



GMA POLICY

Gifts, Benefits and Hospitality

(As at January 2018 V.5.0)

Game Management Authority Policy
Gifts, Benefits & Hospitality

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Foreword

The Game Management Authority ('GMA') has been established to facilitate the effective management of Victoria's game resources and the promotion of responsible game hunting across the state. The conduct of all Board and employees requires compliance with good public sector governance practices.

OUR VISION

Game management and hunting in Victoria is respected and valued by the community and envied around the world.

OUR MISSION

To work with the community as an effective, independent regulator and an authoritative facilitator of sustainable game management and quality hunting opportunities.

1. Objective

The GMA recognises the importance of all Board members and employees (including senior executives and contactors) avoiding conflicts of interest and maintaining high levels of integrity and public trust at all times in the performance of their duties.

2. Scope

This policy applies to all workplace participants. For the purpose of this policy, this includes: executives, board members, employees, contractors¹, consultants and any individuals or groups undertaking activity for or on behalf of the Game Management Authority.

3. Terms and Definitions

3.1 Business associate

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

¹ 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 of services.

3.2 Benefits

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.

3.3 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 or her duties. Bribery or attempted bribery of a public official is a criminal offence²

3.4 Conflicts of interest

<i>Actual conflict of interest:</i>	There is a <u>real conflict</u> between an employee's public duties and private interests.
<i>Potential conflict of interest:</i>	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.
<i>Perceived conflict of interest:</i>	the public or a third party could <u>form the view</u> that an employee's private interests could improperly influence their decisions or actions, now or in the future.

3.5 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 or her relative or close associate, including:

- a member of his or her **immediate family** (e.g. spouse, partner, parent, sibling, child);
- a regular member of his or her **household**; or
- another **close associate** (e.g. friend, relative, business partner).

² Crimes Act 1958 (Vic).

3.6 Gifts

A **gift** is a free or heavily discounted 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) and consumables (e.g. chocolates). Fundraising by public sector organisations that is consistent with relevant legislation and any government policy is not prohibited under the minimum accountabilities.

3.7 Hospitality

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.

3.8 Legitimate business benefit

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

3.9 Public official

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

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

3.10 Reasonable business expense

A reasonable business expense is:

- incurred for a **business purpose**;
- **proportionate** to the benefits obtained for the State and would be considered reasonable in terms of **community expectations**;
- consistent with the Game Management Authority'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.

3.11 Register

A register is a record, preferably electronic, of all declarable gifts, benefits and hospitality. It records the date an offer was made and by whom, the nature of the offer, its estimated value, the raising of any actual, potential or perceived conflicts of interest or reputational risks and how the offer was managed. For accepted offers, it details the business reason for acceptance and the officer approving the acceptance.

3.12 Responsible person

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

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

The responsible person ensures that the required information is entered into the Gifts Register and, where appropriate, the Assets Register, refer Appendix 1 and 2.

	Responsible Person
Employee	Line Manager
Board member or CEO	Chair
Chair	Deputy Chair. The Chair may also seek advice from the Minister or Secretary of the Department of Economic Development, Jobs, Transport and Resources ('DEDJTR').

3.13 Token offer

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

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

not apply to a person employed under the *Education and Training Reform Act 2006* in a Victorian Government school, who receives an offer from or on behalf of a parent,

guardian, carer or student intended to express appreciation of the person's contribution to the education of a student or students, in which case it cannot be worth more than \$100.

3.14 Non-token offer

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 a gift, benefit and hospitality register (except for specific offers received by a person employed in a Victorian Government school, as defined under 'token offer').

4. Policy Principles

This policy has been developed in accordance with requirements outlined in the *Minimum accountabilities for managing gifts, benefits and hospitality* issued by the Victorian Public Sector Commission (see section 5 below).

The Game Management Authority is committed to and will uphold the following principles in applying this policy:

- a) **Obligations:** the Board and employees act in accordance with their respective obligations and with good governance practice.
- b) **Public interest:** individuals have a duty to place the public interest above their private interests when carrying out their official functions. They will not accept gifts, benefits or hospitality that could raise a perception of, or actual, bias or preferential treatment. Individuals do not accept offers from those about whom they are likely to make business decisions.
- c) **Accountability:** individuals are accountable for:
 - Declaring all non-token offers of gifts, benefits and hospitality;
 - Declining non-token offers of gifts, benefits and hospitality, or where an exception applies under this policy, seeking approval to accept the offer;
 - The responsible provision of gifts, benefits and hospitality; and
 - Overseeing management of any 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.

