Victorian Fisheries AUTHORITY

Gifts, Benefits and Hospitality Policy

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SECTION ONE - PRINCIPLES

1. OVERVIEW

When receiving gifts, benefits or hospitality, or providing gifts or hospitality, the Victorian Fisheries Authority (VFA) Board members and employees need to observe the highest standards of conduct and probity, and follow the requirements of this policy, which sets minimum requirements and accountabilities.

For its part, the Authority is responsible for ensuring that its policy and procedures for dealing with gifts, benefits and hospitality are in line with Government policy and expectations, transparent and that it is accountable to the Minister, the Parliament and the public for the gifts and hospitality it provides and receives.

2. OBJECTIVE

For the purpose of this policy, the term 'gift' is used in a generic sense and also includes other benefits and hospitality.

This policy sets out the Authority's policy for responding to gift offers, providing gifts, travel and hospitality, and incurring travel and out-of-pocket expenses.

As the Victorian community expects high standards of integrity from the Victorian Public Service, Board members and employees must not accept gifts, benefits or hospitality from people seeking to influence their decisions unfairly.

This policy provides the standard by which Board members and employees can determine whether a gift may or may not be accepted and provides the means for reporting of gifts.

3. POLICY STATEMENT

The Victorian community expects the public sector to act with integrity, accountability and transparency in all aspects of our roles in serving the Government and the people of Victoria. Core to our role is delivering on government policy objectives, having a regard to prevailing circumstances and achieving value for money.

This policy is prescribed to ensure that employees strike a balance between the responsible and prudent use of public resources, and the benefits that may be delivered to the VFA. It is prescribed to guard against any reality or perception that gifts, benefits and or hospitality (GBH) are being used to solicit benefits or encourage other forms of unethical or dishonest behaviour, and ensure the use of public resources is in line with community expectations.

The policy establishes clear parameters to assist employees to identify when it is appropriate to provide gifts, benefits and or hospitality and ensures that, when employees participate in events, employees and their guests behave in a manner that does not bring the public sector into disrepute. It is the VFA's responsibility to extend a duty of care to participants, and adhere to the provisions of the VPS Code of Conduct.

This policy requires employees, as representatives of the Authority, to conduct themselves in a manner that complies with the VPS Code of Conduct, and the Public Sector Values and Employment Principles specified in the Public Administration Act. Board members are expected to conform to the same standards.

4. SCOPE

This policy applies to all VFA Board members and employees.

For the purposes of this policy employee may include persons employed under the *Public Administration Act 2004*, consultants, contractors, statutory appointees, or individuals working within administrative offices. Contractors engaged through labour hire companies are subject to the same requirements as VFA employees.

SECTION TWO – ACCEPTING GIFTS, BENEFITS AND HOSPITALITY

5. POLICY REQUIREMENTS

The default position in relation to offers of GBH is to politely say 'no thank you'. The only exceptions to this position are:

- protocol gifts
- certain thank you gifts
- certain conference and seminar attendance
- where there are strong business reasons in the public interest to accept.

Authorised Officers, defined as an employee of the Authority, appointed by the Minister or Secretary to carry out a compliance or enforcement function under legislation administered by the Authority, are to decline all offers of GBH.

All offers of GBH valued at $50 or more MUST be registered immediately in the Authority's Gift Register by use of the Receipt of Gifts, Benefits and Hospitality form ('the form'), irrespective of the offer being accepted or declined.

Acceptance of any offer valued at $50 or more MUST also have the documented approval of the appropriate line manager and the evidence of this approval must be included in the Register (as set out in this policy).

Offers valued at $100 or more **must not** be accepted.

5.1 Accepting Gifts, Benefits or Hospitality

The VFA's default position is to politely decline offers of gifts, benefits and hospitality. A Board member or employee may only accept gift, benefits or hospitality where there is no actual, potential or perceived conflict of interest associated with acceptance of the gift. All Board members or employees considering accepting a gift must apply the 'Integrity Test' to any offer.

A Board member or employee may only accept a gift of more than $50 if it is approved by their responsible person and where it is agreed with the responsible person that acceptance of the gift does not create any actual, potential or perceived conflict of interest.

Integrity Test

If you answer YES to any of these questions, you must decline the offer:

1. Have you been offered money (e.g. stipends), something that functions like money (e.g. gift cards), or something that is easily exchanged into money?
2. Could accepting the offer give rise to an actual, potential or perceived conflict of interest?

3. Is there a risk that accepting the offer could undermine the public's trust in the VFA, the Victorian Government, or your ability to do your job impartially?
4. Would accepting the offer be at odds with the community's expectations?
5. Is there a risk that the public could perceive the offer as a bribe or inducement?
6. Are you likely to make or influence a decision (e.g. relating to procurement, grants, sponsorships, other funding agreements or recruitment) about or relevant to the offer in the foreseeable future? Have you made or influenced such decisions in the recent past? *Note: You must always decline offers from anyone involved in an active procurement process, as well as current suppliers.*
7. Is it likely that the offerer is trying to negotiate or advance their position with you or the VFA?
8. Could the public perceive your acceptance as a form of endorsement?
9. Is it likely that someone made the offer on behalf of a third party in an attempt to influence you?
10. Would accepting the offer make you feel uncomfortable? Would you feel awkward having to justify your acceptance to the Board, an auditor, or the public?

