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#### Museums Victoria Policy Statement

**Gifts, Benefits, Hospitality and Attendance Policy**

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| Policy Register Number | DOC/18/9353 |
| Date of Approval | 03 April 2025 |
| Responsible Executive  Policy Owner | Chief Financial Officer (Director Corporate Services)  Head, Strategic Information and Compliance |
| Review Cycle | Annually |
| Date of Next Review | 03 April 2026 |

1. **Policy Objective/Intent**

This policy states Museums Victoria’s position for employees and Non-Staff in relation to:

* responding to offers of Gifts, Benefits and Hospitality
* providing Gifts, Benefits or Hospitality; and
* attending Official Business Events.

This policy is intended to support all Museums Victoria employees and Non-Staff and Museums Victoria to avoid Conflicts of Interest and maintain high levels of integrity and public trust.

Museums Victoria has issued this policy to support behaviour consistent with the *Code of Conduct for Victorian Public Sector Employees* (the Code). All Museums Victoria employees and Non-Staff are required under clause 1.2 of the Code to comply with this policy.

This policy has been developed in accordance with requirements outlined in the minimum accountabilities for managing Gifts, Benefits and Hospitality in the Victorian public sector issued by the Victorian Public Sector Commission (see Appendix C).

1. **Policy Statement**

Museums Victoria employees and Non-Staff must exercise considerable care in accepting any offer of a Gift, Benefit or Hospitality as it could suggest that they are open to being influenced in their public duty, thereby undermining the perception of their and Museums Victoria’s integrity.

The default position in relation to offers of Gifts, Benefits and Hospitality is to politely decline and say ‘’thanks is enough’. The only exceptions to this position are:

* Token Offers, mementos, small Gifts (e.g. flowers, chocolates, office stationery, bottle of wine) and modest Hospitality, where refusal would cause embarrassment or offence
* Official and certain Thank You Gifts
* Certain conference and seminar attendance
* Where there are strong business reasons in the public interest to accept.

All event attendance and Hospitality acceptance must be work-related, and strong business reasons for acceptance in the public interest must be capable of being demonstrated, if the decision is made to accept these offers.

Museums Victoria will adopt a risk management approach in relation to Gifts, Benefits and Hospitality and Official Business Events and act in accordance with the *Code of Conduct for Victorian Public Sector Employees* and Museums Victoria’s Values.

Gifts and donations offered to Museums Victoria as a standalone entity, for example a cash or in-kind contribution, are addressed in the Fundraising and Philanthropy Policy which is consistent with relevant law, government policy andthe *Code of Conduct for Victorian Public Sector Employees* and the *Code of Conduct for Directors of Victorian Public Entities*.

Individual Fundraising undertaken in a private capacity is acceptable, as long as it is clearly undertaken in a private capacity. No organisational funding may be used to carry out or contribute to any individual fundraisers.

This policy applies to Gifts, Benefits or Hospitality offered to individuals, which may include Official Gifts, accepted by individuals, on behalf of Museums Victoria.

1. **Key Policy Principles**

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

3.1 **Impartiality**

Employees and Non-Staff 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. Employees and Non-Staff do not accept offers from those about whom they are likely to make business decisions. Appendix A, the GIFT test, provides considerations in determining whether to accept or decline a Gift.

3.2 **Accountability**

Employees and Non-Staff are accountable for:

* declaring all Non-Token Offers of Gifts, Benefits and Hospitality valued at $50 or more;
* 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.

Employees 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 and providing guidance about Gifts, Benefits and Hospitality and Attendance at Official Business Events policies and processes.

3.3 **Integrity**

Employees and Non-Staff 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.

3.4 **Risk-based approach**

Museums Victoria, through its policies, processes and Audit and Risk Committee, will ensure Gifts, Benefits and Hospitality risks are appropriately assessed and managed. The annual Gifts, Benefits and Hospitality and Attendance at Official Business Events Registers will be submitted to the Audit and Risk Committee annually, providing information about the administration and quality control of the gifts, benefits and hospitality policy, processes and register. The report will address gifts, benefits and hospitality risks (including multiple offers from the same source and offers from Business Associates), risk mitigation measures and any proposed improvements.

