

Adult, Community and Further Education Board

Gifts, Benefits and Hospitality Policy

31 MAY 2023

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Version

This policy was endorsed by the Adult, Community and Further Education Board Audit and Risk Committee at Meeting 2019/2 on 9 May 2019 and approved by the Adult, Community and Further Education Board at Meeting 2019/3 on 13 June 2019.

This policy was reviewed by the Audit and Risk Committee at Meeting 2022/2 on 31 May 2022 and the Adult, Community and Further Education Board endorsed an updated version at Meeting 2022/3 28 June 2022.

This policy was revised to incorporate Machinery of Government (MoG) changes and compliance with Department of Jobs, Skills, Industry and Regions (DJSIR) policies and procedures in 2023.

# Purpose

The Adult, Community and Further Education (ACFE) Board Gifts, Benefits and Hospitality Policy states the requirements for ACFE Board members, including the Chairperson, and members of Regional Councils of Adult, Community and Further Education responding to or providing offers of gifts, benefits or hospitality.

The policy contributes to the ACFE Board’s management of conflicts of interest and the maintenance of high standards of integrity and public trust.

The overarching objective of the policy is to encourage behaviours that will earn and sustain community and government trust. In particular, the policy seeks to equip members to:

* Distinguish and appropriately manage modest tokens of appreciation, or hospitality that are a basic courtesy, from inducements, conflicts of interest or non-token offers without a legitimate and articulated business benefit.
* Identify appropriate boundaries for the provision of gifts, benefits and hospitality in a way that is considered reasonable in terms of community expectations.

# Application

All ACFE Board members, including the Chairperson, and members of Regional Councils are bound by the policy and its minimum accountabilities. The policy refers to this cohort collectively as members.

The policy also covers gifts, benefits or hospitality offered to a member’s immediate family members, if the offer is linked to the member’s role with or in relation to the ACFE Board or a Regional Council, as these offers may be made to influence your public duties.

The policy does not apply to gifts, benefits or hospitality offered to members and their immediate family members in a context that has no connection with their professional responsibilities or role.

# Policy principles

This policy is underpinned by the Code of Conduct for Directors of Victorian Public Entities and the *Public Administration Act 2004*. It 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. and the Gift, benefits and hospitality policy and procedures of the Department of Jobs, Skills, Industry and Regions.

Members are to perform their duties without favouritism, bias or for personal gain. Members act fairly and objectively and maintain public trust by being honest, open and transparent. Members also need to be confident in using public resources responsibly when making offers of gifts, benefits or hospitality in the course of our work.

Members must not accept or make offers of gifts, benefits or hospitality that influence, or may give the impression to influence, any decision unfairly. Considering any actual, potential or perceived conflict of interest is central to determining how to respond to an offer of a gift, benefit or hospitality.

Guidance on the management of conflict of interest can be found in the ACFE Board’s [Conflict of Interest Policy](http://www.education.vic.gov.au/hrweb/Documents/Conflict-of-Interest-Policy.pdf).

# Version and review

The policy is managed and maintained by the ACFE Secretariat Unit.

The policy will be reviewed at least every three years to ensure it is fit-for-purpose and achieves its stated aims.

# Minimum accountabilities

Binding minimum accountabilities of this policy are at Schedule A.

# Offers of gifts, benefits and hospitality

Types of offer

A **token offer** is an offer of a gift, benefit or hospitality with an estimated or actual value that is less than $50.

A **non-token offer** is an offer of a gift, benefit or hospitality with an estimated or actual value that is $50 or more.

A **ceremonial gift** is an official gift from one organisation to another organisation.

## Accepting gifts, benefits and hospitality offers

Members must exercise particular care when accepting gifts, benefits or hospitality if the donor:

* Is involved in a procurement or grant funding process with the ACFE Board or a Regional Council.
* Is the subject of, or potentially affected by a decision or the authority of the ACFE Board or a Regional Council.
* Is in a contractual relationship with the ACFE Board or the Victorian Government.
* Has offered gifts, benefits or hospitality of any kind more than once in the last year.

Where conditions apply to offers, recipients must assess whether the conditions comply with this policy. Recipients must refuse conditional offers which do not comply with the policy.

