

# GIFTS, BENEFITS AND HOSPITALITY (GBH) PROCEDURE

## 1. Purpose

The Nature Parks acknowledges that gifts, benefits and hospitality will be directly or indirectly offered to, or provided by, employees and Board Members from time to time. The Nature Parks is committed to ensuring that when this does occur, that conflicts of interest are avoided, high levels of integrity and public trust are maintained, and that behaviours are consistent with the *Code of Conduct for Victorian Public Sector Employees*. Minimum standards have been established, which the Nature Parks employees and Board Members must adhere to when undertaking activities for, or on behalf of, the Nature Parks.

The aim of the procedure is to minimise GBH offers made to, and accepted by, Directors and employees. This helps to protect and promote public confidence in the integrity of the Nature Parks.

GBH offers are discouraged and must never be accepted unless there is clear justification, consistent with the prohibitions in this procedure, to do so.

## 2. Scope

Applies to:	Board Members Chief Executive Officer	Employees	Volunteers	Contractors Consultants	Visitors
	✓	✓	✓*	✓*	

\* The Nature Parks employees responsible for coordinating and supervising volunteers or contractors are expected to ensure the application of the *Code of Conduct for Victorian public sector employees* as part of this engagement. Contractors and consultants are only bound by the code if explicitly required by their contract for services.

## 3. Definitions

Term	Definition
<b>Gifts, reportable, non-token</b>	<p>Free or discounted items or services, gifts of cultural or historic significance, gifts offered by a visiting delegation, hospitality, or any item that would generally be seen by the public as a gift, valued at more than \$50.00.</p> <p>These include items of high value (e.g. artwork, jewellery, or expensive pens), and may be perceived by the recipient, the person making the offer, or the wider community, to be of more than inconsequential value. All offers worth more than \$50.00 must be recorded on the gift register.</p> <p>Note: Fundraising by public sector organisations that is consistent with relevant legislation and any government policy is not prohibited under the minimum accountabilities.</p>

Term	Definition
<b>Gifts of appreciation, or token gifts</b>	<p>Gifts valued at less than \$50.00 inc. GST RRP that are generally given to express thanks or as a courtesy or is of inconsequential or trivial value to both the person making the offer and the individual. This includes small bunch of flowers, consumables (e.g. fruit, chocolates), wines, pens, ties, scarfs and mementos and the like, each of which has a value of less than \$50.00 inc. GST RRP.</p> <p>Where one source offers multiple token gifts to the Board or employees and the cumulative total exceeds \$50.00 inc GST RRP in a 12-month period, the gift must be treated as a reportable gift and recorded in the gifts register.</p>
<b>Benefit</b>	Anything of value offered directly or indirectly to a Board Member or employee. 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. A benefit could include preferential treatment, hospitality or privileged access to events (e.g. tennis or football matches, dinners, memberships or discounts) or other advantage offered to an individual.
<b>Hospitality</b>	A benefit such as dining, drinks or entertainment including social, tourism and industry events, over \$50.00 inc GST RRP in value, hosted by someone who is either likely to, or has potential to, be a business associate. Hospitality is the friendly reception and entertainment of guests; it may range from light refreshments at a business meeting to expensive restaurant meals and sponsored travel and accommodation.
<b>Business associate</b>	An external individual or entity which the Nature Parks has, or plans to establish, some form of business relationship, or who may seek commercial or other advantage by offering gifts, benefits or hospitality.
<b>Conflict of interest</b>	<p><b>Actual</b> - there is a <u>real</u> conflict between an employee's public duties and private interests.</p> <p><b>Potential</b> - an employee has private interests that <u>could conflict</u> 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.</p> <p><b>Perceived</b> - the public or a third party could <u>form the view</u> that an employee's private interests could improperly influence their decisions or actions, now or in the future.</p>
<b>Direct or indirect</b>	<p>A gift or benefit may be made directly to a Board member or employee or made indirectly via an offer to a relative or close associate. This includes:</p> <ul style="list-style-type: none"> <li>• immediate family (e.g. spouse, partner, parent, sibling, child);</li> <li>• a regular member of their household, whether they are related or not; or</li> <li>• another close associate (e.g. friend, business associate, or other relative).</li> </ul>
<b>Gift register public register</b>	<p>The list of gifts, hospitality and benefits received over \$50.00 inc GST RRP in value, unless relating to a tourism or conservation industry networking event or related presentation. It records the date an offer was made and by whom, the nature of the offer, its estimated value, the raising of any actual, potential or perceived conflicts of interest or reputational risks and how the offer was managed. For accepted offers, it details the business reason for acceptance and the officer approving the acceptance.</p> <p>A de-identified copy of the register is published on the Nature Park internet twice a year.</p>
<b>Legitimate business benefit</b>	Gifts, benefits and hospitality accepted or provided for a business purpose, in that it furthers the conduct of official business or other legitimate goals of the organisation, public sector or State.
<b>Public Interest</b>	Directors and employees are to act in the public interest, in compliance with this policy

