

Geelong Arts Centre Gifts, Benefits and Hospitality Policy

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1. Purpose

This policy states the Geelong Arts Centre's position on:

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

This policy is intended to support individuals and to avoid conflicts of interest and maintain high levels of integrity and public trust.

The Geelong Arts Centre (the Centre) has issued this policy to support behaviour consistent with the *Code of conduct for Victorian public sector employees* (the Code). All employees are required under clause 1.2 of the Code to comply with this policy.

2. Scope

This policy applies to all workplace participants. For the purpose of this policy, this includes Centre employees, Trust and subcommittee members, contractors, consultants, volunteers and any individuals or groups undertaking activity for or on behalf of the Centre.

The following activities are specifically excluded from the scope of this policy:

- complimentary tickets for performances at the Centre issued in accordance with the House Seats Policy.
- hospitality that is purely internal and only involving workplace participants in accordance with the Entertainment Policy.

3. Policy

This policy 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 (VPSC).

4. Principles

The Centre is committed to and will uphold the following principles in applying this policy:

Public interest: individuals have a duty to place the public interest above their private interests when carrying out their official functions. They will not accept gifts, benefits or hospitality that could raise a perception of, or actual, bias or preferential treatment. Individuals do not accept offers from those about whom they are likely to make business decisions.

Accountability: individuals are accountable for;

- declaring all non-token offers of gifts, benefits and hospitality;
- declining non-token offers of gifts, benefits and hospitality, or where an exception applies under this policy, seeking approval to accept the offer; and
- the responsible provision of gifts, benefits and hospitality.

Managers with direct reports are accountable for overseeing their direct reports' acceptance or refusal of non-token gifts, benefits and hospitality, modelling good practice and promoting awareness of gifts, benefits and hospitality policies and processes.

Risk-based approach: The Centre, through its policies, processes and the Audit & Risk Subcommittee, will ensure gifts, benefits and hospitality risks are appropriately assessed and managed. Managers with direct reports will ensure that their direct reports are aware of the risks inherent in their team's work and functions and monitor the risks to which their direct reports are exposed.

5. Minimum accountabilities

The VPSC has set binding minimum accountabilities for the appropriate management of gifts, benefit and hospitality. These can be found in Schedule A.

Business associate	An external individual or entity which the organisation has, or plans to establish, some form of business relationship, or who may seek commercial or other advantage by offering gifts, benefits or hospitality.
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 Centre, irrespective of value, and should be accepted by individuals on behalf of the Centre. The receipt of ceremonial gifts should be recorded on the Register but does not need to be published online.
Conflicts of interest	
Actual conflict of interest:	There is a real conflict between an employee's public duties and private interests.
Potential conflict of interest:	An employee 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 conflict of interest:	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.
Gifts	Free or discounted items and any item that would generally be seen by the public as a gift. These include items of high value (e.g. artwork, jewellery, or expensive pens), low value (e.g. small bunch of flowers) and consumables (e.g. chocolates, wine). Fundraising by public sector organisations that is consistent with relevant legislation and any government policy is not prohibited under the minimum accountabilities.
Hospitality	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	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.
Live Performance	Any performance from art-forms such as of ballet, comedy, dance, circus, music, opera, theatre or spoken word (or any hybrid thereof) excluding performances at the Centre.

Official Business Event	<p>An event where the reason for attendance:</p> <ul style="list-style-type: none"> • furthers the conduct of official business or other legitimate goals of the Centre, public sector or State. • is consistent with the roles of the employee/s attending. <p>Such an event may occur inside or outside normal business hours for industry, business, cultural, networking or learning purposes. This may include:</p> <ul style="list-style-type: none"> • events or festivals organised by arts and creative sector organisations such as GLAM (Galleries, Libraries, Archives and Museums) or other arts, cultural and tourism organisations • other arts industry stakeholders • formal events or functions hosted by Commonwealth, State government or other government agencies • events with commercial sponsors or partner organisations including where tickets are received under a contract with the host • an education or training related event which is relevant to the workplace participant's role at the Centre • a Live Performance Event as defined in this policy • a Rehearsal Performance as defined in this policy
Official Business Events Register	A record, preferably electronic, of all official business event attendances.
Public Official	<p>As described under section 4 of the <i>Public Administration Act 2004</i>. This includes:</p> <ul style="list-style-type: none"> • public sector employees; • statutory office holders; and • directors of public entities.
Register	A record, preferably electronic, of all declarable gifts, benefits and hospitality. It records the position of the person the offer was made to, the date the 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 whether the offer was accepted or declined. For accepted offers, it details the business reason for acceptance and the officer approving the acceptance. A deidentified version of the Register is published on the Centre website following the end of the financial year.
Rehearsal Performance	A performance for which tickets are not available for public purchase, and may include a trial or workshop performance, or as dress rehearsal prior to the first public performance. From time to time, team members will be invited to attend to provide audience feedback prior to public performances. Acceptance of these complimentary tickets is consistent with the Centre's functions and objectives to support, partner and collaborate with the broader industry. At the time the tickets are provided they have no commercial value. Attendance should be recorded in the OBE register.

