

Gifts, Benefits and Hospitality Policy

1. PURPOSE AND CONTEXT

We must earn and sustain the trust of the teaching profession, our stakeholders, and the public. We must be beyond reproach.

We do this by

- acting honestly and with integrity
- using powers responsibly and impartially, and in a way that does not provide a benefit to ourselves, our families, friends or associates
- avoiding any actual, potential or perceived conflicts of interest that may influence or be seen to influence or impact on our decisions
- refusing all offers of gifts, benefits and hospitality that could reasonably be perceived as influencing or undermining the integrity of VIT
- being transparent
- being accountable for our decisions.

This includes ensuring that any offers of gifts, benefits and hospitality are managed in a manner that is consistent with our legal obligations¹ and community expectations.

More information and guidance about identifying, declaring and managing conflicts of interest can be found in the VIT Conflict of Interest policy.

More information and guidance about declaring and managing offers of gifts, benefits and hospitality can be found in this policy.

2. SCOPE

This policy applies to Victorian Institute of Teaching (VIT) Council members, VIT sub-committee members, hearing panel members, the Chief Executive Officer, VIT employees, contractors, consultants, auditors and any other individuals or entities undertaking activities or providing services for or on behalf of VIT.

For the purpose of this policy, these will be collectively referred to as associated individuals and entities.

3. DEFINITIONS

TERM	DEFINITION
Actual conflict of interest	An actual conflict of interest refers to situations where there is a real conflict between an associated individual or entity's duties or obligations to the VIT and their other public duties or private interests. ²
Associated individual or entity	All VIT Council members, VIT sub-committee members, hearing panel members, VIT employees, contractors, consultants, auditors, and any other individual or entities undertaking activities or providing services for or on behalf of VIT.

¹ Department of Treasury and Finance, *Instructions supporting the Standing Directions 2018 under the Financial Management Act 1994*, issued June 2016 (revised 7 December 2018), cl. 11

² Victorian Public Sector Commission, *Model Conflict of Interest Policy*, s. 4

TERM	DEFINITION
Benefits	Benefits include preferential treatment, privileged access, favours or other advantages offered to an associated individual or entity. This 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 may be used to influence the associated individual or entity's behaviour. ³
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. ⁴
Common courtesy	<p>A common courtesy is a small gesture of kindness or politeness that is reasonable or appropriate in the circumstances. A common courtesy may be</p> <ul style="list-style-type: none"> • a cup of coffee or tea offered during a meeting • a modest lunch or snack, such as sandwiches, provided during a lengthy conference or meeting • modest materials provided at a conference such as copies of presentation materials, a writing pad, and pen of nominal value. <p>A common courtesy is not considered a gift and therefore does not need to be declared under this policy.</p>
Conflict of interest	A conflict of interest is where an associated individual or entity has other public duties or private interests that could improperly influence, or be seen to influence, the performance of their duties or obligations for or on behalf of the VIT. A conflict of interest can be actual, potential or perceived. ⁵
Co-regulator	<p>A co-regulator is an individual or entity who is also responsible for regulating and enforcing laws or standards against duty holders. VIT's co-regulators include, but are not necessarily limited to, the following</p> <ul style="list-style-type: none"> • Australasian Teacher Regulatory Authorities • national regulators e.g. Tertiary Education Quality and Standards Agency (TEQSA) and the Australian Children's Education and Care Quality Authority (ACECQA) • Department of Education and Training (that register and regulate early childhood services) • Department of Justice and Community Safety Victoria (Working with Children Check Unit) • Commission for Children and Young People • Victorian Registration and Qualifications Authority (VRQA) (that register and regulate Victorian schools) • Victoria Police.

³ Victorian Public Sector Commission (VPSC), *Model Gifts Benefit and Hospitality Policy*, p. 2; and VPSC, *Gifts Benefits and Hospitality Policy Guide*, p. 6

⁴ Victorian Public Sector Commission (VPSC), *Model Gifts Benefit and Hospitality Policy*, p. 2; and VPSC, *Gifts Benefits and Hospitality Policy Guide*, p. 6

⁵ Victorian Public Sector Commission, *Model Conflict of Interest Policy*, s. 4; and VPSC, *Model Gifts, Benefits and Hospitality Policy*, p. 2