## 4. Procedure

### Accepting or refusing offers of gifts, benefits and hospitality

4.1 To determine whether to accept or refuse any offer of gifts, benefits or hospitality, Nature Parks employees and the Board Members are to consider the *GIFT* test (refer Appendix 1: Accepting or refusing offers of Gifts, Benefits or Hospitality).

### **Reporting offers of gifts, benefits and hospitality**

- 4.2 Nature Parks employees and Board Members must report all offers of non-token gifts, benefits or hospitality regardless of the offer being accepted or declined (refer Appendix 2: Reporting Gifts, Benefits or Hospitality offered, declined or accepted).

### **Providing gifts, benefits and hospitality**

- 4.3 To determine whether to provide gifts, benefits or hospitality to people external to Nature Parks such as business partners, Nature Parks employees and the Board Members are to consider the *HOST* test (refer Appendix 3 : Providing Gifts, Benefits or Hospitality0
- 4.4 Where Nature Parks plans to provide gifts, benefits or hospitality to employees or volunteers as recognition, reward, award or benefits, this is to be undertaken in accordance with the Rewards and Recognition Procedure PRO-HR-003.

### **Gifts, benefits and hospitality program structure and management**

- 4.5 Nature Parks must establish, implement and regularly review processes around responding to offers of gifts, benefits and hospitality, including multiple offers from the same source.
- 4.6 A register for gifts, benefits and hospitality valued at more than \$50.00 offered to employees and Board Members of the Nature Parks must be maintained that, at a minimum, records sufficient information to effectively monitor, assess and report on these minimum requirements.
- 4.7 Records relating to gifts, benefits or hospitality are subject to regular scrutiny, including, at a minimum, annual review by the Nature Parks Audit, Risk and Finance Subcommittee; reporting must include analysis of the Nature Parks gifts, benefits and hospitality risks (including repeat offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.
- 4.8 The Nature Parks gifts, benefits and hospitality expectations must be regularly communicated to ensure high levels of awareness, throughout all members of the organisation - from front line employees to Managers to Board Members and the Chief Executive Officer. Communications must make it clear that:
- they must not accept gifts, benefits or hospitality that could raise a reasonable perception of, or any actual, bias, or preferential treatment;
  - they are accountable for:
    - declaring all non-token offers, or disclosing all token offers, of gifts, benefits and hospitality;
    - seeking approval before accepting non-token offers of gifts, benefits and hospitality;
    - the responsible provision of gifts, benefits and hospitality;
  - those with direct reports are accountable for demonstrating good practice and promoting awareness of gifts, benefits, and hospitality expectations; they must ensure they are aware of, and monitor, the risks inherent in their teams work and functions relating to gifts, benefits and hospitality; and
  - a breach of the gifts, benefits and hospitality procedure or processes may constitute a breach of the Code of Conduct and may constitute criminal or corrupt conduct that could result in disciplinary action or referral of the matter to police.