Token Offer	<p>An offer of a gift, benefit or hospitality that is made as a courtesy or is of inconsequential or trivial value to both the person making the offer and the individual.</p> <p>Whilst the primary determinant of a token offer is that it would not be reasonably perceived within or outside the organisation as influencing an individual or raising an actual, potential or perceived conflict of interest, it cannot be worth more than \$50. If token offers are made often by the same person or organisation, the cumulative value of the offers, or the perception that they may influence the recipient, may result in the offers becoming non-token.</p>
Non-Token Offer	<p>An offer of 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 Register.</p>

6. Management of Offers of Gifts, Benefits and Hospitality

This section outlines the process for accepting, declining and recording offers of gifts, benefits and hospitality. Any exceptions to this process must have the prior written approval of the relevant manager or authorised delegate.

- Token Offers

A Token Offer may include promotional items such as pens and note pads and modest hospitality which would be considered a basic courtesy, such as light refreshments offered during a meeting. Individuals may accept token offers of gifts, benefits and hospitality without approval or declaring the offer on the Register.

Individuals are to refuse all offers (excluding token hospitality, such as sandwiches over a lunchtime meeting):

- made by a current or prospective supplier
- made during a procurement or tender process by a person or organisation involved in the process.

- Requirement for refusing non-token offers

Individuals should consider the GIFT test at Table 1 and the requirements below to help respond to a non-token offer.

Individuals are to refuse non-token offers:

- likely to influence them, or be perceived to influence them, in the course of their duties or raise an actual, potential or perceived conflict of interest;

- by a person or organisation about which they will likely make a decision (also applies to processes involving grants, sponsorship, regulation, enforcement or licensing);
- likely to be a bribe or inducement to make a decision or act in a particular way;
- that extend to their relatives or friends;
- with no legitimate business benefit;
- of money, or used in a similar way to money, or something easily converted to money;
- where, in relation to hospitality and events, the organisation will already be sufficiently represented to meet its business needs;
- where acceptance could be perceived as endorsement of a product or service, or acceptance would unfairly advantage the sponsor in future procurement decisions;
- made by a person or organisation with a primary purpose to lobby Ministers, Members of Parliament or public sector agencies;
- made in secret.

If an individual considers they have been offered a bribe or inducement, the offer must be reported to the Director Corporate Services (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-Corruption Commission).

Table 1. GIFT Test

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

- Requirements for accepting non-token offers

There will be some exceptions where there is a legitimate business reason for accepting a non-token offer. All accepted non-token offers must be approved in writing by the CEO, recorded in the Register and be consistent with the following requirements;

- it does not raise an actual, potential or perceived conflict of interest or have the potential to bring the individual, GPAC or the public sector into disrepute (the 'GIFT' test at Table 1 is a tool to assist making this assessment); and
- there is a legitimate business reason for acceptance. It is offered in the course of the individual's official duties, relates to the individual's responsibilities and has a benefit to the Centre, the public sector or the State.

Individuals may be offered a gift or hospitality where there is no opportunity to seek written approval from the CEO prior to accepting. For example, they may be offered a wrapped gift that they later identify as being a Non-Token gift. In these cases, the individual must advise and seek approval regarding retaining the gift from the CEO within five business days.

- Recording non-token offers of gifts, benefits and hospitality

All Non-Token Offers, whether accepted or declined, must be recorded in the Register. The business reason for accepting the non-token offer must be recorded in the register and provide sufficient detail to link the acceptance to the individual's work functions and benefit to the Centre, the public sector or State.