Even if an offer passes the Integrity Test, you should think very carefully before accepting it. Remember – 'thanks, but no thanks' is appropriate in most circumstances.

5.2 Receiving Token Offers (valued at less than $50)

If you receive a token offer (valued less than $50):

- You can accept the offer if it passes the Integrity Test.
- You do not need to declare the offer.
- You do not need a legitimate business reason to accept.
- You do not need approval from your manager to accept.
- You are the owner of the gift, benefit or hospitality (with the exception of protocol gifts).

Examples of a token offer gift may include hats, fishing lures, T-shirts, wine and food.

5.3 GBH that can be accepted under this policy

Protocol Gifts

The gifting of items to Board members and 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. Board members and 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 Gift Register. All Protocol Gifts, irrespective of value, become the property of the Authority, to be retained by the recipient or otherwise used, displayed, stored or disposed as decided by the responsible person.

Thank you Gifts

Board members or 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 Gift Register.

All Thank You Gifts, irrespective of value, become the property of the Authority. The recipient's *responsible person* will decide whether the property is to be retained by the recipient or otherwise used, displayed, stored or disposed.

Conference and seminar attendance in defined circumstances

Board members or employees who have been approved to present at a conference or seminar may accept funded or sponsored travel, accommodation and / or registration as part of their agreement with the event organiser. Any acceptance should be approved by the responsible person and registered on the Gift Register if valued over $50.

Offers from persons or organisations other than the event organiser are not to be accepted.

Board members or employees who are attending a conference or seminar as a participant must not accept sponsored travel, accommodation and / or registration. An exception may be where attendance is part of an intra or inter-government arrangement. Any acceptance of these offers must be approved by the responsible person and registered on the Gift Register if valued over $50.

Hospitality

Modest hospitality offered as part of official business may be accepted. However, it must be proportionate to the occasion and accepted only after active consideration to any actual, potential or perceived conflict of interest.

Board members or employees in a position to influence decision making in the procurement of goods and services that may involve the hospitality sponsor may only accept hospitality where there is no conflict of interest.

Hospitality of $50 or greater in value must be reported for inclusion on the Gift Register.

All instances of attendance at official business events by Board members and employees must be reported to the Senior Finance Manager on the form attached to this policy for recording in the Gift Register.

Attendance in a corporate box at a sporting, entertainment or arts event is **not** regarded as being in the public interest and is prohibited.

General

Other offers of GBH can be accepted where:

- the offer is work-related
- there is a strong public interest business reason to accept
- this business reason can be clearly demonstrated and articulated
- the acceptance otherwise fully complies with this policy and the Integrity Test.

5.4 Travel and hospitality

Board members and employees must be cautious about accepting offers of travel or hospitality. A Board member or employee must only accept an offer of travel or hospitality if it is clearly in the **public interest** to do so. In addition to the other requirements in this policy, when responding to offers of travel or hospitality:

- The Victorian Public Sector Travel Principles issued by the Department of Premier and Cabinet will be complied with (e.g. 'non-state government funded travel should only be approved where there is **no conflict of interest** or perception of improper influence'
- An invitation to attend a private (i.e. non business-related) function in an official capacity should usually be declined especially where attendance could be perceived as an endorsement of a company or product. Acceptance requires prior approval from the CEO
- Offers of sponsored travel and accommodation to attend a conference or participate in an industry familiarisation tour should usually be declined
- Consistent with the Victorian Government Purchasing Board's policy on Conduct of Commercial Engagements, unusual or exceptional invitations from any party with a declared or known interest in a project are to be declined
- Unless the offer of travel or hospitality is consistent with all legal and policy obligations and with community expectations, the offer is to be declined.

A Board member or employee who is the recipient of travel or hospitality will demonstrate professional conduct at all times and will uphold his/her obligation to extend a duty of care to other participants.

5.5 When a gift offer must be refused

To avoid any **conflict of interest** (real, potential or perceived), a Board member or employee must refuse any gift that:

a) Fails the Integrity Test
b) Is offered by a person or organisation about whom he/she is likely to make or influence a decision, including in relation to:
    - Tender processes
    - Procurement
    - Enforcement
    - Licensing
    - Regulation.
c) Is **money** or items that can be easily converted into money (e.g. **shares**)

d) Could create a **reasonable perception** that it is offered to influence, and/or could influence, the judgement of the Board member or employee (i.e. how he/she acts, or fails to act, now or in the future)

e) Could otherwise reasonably be perceived as undermining his/her **integrity** and **impartiality**, or that of the organisation[1]

f) Not in the public interest.

Guests

As a general rule, invitations for guests should not be accepted.

5.6 Soliciting gifts

Board members and employees must not seek (i.e. solicit) gifts for themselves or anyone else, in any form, in their role as a Board member or employee.[2]

Instances of Board members or employees soliciting gifts, benefits or hospitality should be reported to the CEO or Chair respectively. Allegations of such conduct will be dealt with under the Consequence and Breach policy and they may be subject to disciplinary action up to and including termination of employment.

