

Gifts, benefits and hospitality policy



Environment
Protection
Authority Victoria



Publication 1746.1* December 2019
**This replaces 1746, issued May 2019*

Policy

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Gifts, benefits and hospitality policy

1. Purpose

Environment Protection Authority Victoria (EPA) requires its staff to act with integrity and is committed to the detection and investigation of any situations which may be regarded as demonstrating behaviours which do not meet ethical standards.

This Policy states the EPA position on:

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

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

EPA 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). All employees are required under clause 1.2 of the Code to comply with this Policy.

2. Application

This Policy applies to all individuals working for EPA, at all levels and grades, including the following collectively referred to as 'EPA staff' in this Policy:

- EPA Governing Board (Board) and subcommittees;
- CEO, Executive Directors, Directors and Managers;
- Employees (whether permanent, fixed-term or temporary);
- Contractors¹, consultants, recruitment agency staff and trainees; and
- Seconded staff from other Victorian Government organisations.

3. Key principles

This Policy has been developed in accordance with requirements outlined in the Minimum accountabilities for managing gifts, benefits and hospitality issued by the Victorian Public-Sector Commission.

EPA is committed to and will uphold the following principles in applying this Policy:

- **Public interest / 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 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 for individuals:** 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.
- **Accountability for people leaders:** 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.
- **Risk-based approach:** EPA, through its policies, processes and Risk and Audit Committee, will ensure gifts, benefits and hospitality risks are appropriately assessed and managed.

¹ Note the application of clause 1.4 of the Code of conduct for Victorian public sector employees to the engagement of contractors and consultants. Contractors and consultants are only bound by the code if explicitly required by their contract for services.

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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.

- **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.

4. Minimum accountabilities

Under the Instructions supporting the 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. These can be found at Appendix 1.

5. 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/Real: 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.
- 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.

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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.

Official business event

An official business event is when an event hosted by external organisation that it is in the public interest for an employee to attend. These invitations are different to gifts, benefits and hospitality offers and include seminars, conferences and working lunches.

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. Examples include (but not limited to): promotional items such as pens and note pads, modest box of chocolates as a token of thanks and modest hospitality which does not exceed common courtesy, such as light refreshments offered during a meeting.

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.

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6. Responsibilities

EPA staff

EPA staff are responsible for:

- Ensuring that their own conduct meets the required standards of integrity;
- Completing the mandatory online Integrity@EPA Induction training within 4 weeks of commencement;
- Notifying their Manager / Team Leader of any reportable gift offers they receive and seeking advice from them about this Policy and how to comply;
- Notifying the CEO, the Board Secretary and Corporate Executive Director (Protected Disclosure Coordinator) or Integrity Officer of any suspected bribery attempts they receive; and
- Complying with this Policy.

EPA staff with direct reports

- Responsible for being aware of, and monitoring, the risks inherent in their team's work and functions and to act as the 'Responsible Person' for gift, benefits and hospitality offers. They model good practice and promote awareness of this Policy and related processes.

EPA Governance Lead

- Act as 'Gifts hub' supporting the Governing Board to ensure that declaration forms are completed within 14 working days for items recorded in the Board Register of Gift, Benefit and Hospitality Offers, and enter these declarations on their behalf into the EPA Register of Gift, Benefit and Hospitality Offers. This support will also be available for subcommittees members as required.

Integrity Officer

- Act as 'Gifts hub' supporting EPA staff (excluding the Governing Board and subcommittees) to lodge declaration forms are completed within 14 days;
- Provide EPA staff with regular reminders of the need to lodge declaration forms;
- Provide EPA staff with appropriate induction and annual refresher training/communications on behalf of the CEO and Chairperson in relation to this Policy;
- Manage secure periodic publication of gifts register and this Policy on the EPA external website; and
- Monitor guidance from the Department of Environment, Land, Water and Planning (DELWP) and perform periodic reviews of this Policy, minimum annually. Updates to the Policy and related guidance must be provided as soon as practicable after they occur.