- 4.9 The Nature Parks must regularly communicate to its business associates its position on the offering of gifts, benefits and hospitality to employees, including possible consequences for a business associate acting contrary to the Nature Parks position.
- 4.10 The Nature Parks must publish its gifts, benefits and hospitality procedure and gift register, on its public website; the published register must have identifying information deleted (to comply with privacy obligations), must be published at least every six months, and must cover the current and previous financial year.

## 5. Related documents

<b>Legislation/Regulations</b>	<ul style="list-style-type: none"> <li>• Privacy and Data Protection Act 2014</li> <li>• Victorian Public Sector - Gifts, Benefits and Hospitality Policy framework (Jun 2019)</li> <li>• Code of Conduct for Victorian public sector employees</li> </ul>
<b>Policies</b>	<ul style="list-style-type: none"> <li>• Board Charter</li> <li>• Code of Conduct Policy POL-HR-001</li> <li>• Conflict of Interest Policy POL-HR-010</li> <li>• Financial Management and Accounting Policy POL-FIN-021</li> <li>• Financial Management and Accountability Policy POL-FIN-021</li> </ul>
<b>Procedures</b>	<ul style="list-style-type: none"> <li>• Delegation of Authority POL-FIN-015</li> <li>• Purchasing and Procurement Procedure POL-FIN-005</li> <li>• Reward and Recognition PRO-HR-003</li> </ul>
<b>Forms</b>	<ul style="list-style-type: none"> <li>• Gifts, Benefits and Hospitality Disclosure Form FRM-CEO-001</li> <li>• Gift Register</li> </ul>

## 6. Review and Approval

**Document reviewed by:**

- Chief Executive Officer
- Chief Financial Officer
- Audit Risk and Finance Subcommittee

**Document Approved by:**

- Board Meeting Resolution Number May 2022 009-2022B 83-2022-B

# Appendix 1

## Accepting or refusing offers of Gifts, Benefits or Hospitality

When deciding whether to **accept** an offer, first consider if the offer could be perceived as influencing you in the performance of your duties or lead to reputational damage. The more valuable the offer, the more likely that a conflict of interest or reputational risk exists.

If you have been offered a gift, benefit or hospitality, the following test is useful when considering how to respond:

<b>G iver</b>	<p><b>Who is offering the gift, benefit or hospitality and what is their relationship to me?</b>          Does my role require me to select contractors, award grants, regulate industries or determine government policies?          Could the person or organisation benefit from a decision I make?</p>
<b>I nfluence</b>	<p><b>Are they seeking to gain an advantage or influence my decisions or actions?</b>          Has the gift, benefit or hospitality been offered to me publicly or privately?          Is it a courtesy or a token of appreciation or valuable non-token offer?          Does its timing coincide with a decision I am about to make or my endorsement of a product or service?</p>
<b>F avour</b>	<p><b>Are they seeking a favour in return for the gift, benefit or hospitality?</b>          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?</p>
<b>T rust</b>	<p><b>Would accepting the gift, benefit or hospitality diminish public trust?</b>          How would the public view acceptance of this gift, benefit or hospitality?          What would my colleagues, family, friends or associates think?</p>

The minimum requirements for all Nature Parks employees and Board Members for accepting gifts, benefits and hospitality are as follows:

- a) Do not solicit gifts, benefits or hospitality for themselves or for others.
- b) Refuse all offers of gifts, benefits or hospitality that:
  - are money, items used in a similar way to money, or items easily converted to money;
  - give rise to an actual, potential or perceived conflict of interest, including from people or organisations with whom a Board Member or employee is likely to make decisions involving tender processes, procurement or revenue contracts, enforcement or regulation, licensing, grants, sponsorship, or from current or prospective suppliers;
  - may adversely affect their standing as a public official or which may bring the Nature Parks into disrepute;
  - are made in secret;
  - extend to their relatives or friends;
  - where, in relation to hospitality and events, Nature Parks will already be sufficiently represented to meet its business needs; or
  - are non-token offers without a legitimate business benefit.
- c) Refuse bribes and report bribery attempts to the Chief Executive Officer or the Board Chair. The Chief Executive Officer or Board Chair must notify the Independent Broad-based Anti-corruption Commission (IBAC) of any matter which they believe on reasonable grounds may be corrupt conduct or, if appropriate, notify Victoria Police of a suspected offence.
- d) Return any non-token gift offered where it is likely to bring yourself or Nature Parks into disrepute or represents a conflict of interest.
- e) Be aware of receiving multiple token or non-token offers from the same person or organisation, as this can generate a stronger perception that you could be influenced.
- f) Refuse repeat offers from the same source if they create a conflict of interest or may lead to reputational damage.

- g) Be particularly cautious about accepting offers of hospitality (e.g. food, drink, travel, accommodation, events or activities), as these are often inconsistent with community expectations, and there is also a high risk of conflict of interest. Examples of prohibited hospitality offers that must be refused (subject to (h) below) include:
- attend as a guest in a corporate box at the football or at a car or horse racing event;
  - attend a concert or theatre event;
  - attend an industry golf day or play golf at a reduced fee;
  - be 'shouted' a meal at a restaurant; or
  - accept complimentary or discounted tickets for a family member to attend the tennis.
- h) Where there is a legitimate business reason to accept any of the types of offers highlighted in (g) above, written endorsement must be provided by the Chief Executive Officer (for staff) and by the Chair (for Chief Executive Officer and Board) prior to acceptance of this gift. This endorsement must be attached to the gift form.
- i) Hospitality offered by Victorian public sector organisations as part of official business can be accepted, where the reason for attendance is consistent with Nature Parks functions, objectives and the individual's role.
- A Board Member or employee who is offered a gift of token value that is not a prohibited gift may:
    - refuse the gift offer; or
    - accept the gift offer and retain the gift as their own.
  - If unsure about how to respond to an offer of a gift, benefit or hospitality of **more than \$50.00**, seek advice from the Chief Financial Officer or Chief Executive Officer. The Executive Assistant will also act as a central hub from which to obtain advice and guidance.
  - All employees and Board Members must ensure that all offers of gifts or hospitality **valued under \$50.00** are only be accepted if they comply with the minimum requirements of the gifts, benefits and hospitality procedure. If there is uncertainty as to whether a gift or hospitality can be accepted, then the offer must be declined, or the Chief Financial Officer or the Chief Executive Officer must be consulted prior to accepting the offer.
  - Accepting a prohibited gift offer may constitute misuse of a Board Member's or an employee's position, a breach of this procedure and/or a breach of the Code of Conduct and may result in disciplinary action. In addition, if the gift was offered with the expectation of something in return, such as preferential treatment, accepting it may constitute a bribe or other form of corruption and lead to criminal prosecution.

**PLEASE ENSURE YOU UNDERTAKE THE REQUIRED REPORTING  
IN RELATION TO ANY OFFERED GIFT, BENEFIT OR HOSPITALITY  
REGARDLESS OF WHETHER IT WAS ACCEPTED OR REFUSED**

## Appendix 2

### Reporting Gifts, Benefits or Hospitality offered, declined or accepted

All **offers you receive** for non-token gifts, benefits or hospitality valued at **over \$50.00 must** be registered and approved in accordance with the below process:

- Complete the Gifts, Benefits and Hospitality Disclosure Form\_FRM-CEO-001 and send to the Chief Executive Officer or the Executive Assistant within five working days of the offer being received.
- The Chief Executive Officer will determine the outcome of the gift offer. Whether it can be accepted or declined.
- The offer and outcome will be registered on the Gift Register:
  - the Gift Register is maintained by the Executive Assistant, updated based on the information provided in the Gift, Benefits and Hospitality Disclosure Form, and stored in a secure location to prevent unauthorised changes; and
  - the business reason for accepting non-token offers must be recorded in the register with sufficient detail to link the acceptance to the individuals' work functions and benefit to the Nature Parks.

