

Finance and Commercial Services Department

Acceptance of Gifts, Benefits and Hospitality Policy



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2. Purpose

This policy outlines Emergency Services Telecommunications Authority (ESTA)'s position for managing situations where offers (Acceptance of Gifts, Benefits and Hospitality (AGBH)) are made to ESTA staff and the recording and reporting of AGBH incurred in the normal course of duties.

3. Policy Statement

The Victorian community expects the public sector to act with integrity, accountability and transparency in all aspects of our roles in serving the Government and the people of Victoria and that we have an obligation to contribute to an ethical, open and accountable environment that is free of fraud or corruption.

ESTA practice's a 'no thank you' policy to AGBH unless, for example the acceptance of 'thank you' gifts are part of a social/cultural convention in which case they become the property of ESTA .

The application of the AGBH policy sets a very high standard of zero tolerance for any acceptance that could give rise to the perception that the Authority or its staff, is open to being influenced while undertaking our public duty.

The policy places the onus on the individual, recognising that each person needs to assess and determine whether an offer has a legitimate business purpose and then whether it presents an actual, potential or perceived conflict of interest.

ESTA is a statutory authority and as such must comply with:

- Victorian Public Sector Commission's Gifts, Benefits and Hospitality Framework
- Standing Directions for the Minister of Finance
- ESTA Code of Ethics & Business Conduct Policy
- Emergency Services Telecommunications Authority Act 2004
- Public Administration Act 2004

It is important that, consistent with our values and behaviours, employees and members of the Authority act and are seen to be acting with integrity, fairness and impartiality in all aspects of ESTA's business. This is especially relevant to the consideration of the management of tenders, potential suppliers and contractors, where it is necessary to avoid situations which may lead to perceptions of unfairness, preferential treatment or inducement to conduct further business.

4. Scope

This policy is applicable to all ESTA employees, seconded employees and contractors who are expected to:

- Act in the best interest of ESTA, at all times;
- Conduct all dealings with transparency, integrity and fairness, and

- Seek clarification from their managers if they do not fully understand the contents of this policy

5. Policy Provisions

The following table lists the key principles for implementing this policy and adheres to the requirements of 2016 Standing Directions 3.4.11 (Managing Gifts, Benefits and Hospitality) and the Victorian Public Sector Commission's *Gifts, Benefits and Hospitality Framework*:

<p>Token gifts <u>not</u> exceeding \$50</p>	<ul style="list-style-type: none"> • This policy is waived in respect of small items (e.g bottle of wine, flowers) that have a value not exceeding \$50 and could not reasonably influence or be perceived to influence decision making • Acceptance of offers valued at less than \$50 are at the discretion of the person receiving the offer. However, irrespective of the of a dollar value, a gift offer that could create a reasonable perception that an employee could be influenced must be refused. • Under ESTA's 'no thank you' practice, offers to attend private functions, e.g. sporting events should be declined where there is no clear public benefit. • As a general rule all offers of less than \$50 should be made known to a staff member's manager and any acceptance is done in an open and transparent manner. • No formal reporting or declaration is required.
<p>Other Exemptions</p>	<ul style="list-style-type: none"> • Attendance of Official Business Events where the reason for attendance is consistent with ESTA's functions and objectives and is consistent with the roles of the person attending are exempt from this policy. Examples include: <ul style="list-style-type: none"> ○ Business leveraging requiring ESTA employee to pursue industry/technology knowledge ○ Funded service delivery obligation to ensure funded programs are delivered effectively ○ Stakeholder management events with other Government agencies ○ Sector knowledge to maintain and improve sector outcomes • Gifts over \$50 provided to ESTA employees by third parties commonly done as part of the culture and practice of communities and governments within both Australia and internationally are exempt from this policy however, they will need to be declared and become the property of ESTA.