Chief Executive Officer (CEO)

- Establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality that comprehensively address the minimum accountabilities;
- Notify the Chairperson or Board Secretary of any reportable gift offers they receive; or of suspected bribery attempts; and seek from them advice about this Policy and how to comply; and
- Report at least annually to the Risk and Audit Committee in relation to the administration and quality control of this Policy, processes and register. The report will include analysis of the EPA gifts, benefits and hospitality risks (including multiple offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.

Risk and Audit Committee

- Oversee the policies and processes in relation to Gifts, Benefits and Hospitality including to review the report in relation to the administration and quality control of this Policy, processes and register (refer above).

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Chairperson and Board Secretary

- Notify the Deputy Chairperson or Board Secretary of any reportable gift offers they receive; or of suspected bribery attempts; and seek from them advice about this Policy and how to comply; and
- Receive notifications from Board members or the CEO of any reportable gift offers they receive; or of suspected bribery attempts; and seek from them advice about this Policy and how to comply.

Governing Board

- Approve the Gifts, Benefits and Hospitality Policy.

7. 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. Any exceptions to this process must have the prior written approval of the relevant organisational delegate, Board Secretary and Corporate Executive Director.

7.1 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.

7.2 GIFT test

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

Figure 1. GIFT test

G	Giver	Who is offering the gift, benefit or hospitality and what is their relationship to me? Does my role require me to select contractors, award grants, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make?
I	Influence	Are they seeking to gain an advantage or influence my decisions or actions? Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy or a token of appreciation or valuable non-token offer? Does its timing coincide with a decision I am about to make or endorse a product or service?
F	Favour	Are they seeking a favour in return for the gift, benefit or hospitality? Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months? Would accepting it create an obligation to return a favour?
T	Trust	Would accepting the gift, benefit or hospitality diminish public trust? How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family, friends or associates think?

7.3 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;
- Could bring them, EPA or the public sector into disrepute;

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- 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;
 - awarding of a grant or sponsorship;
 - setting of Policy
 - enforcement, licensing or regulation; or
 - contracts.
- 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 (the number of employees attending an event will be determined by the relevant Executive Leadership Team member).;
- 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, the Board Secretary and Corporate Executive Director (Protected Disclosure Coordinator) or the Integrity Officer (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).

7.4 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 the EPA register, as long as the offer does not create a conflict of interest or lead to reputational damage. A declaration form does not need to be completed for token offers (less than \$50).

7.5 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 Responsible Person (refer section 7.7), 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, EPA 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 EPA, 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

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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 EPA into disrepute, EPA should return the gift. If it represents a conflict of interest for you, EPA should either return the gift or transfer ownership to EPA to mitigate this risk.

7.5.1 Entertainment and conferences

EPA staff must be particularly cautious about accepting gift offers of hospitality (i.e. food, drink, travel, accommodation, events or activities) which could be perceived as entertainment. Gift offers of hospitality are often inconsistent with community expectations. There is also a high risk of conflict of interest. In such cases, the gift offer must be refused *even if there is a legitimate business reason to accept*.

In particular, note that:

- **High risk events and activities (entertainment)**

Invitations to attend or participate in a sporting, social, 'industry', arts, entertainment, or other event or activity are high risk. Examples of gift offers that must be refused include:

- attend as a guest in a corporate box at the football or at a car or horse racing event;
- attend a concert or theatre event;
- attend an industry golf day or play golf at a reduced fee; or
- be 'shouted' a meal at a restaurant; or accept complimentary or discounted tickets for a family member to attend the tennis.