When considering whether to accept an offer of a gift, benefit or hospitality take the [GIFT test](https://edugate.eduweb.vic.gov.au/edrms/collaboration/PD/GPS/Policy%20Library/GIFT%20test.pdf) (**Attachment 1**). If in doubt, members should discuss the situation with their respective Chairperson or contact the ACFE Planning and Secretariat Unit.

## Declaring gifts, benefits and hospitality offers

Members will use the ACFE Board’s [gifts, benefits and hospitality declaration](https://edugate.eduweb.vic.gov.au/forms/Lists/GiftRegister/Item/newifs.aspx?List=9532fae6%2Df503%2D4cb6%2D87d7%2D7eab066e693e&Source=https%3A%2F%2Fedugate%2Eeduweb%2Evic%2Egov%2Eau%2Fforms%2FLists%2FGiftRegister%2FSimple%2520View%2Easpx&RootFolder=&Web=68ff373b%2Dbebc%2D40bb%2D87a9%2D0976266b0285) form (**Attachment 2**) to declare non-token offers, whether accepted or declined. Accepted ceremonial gifts should be declared via the declaration form, irrespective of their value, i.e. whether they are token or non-token. Declarations must be made within five days of the offer date, and where possible, approved prior to acceptance.

Where there is no opportunity to declare the non-token offer or ceremonial gift and seek approval from the authorised delegate prior to acceptance, the recipient must declare the non-token offer via the declaration form within five days of the acceptance date, and provide an explanation of the circumstances to the authorised delegate. Unjustified delays in declaring offers may constitute non-compliance with the policy.

Non-token offers to immediate family members, must be declared by members, if the offer is linked to the member’s position with the ACFE Board or a Regional Council.

Members must ensure that the offer has a clear, legitimate and articulated business benefit if proposed to be accepted.

Accepted token offers and declined and/or unanswered generic ‘spam’ invitations do not need to be declared. Neither does any hospitality provided by other Victorian Government agencies, where the reason for attendance is consistent with the ACFE Board or Regional Council functions and objectives, and the member’s official role.

In accordance with Guidance 4.2.2, Standing Directions under the *Financial Management Act 1994,* donations and sponsorships are not considered gifts, benefits or hospitality and their administration does not fall under this policy.

## Sponsored travel offers

Sponsored travel should be declined unless a legitimate and articulated business benefit for acceptance can be demonstrated.

If travel is in the public interest, the ACFE Board should consider paying for the travel, accommodation and associated costs in full, in accordance with the department’s travel policies. Members should be careful not to accept any sponsored travel offer where this could be perceived as endorsing an organisation or product.

# Keeping (offered) gifts

Offers that can be kept

The retention by recipients of non-token offers is not prohibited under the policy.

Members are encouraged to adopt a ‘Thanks is Enough’ approach when responding to offers of gifts, benefits or hospitality. This approach ensures impartiality in decision making with businesses or suppliers. A simple thank you is all members need from businesses and organisations to show their appreciation.

Ceremonial gifts are treated separately to other types of gifts because:

* They are the property of either the ACFE Board or the relevant Regional Council, irrespective of value, and are less likely to create a conflict of interest.
* Refusing ceremonial gifts may cause offence or embarrassment to the organisation, community or government who offered the gift.

Ceremonial gifts are to be accepted by members on behalf of and transferred to the ACFE Board or the Regional Council. The receipt of ceremonial gifts must be declared.

Factors to consider when you receive an offer

While the offering of gifts, benefit and hospitality, such as hampers, football tickets or invitations to corporate functions, is often a gesture of goodwill, it may give businesses and organisations a commercial edge by encouraging members to think of them first next time.

Non-token gifts, benefits and hospitality can only be accepted where it is for a business purpose, in that it furthers the conduct of official business or other legitimate goals of the ACFE Board, the public sector or State.

Accepting offers can give rise to a conflict of interest; lead to the perception of bias among members and communities; and call our objectivity and integrity into doubt.

## Offers that cannot be kept

If a non-token offer does not have a legitimate and articulated business benefit you must decline the offer. Examples of non-token offers that must be declined include:

* Tickets to entertainment events that do not relate to your official duties.
* Non-token hospitality provided while introducing you to a product or service (e.g. your role requires you to impartially assess new products and services, which may be undermined if you accept or are seen to accept such hospitality).

