

# Gifts, Benefits and Hospitality Policy

**OFFICIAL**

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Version 6

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## 1. Purpose

This policy provides the VGCCC statement of intent pertaining to:

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

## 2. Scope

Applies to all activities of the VGCCC, and to the Commissioners, VGCCC staff (including employees, contractors and consultants) and any individuals or groups undertaking activity for or on behalf of the VGCCC (collectively referred to as 'individuals' within this policy).

## 3. Legal Basis

Under the Instructions supporting the Standing Directions of the Minister for Finance 2018, the Victorian Public Sector Commission has set binding minimum accountabilities for the appropriate management of gifts, benefits and hospitality. This policy is at least as stringent as, and fully incorporates, the minimum accountabilities, and supports compliance with the *Public Administration Act 2004*, the *Code of Conduct for Victorian Public Sector Employees* and/or the *Code of Conduct for Directors of Public Entities*.

## 4. Principles

As a Victorian government statutory entity, the VGCCC is committed to ensuring that our decision-making remains impartial. This helps to maintain the public's trust in the VGCCC and prevent corruption.

The VGCCC follows these key principles when applying this policy:

**Integrity** - individuals must put the public interest first, and act in line with community expectations. They must refuse any offer that may lead to an actual or perceived conflict of interest.

**Accountability** - individuals are accountable for:

- declining offers where required
- declaring all non-token offers (accepted or refused)
- offering gifts, benefits and hospitality responsibly.

**Risk-based approach** - the VGCCC uses policies, processes and oversight by the Audit and Risk Management Committee (ARMC) to identify and manage risks related to gifts, benefits and hospitality. Managers must monitor the risks to which their direct reports are exposed.

## 5. Receiving Offers of Gifts, Benefits and Hospitality

Individuals must not solicit any gift, benefit or hospitality for themselves or others, if the offer could reasonably be seen as connected to your employment.

### 5.1 Integrity test - offers individuals must refuse

Individuals must refuse an offer if any of the following apply:

- It is money, cash equivalent, or easily converted to money.
- It creates an actual, potential or perceived conflict of interest.
- It is a repeat offer that could cumulatively create a conflict of interest.
- It could compromise public trust in the individual, VGCCC or public sector's impartiality.
- It is a non-token offer without a legitimate business reason (it does not further official business or other legitimate goals of the VGCCC, the public sector or the State).
- It is not consistent with community expectations.
- It could reasonably be seen as a bribe or inducement.
- It is from a person or organisation the individual is likely to make or influence a decision about in the foreseeable future.
- It could reasonably be seen as endorsing a product or service.
- It could reasonably be seen as advantaging a supplier or sponsor in a future procurement.
- The VGCCC will already be sufficiently represented to meet its business needs.

## 5.2 Stakeholder engagement

While engagement with regulated entities is necessary, it presents heightened conflict of interest and integrity risks. Individuals must apply a higher standard of scrutiny when dealing with regulated entities, licensees, and applicants.

Accepting invitations to Christmas parties or celebratory events from regulated entities is strictly prohibited.

Attendance at industry events hosted by regulated entities must be:

- directly linked to regulatory functions; and
- approved in advance in accordance with Section 5.7.

Individuals must not accept gifts, benefits and hospitality from venues; however, modest hospitality such as tea and coffee is acceptable. No exceptions apply to individuals beyond token hospitality.

## 5.3 Declining Offers (GIFT Test)

When deciding whether to accept or decline an offer, individuals may use the GIFT questions in *Figure 1*. If the outcome of the GIFT test is uncertain, the offer must be declined or escalated for advice.

Figure 1. GIFT Test

|          |           |  |
|----------|-----------|--|
| <b>G</b> | Giver     | <ul style="list-style-type: none"> <li>• Who is providing the gift, benefit or hospitality and what is their relationship to me?</li> <li>• Does my role require me to select suppliers, award grants, regulate industries or determine government policies?</li> <li>• Could the person or organisation benefit from a decision I make?</li> </ul>  |
| <b>I</b> | Influence | <ul style="list-style-type: none"> <li>• Are they seeking to gain an advantage or influence my decisions or actions?</li> <li>• Has the gift, benefit or hospitality been offered to me publicly or privately?</li> <li>• Is it a basic courtesy or token of appreciation or is it a non-token offer?</li> <li>• Does its timing coincide with a decision I'll be making in the foreseeable future?</li> </ul> |