- **Conferences and familiarisation tours**

Gift offers in relation to conferences or familiarisation tours (e.g. sponsored attendance, participation, travel, accommodation or meals) must be declined unless there is:

- **clear justification**, such as where the invitation is issued by a government department, or the event is funded by DELWP, or, depending on the circumstances, the offeror is a peak body; and
- **prior written approval** that sets out clear reasons is specifically granted by the EPA Chairperson (for the CEO, Board or subcommittee members) or the Executive Leadership Team member (for other EPA staff). The signed and dated approval must be attached to the declaration form and noted in the gifts register.

- **Conferences where EPA staff member is presenting in their area of expertise**

EPA 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.

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

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

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

7.6.1 Unacceptable

- "Networking"
- "Maintaining stakeholder relationships"

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7.6.2 Acceptable

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

7.7 Gift reporting process

- Employees are to declare received gifts by completing the declaration form available on the Integrity intranet site. Refer also Appendix 2 of this Policy.
- This form is to be completed manually, approved by the relevant Responsible Person (refer below) scanned and emailed to the Integrity Officer at integrity.officer@epa.vic.gov.au within 14 days of the offer being made.
- The Responsible Person is the person whom the EPA staff member notifies of any reportable gift offers they receive; notifies of suspected bribery attempts; and seeks advice from about this Policy and how to comply. Note: No Responsible Person approval is required for Official Business Events Attendance (refer section 8).

	Responsible Person
Chairperson	Deputy Chairperson or Board Secretary and may also seek advice from the Minister and/or DELWP.
Board member or CEO	Chairperson or Board Secretary
Other EPA staff	People Leader or if applicable, Executive Leadership Team member

- Access to the register is restricted to relevant persons within EPA.
- The EPA Risk and Audit 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 the EPA 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 (on the [EPA external website](#)) will contain a subset of the information detailed in the EPA internal register. Information on Official Business Events (refer section 8) and hospitality provided by Victorian public sector organisations (refer section 7.11) is excluded from the public register.
- A declaration form does not need to be completed for token offers.

7.8 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 EPA into disrepute, and where the Responsible Person has provided written approval.

Employees must transfer to EPA official gifts or any gift of cultural significance or significant value.

Consideration should be given to donating other non-token gifts, or the proceeds of their sale, to a non-profit organisation or public institution.

7.9 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.

7.10 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 EPA. The receipt of ceremonial gifts should be recorded on the EPA register but this information does not need to be published online.

7.11 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 on the external (ie public register), where the reason for the individual's attendance is consistent with EPA functions and objectives and with the individual's role.

Such hospitality is reported as an official business event (refer section 8).

8. Management of official business events

8.1 Official business events definition

An official business event is when an event hosted by an external organisation that it is in the public interest for an employee to attend. These invitations are different to gifts, benefits and hospitality offers and include seminars, conferences and working lunches.

Official business events need to have a tangible connection to an employee's role and be directly related to EPA's work.

Employees must complete, sign and lodge the declaration form in Appendix 2 within 14 working days. Note: No Responsible Person approval is required for Official Business Events Attendance.

Most official business events fall under five categories:

- *Funded service delivery* – opportunities to observe the delivery of programs funded by state government grants;
- *Stakeholder engagement* – opportunities to develop networks with people interested in the department's activities;
- *Sector knowledge* – opportunities to develop a deeper knowledge of the industry and to improve government programs;
- *Business leveraging* – opportunities to network with partners interested in investment and collaboration; and
- *Professional knowledge* – opportunities to maintain knowledge relating to a qualification (e.g. CPD points), build expertise in a technical field or become acquainted with industry changes.

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In addition to those five categories, there are situations where it is in the public interest for the public service to be represented in some capacity. Those include:

- *State functions* – attending an event or function hosted by the Government or the Governor;
- *Accompanying the Minister* – supporting a government spokesperson (including Ministers and Parliamentary Secretaries) in the execution of their duties;
- *Government events* – attending a function organised and hosted by another government agency or public sector entity; and
- *Industry stakeholders* – attending an event hosted by industry or community stakeholders where attendance provides a legitimate business benefit.