Gifts valued at $500 or more or ceremonial gifts regardless of value, must be transferred to the ACFE Board or the Regional Council. The exception to this provision is non-token offers related to sponsored travel and conference/meeting attendance where these are effectively consumed by the recipient and are unable to be transferred.

Official gifts presented to an individual recipient on behalf of the ACFE Board or a Regional Council, remain the property of the ACFE Board or the Regional Council, and must be declared if non-token.

Where the gift would likely bring you or your public body into disrepute, the public body should return the gift. If it represents a conflict of interest for you, the public body should return the gift or transfer ownership to the public body to mitigate this risk. Any offer of gifts, benefits and hospitality which represents an actual, potential or perceived conflict of interest must be refused.

A conflict of interest arises in circumstances where a member’s private interests can influence or be seen to influence a public duty or bring you, or the ACFE Board or the Regional Council into disrepute. The more valuable the offer, the more likely that a conflict of interest or reputational risk exists.

Vouchers (including retail debit cards and gift cards) are considered to be items used in a similar way or easily converted to money and are prohibited, pursuant to the Victorian Public Sector Commission’s minimum accountabilities.

## Privacy

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

* The Board is required to publish non-token offers in the public register.
* Personal information will be de-identified.
* For accepted offers from organisations, business names will be published.
* For declined offers from organisations, organisational categories will be published.

# Approval

Authorised delegate

Under the policy, the Executive Director, ACFE Division, fulfils the responsibilities of the authorised delegate.

The authorised delegate is responsible for considering and approving or declining recipient’s acceptance decisions. The authorised delegates’ responsibilities are non-delegable.

In approving a recipient’s proposed acceptance decision, the authorised delegate is confirming that the offer:

* Will provide a legitimate and articulated business benefit to the Board or the Regional Council.
* Does not raise a conflict of interest.
* Will not bring the recipient, the Board, the Regional Council, or the public sector into disrepute.
* Complies with this policy.

For declined offers, the authorised delegate is notified of submitted declarations, but is not required to make an approval decision.

## Timeliness of approval decisions

The authorised delegate must review all declared non-token offers and make an approval decision within 10 days, where possible, prior to acceptance.

Where there is less than 10 days before an offer event date, the authorised delegate must make reasonable efforts to provide an approval decision prior to the event date.

# Providing gifts and hospitality

Overarching considerations

Gifts, benefits and hospitality may be provided when welcoming guests, to facilitate the development of business relationships, further public sector business outcomes, to celebrate achievements or the opening of an event. It should be provided for a business reason and would not give rise to an actual, potential or perceived conflict of interest. When considering whether to provide hospitality, financial delegates should seek to uphold the reputation of the Board or the Regional Council and consider whether the:

* Provision of hospitality fosters and supports the Board’s or the Regional Council’s objectives.
* Reputation of the Board or the Regional Council and any external guests are upheld.
* Costs are proportionate to the benefits obtained for the State.

The costs of providing hospitality must be commensurate with community expectations.

When considering whether to provide hospitality or gifts on behalf of the Board or a Regional Council, members can, in the first instance take the [HOST test](https://edugate.eduweb.vic.gov.au/edrms/collaboration/PD/GPS/Policy%20Library/HOST%20test.pdf) (**Attachment 3**).

Any gift should be of a token value, unless otherwise approved by a financial delegate.

If an event or meeting is going to extend over usual meal times, it is acceptable to provide modest hospitality such as tea, coffee and a light meal. This type of hospitality has a low cost per head, is in line with community expectations, and may be required by employment provisions.

Wherever possible, a sufficient break in proceedings should be encouraged to enable participants to seek their own refreshments if available within the vicinity. Where possible, internal meetings attended by members should not be scheduled to conflict with meal times.

## Providing gifts and hospitality to non-members

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

# Providing gifts to members

On occasions, the Board or a Regional Council may wish to recognise significant member achievements and provide token gifts as part of:

* A reward and recognition event.
* Acknowledging length of service milestones and/or retirements.

A token gift, such as a card and/or flowers, may be sent to family members in the event of a member’s death. This may also help colleagues with their bereavement.

The Board and Regional Council-based members are required to seek approval from the authorised delegate when issuing non-token gifts to members that are funded by public monies. Funds sourced from ‘member collections’ do not constitute public monies.

