



Title	Gifts, Benefits and Hospitality Policy
Type of policy	Corporate Services
Policy Owner	General Manager Corporate Services
Approving Body	FSPL Board
Last reviewed	6 February 2018

1. Purpose

This policy states Fed Square Pty Ltd's (FSPL) position on:

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

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

FSPL has issued this policy to support behavior consistent with the FSPL *Code of conduct for employees* (the Code). All employees are required to comply with this policy.

2. Application

This policy applies to all workplace participants. For the purpose of this policy, this includes: directors, executives, individuals, contractors¹, consultants and any individuals or groups undertaking activity for or on behalf of FSPL.

3. Policy 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 (see section 4 below).

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

Public interest: 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: 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.

¹ Contractors and consultants are only bound by the code if explicitly required by their contract for services.

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: FSPL, 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

The Victorian Public Sector Commission has set binding minimum accountabilities for the appropriate management of gifts, benefit and hospitality. These can be found at Schedule A.

5. Definitions

Business associate

An external individual or entity which the organisation has, or plans to establish, some form of business relationship, or who may seek commercial or other advantage by offering gifts, benefits or hospitality.

Benefits

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

Conflicts of interest

Actual conflict of interest:

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

Potential conflict of interest:

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 conflict of interest:

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

Gifts

are free or discounted items and any item 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) and consumables (e.g. chocolates). Fundraising by public sector organisations that is consistent with relevant legislation and any government policy is not prohibited under the minimum accountabilities.

FSPL Delegate

is the General Manager – Corporate Services. The FSPL delegate:

- establishes and regularly reviews policies and processes to respond to the giving and receiving of gifts, benefits and hospitality.
- promulgates and establishes awareness of and compliance with gifts, benefits and hospitality policies from all employees of the organisation.
- reinforces to all employees of the company that a breach of gifts, benefits and hospitality policies could constitute a breach of binding codes of conduct and result in disciplinary action.
- ensures that records are kept of gifts, benefits and hospitality of more than token value and that such records are subject to regular scrutiny, including review by the organisation's audit committee.
- provides such reports as are necessary to complete the required attestations

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

gifts, benefits and hospitality accepted or provided for a business purpose, in that it furthers the conduct of official business or other legitimate goals of the organisation, public sector or State.

Public official

has the same meaning as under section 4 of the *Public Administration Act 2004*. This includes:

- public sector employees;
- statutory office holders; and
- directors of public entities.

Register

is a record, preferably electronic, of all declarable gifts, benefits and hospitality. It records the date an offer was made and by whom, the nature of the offer, its estimated

value, the raising of any actual, potential or perceived conflicts of interest or reputational risks and how the offer was managed. For accepted offers, it details the business reason for acceptance and the officer approving the acceptance.

Token offer

is an offer of a gift, benefit or hospitality that is offered as a courtesy or is of inconsequential or trivial value to both the person making the offer and the individual.

Whilst the primary determinant of a token offer is that it would not be reasonably perceived within or outside the organisation as influencing an individual or raising an actual, potential or perceived conflict of interest, it cannot be worth more than \$50 (including cumulative offers from the same source over a 12 month period).

Non-token offer

is an offer of 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.

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 FSPL's delegate.

Token offers

A token offer is an offer of a gift, benefit or hospitality that is of inconsequential or trivial value to both the person making the offer and the individual. It may include promotional items such as pens and note pads, and modest hospitality which would be considered a basic courtesy, such as light refreshments offered during a meeting.

Whilst the primary determinant of a token offer is that it would not be reasonably perceived within or outside the organisation as influencing an individual raising an actual, potential or perceived conflict of interest, it cannot be worth more than \$50. If token offers are made often by the same person or organisation, the cumulative value of the offers, or the perception that they may influence the recipient, may result in the offers becoming non-token.

Individuals may accept token offers of gifts, benefits and hospitality without approval or declaring the offer on FSPL register.

Unless otherwise approved by the FSPL Delegate or CEO in accordance with this policy, individuals are to refuse all offers:

- made by a current or prospective supplier where there is no business benefit, except
 - where the offer is of token value, such as sandwiches over a lunchtime meeting,
 - or

- the offer is made by another State Government agency and there is no conflict of interest.
- made during a procurement or tender process by a person or organisation involved in the process.

