

Gifts, Benefits and Hospitality Policy



Last Amendment: August 2018

Review Date: **February 2021**

Approved by: Company Secretary

Next Review: February 2024

Table of Contents

POLICY OVERVIEW	2
1 Policy Statement	2
2 Summary	2
3 Scope	2
POLICY PRINCIPLES	3
4 Introduction	3
5 AVS Registry of Gifts	3
6 Employee Responsibilities	3
7 Manager Responsibilities	4
8 Chief Executive Officer Responsibilities	4
9 Favourable Treatment	4
10 Token Offers	4
11 Protocol Gifts	5
12 Thank-You Gifts	5
13 Gifts in Advance	5
14 Substantial Gifts	5
15 Hospitality	5
16 Staff Updates	6
17 Overseas Travel and Conference Attendance	6
18 Related Documents	6
19 Policy Review & Approval	6

POLICY OVERVIEW

1 Policy Statement

Trust in public institutions lies at the heart of good government. AVS staff are expected to display values that uphold the public's trust in government. This includes behaving in an ethical and proper manner and being open and transparent. Central to upholding a high standard of integrity and accountability is the expectation that AVS staff are not unduly influenced, or perceived to be influenced, by their relationships with non-AVS persons or organisations.

This Acceptance and Giving of Gifts, Benefits and Hospitality (GBH) Policy outlines AVS' policy and procedures for managing situations where offers of a GBH are made by a non-AVS person or organisation or given to a non-AVS person or organisation. It is designed to support:

- AVS staff in their responsibility to only accept an offer of GBH or give a GBH where it can be demonstrated to be in the public interest and does not create the perception of a conflict of interest or could raise a perception of, or actual, bias or preferential treatment
- managers to develop and maintain processes and appropriate documentation to ensure that full and proper consideration is given to the management and reporting of all offers and giving of GBH.

This policy reinforces the values of impartiality, accountability and integrity outlined in the Code and the Public Sector Values and Employment Principles specified in the Public Administration Act 2004 (Vic).

2 Summary

Employees should not seek, accept or give gifts, benefits or hospitality (GBH) for services performed in connection with their official duties where it could reasonably be construed that the gift, benefit or hospitality was designed to provide the donor with an unfair business/commercial advantage.

3 Scope

This policy applies to all AVS employees and is based on the VPS Code of Conduct. All persons subject to this policy will be referred to as "employees".

It also applies to agency on-hire staff and contractors who the Victorian Public Sector Commissioner has specifically identified as being bound by the Code of Conduct for Victorian Public Sector Employees 2015 (the Code). These people include those who:

- supervise AVS employees, or
- undertake work that is of a similar nature to the work undertaken by AVS employees at premises or a location generally regarded as a AVS workplace, or
- use or have access to AVS resources or information that are not normally accessible or available to the public.

All AVS policies are intended to be consistent with comparable DJPR policies and any conflicts are to be reported to the Company Secretary who in turn will refer these matters to the Board for consideration.

POLICY PRINCIPLES

4 Introduction

Employees should not seek, accept or give gifts, benefits or hospitality for services performed in connection with official duties. This could include gifts of free accommodation, travel or entertainment vouchers offered to employees or their family members.

The general principle for employees is not to seek or accept gifts or favours from anyone who could benefit from such influence.

In forming this policy AVS role as a commercialisation entity is recognised and, in line with common and accepted contemporary business practices, it is recognised that employees may be called upon to accept hospitality to facilitate the conduct of AVS business. However, in doing so a high degree of prudence and stringency is to be exhibited by the employee when accepting corporate hospitality.

5 AVS Registry of Gifts

AVS will establish a file to be held by the Company Secretary titled "AVS Registry of Gifts". This file is to be used to record details of gifts (other than Token Gifts) offered and received as well as other behaviours considered potentially inappropriate. The register is to be reviewed on an annual basis by the ARMC.

The following details are recorded in the register:

- Recipient's name
- Donor's name and organisation
- Location of the gift
- Description of the gift and estimated value
- Date, time and place of offer
- Decision taken on the gift (accept/decline)
- Details of CEO's approval

Employees should use the GIFT test (available from AVS' Company Secretary) when deciding whether to accept or decline a gift, benefit or hospitality. If there is still any doubt following this test, consultation must occur with the relevant manager or Company Secretary.

The AVS Register of Gifts will be updated on the AVS website once approved by the ARMC.

6 Employee Responsibilities

AVS employee responsibilities are described below.

These responsibilities are issued in accordance with the Victorian Public Sector Commission guidelines, AVS employees must:

- 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 the AVS register and seek written approval from a line manager where accepted.

- 4) Refuse bribes or inducements and report inducements and bribery attempts to the Company Secretary (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).

7 Manager Responsibilities

AVS Managers are responsible for ensuring all AVS employees are aware of the policy, and that support and guidance is provided to those AVS staff who receive an offer of GBH.

8 Chief Executive Officer Responsibilities

In accordance with Victorian Public Sector Commission guidelines, the Chief Executive Officer must:

- 1) Establish, implement and review the AVS GBH policy and procedures for the effective management of gifts, benefits and hospitality that comprehensively address the minimum accountabilities as set out by the VPSC.
- 2) Establish and maintain a register for gifts, benefits and hospitality offered to employees that, at a minimum, records sufficient information to effectively monitor, assess and report on these minimum accountabilities.
- 3) Communicate and make clear within the organisation that a breach of the GBH policy and procedures may constitute criminal or corrupt conduct, and may result in disciplinary action.
- 4) Communicate the GBH policy position to business associates on the offering of gifts, benefits and hospitality to AVS employees, including possible consequences for a business associate acting contrary to AVS's policy position. This must take into consideration any whole-of-Victorian Government supplier codes of conduct.
- 5) Report at least annually to the AVS ARMC on the administration and quality control of its gifts, benefits and hospitality policy, procedures and register. This report must include analysis of the AVS'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.
- 6) Publish the AVS gifts, benefits and hospitality policy and register on the AVS public website. The published register should cover the current and the previous financial year.