Individuals should consider the following examples of acceptable and unacceptable levels of detail to be included in the register when recording the business reason:

Unacceptable:	"Networking" "Maintaining stakeholder relationships"
Acceptable:	"Individual is responsible for evaluating and reporting outcomes of sponsorship of Event A. Individual attended Event A in an official capacity and reported back to the Centre on the event." "Individual presented to a visiting international delegation. The delegation presented the Individual with a cultural item worth an estimated \$200. Declining the gift would have caused offence. The Gift was accepted, written approval was subsequently obtained for the gift, which became the Centre's property."

The Audit & Risk Subcommittee will receive a report at least annually on the administration and quality control of the gifts, benefits and hospitality policy, processes and The Register. The report will include analysis of gifts, benefits and hospitality risks (including multiple offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.

Ownership of gifts offered to individuals

Non-token gifts accepted by an individual for their work or contribution may be retained by the individual where their manager or authorised delegate has provided written approval. Employees must transfer to the Centre official gifts or any gift of cultural significance or significant value (Non-Token, over \$50).

7. Attendance at Official Business Events

It is a legitimate business benefit for workplace participants to attend Official Business Events. Attendance by workplace participants at Official Business Events may be for the purpose of business leveraging, stakeholder engagement, industry and sector knowledge, professional knowledge and benefit the Centre by maintaining awareness of current and emerging trends, issues and industry standards. Members of the Trust, the CEO and senior staff may be expected to attend Official Business Events as formal representatives of the Centre.

Attendance by a workplace participant at an Official Business Event for a legitimate business benefit will not be considered a gift, benefit or hospitality under this policy. Attendance at an Official Business Event must be approved by an employee's manager or authorised delegate and recorded on the Centre's Official Business Events Register. The Official Business Events Register will be reviewed annually by the Centre's Audit & Risk Subcommittee.

8. Management of the provision of gifts, benefits and hospitality

This section sets out the requirements for providing gifts, benefits and hospitality and is supported by the Centre's Entertainment Policy which provides further guidance for circumstances specific to the Centre's activities.

- Requirements for providing gifts benefits and hospitality

Gifts, benefits and hospitality may be provided to welcome guests, facilitate the development of business relationships, further public sector business outcomes and to celebrate achievements.

When deciding whether to provide gifts, benefits or hospitality or the type of gift, benefit or hospitality to provide, individuals must ensure:

- any gift, benefit or hospitality is provided for a business reason in that it furthers the conduct of official business or other legitimate organisational goals, or promotes and supports government policy objectives and priorities;
- that any costs are proportionate to the benefits obtained by the Centre, and would be considered reasonable in terms of community expectations (the 'HOST' test at Table 2 is a good reminder of what to think about in making this assessment);
- it does not raise an actual, potential or perceived conflict of interest; and
- that they demonstrate professionalism in their conduct and uphold their obligation to extend a duty of care to other participants.

Table 2. HOST Test

HOST Test		
H	Hospitality	<p>To whom is the gift or hospitality being provided?</p> <p>Will recipients be external business partners, or individuals of the host organisation?</p>
O	Objectives	<p>For what purpose will hospitality be provided?</p> <p>Is the hospitality being provided to further the conduct of official business?</p> <p>Will it promote and support government policy objectives and priorities?</p> <p>Will it contribute to staff wellbeing and workplace satisfaction?</p>
S	Spend	<p>Will public funds be spent?</p> <p>What type of hospitality will be provided?</p> <p>Will it be modest or expensive, and will alcohol be provided as a courtesy or an indulgence?</p> <p>Will the costs incurred be proportionate to the benefits obtained?</p>
T	Trust	<p>Would accepting the gift, benefit or hospitality diminish public trust?</p> <p>How would the public view acceptance of this gift, benefit or hospitality?</p> <p>What would my colleagues, family, friends or associates think?</p>

- **Containing costs**

Individuals should contain costs involved in the provision of gifts, benefits and hospitality wherever possible. The following questions may be useful to assist individuals to decide the type of gift, benefit or hospitality to provide:

- Will the cost of providing the gift, benefit or hospitality be proportionate to the potential benefits?
- Is an external venue necessary or does the organisation 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?
- Will providing the gift, benefit or hospitality be viewed by the public as excessive?

