

Gifts, Benefits and Hospitality Policy

Department of Justice and Community Safety

Purpose	<p>Department of Justice and Community Safety (the department) staff must remain impartial and transparent when performing public duties to maintain public trust and prevent corruption.</p> <p>This policy and guideline outlines the department's expectations for appropriately managing gifts, benefits and hospitality (GBH), including providing GBH and responding to offers of GBH.</p>
Scope	<p>The policy applies to all departmental officials, including executive officers and employees covered by the Victorian Public Service Enterprise Agreement 2024.</p> <p>It also applies to workplace participants including (but not limited to) locally engaged staff in the department's offices, trainees, university and work experience students, apprentices, cadets and volunteers who perform work for or on behalf of the department and agency on-hire staff or contractors who the Victorian Public Sector Commissioner has specifically identified as being bound by the Code of Conduct for Victorian Public Sector Employees 2015 (the Code).</p> <p>These people include those who:</p> <ul style="list-style-type: none"> • supervise public sector employees • undertake work that is of a similar nature to the work undertaken by public sector employees at premises or a location generally regarded as a public sector workplace • use or have access to public sector resources or information not normally accessible or available to the public. <p>It applies to all administrative areas of the department and to agencies for whom the Secretary is the employer. It aligns with the Victorian Public Sector Commission's (VPSC) minimum accountabilities for all public sector employees.</p> <p>For ease of reading, in this policy we use the term 'employee' to cover anyone the policy applies to.</p>
Statement of Policy	<p>Employees are expected to:</p> <ul style="list-style-type: none"> • not seek gifts, benefits or hospitality for themselves or any other individual • only accept offers of gifts, benefits or hospitality valued at \$50 or more where there is a legitimate business purpose, approval is sought beforehand and it's not an offer that must be refused • only provide gifts or hospitality for a business purpose that: <ul style="list-style-type: none"> – furthers the conduct of official business or other legitimate organisational goals – promotes and supports government policy objectives and priorities – meets community expectations – avoids conflicts of interest • ensure public funds are not spent on staff social events, including Christmas functions and events that celebrate personal milestones • notify Integrity Culture if a supplier or external company makes numerous offers of gifts, benefits or hospitality.

Declare all offers valued at \$50 or more

All offers of gifts, benefits or hospitality valued at \$50 or more — known as non-token offers—must be registered (whether accepted or rejected) on the department's registration form, and authorised and emailed to giftregister@justice.vic.gov.au. Information about all offers will be included in the department's internal gift register. A redacted register will be published on the department's website (www.justice.vic.gov.au) annually in accordance with the minimum accountabilities.

Offers that must be refused

Employees are expected to refuse all offers of gifts, benefits and hospitality:

- That could be reasonably perceived as undermining their or the department's integrity and impartiality or compromise the public's trust in the department.
- That give rise to an actual, potential or perceived conflict of interest from individuals or organisations about whom they are likely to make decisions, especially those involved in:
 - contract management
 - tender processes
 - procurement
 - enforcement
 - licensing
 - regulation
 - client/offender/young person management.
- That are money, used in a similar way to money, or items easily converted to money such as gift vouchers, debit cards and shares.
- That come from current suppliers, other than token offers of basic courtesy such as tea and coffee during a meeting.
- That offer free services outside of a contractual arrangement.
- That are not consistent with community expectations.
- That do not further the conduct of official business or other legitimate goals of the department, the public sector, or the State.
- Where acceptance could reasonably be seen as endorsing a product or service.
- For events where the department will already be sufficiently represented to meet its business needs. Even if there is no other employee attending, acceptance still needs to be considered in accordance with this policy.
- That are repeat offers from the same person, group or organisation. The combined effect of multiple offers can create a conflict of interest risk.
- That are bribes. All bribery attempts must be reported to the Secretary via the Integrity and Investigations team.

Employees should also refuse offers they consider would breach their obligations under the Code of Conduct.



Providing gifts, benefits or hospitality

General principles when providing a gift, benefit or hospitality:

- **Business reason**

Ensure it is provided for a legitimate business benefit that furthers the conduct of official business or other legitimate goals of the department, the public sector or the State.