A public version of the Gifts, Benefits and Hospitality Register will be published on the Museums Victoria website.

Employees with direct reports will ensure that 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. If a Non-Token Offer is accepted, the relevant divisional director is responsible for determining the appropriate course of action for managing the offer. The relevant divisional directors must approve all declarations following endorsement by the relevant Manager.

Employees and Non-Staff will:

* seek advice from a department head or divisional director if unsure about how to respond to an offer of Gifts, Benefits or Hospitality.
* speak up if they consider that Gifts, Benefits and Hospitality or Conflict of Interest within Museums Victoria may not have been declared or is not being appropriately managed and notify their manager or the Chief Financial Officer (Director Corporate Services).

**Management of offers of Gifts, Benefits, and Hospitality**

3.5 When deciding whether to accept an offer, Employees and Non-Staff 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.

3.6 Employees and Non-Staff are to refuse all 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;
* that could bring them, Museums Victoria 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;

The only exception is that you can accept an offer if it is:

* Token Hospitality (a basic courtesy)
* A learning opportunity, such as a webinar, and all of the following apply:
  + - * + It is relevant to your work duties
        + It has a legitimate business reason (Benefit)
        + It is free for all attendees
        + The covering or discounting of additional costs (travel, accommodation) is not included in the offer
        + It is consistent with community expectations
* 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; or
* made in secret.

3.7 Employees and Non-Staff may generally accept Token Offers without approval or declaring the offer on Museums Victoria‘s Gifts, Benefit and Hospitality Register, as long as the offer does not create a Conflict of Interest or lead to reputational damage.

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.

3.8 Employees and Non-Staff can only accept Non-Token Offers if they have a legitimate business benefit. All accepted Non-Token Offers must be endorsed by the individual’s manager or delegate, approved by the relevant divisional director, declared 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, Museums Victoria 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 Museums Victoria, public sector or the State.

3.9 Employees and Non-Staff 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 endorsement from their manager and approval by the relevant divisional director within five business days.

3.10 If the Gift would likely bring an individual or the organisation into disrepute, the organisation should return the Gift. If it represents a Conflict of Interest for an individual, the organisation should either return the Gift or transfer ownership to the organisation to mitigate this risk.

3.11 Gifts, Benefits or Hospitality offered to a family member of an employee because of their position at Museums Victoria must be treated as though they have been offered to the Museums Victoria employee.

3.12 A fringe Benefit may arise if an offer of a Gift, Benefit and/or Hospitality is accepted that is offered under an agreement between a third party and Museums Victoria, as the employer of the individual. Guidance on the application of Fringe Benefit Tax to the acceptance of Gifts, Benefits and Hospitality should be sought from the Head of Finance.

Declaring Non-Token offers of Gifts, Benefits and Hospitality

3.13 All Non-Token Offers, valued at $50 or more, whether accepted or declined, must be recorded in Museums Victoria’s Gifts, Benefits and Hospitality Register by completing the Gifts, Benefits, Hospitality Declaration. This includes where several offers are made from one person or organisation and, when combined, are valued at $50 or more.

The business reason for accepting the Non-Token Offer must be recorded in the Register with sufficient detail to link the acceptance to the Worker’s work functions and Benefit to Museums Victoria, public sector or State.

Ownership of Gifts offered to Workers

3.14 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 Museums Victoria into disrepute, and where their manager or delegate has provided written approval.

3.15 Where possible, Gifts will be shared with other employees or kept on Museums Victoria premises.

3.16 Employees and Non-Staff must not accept tips. Visitors who offer a tip should be advised of our donation web page or tap-points or collection boxes located in our Museums.

3.17 Individuals must transfer ownership to Museums Victoria Official Gifts or any gift of cultural significance or significant value. In some cases, the decision may be to donate a Gift, including a speaker fee, to charity.

3.18 Where an individual accrues a Benefit from an activity where they are representing Museums Victoria (e.g. speaker’s fee, financial grant, door prize), this Benefit belongs to Museums Victoria and must be recorded on the Register.