Gifts given for other occasions in celebration of events such as birthdays, marriages or the birth of children must not be funded using public monies.

## Catered functions for members

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

## Catering for business meetings

The provision of working meals should normally occur at a work-based meeting location.

Working meals may be provided when:

* There are organisational efficiencies in continuing the meeting through the normal meal break.
* There is no reasonable alternative date and time to conduct the meeting except through a normal meal period.
* It is warranted by the Board or Regional Council-based timetables.
* It is necessary to accommodate the schedules of external invitees.

## Provision of alcohol

Financial delegates must only supply alcohol at an official event in accordance with the *Occupational Health and Safety Act 2004*, the *Liquor Control Reform Act 1998* and the Code of Conduct. Members must not be impaired by alcohol while working or while otherwise at a departmental location.

If the Board or a Regional Council hosts an event where alcohol will be served, the express authorisation of a Departmental Deputy Secretary is required, and the following departmental guidelines should be used:

* the event should be held at a time which minimises the risk of employees returning to work impaired by alcohol.
* no more than two standard drinks per person should be catered.
* the event should normally not exceed two hours in duration.
* the provision of alcohol should be incidental to the overall level of hospitality provided.

# Reporting

Annual activity reporting

Annual activity reports for non-token offers are made available to the Executive Director, ACFE Division.

## Audit and Risk Committee

The Board is required to prepare annual reports to the Audit and Risk Committee on the administration and quality control of the policy, processes and public register. These reports include an analysis of risks, including repeat offers from the same source and offers from business associates, risk mitigation measures and any proposed improvements.

## Public Reporting

In accordance with the requirements of Victorian Public Sector Commission’s Gifts, Benefits and Hospitality Policy Framework, a gifts, benefits and hospitality register report will be published annually on the Board’s public website, following the end of the financial year. The published register report covers the current and the previous financial year. Details of individual offers are published. Ceremonial gifts are not included in this report.

Individual recipients are de-identified, but position titles are disclosed. Declaration approvers are described as authorised delegates. The position titles used for recipients are either:

* ACFE Board Chairperson.
* ACFE Board Deputy Chairperson.
* ACFE Board member.
* Regional Council member.

# Monitoring and compliance

Audit and Risk Committee

In accordance with its charter, the ACFE Board’s Audit and Risk Committee is responsible for policy compliance monitoring and oversight across the Board and Regional Councils.

## Compliance attestation

The policy applies to all members.

Instruction 3.4 to the Standing Directions sets out the obligations for the Board’s annual compliance attestation, which includes adherence to the Victorian Public Sector Commission’s Gifts, Benefits and Hospitality Policy Framework.

Attestation processes are administered by the ACFE Secretariat Unit, Department of Jobs, Skills, Industry and Regions (DJSIR).

## Speak-Up

Members can raise concerns about non-compliance with the ACFE Secretariat Unit.

## Non-compliance

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

* *Public Administration Act 2004* in relation to misconduct.
* Directors’ Code of Conduct under the Public Administration Act*.*
* Victorian Public Sector Code of Conduct.

Instances of potential non-compliance will be reported to the authorised delegate, to allow them to take actions under DJSIR’s complaints and management of misconduct policies[.](http://www.education.vic.gov.au/hrweb/workm/Pages/conduct.aspx)

Instances of non-compliance may also be reported to the ACFE Board’s Audit and Risk Committee.

# Freedom of Information

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

# Record keeping

Public sector organisations have record keeping obligations which help to ensure transparency and accountability. These include obligations under the *Public Records Act 1973*, and the Financial Management Act to ensure that public funds are appropriately authorised and incurred in accordance with business needs, and captured in financial records. All record keeping relating to this policy will accord with the Board’s obligations.

# Further assistance

Members who are unsure about the acceptance of a gift, benefit or hospitality, or the application of this policy, should in the first instance discuss the matter with their Chairperson.

Further support is available from the ACFE Secretariat Unit via: [ACFEB.Secretariat@education.vic.gov.au](mailto:ACFEB.Secretariat@education.vic.gov.au)

# Definitions

**Authorised delegate**

Nominated person assigned the responsibility to consider and approve proposed acceptance decisions within declarations of gift, benefit and hospitality offers. Authorised delegates’ responsibilities are non-delegable.