- **Prevent conflict of interest**

Ensure it does not raise a conflict of interest (actual, potential or perceived).

- **Proportionate costs**

Ensure that any costs incurred are proportionate to the benefits obtained for the department or government and would be considered reasonable and consistent with community expectations.

- **Financial Authorisation**

The department's procurement process, financial management and purchase card policies apply to the provision of gifts, benefits and hospitality. Written authorisation from relevant financial delegates must be sought prior to the provision of gifts, benefits or hospitality.

Employees should consider whether the offer really needs to be made or if 'thanks is enough'. See the [HOST test](#).

Guidance

'Thanks is enough' at the department. Even if a gift, benefit or hospitality is permitted under this policy, consider whether accepting or providing such an offer really supports a high integrity culture.

Managers with direct reports must:

- be aware of the gifts, benefits and hospitality risks in their direct report's roles
- oversee their direct report's compliance with this policy
- promote awareness, give advice and model good practice.

Receiving offers

Whatever the value of a gift, benefit or hospitality offer, employees should consider the integrity impacts of accepting it - including conflicts of interest, diminishing public trust and perceptions of favouritism.

Token offers (valued under \$50)

Token offers are gifts, benefits or hospitality that are worth less than \$50. Examples include basic courtesy such as non-alcoholic beverages or light snacks during a meeting.

Employees can accept token offers without a legitimate business reason and so long as it's not an offer that must be refused under this policy.

Manager approval is not required.

Token offers do not need to be declared via the department's registration form.

Employees should consider whether the offer really needs to be accepted or if 'thanks is enough'. See the [GIFT test](#).



Non-token offers (valued at \$50 or more)

Non-token offers are gifts, benefits or hospitality that are worth \$50 or more.

Employees can accept non-token offers where there is a legitimate business purpose that furthers the conduct of official business or other legitimate goals of the department, the public sector or the State, and so long as it's not an offer that must be refused under this policy.

Director (or other appropriate) approval is required before accepting the offer. If prior written approval cannot be obtained, it is required within 5 business days of the offer.

Employees need to declare the offer in writing via the registration form, even if it's refused. The declaration needs to include:

- why the gift was offered
- the relationship to the department or official of the organisation or individual making the offer (e.g. stakeholder, business associate)
- how the offer will be treated, including why it would be accepted if that is the decision made.

The offer and outcome will be recorded on the department's internal and public registers.

Determining the value of an offer

The value of a non-token offer may not always be clear. In these cases, employees may be able to ask the person or organisation who made the offer for an approximate value or can otherwise perform an internet search to find the value of like items or events. For example, an event organiser can advise the cost per head of the hospitality provided or the website for the event could indicate the ticket price.

Offers to speak at events

Employees may be asked to speak at external (public or private sector) events and receive offers in return, including attendance to the whole event either free or at a reduced cost.

These offers may be accepted (and declared) provided there is a legitimate business purpose to participate, and prior written approval is received.

Integrity risks can be minimised and managed, including any conflicts of interest, if the department pays the costs to attend the event.

Offers for professional development

Employees may be offered opportunities, by suppliers or other organisations, that could contribute to an official's professional development. Such an offer may be accepted if it is relevant to the official's work duties and there is a legitimate business benefit to attend. Prior written approval must be provided.

Employees must consider whether accepting the offer creates a conflict of interest and whether this can be managed in the public interest.

Any travel costs should be paid for by the department in accordance with the travel policies.

Where the offer comes from a supplier, the integrity risks of accepting the offer can be mitigated by avoiding publicly endorsing the supplier. This manages impacts on the perceived independence and impartiality of future procurement decisions and activities.

Offers of professional development may include those that support employees to maintain a professional registration, licence or practicing certificate. For example,

departmental employees such as solicitors are required to participate in continuing professional development (CPD). Providing CPD is a contractual requirement for Victorian Government Legal Services Panel firms, and offers from panel firms do not need to be declared under this policy as they are part of a contract (this is consistent with the 'Offers that must be refused'). CPD offers from non-panel firms and other external providers (such as barristers or their lists) must be declared in accordance with this policy.

