

Gifts, Benefits and Hospitality Policy

1.0 Purpose

The purpose of this policy is to state Bendigo Kangan Institute's (BKI's) position on:

- responding to offers of gifts, benefits and hospitality; and
- providing gifts, benefits, and hospitality (including to employees).

This policy represents the expectations of BKI as a public sector entity and vocational educational provider, which receives public funds to conduct its business activities. It has been developed in accordance with the requirements outlined as minimum accountabilities for managing gifts, benefits and hospitality issued by the Victorian Public Sector Commission (VPSC).

2.0 Scope

This policy applies to all BKI employees (including VETASSESS/eWorks) contractors and volunteers. The policy extends to Board Directors including board and committee members. The policy further applies to individuals who receive a gift or benefit as part of a sponsorship agreement where BKI are being sponsored.

This policy does not apply to offers of gifts or benefits as part of sponsorship agreements where BKI acts as the sponsor. This policy also does not apply to promotional offers or benefits that are provided to BKI during a paid membership arrangement - i.e., where BKI pays a membership to receive a service and as part of that agreement receives benefits.

3.0 Legislative Context

[Public Administration Act 2004 \(Vic\)](#)

[Code of Conduct for Victorian Public Sector Employees](#)

[Victorian Public Sector Commission; Minimum accountabilities for managing gifts, benefits and hospitality](#) and [gifts, benefits and hospitality guide](#)

[Financial Management 1994 \(Vic\) – Standing Directions](#)

4.0 Policy Statement

Employees have a duty to place the public interest above their private interests when carrying out their official functions. Employees must not accept or solicit gifts, benefits or hospitality that could raise actual or a perception of bias, preferential treatment, or a conflict of interest. The Victorian Public Sector Commission (VPSC) encourages all agencies to adopt the principle of 'thanks is enough'. The aim of this principle is to move to a culture in which offers are not accepted even if they are permitted under this policy. VPSC discourage gift offers, especially repeat offers.

The policy must be adhered to by all BKI staff and a breach of the policy may constitute a breach of a binding Employee Code of Conduct. Employees who do not adhere to the policy may be subject to disciplinary action. In some circumstances, a breach may constitute criminal or corrupt conduct. The table below details the minimum accountabilities for managing gifts, benefits and hospitality.

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Doc Custodian: Head of Governance Risk and Compliance

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Part 1 - Receiving Gifts, Benefits and Hospitality		
<p>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</p>		
4.1	Minimum Accountability 1 – Do not solicit offers	<p>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.</p>
4.2	Minimum Accountability 2 – Offers you must refuse	<p>You must refuse all offers where the acceptance of the gift may be reasonably interpreted to undermine the independence and objectivity of public sector decision making with regards to the use of public funds.</p> <p>Where situations and relationships give rise to an increased risk (or perception) of giving rise to a conflict of interest, individuals should not seek or accept gifts or benefits in those situations. This includes offers that are made near to decision-making and from people or organisations whom BKI employees are likely to make decisions in the near future, involving:</p> <ul style="list-style-type: none"> • Tender processes • Contract execution / review • Procurement activities • Licensing and regulation matters • Recruitment of staff • Student assessments / student enrolment / student placement / BKI entry procedures. • Perception of endorsement (e.g. commercial brand) <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Example:</p> <p><i>John Smith is involved in managing a tender for a major contract. Part of doing so involves interviewing each applicant. One applicant offers to host John at their office for the interview and provide him with food. Even if the value of the meal was well below \$50, it would be reasonable for people to believe that it could influence how John performed his public duty of impartially awarding the contract. John must refuse and declare the offer.</i></p> </div> <p>Teaching employees must refuse all offers (including token offers) from individual students, their parents/carers and offers from student agents. Any group student offers must</p>

