

Title: Gifts, Benefits and Hospitality Policy  
 Approved By: Board

## VERSION HISTORY

Version	Date approved	Date next review	Author	Reason for amendment	Section amended
1.0	Feb 2012	Feb 2015	MCS	Creation	
2.0	Nov 2012	Nov 2013	MBS	To make consistent with the SSA Policy Framework	a) Amendments to definitions b) Inclusion of new wording around the provision of gifts
3.0	Nov 2013	Aug 2014	MBS	Annual Review	No Changes to policy
4.0	Aug 2014	May 2015	MBS	Annual Review	Procedure 2.7 inclusion of an aggregated limit
5.0	23/6/15	May 2016	MBS	Annual Review	Inclusion of Board Chair to disclose gifts, benefits and hospitality to Board and CEO to disclose gifts, benefits and hospitality to the Chair. a) Objectives b) Delegations c) Procedures
6.0	22/3/16	Mar 2017	EMBS	Annual Review – reviewed against the DELWP Model Policy	Amendments to Definitions, Delegations and references to DELWP Model Policies
7.0	27/6/17	Jun 2018	A/CEO	Annual Review – reviewed against the DELWP Model Policy issued Dec 2016	The full policy has been amended to adopt the DELWP model policy, therefore it has been a full rewrite of the policy.
8.0	14/6/18	Jun 2019	EA	Annual Review – Reviewed against DELWP Model Policy issued Dec 2016	Headings and sections updated to align with Model Policy. No material changes.
9.0	23/7/19	Jul 2020	EA	Annual review – Reviewed against the DELWP model policy.	The entire policy has been updated to adopt the new DELWP model policy. This has meant a full rewrite of the policy.
10	23/6/20	Jun 2021	BEO	Regular Review	Nil. No changes to model policy.
11	22/6/21	Jun 2022	BEO	Regular Review	Nil. No changes to model policy.
12	17/05/22	Jun 2023	CEO	Regular Review	Nil. No changes to model policy.
13	21/02/23	June 2026	BEO	Regular Review	Minor changes to sections 5, 6. Change to Review period

## 1. PURPOSE

This policy states the North East Catchment Management Authority's (the Authority) position on:

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

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

The Authority has issued this policy to support behaviour consistent with the Code of Conduct for Victorian Public Sector Employees, Code of Conduct for Victorian Public Sector Employees of Special Bodies 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 workplace participants. For the purpose of this policy, this includes: executives, board members, employees, contractors, consultants and any individuals or groups undertaking activity for or on behalf of the Authority.

## 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.

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

**Impartiality** - individuals have a duty to place the public interest above their private interests when carrying out their official functions. They will not accept gifts, benefits or hospitality that could raise a reasonable perception of, or actual, bias or preferential treatment. Individuals do not accept offers from those about whom they are likely to make business decisions.

**Accountability** - individuals are accountable for:

- declaring all non-token offers of gifts, benefits and hospitality;
- declining non-token offers of gifts, benefits and hospitality, or where an exception applies under this policy, seeking approval to accept the offer; and
- the responsible provision of gifts, benefits and hospitality.

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

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

**Risk-based approach:** the Authority, through its policies, processes and audit committee, will ensure gifts, benefits and hospitality risks are appropriately assessed and managed. Individuals with direct reports will ensure they are aware of the risks inherent in their team's work and functions and monitor the risks to which their direct reports are exposed.

## 4. MINIMUM ACCOUNTABILITIES

Under the Instructions supporting the Standing Directions of the Minister for Finance 2016, the Victorian Public Sector Commission has set binding minimum accountabilities for the appropriate management of gifts, benefits and hospitality. These can be found at Schedule A.

## 5. DEFINITIONS

### 5.1 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.

### 5.2 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.

### 5.3 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.

#### 5.4 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.

**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.

#### 5.5 GIFTS

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

#### 5.6 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.

#### 5.7 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.

#### 5.8 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.

#### 5.9 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](#).

#### 5.10 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.

#### 5.11 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.

#### 5.12 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.

#### 5.13 RESPONSIBLE PERSON

The 'responsible person' is the person whom the board member or employee notifies of any gift offers they receive; notifies of suspected bribery attempts; and seeks advice from about this policy and how to comply.