Requirement for refusing non-token offers

Unless otherwise approved by the FSPL Delegate or CEO in accordance with this policy, individuals are to refuse non-token offers:

- likely to influence them, or be perceived to influence them, in the course of their duties or raise an actual, potential or perceived conflict of interest;
- by a person or organisation about which they will likely make a decision (also applies to processes involving grants, sponsorship, leasing or licensing);
- likely to be a bribe or inducement to make a decision or act in a particular way;
- that extend to their relatives or friends;
- with no legitimate business benefit;
- of money, or used in a similar way to money, or something easily converted to money;
- where, in relation to hospitality and events, the organisation will already be sufficiently represented to meet its business needs;
- where acceptance could be perceived as endorsement of a product or service, or acceptance would unfairly advantage the sponsor in future procurement decisions;
- made by a person or organisation with a primary purpose to lobby Ministers, Members of Parliament or public sector agencies; and
- made in secret.

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

Individuals should consider the GIFT test at **Table 1** and the requirements below to help respond to a non-token offer.

Table 1. GIFT test

G	Giver	<p>Who is providing the gift, benefit or hospitality and what is their relationship to me?</p> <p>Does my role require me to select contractors, award grants, negotiate leases, sponsorships or events, regulate industries or determine FSPL's policies? Could the person or organisation benefit from a decision I make?</p>
I	Influence	<p>Are they seeking to gain an advantage or influence my decisions or actions?</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 endorse a product or service?</p>
F	Favour	<p>Are they seeking a favour in return for the gift, benefit or hospitality?</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>
T	Trust	<p>Would accepting the gift, benefit or hospitality diminish public trust?</p> <p>How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family, friends or associates think?</p>

Requirements for accepting non-token offers

There will be some exceptions where there is a legitimate business reason for accepting a non-token offer. All accepted non-token offers **must** be approved in writing by the FSPL delegate, recorded in the gifts, benefits and hospitality register and be consistent with the following requirements:

- it is for hospitality for a cost not greater than \$100 or function attendance (but not cultural or sporting events or activities) and provides a stakeholder engagement or networking opportunity or benefit to FSPL, or
- it does not raise an actual, potential or perceived conflict of interest or have the potential to bring the individual, FSPL or the public sector into disrepute (the 'GIFT' test at **Table 1** is a good reminder of what to think about in making this assessment); 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 FSPL, public sector or the State.

Individuals may be offered a gift or hospitality where there is no opportunity to seek written approval 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 within five business days.

If unsure about how to respond to an offer of a gift, benefit or hospitality of more than token value, seek advice from the FSPL delegate.

Recording non-token offers of gifts, benefits and hospitality

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

All declined non-token offers to Directors or CEO irrespective of value and all declined non-token offers to staff with a value exceeding \$100 must be recorded in the register.

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

Unacceptable: "Networking"

"Maintaining stakeholder relationships"

Acceptable: "Individual is responsible for evaluating and reporting outcomes of FSPL's sponsorship of Event A. Individual attended Event A in an official capacity and reported back to FSPL 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, written approval was subsequently obtained for the gift, which became FSPL's property."

All non-token offer recipients MUST complete a 'Gift Declaration' as depicted in Schedule B as soon as reasonably practicable after being offered or receiving a non-token gift. This declaration is available on the intranet at Resources & Publications / Forms & Templates / Administration / Gift Declaration.

The declaration should be forwarded to the FSPL delegate who will determine the appropriateness of the gift before recording the details on the corporate Gifts Register. At this point the recipient of the gift will be advised on the appropriate course of action.

FSPL's Finance & 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 FSPL'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.

Ownership of gifts offered to individuals

Non-token gifts accepted by an individual for their work or contribution may be retained by the individual where FSPL's delegate has provided written approval. Employees must transfer to FSPL official gifts or any gift of cultural significance or significant value (over \$50).

7. Ambassadorial roles

Fed Square Pty Ltd acknowledges Directors, and in some cases staff, are encouraged to attend functions and events in an ambassadorial role to represent the company.

In such cases Fed Square Pty Ltd has determined the risk from such attendance as low and, subject to the completion and approval of the prescribed declaration, attendance at such functions and events may be accepted and is not considered a breach of this policy.

Sponsor functions

Attendance at sponsor functions promotes the sponsor relationship and contributes a legitimate business benefit and may be accepted by staff, again subject to completion and approval of the prescribed declaration.

External events register

Attendance at events in ambassadorial capacity and attendance at sponsor functions does not constitute a gift or benefit under this policy. However, such attendance still requires completion of the prescribed declaration for recording on the External events register.

The External events register will be reviewed by the Finance and Audit Committee in conjunction with the quarterly review of the Gifts and Benefits register. It will not be publicly available on the FSPL website.

8. Management of the provision of gifts, benefits and hospitality

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

Requirements for providing gifts, benefits and hospitality

Gifts, benefits and hospitality may be provided to welcome guests, facilitate the development of business relationships, further public sector business outcomes and to celebrate achievements.