TERM	DEFINITION
Duty holder	A duty holder is an individual or entity who has a duty or legal obligation to the VIT. VIT's duty holders include, but are not necessarily limited to, the following <ul style="list-style-type: none"> members of the teaching profession initial teacher education providers employers of the teaching profession.
Gifts	Gifts are free or heavily discounted goods or services offered 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), consumables (e.g. chocolates) and services (e.g. painting and repairs). ⁶ Gifts do not include common courtesies.
Hospitality	Hospitality refers to the friendly reception and treatment of guests. This can range from offers of refreshments at business meetings, to expensive meals and drinks at restaurants or sponsored travel and accommodation. ⁷
Legitimate business benefit	A gift, benefit or hospitality may have a legitimate business benefit if it furthers the conduct of the official business of VIT. ⁸
Non-token offer	A non-token offer is a gift, benefit or hospitality that is, or may be perceived to be of more than inconsequential in value. All offers worth more than \$50 are considered non-token offers. ⁹
Perceived conflict of interest	A perceived conflict of interest refers to situations where the public could form the view that an associated individual or entity's other public duties or private interests could improperly influence the performance of their duties or obligations for or on behalf of VIT, now or in the future. ¹⁰
Potential conflict of interest	A potential conflict of interest refers to situations where an associated individual or entity has other public duties or private interests that could conflict with their duties or obligations to VIT. This refers to circumstances where it is foreseeable that a conflict may arise in the future and steps should be taken now to mitigate that future risk. ¹¹

⁶ Victorian Public Sector Commission (VPSC), *Model Gifts Benefits and Hospitality Policy*, p. 3; and VPSC, *Gifts Benefits and Hospitality Policy Guide*, p. 6

⁷ Victorian Public Sector Commission (VPSC), *Model Gifts Benefits and Hospitality Policy*, p. 3; and Victorian Public Sector Commission, *Gifts Benefits and Hospitality Policy Guide*, p. 6

⁸ Victorian Public Sector Commission (VPSC), *Model Gifts Benefits and Hospitality Policy*, p. 3; and Victorian Public Sector Commission, *Gifts Benefits and Hospitality Policy Guide*, p. 6

⁹ Victorian Public Sector Commission (VPSC), *Model Gifts Benefits and Hospitality Policy*, p. 3; and Victorian Public Sector Commission, *Gifts Benefits and Hospitality Policy Guide*, p. 7

¹⁰ Victorian Public Sector Commission, *Model Conflict of Interest Policy*, s. 4

¹¹ Victorian Public Sector Commission, *Model Conflict of Interest Policy*, s. 4

TERM	DEFINITION
Private interests	<p>Private interests are interests of an associated individual or entity that are separate to the functions or activities that they perform for or on behalf of VIT. They can be financial and non-financial interests, and may also include the interests of family members and close friends and associates.</p> <p>Private interests that have the potential to create an actual, potential or perceived conflict of interest include the following</p> <ul style="list-style-type: none"> • relationships – personal and family, both past and present that may conflict with the associated individual or entity’s activities or decisions made for or behalf of VIT • financial and economic interests – these can include personal interests (e.g. real estate, shares, debts, assets, businesses etc.) and family interests (e.g. family trusts, family owned businesses etc.) and benefits (e.g. concessions, discounts, gifts or hospitality from a particular source) • other employment – this can include paid and unpaid employment, and voluntary work • outside work activities – this can be affiliations with for-profit or non-profit entities, sporting bodies, clubs and associations • previous employment or contracts or engagement • future employment prospects or plans • other public duties - this may include membership of an entity (private or public), or membership of a board or committee, that may conflict with current duties or responsibilities • personal interests, beliefs, or strong pre-conceived views – this may include obligations to professional, community, ethnic or religious groups • participation in political activity.
Public register	A public register is a subset of information that is on the Gifts, Benefits and Hospitality Register that is published in accordance with VIT’s obligations and is consistent with Appendix 3 of this policy. ¹²
Relevant person	Relevant persons are the persons or entities who are specified in sections 4.3, 4.4. and 4.5 of this policy and who are responsible for assessing and making decisions about the declaration of gifts, benefits or hospitality in accordance with this policy.
Sponsored travel	Sponsored travel is an offer to fund, wholly, or in part, an associated individual or entity’s travel and other work related costs. This includes sponsored transport, accommodation, meals, conferences and industry tours.
Token offer	A token offer is a gift, benefit or hospitality that is of inconsequential or trivial value to the person or entity making the offer, and the recipient. Token offers must not be worth more than \$50. ¹³

¹² Victorian Public Sector Commission (VPSC), *Model Gifts Benefits and Hospitality Policy*, p. 3

¹³ Victorian Public Sector Commission (VPSC), *Model Gifts Benefits and Hospitality Policy*, p. 3; and Victorian Public Sector Commission, *Gifts Benefits and Hospitality Policy Guide*, p. 7

4. STATEMENT OF POLICY

4.1. OVERARCHING OBLIGATIONS

If associated individuals and entities are offered gifts, benefits or hospitality during the course of carrying out their duties or obligations for or on behalf of VIT, they must comply with this policy and uphold the following principles.

Impartiality – associated individuals and entities have a duty to place the interest of VIT above their private interests when they are carrying out duties or obligations for or on behalf of the VIT. They will act fairly and objectively and will not accept gifts, benefits or hospitality that could give rise to actual bias or preferential treatment, or create a reasonable perception of bias or preferential treatment.