9 Favourable Treatment

Employees should not seek or accept favours or gifts from anyone who could benefit by influencing them.

Employees are obliged to report to the Company Secretary any circumstance (except where the gift is deemed to be a token) where an offer of a benefit or gift is made. This is so regardless of whether the gift or favour is accepted or not and especially if it is felt that the circumstances involve an attempt to induce favoured treatment.

10 Token Offers

There are occasions when an employee might receive a token offer (e.g. flowers, souvenirs) as a genuine thank you for advice or assistance received.

The employee can accept token offers extended as a genuine gesture of gratitude for effort already received.

Token offers, for the purpose of this instruction, are considered to be gifts valued less than \$50.

In some instances gifts of low value may not be considered token because of their potential to create a conflict of interest. In these instances, the gift should be politely declined. The only exceptions to this position are:

- a) Protocol Gifts,
- b) certain Thank You Gifts;
- c) certain conference and seminar attendance;

- d) where there are strong business reasons in the public interest to accept.

Offers of any amount of money or items easily converted to money such as shares are not considered token and must be declined.

Token offers do not normally require recording on the Gift Register, however there may be some instances which should be recorded such as instances of numerous token offers from the same provider. If in doubt, the employee should seek advice from their manager or from the Company Secretary.

As a general rule, all offers should be made known to the staff member's manager, and any acceptance done in an open and transparent manner.

11 Protocol Gifts

The gifting of items to AVS employees by third parties is commonly done as part of the culture and practices of communities, and governments, both within Australia and internationally. Such gifts are referred to as Protocol Gifts. AVS employees must be sensitive to those cultures and practices and be prepared to accept Protocol Gifts in a courteous and appreciative manner. The exchange of gifts is a practice that should be anticipated.

The acceptance of Protocol Gifts is exempt from the requirement to have a business reason as required by this policy. However, all Protocol Gifts of \$50 or more in value must be registered on the GBH Register.

All Protocol Gifts, irrespective of value, become the property of AVS, to be retained by the recipient or otherwise used, displayed, stored or disposed as decided by their manager.

12 Thank-You Gifts

AVS employees who speak at conferences, seminars or other similar forums may be offered a gift in appreciation of their contribution. Such offers are normally done in public and may be accepted in a courteous and appreciative manner.

Any such gift of \$50 or more in value must be registered on the GBH Register.

All Thank-You Gifts, irrespective of value, become the property of AVS, to be retained by the recipient or otherwise used, displayed, stored or disposed as decided by their manager.

13 Gifts in Advance

Where gifts are tendered 'in advance' they should be politely declined and the offer registered in the Registry of Gifts. The details should then be forwarded to the AVS Company Secretary.

14 Substantial Gifts

Where a gift is of a more substantial nature, offered in whatever circumstance, the employee should politely decline the gift. In such situations, the Company Secretary should be advised of the offer and its details recorded in the Registry of Gifts.

Guidance on any additional registration and management requirements of gifts individually valued in excess of \$5,000 should be sought from the Company Secretary.

15 Hospitality

The provision of hospitality is a common and accepted business practice often arranged to facilitate the conduct of business. It does however need to be recognised that certain businesses may attempt to gain benefit by subtle influence, through invitation to corporate or sponsorship events. These events generally have a number of common aspects:

- The invitation will generally revolve around attendance at a sporting or arts event.
- The invitation is usually issued by an organisation that currently supplies or is seeking to become a supplier to AVS.
- The invitation generally centres on food, alcohol and entertainment and may include the provision of a

gift.

- Participation is usually premised on the basis that attendance will facilitate better relationships and provide a social setting to foster networking.

Staff in a position to influence decision making in the procurement of goods and services that may involve the hospitality sponsor must consider any conflict of interest and receive approval from the CEO. Employees may, subject to approval, attend such hospitality events where they are in the normal course of conducting AVS business. In all cases employees must:

- Be alert to any attempts by the hospitality provider to gain influence or favoured treatment.
- Make it clear to the hospitality provider that favoured treatment will not be provided as a result of the event.
- Not accept any invitation to a hospitality event when a tender is open or a contract under negotiation with the hospitality provider.
- Ensure that AVS standard terms of business are not in any way modified to affect a particular client who has provided corporate hospitality.

The Company Secretary must register all invitations accepted by AVS employees in the Registry of Gifts.

16 Staff Updates

The CFO will conduct an annual refresher and update to all staff in January each year.

The CFO will meet with all new starters and advise them on the GBH policy.

17 Overseas Travel and Conference Attendance

An invitation to attend or present a paper at an overseas conference or seminar may not be accepted until the CEO (or in the case of the CEO, the AVS Board) has given preliminary approval.

Employees must ensure that there is no conflict of interest in accepting funds from the sponsoring organisation.

Employees must also ensure that there is no commitment on their behalf to the sponsor other than to attend/present a paper to the conference.

18 Related Documents

- VPS Code of Conduct
- VPSC Minimum Requirements for the Management of GBH
- AVS GBH Register
- AVS Conflict of Interest Policy
- AVS Fraud & Corruption Policy
- AVS Protected Disclosure Policy
- AVS Appropriate Workplace Behaviours Policy
- AVS Onboarding Procedure

19 Policy Review & Approval

This policy is reviewed in accordance with the requirements of the AVS Policy Development Review & Approval Policy.

This policy is a Category A Policy and reviews are approved by the AVS Board.