



**Victorian
Public Sector
Commission**



Minimum accountabilities

For managing gifts, benefits and hospitality in the Victorian public sector.

Part A – Introduction

The minimum accountabilities are issued by the Victorian Public Sector Commission (VPSC).

A gift, benefit or hospitality must not be accepted or given by a public sector organisation or its employees if the offer does not comply with the minimum accountabilities.

The minimum accountabilities are binding under the [Instructions supporting the Standing Directions of the Minister for Finance 2018](#).

Accordingly, all public sector organisations should incorporate the minimum accountabilities as the binding foundation of their gifts, benefits and hospitality policy.

Organisations are encouraged to use and can adapt the model policy to take into account their organisation's functions and any special requirements in its establishing documents as long as they make sure their policies are at least as strict as the minimum accountabilities.

Terms used

For more information about the terms used see [more definitions](#).

The definitions at the end of this document do not form part of the minimum accountabilities. They are a guide to assist your understanding and are based on the definitions in the model policy.

Part B – Receiving offers of gifts, benefits and hospitality

You must comply with the minimum accountabilities when responding to all offers of gifts, benefits or hospitality (token or non-token), including offers from other public sector organisations.

Minimum accountability 1 – Do not solicit offers

You must not solicit (seek) any gift, benefit or hospitality, for yourself or others, if the offer could reasonably be seen as connected to your employment.

Minimum accountability 2 – Offers you must refuse

You must always refuse a gift, benefit or hospitality (token or not token) if any of the following apply:

1. Money or similar:

You must refuse the offer if it is money, used in a similar way to money, or easily converted to money.

Important: the Department of Education may permit members of the Teaching Service to accept 'non cash' vouchers offered to convey appreciation to members of the Teaching Service by students, parents, guardians and/or carers – that is, vouchers which are not universally accepted in the way that cash or a debit card are, and which can't be converted into cash.

2. Conflict of interest

You must refuse the offer if it gives rise to a conflict of interest (actual, potential or perceived). This means you must refuse the offer if it could influence, or reasonably be seen to influence, how you perform your public duties.

3. Public trust

You must refuse the offer if it could compromise the public's trust that you will perform your public duties in an impartial manner or the public's trust in the impartiality of your organisation or the public sector.

4. Community expectations

You must refuse the offer if it is not consistent with community expectations.

5. Bribes

You must refuse the offer if it could reasonably be seen as a bribe or other inducement. Report the offer to the head of your public sector organisation or their delegate (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).

6. Legitimate business reason – non token offers

Even if the offer complies with all the other requirements above, you must refuse a non-token offer unless there is a legitimate business reason to accept it. The offer must further the conduct of official business or other legitimate goals of your organisation, the public sector or the State.

Minimum accountability 3 – Declare all non-token offers

If you receive a non-token offer (valued at \$50 or more), you must:

- declare the offer in writing, even if you refuse it
- always refuse the offer unless it complies with minimum accountability 2 and you have approval as set out in your organisation's policy.

The offer and outcome will be recorded on the organisation's official internal register and in the public register.

Important: The Department of Education may set a token limit of \$100 for an offer conveying appreciation to members of the Teaching Service by students, parents, guardians and/or carers.

If a joint offer is made by multiple people the total value of the offer is used to determine its worth, not the value of each individual contribution.

Part C – Providing gifts, benefits and hospitality

These minimum accountabilities relate to providing gifts, benefits and hospitality on behalf of your organisation.

They apply when making any offer of a gift, benefit or hospitality, including an offer to another Victorian public sector organisation.

Minimum accountability 4 – business purpose

You must ensure that any gift, benefit and hospitality (token or non-token) you provide on behalf of your organisation 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.

Minimum accountability 5 – cost and community expectations

You must ensure that the cost of providing a gift, benefit or hospitality is:

- proportionate to the benefits obtained for the State
- would be considered reasonable in terms of community expectations.

Minimum accountability 6 – conflicts of interest

You must ensure that you do not provide a gift, benefit or hospitality unless:

- no conflict of interest exists (actual, potential or perceived), or
- you declare a conflict and your organisation develops a management plan that explicitly allows you to provide it.

Minimum accountability 7 – behaviour

You must ensure that when hospitality is provided, participants:

- demonstrate professionalism in their conduct
- uphold their obligation to extend a duty of care to other participants.

If you are a participant who is accepting hospitality, you must also comply with these standards.

Part D – Additional obligations for heads of public sector organisations

As the head of a public sector organisation, in addition to the other minimum accountabilities, you must also comply with the following requirements.

Minimum accountability 8 – culture and good practice

You must model good practice and foster a culture of integrity.

Minimum accountability 9 – policies and processes

You must establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality.

Your organisation's policy must comprehensively address the minimum accountabilities.

You must ensure that the requirements in your organisation's gifts, benefits and hospitality policy are at least as strong as those in the minimum accountabilities.