5.7 Obligations

Board members and employees will respond to gift offers and incur expenses (if any) in accordance with all relevant obligations and with good public sector governance practice, including:

- The establishing Act, being the *Victorian Fisheries Authority Act* 2016
- The public sector values in section 7 of the *Public Administration Act 2004* ('PAA')[3]
- The Directors' Code of Conduct[4]
- Section 79 of the PAA
- The Code of Conduct for Victorian Public Sector Employees[5]
- The Gifts, Benefits and Hospitality Framework ('the Framework')[6]
- Government policy

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[1] The requirement to refuse compromising gifts is consistent with minimum requirements 2 to 4 (figure 1) of the Framework.

[2] This requirement is consistent with minimum requirement 1 (Figure 1) of the Framework.

[3] The public sector values are: integrity, impartiality, accountability, respect, responsiveness, human rights, and leadership.

[4] Issued by Victoria's Public Sector Standards Commissioner pursuant to section 63 of the PAA.

[5] As above.

[6] As above

- Any directions, guidelines and/or statements of obligation or expectation issued by the Minister;
- The requirements in section 81(1)(g) of the PAA that an adequate gifts policy be in place for Board members; and
- All other laws and obligations that bind the agency
- This policy.

5.8 Declaration form

The declaration form to be used by Board members and employees is provided as an appendix to this policy. When a properly completed and signed declaration form is lodged with the responsible person, he/she will:

- sign the form, or give email approval, as the authorising delegate; and
- initiate procedures for dealing with the matter, including an entry into the Gift Register and, where appropriate, the Asset Register.

5.9 Bribes

Board members and employees must not accept bribes and must report attempts to bribe them or their colleagues with money or other benefits to the CEO who will report this to the Chair.

Attempts to bribe

A Board member or employee who is offered a gift that he/she believes is, or may be, an attempted bribe must:

- refuse the offer;
- report the offer immediately to the 'responsible person'; and
- complete a declaration form, so that his/her refusal can be recorded in the Gift Register (see item 8.7)

A Board member or employee who believes that another Board member or employee solicited a bribe or was offered a bribe but did not report it must report the matter immediately to the 'responsible person' (see item 5.3 for definition).

5.10 Sponsorship

If a Board member or employee is offered sponsorship to attend or present a paper at a conference (including Interstate and Overseas Travel and Conference Attendance), they may only accept this where, after discussion with the responsible person, it is agreed there is no actual, potential or perceived conflict of interest associated with acceptance. If the sponsorship is accepted, the Board member or employee should provide a disclaimer that there is no commitment on their behalf to the sponsor other than to attend/present a paper at the conference. The disclaimer should be reported through the Gift Register.

If a Board member or employee is offered sponsorship to attend or present a paper at an overseas conference or seminar, they may not accept it unless preliminary approval has been received from the Chair/CEO. For interstate conferences or seminars, their manager's prior approval is required.

A Board member or employee may not accept sponsorship for their attendance or presentation of a paper at an interstate or overseas conference or seminar while on leave without prior approval of the Chair/CEO.

6. ADDITIONAL REQUIREMENTS

6.1 Assistance with making decisions

A Board member or employee who is uncertain how to comply with this policy will seek advice from the 'responsible person'. [7] This does not abrogate his/her responsibility to make the right decision.

Where appropriate, the VFA's Portfolio Department may be contacted by the Authority for advice.

6.2 Possible breach of this policy

A Board member or employee who believes that he/she may have breached this policy will immediately notify the 'responsible person' and remedy any breach.

A Board member or employee who believes that another Board member or employee may have breached this policy will immediately notify the 'responsible person' (unless he/she first approaches the other Board member or employee, who then notifies the responsible person).

The main objective is to reduce non-compliance.

6.3 Accountabilities of the CEO

The CEO has a duty, which will be monitored by the Board, to:

- promote awareness and compliance with this policy (e.g. induction and refresher training);
- reinforce that a breach of this policy could constitute a breach of a binding code of conduct and may result in disciplinary action;
- support the Board in the regular review of this policy; and
- establish and regularly review processes (e.g. business rules) that facilitate the implementation of this policy and provide practical guidance on how to comply with it, for example:
  - set out where a declaration form can be obtained;
  - provide guidance on refusing gifts without causing offence;

[7] This requirement is consistent with minimum requirement 6 (Figure 1) of the Framework.

- specify work areas where employees are at high risk of being offered compromising gifts due to the nature of their duties, and how this is to be addressed.[8]

Overall, the CEO will act consistently with the minimum accountabilities.

7. GOVERNANCE AND REPORTING

The CEO will provide regular and periodic reports to the Audit and Risk Committee on all gifts recorded on the Gift Register.

The Audit and Risk Committee will review the Gift Register and oversee a review of this policy annually.

The Chair will provide an attestation to the Public Sector Standards Commissioner each year, in accordance with the form specified by the Commissioner, in relation to the operation, review, promulgation and scrutiny of appropriate gifts, benefits and hospitality policies and processes.