For this policy the authorised delegate is the Executive Director, ACFE Division, Department of Jobs, Skills, Industry and Regions (DJSIR).

**Business associate**

An individual or body that the Board or Regional Councils have, or plan to establish, some form of business relationship with, or who may seek commercial or other advantage by offering gifts, benefits or hospitality.

**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.

**Ceremonial gifts**

Ceremonial gifts are official gifts provided as part of the culture and practices of communities and government, within Australia or internationally. Ceremonial gifts are usually provided when conducting business with official delegates or representatives from another organisation, community or foreign government.

Ceremonial gifts are the property of the Board or a Regional Council, irrespective of value, and should be accepted by members on behalf of the organisation. The receipt of ceremonial gifts should be recorded on the register but does not need to be published online.

**Conflict of interest**

Conflicts may be:

Actual: There is a real conflict between a member’s public duties and private interests.

Potential: A member 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.

Perceived: The public or a third party could reasonably form the view that a member/s private interests could improperly influence their decisions or actions, now or in the future.

**Consumed offer**

A gift, benefit or hospitality offer is regarded as consumed when it has been accepted prior to approval and it is not possible to return it.

**Days**

Days in this policy are working days.

**Declaration**

The documented disclosure of an offer and the recipient’s decision, which includes all pertinent details to enable the authorised delegate to assess the recipient’s decision.

**Donations**

Gifts given from or received by the Board or a Regional Council, typically for charitable purposes and/or to benefit a cause. They impose no obligations on the receiving organisation and offer little or no rights or benefits to the provider. In accordance with *Guidance 4.2.2* of the Standing Directions*,* donations are not considered gifts, benefits or hospitality and their administration does not fall under this policy.

**Fundraising**

Fundraising by public sector organisations that is consistent with relevant legislation and any government policy is not prohibited under the minimum accountabilities.

**Gifts**

Gifts are free or discounted items or services and any item or service that would generally be seen by the public as valuable. These include items of high value (e.g. artwork, jewellery, or expensive pens), low value (e.g. small bunch of flowers), consumables (e.g. chocolates) and services (e.g. painting and repairs).

**Host**

The person, office holder or organisation which authorises 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.

**Immediate Family**

Member’s spouse/partner, sibling, child or parent.

**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.

**Legitimate business benefit**

A gift, benefit or hospitality may have a legitimate business benefit if it furthers the conduct of official business or other legitimate goals of the public sector organisation, the public sector or the State.

**Member**

ACFE Board Chairperson, ACFE Board Deputy Chairperson, ACFE Board member or Regional Council member.

**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 the gift, benefit and hospitality register.

**Procurement**

Procurement refers to all the business processes associated with purchasing goods and services under the Financial Management Act, or construction-relates services and infrastructure under the *Project Development and Construction Management Act 1994*, spanning the entire lifespan from the identification of needs to the end of a service contract or the end of the useful life and subsequent disposal of an asset. It also includes the organisational and governance frameworks that underpin the procurement function.

**Public official**

Public official has the same meaning as section 4 of the Public Administration Actand includes, public sector employees, statutory office holders and directors of public entities.

**Public register**

A public register is a record, preferably digital, of a subset of the information contained in a register, for publication as required by the minimum accountabilities.

**Public Sector**

As defined within the Public Administration Act.The Public Sector comprises the public service, public entities and special bodies.

**Recipient**

Personnel to whom offers of gifts, benefits and hospitality are made.

**Register**

A register is a record, preferably digital, of all declarable gifts, benefits and hospitality.

**Sponsored Travel**

Sponsored travel is an offer to fund, wholly, or in part, member’s travel and other work-related costs. This includes sponsored transport, accommodation, meals, conferences and industry tours. Sponsored travel should be declined unless a legitimate business benefit for acceptance can be demonstrated.

**Sponsorships**

The purchase or receipt of rights or benefits, including naming rights, delivered through association with an organisation's products, services or activities. The rights or benefits typically relate to the sponsor's reputation management or communication objectives. In accordance with *Guidance 4.2.2*, Standing Directions 2016, sponsorships are not considered gifts, benefits or hospitality and their administration does not fall under this policy.

**Supplier Code of Conduct**

A code of conduct issued by the Victorian Government which outlines the minimum ethical standards in behaviour that suppliers will aspire to meet when conducting business with, or on behalf of, the State.