**Repeat offers**

3.19 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 an individual. Workers should refuse repeat offers from the same source if they could reasonably be seen as adding up to a Conflict of Interest or may lead to reputational damage.

If multiple offers are made from one person or organisation and, when combined, are Valued at $50 or more, these offers must be declared on the Register, whether accepted or declined.

Official Gifts

3.20 Official gifts are those provided as part of business with official delegates or representatives of a community group, organisation or government. Official Gifts also include items with cultural, ceremonial, religious, historic, or other significance.. Official Gifts are the property of Museums Victoria, irrespective of value, and should be accepted by individuals on behalf of Museums Victoria. The receipt of Official Gifts will be recorded on Museums Victoria’s Gifts, Benefits and Hospitality Register, whether accepted or declined. Museums Victoria will decide what to do with official items according to the nature of the item and our policies.

This may include giving the Official Gift to an individual if it was given specifically in recognition of work or contribution, and provided that:

* it is the express wish of the giver
* it benefits Museums Victoria’s relationship with the giver
* it is appropriate given the significance and value of the item
* it would be consistent with community expectations
* it is unlikely to bring you or Museums Victoria into disrepute, and
* the Manager, or, depending on the Gift, an appropriately senior delegate gives written approval.

**Offers to our organisation**

3.21 Sometimes offers are made to our organisation itself. For example, offers of equipment. In deciding whether to accept such an offer, Museums Victoria will consider the offers that must be refused (3.6), in particular, scrutinising:

* the people or organisation making the offer
* the nature and circumstances of the offer
* the level of public Benefit if the offer is accepted.

Museums Victoria will reject any offer that is not consistent with community expectations.

If an offer is made to provide Museums Victoria with a Benefit like discounts, free tickets, sometimes Museums Victoria may decide to accept the offer for reward and recognition purposes, taking into account the offers that must be refused (3.6) and any other relevant requirements of this policy.

As required, MV will issue a non-token declaration on behalf of all or some of our employees, contractors and volunteers. This may be a multi-employee refusal or acceptance, depending on the offer.

Donations or gifts given on our organisation’s behalf

3.22 Sometimes an individual or organisation that has a relationship Museums Victoria may seek to donate or Gift to a third party, like a charity, in our name or on our behalf. This may happen without seeking prior approval from us or giving us any opportunity to accept or refuse the Gift or donation. Museums Victoria will assess risks and formally approve such an arrangement. Where a Gift or donation has been made without prior approval, that Gift or donation will be listed on the Gifts, Benefits and Hospitality Register, noting there was no opportunity to accept or refuse.

Hospitality provided by Victorian public sector organisations

3.23 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 (see Appendix C).

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 Museums Victoria’s functions and objectives and with the individual’s role.

Official Business Events

3.24 Many core business activities of Museums Victoria involve employees and Non-Staff receiving invitations to attend Official Business Events. Official Business Events are events where the reason for attendance is consistent with Museums Victoria’s organisational goals and supports our strategic directions and is consistent with the roles of the Workers attending. Attendance at these events is acceptable.

* 1. Attendance may be required for any of the below listed reasons:
* Relationship management: business leveraging, including pursuing grant, Fundraising and sponsorship activities
* Sector knowledge
* State functions, events and travel
* Professional development

Excluded from Official Business Events are activities for which Museums Victoria has paid attendance fees, including through membership fees, and those which appear to be limited to Hospitality or personal Benefit such as: private breakfasts, dinners, lunches, Christmas functions, golf days, comedy nights, etc. Individuals should decline Benefits or Hospitality where there is no public Benefit in attending private functions in an official capacity.

3.26 Employees and Non-Staff must seek endorsement from their line manager and approval from their divisional director to attend Official Business Events and register attendance in Museums Victoria’s Events Attendance Register. There is no requirement to register events where individuals receive an invitation but elect not to attend.

**Conference, Seminar and Webinar Attendance**

3.27Employees and Non-Staff may only accept free or discounted professional development opportunities where there is a legitimate business reason, attendance meets community expectations and any risk of Conflict of Interest can be appropriately managed. Individuals must refuse the offer it it is made by a person, group or organisation whose primary purpose is to lobby ministers, members of parliament or public sector agencies.