7.1 Gifts, Benefits and Hospitality Register

The Senior Finance Manager maintains a Register on behalf of the Authority. This register is used to record details of gifts, benefits and hospitality offered to and received by Board members and employees as well as other offers made to Board members and employees which have been declined in instances where the offer has been considered inappropriate.

The register must include the following information:

- the date an offer was made;
- the employee being made the offer;
- the individual or organisation making the offer and whether they are a business associate;
- the nature of the offer and its estimated or actual value;
- the reason given for making the offer;
- any legitimate business reason for accepting the offer;
- whether the offer is a ceremonial gift;
- any actual, potential or perceived conflicts of interest or reputational risks (to the individual, the public sector organisation or the public sector) that the offer raises;
- if the offer was accepted or declined;
- the decision on ownership of the offer; and
- details of the manager or delegate who reviewed the offer and approved the offer if accepted.

Scrutiny of Gift Register

The Gift Register and related records (i.e. gift declaration forms) will be:

[8] The CEO’s accountabilities are consistent with the minimum accountabilities 1 to 6 (Figure 3) of the Framework.

- protected from unauthorised changes
- subject to regular scrutiny, including a review by the Audit and Risk Committee at least annually.

Detection of non-compliance

In addition to regular scrutiny of the Gift Register, a regular review will be undertaken to detect and reduce **non-compliance** with this policy, in particular, failure to lodge gift declaration forms.

SECTION THREE – PROVIDING GIFTS, BENEFITS AND HOSPITALITY

8. POLICY REQUIREMENTS

8.1 Requirements for providing gifts, benefits and hospitality

When providing GBH, Board members and employees should always seek to uphold, and where possible, enhance the reputation of the Authority by ensuring the minimum requirements for providing GBH outlined below are followed:

- Ensure that any GBH 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
- Ensure that any costs are proportionate to the benefits obtained for the Authority, and would be considered reasonable in terms of community expectations
- 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; and
- Ensure that when giving a gift, the gift is symbolic, rather than financial, in nature.

Board members and employees should be mindful of public perceptions and sensitivities in relation to the use of public funds for the provision of GBH. They should respectively seek advice from their line manager, Director or CEO should they feel uncertain of how to make decisions in relation to the provision of GBH.

Board members and employees are reminded that a breach of GBH policies could constitute a breach of binding codes of conduct and result in disciplinary action.

8.2 Provision of Alcohol

The provision of alcohol at any event can lead to increased risks, including the risk of anti-social behaviour and risks to the reputation of both individuals and the Authority alike. Board members and employees must therefore not be impaired by alcohol whilst in the workplace or whilst representing the Authority.

Board members and employees are reminded of their obligations under the *Occupational Health and Safety Act* 2004, the *Liquor Control Reform Act* 1998 and the VFA's Code of Conduct.

The provision of alcohol at any general or official hospitality business related event must be made on a case by case basis and be approved in advance by the CEO.

The following parameters must be followed when providing alcohol at any general hospitality event:

- The event should be held at a time which minimises the risk of Board members or employees returning to work impaired by alcohol, such as late afternoon or early evening
- The event should be held at a venue that limits the exposure of Board members or employees to indulging in more than two standard alcoholic drinks

- The provision of alcohol should be incidental to the overall level of hospitality provided.

8.3 Locally produced and manufactured food and drink products

Where practical to do so, recognising that competitive rates and value for money principles must be considered, locally produced and manufactured food and drink products should be sourced.

8.4 Deciding on the type of Hospitality to be offered

The **HOST** (Hospitality Objectives Spend Test) test provides direction in deciding whether to provide hospitality or gifts to employees, Board members or stakeholders. It aims to ensure Board members and employees have considered the following;

a) Who the **H**ospitality or gift is being offered to?

b) What the **O**bjective of the hospitality or gift is for?

- Whether Authority funds will be **S**pent? and

c) Is there a **T**rusted rationale for providing the hospitality or gift?

The HOST test must be completed as part of the application for Gifts, Benefits and Hospitality (Attachment 2) and submitted to the relevant approver for approval.

The following or similar questions may be useful in helping Board members and employees decide the type of hospitality to be provided:

- What is the main purpose of the event for which hospitality will be provided?
- Who will participate, e.g. employees, other public sector or public service employee, or external business partners?
- Would failure to provide hospitality be detrimental to business or stakeholder relationships?
- What is known about the prevailing culture and business practices of external participants?
- What is known about previous experiences of, and expectations around hospitality provided by public sector organisations?
- Will the costs of the hospitality provided be proportionate to, and less than, the potential benefits?
- Is it necessary to hold the event or meeting over a meal time or at a time of day when hospitality might be expected?
- Is it unreasonable or impractical to schedule a break in proceedings to enable participants to leave and seek more substantial refreshments of their own volition?