Responsible Person	
Employee	<b>Line manager</b>
Board member or CEO	<b>Chair</b>
Chair	<b>Deputy chair or Full Board.</b> <b>Where appropriate, the chair should also seek advice from the Minister and/or DEECA.</b>

## 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. Any exceptions to this process must have the prior written approval of the relevant responsible person.

### 6.1 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.

#### Figure 1. GIFT test

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

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

### 6.2 REQUIREMENTS 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, the Authority, 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 as determined by the Chief Executive Officer;
- 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 Chief Executive Officer or the responsible person (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).

### 6.3 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.

A board member or employee who is offered a gift of token value that is not a prohibited gift may:

- refuse the gift offer; or
- accept the gift offer and retain the gift as their own.

### 6.4 DISCLOSING TOKEN GIFT OFFERS

Regardless of whether a token gift offer is accepted, it must be disclosed as soon as practicable to the responsible person. The board member or employee who receives the offer must send an email to the responsible person and the [gifts@necma.vic.gov.au](mailto:gifts@necma.vic.gov.au) email that sets out:

- the date of the offer;
- the source (organisation or individual) of the offer;
- what was offered and why;
- that it was a token offer, including an estimate of:
  - the value of the gift offered; and
  - the combined value of all gifts offered to them from that source in the last 12 months;
- whether it was a prohibited gift and, if so, why; and
- whether the offer was accepted or refused.

A gifts declaration form does not need to be completed, but the gift needs to be recorded on the gifts, benefits and hospitality register, therefore each disclosure must include the [gifts@necma.vic.gov.au](mailto:gifts@necma.vic.gov.au) email.

#### Example – acceptance of token gift

*‘On 16 July 2017, I received a gift offer from Berringer and Co. of a bottle of wine. It was offered to me as a thank you for presenting at their annual education forum, which I did as part of my official duties. I estimate the value of the bottle of wine to be \$30. I estimate the combined total of gift offers I have received from this source in the last 12 months to be \$45. I consider this to be a token gift offer. It was not a prohibited gift offer. I accepted the offer.’*

#### Example – refusal of token gift

*‘On 13 December 2017, I received a gift offer from Murks and Co. of a desk calendar. It was offered as ‘a Christmas good will gift’. I estimate the value of the desk calendar to be \$20. I estimate the combined total of gift offers I have received from this source in the last 12 months to be \$45. It was a prohibited gift as it is a conflict of interest - Murks is a prospective tenderer about whom I am likely to make or can influence a decision. I refused the offer and explained why to the rep.’*

### 6.5 KEEPING TRACK OF TOKEN GIFT OFFERS

The board member or employee disclosing the token gift offer and the responsible person must each retain a copy of the email. An email record:

- assists the board member/employee to fulfil their responsibility to keep track of whether offers made to them by that source exceed a combined value of \$50 in the last 12 months (i.e. the reportable threshold); and

- assists the responsible person to monitor the risks inherent in their team's work and functions.<sup>1</sup>

Additionally, the information provided in the disclosure email to the [gifts@necma.vic.gov.au](mailto:gifts@necma.vic.gov.au) email address will be used to populate the gifts, benefits and hospitality register, allowing the responsible person and the Audit and Risk Committee oversight of repeat or inappropriate gift offers.

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

With approval of the CEO, staff members may accept from conference organisers the costs for that staff member to present at a conference in their area of expertise including flights, accommodation, meals and conference admission.

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## 6.7 RECORDING NON-TOKEN OFFERS OF GIFTS, BENEFITS AND HOSPITALITY

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

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

### Unacceptable

- "Networking"
- "Maintaining stakeholder relationships"

### Acceptable

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

*Regardless of whether a non-token gift offer is accepted or declined, it must be disclosed as soon as practicable to the responsible person. The board member or employee who receives the offer must send an email to the responsible person that sets out:*

- the date of the offer;
- the source (organisation or individual) of the offer;
- what was offered and why;
- that it was a token offer, including an estimate of:
  - the value of the gift offered; and
  - the combined value of all gifts offered to them from that source in the last 12 months;
- whether it was a prohibited gift and, if so, why; and
- whether the offer was accepted or refused.

