

# **Breakthrough Victoria**

**Gifts, Benefits and Hospitality Policy**

**November 2022**

## Document Control

Policy Management Details	
<b>Title and version number</b>	Gifts, Benefits & Hospitality Policy
<b>Owner</b>	Operations – Risk and Compliance
<b>Approved by</b>	Board
<b>Approval date</b>	11 November 2022
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Version Control	Date	Summary of Changes
V 1.0	April 2022	Policy adapted from DPC equivalent
V 2.0	23 August 2022	Ownership changes to Operations – Risk & Compliance Inclusion of governance, Authorised Delegates, compliance responsibility, reporting and accountability clauses Inclusion of gifts, benefits, & hospitality register
V 3.0	09 May 2023	Inclusion of Provision of GBH Decision Tree

## Gifts, Benefits and Hospitality Policy

### 1. Purpose

The Gifts, Benefits, Hospitality Policy (the policy) sets out Breakthrough Victoria's requirements on:

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

The purpose of the policy is intended to support all Breakthrough Victoria personnel to avoid conflicts of interest and maintain high levels of integrity and public trust.

Breakthrough Victoria has issued this policy to support behavior consistent with the *Code of Conduct for Victorian Public Sector Employees which is binding under sec 61 of the Public Administration Act 2004*, and/or the *Code of Conduct for Directors of Victorian Public Entities* (the Code). All employees are required under clause 1.2 of the Code to comply with this policy.

### 2. Application

This policy applies to all workplace participants. For the purpose of this policy, this includes board members, executive directors, employees, contractors<sup>1</sup>, consultants and any individuals or groups undertaking work activity for or on behalf of Breakthrough Victoria. The Policy refers to these cohorts of people collectively as 'Personnel'.

### 3. Governance

#### Policy Authority

The Policy is issued under the delegated authority of the Executive Director, Operations (Authorised Delegate) of Breakthrough Victoria. Compliance with the Policy is a requirement for all personnel. Breakthrough Victoria and its personnel must also comply with *the Minister for Finance Standing Directions 2018, and its associated instructions, which have legal force under the Financial Management Act 1994*.

The Policy is underpinned by the integrity and impartiality values and principles specified in *the Public Administration Act 2004, the Code of Conduct for Victorian Public Sector Employees, and the Code of Conduct for Directors of Victorian Public Entities*.

This policy has been developed in accordance with requirements outlined in *the minimum accountabilities for the management of gifts, benefits and hospitality under the Instructions supporting the Standing Directions of the Minister for Finance 2018, issued by the Victorian Public Sector Commission* (see Appendix A).

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<sup>1</sup> Note the application of clause 1.4 of the Code of conduct for Victorian public sector employees to the engagement of contractors and consultants. Contractors and consultants are only bound by the code if explicitly required by their contract for services.

## Policy Principles

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

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

**Accountability** – Breakthrough Victoria personnel 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.

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

**Integrity** – Personnel will 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.

Personnel will refuse any offer that may lead to an actual, perceived, or potential conflict of interest.

**Risk-based approach** – Breakthrough Victoria, through its policies, processes and the Risk, Audit and Finance Committee, will ensure gifts, benefits, and hospitality risks are appropriately assessed, managed, and reported. 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. Authorised Delegates

Under the Policy, nominated personnel will fulfill the responsibility of Authorised Delegates (Figure 1). The Authorised Delegates are responsible for considering and approving or declining personnel's acceptance decisions of the gifts, benefits, and hospitality offered or received. Authorised Delegates responsibilities are non-delegable. In approving a personnel's proposed acceptance decision, the Authorised Delegate is confirming that the offer:

- will provide a Legitimate Business Benefit to Breakthrough Victoria.
- does not raise a Conflict of Interest.
- is not from an investment proponent, supplier, contractor, or organisation about whom the recipient or Authorised Delegate makes business decisions, as these must be refused.
- will not bring the personnel, Breakthrough Victoria, or the public sector into disrepute.
- complies with the Policy.