|          |        |  |
|----------|--------|--|
| <b>F</b> | Favour | <ul style="list-style-type: none"> <li>• Are they seeking a favour in return for the gift, benefit or hospitality?</li> <li>• Has the gift, benefit or hospitality been offered honestly?</li> <li>• Has the person, group or organisation made several offers over the last 12 months?</li> <li>• Would accepting it create an obligation, or feeling of obligation, to return a favour?</li> </ul> |
| <b>T</b> | Trust  | <ul style="list-style-type: none"> <li>• Would accepting the gift, benefit or hospitality diminish public trust?</li> <li>• How would the public view acceptance of this gift, benefit or hospitality?</li> <li>• What would my colleagues, family, friends or associates think?</li> </ul>  |

## 5.4 Official gifts and items

If you accept an official gift (for example, an item with cultural, ceremonial, religious, historic, or other significance), you accept it on behalf of VGCCC. These items:

- must be declared
- belong to the VGCCC
- will not be published in the public register.

You may keep an official item given to you specifically in recognition of your work if:

- it is the express wish of the giver
- it benefits the VGCCC's relationship with the giver
- it is appropriate in value and significance
- it aligns with community expectations
- it won't harm your or the VGCCC's reputation, and
- you receive written approval from the relevant approval authority.

## 5.5 Applying for ownership of a non-token gift

Non-token gifts belong to the VGCCC. However, you may keep a gift given to you specifically in recognition of your work if:

- it aligns with community expectations
- it won't harm your or the VGCCC's reputation, and
- you receive written approval from the relevant approval authority.

## 5.6 Offers made in a personal capacity

You may accept gifts, benefits or hospitality in your personal life if they are unrelated to your work and clearly offered to you in a personal capacity.

## 5.7 Approval

Mandatory prior approval is required for attendance at events where a non-token offer may be made (such as free attendance, meal and/or alcoholic drinks). Additional offers associated with the event (such as a gift for speaking at the event) may be declared after the event. Apply within 5 business days.

Non-token offers are required to be approved by:

- VPS Grades 1-6, the approval authority is the manager

- Directors and STS7 roles, the approval authority is the CEO
- CEO, the approval authority is the Chair
- Commissioner, the approval authority is the Chair
- Chair, the approval authority is a Deputy Chair and one other Commissioner.

## 5.8 Declarations

Declarations are not required for token offers.

The [Gifts, Benefits and Hospitality Declaration form](#) must be completed and approved by the relevant approval authority (in section 5.7) for all non-token offers (accepted and refused). All completed forms must be submitted to the Risk and Governance team within two weeks of the offer being made.

If you accept the offer, you must clearly explain the business reason on the form in enough detail to show how it relates to your role and the benefit to the VGCCC, the public sector or the State.

### Unacceptable

“Networking”

“Maintaining stakeholder relationships”.

### Acceptable

“I presented to a visiting international delegation. On behalf of the VGCCC, I accepted a cultural item presented by the delegation”.

“I was offered to attend professional development by one of our stakeholders, who supplies legal services to the VGCCC. The session counts towards my Continuing Professional Development obligations as a lawyer. The event was free to everyone”.

#### 5.8.1. Exceptions for declarations

Individuals do not need to declare generic offers (e.g. mass emails or spam). If they are accepted, they must meet the “integrity test” (section 5.1).

A single declaration can be made for a group of employees, so individuals don’t need to submit separate declarations. Individuals must still declare any actual, potential or perceived conflicts of interest related to the offer.

## 5.9 Gifts, Benefits and Hospitality Register

The internal Gifts, Benefits and Hospitality Register is maintained by the Risk and Governance team and contains details of all non-token offers.

The public register is published on VGCCC’s website annually, containing:

- All non-token offers, whether accepted or not
- Offer date
- Recipient’s title
- Offeror’s title and organisation
- Whether the offeror is a business associate of the VGCCC
- Offer

- Estimated value
- Decision (accepted or declined)
- Business reason.

## 6. Providing Gifts, Benefits and Hospitality

When providing a gift, benefit or hospitality on behalf of the VGCCC, the following must all be satisfied:

1. Legitimate business benefit
2. No conflict of interest
3. Proportionate cost
4. Consistent with community expectations.

