

OFFICIAL

# Gifts, Benefits and Hospitality Policy

OFFICIAL

27 January 2022

Version: 5.2

# Table of Contents

1	Purpose	2
2	Application	2
3	Policy principles	2
4	Minimum accountabilities	3
5	Management of offers of gifts, benefits and hospitality	3
5.1	Exemptions	3
5.2	Ceremonial Gifts	3
5.3	Exclusions	4
5.3.1	Commissioner and Executive	4
5.3.2	Gambling Inspectors	4
5.3.3	All Staff	4
5.4	Conflict of interest and reputational risks	5
5.5	Acceptance of offers	6
5.6	Recording offers of gifts, benefits and hospitality	6
5.7	Approval authority	6
5.8	Gifts/hospitality registers	7
6	Management of the provision of gifts, benefits and hospitality	8
6.1	Requirements for providing gifts, benefits and hospitality	8
6.2	Containing costs	9
7	Authorisation	9
8	Breaches	9
9	Speak up	9
10	Contacts for further information	9
11	Related policy, legislation and other documents	10
12	Document Information	11
	Attachment 1 Minimum accountabilities	12
	Attachment 2 Gift and Hospitality Declaration Form	14
	Attachment 3 Glossary	17

# 1 Purpose

This policy states the Victorian Gambling and Casino Control (VGCCC) position on:

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

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

The VGCCC has issued this policy to support behavior consistent with the Code of Conduct for Victorian Public Sector Employees (the Code) and the Code of Conduct for Directors of Victorian Public Entities. 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, Commissioners, employees, contractors, consultants and any individuals or groups undertaking activity for or on behalf of the VGCCC.

## 3 Policy principles

This policy has been developed in accordance with requirements outlined in the minimum accountabilities for the management of gifts, benefits and hospitality issued by the Victorian Public Sector Commission (see section 4 below).

The VGCCC 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 offers of gifts, benefits and hospitality and requesting approval for all offers \$50 or over
- declining offers of gifts, benefits and hospitality where required by this policy
- 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 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 VGCCC through its policies, processes and Audit and Risk Management Committee (ARMC), 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. Refer Attachment 1.

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

This policy requires that gifts and hospitality should not be accepted. However, there are exclusions and exceptions to this principle.

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 Chief Executive Officer. principles

### 5.1 Exemptions

Consistent with the Framework issued by the Public Sector Standards Commissioner, this Policy does not apply to:

- stationery such as pens or pads or minor promotional material such as mugs and mouse pads handed out to everyone attending a conference
- hospitality from a government host or government-sponsored entity both (Commonwealth and state) as part of official business where the reason for the individual's attendance is consistent with the VGCCC's functions and objectives and with the individual's role
- modest hospitality including light refreshments such as tea or coffee offered in the course of a business meeting<sup>1</sup>, light refreshments such finger food at an opening ceremony or sandwiches at a conference or meeting, all of which are proportionate to the occasion
- free training and associated modest hospitality from professional organisations subject to Purchasing Contracts when there is a legitimate business benefit such as Continuing Professional Development training.

The above can be accepted without approval and without completing a Gifts & Hospitality Declaration Form.

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

<sup>1</sup> Minor amendment endorsed by the Integrity and Risk Management Forum 11/02/19 to remove an ambiguity created by the inclusion of 'at the business premises' subsequently removed.

## 5.3 Exclusions

Generally, gifts, benefits and hospitality that are work related should be declined but must be declared.

### 5.3.1 Commissioner and Executive

The Chair, Commissioners, the CEO and members of the VGCCC Executive/Senior Managers, as a part of their stakeholder engagement function, are expected to meet with companies and industry participants and representatives and attend or present at industry and/or peak body functions. Typically these functions will be at venues and with organisations which are regulated by the VGCCC. While this presents the potential for integrity and conflict of interest risk, interaction with the industry and its representatives is an essential element of effective regulation.

All attendance as a representative of the VGCC where is likely that some form of gift, benefit or hospitality will be provided must be declared, and appropriately approved, prior to the event where possible (refer 5.6 Approval authority).

Offers of free or discounted attendance at seminars, conferences or presentations or where attendance at a function results in the provision of a free meal and/or alcoholic drinks requires approval by the appropriate delegate PRIOR to attendance. This approval requirement applies to all staff. These types of benefits are typically provided by current or potential VGCCC vendors.