Employees are required to declare their attendance as official business events (refer Appendix 2).

Employees can attend an official business event when:

- The invitation was extended by the event host rather than a third party;
- The event is directly related to their official duties at EPA;
- It is for a business purpose consistent with EPA's functions and objectives;
- It is in the public interest and the best interests of EPA to be represented at the event;
- The activities and level of hospitality at the event is consistent with community expectations;
- There is no conflict of interest (real, potential or perceived) for the employee to attend;
- Attending the event will not bring the employee, EPA, the department or the public service into disrepute; and
- The host does not have an interest in any business decision the employee is likely to make or influence as part of their official duties.

Before an official business event invitation is accepted, consider:

- Whether the employee is the most appropriate person to attend;
- The number of people from EPA attending;
- What the employee's purpose to attend is – to present, develop work skills or purely out of interest; and
- If the event is a gift offer rather than official business event attendance

Events that provide a personal benefit or are limited to providing hospitality and serve no business purpose can be regarded as an official business event only if non-attendance would bring EPA into disrepute.

To report a **gift**, the employee must disclose the offer to the Responsible Person (either by email or in person) as soon as practicable.

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9. 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

H	Hospitality	To whom is the gift or hospitality being provided? Will recipients be external business partners, or individuals of the host organisation?
O	Objectives	For what purpose will hospitality be provided? Is the hospitality being provided to further the conduct of official business? Will it promote and support government policy objectives and priorities? Will it contribute to staff wellbeing and workplace satisfaction?
S	Spend	Will public funds be spent? What type of hospitality will be provided? Will it be modest or expensive, and will alcohol be provided as a courtesy or an indulgence? Will the costs incurred be proportionate to the benefits obtained?
T	Trust	Will public trust be enhanced or diminished? Could you publicly explain the rationale for providing the gift 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?

9.1 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.

9.2 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?

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- 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?

Other guidance for providing gifts, benefits and hospitality

- EPA guidance for the provision of catering and entertainment provides information related to the provision of catering and entertainment at staff meetings, team building activities, farewells and other events;
- EPA Recognising Excellence (the EPA Recognition Framework);
- EPA has set a nominal limit of \$150 for the maximum expenditure on gifts to others, where the expenditure has not been explicitly budgeted for (subject to section 9.1). This nominal limit is a total for a discrete, unbudgeted gift. It is not per person or an annual total; and
- 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.

10. Speak up

Individuals who consider that gifts, benefits and hospitality or conflict of interest within EPA may not have been declared or is not being appropriately managed should speak up and notify the Board Secretary and Corporate Executive Director or Integrity Officer. 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) or to the EPA Protected Disclosure Coordinator (Board Secretary and Corporate Executive Director).

In addition, employees can report fraud or corruption internally (to the Integrity Officer) using the online reporting form accessible from the Integrity intranet page.

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

11. Contacts for further information

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

12. Related information

This Policy forms part of the EPA Integrity Framework, and should be read in conjunction with:

- Governing Board Meetings and Decisions Policy;
- Conflict of Interest Policy – Governing Board;
- Conflict of Interest Policy – Employees;
- Fraud and Corruption Control Policy and Procedure;
- Protected Disclosure Policy and Procedure; and
- Relevant policies, procedures and guidelines (eg provision of catering and entertainment guidelines).

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13. Regulatory framework and background information

- Minimum accountabilities for the management of gifts, benefits and hospitality (see the Instructions supporting the supporting the Standing Directions 2018 under the *Financial Management Act 1994*);
- *Public Administration Act 2004*;
- 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; and
- Other legislation as relevant.

EPA issued this Policy to support behavior consistent with the *Code of conduct for Victorian public sector employees* (the Code). All EPA staff are required under clause 1.2 of the Code to comply with this Policy. This Policy is consistent with the [DELWP model policy](#) on *Gifts, benefits and hospitality*, which is published by the Department of Environment, Land, Water and Planning. In addition, this Policy adopts and incorporates the VPSC guidelines in relation to the providing of gifts, benefits and hospitality.