A gifts declaration form (appendix 1) needs to be completed, and the gift offer needs to be recorded on the gifts, benefits and hospitality register.

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<sup>1</sup> A responsible person may decide to maintain a spreadsheet with an overview of token gift offers disclosed to them by email. This will assist in monitoring risks and compliance with this policy.

Responsible Person	
Employee	<b>Line manager</b>
Board member or CEO	<b>Chair</b>
Chair	<b>Deputy chair or full Board.</b> <b>Where appropriate, the chair should also seek advice from the Minister and/or DEECA.</b>

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

The Authority's 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 Authority'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 the Authority's internal register.

#### 6.8 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 the Authority into disrepute, and where their manager or organisational delegate has provided written approval. Employees must transfer to the Authority official gifts or any gift of cultural significance or significant value.

#### 6.9 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.

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

#### 6.11 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, where the reason for the individual's attendance is consistent with the Authority's functions and objectives and with the individual's role.

#### 6.12 OFFICIAL BUSINESS EVENTS

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.

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

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
- 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 (see 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 the agency
- it is for a business purpose consistent with the agency's functions and objectives
- it is in the public interest and the best interests of the agency 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, the agency, the department or the public service into disrepute
- 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 the agency attending
- what the employee's purpose to attend is – to present, develop work skills or purely out of interest
- 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 the agency 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.

If the agency maintains a register of official business events, employees must also:

- sign and lodge an official business events attendance form within fourteen working days, and
- ensure the declaration is added to the register of official business events.

If the agency does not maintain a register of official business events, alternative administrative systems like a dedicated email inbox may be used.



## 7. 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	<b>To whom is the gift or hospitality being provided?</b> Will recipients be external business partners, or individuals of the host organisation?
O	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?
S	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?
T	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?

### 7.1 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.

### 7.2 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, Code of Conduct for Victorian Public Sector Employees of Special Bodies and the Code of Conduct for Directors of Public Entities. The following questions may be useful to assist individuals to decide on the type of gift, benefit or hospitality to provide:

- Will the cost of providing the gift, benefit or hospitality be proportionate to the potential benefits?
- Is an external venue necessary or does the organisation have facilities to host the event?
- Is the proposed catering or hospitality proportionate to the number of attendees?

- Does the size of the event and number of attendees align with intended outcomes?
- Is the gift symbolic, rather than financial, in value?
- Will providing the gift, benefit or hospitality be viewed by the public as excessive?

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

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

#### **Flowers**

Flowers can be purchased from public funds in the event of the death of an employee, close family member or on the birth of a child. Gifts are funded through staff collections.

#### **Providing catering and alcohol for external events**

Catering is provided at functions for external guests subject to the following criteria:

- there is a real benefit to the department,
- the expenditure is modest and proportionate to the benefit,
- it is not excessive,
- it is not too frequent, and
- it is consistent with community expectations.

Alcohol may not be purchased with public funds to serve at functions for external guests. Guest may decide to purchase their own alcohol based on the following:

- provision is associated with a meal,
- the event where alcohol is served is being held at a time that minimises the risk of employees returning to work impaired by alcohol and appropriate travel options are available (e.g. if standard office hours are worked, the event should be held in the late afternoon or early evening and participants are able to use public transport or car pool),
- the provision of alcohol should be incidental to the overall level of hospitality provided.

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

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

The Authority's practice for recognition events is that the Authority funds a modest meal and soft drinks.

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

The Authority provides modest catering for employees for events such as annual recognition events or marking the completion of a major project based on the following considerations:

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

Celebrations of events such as birthdays, marriages or the birth of a child are not catered with public funds.

If an event or meeting extends over meal times, modest hospitality can be provided.