	<ul style="list-style-type: none"> • Thank you gifts over \$50 are also exempt from this policy. Such offers are normally done in public and is offered for speaking at conferences and seminars. Such gifts become the property of ESTA. • All gifts provided by ESTA Management under the Employee Recognition Program are exempt from this policy.
Non-Monetary Gifts	<ul style="list-style-type: none"> • Goods, vouchers, non-cost payments received from suppliers or agents (other than goods officially ordered) shall be declared to the Commercial Services Manager
Monetary Gifts	<ul style="list-style-type: none"> • Any monetary gifts (regardless of amount) handed over to employees and contractors must be passed to the Commercial Services Manager and is to be returned to the donor • Refuse all offers of money or items easily converted to money such as shares
Gifts from People or Organisations whom you are likely to make decisions	<ul style="list-style-type: none"> • ESTA employees must refuse all AGBH from people or organisations about whom they are likely to make decisions involving: <ul style="list-style-type: none"> ○ tender processes ○ procurement ○ enforcement ○ licensing ○ regulation
Offer of Travel and Accommodation	<ul style="list-style-type: none"> • Where the conference/tour is seen to be in the public interest, ESTA will pay. • Where an ESTA employee has been approved by the CEO to present at a domestic/international conference or seminar, sponsored travel or accommodation may be accepted as part of their agreement with the event organiser. Offers from persons or organisations other than the event organiser are not to be accepted.
Gifts and Hospitality that do not have a public benefit	<ul style="list-style-type: none"> • ESTA requires employees and managers to consider whether there is a public benefit to attending private functions in an official capacity. Where there is no clear public benefit, an invitation (e.g. sporting events) should be declined. This is especially the case when their attendance at the function could be perceived as an endorsement of the company or product
Repeat Gifts and	<ul style="list-style-type: none"> • ESTA requires employees to be alerted to repeated offers

Hospitality	<p>of AGBH from a single source. The cumulative value of these offers over a year may be quite high</p> <ul style="list-style-type: none"> • When accepting gifts (even if under \$50) becomes a habit or even an expectation, it may trigger a breach of the ESTA Code of Ethics & Business Conduct Policy
Attempted Bribery	<ul style="list-style-type: none"> • ESTA employees must immediately refuse bribes and report bribery attempts in the first instance to the Commercial Services Manager and then Victoria Police.
Approval	<ul style="list-style-type: none"> • All AGBH which is over \$50 must be approved by the employee's manager prior to sending the declaration to the Commercial Services Manager. • Financial Delegates must disclose the decision of the AGBH in the declaration form that the AGBH has been <ul style="list-style-type: none"> ○ Retained ○ Declined ○ Transferred to ESTA
Declaration of Gifts	<ul style="list-style-type: none"> • All AGBH accepted and approved by the employees manager should be declared to the Commercial Services Manager within 14 days • All gifts will be recorded in the ESTA Gift Register • ESTA audit committee will review Gifts Register and declarations to ensure transparent reporting of accepted gifts, benefits and hospitality
FBT Implications	<ul style="list-style-type: none"> • Offers of gifts, benefits and hospitality that are accepted may give rise to Fringe Benefits Tax. Guidance on the application of FBT to an acceptance of a gift, benefit or hospitality should be sought from the Financial Operations team.
GIFT Test	<ul style="list-style-type: none"> • To assist in deciding whether to accept or decline a Gift, Benefit or Hospitality, the below summary can be followed: <ul style="list-style-type: none"> ○ Giver – Who is providing the gift, benefit or hospitality and what is their relationship to me? ○ Influence – Are they seeking to influence my decisions or actions? ○ Favour – Are they seeking a favour in return for the gift, benefit or hospitality? ○ Trust – Would accepting the gift, benefit or hospitality diminish public trust?
Compliance and Reporting	<ul style="list-style-type: none"> • As per Ministerial Direction 3.4.11, ESTA CEO to make an annual attestation attesting to the operation, review,

	<p>promulgation and scrutiny of appropriate gifts, benefits and hospitality policies and processes at ESTA.</p> <ul style="list-style-type: none"> • ESTA must record all non-token offers of gifts, benefits and hospitality on their gifts register, irrespective of whether or not the offer was accepted. Under the minimum accountabilities, ESTA is required to publish their gifts benefits and hospitality register on their website.
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6. Roles and Responsibilities