3.28 Employees and Non-Staff who have been approved to present at a conference or seminar or perform other official roles at the event may accept funded or sponsored travel, accommodation and / or registration as part of their agreement with the event organiser. Offers from persons or organisations other than the event organiser must be considered carefully to ensure that there is no Conflict of Interest, for example if travel is provided by a third party sponsor.

3.29 Employees and Non-Staff who are attending a conference or seminar as a participant must not accept sponsored travel, accommodation and / or registration. An exception may occur where attendance is part of an intra- or inter-government arrangement. Acceptance of these offers must be approved by the Chief Executive Officer and Director.

3.30 If an employee or Non-Staff is offered an invitation to an event which they believe they should attend, but doing so would conflict with this policy, they should not accept the offer, and instead pay for their attendance.

3.31 All offers Valued at $50 or more must be registered in the Gifts, Benefits and Hospitality Register.

3.32 In some cases, when attending conferences or undertaking fieldwork, Museums Victoria employees and Non-Staff may accept offers of private accommodation and Hospitality from colleagues in these locations. It is not necessary to register these offers on the Gifts, Benefits and Hospitality Register.

Management of the provision of Gifts, Benefits and Hospitality

3.33 Gifts, Benefits and Hospitality may be provided for a business reason. There must be a legitimate business benefit that furthers the conduct of official business or other legitimate goals of our organisation, the public sector or the State. Some examples of legitimate business reasons are: to welcome guests, facilitate the development of business relationships, further business outcomes and to celebrate achievements. Museums Victoria related Gifts are provided, rather than purchasing from external sources. Before providing an Official Gift, Museums Victoria will make reasonable enquiries to ensure it is appropriate. Approval of provision of Gifts and Hospitality must be in line with the Gifts and Hospitality Expenses procedure. Approval of the provision of alcoholic beverages must be endorsed by the Chief Financial Officer (Director Corporate Services) and approved by the Chief Executive Officer and Director.

The HOST test at Appendix B is helpful when deciding whether to provide Hospitality or Gifts to staff or stakeholders.

3.34 When deciding whether to provide Gifts, Benefits or Hospitality, or the type of Gift, Benefit or Hospitality to provide, employees must ensure:

* that 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
* that it does not raise any actual, potential or perceived Conflict of Interest.
* when Hospitality is provided, individuals representing Museums Victoria will behave professionally, and uphold their duty of care to other participants. If alcohol is provided, consideration will be made to minimise the associated risks
* Hospitality expenditure is recorded and reported in accordance with financial probity and reporting requirements.

3.35 Employees and Non-Staff should only attend functions if they can advance Museum business by their presence and in line with the principle of aiming to minimise the number of staff attendees at any event. The final composition is at the discretion of the Chief Executive Officer and Director and Divisional Directors and dependent on the purpose of the function.

**Breaches**

3.36 If an individual thinks they have breached this policy, they must notify their manager immediately. This enables Museums Victoria to assess how best to mitigate the risk. Museums Victoria will respond to alleged breaches of this policy consistent with the Code of Conduct for Victorian Public Sector Employees, this policy and any other obligations that may apply. Our response will be fair, reasonable and proportionate.

3.37 A finding of misconduct may amount to a breach of the Code of Conduct for Victorian Public Sector Employees, and will be investigated as outlined in the Staff Enterprise Agreement. Serious misconduct can result in termination of employment. 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 Museums Victoria’s Conflict of Interest Policy.

3.38 If an employee or Non-Staff considers they have been offered a bribe or inducement, the offer must be reported to the Chief Executive Officer and Director, who will report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission.

3.39 Museums Victoria 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.

**Speak Up**

3.40 Individuals who consider that Gifts, Benefits and Hospitality or Conflict of Interest within Museums Victoria may not have been declared or is not being appropriately managed should speak up and notify their manager or the Chief Financial Officer (Director Corporate Services).

3.41 Employees and Non-Staff who believe they have observed corrupt or improper conduct may also make a complaint directly to the Independent Broad-based Anti-corruption Commission (IBAC) or the Victorian Ombudsman. Sometimes this will be treated as a public interest disclosure.