**Token offer**

A token offer is a gift, benefit or hospitality that is of inconsequential or trivial value to both the person making the offer and the recipient (such as basic courtesy). They may include promotional items, such as pens and note pads provided to you at a conference, or modest hospitality that would be considered a basic courtesy, such as light refreshments during a meeting. The minimum accountabilities state that token offers cannot be worth more than $50.

**Transfer**

The passing of possession or control of a physical item to the Board or the Regional Council.

**Victorian Public Sector Organisations**

Victorian Public Sector entities as defined within the *Public Administration Act*. This does not include Victorian local government organisations.

**Voucher**

Vouchers (including retail debit cards and gift cards) are a payment facility offered by businesses to consumers.

* Cash vouchers are any vouchers that can be ‘universally’ used in the same way as cash can. A financial institution issued debit card, e.g. a bank $50 debit card, is a ‘cash’ voucher. The acceptance of cash vouchers is prohibited under this policy.
* Non-cash vouchers are vouchers that must be used at specific retailers and cannot be converted to cash. Non-cash vouchers are prohibited under this policy.

Schedule A

Minimum accountabilities

Members offered gifts, benefits and hospitality

1. Do not seek or solicit gifts, benefits and hospitality, for themselves or others.
2. Refuse all offers of gifts, benefits and hospitality that:
   1. Are money, items used in a similar way to money, or items easily converted to money, including vouchers.
   2. Give rise to an actual, potential or perceived conflict of interest.
   3. Extend to their relatives or friends.
   4. Are from a person or organisation about whom the member is likely to make a business decision.
   5. May adversely affect their standing as a public official or statutory office holder or which may bring the Board, a Regional Council, or the public sector into disrepute.
   6. Are non-token offers without a legitimate and articulated business benefit.
3. Declare all non-token offers (valued at $50 or more) of gifts, benefits and hospitality (whether accepted or declined) on the organisation’s register, within five days, and seek written approval from the Executive Director, ACFE Division to accept any non-token offer.
4. Refuse bribes or inducements and report inducements and bribery attempts to the Executive Director, ACFE Division, (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).

Members providing gifts, benefits and hospitality

1. Ensure that any gift, benefit and hospitality is provided for a business purpose in that it furthers the conduct of official business or other legitimate organisational goals, or promotes and supports government policy objectives and priorities.
2. Ensure any costs are proportionate to the benefits obtained for the State, and would be considered reasonable in terms of community expectations.
3. 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.

Authorised Delegate

1. Assess all declared non-token offers proposed to be accepted in the registry and make an approval decision within 10 days of the declaration and where possible prior to acceptance.
2. Where appropriate, approve a recipient’s retention of a non-token gift when offered by multiple sources but excluding a ceremonial gift or any other non-token gifts valued at $500 or more.
3. Oversee and monitor the acceptance or refusal of non-token offers and compliance with the policy, and provide appropriate counselling or take appropriate employment action where members have not complied with the policy.
4. 9. Report any criminal or corrupt conduct to the Deputy Secretary, Higher Education and Skills Group.

General Manager, ACFE Board

1. Establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality that comprehensively address these minimum accountabilities.
2. Establish and maintain a register for gifts, benefits and hospitality offered to members that, at a minimum, records sufficient information to effectively monitor, assess and report on these minimum accountabilities.
3. Communicate and make clear 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.
4. 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.
5. Report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-Corruption Commission.
6. Report at least annually to the ACFE Board’s Audit and Risk Committee on the administration and quality control of its gifts, benefits and hospitality policy, processes and register. This report must include analysis of the Board’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.
7. Publish the ACFE Board gifts, benefits and hospitality policy and register on the ACFE Board public website. The published register should cover the current and the previous financial year.

The GIFT test

The GIFT test can help you decide whether to accept or decline a gift, benefit or hospitality.

Answering positively to one or more of the questions may raise issues, and you should exercise particular care in these circumstances.

When in doubt discuss the situation with your Chairperson or contact the ACFE Planning and Secretariat Unit.

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



Adult, Community and Further Education Board

Gifts, benefits and hospitality declaration form

The Adult, Community and Further Education (ACFE) Board is required by the State Government Gifts, Benefits and Hospitality Policy Framework to record declarations of non-token offers made to ACFE Board members and Regional Council members.