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		<p>not be accepted if there is a perception that the offer is in connection with an assessment or education outcome.</p> <div data-bbox="614 416 1399 701" style="border: 1px solid black; padding: 5px;"> <p>Example</p> <p><i>Joe Bloggs is a Horticulture Teacher. One of Joe’s students offers him a bottle of wine to thank him for being such a good teacher. There is a risk that this may give rise to the perception that it will influence Joe’s marking of the student’s work. Joe must decline and declare the offer.</i></p> </div> <p>Employees working in the delivery of skills assessment, must refuse all offers from individual applicants and migration agents.</p> <p>Public and Community Perception</p> <p>You should consider how the public would view the acceptance of an offer of a gift, benefit, or hospitality in the context of BKI’s public functions. 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 BKI or the public sector.</p> <p>You must also refuse the offer if it is not consistent with community expectations.</p> <div data-bbox="614 1261 1399 1800" style="border: 1px solid black; padding: 5px;"> <p>Example</p> <p><i>An organisation you are likely to make, or influence, a decision about in the foreseeable future offers you a learning opportunity that is relevant to your work duties and has a legitimate business benefit. It is free for all attendees. You can accept the offer if it is also consistent with community expectations. An offer to attend a free webinar is far more likely to be consistent with community expectations than an offer to attend a conference – particularly if the latter includes accommodation, travel or related benefits, such as a gala dinner.</i></p> </div> <p>Bribes Attempted offers which could reasonably be perceived as a bribe must be reported to the dedicated Fraud, Bribery, and Corruption Control Officer (FCO). The FCO should report any criminal or corrupt conduct to</p>
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		<p>Victoria Police or the Independent Broad-based Anti-corruption Commission.</p> <p>Additionally, employees must refuse an offer where:</p> <ul style="list-style-type: none"> • the offer is claimable under the <i>Meals, Travel and Entertainment Policy</i> such as per diem, travel and accommodation that would normally be covered by BKI • the offer extends to their relatives or friends • there is no legitimate business benefit <ul style="list-style-type: none"> • the offer is money, or something easily converted to money or used in a similar way, or • is made in secret. <p>Legitimate business reason – non token offers</p> <p>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.</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>Example</p> <p><i>Jane Doe is required to meet with a supplier to conduct business. The supplier invites Jane to meet him at a corporate box during a sporting event (at no cost to James but at a cost to the supplier). There is no legitimate business reason for the meeting to take place in this way. Jane must refuse and declare the offer.</i></p> </div> <p>Cultural norms and the prospect of offence</p> <p>Culturally, it can be appropriate to accept an offer of a gift, benefit, or hospitality if to decline the offer may give rise to offence. An example of this may be an offer made as an expression of appreciation of an employee's time in delivering a presentation to a community group.</p> <p>For advice on accepting or refusing gifts, benefits and hospitality, employees may consult with their manager or with the Governance, Risk and Compliance team. You may also wish to refer to the gifts, benefits and hospitality guide published on the VPSC website.</p>
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<p>4.3</p>	<p>Minimum Accountability 3 – Declare all non- token offers</p>	<p>If you receive a non-token offer (valued at \$50 or more), you must:</p> <ul style="list-style-type: none"> • 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 by your manager <p>The offer and outcome will be recorded on the BKI Gifts and Benefits Hospitality Register and in the Victorian Government public register.</p>
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Part 2 - Providing Gifts, Benefits and Hospitality

When considering making an offer of a gift, benefit or hospitality, key questions employees should consider as follows:

- Whether the cost of providing the gift, benefit or hospitality is proportionate to the potential benefits.
- Whether an external venue is necessary or does the organisation have facilities to host an event.
- Whether the proposed catering or hospitality is proportionate to the number of attendees.
- Whether the size of the event and number of attendees align with intended outcomes.
- Whether providing the gift, benefit or hospitality be viewed by the public as excessive.

4.4	Minimum Accountability 4 – Business Purpose	You must ensure that any gift, benefit and hospitality (token or non-token) you provide on behalf of BKI is provided for a business purpose, in that it: <ul style="list-style-type: none"> • furthers the conduct of official business or other legitimate organisational goals, or • promotes and supports the Institute’s objectives and priorities.
4.5	Minimum Accountability 5 – Cost and community expectations	You must ensure that the cost of providing a gift, benefit or hospitality is: <ul style="list-style-type: none"> • proportionate to the benefits obtained for the State • would be considered reasonable in terms of community expectations.
4.6	Minimum Accountability 6 – Conflict of Interest	You must ensure that you do not provide a gift, benefit or hospitality unless: <ul style="list-style-type: none"> • no conflict of interest exists (actual, potential or perceived), or • you declare a conflict and you and your manager develop a management plan that explicitly allows you to provide it.