- d) **Risk-based approach:** Game Management Authority, through its policies, processes and audit committee, will ensure gifts, benefits and hospitality risks are appropriately assessed and managed. Individuals with direct reports will ensure they are aware of the risks inherent in their team's work and functions and monitor the risks to which their direct reports are exposed.
- e) **Procedures:** the organisation's procedures are transparent and accountable. Processes are in place to ensure that Board members and employees are aware of the requirements of this policy and how to comply with it in practice.
- f) **Culture of integrity:** a culture of integrity supports Board members and employees to raise their own gift issues and to speak up if they believe that another Board member or employee has unreported gift issues.

5. Obligations and Good Practice

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

- The *Game Management Authority Act 2014*;
- The public sector values in section 7 of the *Public Administration Act 2004* ('PAA')³;
- The Code of Conduct for Directors of Victorian Public Entities⁴;
- section 79 of the PAA;
- the Code of Conduct for Victorian Public Sector Employees;
- the Gifts, Benefits and Hospitality Framework ('the Framework');
- government policy;
- any directions, guidelines and/or statements of obligation or expectation issued
- by the Minister for Agriculture ('Minister')
- the requirement in 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 organisation.

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

⁴ Issued by Victorian Public Sector Commissioner pursuant to section 61 of the PAA 2004 in March 2016.

6. Minimum Accountabilities

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

7. Ban on Soliciting Gifts

Board members and employees must not seek (e.g. solicit) gifts, benefits or hospitality for themselves or others, in any form, in their role as a Board member or employee.

8. When a Gift Offer must be Refused

To avoid any **conflict of interest** (real, potential or perceived), a Board member or employee must refuse all offers of gifts, benefits or hospitality that:

- a) is offered by a person or organisation about whom he or she is likely to make or influence a decision, including in relation to:
 - tender processes;
 - procurement;
 - enforcement;
 - licensing; or
 - regulation.
- b) is **money** or items that can be easily converted into money (e.g. **shares**);
- c) could create a **reasonable perception** that it is offered to influence, and/or could influence, the judgement of the Board member or employee (e.g. how he or she acts, or fails to act, now or in the future); or
- d) could reasonably be perceived as influencing them or undermining his or her **integrity**, or that of the GMA.

9. Attempts to Bribe

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

- refuse the offer;
- report the offer immediately to the 'responsible person'; and
- complete a gifts declaration form, so that his or her refusal can be recorded in the *Gifts Register* (see item 10).

The Chair (for Board members and the CEO) and the CEO (for employees) will actively support the reporting to police of any attempted bribe.

9.1 Other Board members or employees

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 will report the matter immediately to the 'responsible person'.

The Chair (for Board members and the CEO) and the CEO (for employees) will actively support the reporting to Victoria Police or the Independent Broad-based Anti-corruption Commission of any attempted/actual bribe or the solicitation of a bribe.

10. Token Gift Offers

A Board member or employee who is offered a gift of **nominal value** that he or she believes, on reasonable grounds, is not a bribe or a conflict of interest can choose whether to accept it.

If the Board member or employee **refuses** the gift, no further action is required.

If the Board member or employee **accepts** the gift, he or she will disclose it as soon as practicable to the 'responsible person', either verbally or by email.

Disclosure by email is preferable if the Board member or employee may receive further gift offers from the source within a 12 months period. A gifts declaration form does not need to be completed. The Board member or employee may retain the gift as their own.

11. Non-Token Gift Offers

A Board member or employee who is offered a **non-token (reportable)** gift that he or she believes, on reasonable grounds, is not a bribe or a conflict of interest can choose whether to accept it.

Regardless of whether the Board member or employee accepts or refuses the gift offer, he or she will:

- disclose the offer to the 'responsible person' as soon as practicable; and
- within 14 days of the offer, sign and lodge a properly completed gifts declaration form.

11.1 Ownership of reportable gifts

A Board member or employee who accepts a reportable gift is doing so on behalf of the organisation. Ownership will remain with the organisation unless:

- the Board member or employee applies for it to be transferred to himself or herself; and
- the Board (for applications by Board members or the CEO) or the CEO (for applications by employees) determines that it is in the **public interest** to grant the application.