The HOST test, per *Figure 2*, must be considered prior to the provision of any gift, benefit or hospitality.

Figure 2. HOST Test

|          |             |   |
|----------|-------------|---|
| <b>H</b> | Hospitality | <ul style="list-style-type: none"> <li>• To whom is the gift or hospitality being provided?</li> <li>• Will recipients be external business associates, our employees, or a mixture of both?</li> </ul>   |
| <b>O</b> | Objectives  | <ul style="list-style-type: none"> <li>• What is the business reason for providing the hospitality?</li> <li>• Will it further the conduct of official business?</li> <li>• Will it promote and support government policy objectives and priorities?</li> <li>• Will it contribute to staff wellbeing and workplace satisfaction?</li> </ul>  |
| <b>S</b> | Spend       | <ul style="list-style-type: none"> <li>• Will the cost be proportionate to the benefits obtained?</li> <li>• What type of hospitality will be provided?</li> <li>• Will the hospitality be modest or expensive?</li> <li>• If alcohol is to be provided, why? Would it be a courtesy or an indulgence?</li> <li>• Is an external venue necessary or can our organisation host the event?</li> <li>• Is the catering or hospitality proportionate to the number of attendees?</li> <li>• Does the size of the event and number of attendees align with the intended outcomes?</li> <li>• If a gift is to be given, is it symbolic rather than financial in value?</li> </ul> |
| <b>T</b> | Trust       | <ul style="list-style-type: none"> <li>• Will public trust be enhanced or diminished?</li> <li>• Will the gift, benefit or hospitality be proportionate to public expectations or seen as excessive?</li> <li>• Is there a conflict of interest?</li> <li>• Could you publicly explain the rationale for providing the gift, benefit or hospitality?</li> <li>• Will the event be conducted in a manner which upholds the reputation of the public sector?</li> <li>• Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures?</li> </ul>   |

Individuals should contain costs involved with providing gifts, benefits and hospitality wherever possible, and should comply with the financial probity and efficient use of resources guidance

outlined in the *Code of Conduct for Victorian Public Sector Employees*, and/or the *Code of Conduct for Directors of Public Entities*.

If you participate in providing hospitality, professionalism in conduct must be demonstrated and duty of care upheld to other participants.

### 6.1 Providing official gifts and items

Before providing an official gift or item, enquiries must be made with the Manager, Diversity and Inclusion to ensure it will be appropriate to do so.

## 7. Alleged Breaches

If you may have breached this policy notify your manager in writing immediately. This allows the VGCCC to manage any risks; for example, arrange to return the gift.

The VGCCC will respond to alleged breaches of this policy consistent with the *Public Administration Act 2004*, the *Code of Conduct for Victorian Public Sector Employees* and/or the *Code of Conduct for Directors of Public Entities*, this policy and any other obligations that apply.

The VGCCC's response will be fair, reasonable and proportionate, and may include:

- no action
- information action such as education or counselling
- a performance management process, or
- a misconduct process.

Serious misconduct can result in termination of employment.

Contractors may be subject to contract renegotiation or termination.

If a criminal offence may have occurred, the Victorian or Federal Police may investigate and prosecute.

## 8. Speak Up

Individuals who consider that offers within the VGCCC may not have been declared or are not being appropriately managed should speak up and notify their Executive or the General Counsel and Executive Director Legal and Policy.

Individuals who believe they have observed corrupt or improper conduct may also make a complaint directly to IBAC or the Victorian Ombudsman. Sometimes this can occur on a whistleblower basis as a public interest disclosure.

The VGCCC will:

- Actively support and protect employees who speak up in good faith.
- Take decisive action, including possible disciplinary action, against individuals who discriminate against or victimise those who speak up in good faith.
- Respond in a constructive manner to the information provided.

## 9. Oversight

On an annual basis, the ARMC considers the administration and quality control of the gifts, benefits and hospitality policy, processes and register, as well as an analysis of VGCCC's gifts, benefits and hospitality risks, risk mitigation measures and any proposed improvements.