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4.7	Minimum Accountability 7 - Behaviour	<p>You must ensure that when hospitality is provided, participants:</p> <ul style="list-style-type: none"> • demonstrate professionalism in their conduct • uphold their obligation to extend a duty of care to other participants. <p>If you are a participant who is accepting hospitality, you must also comply with these standards.</p> <p>Gifts to employees</p> <p>Celebrating or recognising personal life events of colleagues or their friends and family does not fall within BKI's public functions and is not permitted under this policy.</p> <p>Should employees wish to purchase gifts (for celebrations or personal events) e.g., flowers or host a farewell event (such as catering or lunch), this should be done at personal expense.</p> <p>At times, circumstances may arise where BKI considers it is appropriate to apply an exception to this policy and may choose to purchase a gift for an employee. This can only be considered through the Chief Executive Office.</p> <p>BKI will generally only cover the costs associated with hospitality where it relates to a BKI (formally directed or a sponsored) event.</p> <p>Catering of Meetings</p> <p>BKI may provide hospitality including catering as part of a large employee-related event, for example a training course. In line with public sector expectations, the catering provided must be proportionate to the activity.</p> <p>If a meeting extends over mealtimes, BKI may cover the cost of light refreshments. Note that wherever possible, a sufficient break in proceedings should be encouraged to enable participants to seek their own refreshments. Where possible meetings should not be scheduled to conflict with mealtimes.</p> <p>Regular expenditure on discretionary items such as food and beverages e.g., catering or coffees for internal meetings, is inconsistent with the spirit of this policy and BKI's objectives.</p>
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Part 3 – Additional obligations for BKI Senior Leadership Team		
4.8	Minimum Accountability 8 – Culture and Good Practice	BKI Senior Leadership Team must model good practice and foster a culture of integrity.
4.9	Minimum Accountability 9 – Policies and Processes	<p>BKI reviews and promotes this policy and associated documents and processes at regular intervals to ensure the effective management of gifts, benefits and hospitality.</p> <p>The declaration of gifts, benefits and hospitality form is designed to ensure adherence to the minimum accountabilities outlined in this policy.</p> <p>Risk Based Approach Through its policies, procedures the Finance, Audit and Risk Management Committee (FARMC), BKI will ensure gifts, benefits and hospitality risks are appropriately assessed and managed. Individuals with direct reports will ensure they are aware of the risks inherent in their team’s work and functions and monitor the risks to which their direct reports are exposed.</p>
4.10	Minimum Accountability 10 – Communicating to Employees	BKI commits that this policy and related processes are communicated effectively to employees via all staff such as staff induction, People Leader bulletins and other internal communications initiatives.
4.11	Minimum Accountability 11 – Communicating to business associates	<p>BKI ensures 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 Institute’s policy position.</p> <p>In its dealing with business associates including suppliers, the BKI Supplier Code of Conduct includes:</p> <ul style="list-style-type: none"> • what constitutes a gift, benefit or hospitality; • that the organisation discourages the making of offers; and • a copy of the BKI Gifts, Benefits and Hospitality policy.

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4.12	Minimum Accountability 12 – Reports to audit committee	<p>BKI reports at least annually to Finance Audit Risk Management Committee (FARMC) on the administration and quality control of its gifts, benefits and hospitality policy, processes and internal register.</p> <p>This report includes a copy of the internal register, analysis of the Institute’s gifts, benefits and hospitality risk (including repeat offers from the same source and offers from business associates), risk mitigation measures and any proposed treatments.</p>
4.13	Minimum Accountability 13 – Internal Register	<p>BKI ensures that an official internal register of non-token gifts, benefits and hospitality offered to employees is established and maintained.</p> <p>The register records sufficient information to:</p> <ul style="list-style-type: none"> • effectively monitor, assess and report on the minimum accountabilities, • meet the information requirements for the public register.
4.14	Minimum Accountability 14 – Publishing the organisation’s policy and the public register	<p>The following documents are available to the public:</p> <ul style="list-style-type: none"> • BKI’s organisation’s gifts, benefit and hospitality policy • the public register of reportable gift offers received. <p>The public register covers the previous financial year and is published within four months of each new financial year.</p> <p>The public register contains the following reportable information:</p> <ul style="list-style-type: none"> • 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.