If a gift is of **cultural, historic, or other significance** it will be offered to an appropriate public institution, such as the Melbourne Museum or the National Gallery of Victoria. Consideration will be given to donating other reportable gifts, or the proceeds from their sale, to a non-profit organisation or public institution.

12. 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 Chair (for Board members or the CEO) or the CEO (for employees).

12.1 Token offers

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

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

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

Individuals are to refuse all offers (excluding token hospitality, such as sandwiches over a lunchtime meeting):

- made by a current or prospective supplier;
- made during a procurement or tender process by a person or organisation involved in the process.

Requirement for refusing non-token offers

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

Individuals are to refuse non-token offers:

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

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

Table 1. GIFT test

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

Requirements for accepting non-token offers

There will be some exceptions where there is a legitimate business reason for accepting a non-token offer. All accepted non-token offers **must** be approved in writing by the individual's manager or organisational delegate, 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 individual, the Game Management Authority or the public sector into disrepute (the 'GIFT' test at **Table 1** is a good reminder of what to think about in making this assessment); and
- there is a legitimate business reason for acceptance. It is offered in the course of the individual's official duties, relates to the individual's responsibilities and has a benefit to the Game Management Authority, public sector or the State.

Individuals 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.

Recording non-token offers of gifts, benefits and hospitality

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

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

Unacceptable: "Networking"
"Maintaining stakeholder relationships"

Acceptable: "Individual is responsible for evaluating and reporting outcomes of the Game Management Authority's sponsorship of Event A. Individual attended Event A in an official capacity and reported back to the Game Management Authority on the event."

"Individual presented to a visiting international delegation. The delegation presented the Individual with a cultural item worth an estimated \$200. Declining the gift would have caused offence. The Gift was accepted, written approval was subsequently obtained for the gift, which became the Game Management Authority's property."

The Game Management Authority's Audit and Risk Management Committee will receive a report at least annually on the administration and quality control of the gifts, benefits and hospitality policy, processes and register. The report will include analysis of Game Management Authority's gifts, benefits and hospitality risks (including multiple offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.

13. Accepting Travel or Hospitality

Board members and employees will be cautious about accepting offers of travel or hospitality. A Board member or employee will 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' - Principle 21).
- An invitation to attend a private (e.g. non business-related) function in an official capacity will usually be declined, especially if attendance could be perceived as an endorsement of a company or product (Framework 5.3.3).
- Offers of sponsored travel and accommodation to attend a conference or participate in an industry familiarisation tour will usually be declined (Framework 5.3.2).
- 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 will be declined.
- Unless the offer of travel or hospitality is consistent with all other legal and policy obligations and with community expectations, the offer will 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 or her obligation to extend a duty of care to other participants.

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

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

Requirements for providing gifts, benefits and hospitality

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

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

- any gift, benefit or hospitality is provided for a business reason in that it furthers the conduct of official business or other legitimate organisational goals, or promotes and supports government policy objectives and priorities;
- that any costs are proportionate to the benefits obtained for the State, and would be considered reasonable in terms of community expectations (the 'HOST' test

at **Table 2** is a good reminder of what to think about in making this assessment);
and

- it does not raise an actual, potential or perceived conflict of interest.

Table 2. HOST test

H	Hospitality	To whom is the gift or hospitality being provided? Will recipients be external business partners, or individuals of the host organisation?
O	Objectives	For what purpose will hospitality be provided? Is the hospitality being provided to further the conduct of official business? Will it promote and support government policy objectives and priorities? Will it contribute to staff wellbeing and workplace satisfaction?
S	Spend	Will public funds be spent? What type of hospitality will be provided? Will it be modest or expensive, and will alcohol be provided as a courtesy or an indulgence? Will the costs incurred be proportionate to the benefits obtained?
T	Trust	Will public trust be enhanced or diminished? Could you publicly explain the rationale for providing the gift or hospitality? Will the event be conducted in a manner which upholds the reputation of the public sector? Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures?