Figure 1. Authorised Delegate (non-delegable)

Recipient	Authorised Delegate
•Staff and contractors	•Line Manager/Director
•Line Managers/Directors	•Group Executive Directors
•Group Executive Directors	•Chief Executive Officer
•Chief Executive Officer	•Board Chair
•Board Directors	•Board Chair
•Board Chair	•FARC Chair

For declined offers, personnel must ensure Authorised Delegates are notified of submitted declarations but are not required to make an approval decision. All declined offers must still be recorded in the Gifts, Benefits and Hospitality register.

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

This section sets out the process for accepting, declining, and recording offers of gifts, benefits, and hospitality. Any exceptions to this process must have the prior written approval of the relevant Authorised Delegate.

### Conflict of interest and reputational risks

When deciding whether to accept an offer, personnel should first consider if the offer could be perceived as influencing them in performing their duties or lead to reputational damage. The more valuable the offer, the more likely that a conflict of interest or reputational risk exists.

Figure 2. GIFT test

<b>G</b>	<b>Giver</b>	<p><b>Who is providing the gift, benefit, or hospitality and what is their relationship to me?</b></p> <p>Does my role require me to select 'investment proponents', contractors, suppliers, approve investments, or determine government policies? Could the person or organisation benefit from a decision I make?</p>
<b>I</b>	<b>Influence</b>	<p><b>Are they seeking to gain an advantage or influence my decisions or actions?</b></p> <p>Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy or a token of appreciation or a valuable non-token offer? Does its timing coincide with a decision I am about to make?</p>
<b>F</b>	<b>Favour</b>	<p><b>Are they seeking a favour in return for the gift, benefit, or hospitality?</b></p> <p>Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months?</p> <p>Would accepting it create an obligation to return a favour?</p>

**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?

### Requirement for refusing offers

Personnel should consider the GIFT test at Figure 2 and the requirements below to help decide whether to refuse an offer. Personnel 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, Breakthrough Victoria, or the public sector into disrepute.
- made by a person or organisation about which they will likely make or influence a decision, particularly offers:
  - made by a current or prospective contractor or supplier.
  - made during a procurement or tender process by a person or organisation involved in the process.
  - processing, evaluation, and approval of ‘investment proponents’; or
  - recruitment or hiring personnel.
- 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 an equivalent 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.

If an employee considers they have been offered a bribe or inducement, the offer must be reported to the Operations group, Risk & Compliance team who may be required to report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-Corruption Commission.

### Accepting Token offers

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

The minimum accountabilities state that all offers in excess of \$50 in value are considered non-token offers.

Individuals may generally accept token offers without approval or declaring the offer on the Breakthrough Victoria gifts, benefits, and hospitality register, as long as the offer does not create a conflict of interest or lead to reputational damage.

### Accepting Non-token offers

Individuals can only accept non-token offers if they have a *Legitimate Business Benefit*. All accepted non-token offers must be approved in writing by the individual's manager or the Authorised Delegate, declared via the gifts, benefits, and hospitality form and sent to the Operations group, Risk & Compliance team, 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 personnel, Breakthrough Victoria, or the public sector into disrepute; and
- there is a legitimate business reason for acceptance.
- it is offered during the individual's official duties, relates to the individual's responsibilities, and has a benefit to Breakthrough Victoria, public sector, or the State.

Personnel may be offered a gift or hospitality where there is no opportunity to seek written approval from their manager prior to accepting. For example, they may be offered a wrapped gift that they later identify as being a non-token gift. In these cases, the individual must seek approval from their manager *within five business days*.

Where the gift would likely bring an individual or Breakthrough Victoria into disrepute, the gift must be returned to the 'Donor'. If it represents a conflict of interest for an individual, the gift must be returned, or ownership transferred to Breakthrough Victoria to mitigate this risk.

### Sponsored Travel Offers

Sponsored Travel should be declined unless a legitimate business benefit for acceptance can be demonstrated and that no Conflict of Interest or improper influence will result from acceptance.

