public or a third party could <u>form the view</u> that an employee's private interests could improperly influence their decisions or actions, now or in the future.
<b>Gifts</b>	<p>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 or wine), services (e.g. painting and repairs), money, gift cards or items that are easily converted to money (e.g. shares).</p> <p>Fundraising by public sector organisations that is consistent with relevant legislation and any government policy is not prohibited under the minimum accountabilities.</p>
<b>Hospitality</b>	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.
<b>Legitimate business benefit</b>	A gift, benefit or hospitality may have a legitimate business benefit if it furthers the conduct of official business or other legitimate goals of ESTA, the public sector or State.
<b>Public official</b>	Has the same meaning as under section 4 of the <i>Public Administration Act 2004</i> . This includes: <ul style="list-style-type: none"> <li>• public sector employees</li> <li>• statutory office holders</li> <li>• directors of public entities.</li> </ul>
<b>Public register</b>	A public register is a record, preferably digital, of a subset of all the information contained in a register, for publication as required by the minimum accountabilities
<b>Register</b>	A register is a record, preferably digital, of all declarable gifts, benefits and hospitality.
<b>Token offer</b>	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 including GST.
<b>Non-token offer</b>	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

(including GST) are non-token offers and must be recorded on a gift, benefit and hospitality register.

## 6 Management of offers of gifts, benefits and hospitality

This section sets out the process for accepting, declining and recording offers of gifts, benefits and hospitality.

ESTA practice's a 'no thank you' policy to offers of gifts, benefits and hospitality unless, for example the acceptance of 'thank you' gifts are part of a social/cultural convention in which case they become the property of ESTA. ESTA has zero tolerance for any acceptance that could give rise to the perception that the Authority or its staff, is open to being influenced while undertaking our public duty. The onus is on the individual, recognising that each person needs to assess and determine whether an offer has a legitimate business purpose and then whether it presents an actual, potential or perceived conflict of interest.

Employees must not solicit (ask for, request or seek) gifts, benefits and hospitality.

### 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 risks exists.

**Table 1 GIFT test**

<b>G</b>	Giver	<b>Who is providing the gift, benefit or hospitality and what is their relationship to me?</b> Does my role require me to select suppliers, award grants, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make?
<b>I</b>	Influence	<b>Are they seeking to gain an advantage or influence my decisions or actions?</b> 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?
<b>F</b>	Favour	<b>Are they seeking a favour in return for the gift, benefit or hospitality?</b> 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?
<b>T</b>	Trust	<b>Would accepting the gift, benefit or hospitality diminish public trust?</b> How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family, friends or associates think?

### Requirement for refusing offers

Individuals should consider the GIFT test at **Table 1** and the requirements below to help respond to an offer. Individuals are to refuse offers:

- likely to influence them, or be perceived to influence them, in the course of their duties or raise an actual, potential or perceived conflict of interest
- could bring them or ESTA 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
- likely to be a bribe or inducement to make a decision or act in a particular way
- that extend to their relatives or friends
- of money, or used in a similar way to money, or something easily converted to money
- where, in relation to hospitality and events, the organisation will already be sufficiently represented to meet its business needs
- 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 agencies
- made in secret.

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

### ***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 which would be considered a basic courtesy, such as light refreshments offered during a meeting.

The minimum accountabilities state that token offers cannot be worth more than \$50 (including GST).

Individuals may accept token offers of gifts, benefits and hospitality without approval, as long as the offer does not create a conflict of interest or lead to reputational damage. However, the offer whether accepted or rejected should be recorded on the ESTA gift register.

### ***Requirements for accepting non-token offers***

Individuals can only accept non-token offers if they have a legitimate business reason. All accepted non-token offers **must** be approved in writing by the individual's manager, 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, ESTA or the public sector into disrepute
- 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 ESTA, public sector or the State.

Individuals may be offered a gift or hospitality where there is no opportunity to seek written approval from their manager prior to accepting. For example, they may be offered a wrapped gift that they later identify as being a non-token gift. In these cases, the individual must seek approval from their manager within five business days.