Offers to the department or made on behalf of the department

Offers may be made to the department itself. For example, offers of equipment to support delivery of a program for departmental clients. Or some offers may be made by organisations on behalf of the department, such as a donation to a charity in the department's name.

There can be reputational risks associated with these types of gifts, including impacts on the perception of the impartiality of the department and decision-making.

These offers must be declined if they are an offer that must be refused under this policy or if it is otherwise not consistent with community expectations.

Where there is no opportunity to decline such an offer, it should be declared using the standard registration form, noting there was no opportunity to accept or refuse.

If it's not an offer that must be refused, the following will need to be considered:

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

Some offers may be accepted so long as the organisation or individual providing the offer does not receive promotional benefits in return. For example, an offer of equipment that is then publicly promoted on a company's website. Promotional benefits can undermine the business benefit for the department to accept the offer and can suggest the department is being sponsored. There are strict rules governing sponsorship.

Offers from other Victorian government departments or public sector organisations or from interstate or Commonwealth public sector organisations

Employees may receive a non-token offer from other government organisations. Such an offer can be accepted, so long as it's not an offer that must be refused under this policy.

Regardless of whether it's accepted or not, the offer needs to be declared.

Offers made in a personal capacity

Employees may accept offers received during their personal life and which are unconnected to their work if it's believed on reasonable grounds the offer is made in a personal capacity. No declaration is required.

Official gifts and items

Employees may be offered official gifts and items - including those with cultural, ceremonial, religious, historic or other significance – as part of business with official delegates or representatives of a community group, organisation or government.

Regardless of its monetary value, an official gift or item can be accepted on the department's behalf, declared and recorded in the department's register. Official gifts and items will become the property of the department, not an individual.

Employees can apply to own an official item if it meets the following requirements:



- it is the express wish of the giver
- it benefits the department's relationship with the giver
- it is appropriate given the significance and value of the item
- it would be consistent with community expectations
- it is unlikely to bring the official or department into disrepute
- an appropriate manager or senior delegate gives written approval.

Generic offers that do not require declaration

There are some offers that, if refused, are exceptions to the requirement to declare because they are generic. For example:

- Emails targeting employees with offers to attend an event, often at a discount rate. Sometimes these emails may appear personalised.
- SPAM email.

If there is no business relationship with the person or organisation who sent the email and the offer is not related to an employee's work, or the work of their area of the department, it is likely a generic offer. If the person or organisation who sent the email does have a business relationship with the department (such as a supplier) consider whether there is a legitimate business benefit to accept the offer.

Employees only need to declare such an offer if it is accepted, and if accepted, should ensure that it's not an offer that must be refused under this policy.

Ownership of non-token offers

Non-token offers generally belong to the department. However, if an employee received an offer in recognition of their work or contribution, they can retain it provided that:

- it is not an official gift
- it is unlikely to bring the official or department into disrepute
- it would be consistent with community expectations
- an appropriate Director or above gives written approval.

Declining offers

Wherever possible, when an offer must be refused employees should decline it when the offer is made.

Sometimes this may be difficult, for example:

- The offer may have been delivered via mail or left anonymously, providing no opportunity to decline.
- Declining the offer may cause offence or be unsafe in the moment to refuse.

If an offer cannot be declined at the time it is made, employees can accept the offer and then declare it as soon as possible.

Speaking at an event

Guest speakers may be offered a token of appreciation and declining could be seen as impolite. To avoid this situation, employees should inform the event organiser in the planning stages that:

- they are speaking at the event as part of their job and require no other reward
- they would prefer no gift was offered as declining it later might cause offence
- positive feedback to their manager would be much more appreciated.

A gift, benefit or hospitality from a supplier to the department



It is common in the private sector to provide gifts to business clients, including to develop relationships and build business opportunities. However, in the public sector this practice can create perceptions of official decisions being influenced or businesses being favourably advantaged.

In most circumstances you should decline a gift from a supplier to the department. To do this you could:

- set the ground rules from the start – let them know that although it may be common practice, it is not appropriate for you to accept gifts from them
- return the gift and ask them to donate it to a charity of their choice
- refer them to the supplier code of conduct.