3.42 Museums Victoria will actively support and protect employees and Non-Staff who speak up in good faith and respond in a constructive manner to the information provided. Museums Victoria will take decisive action, including possible disciplinary action, against individuals who discriminate against or victimise those who speak up in good faith.

**Contacts for further information**

3.43 A Conflict of Interest resulting from the acceptance of a Gift, Benefit or Hospitality may not always be clear. Employees and Non-Staff who are unsure about a possible Conflict of Interest, or the application of this policy, may contact the Head, Strategic Information and Compliance for advice.

1. **Key Definitions**
   1. ‘Bribes’ are money or other inducements, given or promised to corruptly influence an individual in the performance of their role. Bribery of a public official is an offence punishable by a maximum of ten years imprisonment.
   2. ‘Business Associates’ are an individual or body that Museums Victoria 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.
   3. ‘Official Gifts’ are provided as part of the culture and practices of communities and government, within Australia or internationally. Official gifts are usually provided when conducting business with official delegates or representatives from another organisation, community or foreign government. Official 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.
   4. ‘Conflicts of Interest’ occur when a Worker’s private interests conflict with their public duty. Workers have a duty to always resolve a conflict in the public interest, not their own. This may mean that they decline a Gift or transfer the Gift to their employer’s ownership, if this is identified as being in the public interest.

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| 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. |

* 1. Fundraising is raising money in a way that occurs under the Fundraising and Philanthropy Policy and is consistent with relevant law, government policy and the *Code of Conduct for Victorian Public Sector Employees* and the *Code of Conduct for Directors of Victorian Public Entities*
  2. Gifts, Benefits and Hospitality’ are free or heavily discounted items, intangible Benefits or Hospitality exceeding common courtesy that are offered to Museums Victoria Workers in association with their work.

‘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).

‘Benefits’ – includes preferential treatment, privileged access, favours or other advantage offered - includes offers of club membership, invitations to industry, sporting, cultural or social events, which are not Official Business Events, access to discounts and loyalty programs, sponsored travel and accommodation, 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.

‘Hospitality’ is the friendly reception and entertainment of guests, ranging from light refreshment at a business meeting or seminar / conference, to expensive restaurant meals, and sponsored travel and accommodation.

Offers that are made up of a combination of the above should be defined by the component that it is the dominant purpose of the offer.

Offers of a Gift at any time, including offers made when attending an event, should be separately registered (if required) on all occasions.

* 1. ‘Gifts, Benefits and Hospitality Declaration’ is the online form used to declare Reportable gifts. It is available through the Museums Victoria intranet: Musenet.
  2. ‘Gifts, Benefits and Hospitality Register’ is a register of Reportable Gifts, Benefits or Hospitality. It records the date of offer, information about the donor and recipient, the nature of the Gift, Benefit or Hospitality, its estimated Value and how it was handled (i.e. declined or accepted (with evidence of line manager endorsement and divisional director approval). The Register is maintained by the Head, Strategic Information and Compliance and is used for auditing, reporting and attestation purposes. The Audit and Risk Committee will review the Gifts, Benefits and Hospitality Register at least annually to ensure there is no evidence of attempts to improperly influence the decisions or actions taken by Museums Victoria.
  3. ‘Official Business Event’: Museums Victoria’s business activities span programs and projects that require Workers to interact extensively with the private and public sectors in the pursuit of Museums Victoria’s strategic objectives. Museums Victoria’s Workers may be invited to attend ticketed public events, which commonly form part of a program of activity, and may occur inside or outside normal business hours. These include events where the organiser is providing Museums Victoria with a specified number of tickets or passes as part of their agreement with Museums Victoria for the event’s conduct.

Excluded from Official Business Events are activities for which Museums Victoria has paid attendance fees, including through membership fees, and those which appear to be limited to Hospitality or personal Benefit such as: private breakfasts, dinners, lunches, Christmas functions, golf days, comedy nights, etc.

4.10 ‘Non-Staff’ means volunteers, contractors, students, Curators Emeritus and Honorary Associates.