Containing costs

Individuals should contain costs involved in the provision of gifts, benefits and hospitality wherever possible. The following questions may be useful to assist individuals to decide the type of gift, benefit or hospitality to provide:

- Will the cost of providing the gift, benefit or hospitality be proportionate to the potential benefits?
- Is an external venue necessary or does the organisation have facilities to host the event?
- Is the proposed catering or hospitality proportionate to the number of attendees?
- Does the size of the event and number of attendees align with intended outcomes?
- Will providing the gift, benefit or hospitality be viewed by the public as excessive?

15. Providing Gifts, Travel or Hospitality

A Board member or employee will only provide gifts, travel or hospitality on behalf of the organisation if it is clearly in the **public interest** to do so – e.g. a reasonable business expense (as defined in section 6.10 of this policy). All expenditure will be recorded and reported in accordance with whole of government financial management, accounting and reporting requirements.

Further to these requirements:

Providing gifts

- Gifts to external individuals or organisations will normally be symbolic, rather than financial, in value.
- Gifts to Board members or employees (e.g. to recognise significant work achievements or service milestones) will be token. Personal celebrations (e.g. birthdays, marriages, birth of a child) will not be funded using public monies.

Providing hospitality (hosting)

It will not usually be in the public interest for alcohol to be consumed at Board meetings or at meetings between employees and/or Board members.

- A Board member or employee who extends or receives hospitality will demonstrate **professional conduct** at all times and will uphold his or her obligation to extend a duty of care to other participants.
- The requirements apply to both:
 - **official hospitality** - hosting official guests (e.g. community representatives, people from the private or academic sector); and
 - **internal (general) hospitality** - hosting functions, often in the workplace, for members of the Victorian public sector (e.g. Board meetings, staff meetings, lunch at a workshop, a retirement function for a long standing employee, a celebration to mark a major work milestone).

16. Incurring Travel and Out-of-Pocket Expenses

A Board member or employee will only incur travel or out-of-pocket expenses if it is clearly in the **public interest** to do so – e.g. a reasonable business expense (as defined in section 6.10 of this policy) that is consistent with:

- for Board members, the Appointment and Remuneration Guidelines for Victorian Government Boards, Statutory Bodies and Advisory Committees and related obligations; and
- for employees, their contract of employment and related obligations.⁵

17. Gifts Declaration Form

The gifts declaration form for use by Board members and employees is set out in **Appendix 1** of this policy.

When a properly completed and signed gifts declaration form is lodged with the responsible person, he or she will:

- sign the form as the authorising delegate; and
- initiate procedures for dealing with the matter, including an entry into the *Gifts Register* and, where appropriate, the *Assets Register*.

18. Gifts Register

An up-to-date Gifts Register will be maintained by the employee who occupies the position nominated by either the Board or CEO. The register will include the information in **Appendix 2** of this policy.

18.1 Scrutiny of gifts register

The *Gifts Register* and related records (e.g. gift declaration forms) will be:

- protected from unauthorised changes; and
- subject to regular scrutiny, including a review by the Audit & Risk Management Committee (A&RMC) annually.

18.2 Detection of non-compliance

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

19. Assistance with Making Decisions

A Board member or employee who is unsure about responding to an offer of a gift, benefit or hospitality or is uncertain how to comply with this policy will seek advice from

⁵ Standing Direction 3.4.6 of the Financial Management Act; the Victorian Public Sector Travel Principles; and all applicable DEDJTR policies.

the 'responsible person'. This does not abrogate his or her responsibility to make the right decision.

20. 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 gifts declaration form can be obtained;
 - provide guidance on refusing gifts without causing offence; and
 - 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.

Overall, the CEO will act consistently with the minimum accountabilities in **Schedule A**.

21. Possible Breach of this Policy

A Board member or employee who believes that he or 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 or she first approaches the other Board member or employee, who then notifies the responsible person). The main objective is to reduce non-compliance.

The Game Management Authority will take decisive action, including possible disciplinary action, against individuals who discriminate against or victimise those who speak up in good faith. This approach is in accordance with the Game Management Authority's Protected Disclosure and Fraud Policy.

22. Breaches

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

Actions inconsistent with this policy may constitute misconduct under the *Public Administration Act 2004*, which includes:

- breaches of the binding *Code of conduct for Victorian public sector employees*, such as sections of the Code covering conflict of interest (section 3.7), public trust (section 3.9) and gifts and benefits (section 4.2);
- breaches of the binding *Code of conduct for Directors of Victorian Public Entities*, such as sections of the Code covering conflict of interest (section 2.5), and
- individuals making improper use of their position.