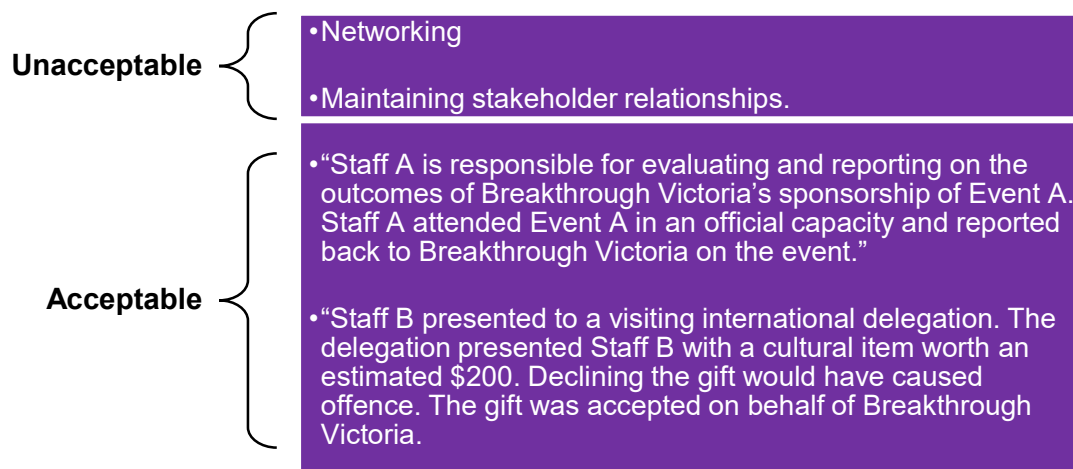
All offers of Sponsored Travel from suppliers, potential 'investment proponents' or organisations about whom an individual makes business decisions must be refused. If travel is in the public interest, Breakthrough Victoria should consider paying for the travel, accommodation, and associated costs in full.

Personnel should be careful not to accept any Sponsored Travel offer where this could be perceived as endorsing an organisation or product. Guidance on the management of travel can be found in the Breakthrough Victoria Travel Policy.

### Declaring non-token offers of gifts, benefits, and hospitality

All non-token offers, whether accepted or declined, must be declared by personnel via the *Gifts, Benefits, and Hospitality Form*, (Appendix B) to the Operations group, Risk and Compliance team and subsequently recorded in *the Breakthrough Victoria gifts, benefits and hospitality register* by the Risk & Compliance team (Appendix C). The business reason for accepting the non-token offer must be recorded in the register with sufficient detail to link the acceptance to the personnel's work functions and benefit to Breakthrough Victoria, public sector, or State.

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



Access to the register is restricted to relevant persons within Breakthrough Victoria.

### Ownership of gifts offered to personnel

Non-token gifts with a legitimate business benefit that have been accepted by personnel for their work or contribution may be retained by the individual where the gift is not likely to bring them or Breakthrough Victoria into disrepute, and where their manager or Authorised Delegate has provided written approval.

Employees must transfer to Breakthrough Victoria official gifts or any gift of cultural significance or significant value.

### Repeat offers

Receiving multiple offers (token or non-token) from the same person or organisation can generate a stronger perception that the person or organisation could influence personnel. Individuals should refuse repeat offers from the same source if they create a conflict of interest or may lead to reputational damage.

### 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 Breakthrough Victoria, irrespective of value, and should only be accepted by individuals on behalf of Breakthrough Victoria. The receipt of ceremonial gifts should be recorded on Breakthrough Victoria’s register, but this information does not need to be published online.

### Privacy

Regardless of whether offers are accepted or declined, personnel should inform donors that:

- Breakthrough Victoria is required to publish non-token offers in the register and report.
- Personal information will be de-identified.
- For accepted offers from organisations, business names will be published.
- For declined offers from organisations, organisational categories will be published.



## 6. 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 by personnel 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, personnel 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 Breakthrough Victoria and would be considered reasonable in terms of community expectations (the ‘HOST’ test at Figure 3 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.
- Any gift should be of a Token value, unless otherwise approved by a financial delegate. All purchases need to be made in accordance with Breakthrough Victoria’s Credit Card Policy and Breakthrough Victoria’s Procurement Policy.
- If an event or meeting is going to extend over usual mealtimes, it is acceptable to provide modest hospitality such as tea, coffee, and a light meal. This type of hospitality has a low cost per head, is in line with community expectations, and may be required by personnel employment provisions.