For stakeholder engagement events or functions where a Commissioner or a member of the Executive is invited to speak or be a special guest at a community, industry or peak body function or conference and a gift/hospitality is provided, the gift and any other hospitality must be declared. To avoid any potential perception of conflict of interest attendance at the event should be notified and appropriately approved PRIOR to the event. Any gifts, benefits or hospitality arising may be declared after the event.

As a representative of the VGCCC all standards of conduct and behaviour are expected to be in accordance with the Code of Conduct.

All invitations for Christmas parties or other celebrations from entities (including industry and peak bodies) that the VGCCC regulates are to be declined.

### 5.3.2 Gambling Inspectors

Inspectors are not permitted to accept gifts, benefits and hospitality from venues, however modest hospitality such as tea and coffee is acceptable.

### 5.3.3 All Staff

Staff 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 VGCCC 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
  - Christmas party and other celebration invitations from entities that the VGCCC \
- regulates likely to be a bribe or inducement to make a decision or act in a particular way
- that extend to their relatives or friends

- of money, or used in a similar way to money, or something easily converted to money
- where, in relation to hospitality and events, the organisation will already be sufficiently represented to meet its business needs
- where acceptance could be perceived as endorsement of a product or service, or acceptance would unfairly advantage the sponsor in future procurement decisions
- made by a person or organisation with a primary purpose to lobby Ministers, Members of Parliament or public sector organisations
- made in secret.

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

### 5.4 Conflict of interest and reputational risks

When deciding whether to accept or decline 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. Prior to accepting or declining an offer the GIFT test should be considered.

Figure 1. GIFT test

		<b>Who is providing the gift, benefit or hospitality and what is their relationship to me?</b>
<b>G</b>	Giver	Does my role require me to select suppliers, award grants, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make?
		<b>Are they seeking to gain an advantage or influence my decisions or actions?</b>
<b>I</b>	Influence	Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy or one of appreciation or an offer valued \$50 or over? Does its timing coincide with a decision I am about to make?
		<b>Are they seeking a favour in return for the gift, benefit or hospitality?</b>
<b>F</b>	Favour	Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months? Would accepting it create an obligation to return a favour?
		<b>Would accepting the gift, benefit or hospitality diminish public trust?</b>
<b>T</b>	Trust	How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family, friends or associates think?

## 5.5 Acceptance of offers

Individuals can only accept offers over \$50 if they have a legitimate business benefit. All accepted offers must be approved in writing by the individual's manager or organisational delegate, recorded in the gifts, benefits and hospitality register and be consistent with the following requirements:

- it does not raise an actual, potential or perceived conflict of interest or have the potential to bring the individual, the VGCCC or the public sector into disrepute
- there is a legitimate business reason for acceptance. It is offered in the course of the individual's official duties, relates to the individual's responsibilities and has a benefit to the VGCCC 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 \$50 or over. 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 organisation should return the gift. If it represents a conflict of interest for you, the organisation should either return the gift or transfer ownership to the organisation to mitigate this risk.

## 5.6 Recording offers of gifts, benefits and hospitality

Declarations and approvals of offers is recorded by the completion of the Gift & Hospitality Declaration Form which is completed and submitted to the Executive Divisional Coordinator, Corporate Services within two weeks of the offer being made. Refer Attachment 2.

VGCCC does not make the distinction between token (under \$50) and non-token offers. **All offers irrespective of value, whether accepted or declined, must be recorded in the VGCCC's gifts, benefits and hospitality register.**

The business reason for accepting offers \$50 or over must be recorded in the register with sufficient detail to link the acceptance to the individual's work functions and benefit to the VGCCC public sector or State.

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

### Unacceptable

- "Networking"
- "Maintaining stakeholder relationships."

### Acceptable

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

## 5.7 Approval authority

Approval for offers under \$50 is not required. Approval to accept gifts offers \$50 or over is requested through the completion of the Gift & Hospitality Declaration Form. Refer Attachment 2.

## Gifts

- If the intention of the donor is for the staff member to receive the gift and the staff member is not excluded from acceptance then:
  - if the benefit is under \$50 and provided there is no potential conflict of interest, the staff member may keep/accept it without obtaining prior approval
  - if there is a potential for conflict of interest or the gift is valued at \$50 or over, the staff member requires approval from their Director to keep/accept the gift.