4.11 ‘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 the gift, benefit and hospitality register

4.12 ‘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.

4.13 Reportable Gifts, Benefits or Hospitality’ is one of significant Value (defined as being at or above an estimated $50) that is accepted or declined. Two or more offers less than $50 may be considered a Reportable Gift, Benefit or Hospitality if the same person makes similar offers to more than one person in the same area of the organisation, or to the same person over a 12 month period – it is incumbent upon the Worker and their line manager to monitor this and report accordingly. Gifts, Benefits or Hospitality of less than $50 are considered as being of nominal Value. A person, or their manager, can register Gifts, Benefits or Hospitality of any Value on the Gifts, Benefits or Hospitality Register.

4.14 ‘Value’ is the estimated or actual Value in Australian dollars. The threshold of $50 for registration purposes applies in both Australia and overseas. It is to be calculated on a per person basis.

1. **Related Policies**

* Conflict of Interest Policy
* Corporate Partnerships Policy
* Financial Management Policy (Code of Practice)
* Fraud and Corruption Control Policy
* Fundraising and Philanthropy Policy
* Procurement Policy
* Risk Management Policy

1. **Associated Documents, Guidelines and Procedures**

* Attendance at Official Business Events Procedure
* Code of Conduct for Directors of Victorian Public Entities
* Code of Conduct for Victorian Public Sector Employees
* Gifts and Hospitality Expenses Procedure
* Integrity Framework
* Standing Directions of the Minister for Finance 2018 under *the Financial Management Act 1994*.
* Museums Victoria Staff Enterprise Agreement 2020
* Museums Victoria Values
* Victorian Government Supplier Code of Conduct
* Victorian Public Sector Gifts, Benefits and Hospitality Policy Framework (Victorian Public Sector Commission)

1. **Legislation**

* *Crimes Act 1958* (Vic.)
* *Financial Management Act 1994* (Vic.)
* *Independent Broad-based Anti-Corruption Commission Act 2011* (Vic.)
* *Public Administration Act 2004* (Vic.)
* *Public Interest Disclosures Act 2012* (Vic.)

**Appendix A:**

The G I F T test in the following Table outlines the considerations in determining whether to accept or decline a gift. If in doubt, ask your Manager.

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

**Appendix B:**

**HOST test**

The HOST test in the following table is helpful when deciding whether to provide Hospitality or gifts to staff or stakeholders. Take the HOST test and if in doubt, ask your Manager.

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| **H** | Hospitality | To whom is the Gift or Hospitality being provided?  Will recipients be external Business Associates, our workers, or a mixture of both? |
| **O** | Objectives | What is the business reason for providing the hospitality?  Will it further the conduct of official business?  Will it promote and support government policy objectives and priorities?  Will it contribute to staff wellbeing and workplace satisfaction? |
| **S** | Spend | Will the costs incurred be proportionate to the Benefits obtained?  What type of Hospitality will be provided?  Will the Hospitality be modest or expensive?  If alcohol is to be provided, why? Would it be a courtesy or an indulgence?  Is an external venue necessary or can Museums Victoria host the event?  Is the catering or Hospitality proportionate to the number of attendees?  Does the size of the event and number of attendees align with the intended outcomes?  If a Gift is to be given, is it symbolic rather than financial in value? |
| **T** | Trust | Will public trust be enhanced or diminished?  Will the Gift, Benefit or Hospitality be proportionate to public expectations or seen as excessive?  Is there a Conflict of Interest?  Could you publicly explain the rationale for providing the Gift, Benefit 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 andrecording procedures? |

**Appendix C:**

**Minimum accountabilities for managing gifts, benefits and hospitality in the Victorian public sector**

Receiving offers of gifts, benefits and hospitality:

You must not solicit (seek) any t gift, benefits and hospitality, for yourself or others, if the offer could reasonably be seen as connected to your employment.