Accountable Officer (CEO)	<p>The CEO in consultation with the CFO must:</p> <ul style="list-style-type: none"> • Establish and review regularly policies and processes that respond to offers of GBH • Publicise and reinforce to all ESTA employees that a breach of this policy may constitute a breach of code of conduct • Ensure records are kept of accepted GBH of more than \$50 and that such records are subject to regular scrutiny including review by ESTA's Audit and Risk Committee.
Departmental Heads	<p>The Departmental Head is responsible for:</p> <ul style="list-style-type: none"> • Ensuring all staff within their section are aware of the AGBH policy • Ensure that offers of \$50 or more are declared to the Commercial Services Manager • Provide guidance to the staff regarding whether to accept or decline a AGBH
Commercial Services Manager	<p>The Commercial Services Manager:</p> <ul style="list-style-type: none"> • Provide Guidance on this policy to ESTA employees when required • Maintain and update the AGBH register for the organisation • Maintain AGBH declarations forwarded by ESTA employees • Publish the gifts, benefits and hospitality register on ESAT's website

All ESTA employees	<p>All ESTA employees must:</p> <ul style="list-style-type: none"> • Not solicit (ask for, request or seek) Gifts, Benefits and Hospitality • Decline all offers that could be reasonably perceived as undermining integrity of ESTA or the employee • Decline all AGBH offers from lobbyists • Only accept invitations to work related event • Declare all offers of \$50 or above
Breaches	<p>A breach of this policy may constitute a breach:</p> <ul style="list-style-type: none"> • Breach of ESTA Code of Ethics and Business Conduct Policy • Breach of the Gifts, Benefits and Hospitality Framework • Breach of the ESTA Act • Misconduct under the Public Administration Act 2004 • A crime under the Crimes Act 1958 • A breach of the contractor's Agency Agreement or Contract

7. Related policies and procedures

This policy is to be read in conjunction with the following policies and procedures:

- Instrument of Authorisation and Delegations
- AGBH Declaration Form
- AGBH Gifts Register

8. Glossary/Definition

Description	Definition
AGBH	Acceptance of Gifts, Benefits and Hospitality
Audit Committee	Responsibilities usually include assuring the adequacy of the ESTA's risk management framework, operational performance and integrity of management reporting.
Benefits	These are preferential treatment, privileged access, favours or other advantage offered. They include invitations to sporting, cultural or social events, access to discounts and loyalty programs, and promises of a new

	job.
Bribes	Bribes are money or other inducements given or promised to employees to corruptly influence the performance of their role. Bribery of a public official is an offence punishable by up to ten years imprisonment.
Conflict of Interest	This occurs when an employee's private interests conflict with their public duty. Employees have a duty to always resolve a conflict in the public interest, not their own. This may mean that they decline a gift or transfer the gift to their employer's ownership if this is identified as being in the public interest.
Delegate	The person(s) holding the office(s) in ESTA allowed by the delegator to exercise the authority of the delegator. The naming of specific Positions means that only those named Positions have the authority delegated, and the employee appointed into the substantive position is thereby the delegate.
ESTA	Emergency Services Telecommunications Authority
Gifts	Gifts are free or heavily discounted items, intangible benefits or hospitality exceeding common courtesy that are offered to employees in association with their work. Gifts may also be provided by organisations to, for example, a visiting delegation from another jurisdiction. They may be enduring such as a work of art or consumables such as a box of chocolates. They range in value from nominal to significant and may be given for different reasons.
Gifts Declaration	This is the form an employee uses to declare reportable gifts. Information on the form is either transferred to a gifts register or filed on a central secure file.
Gifts Register	This is a register of reportable gifts. It records the date a gift was offered, information about the donor and recipient, the nature of the gift, its estimated value and how it was handled. A designated person maintains the register, which is reviewed by the organisation's audit committee
Hospitality	This is the friendly reception and treatment of guests, ranging from offers of light refreshment at a business meeting to restaurant meals and sponsored travel and accommodation. Hospitality may be offered to a public sector employee.
Token Offer	A token offer is an offer of a gift, benefit or hospitality that is of trivial value and does not create an actual or potential conflict of interest. A token offer cannot be worth more than

	an estimated \$50.
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9. Policy and process review

ESTA may make changes to this policy from time to time to improve the effectiveness of operations. In this regard, any staff member who wishes to make any comments about this policy may forward their suggestions to the Contract and Procurement Manager.