The HOST test is a good reminder of what to think about when deciding whether to offer hospitality or gifts to staff or stakeholders:

**Figure 3. HOST test**

<b>H</b>	<b>Hospitality</b>	<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>	<b>Objectives</b>	<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>	<b>Spend</b>	<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>	<b>Trust</b>	<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>

### Providing gifts and hospitality to non-personnel

Authorised officers may provide gifts and hospitality to non-personnel i.e., external guests, for legitimate business purposes. Any gift provided should be Token, i.e., under \$50.

### Providing gifts and hospitality to personnel

On occasions, Breakthrough Victoria may wish to recognise significant personnel achievements and provide Token gifts as part of a reward and recognition event or acknowledging length of service milestones and/or retirements.

A Token gift, such as a card and/or flowers, may be sent to family members in case of a personnel member's death.

Personnel must seek approval from the Authorised Delegate when issuing non-Token gifts to staff that are funded by public monies.

Gifts given for other occasions in celebration of events such as birthdays, marriages or the birth of children must not be funded using public monies. Funds sourced from 'staff collections' do not constitute public monies.

All purchases need to be made per Breakthrough Victoria's Credit Card Policy or Breakthrough Victoria's Procurement Policy.

### Catering for personnel

The authorising officer must determine if a catered function for personnel would be considered reasonable public expenditure by the general community.

### Catering for business meetings

The provision of working meals should normally occur at an ordinary Breakthrough Victoria group or team meeting location. Working meals may be provided when:

- there are organisational efficiencies in continuing the meeting through the normal meal break.
- there is no reasonable alternative date and time to conduct the meeting except through a normal meal period.
- it is warranted by Breakthrough Victoria branch or departmental timetables.

- it is necessary to accommodate the schedules of external invitees.

### Provision of alcohol

Financial delegates must only supply alcohol at an official event in accordance with the Occupational Health and Safety Act 2004, the Liquor Control Reform Act 1998, and the Code of Conduct.

Personnel must not be impaired by alcohol while working or while otherwise at a Breakthrough Victoria group or team event or location. If the Breakthrough Victoria group or team hosts an event where alcohol will be served, the express authorisation of the Authorised Delegate is required.