The Standing Directions 2018 under the *Financial Management Act 1994* requires the CEO as Accountable Officer of EPA to ensure minimum accountability of the Gifts, Benefits and Hospitality framework established by VPSC.

14. Breach of policy

EPA staff who may have breached this Policy must immediately notify the Responsible Person and remedy any breach.

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 the EPA Conflict of Interest Policies (Conflict of Interest Policy – Governing Board and Conflict of Interest Policy – 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 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 the Board Secretary and Corporate Executive Director or Integrity Officer.

EPA 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.

Gifts, benefits and hospitality policy

15. Document approval

Date	Content authorisation		Date	Quality assurance authorisation	
	Name	Signature		Name	Signature
	Tony Matthews Board Secretary and Executive Director Corporate			Sandra Stoklossa Chief Financial Officer	

Date	Board authorisation	
	Name	Signature
	Cheryl Batagol Chairperson Governing Board	

Gifts, benefits and hospitality policy

Appendix 1 – Minimum accountabilities

Public officials offered gifts, benefits and hospitality:

1. Do not, for themselves or others, seek or solicit gifts, benefits and hospitality.
2. Refuse all offers of gifts, benefits and hospitality that:
 - are money, items used in a similar way to money, or items easily converted to money
 - give rise to an actual, potential or perceived conflict of interest;
 - may adversely affect their standing as a public official or which may bring their public sector employer or the public sector into disrepute; or
 - are non-token offers without a legitimate business 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.
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 2 – Gifts, benefits and hospitality declaration form / Official business events invitations form

General

- We have an obligation to protect public confidence in the integrity of our decision-making and of our work by minimising offers of gifts and by disclosing official business events we attend.
- Gifts, Benefits & Hospitality Offers – refer section 7 of the Gifts, Benefits and Hospitality Policy for details.
- Official Business Events Attendance – refer section 8 of the Gifts, Benefits and Hospitality Policy for details.

Instructions

- The form:
 - Is to be completed by the *recipient of the reportable gift, benefit or hospitality offer (offer)* or the *invitee to an official business event (event)* within 14 days of the offer / invitation being made and sent to the Integrity Officer at Integrity.Officer@epa.vic.gov.au.
 - Is accessible from the Integrity intranet page.
 - Can be completed in soft or hard copy but will need to be printed, signed and emailed to the Integrity Officer at Integrity.Officer@epa.vic.gov.au as a PDF.
- Attach a separate piece of paper if you wish to add more information.

Important note – fields denoted with * or ** indicate the following:

- Fields denoted with * will be published on the EPA public register on our external website (excluding information on Official Business Events).
- Fields denoted with ** will only be published on the public register (EPA external website) if you accept the gift, benefit or hospitality excluding information on Official Business Events.
- No information on Official Business Events will be published on the public register.

You to complete	
Your details	
Your name	
Your position (e.g. Policy Officer)*	
Your unit and division (e.g. Risk and Compliance, Board Secretary & Corporate)**	
Gift, benefit or hospitality offer (offer) or official business event (event)	
Details of the gift, benefit & hospitality offer / official business event invitation	
Date offer offered / date of invitation to the event*	
Description of the gift, benefit or hospitality / name and description of event*	