The Department 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.

23. 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 2015
- Code of conduct for Directors of Victorian public entities 2016
- Victorian Public Sector Commission's Gifts, benefits and hospitality policy framework
- Game Management Authority's Conflicts of Interest and Duty Policy
- Game Management Authority's Directors' Domestic Travel, Accommodation and Expenses Policy
- Game Management Authority's Risk Management Policy

24. Regular Review of this Policy

The Board will review this policy on an annual basis or more frequently, if required, to keep up-to-date with changes to laws, government policy, etc. Any changes to this policy

will meet or exceed the minimum requirements and accountabilities (Figures 1 to 3) in Appendix 3. Any proposed changes to this policy must be approved by the Board.

This policy is to be reviewed by 29 January 2019.

25. Version History

Version	Authorised by	Approval date	Effective date	Sections modified
1.0	Board	08/08/2014	08/08/2014	N/A
2.0	Board	07/08/2015	07/08/2015	Foreword, 4, 5, 6, 14, 15, 19, Appendix 2 & 3, Employee acknowledgement
3.0	Board	12/08/2016	12/08/2016	3
4.0	Board	21/12/2016	21/12/2016	Scope 1, Application 2, Policy Principles 3c, Definitions 6.1, Management of offers of gifts, benefits & hospitality 12.1, Footnote pg. 16, Accountabilities of the CEO 20
5.0	Board	29/01/2018	29/01/2018	Sections 1,2,3,4,5 & 6 renumbered

Schedule A

Minimum accountabilities

Public officials offered gifts, benefits and hospitality:

1. Do not, for themselves or others, seek or solicit gifts, benefits or hospitality.
2. Refuse all offers of gifts, benefits or hospitality that:
 - are money, items used in a similar way to money, or items easily converted to money such as shares;
 - give rise to an actual, potential or perceived conflict of interest;
 - may adversely affect their standing as a public official or which may bring their public sector employer or the public sector into disrepute; or
 - are non-token offers without a legitimate business benefit.
3. Declare all non-token offers (valued at \$50 or more) of gifts, benefits and hospitality (whether accepted or declined) on the Game Management Authority 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 Chair or CEO of the Game Management Authority or their delegate (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).
5. Refuse all offers of gifts, benefits or hospitality from people or organisations about whom they are likely to make decisions involving:
 - tender processes;
 - procurement;
 - enforcement;
 - licensing; or
 - regulation.

Public officials providing gifts, benefits and hospitality:

1. Ensure that any gift, benefit or hospitality is provided for a business purpose in that it furthers the conduct of official business or other legitimate organisational

2. goals, or promotes and supports Game Management Authority policy objectives and priorities.
3. Ensure that any costs are proportionate to the benefits obtained for the State, and would be considered reasonable in terms of community expectations.
4. Ensure that when hospitality is provided, individuals demonstrate professionalism in their conduct, and uphold their obligation to extend a duty of care to other participants.

Heads of public sector organisations:

5. Establish, implement and regularly review organisational policies and processes and provide guidance for the effective management of gifts, benefits and hospitality that comprehensively address these minimum accountabilities to both internally to employees and externally to business partners and other stakeholders.
6. 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.
7. 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.
8. Promulgate and establish awareness and compliance with gifts, benefits and hospitality policies from all members of the organisation – from front line employees to Board members and chief executives.
9. 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.
10. Report at least annually to the organisation's Audit & Risk Management 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.

11. Publish the organisation's gifts, benefits and hospitality policy and register on the organisation's public website (applies only to organisations with an established website). The published register should cover the current and the previous financial year.