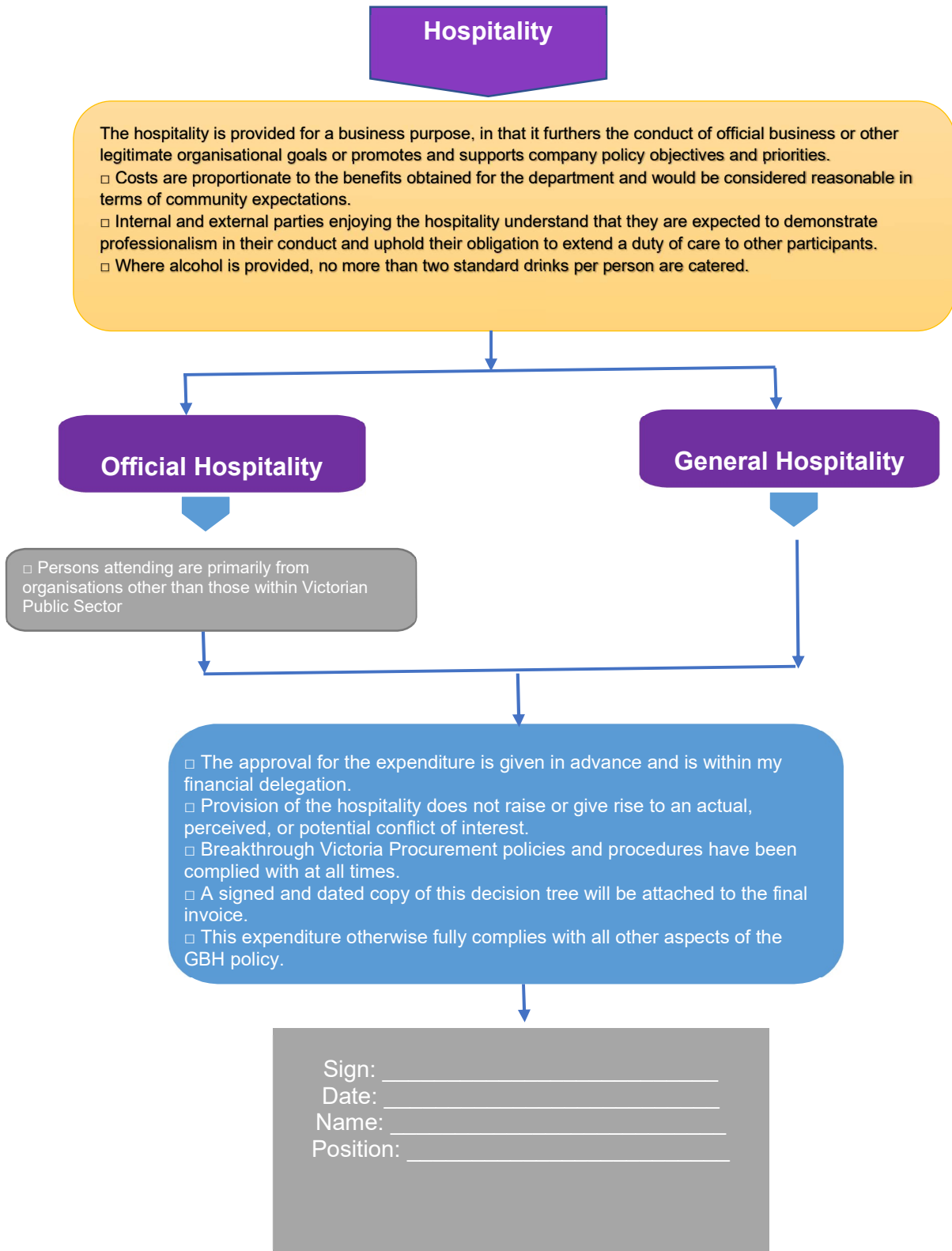
### Containing costs

Individuals should contain costs involved with providing gifts, benefits, and hospitality wherever possible, and should comply with the financial probity and efficient use of resources guidance outlined in the *Code of Conduct for Victorian Public Sector Employees*, *Code of Conduct for Victorian Public Sector Employees of Special Bodies and/or the Code of Conduct for Directors of Public Entities*. The following questions may be useful to assist individuals to decide on the type of gift, benefit, or hospitality to provide:

- Will the cost of providing the gift, benefit or hospitality be proportionate to the potential benefits?
- Is an external venue necessary or does the organisation have facilities to host the event?
- Is the proposed catering or hospitality proportionate to the number of attendees?
- Does the size of the event and number of attendees align with intended outcomes?
- Is the gift symbolic, rather than financial, in value?
- Will providing the gift, benefit or hospitality be viewed by the public as excessive?
- Does the cost of providing the gift, benefit, or hospitality comply with Breakthrough Victoria's Credit Card Policy?
- Is the cost of providing the gift, benefit, or hospitality within the individuals financial authorisation limit?
- Does the cost of providing the gift, benefit, or hospitality meet Breakthrough Victoria's Expense Reimbursement Policy (provision of alcohol, claimable/non-claimable work expense)?

## Provision of GBH Decision Tree

This decision tree needs to be completed for provision of hospitality above \$1000 (incl GST). For expenditures below \$1000 (incl GST), this decision tree is to assist departmental persons to make the decisions in relation to the appropriateness of the expenditure.



## 7. Compliance Responsibilities

### Policy compliance responsibilities (Three Lines of Defence)

Responsibility for compliance with the Policy is based on the Three Lines of Defence model.

The first line of defence is Breakthrough Victoria's departmental personnel responsible for making decisions about gifts, benefits, and hospitality, whether offered or provided.