Cultural protocols

Declining a gift or hospitality can be difficult where it is polite customary practice to provide it. Therefore, it may be appropriate to accept the gift on behalf of the department rather than as an individual. Be clear about what will happen to the offer, for example, it will be displayed in an office or provided to a senior delegate to manage appropriately.

Disposing of Gifts

When a gift is received, is valued at \$50 or more, and is not retained by the individual, the relevant business unit director may dispose of the gift in an appropriate manner. The disposal of any gift must be recorded in the gift, benefits and hospitality registration form.

Options for disposal include:

- donating the gift to a charity or community organisation
- holding an auction with the proceeds going to a charity.

If a gift, benefit or hospitality has been identified as 'DJCS to own', then it may need to be included on an appropriate asset register and should not be disposed of other than through proper processes.

Giving gifts

There may be occasions where it is appropriate for an employee to give a gift to another agency, department or private individual or organisation, such as to thank them for speaking. Expenditure on minor gifts for protocol or of a public relations nature is acceptable where such gifts support the department's functions and would be considered acceptable in accordance with community expectations. Where possible, the gift should be symbolic, rather than financial in value, and should not be alcohol.

Gifts or tokens may be provided to employees as recognition for significant achievements, events, service milestones or retirement. A token, such as a card and/or flowers, may also be sent to family members of deceased employees.

Significant life events, such as bereavements, birthdays, marriages, the birth of children or end of year social events must not be funded by the department.

The same principles apply for the provision of gifts as for accepting them, including how the provision of the gift may be perceived. Consider perceptions of favouritism and bias that may arise from providing a gift, and how this might impact on staff safety, culture or department operations.

Providing Hospitality

For a range of reasons, the department may provide catered activities. These include:

- As part of a larger staff-related event, for example a training course, workshop, planning day seminar or conference.

- Recognising an organisational or individual staff achievement, for example the successful completion of a project or the retirement of a long-standing member of staff.

Catering for an event for staff can be an effective way to celebrate achievements or promote behaviours and is consistent with common business practice. In deciding whether the department should pay for all, some, or none of the costs associated with the staff event, consider:

- How much the event will contribute to departmental objectives, for example reinforcing values or motivating staff.
- Whether there have been multiple recent events resulting in perceptions of excess.
- The need to balance the positive benefits of recognition with community expectations about modest and prudent expenditure by departmental officials.
- The total cost to the department (including any fringe benefits tax (FBT) payable).

Whilst public perception must be considered, all factors including the total cost should be taken into account when deciding what catering, if any, is needed.

To contain costs:

- Where possible, hold at a time of day when hospitality is not required (such as meal times) or, a sufficient break in proceedings should be scheduled so participants can get their own refreshments from local outlets, if available.
- Where the event or meeting extends over usual mealtimes, modest hospitality (tea, coffee or a light meal) can be provided. This hospitality should have a low cost per head and be in line with community expectations.
- Select public sector venues in preference to private venues. Only use external venues when necessary and when it demonstrates value for money. Perceptions are also important; sometimes even a modestly priced venue can be perceived as excessive, if for example it promotes an image of luxury. Similarly, venues should be selected that do not create a conflict of interest for the staff involved in the selection, for the business area or for the department.
- Catering should be proportionate to the number of attendees.
- Align the size of the event and number of attendees with intended outcomes.
- Procure catering at competitive rates and avoid inclusion of more expensive menu options.
- If FBT is payable, it must be factored in when determining the total cost. Queries about whether FBT is payable and the likely cost of that tax may be directed to the Senior Manager, Taxation and Compliance on (03) 8684 7320 or Mini.Balasingham@justice.vic.gov.au.

Providing Alcohol

Alcohol may be supplied at formal events hosted by DJCS. Prior written approval from the relevant business unit Director and Executive Director or Deputy Secretary is required.

The department must ensure compliance with its obligations under the *Occupational Health and Safety Act 2004*, the *Liquor Control Reform Act 1998*, the relevant Code of Conduct and the Respect in the Workplace Policy.