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4.15	Reporting and Compliance	<p>Individuals who consider that gifts, benefits and hospitality or conflict of interest within BKI may not have been declared or is not being appropriately managed should speak up and notify their manager, the Head of Governance Risk and Compliance or the Integrity and Corruption Officer (Risk & Assurance Manager). Individuals can also utilise BKI's external service <i>Speak Up</i>.</p> <p>Should an employee speak up in good faith, BKI will:</p> <ul style="list-style-type: none"> 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.
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5.0 Roles and Responsibilities

Role	Responsibilities
BKI Board	The Board is responsible for ensuring compliance with Standing Directions and approval of this policy
Finance Audit and Risk Management Committee	The Finance Audit and Risk Management Committee (FARMC) is required to be satisfied the Board's attestation of compliance with the requirements of the Standing Directions.
Chief Executive Officer	The Chief Executive Officer is the Accountable Officer and has overall responsibility for this policy .
Head of Governance, Risk and Compliance.	The Head of Governance, Risk and Compliance is responsible for promoting BKI's <i>Speak Up Service</i> , monitoring compliance with the requirements of Standing Directions and for providing additional information regarding the consequences of breaching this policy.
Fraud, Bribery, and Corruption Control Officer (FCO).	<p>The FCO should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission.</p> <p>The FCO at BKI is Head of Governance, Risk and Compliance and Manager, Governance, Risk and Integrity.</p>

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People Leaders	Employees with direct reports are responsible for approving 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.
All employees	<p>Individuals (employees) are accountable for:</p> <ul style="list-style-type: none"> • 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 • responsible handling of gifts, benefits and hospitality.

6.0 Definitions

Word/Term	Definition
Actual Conflict of Interest	There is a real conflict between an employee's public duties and private interests.
Benefits	Preferential treatment, privileged access, favours or other advantage offered (e.g., access to discounts and loyalty programs and promises of employment).
Bribe	Money or other inducement given or promised to corruptly influence performance.
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.
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.

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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 and the same as money under the minimum accountabilities.
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.
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'.
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.
Public Register	The official record of information made public from a public sector organisation's internal register. It is published online.
Official Gifts and Items	<p>Official gifts and items include:</p> <ul style="list-style-type: none"> • official gifts • official items (items with cultural, ceremonial, religious, historic, or other significance) <p>Such gifts and items 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.</p>
Token Offer	<p>Token offer is an offer of a gift, benefit or hospitality that 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:</p> <p>Exceptions to this include gifts, benefits, or hospitality received as part of a BKI membership (e.g., Victorian Chamber of Commerce).</p>

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Non-Token Offer	<p>A non-token offer is a gift, benefit, or hospitality greater than \$50 that is, or may be perceived of more than inconsequential value.</p> <p>Note: If token offers are made often by the same person or organisation, the cumulative value of the offers will result in the offers becoming non-token.</p>
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7.0 Supporting Policy Documents and Forms

Document Name
Gifts, Benefits and Hospitality Procedure
Employee Code of Conduct Policy
Conflict of Interest Policy
Expenditure Procedure
Personal Expense Reimbursement Policy and Procedure
Purchasing Card Procedure
Travel, Meals and Entertainment Policy
Personal Expense Reimbursement Policy and Procedure
Sponsorship Policy and Procedure

8.0 Version Control and Change History

Ver.	Issue Date	Document Custodian	Description of Change	Approval Authority
1.0	14 Sep 2023	Risk and Assurance Manager	<p>The content of this policy originated from BKI's <i>Gifts Benefits and Hospitality Policy and Procedure</i>.</p> <p>Previous combined policy and procedure have been separated into individual documents. Uplift to reflect current legislative environment.</p>	Head of Governance Risk and Compliance (provisional)

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2.0		Head, Governance Risk and Compliance	<p>Policy statement updated to the way in which BKI meets the current minimum accountabilities published by the VPSC.</p> <p>Definition updated to reflect definitions contained in the minimum accountabilities published by the VPSC.</p> <p>Roles and responsibilities updated</p> <p>Legislative context update</p> <p>Range of other changes to content to align with current practice.</p> <p>Scope includes Directors and Board Members</p>	Chief Operating Officer
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9.0 Document Owner and Approval Body

Document Custodian	Approval Authority	Approval Date	Next Scheduled Review Date
Head of Governance Risk and Compliance	Chief Operating Officer	19/07/2024	17/07/2026

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