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

### ***Conference / seminar travel or accommodation***

Where an ESTA employee has been approved by the CEO to present at a domestic/international conference or seminar and has been offered travel or accommodation by the event organiser, this

may be accepted as part of their agreement with the event organiser. Offers from persons or organisations other than the event organiser are not to be accepted.

### ***Cultural practices***

Gifts over \$50 (including GST) provided to ESTA employees by third parties commonly done as part of the culture and practice of communities and governments within both Australia and internationally are exempt from this policy however, they will need to be declared and become the property of ESTA.

### ***No public benefit***

Employees are required to consider whether there is a public benefit to attending private functions in an official capacity. Where there is no clear public benefit (e.g. invitation to a sporting event, concert), the invitation should be declined. This is especially the case when the attendance at the function could be perceived as an endorsement of the company or their product/s.

### ***Public 'thank you' gifts***

'Thank you' gifts over \$50 (including GST) that are provided in public and offered for speaking at conferences or seminar can be accepted. Such gifts become the property of ESTA.

### ***ESTA employee recognition program***

All gifts provided by ESTA management under the ESTA Employee Recognition Program are exempt from the provisions of this policy.

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

All non-token offers, whether accepted or declined, must be recorded in ESTA's gifts, benefits and hospitality register. The business reason for accepting the non-token offer must be recorded in the register and provide sufficient detail to link the acceptance to the individual's work functions and benefit to ESTA, the public sector or State.

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

**Unacceptable:** "Networking"

"Maintaining stakeholder relationships"

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

"Individual presented to a visiting international delegation. The delegation presented the individual with a cultural item worth an estimated \$200 (including GST). Declining the gift would have caused offence. The gift was accepted, written approval was subsequently obtained for the gift, which became ESTA's property."

Access to the register is restricted to relevant persons within ESTA.

Employees must complete the *Acceptance of gifts, benefits and hospitality declaration form* (refer to Appendix B). The form is to be completed within 5 days of the offer being made. The completed form is to be sent to the Manager Financial Operations who must then ensure that the ESTA gift, benefits and hospitality register is updated.

ESTA's Audit, Risk Management and Compliance Committee (ARMCC) will receive a report at least annually on the administration and quality control of the gifts, benefits and hospitality policy,

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processes and register. The report will include analysis of ESTA'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 public register will contain a subset of the information detailed in ESTA's internal register.

### ***Ownership of gifts offered to individuals***

Non-token gifts with a legitimate business benefit that have been accepted by an individual for their work or contribution must have written approval from their manager. Ownership of all non-token physical gifts must be transferred to ESTA.

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

### ***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.

## **7 Management of the provision of gifts, benefits and hospitality.**

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

**Table 2. HOST test**

<b>H</b>	Hospitality	<b>To whom is the gift or hospitality being provided?</b> Will recipients be external business partners, or individuals of the host organisation?
<b>O</b>	Objectives	<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?
<b>S</b>	Spend	<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?
<b>T</b>	Trust	<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?

The HOST test must be completed as part of the application for Gifts, Benefits and Hospitality and submitted to the relevant approver for approval. When official or general hospitality is being provided, the application form (refer to Appendix C) must be completed.

**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 in that it furthers the conduct of official business or other legitimate organisational goals, or promotes and supports government policy objectives and priorities
- the giving of a gift is symbolic, rather than financial in nature
- 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 **Table 2** is a good reminder of what to think about in making this assessment)
- it does not raise an actual, potential or perceived conflict of interest.

Officers should always seek to uphold, and where possible, enhance the reputation of ESTA by ensuring the minimum requirements for providing gifts, benefits and hospitality outlined above are followed.

Gifts to staff can only be provided with the approval of the Chief Executive Officer (CEO).

Providing benefits to staff is prohibited.

**Containing costs**

Individuals should contain costs involved in the provision of 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. The following questions may be useful to assist individuals to decide the type of gift, benefit or hospitality to provide:

- what is the main purpose of the event for which hospitality will be provided?
- who will participate, e.g. ESTA employees, other public sector or public service staff, or external business partners?
- would failure to provide hospitality be detrimental to business or stakeholder relationships?
- what is known about the prevailing culture and business practices of external participants?
- what is known about previous experiences of, and expectations around hospitality provided by public sector organisations?
- will the cost of providing the gift, benefit or hospitality be proportionate to the potential benefits?
- is it necessary to hold the event or meeting over a meal time or at a time of day when hospitality might be expected?
- is it unreasonable or impractical to schedule a break in proceedings to enable participants to leave and seek more substantial refreshments of their own volition?
- 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?
- Is the gift symbolic, rather than financial in value?