This Declaration form must be submitted for approval by the recipient within five days of receiving an offer. In circumstances where prior approval has not or could not be obtained, the form must be submitted for notification within five days of the offer being received.

The recipient should advise donors that their full name is recorded in the Declaration as required by the Board's policy. Their names are viewed by Department of Jobs, Skills, Industry and Regions administrative personnel on a need to know basis.

De-identified information drawn from fields marked in green in this form and position titles of recipients of accepted offers will be published on the Board's public gift register. In some cases this might mean that recipients will be identifiable.

If you require further information about the process of declaring gifts, benefits and hospitality offers, please refer to the ACFE Board Gifts, benefits and hospitality policy.

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 1. **Recipient Information** | | | | | | | | |
| **First Name** | | |  | | | | | |
| **Family Name** | | |  | | | | | |
| **Position** | | | ❑ | | 1. ACFE Board member | | | |
|  | | | ❑ | | 1. Regional Council member | | | |
| **Location/Base** | | | 2 Treasury Place, East Melbourne | | | | | |
| 1. **Offer Information** | | | | | | | | |
| **Type of Offer** | | | ❑ | | 1. Ceremonial gift | | | |
|  | | | ❑ | | 1. Sponsored travel and conference | | | |
|  | | | ❑ | | 1. Hospitality from another Victorian Public Sector organisation (where the reason for attendance is consistent with ACFE Board functions and objectives, and recipient’s official role) | | | |
|  | | | ❑ | | 1. Ignored or declined spam (e.g. unsolicited, generic, bulk event invitation) | | | |
|  | | | ❑ | | 1. All other gifts, benefits and hospitality | | | |
| **If you have selected Option 3** (Hospitality from another Victorian Public Sector organisation where the reason for attendance is consistent with ACFE Board functions and objectives, and recipient’s official role) **or Option 4** (Ignored or declined spam) **you do not need to declared the offer or complete this form** | | | | | | | | |
| **Source of Offer** | | | ❑ | | 1. Government organisation | | | |
|  | | | ❑ | | 1. Government organisation - Interstate | | | |
|  | | | ❑ | | 1. Government organisation - International | | | |
|  | | | ❑ | | 1. International academic organisation | | | |
|  | | | ❑ | | 1. Domestic academic organisation | | | |
|  | | | ❑ | | 1. Business associate (existing, prospective or potential supplier) | | | |
|  | | | ❑ | | 1. Student(s)/Parent(s)/Carer(s) | | | |
|  | | | ❑ | | 1. Member of the community (individual, organisation and/or groups not directly related to the ACFE Board) | | | |
| **Estimated Value** | | |  | | | | | |
| **Please note: if the offer is valued at less than $50.00 and is not a Ceremonial Gift, you do not need to declare the offer or fill this form. However you must still refuse the offer if any of the conditions listed under Section 4 of this form are met.** | | | | | | | | |
| **Gift or hospitality event date**  (if relevant) | | | / /20 | | | | | |
| **Date Offered** | | | / /20 | | | | | |
| **If offer was given more than five working days ago, please explain reason for late submission** | | |  | | | | | |
| 1. **Offer Description** | | | | | | | | |
| **Description of Gift**  (75 characters limit) | |  | | | | | | |
| **Is Gift already in recipient’s possession?** | | ❑Yes | | | | ❑ No | | |
| **Has offer already been consumed?** | | ❑Yes | | | | ❑ No | | |
| (A gift, benefit or hospitality offer is regarded as consumed when it has been accepted prior to approval and it is not possible to return it.) | | | | | | | | |
| **Date consumed** | | / /20 | | | | | | |
| **Reason for consumption prior to declaration** | |  | | | | | | |
| **If related to a Travel Request, provide Corporate Travel Management (CTM) Number** | |  | | | | | | |
| **Proposed Decision** | | ❑ | | Decline | | | | |
|  | | ❑ | | Accept and retain by recipient | | | | |
|  | | ❑ | | Accept and transfer to DJSIR ownership | | | | |
| **Date Returned**  *(if relevant)* | | / /20 | | | | | | |
| **Acceptance Rational**  (150 characters limit)  Explain the legitimate business benefit to the ACFE Board associated with accepting an offer of gifts, benefits and hospitality.  If there is no legitimate business benefit, the offer must be declined. | |  | | | | | | |