The second line of defence is the responsibility of the Policy owner (Operations group, Risk & Compliance team). This group implements and manages Breakthrough Victoria's second line of defence controls for received or provided offers of gifts, benefits, and hospitality, in tandem with the Finance team, which has an overarching responsibility for financial management compliance controls.

The Operations group, Risk & Compliance team has the following responsibilities with respect to gifts, benefits, and hospitality:

- Develop, review, and maintain the Policy.
- Capture and make available where relevant, authoritative information about offered gifts, benefits, and hospitality, including bi-annual reports provided to the Risk, Audit and Finance Committee.
- Provide consultancy support to personnel.
- Represent Breakthrough Victoria at whole of government meetings and forums in relation to gifts, benefits and hospitality policy and administration.
- Implement and manage second line of defence controls.
- Maintain the online public Gifts, Benefits and Hospitality Register.

The third line of defence is provided by Breakthrough Victoria appointed internal auditors and external audit and assurance entities.

### Risk, Audit and Finance Committee (RAFC)

In accordance with its terms of reference, the RAFC is responsible for Policy compliance monitoring and oversight across Breakthrough Victoria.

### Quarterly Compliance Attestation

Compliance with the Policy will be evidenced through the 'quarterly gifts, benefits, and hospitality attestation', and register of GBH offers received and provided returned by each branch to the Operations group, Risk & Compliance team each quarter (Sept, Dec, March, June) of each year.

### Speak up

Personnel who consider that gifts, benefits and hospitality or conflict of interest within Breakthrough Victoria may not have been declared or is not being appropriately managed should speak up and notify their line manager/Director or the Operations group, Risk & Compliance team.

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

## 8. Non-Compliance

Non-compliance with the Policy may constitute a breach of:

- *Public Administration Act 2004 in relation to misconduct.*
- *Directors' Code of Conduct under the Public Administration Act 2004.*
- *Victorian Public Sector Code of Conduct.*
- *Personnel making improper use of their position.*

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 Breakthrough Victoria's Conflict of Interest Policy.

For further information on managing breaches of this policy, please contact the Operations group, Risk & Compliance team.

Breakthrough 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.

## 9. Reporting

### Quarterly RAFC Reporting

Breakthrough Victoria is required to provide the current register and prepare quarterly reports to the Risk, Audit and Finance Committee (RAFC) on the administration and quality control of the Policy, processes, and register. These reports include an analysis of risks, including repeat offers from the same source and offers from business associates, risk mitigation measures and any proposed improvements.

### Online Reporting

Breakthrough Victoria is required to publish its Gifts, Benefits and Hospitality Register on its website annually. The published register should cover the current and previous financial year. The register must be reviewed by the RAFC prior to publication.

## 10. Freedom of Information

Gifts, benefits, and hospitality are subject to Freedom of Information (FOI) requests made under the Freedom of Information Act 1982, and parliamentary questions. Disclosure of identifying information will be determined on a case-by-case basis in line with FOI requirements.

## 11. Record Keeping

Breakthrough Victoria has record keeping obligations which help to ensure transparency and accountability. These include obligations under the Public Records Act 1973, and the Financial Management Act 1994 to ensure that public funds are appropriately authorised and incurred in accordance with business needs and captured in financial records.

## 12. 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).*

- *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.*
- Breakthrough Victoria Risk Management Policy and Framework.
- Breakthrough Victoria Procurement Contract Management Policy.
- Breakthrough Victoria Conflict of Interest Policy.
- Breakthrough Victoria Code of Conduct for Board and Employees.
- Breakthrough Victoria Directors Code of Conduct.
- Breakthrough Victoria Fraud Corruption & Other Losses Policy.
- Breakthrough Victoria Procurement Supplier Engagement Policy.
- Breakthrough Victoria Corporate Card Policy.
- Breakthrough Victoria Travel Policy & Procedures

### 13. Version and Review

The Policy is managed and maintained by the Operations group, Risk & Compliance team and will be reviewed routinely to ensure it is fit-for-purpose and achieves its stated aims.

Amendments may be made to the Policy with the approval of the Executive Director, Operations and RAFC Chair with final approval by Breakthrough Victoria Board.