### ***Approval for the provision of gifts, benefits or hospitality***

The application form (refer to Appendix C for the provision of hospitality form) must be submitted to the relevant approving officer (as detailed below) for approval, in advance of the provision of official or general hospitality taking place.

Applications for the provision of **official hospitality**, are to be approved by the CEO.

Applications for the provision of **general hospitality** (i.e. the provision of food and drink) are to be approved by the relevant Executive Director up to \$800 (including GST) per event and the CEO for amounts over \$800 (including GST) per event.

Application for the provision of **benefits** to external parties is to be approved by the relevant Executive Director.

Application for provision of token **gifts** to external parties is to be approved by the relevant Executive Director. Application for the provision of **gifts to staff** at any general hospitality event can only be approved by the CEO.

### ***Provision of alcohol***

The provision of alcohol at any event can lead to increased risks, including the risk of anti-social behaviour and risks to the reputation of both individuals and the ESTA alike. Management and staff must therefore not be impaired by alcohol whilst in the workplace or whilst representing ESTA.

Staff are reminded of their obligations under the *Occupational Health and Safety Act 2004*, the *Liquor Control Reform Act 1998* and ESTA's Code of Ethics and Business Conduct and ESTA's Alcohol and other Drugs and Fitness for Work Manual.

The provision of alcohol at any general hospitality business related event is not permitted. Where the provision for alcohol is part of an official hospitality event approval is required from the CEO. The following parameters must be followed when providing alcohol at any official hospitality event:

- the event should be held at an off-site venue that limits the exposure of officers indulging in more than two standard alcoholic drinks
- the off-site venue should have a Responsible Service of Alcohol license
- any event should not normally exceed two hours in duration and the start and end times must be communicated

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

In line with ESTA's Fitness for Work requirements, employees are not permitted to return to work with a Blood Alcohol Concentration above 0.00%. Staff are responsible for making suitable transport arrangements at their own cost if they are unable to legally drive following a hospitality event where alcohol was consumed, and if relevant, a leave application for any time taken off work.

### ***Locally produced and manufactured food and drink products***

Where practical to do so, recognising that competitive rates and value for money principles must be considered, locally produced and manufactured food and drink products should be sourced.

### ***Modest and prudent expenditure***

The provision of **Official Hospitality** must be at a cost and in a form and manner that is appropriate to the nature of that interest and business purpose. Official hospitality should be planned and delivered to ensure maximum benefits at the most economical cost. Expenses must only be incurred where it is demonstrable that they are appropriate to the efficient and effective conduct of the business function. Attendance at official hospitality events should be predominantly from organisations other than those within the Victorian public sector. Gifts, benefits and hospitality, may be provided to external guests for the purpose of:

- receiving guests (for example a visiting delegation from another jurisdiction, or hosting a meeting held over lunch time)
- facilitating relationships between third party organisations that are in the interests of ESTA (for example, an event where community sector organisations can meet business organisations to establish partnerships)
- celebrating the opening of an event or an exhibition, launching an initiative (for example, the launching of a new community awareness campaign; Junior Triple Zero Heroes).

Management and staff should always seek to uphold, and where possible, enhance the reputation of ESTA by ensuring the minimum requirements for providing gifts, benefits and hospitality outlined above are followed when providing gifts, benefits and hospitality to external guests.

### ***Reasonable from a public perspective***

A **General Hospitality expense** requires a common sense judgment of what the general community would consider reasonable. As a general rule, the engagement of a venue and/or provision of hot and cold beverages and light working lunches for business functions, that are required to continue across the normal lunch period, or that start early and finish late, would be considered reasonable and are expected to make up the majority of general hospitality expenses.