9. Related policy, legislation and other documents

- Minimum accountabilities for the management of gifts, benefits and hospitality (see Instructions supporting the Standing Directions of the Minister for Finance)
- *Public Administration Act 2004*
- Code of conduct for Victorian public sector employees 2015
- Code of conduct for Directors of Victorian public entities 2016
- Victorian Public Sector Commission's Gifts, benefits and hospitality policy framework
- Geelong Arts Centre Entertainment Policy
- Geelong Arts Centre Conflict of Interest Policy

10. Responsibility of Corporate Services

Corporate Services is responsible for:

- Establishing awareness of and compliance with this policy across the department
- Keeping a record of offers of and accepted gifts, benefits and hospitality worth more than \$50 and publishing the Register on the Centre website.
- On an annual basis, provide the Register to the Audit & Risk Subcommittee for review and approval.
- Ensuring hospitality expenditure is reported in accordance with whole of government financial management, accountability and reporting requirements.

- Making an annual attestation as per the requirement of the instructions supporting the Standing Directions of the Minister of Finance.

11. Breaches

Disciplinary action consistent with the Geelong Performing Arts Centre Enterprise Agreement 2020 (and its successors) and relevant industrial legislation, including dismissal, may be taken where an individual fails to adhere to this policy. This includes where an individual fails to avoid wherever possible or identify, declare and manage a conflict of interest related to gifts, benefits and hospitality in accordance with the Conflict of interest policy.

Actions inconsistent with this policy may constitute misconduct under the *Public Administration Act* 2004, which includes:

- breaches of the binding *Code of conduct for Victorian public sector employees*, such as sections of the Code covering conflict of interest (section 3.7), public trust (section 3.9) and gifts and benefits (section 4.2); and
- individuals making improper use of their position.

For further information on managing breaches of this policy, please contact the Director Corporate Services.

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

12. Speak up

Individuals who consider that gifts, benefits and hospitality or conflict of interest within the Centre may not have been declared or is not being appropriately managed should speak up and notify their manager or the Director Corporate Services.

The Centre will take decisive action, including possible disciplinary action, against individuals who discriminate against or victimise those who speak up in good faith. Refer to the Protected Disclosure Guidelines (Whistleblowers).

13. Contacts for further information

A conflict of interest resulting from the acceptance of a gift, benefit or hospitality is not always clear to those who have them. Individuals who are unsure about the acceptance of a gift, benefit or hospitality, or the application of this policy, should ask their manager, the Manager Governance, Risk & Compliance or the Director Corporate Services for advice.

14. Reference VPSC

This policy is based on the [Model Gifts, Benefits and Hospitality Policy](#) issued by the Victorian Public Sector Commission (VPSC).

Schedule A – VPSC Minimum Accountabilities

Public officials offered gifts, benefits and hospitality:

1. Do not, for themselves or others, seek or solicit gifts, benefits and hospitality.
2. Refuse all offers of gifts, benefits and 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;
 - may adversely affect their standing as a public official or which may bring their public sector employer or the public sector into disrepute; or are non-token offers without a legitimate business benefit.
3. Declare all non-token offers (valued at \$50 or more^[1]) of gifts, benefits and hospitality (whether accepted or declined) on their organisation's register, and seek written approval from their manager or organisational delegate to accept any non-token offer.
4. Refuse bribes or inducements and report inducements and bribery attempts to the head of the 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).

Public officials providing gifts, benefits and hospitality:

5. 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.
6. Ensure that any costs are proportionate to the benefits obtained for the State, and would be considered reasonable in terms of community expectations.
7. 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.

Heads of public sector organisations:

8. Establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality that comprehensively address these minimum accountabilities.
9. Establish and maintain a register for gifts, benefits and hospitality offered to public officials that, at a minimum, records sufficient information to effectively monitor, assess and report on these minimum accountabilities.
10. Communicate and make clear within the organisation 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.
11. 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.

12. 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 register. This report must include 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.

13. Publish the organisation's gifts, benefits and hospitality policy and register on the organisation's public website (applies only to organisations with an established website). The published register should cover the current and the previous financial year.