If a Board Member or employee is offered a non-token gift, benefit or hospitality and there is no opportunity to seek written approval prior to acceptance, approval must be sought from the Chief Executive Officer within five working days.

Regardless of whether a token gift (valued at less than \$50.00) is accepted or refused, it must be disclosed as soon as practicable to the Chief Executive Officer, via email, setting out:

- The date of the offer;
- The source (organisation or individual) of the offer;
- What was offered and why;
- That acceptance of the offer does not create a conflict of interest, nor lead to reputational damage;
- That it was a token offer, including an estimate of the gift offered, and an indication of the combined value of gifts from the source in the past 12 months;
- Whether it was a prohibited gift; and
- Whether the offer was accepted or refused.

Acceptance of hospitality offered by Victorian public sector organisations as part of official business does not need to be declared or reported.

## Appendix 3

### Providing Gifts, Benefits or Hospitality

If you are deciding whether to **provide** a gift, benefit or hospitality, the following test is useful when considering what type of gift, benefit or hospitality to offer:

<b>H</b> ospitality	<p><b>To whom is the gift, benefit or hospitality being provided?</b> Will recipients be external business partners, or individuals of Nature Parks?</p>
<b>O</b> bjective	<p><b>For what purpose will hospitality be provided?</b> Is the hospitality being provided to further the conduct of official business? Will it promote and support Nature Parks' policy objectives and priorities? Will it contribute to staff wellbeing and workplace satisfaction?</p>
<b>S</b> pend	<p><b>Will public funds be spent?</b> What type of hospitality will be provided? Will it be modest or expensive, and will alcohol be provided as a courtesy or an indulgence? Will the costs incurred be proportionate to the benefits obtained?</p>
<b>T</b> rust	<p><b>Will public trust be enhanced or diminished?</b> Could you publicly explain the rationale for providing the gift, benefit or hospitality? Will the event be conducted in a manner which upholds the reputation of Nature Parks? Have records in relation to the gift or hospitality been kept?</p>

The minimum requirements for all Nature Parks employees and Board Members **providing** gifts, benefits and hospitality to **people external to the Nature Parks**:

- a) Ensure that any gift, benefit or 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 Nature Parks' policy, objectives, and priorities.
- b) Ensure that any costs are proportionate to the benefits obtained for the Nature Parks and would be considered reasonable in terms of community expectations. Factors include:
  - will the cost of providing the gift, benefit or hospitality be proportionate to the potential benefit?
  - is an external venue necessary or does Nature Parks have facilities to host the event?
  - is the proposed catering or hospitality proportionate to the number of attendees?
  - does the size of the event and number of attendees align with intended outcomes?
  - is the gift symbolic, rather than financial, in value?
  - will providing the gift, benefit or hospitality be viewed by the public as excessive?
- c) Ensure that it does not raise an actual, potential or perceived conflict of interest.
- d) Ensure that when hospitality is provided, individuals demonstrate professionalism in their conduct, and uphold their obligations to extend a duty of care to other participants.
- e) Ensure that the reporting and record keeping requirements of gifts, benefits or hospitality **provided** are consistent with Appendix 2 : Reporting Gifts, Benefits or Hospitality offered, declined or accepted.

Criteria relating to the provision of gifts, benefits and hospitality to Nature Parks employees or volunteers can be found in the Rewards and Recognition Procedure PRO-HR-003.

In all instances, those providing gifts, benefits or hospitality on behalf of Nature Parks must ensure that all purchasing is done in accordance with the Purchasing and Procurement Procedure POL-FIN-005.