Gifts, Benefits and Hospitality Declaration Form

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

Individual to Complete	
1. Declaration date	
2. Name and position	
Details of the gift, benefit or hospitality	
3. Date offered	
4. Describe the gift, benefit or hospitality	
5. Estimated or actual value (\$)	
6. Offered by (name of individual/organisation making the offer)	
7. Is the person or entity making the offer a business associate of the organisation (Y/N)? If yes, describe the relationship between them and the organisation. If no, describe the relationship between you and the person or organisation making the offer.	
8. Reason for making the offer	
9. First time offer OR previous offer(s) received from this source (individual or organisation) in the last 12 months. If previous offers made, estimated cumulative value of offers made by this source (individual or organisation) in last 12 months is.	
10. Would accepting the offer: a) create an actual, potential or perceived conflict of interest to exist (Y/N); or b) bring you, the organisation or the public sector into disrepute (Y/N)? (If either is answered YES, then the offer must be declined in accordance with the minimum accountabilities).	<i>Details of conflict of interest:</i>

<p>11. Is there a legitimate business benefit to the organisation, public sector or State for accepting the offer, e.g. does it meet the following:</p> <p>a) it was offered during the course of official duties (Y/N); and</p> <p>b) it relates to your official responsibilities (Y/N); and</p> <p>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>	<p><i>Detail of business benefit:</i></p>
<p>12. I accepted the offer YES / NO</p>	<p><i>Signature:</i></p> <p><i>Date:</i></p>
<p>13. Do you believe that the gift may be of cultural, historic or other significance? YES / NO</p>	
<p>14. If the gift was accepted, are you applying for transfer of ownership to yourself in the public interest? YES / NO</p>	
<p>Noted by 'responsible person' (as authorised delegate)</p>	
<p>1. Name and position</p>	
<p>2. Relationship to Board member or employee</p>	
<p><i>Complete if individual declined offer</i></p>	
<p>3. I have reviewed this declaration form and submitted it for inclusion on the organisation's gifts, benefits and hospitality register.</p>	
<p><i>Complete if individual accepted offer</i></p>	
<p>4. I have reviewed this declaration form and, confirm that, to my knowledge, accepting this offer:</p> <p>a) does not raise an actual, potential or perceived conflict of interest for the individual or myself; and</p> <p>b) will not bring the individual, myself, the organisation or the public sector</p>	

into disrepute; and c) will provide a clear business benefit to the organisation, the public sector or the State.	
5. Detail decision regarding ownership of tangible offers (e.g. specify whether Board member/employee retained gift; transferred to organisation's ownership; returned to offeror; donated to charity etc.)	
<i>Completed for to be submitted for inclusion on the organisation's gifts, benefits and hospitality register.</i>	
Gifts, Benefits and Hospitality Register updated	
1. Name and position	Signature Date
2. Register updated	Date
Assets Register updated (if applicable):	
a) Name and position	Signature Date
b) Register updated	Date

Gifts, Benefits and Hospitality Register 2017-18

Date offered	Offered to (individual's name and position) – [Name may be de-identified when published on the organisation's website]	Description of the gift, benefit or hospitality	Estimated or actual value \$	Cumulative value of offers made by individual or organisation \$	Offered by (name of individual or organisation making the offer)	Is the person or organisation making the offer a business associate of the organisation (Y/N)? Consider whether their offer is consistent with the organisation's policy.	Reason given by offeror for making the offer	If accepted: a) Would an actual, potential or perceived conflict of interest exist; or b) Would it bring the individual, the organisation or the public sector into disrepute? If either is answered YES, then the offer must be declined in accordance with the minimum accountabilities	Is there a legitimate business benefit to the organisation, public sector or State for accepting the offer, e.g. does it meet the following: a) it was offered during the course of the individual's official duties; and b) it relates to the individual's official; responsibilities; and c) it has a benefit to the organisation, public sector or State If NO, then offer must be declined, and if YES then the business benefit must be detailed, in accordance with the minimum accountabilities.	Decision regarding the offer: a) Declined or accepted (state which) b) Ownership (e.g. state whether individual retained; was transferred to organisation's ownership; returned to offeror etc.)	Approvals – if offer accepted, state who approved the decision on ownership (name and position of individual's manager or senior decision-maker who approved acceptance).	Completed by (name and position)
	Boxes marked in biscuit should be included on the public register											

Employee Acknowledgement

[If this policy is used as part of employee training, ensure this section is signed by the employee as a record of acknowledgement of the policy]

I have read, understood and agree to abide by all requirements in relation to accepting, declaring and recording the receipt of gifts, benefits or hospitality as set out in this Gifts, Benefits and Hospitality Policy

I understand that failure to comply with rules, regulations and practices described in this policy may result in disciplinary action.

Employee Name _____ **Signature** _____

Position _____ **: Date** _____

Manager Name _____

Manager Signature _____ **: Date** _____