8.5 Containing Costs

In order to ensure the costs of hospitality are proportionate to the benefit obtained for the Authority, the following parameters must be considered and applied:

- Where possible, events should be held at a time of day least likely to attract expectations of, or a need for, hospitality
- Public sector venues should be selected in preference to private venues. External venues should only be used if required, at a reasonable expense and where value for money can be

demonstrated. Perceptions are also important; sometimes a modestly priced venue can be perceived as excessive, if for example it promotes an image of luxury

- Catering should be proportionate to the number of attendees
- The size of the event and number of attendees should be aligned with intended outcomes
- Catering should be procured at competitive rates and avoid inclusion of more expensive menu options.

8.6 Modest and prudent expenditure

The provision of Official Hospitality must be at a cost and in a form and manner that is appropriate to the nature of that interest and business purpose. Official hospitality should be planned and delivered to ensure maximum benefits at the most economical cost. Expenses must only be incurred where it is demonstrable that they are appropriate to the efficient and effective conduct of the business function. Attendees at official hospitality events should predominantly be from organisations other than those within the Victorian public sector.

GBH may be provided to external guests for the purpose of:

- Receiving guests (for example a visiting delegation from another jurisdiction, or hosting a meeting held over lunch time)
- Facilitating relationships between third party organisations that are in the interests of the department (for example, an event where community sector organisations can meet business organisations to establish partnerships)
- Celebrating the opening of an event, exhibition, or the establishment of a new public body
- Launching an initiative (for example, the launching of a new community awareness campaign).

Board members and employees should always seek to uphold, and where possible, enhance the reputation of the Authority by ensuring the minimum requirements for providing GBH outlined above are followed when providing GBH to external guests.

Where a Board member or employee regularly facilitates relationships between third party organisations, and it is impractical to seek approval on every occasion, it is permissible for that officer to seek a blanket approval from the Chair for a fixed period of time, but not longer than 12 months. If the hospitality event has alcohol approved, the details need to be included in the six monthly report to the Chair showing who was entertained, the total cost and the alcohol component.

8.7 Reasonable from a public perspective

A General Hospitality expense requires a common sense judgment of what the general community would consider reasonable. As a general rule, the engagement of a venue and/or provision of hot and cold beverages and light working lunches for business functions, that are required to continue across the normal lunch period, or that start early and finish late, would be considered reasonable and are expected to make up the majority of General Hospitality expenses.

The planning of business functions that are hosted off-site (may involve domestic or regional travel) and/or are residential, should ensure that the venue and any meals and beverages provided are reasonable and do not constitute what would commonly be regarded as excessive or extravagant. In considering what construes reasonable expenditure the geographical location/venue and whether it is a breakfast, lunch or dinner should be considered.

Tips or gratuities are not included in hospitality expenditure, except where such a tip would normally be considered part of the expense, for example, in a number of overseas countries.

The Authority may on occasion provide catered activities for employees for a range of reasons including:

- As part of a larger employee-related event, for example, training course, workshop, planning day seminar or conference
- To recognise an organisational or individual employee achievement (for example the successful completion of a project or the retirement of a long-standing employee).

Catering an event for employees can be an effective means of celebrating achievements or promoting particular behaviours and is consistent with common business practice.

In deciding on the level of benefit and or hospitality to be provided by the Authority, consideration must always be given to the following:

- The extent to which the event will contribute to organisational objectives by, for example, reinforcing particular values or motivating employees
- Whether there have been multiple recent events that would result in perceptions of excess should further events be funded
- The need to balance the positive benefits of public recognition with community expectations in relation to modest and prudent expenditure by public officials.

8.8 Providing Gifts to employees

The Authority may recognise significant employee achievements. However, recognition can be provided through various means that are at no cost to the Authority.

Therefore, provision of gifts to an employee can only be approved as part of a employee reward and recognition program as approved by the CEO, for example in recognition of significant length of service milestones. Gifts in such circumstances will be of token value, with a value of no more than $100.

8.9 Providing Gifts to external parties

Token gifts may be given to external parties as a ceremonial gift and / or means of symbolising appreciation of the business relationship formed. Such gifts must be of nominal value and may include items such as dedicated plaques, plates, vases and trophies.

The token gifts may be given at business, cultural or community events where the presentation or exchange of token gifts is customary. Token gifts must not be greater than a nominal value of $100.

9. APPROVALS

An Application for the Provision of Gifts, Benefits and Hospitality form (Appendix 2) must be submitted to the CEO for approval for any of the following circumstances:

- Applications for the provision of official hospitality, including alcohol
- Applications for the provision of general hospitality
- Applications for the provision of benefits to external parties
- Applications for provision of token gifts to external parties
- Applications for the provision of gifts to staff, approval of general hospitality for all employee events, or the provision of alcohol at any general hospitality event.

10. RECORDING AND REPORTING

The CEO is required to maintain a register that records the provision of GBH.

The register summarises approvals and also provides detail as to how the GBH has contributed to the Authority's goals and supported policy objectives and priorities.

Board members and employees should ensure the classification of hospitality expenditure is in accordance with the Authority's chart of accounts definition to enable correct reporting.

11. RESPONSIBILITIES

11.1 Board members and employees providing GBH

- ensure that the minimum requirements for providing GBH are always considered and followed
- ensure that the Authority's Code of Conduct is upheld at all times
- submit the application for providing GBH to the appropriate approver
- maintain the proper records and reports in accordance with this policy
- ensure the correct classification of expenditure, particularly for fringe benefits tax purposes, when food and drink is provided
- discuss with their line manager (or Chair) any concerns about the interpretation and application of this policy to any proposed provision of GBH.