## Hospitality

- The authority for acceptance of hospitality from a private or commercial source requires prior approval by:
  - VPS Grades 1-6, the approval authority is the relevant Director
  - Directors and STS7 roles, the approval authority is the CEO
  - CEO, the approval authority is the Chair
  - Commissioner, the approval authority is the Chair
  - Chair, the approval authority is a Deputy Chair and one other Commissioner.

## 5.8 Gifts/hospitality registers

The Gifts & Hospitality Register contains details about gifts and hospitality and their treatment, i.e. whether they were kept, sold or disposed of.

The Executive Divisional Coordinator, Corporate Services will manage the Register.

If a gift is accepted for VGCCC's ownership and is over \$5000, the relevant Director should ensure it is recorded on the on the VGCCC Asset Register.

If the gift is over \$500 and under \$5000 the relevant Director should ensure it is recorded on the Portable and Attractive Assets Register if applicable.

For further information, please contact the Director Corporate Services and the Chief Financial Officer.

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

The ARMC 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 VGCCC's gifts, benefits and hospitality risks, risk mitigation measures and any proposed improvements.

The public register will contain a subset of the information detailed in the VGCCC internal register.



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

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

Figure 2. HOST test

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

### 6.1 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)
- it does not raise an actual, potential or perceived conflict of interest.

## 6.2 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/or the *Code of Conduct for Directors of Public Entities*.

# 7 Authorisation

This policy is issued under the authority of the CEO, endorsed by the ARMC and People and Culture Committee and approved by the Commission. It is subject to annual review.

# 8 Breaches

Disciplinary action consistent with the relevant industrial instrument and legislation, including dismissal, may be taken where an individual fails to adhere to this policy. This includes where an individual fails to avoid wherever possible or identify, declare and manage a conflict of interest related to gifts, benefits and hospitality in accordance with the VGCCC'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* and/or the *Code of Conduct for Directors of Public Entities*, such as sections of the Code covering conflict of interest, public trust and gifts, and hospitality benefits
- individuals making improper use of their position.

For further information on managing breaches of this policy, please contact the People and Culture Manager, Corporate Services

The VGCCC will communicate its policy on the offering and provision of gifts, benefits and hospitality to contractors, consultants and other business associates. Those identified as acting inconsistently with this policy may be subject to contract re-negotiation, including termination.

# 9 Speak up

Individuals who consider that gifts, benefits and hospitality or conflict of interest within the VGCCC may not have been declared or is not being appropriately managed should speak up and notify their Director 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 VGCCC will take decisive action, including possible disciplinary action, against individuals who discriminate against or victimise those who speak up in good faith.

# 10 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 Director for advice.

## 11 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*)
- VGCCC Conflict of Interest Policy
- *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

## 12 Document Information

### Document Details

CRITERIA	DETAILS
Document title:	Gifts, Benefits and Hospitality Policy

### Version Control

VERSION	DATE	DESCRIPTION	AUTHOR
V5.0	31/10/18	Endorsed by Executive on	
V5.0	12/11/18	Endorsed by the Audit and Risk Management Committee	
V5.0	22/11/18	Approved by the Commission	
V5.1	12/02/19	Minor Editorial endorsed by the Integrity Compliance Risk Forum on	Travis McGregor
V5.2	27/01/22	Update policy in VGCCC template	Emilia Lorefice

### Document approval

This document requires the following approval:

NAME	TITLE	ORGANISATION
Document owner:	Manager People and Culture	VGCCC

# Attachment 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
  - are non-token offers without a legitimate business benefit.
3. Declare all non-token offers (valued at \$50 or more<sup>2</sup>) 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.

<sup>2</sup> Except where a person employed under the *Education and Training Reform Act 2006* in a Victorian Government school receives and offer from or on behalf of a parent, guardian, carer or student intended to express appreciation of the person's contribution to the education of student or students, in which case non-token includes any offer worth more than \$100.

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.

# Attachment 2 Gift and Hospitality Declaration Form

This declaration form supports the VGCCC Gifts, Benefits and Hospitality Policy. Employees must declare all offers of gifts, benefits and hospitality (whether accepted or declined) and seek written approval from their manager or organisational delegate to accept offers \$50 or over. Fields marked in green will be published on the organisation's public register.