Gifts, benefits and hospitality policy

You to complete	
If an event, also include location, date, time and type of event (eg government, industry, Ministerial)	
Estimated or actual value of offer / ticket to event*	
Name of the person making the offer / extending the invitation to the event	
Position or title of the person making the offer / extending the invitation to the event**	
Name of the organisation making the offer / extending the invitation to the event**	
Type of organisation (<i>e.g. conference organiser, government agency, consulting firm</i>)*	
For BOTH gifts, benefits & hospitality offers AND official business event invitations	
Why is the offer being made / the invitation to the event being extended TO YOU?	Reason for the offer / invitation being made
Would accepting the gift, benefit & hospitality offer / invitation to the event create an actual, potential or perceived conflict of interest ? If yes , then the offer / invitation must be declined.	YES or NO
Would accepting the gift, benefit & hospitality offer / the invitation bring you, EPA or the public sector into disrepute? If yes , then the offer / invitation must be declined.	YES or NO
For gifts, benefits & hospitality offers ONLY	
Is the person or organisation making the offer a business associate of EPA? If yes , describe the relationship between them and the organisation. If no , describe the relationship between you and the person or organisation making the offer (<i>e.g. friendship</i>).	YES or NO If yes , describe relationship between EPA and the offeror. If no , describe the relationship between you and the offeror

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You to complete	
<p>Is there a legitimate business benefit to EPA or public sector for accepting the offer?</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • Was it offered during the course of your official duties? • Does it relate to your official responsibilities? • Does accepting bring any benefit to EPA, public sector or State? <p>If no, then the offer must be declined. If yes, then the business benefit must be detailed.</p>	<p>YES or NO</p> <hr/> <p>Details of the legitimate business benefit</p>
<p>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?</p>	<p>YES or NO</p>
<p>Details of the official or ceremonial purpose</p>	<p>If yes, please provide details.</p>
For official business event invitations <u>ONLY</u>	
<p>Is the person or organisation extending the invitation to the event from the organisation hosting or organising the event?</p> <p>If no, you must decline the invitation</p>	<p>YES or NO</p>
<p>Is attending this event directly related to your official duties as a public servant?</p> <p>If no, you must decline the invitation.</p>	<p>YES or NO</p> <hr/> <p>If yes, detail how your attendance is relevant to your role.</p>
<p>What business purpose does attending the event serve (eg stakeholder engagement, business leveraging or observing funded service delivery)?</p>	<p>What is the business purpose?</p>
<p>Does the host have a business interest in any decisions you are likely to make as part of your official duties?</p> <p>If yes, you must decline the invitation to the event?</p>	<p>YES or NO</p>
<p>Is the level of hospitality offered reasonable, proportionate and likely to meet community expectations?</p> <p>If no, you must decline the invitation.</p>	<p>YES or NO</p>

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Declaration - You to complete	
Did I accept or decline the offer / invitation to the event?*	I accepted the offer / invitation OR I declined the offer / invitation
I declare that the details above are accurate and complete.	Signature:
	Date:

**MANAGER / RESPONSIBLE PERSON TO COMPLETE THE FOLLOWING SECTION FOR
GIFT, BENEFIT & HOSPITALITY OFFERS ONLY
I.E. APPROVAL NOT REQUIRED FOR OFFICIAL BUSINESS EVENT INVITATIONS
AND ATTENDANCE**

Your name	
Your position or title (e.g. Director)	
Your unit and division (e.g. Risk and Compliance, Board Secretary & Corporate)	
Your relationship to the declarant (e.g. line manager)	
Complete if the declarant <u>declined</u> the offer	
I have reviewed this declaration form and submitted it for inclusion on our Gifts, Benefits & Hospitality Register.	Signature:
	Date:
Complete if the declarant <u>accepted</u> the offer	
What decision was made about the ownership and disposal of the gift?*(<i>(e.g. was it kept by the declarant, transferred to EPA, returned, or donated to charity)</i>)	Details on how the gift was disposed of
I confirm that, to my knowledge, accepting this offer: <ul style="list-style-type: none"> • does not raise an actual, potential or perceived conflict of interest for the individual or myself; and • will not bring the individual, myself, EPA or the public sector into disrepute; and • will provide a clear and legitimate business benefit to EPA, the public sector or the State. 	Signature:
	Date:

Send completed form to integrity.officer@epa.vic.gov.au (scanned as PDF)