| Examples of unacceptable explanations as they do not provide sufficient details to link the acceptance to the recipient's work function and benefit to the ACFE Board or State: - "Networking". - "Maintaining stakeholder relationship".  Example of an acceptable explanation: - "Recipient is responsible for evaluating and reporting outcomes of the ACFE Board's sponsorship of Event A. Recipient attended Event A in an official capacity and reported back to the ACFE Board on the event".    If travel is in the public interest, the Board should consider paying for the travel, accommodation and associated costs in full. Personnel should be careful not to accept any Sponsored Travel offer where this could be perceived as endorsing an organisation or product.  Personnel must declare and receive approval for any Sponsored Travel offer, before submitting a TRA, where required to do so. | | | | | | | | |
| 1. **Prohibited Items: if the offer meets any of the following criteria, it must be declared and declined** | | | | | | | | |
|  |  | | | | | | Yes | No |
|  | Offer is:   * Money. * Item used in a similar way to money. * Item easily converted to money.   This includes vouchers such as retail cards, debit cards, gift vouchers. | | | | | | ❑ | ❑ |
| 2. | Give rise to an actual, potential or perceived conflict of interest. | | | | | | ❑ | ❑ |
| 3. | Could:   * Adversely affect the standing of the recipient as a public official. * Bring the ACFE Board or the public sector into disrepute. | | | | | | ❑ | ❑ |
| 4. | Made by a person or organisation with a primary purpose to lobby ministers, Members of Parliament or public sector agencies. | | | | | | ❑ | ❑ |
| 5. | A bribe or inducement to make a decision or act in a particular way. | | | | | | ❑ | ❑ |
| 1. **Donor Details** | | | | | | | | |
| **First Name**  *(Optional)* | |  | | | | | | |
| **Family Name** | |  | | | | | | |
| **Position Title** | |  | | | | | | |
| **Organisation Name** | |  | | | | | | |
| **If Donor is an Australian-Based Organisation, provide ABN** | |  | | | | | | |
| **If donor is not a Business Associate, go to Section 6.** | | | | | | | | |
| *For Business Associate donor only*  **Organisation Category** | | ❑ Arts, sport and recreation  ❑ Health and community  ❑ Property services, personnel and equipment  ❑ Communications and technology  ❑ Travel, accommodation and hospitality  ❑ Professional services  ❑ Retail | | | | | | |
| 1. **Additional Information** | | | | | | | | |
| **Additional Information** | |  | | | | | | |
| 1. **Authorised Delegate Information and Review** | | | | | | | | |
| **Delegate Full Name** | | |  | | | | | |
| **Delegate Position Title** | | | Executive Director | | | | | |
| **Delegate Office** | | | ACFE Division — Training and Skills — Department of Jobs, Skills, Industry and Regions | | | | | |
| **Decision** | | ❑ Approved  ❑ Not Approved  ❑ Push Back for amendments | | | | | | |
| **Delegate Comments**  (e.g. reason for ush back, etc.) | |  | | | | | | |
| **Decision Date** | | / /20 | | | | | | |
| **Delegate Signature** | |  | | | | | | |

The HOST test

The HOST test can help you decide whether to provide hospitality or gifts to staff or stakeholders.

Answering positively to one or more of the questions may raise issues, and authorising officers

should exercise particular care in these circumstances.

When in doubt discuss the situation with your Chairperson or contact the ACFE Planning and Secretariat Unit.

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| H | **Hospitality** | **To whom is the gift or hospitality being provided**?  Will recipients be employees of the organisation rather than external business partners? |
| O | **Objectives** | **For what purpose will hospitality be provided?**  Is the hospitality ancillary to the conduct of official business and the support of government policy objectives and priorities? |
| S | **Spend** | **Will public funds be spent?**  What type of hospitality will be provided?  Will the costs be judged as expensive and out of keeping with the community’s expectations?  Will alcohol be provided as an indulgence rather than a courtesy?  Will the costs incurred be disproportionate to the benefits obtained? |
| T | **Trust** | **Will public trust be enhanced or diminished?**  Would it be difficult to explain the reason for providing the gift or hospitality?  Will the event be conducted in a manner which does not uphold the reputation of the public sector? |