### 14. Glossary

Term	Definition
<b>Authorised Delegate</b>	Nominated Personnel assigned the responsibility to consider and approve proposed acceptance decisions within declarations of gift, benefit and hospitality offers. Authorised Delegates’ responsibilities are non-delegable.
<b>Business Associate, Proponent, or Funding Partner</b>	An individual or entity that Breakthrough 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.
<b>Benefits</b>	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.
<b>Ceremonial gifts</b>	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

	<p>conducting business with official delegates or representatives from another organisation, community, or foreign government.</p> <p>Ceremonial gifts are the property of Breakthrough Victoria, irrespective of value, and should be accepted by individuals on behalf of Breakthrough Victoria. The receipt of ceremonial gifts should be recorded on the register but does not need to be published online.</p>
<b>Conflict of interest</b>	<p><i>Conflicts may be:</i></p> <p><b>Actual:</b> There is a <u>real conflict</u> between an employee’s public duties and private interests.</p> <p><b>Potential:</b> An employee has private interests that <u>could conflict</u> 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.</p> <p><b>Perceived:</b> The public or a third party could reasonably <u>form the view</u> that an employee’s private interests could improperly influence their decisions or actions, now or in the future.</p>
<b>Days</b>	Days in this Policy are working days. School holidays are not counted as working day.
<b>Declaration</b>	The documented disclosure of an offer and the Recipient’s decision, which includes all pertinent details to enable the Authorised Delegate to assess the Recipient’s decision.
<b>Gifts</b>	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.
<b>Hospitality</b>	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.
<b>Legitimate business benefit</b>	A gift, benefit or hospitality may have a legitimate business benefit if it furthers the conduct of official business or other legitimate goals of Breakthrough Victoria, the public sector, or the State.
<b>Personnel</b>	Breakthrough Victoria employees, CEO, Executive Directors, and contractors.
<b>Procurement</b>	Procurement refers to all the business processes associated with purchasing goods and services under the Financial Management Act 1994, spanning the entire lifespan from the



	identification of needs to the end of a service contract or the end of the useful life and subsequent disposal of an asset. It also includes the organisational and governance frameworks that underpin the procurement function.
<b>Public Sector</b>	As defined within the Public Administration Act 2004 and comprises the public service, public entities, and special bodies.
<b>Public official</b>	Public official has the same meaning as section 4 of the <i>Public Administration Act 2004</i> and includes, public sector employees, statutory office holders and directors of public entities.
<b>Public register</b>	A public register is a record, 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.
<b>Register</b>	A register is a record, of all declarable gifts, benefits, and hospitality. Guidance regarding the information that should be recorded is provided in the Policy Guide.
<b>Token offer</b>	A token offer is a gift, benefit or hospitality that is of inconsequential or trivial value to both the person making the offer and the recipient (such as basic courtesy). The minimum accountabilities state that token offers cannot be worth more than \$50.
<b>Non-token offer</b>	A non-token offer is a gift, benefit or hospitality that is, or may be perceived to be by the recipient, the person making the offer or by the wider community, of more than inconsequential value. All offers worth more than \$50 are non-token offers and must be recorded on the Breakthrough Victoria gift, benefit, and hospitality register.
<b>Sponsored Travel</b>	Sponsored travel is an offer to fund, wholly, or in part, personnel's travel, and other work-related costs. This includes sponsored transport, accommodation, meals, conferences, and industry tours. Sponsored Travel should be declined unless a Legitimate Business Benefit for acceptance can be demonstrated.
<b>Transfer</b>	The passing of possession or control of a non-token gift to Breakthrough Victoria.

## 15. 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. Personnel who are unsure about accepting a gift, benefit or hospitality, or the application of this policy, should ask their line manager/Director or the Operations group, Risk & Compliance team for advice.