You must always refuse a gift, benefit or hospitality (token or not token) if any of the following apply:

* If it is money, used in a similar way to money, or easily converted to money;
* If it gives rise to a conflict of interest (actual, potential or perceived). This means you must refuse the offer if it could influence, or reasonably be seen to influence, how you perform your public duties
* If it could compromise the public’s trust that you will perform your public duties in an impartial manner or the public’s trust in the impartiality of your organisation or the public sector if it is not consistent with community expectations.
* If it could reasonably be seen as a bribe or other inducement. Report the offer to the CEO and Director who will report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission (IBAC).
* Even if the offer complies with all the other requirements above, you must refuse a non-token offer unless there is a legitimate Business reason to accept it. The offer must further the conduct of official business or other legitimate goas of your organisation, the public sector or the State.

If you receive a non-token offer (valued at $50 or more[[1]](#footnote-1)), you must:

* Declare the offer in writing, even if you refuse it
* Always refuse the offer unless it complies with point 2 and you have approval as set out in this policy.
* The offer and outcome will be recorded on the MV official internal register and in the public register.

Providing gifts, benefits and hospitality:

You must ensure that any gift, benefit and hospitality (token or non-token) you provide on behalf of your organisation 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.

You must ensure that the cost of providing a gift, benefit or hospitality is:

* proportionate to the benefits obtained for the State would be considered reasonable in terms of community expectations you must ensure that you do not provide a gift, benefit or hospitality, unless:
* no conflict of interest exists (actual, potential or perceived), or
* you declare a conflict and your organisation develops a management plan that explicitly allows you to provide it.

You must ensure that when hospitality is provided, participants:

* demonstrate professionalism in their conduct
* uphold their obligation to extend a duty of care to other participants.

Additional Obligations for heads of public sector organisations:

As the head of a public sector organisation, in addition to the other minimum accountabilities, you must also comply with the following requirements.

You must model good practice and foster a culture of integrity.

You must establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality.

Your organisation’s policy must comprehensively address these minimum accountabilities.

You must ensure that the requirements in your organisation’s gifts, benefits and hospitality policy are at least as strong as those in the minimum accountabilities.

The Victorian Public Sector Commission (VPSC) recommends that your organisation

* adopts the gifts benefits and hospitality model policy and model forms published by the VPSC
* where appropriate, adapt them to take into account your organisation’s functions and any requirements in the establishing documentation.

You must ensure that your organisation’s policy and procedures require the organisation to:

* actively support and protect employees who speak up in good faith about a possible breach of the policy
* take decisive action, including possible disciplinary action, against anyone who discriminates against or victimises an employee who speaks up in good faith
* respond is a constructive manner to the information provided.

You must ensure that your organisations’ policy and related processes are communicated effectively to employees. This includes communicating that a breach of the policy may constitute a breach of a binding code of conduct and, where appropriate, may result in disciplinary action. In some circumstances, a breach may constitute criminal or corrupt conduct.

You must ensure that a clear policy position is established and communicated to business associates on the offering of gifts, benefits and hospitality to employees, including the possible repercussions for a business associate acting contrary to the organisation’s policy position

The information provided to (potential) suppliers should include:

* what constitutes a gift, benefit or hospitality
* the organisation’s policy
* that the organisation discourages the making of offers
* any whole of Victorian Government supplier codes of conduct

You must 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 internal register.

This report must include a copy of the internal register, 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.

You must ensure that an official internal register of non-token gifts, benefits and hospitality offered to employees is established and maintained.

At a minimum, the register must record sufficient information to:

* effectively monitor, assess and report on the minimum accountabilities,
* meet the information requirements for the public register

You must ensure that the following documents are available to the public:

* your organisation’s gifts, benefit and hospitality policy
* the public register of Reportable gift offers received.

If your organisation has an external website the policy and public register must be published on it. If no public website exists, other reasonable arrangements must be made to ensure the information is available to the public.

The public register should cover the previous financial year and be published within four months of each new financial year.

The public register must at a minimum contain the following reportable information:

* all non-token offers, whether they were accepted or not
* the date each non-token offer was made
* the position of the recipient
* the position and organisation of the person making each offer
* where possible, whether the offeror is a business associate of the organisation
* a description of each offer and its value
* whether the offer was accepted or declined.
* if accepted, the business reason for doing so.

1. [↑](#footnote-ref-1)