As a guideline, provide refreshments when meetings exceed these times (including the travel time of attendees):

- 2 hours - for morning or afternoon tea
- 3 hours - for lunch
- 5 hours - for lunch and either morning or afternoon tea

7 hours - for lunch, morning tea and afternoon tea

## **8. RELATED POLICY, LEGISLATION AND OTHER DOCUMENTS**

- Minimum accountabilities for the management of gifts, benefits and hospitality (see Instructions supporting the Standing Directions of the Minister for Finance)
- the Authority's Conflict of Interest Policy
- Public Administration Act 2004

- Code of Conduct for Victorian Public Sector Employees
- Code of Conduct for Victorian Public Sector Employees of Special Bodies
- Code of Conduct for Directors of Victorian Public Entities
- Victorian Public Sector Commission’s Gifts, Benefits and Hospitality Policy Guide
- Board Integrity Framework (Code of Conduct)
- Board Integrity Framework (Code of Conduct) – Dealing with Complaints Procedure
- Fraud Corruption and Other Losses
- Protected Disclosures Act Policy

## 9. AUTHORISING OFFICER AND ORGANISATIONAL DELEGATE

This policy is issued under the authority of the North East CMA Board and is subject to annual review. The organisational delegate is the Chief Executive Officer.

## 10. 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 the Authority’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, Code Of Conduct for Victorian Public Sector Employees of Special Bodies 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 Chief Executive Officer.

The Authority 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.

## 11. SPEAK UP

Individuals who consider that gifts, benefits and hospitality or conflict of interest within the Authority may not have been declared or is not being appropriately managed should speak up and notify their manager or the Chief Executive 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).

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

## 12. 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 the Chief Executive Officer for advice.

## REVIEW

The Board will review this policy every three years, or more frequently if required to keep up-to-date with changes to laws and government policy.

## APPROVAL

Approved by the NECMA Board at their 21 February 2023 meeting.

**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.

**INSTRUCTIONS**

To be copied into an email and completed by the recipient of the reportable gift, benefit or hospitality offer within 14 days of the offer being made and sent to [gifts@necma.vic.gov.au](mailto:gifts@necma.vic.gov.au)

Important note – fields shaded in:

- yellow will be published on the Authority’s public register on our website
- green will only be published on the public register if you accept the gift, benefit or hospitality

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

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

## APPENDIX 2 – OFFICIAL BUSINESS EVENTS ATTENDANCE FORM

### INSTRUCTIONS

To be copied into an email and completed by the invitee within 14 days of the offer being made and sent to [gifts@necma.vic.gov.au](mailto:gifts@necma.vic.gov.au)

#### You to complete

Your name	[your name]
Your position (e.g. Policy Officer)	[your position]
Your unit or division (e.g. Climate Change)	[your unit or division]

#### Details of the official business event

Invitation date	[date invited]
Name of the event	[name of the event]
Brief description of the event	[description of event]
Type of event (e.g. government, industry, Ministerial)	[type of event]
Date and time for the event	[date and time for event]
Location for the event	[location of event]
Estimated or actual value of a ticket to the event	[estimated or actual value]
Name of the person extending the invitation	[name of the person extending the invitation]
Position or title of the person extending the invitation	[position or title of the person extending the invitation]
Name of the organisation extending the invitation	[name of the organisation making the offer]
Type of organisation (e.g. conference organiser, government agency, consulting firm)	[type of organisation]
Is the person or organisation extending the invitation from the organisation hosting or organising the event? If no, you must decline the invitation.	Select yes or no from this list.
Why is the invitation being extended to you?	[reason for the invitation being extended]
Is attending this event directly related to your official duties as a public servant? If yes, detail how your attendance is relevant to your role. If no, you must decline the invitation.	Select yes or no from this list. [how is this relevant to your work]
What business purpose does attending the event serve (e.g. stakeholder engagement, business leveraging or observing funded service delivery)?	[what is the business purpose]
Does the host have a business interest in any decisions you are likely to make as part of your official duties? If yes, you must decline the invitation.	Select yes or no from this list.
Would accepting the invitation create an actual, potential or perceived <b>conflict of interest</b> ? If yes, you must decline the invitation.	Select yes or no from this list.