## APPENDIX A: MINIMUM ACCOUNTABILITIES

### Breakthrough Victoria personnel offered gifts, benefits, and hospitality:

1. Do not, for themselves or others, seek or solicit gifts, benefits, and hospitality.
2. Refuse all offers of gifts, benefits, and hospitality that:
  - are money, items used in a similar way to money, or items easily converted to money.
  - give rise to an actual, potential, or perceived conflict of interest.
  - may adversely affect their standing as a public official or which may bring their public sector employer or the public sector into disrepute; or
  - are non-token offers without a legitimate business benefit.
3. Declare all non-token offers (valued at \$50 or more) of gifts, benefits, and hospitality (whether accepted or declined) on their organisation's register and seek written approval from their manager or organisational delegate to accept any non-token offer.
4. Refuse bribes or inducements and report inducements and bribery attempts to the head of the public sector organisation or their delegate (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-Corruption Commission).

### Breakthrough Victoria personnel 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.

### Executive Director, Operations:

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 quarterly 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.

## APPENDIX B: GIFTS, BENEFITS, & HOSPITALITY FORM

This declaration form supports Breakthrough Victoria's Gifts, Benefits and Hospitality Policy. Employees must declare all non-token offers of gifts, benefits, and hospitality (whether accepted or declined) using this form and seek written prior approval from their manager or organisational delegate to accept any non-token offer.

Individual to complete	
<b>Name</b>	<b>Declaration date</b>
<b>Position title</b>	<b>Contact number</b>
<b>Function</b>	<b>Team</b>
Details of the gift, benefit, or hospitality	
1. Date offered	
2. Describe the gift, benefit or hospitality offered	
3. Estimated or actual value	
4. Offered by (name of individual/organisation making the offer)	
5. 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.	
<b>NOTE: There are stricter rules when accepting GBH offers from government suppliers and vendors.</b>	
6. Reason for making the offer	
7. 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)	Detail of conflict of interest:
8. 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 your official duties (Y/N); and	Detail of business benefit:

<p>b. it relates to your official responsibilities (Y/N); and c. it has a benefit to the organisation, public sector, or State (Y/N).</p> <p>(If NO then offer must be declined, and if YES then the business benefit must be detailed, in accordance with the minimum accountabilities).</p>	
9. I accepted the offer	<b>YES / NO</b>
10. Signature	

<b>Manager to complete (prior to the GBH offer being accepted)</b>			
<b>Name</b>		<b>Declaration date</b>	
<b>Position title</b>		<b>Contact number</b>	
<b>Function</b>		<b>Team</b>	
<b>Complete if individual declined offer</b>			
1. DECLINED GBH Offers need to be <b>Declared</b> but <b>do not</b> require Manager's Approval.			
<b>Complete if individual accepted offer</b>			
<p>1. I have reviewed this declaration form and, confirm that, to my knowledge, accepting this offer:</p> <p style="margin-left: 20px;">a. does not raise an actual, potential, or perceived conflict of interest for the individual or myself; <b>and</b></p> <p style="margin-left: 20px;">b. will not bring the individual, myself, the organisation or the public sector into disrepute; <b>and</b></p> <p style="margin-left: 20px;">c. will provide a clear business benefit to the organisation, the public sector, or the State.</p>	<p>Signature:</p>       <p>Date:</p>		
2. Detail decision regarding ownership of tangible offers (e.g., specify whether employee retained gift; transferred to company's ownership; returned to offeror; donated to charity etc.)			
Completed form to be submitted to <a href="mailto:gbh@breakthroughvictoria.com">gbh@breakthroughvictoria.com</a> for inclusion on Breakthrough Victoria's Gifts, Benefits and Hospitality Register.			

## APPENDIX C: GIFTS, BENEFITS, & HOSPITALITY REGISTER

#	Date Offered	Receiver	Offered by	Offer Description	Value (est.)	Reason	COI	Decision	Rationale	Approval
1	Date the offer was made	Staff who received the offer (record name, position, unit/division)	Individual or org. making the offer (record name, position, org.)	Description of the gift, benefit, or hospitality	Est. or actual value	Reason the offer was made	Y/N	Was a decision made to decline or accept the offer and record whether the recipient retained the gift; transferred it to Breakthrough Victoria; returned it to the donor or donated it to charity etc.	Describe the reason for the decision, including the legitimate business benefit if accepted	Note who has authorised this entry and action