Individual to complete	
1. Declaration date	
2. Name (recipient)	
3. Position (e.g. Director)	
4. Unit / Division (e.g. Safety & Culture) Published only if the offer is accepted	
<i>Details of the gift, benefit or hospitality</i>	
5. Date offered	
6. Describe the gift, benefit or hospitality offered	
7. Estimated or actual value	
8. Name of person (donor) making the offer	
9. Position of person making the offer Published only if the offer is accepted	
10. Name of organisation making the offer Published only if the offer is accepted	
11. Type of organisation; for example: a) sporting organisation; b) conference organisation; or c) lobbying firm Published instead of name of organisation for declined offers	
12. Is the person or organisation making the offer a business associate of the organisation (Yes / No)?	
13. <b>If yes</b> , describe the relationship between them and the organisation <b>If no</b> , describe the relationship between you and the person or organisation making the offer; for example, a personal relationship	

14. Why is the offer being made?	
15. Would accepting the offer create an actual, potential or perceived conflict of interest (Yes / No)? <b>If yes</b> , then the offer must be declined in accordance with the minimum accountabilities	
16. Would accepting the offer bring you, the organisation or the public sector into disrepute (Yes / No)? <b>If yes</b> , then the offer must be declined in accordance with the minimum accountabilities	
17. Is there a legitimate business benefit to the organisation, public sector or State for accepting the offer? (Yes / No) For example: a) Was it offered during the course of your official duties? b) Does it relate to your official responsibilities? c) Does it have a benefit to the organisation, public sector or State? <b>If no</b> , then the offer must be declined	



Individual to complete	
<p><b>If yes</b>, then the business benefit must be detailed, in accordance with the minimum accountabilities</p>	
<p>18. Is the offer an official or ceremonial gift provided when conducting business with official delegates or representatives from:</p> <ul style="list-style-type: none"> <li>a) another organisation;</li> <li>b) the community; or</li> <li>c) a foreign government? (Yes / No)</li> </ul> <p><b>If yes</b>, please provide details</p>	
<p>19. I accepted the offer <b>YES / NO</b> Please circle answer</p>	<p>Signature Date</p>
Manager or organisational delegate to complete	
1. Name	
2. Position (e.g. Director)	
3. Unit / Division (e.g. Safety & Culture)	
4. Relationship to employee	
<i>Complete if individual declined offer</i>	
5. I have reviewed this declaration form and submitted it for inclusion on the organisation's gifts, benefits and hospitality register	<p>Signature:</p> <p>Date:</p>
<i>Complete if individual accepted offer</i>	
6. I have reviewed this declaration form and, confirm that, to my knowledge, accepting this offer:	<p>Signature:</p> <p>Date:</p>
<ul style="list-style-type: none"> <li>a) does not raise an actual, potential or perceived conflict of interest for the individual or myself; <b>and</b></li> <li>b) will not bring the individual, myself, the organisation or the public sector into disrepute; <b>and</b></li> <li>c) will provide a clear business benefit to the organisation, the public sector or the State</li> </ul>	
<p>7. Record the decision about ownership of the gift; for example did the employee:</p> <ul style="list-style-type: none"> <li>a) retain the gift;</li> <li>b) accept an official or ceremonial gift on behalf of the organisation</li> <li>c) transfer ownership of the gift to the organisation;</li> <li>d) return the gift to the donor; or</li> <li>e) donate the gift to charity?</li> </ul>	

# Attachment 3 Glossary

## Business associate

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

## Benefits

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

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

## Ceremonial gifts

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

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

## Conflict of interest

Conflicts may be:

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

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

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

## Gifts

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

## Hospitality

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

### Legitimate business benefit

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

### Public official

Public official has the same meaning as section 4 of the *Public Administration Act 2004* and includes, public sector employees, statutory office holders and directors of public entities.

### Public register

A public register is a record, preferably digital, of a subset of the information contained in a register, for publication as required by the minimum accountabilities. Guidance regarding the information that should be published is provided in the 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 and non-token offers

Unlike the minimum accountabilities (see Attachment 1) VGCCC does not make the distinction between token (offers under \$50) and non-token offers (offers \$50 or over). All offers which are not exempt are required to be declared. Offers under \$50 do not need approval whilst offers over \$50 require approval.