The planning of business functions that are hosted off-site (may involve domestic or regional travel) and/or are residential should ensure that the venue and any meals and beverages (non-alcoholic) provided are reasonable and do not constitute what would commonly be regarded as excessive or extravagant. In considering what is reasonable expenditure the geographical location/venue and whether it is a breakfast, lunch or dinner should be considered.

Tips or gratuities are not included in hospitality expenditure, except where such a tip would normally be considered part of the expense, for example, in a number of overseas countries.

ESTA may on occasion provide catered activities for employees for a range of reasons including:

- as part of a larger staff-related event, for example, training course, workshop, planning day seminar or conference
- 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 staff can be an effective means of celebrating achievements or promoting particular behaviours and is consistent with common business practice.

This type of hospitality usually has a low cost per head.

Wherever possible, a sufficient break in proceedings should be encouraged to enable participants to seek their own refreshments. Where possible, internal meeting attended by employees should not be scheduled to conflict with meal times.

Catering or gifts such as flowers by ESTA for celebrations of events such as birthdays, marriages or the birth of a child are prohibited.

In deciding on the level of benefit and or hospitality to be provided by ESTA, consideration must always be given to the following:

- 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 should further events be funded
- the need to balance the positive benefits of public recognition with community expectations in relation to modest and prudent expenditure by public officials.

### **Venues**

External venues used for meetings such as planning events should be at reasonable expense, not extravagant and represent clear value for money.

Venues without business function facilities should be avoided.

Non-public sector venues associated with sporting or cultural activities, should be approved by the CEO in advance.

Public sector venues should be used in the first instance.

### ***Provision of gifts to staff***

ESTA may recognise significant staff achievements through the Employee Recognition Program.

### ***Provision of gifts to external parties***

Token gifts may be given to external parties as a ceremonial gift and or a means of symbolising appreciation of the business relationship formed. Such gifts must be of nominal value and may include items such as dedicated plaques, plates, vases and trophies.

Token gifts may be given at a business, cultural or community event where the presentation or exchange of gifts is customary. Token gifts must not be greater than a nominal value of \$50 (including GST). The provision of alcohol and lotto tickets while considered nominal in value are unacceptable token gifts.

### ***Provision of benefits to staff***

The provision of benefits includes items which provide preferential treatment, privileged access, favours or other advantages. Such items may risk the perception of ESTA's impartiality and integrity and is therefore prohibited.

### ***Providing benefits to external parties***

The provision of benefits to external parties may be 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.

Management and staff must always ensure that any benefit provided is provided for business purposes, that any costs are proportionate to the benefits obtained for ESTA and considered

reasonable by the community and that the type of benefit does not have the potential to put ESTA in disrepute.

## 8 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 ESTA's Conflict of interest policy.

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

- breaches of the binding Code of conduct for Victorian public sector employees, such as sections of the Code covering conflict of interest public trust and gifts and benefits
- individuals making improper use of their position.

For further information in relation to breaches of the policy please contact the Chief Financial Officer.

The Chief Financial Officer will report to the Audit, Risk Management and Compliance Committee if it becomes aware of any breach or potential breach of this policy, if and when this breach becomes apparent.

All breaches of this policy should be recorded in the finance non-compliance register to ensure that breaches are reviewed and not repeated. Significant and or systemic breaches are reported in accordance with the Standing Directions 2018 under the *Financial Management Act 1994* – Compliance and Reporting Direction.

ESTA 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.

## 9 Speak up

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

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

## 10 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 manager in the first instance, or contact the Manager Financial Operations for advice.