## 10. Responsibilities

| ROLE  | RESPONSIBILITIES  |
|---|---|
| Individuals                                     | <ul style="list-style-type: none"> <li>Accept, decline, and declare offers received of gifts, benefits and hospitality in accordance with the policy.</li> <li>Provide gifts, benefits and hospitality in accordance with this policy.</li> <li>Speak up if you consider that an offer within the VGCCC may not have been declared or are not being appropriately managed.</li> <li>Communicate this policy to business associates/suppliers relevant to an individual's role.</li> </ul> |
| Managers / approval authorities                 | <ul style="list-style-type: none"> <li>Approve or decline non-token offers and declarations in line with the policy.</li> <li>Monitor risks relating to gifts, benefits and hospitality within their teams.</li> </ul>  |
| Risk and Governance team                        | <ul style="list-style-type: none"> <li>Collect and record declarations of non-token offers.</li> <li>Maintain the internal and public registers, including publication of the public register on the VGCCC website.</li> <li>Maintain and communicate this policy, including publication on the VGCCC website.</li> </ul>   |
| ARMC  | <ul style="list-style-type: none"> <li>Provide oversight of policy, processes, and registers.</li> <li>Review annual reporting, risk analysis, and effectiveness of controls.</li> </ul>  |
| CEO (minimum accountabilities obligate the CEO) | <ul style="list-style-type: none"> <li>Ensure the policy is communicated to employees.</li> <li>Communicate the policy to business associates/suppliers.</li> <li>Ensure the policy is at least as strong as minimum accountabilities.</li> <li>Model good practice and foster a culture of integrity.</li> <li>Ensure the policy is reviewed and effective.</li> </ul>   |

## 11. Definitions and Acronyms

| TERM/ ACRONYM        | DEFINITION   |
|----------------------|--|
| Benefits             | Preferential treatment, favours or other advantage. For example, invitations to sporting, cultural or social events, access to discounts, or the promises of a new job.      |
| Business associate   | An individual, group or organisation that our organisation has, or plans to have, a business relationship with or who may seek commercial or other advantage.                |
| Conflict of interest | A conflict of interest exists if you have a private interest that could influence, or reasonably be seen to influence, how you perform your public duties. Conflicts may be: |

|                            |   |
|----------------------------|---|
|                            | <ul style="list-style-type: none"> <li>Actual: There is a real conflict between an employee's public duties and private interests.</li> <li>Potential: An employee has private interests that could conflict with their public duties.</li> </ul> <p>Perceived: 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.</p> |
| Gifts                      | <p>Items or services that are free, discounted, or would generally be seen by the public as a gift. For example, items such as vouchers, gift cards, artwork, chocolates or flowers; services such as painting and repairs.</p> <p>The monetary value of a gift is the estimated monetary value of the item if it were not being provided either free or discounted. Gift cards and vouchers are treated the same as money.</p>       |
| Hospitality                | The friendly reception and entertainment of guests. Ranges from light refreshments at a business meeting to expensive restaurant meals and sponsored travel and accommodation.  |
| Individuals                | Commissioners, VGCCC staff (including employees, contractors and consultants) and any individuals or groups undertaking activity for or on behalf of the VGCCC.   |
| Internal register          | The official record of all declarable offers of gifts, benefits and hospitality made to our employees or organisation, whether accepted or declined.  |
| Legitimate business reason | Furtheres the conduct of official business or other legitimate goals of the VGCCC, the public sector or the State.  |
| Non-token offer            | The offer is worth \$50 or more.  |
| Official gifts and items   | Include items with cultural, ceremonial, religious, historic, or other significance, accepted or given on behalf of the VGCCC as part of business with official delegates or representatives of a community group, organisation, or government.   |
| Public register            | The official record of information made public from our organisation's internal register. It is published on VGCCC's external website.  |
| Token offer                | The offer is worth less than \$50.  |

## 12. Document History

| VERSION | DATE     | DESCRIPTION   | AUTHOR          |
|---------|----------|---|-----------------|
| 5.0     | 12/11/18 | Endorsed by the Audit and Risk Management Committee             |                 |
| 5.0     | 22/11/18 | Approved by the Commission                                      |                 |
| 5.1     | 14/02/29 | Minor Editorial endorsed by the Integrity Compliance Risk Forum | Travis McGregor |
| 5.2     | 27/01/22 | Update policy in VGCCC template                                 | Emilia Lorefice |

|   |          |   |                              |
|---|----------|---|------------------------------|
| 6 | 27/05/26 | Updated to align to 2024 minimum accountabilities and VPSC model policy changes | Manager. Risk and Governance |
|---|----------|---|------------------------------|