11.2 Financial Delegates approving GBH

- apply the reasonableness test, and the modest and prudent test to all proposed Gifts, Benefits and Hospitality expenditure
- ensure Gifts, Benefits and Hospitality expenditure is conducted in accordance with this policy.

11.3 VFA Chair

- promote and establish awareness of and compliance with GBH policies across the Board

- reinforce to all Board members that a breach of GBH policies could constitute a breach of binding codes of conduct and result in disciplinary action.

11.4 Chief Executive Officer

- establish and regularly review policies and processes to provide guidance on the provision of gifts or hospitality, both internally to employees and externally to business partners and other stakeholders.
- promote and establish awareness of and compliance with GBH policies across the Authority
- reinforce to all employees of the Authority that a breach of GBH policies could constitute a breach of binding codes of conduct and result in disciplinary action.
- ensure that hospitality expenditure is recorded and reported in accordance with whole of government financial management, accountability and reporting requirements.
- for any official hospitality event that has alcohol approved a report should be provided to the Chair on a six monthly interval showing who was entertained, the total cost and the alcohol component.

11.5 Chief Finance Officer

- maintain the register
- review and report to CEO annually on compliance with this policy.

SECTION FOUR – ATTENDANCE AT OFFICIAL BUSINESS EVENTS

12. POLICY REQUIREMENT

This activity involves attending events where the reason for attendance is consistent with the Authority's functions and objectives, and is consistent with the roles of the Board members or employees attending. They commonly form part of a program of Authority activity and may occur inside or outside normal business hours. These events are referred to as Official Business Events for the purpose of this policy.

The Attendance at Official Business Events (OBE) Policy outlines the Authority's policy and procedures for managing situations where invitations are received to attend events. It is designed to support:

- Board members or employees in their decision-making to distinguish an invitation to an event as an OBE or as an offer of a gift or benefit
- managers to develop and maintain processes and appropriate documentation covering the attendance at OBEs.

Attendance at OBEs must be recorded in the Authority's OBE Register. This is managed by the Business Manager.

All OBE attendance must be registered. No dollar value threshold applies as there is no requirement under this policy for the value of an OBE to be obtained.

Categories of OBE

It can be generally anticipated that an OBE will be one of the following:

- State functions / events – Designated persons may be required to attend a function or an event hosted by the government or the Governor, or any function or event to support or accompany a Minister or Parliamentary Secretary or their representative
- other State agency events – Designated persons may be required to attend a function or an event organised or hosted by another State agency
- other government agency events - Designated persons may be required to attend a function or an event organised or hosted by another government's agency
- ticketed events – The Authority receives tickets under contract with the hosting or organising body, and the use of these tickets is managed by the area of the authority responsible for that contract
- industry events – Events organised by a range of industry stakeholders (including but not limited to industry and sporting associations, private firms, academic institutions and other research bodies and community groups), and attendance by an Board member or employee is discretionary.

Other events for which invitations that may fall outside of these categories are to be considered on a case by case basis as to whether they constitute an OBE.

Business rules governing the acceptance of an invitation

The following conditions must be satisfied for an invitation to an event to be accepted as an invitation to an OBE:

- the person / organisation issuing the invitation has a direct business interest in the event (e.g. organiser or host)
- the person accepting the invitation has a role that relates directly to the event and / or industry within which the event is occurring
- attendance at the event will not create an actual, potential or perceived conflict of interest
- attendance at the event will provide for at least one of the following outcomes -
    - business leveraging: opportunities to advance the State's interests through networking with third parties interested in the work of the Authority, and other collaboration opportunities
    - funded service delivery: opportunities to observe that funded programs are delivered effectively and in accordance with agreements between the State and the recipient
    - stakeholder engagement: opportunities to maintain and develop effective relationships and networks with persons and organisations with interest in the department's activities
    - sector knowledge: opportunities to develop and maintain a broad and deep knowledge of industry sectors, to inform the quality of the advice given to the government, and assist to identify opportunities to improve sector outcomes
    - professional knowledge: opportunities to develop and maintain knowledge relating to a qualification, build expertise or understanding in relation to a particular technical business related area (e.g. new approaches in a professional field) or become acquainted with new responsibilities such as legislative changes

Invitations to events that do not satisfy these conditions must be considered under the Authority's *Acceptance* of Gifts Benefits and Hospitality Policy.

Guests

Invitations to events that are assessed under this policy and include an invitation to a Board member or employee plus guest require careful consideration to determine the appropriateness of the guest, most commonly a partner, attending an Official Business Event. Such attendance is to be determined on a case-by-case basis, taking account of the purpose of the event, its setting and the anticipated mix of participants.

There will be events where it is appropriate for a guest to accompany the Board member or employee, e.g. State receptions, opening nights of gala cultural events, etc. However, for most ticketed events and industry events, attendance with a guest should be by exception, with most guest invitations to be declined.