The VPSC recommends that your organisation:

- adopt the gifts benefits and hospitality model policy and model forms published by the VPSC
- where appropriate, adapt them to take into account your organisation's functions and any requirements in its establishing documentation.

When an employee speaks up in good faith

You must ensure that your organisation's policy and procedures require the organisation to:

- actively support and protect employees who speak up in good faith about a possible breach of the policy
- take decisive action, including possible disciplinary action, against anyone who discriminates against or victimises an employee who speaks up in good faith
- respond in a constructive manner to the information provided.

Minimum accountability 10 – communicating to employees

You must ensure that your organisation's policy and related processes are communicated effectively to employees.

This includes communicating that a breach of the policy may constitute a breach of a binding code of conduct and, where appropriate, may result in disciplinary action. In some circumstances, a breach may constitute criminal or corrupt conduct.

Minimum accountability 11 – communicating to business associates

You must ensure that a clear policy position is established and communicated to business associates on the offering of gifts, benefits and hospitality to employees, including the possible repercussions for a business associate acting contrary to the organisation's policy position.

The information provided to (potential) suppliers should include:

- what constitutes a gift, benefit or hospitality
- the organisation's policy
- that the organisation discourages the making of offers
- any whole of Victorian Government supplier codes of conduct.

Minimum accountability 12 – reports to audit committee

You must report at least annually to the organisation's audit committee on the administration and quality control of its gifts, benefits and hospitality policy, processes

and internal register.

This report must include a copy of the internal register, analysis of the organisation's gifts, benefits and hospitality risks (including repeat offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.

Minimum accountability 13 – internal register

You must ensure that an official internal register of non-token gifts, benefits and hospitality offered to employees is established and maintained.

At a minimum, the register must record sufficient information to:

- effectively monitor, assess and report on the minimum accountabilities,
- meet the information requirements for the public register.

Minimum accountability 14 – publishing organisation's policy and the public register

You must ensure that the following documents are available to the public:

- your organisation's gifts, benefit and hospitality policy
- the public register of reportable gift offers received.

If your organisation has an external website the policy and public register must be published on it. If no public website exists, other reasonable arrangements must be made to ensure the information is available to the public.

The public register should cover the previous financial year and be published within four months of each new financial year.

The public register must at a minimum contain the following reportable information:

- all non-token offers, whether they were accepted or not
- the date each non-token offer was made
- the position of the recipient
- the position and organisation of the person making each offer
- where possible, whether the offeror is a business associate of the organisation
- a description of each offer and its value

- whether the offer was accepted or declined.
- if accepted, the business reason for doing so.

More information – Definitions

We use these definitions in the minimum accountabilities. They:

- do not form part of the minimum accountabilities
- are reproduced from the model policy. (If we change a definition in the model policy it will automatically update below.)
- promote consistency of understanding across the public sector.

Benefits

Preferential treatment, favours or other advantage. For example, invitations to sporting, cultural or social events, access to discounts, or the promise of a new job.

Business associate

An individual, group or organisation that a public sector 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. The conflict can be actual, potential or perceived.

Fundraising

Raising money in a way that does not breach the minimum accountabilities because it occurs under a fundraising policy that is consistent with relevant law, government policy and codes of conduct issued by the VPSC.

Gifts

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 car repair. The monetary value of a gift is the estimated monetary

value of the item if it were not being provided either free or discounted. Remember that gift cards and vouchers must be treated the same as money under the minimum accountabilities.

Hospitality

The friendly reception and entertainment of guests. Ranges from light refreshment at a business meeting to expensive restaurant meals and sponsored travel and accommodation.

Legitimate business reason

Furtheres the conduct of official business or other legitimate goals of our organisation, the public sector or the State.

Non-token offer

The offer is worth \$50 or more.

Important: The Department of Education may set a token limit of \$100 for an offer conveying appreciation to members of the Teaching Service by students, parents, guardians and/or carers.

If a joint offer is made by multiple people the total value of the offer is used to determine its worth, not the value of each individual contribution.

Official gifts and items

Official gifts and items include:

- official gifts
- official items (items with cultural, ceremonial, religious, historic, or other significance)

which are sometimes accepted or given on behalf of a public sector organisation as part of business with official delegates or representatives of a community group, organisation, or government.

Internal Register

The official record of all declarable offers of gifts, benefits and hospitality made to a public sector organisation and its employees, whether accepted or declined. The full title is 'Register of gifts, benefits and hospitality – declarable offers'.

Public Register

The official record of information made public from a public sector organisation's internal register. It is published online.

Token offer

The offer is worth less than \$50.

Important: The Department of Education may set a token limit of \$100 for an offer conveying appreciation to members of the Teaching Service by students, parents, guardians and/or carers.

If a joint offer is made by multiple people the total value of the offer is used to determine its worth, not the value of each individual contribution.