When deciding whether to provide gifts, benefits or hospitality or the type of gift, benefit or hospitality to provide, individuals must ensure:

- any gift, benefit or hospitality is provided for a business reason in that it furthers the conduct of official business or other legitimate organisational goals, or promotes and supports FSPL's policy objectives and priorities;
- that any costs are proportionate to the benefits obtained for FSPL, and would be considered reasonable in terms of community expectations (the 'HOST' test at **Table 2** is a good reminder of what to think about in making this assessment); and
- it does not raise an actual, potential or perceived conflict of interest.

Table 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 FSPL's 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?

Containing costs

Individuals should contain costs involved in the provision of gifts, benefits and hospitality wherever possible. The following questions may be useful to assist individuals to decide 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?
- Will providing the gift, benefit or hospitality be viewed by the public as excessive?

9. 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*)
- FSPL's Conflict of interest policy
- *Public Administration Act 2004*
- Code of conduct for Victorian public sector employees 2015
- Code of conduct for Directors of Victorian public entities 2016

- Victorian Public Sector Commission's *Gifts, benefits and hospitality policy framework*.

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 FSPL's Conflict of interest policy.

Actions inconsistent with this policy may constitute misconduct, which includes:

- breaches of the binding FSPL *Code of conduct*, 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 General Manager – Corporate Services.

FSPL 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 FSPL may not have been declared or is not being appropriately managed should speak up and notify the General Manager – Corporate Services or CEO.

FSPL 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 the acceptance or provision of a gift, benefit or hospitality, or the application of this policy, should ask the General Manager – Corporate Services for advice.

Schedule A

Minimum accountabilities

Public officials offered gifts, benefits and hospitality:

1. Do not, for themselves or others, seek or solicit gifts, benefits and hospitality.
2. Refuse all offers of gifts, benefits and hospitality that:
 - are money, items used in a similar way to money, or items easily converted to money;
 - give rise to an actual, potential or perceived conflict of interest;
 - may adversely affect their standing as a public official or which may bring their public sector employer or the public sector into disrepute; 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 the FSPL delegate to accept any non-token offer.
4. Refuse bribes or inducements and report inducements and bribery attempts to the FSPL delegate or CEO (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. The published register should cover the current and the previous financial year. Establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality that comprehensively address these minimum accountabilities.



Schedule B

This declaration form supports the FSPL's Gifts, benefits and hospitality policy. Employees must declare all non-token offers of gifts, benefits and hospitality (whether accepted or declined) on and seek written approval from the FSPL delegate to accept any non-token offer.

Individual to complete	
1. Declaration date	
2. Name	
<i>Details of the gift, benefit or hospitality</i>	
3. Date offered	
4. Describe the gift, benefit or hospitality offered	
5. Estimated or actual value	
6. Offered by (name of individual/organisation making the offer)	
7. Is the person or entity making the offer a business associate of the organisation (Y/N)? 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.	
8. Reason for making the offer	
9. Would accepting the offer: a) create an actual potential or perceived conflict of interest exist (Y/N); or b) bring you, the organisation or the public sector into disrepute (Y/N)? (If either is answered YES, then the offer must be declined in accordance with the minimum accountabilities)	<i>Detail of conflict of interest:</i>
10. Is there a legitimate business benefit to the organisation, public sector or State for accepting the offer, i.e. does it meet the following: a) it was offered during the course of the your official duties (Y/N); and b) it relates to your official responsibilities (Y/N); and c) it has a benefit to the organisation, public sector or State (Y/N). (If NO then offer must be declined, and if YES then the business benefit must be detailed, in accordance with the minimum accountabilities).	<i>Detail of business benefit:</i>
11. I accepted the offer YES / NO	<i>Signature</i> <i>Date</i>

FSPL delegate to complete	
Complete if individual declined offer	
1. I have reviewed this declaration form and submitted it for inclusion on the organisation's gifts, benefits and hospitality register.	Signature: Date:
Complete if individual accepted offer	
2. I have reviewed this declaration form and, confirm that, to my knowledge, accepting this offer: a) does not raise an actual, potential or perceived conflict of interest for the individual or myself; and b) will not bring the individual, myself, the organisation or the public sector into disrepute; and c) will provide a clear business benefit to the organisation, the public sector or the State.	Signature: Date:
3. Detail decision regarding ownership of tangible offers (e.g. specify whether employee retained gift; transferred to organisation's ownership; returned to offeror; donated to charity etc.)	
<i>Completed form to be submitted for inclusion on the organisation's gifts, benefits and hospitality register.</i>	