For invitations to a Board member or employee plus guest to events that are not official business events, see the Acceptance of Gifts Benefits and Hospitality Policy.

Events not covered by this policy

Invitations to events that do not satisfy the department's definition and rules for Official Business Events are covered by the Acceptance of Gifts Benefits and Hospitality (Section Two).

Events that are coordinated, or jointly coordinated by the VFA for external stakeholders, are excluded from this section of the Policy (Section Four).

13. RESPONSIBILITIES

13.1 Employees

All employees must ensure that invitations to an event that they accept as an invitation to an OBE are known to their manager and that acceptance as an OBE is appropriate.

When attending an OBE, all employees must ensure they behave appropriately at all times and in accordance with the Authority's policies and the Code of Conduct for Victorian Public Sector Employees 2015, in particular section 3.5 Public Comment and section 3.9 Public Trust.

13.2 Managers

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

13.3 CEO and Board members

Board members and the CEO must ensure that invitations to an event that they accept as an invitation to an OBE are known to the Chair and that acceptance as an OBE is appropriate.

14. POLICY BASIS

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

15. PROCEDURES

Approval of Attendance at OBEs

The Events Attendance Register will constitute the record of approval (where applicable) and attendance. Quarterly reports showing the attendance at OBEs in the Register will be provided to the Board.

OBE Attendance Register

The Senior Finance Manager is responsible for the management of the Events Attendance Register.

SECTION FIVE – FURTHER INFORMATION

16. GLOSSARY/DEFINITIONS

Benefits

Benefits are preferential treatment, privileged access, favours or other advantage offered. They include invitations to sporting, cultural or social events, access to discounts and loyalty programs, and promises of a new job. While their value may sometimes be difficult to quantify in dollars, they may be highly valued by the intended recipient and therefore used to influence their behaviour.

Gifts

A **gift** is a free or heavily discounted item or service. It includes hospitality or benefits that exceed common courtesy. A gift may be enduring (e.g. a work of art) or consumable (e.g. a box of chocolates) and may be offered for a range of reasons.

- hospitality is the friendly reception and treatment of guests. It ranges from an offer of light refreshment at a business meeting to restaurant meals, sponsored travel, and accommodation;
- benefits include preferential treatment, privileged access, favours and other advantages and intangible benefits (e.g. an invitation to a sporting, cultural, or social event; access to a discount or loyalty program; the promise of a new job).[9]

Direct or indirect

A gift may be offered directly or indirectly. It may be offered directly to a Board member or employee or offered indirectly via an offer to his/her relative or close associate, including:

- A member of his/her immediate family (e.g. spouse, partner, parent, sibling, child)
- A regular member of his/her household
- Another close associate (e.g. friend, relative, business partner).

Bribe

A **bribe** is an offer of money or other inducement that is made with an intention to **corruptly influence** a Board member or employee in the performance of his/her duties. Bribery or attempted bribery of a public official is a criminal offence.[10]

Responsible person

The **responsible person** is the person who the Board member or employee:

- notifies of any attempted bribes

[9] The definition of a 'gift' is based on chapter 2 of the Framework.

[10] Crimes Act 1958 (Vic).

- notifies of gift offers and lodges his/her gift declaration form with
- seeks advice from in relation to gifts, benefits and hospitality, and incurring travel and out-of-pocket expenses.

	Responsible Person
Employee	Line Manager
Board member or CEO	Chair
Chair	Deputy Chair. The Chair may also seek advice from the Minister or VFA's Portfolio Department.

The responsible person is required to notify the Senior Finance Manager of any reports. The Senior Finance Manager is responsible for ensuring that the information (date, received by, received from, description, end result of the gift, cost, approved by and reference) is entered into the Gifts Register and, where appropriate, the Assets Register.

Reasonable business expense

A reasonable business expense is:

- incurred for a **business purpose**;[11]
- **proportionate** to the benefits obtained for the State and would be considered reasonable in terms of **community expectations**;[12]
- consistent with the organisation's **legal, policy and other obligations** and its procedures for business expenses; and
- not a compromise (real or perceived) to the **integrity** of the giver or the recipient.

Hospitality

Hospitality is the friendly reception and treatment of guests, ranging from offers of light refreshment at a business meeting to restaurant meals and sponsored travel and accommodation. Hospitality may be offered to a public sector employee. It may also be provided by public sector organisations in these situations:

'Official hospitality' refers to a hospitality event that is funded by the Authority to help foster the conduct of public business. It includes entertaining or hosting diplomatic and foreign government officials, and people from the business and academic sectors, including those who have provided services to or for the VFA.

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[11] This requirement is consistent with minimum requirement 1 (figure 2) of the Framework. A business purpose is one that 'furthers the conduct of official business or other legitimate organisational goals, or promotes and supports government policy objectives and priorities'.

[12] This requirement is consistent with minimum requirement 2 (figure 2) of the Framework. There should be a clear line of sight between the hospitality or gift provided and the benefit to the organisation, the government and, ultimately, the community – Framework (para 1.1).