## 11 Appendix A

### Minimum accountabilities

#### Public officials offered gifts, benefits and hospitality:

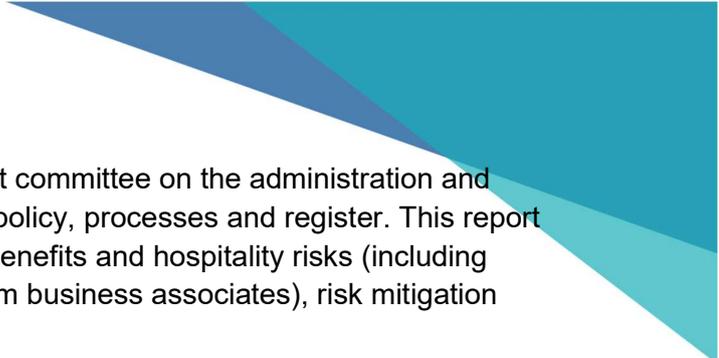
1. Do not, for themselves or others, seek or solicit gifts, benefits and hospitality.
2. Refuse all offers of gifts, benefits and hospitality that:
  - are money, items used in a similar way to money, or items easily converted to money
  - give rise to an actual, potential or perceived conflict of interest
  - may adversely affect their standing as a public official or which may bring their public sector employer or the public sector into disrepute
  - are non-token offers without a legitimate business benefit.
3. Declare all non-token offers (valued at \$50 or more (including GST)) 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.

## 12 Appendix B

### Acceptance of Gifts, Benefits and Hospitality (AGBH) Declaration Form

To be completed by the recipient of the reportable gift within 14 days of the offer

Date offered:	<input type="text" value=" / /"/>
Offered to:	.....
Title/Role:	.....
ESTA Department:	..... .....
Offered by:	.....
Title/Role:	.....
Organisation:	..... .....
Reason offered:	.....
Description of AGBH:	.....
Location of AGBH:	.....
Estimated value:	.....
<input type="checkbox"/> First time offer OR <input type="checkbox"/> Previous offer(s) within the last 12 months by this individual ( <i>Estimated value must reflect the cumulative value of gifts offered by this individual within the last 12 months</i> )	
Decision regarding AGBH:	
Declined <input type="checkbox"/> <input type="checkbox"/> Transferred to ESTA <input type="checkbox"/>	
Signature of recipient:	..... Date: ..... / ..... / .....

**Approved by recipient's manager:**

Name: ..... Position: ..... Date: ..... / ..... / .....

Signature: .....

(On Completion - Please send to the Commercial Services Manager)

**Gift register updated:**

Name: ..... Position: ..... Date: ..... / ..... / .....

Signature: .....

(To be recorded by Executive Assistant to the Chief Financial Officer)

## 13 Appendix C

This declaration form supports ESTA's Provision of Gifts, Benefits and Hospitality policy. The **provision of hospitality** must be approved prior to the event occurring and this form must be completed. **Individual to complete.** The completed form should be provided to the Manager Financial Operations.

1. Declaration date							
2. Name, position and unit/division							
<b><i>Details of the hospitality to be provided</i></b>							
3. Date to be provided							
4. Describe the hospitality to be provided							
5. Estimated or actual value							
6. Is the person or entity who will receive hospitality a business associate of ESTA (Y/N)? If yes, describe the relationship between them and ESTA.  If no, describe the relationship between you and the person or organisation that will receive hospitality.							
7. Reason for providing hospitality							
8. Would providing hospitality: a) create an actual, potential or perceived conflict of interest (Yes/No); or b) bring you, ESTA or the public sector into disrepute (Yes/No)?  (If either is answered YES, then the hospitality should not be provided.)	<i>Detail of conflict of interest:</i>						
9. Is there a legitimate business benefit to ESTA, the public sector or State for providing hospitality, i.e. does it meet the following: a) it will occur during the course of official duties (Yes/No); and b) it relates to official responsibilities (Yes/No); and c) it has a benefit to ESTA, the public sector or State (Yes/No).  (If NO then the hospitality should not be provided).	<i>Detail of business benefit:</i>						
10. I approve the provision of hospitality	<table border="0"> <tr> <td style="text-align: right;"><i>Signature</i></td> <td style="text-align: right;"><i>Date</i></td> </tr> <tr> <td colspan="2" style="text-align: center;"><hr/></td> </tr> <tr> <td colspan="2" style="text-align: center;"><i>Executive Director up to \$800 (including GST) over \$800 (including GST) CEO approval</i></td> </tr> </table>	<i>Signature</i>	<i>Date</i>	<hr/>		<i>Executive Director up to \$800 (including GST) over \$800 (including GST) CEO approval</i>	
<i>Signature</i>	<i>Date</i>						
<hr/>							
<i>Executive Director up to \$800 (including GST) over \$800 (including GST) CEO approval</i>							
11. Name							