In determining whether providing alcohol is appropriate, consider the following:



- Any event where alcohol is served must not exceed 3 hours in duration and be held at a time which minimises the risk of officials returning to work impaired by alcohol.
- Exercise good judgment in determining the quantity of alcohol provided per person.
- The provision of alcohol must be incidental to the overall level of hospitality provided.
- Where alcohol is served with a meal, a modest amount may be provided, however post-meal alcohol should be at the employee's cost.

Alcohol for workplace social events (e.g. Friday afternoon drinks in the office) must be purchased in a private capacity and not with the department's funds.

Recording Hospitality Expenditure

The recording and reporting of all hospitality expenditure must be in line with whole of government financial management, accountability and reporting requirements.

The following are the charge codes for meal non entertainment and meal entertainment:

- 86025 - Light Work Lunch/Meeting/Non Staff Entertainment No FBT
- 86026 - Entertainment/Functions/Restaurant Meals FBT

For provision of meal entertainment to non-VPS and VPS employees, charges should be split between non-VPS staff and VPS staff to accounts 86025 and 86026 respectively.

Business unit finance managers can answer queries about what charge codes should be used for the purchase of gifts or the provision of hospitality.

Definitions	Gift	Items or services of value provided by a person or organisation either free or discounted, or items or services that would generally be seen by the public as a gift. Examples include flowers, chocolates, artwork, commemorative plaques, tickets to events and services such as car repair. Vouchers and gift cards are also gifts but must be treated as money. The monetary value of a gift is the estimated value if it were not provided free or discounted.
	Benefit	Preferential treatment, privileged access, favours and other advantages such as invitations to sporting, cultural or social events, access to discounts and loyalty programs, free services or promises of a new job.
	Hospitality	The friendly reception and treatment or entertainment of guests, from light refreshment at a business meeting to expensive restaurant meals or sponsored travel and accommodation.
	Official gift or item	Something that has cultural, ceremonial, religious, historic or other significance. Sometimes accepted or given on behalf of the department as part of business with official delegates or representatives of a community group, organisation, or government.
Breaches	Employees who think they may have breached this policy should immediately notify their manager and Integrity & Investigations (via giftregister@justice.vic.gov.au) so the integrity risks can be managed.	



The department will take a graduated and proportionate response to alleged breaches, including education or counselling or performance management if necessary. However, actions inconsistent with this policy may constitute misconduct under the *Public Administration Act 2004*. Non-disciplinary and disciplinary action, including dismissal, may be taken where an individual fails to adhere to this policy.

The department will communicate its policy on the offering and provision of gifts, benefits and hospitality to contractors, consultants and other business associates. Those who act inconsistently with this policy may be subject to contract re- negotiation, including termination.

For further information on managing breaches of this policy, please contact the Director Integrity and Investigations.

Speak up

The department encourages all officials to speak up about integrity concerns.

Reporting breaches and concerns

Individuals who consider that this policy has been or is about to be breached should speak up and notify:

- their manager
- the Director, Integrity and Investigations
- a departmental Public Interest Disclosure Coordinator
- where corrupt or improper conduct is suspected, the Independent Broad-based Anti-corruption Commission or Victorian Ombudsman.

The department will take decisive action, including possible disciplinary action, against individuals who discriminate against or victimise those who Speak Up in good faith.

Related Policy and other documents

- *Public Administration Act 2004*
- Code of conduct for Victorian public sector employees 2015
- Code of conduct for Victorian public sector employees of public bodies 2015
- Registration form: CD/24/350787
- Speak Up Guideline
- Public Interest Disclosures guidelines
- Supplier Code of Conduct

GBH Guidelines

- Minimum accountabilities
- Conflict of Interest Policy
- Resource: [GIFT and HOST tests](#)

Approval

This policy is issued under the authority of the Director, Integrity and Investigations and is subject to review.

The contents of this document represent the current policy of the department and reflect its current practices and experience.

Issue Date:

October 2024

Review Date:

October 2026

Contact Area

For questions or matters arising under this policy contact the **Director, Integrity and Investigations** or the **Senior Specialist, Integrity Culture**, or email: giftregister@justice.vic.gov.au