Such events may occur in the workplace, at seminars/conferences, and in restaurants or at home and are characterised by (variously) the provision of meals, beverages, entertainment (including tickets to sporting and cultural events) and the allowed provision of minor gifts of a protocol or public relations nature.

The persons attending these events are usually from organisations other than those within the Victorian public sector although public sector employees may attend to accompany the Chair or CEO or executive and/or Minister and liaise with attendees.

'General hospitality' is usually that provided by public sector organisations, often in the workplace and often involving internal stakeholders or fellow public sector employees. General hospitality can be provided for a range of purposes, from providing sustenance at a lengthy meeting through to celebrating achievements. Modest hospitality includes light refreshments such as tea or coffee offered as a courtesy and light meals such as sandwiches served at a business meeting held over meal times.

It also extends to more generous forms of hospitality such as catered meals at functions, meals at restaurants. Depending on the nature of the hosting organisation's business, sometimes recipients of general hospitality may be external stakeholders or business partners.

Host

Host is the person, office holder or organisation which authorises, organises and pays for an event. Responsibilities of a public sector host include initiating the event and approving decisions, for example in relation to cost, selecting invitees, ensuring the event runs smoothly and meets its objectives, and facilitating relationships between invitees.

Official Business

Official business is work that is consistent with a public sector organisation's functions and objectives, and an employee's role. The Chair or CEO may be asked to accompany a Minister on official business. Senior employees may be asked to attend the official opening of a government sponsored project or to take part in a study tour of institutions to develop government policy. These activities constitute official business, do not have a private benefit and would not ordinarily be recorded as a reportable gift.

Venues

Venues are locations used for official and general hospitality. They vary and can include physical spaces such as Government House, Authority meeting rooms, public facilities such as town halls, and private facilities such as hotels and reception centres.

17. BREACH

A breach of this policy may constitute;

- A breach of the Code of Conduct for Victorian Public Sector Employees
- Misconduct under the *Public Administration Act* 2004
- Consequence and Breach policy.

In some circumstances, accepting a gift or favour may constitute a breach of the secret commissions provisions (Sections 175-179) of the Crimes Act 1958. This is an indictable offence that attracts a maximum penalty of 10 years imprisonment.

Disciplinary action consistent with the relevant industrial instrument and legislation, including dismissal, may be taken where an individual fails to adhere to this policy. This includes where an individual fails to avoid wherever possible or identify, declare and manage a conflict of interest related to gifts, benefits and hospitality in accordance with the VFA's Conflict of Interest Policy.

Section 320 of the Crimes Act 1958 also provides that common law bribery attracts a maximum penalty of 10 years imprisonment.

18. AWARENESS AND DETECTION

The VFA CEO and Directors should ensure they establish a culture of GBH awareness and detection. A regular risk based assessment should be undertaken to identify possible areas of risk and appropriate mitigation strategies.

Individuals who consider that gifts, benefits and hospitality or conflict of interest within the VFA may not have been declared or is not being appropriately managed should speak up and notify their manager, VFA's Integrity Officer, or through the anonymous Integrity Portal on the VFA's intranet.

Individuals who believe they have observed corrupt conduct in their colleagues may also make a protected disclosure directly to the Independent Based-based Anti-corruption Commission (IBAC). The VFA will take decisive action, including possible disciplinary action, against individuals who discriminate against or victimise those who speak up in good faith.

19. CONTACT FOR FURTHER INFORMATION

A conflict of interest resulting from the acceptance of a gift, benefit or hospitality is not always clear to those who have them. Individuals who are unsure about accepting a gift, benefit or hospitality, or the application of this policy, should ask their manager Integrity Officer for advice.

20. RELATED POLICIES

This policy should be read in conjunction with the following policies:

- Conflict of Interest
- Code of Conduct
- Whistleblower and Fraud

21. FORMS

- Receipt of Gifts, Benefits and Hospitality Declaration Form
- Application for the Provision of Gifts, Benefits and Hospitality Form
- Attendance at Official Business Events Form

22. FURTHER INFORMATION

For further information and assistance, please contact:

Victorian Fisheries Authority

GPO BOX 4509

Melbourne, VIC 3001

Phone: 136 186

23. AVAILABILITY

This policy is available in the following location:

- VFA Policy Register

24. RESPONSIBLE OFFICER

The CFO is responsible for the development, compliance monitoring and review of this policy and any associated guidelines.

25. IMPLEMENTATION OFFICER

The CFO is responsible for the promulgation and implementation of this procedure in accordance with the scope outlined above. Enquiries about interpretation of this procedure should be directed to the Implementation Officer.

26. REVIEW

The Audit and Risk Committee will review this policy every two years or more frequently, if required, to keep up-to-date with changes to laws, government policies, etc. Any proposed changes to this policy must be approved by the Board.

This document is to be reviewed by 30 June 2027.

27. VERSION HISTORY

Version	Authorised by	Approval date	Effective date	Sections modified
1.0	Board	13 Sept 2017	13 Sept 2017	Nil
1.1	Board	20 February 2023	20 February 2023	Various
1.2	Board	3 April 2025	3 April 2025	Various modifications to structure and presentation. No changes to policy intent.
1.3	Board	16 October 2025	16 October 2025	Various