

Gifts, Benefits and Hospitality Policy | GOV-30

1. Rationale

This policy provides the minimum accountabilities for managing gifts, benefits and hospitality. These minimum accountabilities are binding under Instruction 3.4.11 of the Instructions supporting the Standing Directions of the Minister for Finance 2018. The clause 11- Internal Control System stipulates the Accountable Officer must ensure that the Agency develops policies and procedures that apply the minimum accountabilities set out in the [Victorian Public Sector Commission's Gifts, Benefits and Hospitality Policy](#).

Purpose

This policy states the position of AMES Australia on:

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

2. Policy Statement

AMES Australia is committed to and will uphold these principles and accountabilities in applying this policy.

This policy applies to all **AMES Australia employees including contractors, partners, consultants, Board members and volunteers**. It also applies to gifts given to members of a staff member's immediate family if the gift can be linked to the staff member's AMES Australia duties.

The policy does **not** apply to gifts received in a private context.

All employees must support behavior consistent with the [Code of conduct for Victorian public sector employees \(the Code\)](#). All employees are required to comply with this policy. Board members to comply with [Code of Conduct for Directors of Victorian Public Entities](#).

A breach of this policy may result in disciplinary action or criminal prosecution depending on the circumstance as

- A breach of the Code of Conduct for the Victorian Public Sector;
- Misconduct under the Public Administration Act 2004; and
- Corrupt conduct within the meaning of the Independent Broad-based Anti-corruption Commission Act 2011.

Principles

Public interest

All employees 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. Employees do not accept offers from those about whom they are likely to make business decisions.

Accountability

Employees are accountable for:

- declaring all non-token offers of gifts, benefits and hospitality;
- declining non-token offers of gifts, benefits and hospitality, or where an exception applies under this policy, seeking approval to accept the offer; and
- the responsible provision of gifts, benefits and hospitality.

Managers are accountable for overseeing management of their reporting staff acceptance or refusal of non-token gifts, benefits and hospitality, modelling good practice and promoting awareness of gifts, benefits and hospitality policies and processes.

Risk-based approach

AMES Australia, through its policies, processes, will ensure gifts, benefits and hospitality risks are appropriately assessed and managed. Managers 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.

3. Implementation

- Employees must not for themselves or others seek or solicit gifts, benefits and hospitality.
- In accepting gifts, benefits or hospitality, AMES Australia employees must always act fairly and objectively and maintain public trust by being honest, open and transparent.
- Gifts, benefits and hospitality may only be provided for AMES Australia business purpose. The cost must be proportionate to the benefit obtained by AMES Australia.
- Attempted bribes must always be refused and reported to the CEO, who will report them to the Independent Broad-based Anti-Corruption Commission (IBAC).
- All offers of gifts, benefits and hospitality worth more than \$50 must be declared on the Gifts, Benefits and Hospitality Declaration (Form 1) and registered on the Gifts, Benefits and Hospitality Register (Form 2).
- Acceptance and purchase of gifts and hospitality provision of above \$150 must be approved by the CEO.
- The purchase of gifts worth more than \$150 by the CEO requires the approval of the Chair of the FARM Committee.
- All disposals of gifts require the approval of the CEO.
- This Policy and the Managing Gifts, Benefits and Hospitality guideline are available for all employees on the Quality System.
- This Policy and a copy of the Gifts, Benefits and Hospitality Register, for the current and previous year, are available on AMES Australia external website.

4. Related Policies, procedures, forms, guidelines or other resources

- [Standing Directions of the Minister for Finance 2018, Direction 3.4](#)
- [Victorian Public Sector Commission's Gifts, Benefits and Hospitality Policy](#)
- [Code of conduct for Victorian public sector employees](#)
- [Code of Conduct for Directors of Victorian Public Entities](#)
- Managing Gifts, Benefits and Hospitality guideline

5. Evaluation/Reporting/ Review

The Chief Financial Officer (CFO) will report annually to the Finance Audit and Risk Management (FARM) Committee on the administration and quality control of gifts, benefits and hospitality procedure, processes and register. The report will include an analysis of risks and risk mitigation measures and any proposed improvements.

This Policy will be reviewed every two years by the Chief Financial Officer.

6. Definitions

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| 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. |
| Conflicts of interest: | <ul style="list-style-type: none"> • <i>Actual conflict of interest:</i> There is a real conflict between an employee's public duties and private interests. • <i>Potential conflict of interest:</i> an employee has private interests that could conflict with their public duties. This refers to circumstances where it is foreseeable that a conflict may arise in future and steps should be taken now to mitigate that future risk. • <i>Perceived conflict of interest:</i> the public or a third party could form the view that an employee's private interests could improperly influence their decisions or actions, now or in the future. |
| Gifts: | Free or discounted items and any item 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). |

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| Hospitality: | <p>Is the friendly reception and entertainment of guests?</p> <p>Hospitality may range from light refreshments at a business meeting to expensive restaurant meals and sponsored travel and accommodation.</p> |
| Token offer: | <p>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?</p> <p>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).</p> |
| Non-token offer: | <p>Is an offer of 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?</p> |

7. References

This Policy has been approved by the Executive on 15 September 2020.

Next review is 15 September 2022.