Accountability – associated individuals and entities are accountable for declaring all gifts, benefits and hospitality in accordance with this policy.

Integrity – associated individuals and entities must strive to earn and sustain public trust by responding to offers of gifts, benefits and hospitality in a manner that is consistent with this policy and community expectations.

4.2. SPECIFIC OBLIGATIONS

During the course of carrying out their duties or obligations for or on behalf of the VIT, associated individuals and entities must comply with the following guidelines

- never seek or solicit gifts, benefits or hospitality for themselves or others
- 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 (e.g. vouchers)
 - give rise to an actual, potential or perceived conflict of interest
 - may adversely affect or undermine their standing as an associated individual or entity
 - may adversely affect VIT's standing or reputation in the community
 - extend to family, relatives or friends
- refuse non-token offers without a legitimate business benefit
- declare all gifts, benefits and hospitality (whether accepted or declined) in accordance with this policy
- refuse any bribes or inducements - associated individuals and entities must report any attempts to induce or bribe them to the CEO or the Chairperson of the VIT Council.¹⁴

Relevant persons have the following roles and responsibilities under this policy

- educate associated individuals and entities about this policy
- model good practice
- implement this policy
- assess and make decisions about declarations of gifts, benefits and hospitality made by associated individuals and entities pursuant to this policy
- monitor compliance with this policy
- report alleged non-compliance with this policy.

4.3. DECLARATION OF GIFTS

All associated individuals or entities must declare any gifts offered or received during the course of carrying out their duties or obligations for or on behalf of VIT in accordance with this policy.

¹⁴ Department of Treasury and Finance, *Instructions supporting the Standing Directions 2018 under the Financial Management Act 1994*, issued June 2016 (revised 7 December 2018), cl. 11.1; Victorian Public Sector Commission (VPSC), *Gifts, Benefits and Hospitality Policy Guide*, p. 4; and VPSC, *Minimum Accountabilities*, p. 1

Gifts are free or heavily discounted goods or services offered 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), consumables (e.g. chocolates) and services (e.g. painting and repairs).¹⁵

Gifts may include 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.¹⁶

Gifts may be token offers or non-token offers. A token offer is a gift that is of inconsequential or trivial value to the person or entity making the offer, and the recipient. Token offers must not be worth more than \$50.¹⁷ A non-token offer is a gift that is, or may be perceived to be of more than inconsequential in value. All offers worth more than \$50 are considered non-token offers under this policy.¹⁸

Gifts may be direct or indirect. A gift may be offered directly to an associated individual or entity, or indirectly via an offer to their relative or close associate including

- a member of their immediate family (eg. spouse, partner, child, grandchild, parent, sibling)
- a regular member of their household (whether or not they are related)
- another close associate such as a friend or business associate.

Under this policy, common courtesies are not considered gifts and therefore do not need to be declared. A common courtesy is a small gesture of kindness or politeness that is reasonable or appropriate in the circumstances. A common courtesy may be

- a cup of coffee or tea offered during a meeting
- a modest lunch or snack, such as sandwiches, provided during a lengthy conference or meeting
- modest materials provided at a conference such as copies of presentation materials, a writing pad, and a pen of nominal value.

If, during the course of carrying out their duties or obligations for or on behalf of VIT, an associated individual or entity is offered or given **any** gift, the associated individual or entity must complete a **Gift, benefit or hospitality declaration form in Appendix 1** within five (5) working days or being offered or receiving the gift, and provide this to the relevant person in the table below.

Individual or entity who received gift, benefit or hospitality	Relevant person	
	Token offer valued up to \$50	Non-token offer valued more than \$50
VIT Council Chairperson	VIT Council	
VIT Council member	VIT Council Chairperson	
VIT sub-committee member	VIT Council Chairperson	
Hearing panel members	VIT Council Chairperson	

¹⁵ Victorian Public Sector Commission (VPSC), *Model Gifts Benefits and Hospitality Policy*, p. 3; and VPSC, *Gifts Benefits and Hospitality Policy Guide*, p. 6

¹⁶ Victorian Public Sector Commission (VPSC), *Model Gifts Benefit and Hospitality Policy*, p. 2; and VPSC, *Gifts Benefits and Hospitality Policy Guide*, p. 6

¹⁷ Victorian Public Sector Commission (VPSC), *Model Gifts Benefits and Hospitality Policy*, p. 3; and Victorian Public Sector Commission, *Gifts Benefits and Hospitality Policy Guide*, p. 7

¹⁸ Victorian Public Sector Commission (VPSC), *Model Gifts Benefits and Hospitality Policy*, p. 3; and Victorian Public Sector Commission, *Gifts Benefits and Hospitality Policy Guide*, p. 7

CEO	VIT Council Chairperson	
VIT employees and contractors	Relevant Director	CEO
Consultants, auditors and any other individuals or entities undertaking activities or providing services for or on behalf of VIT	Relevant Director	CEO

4.4. DECLARATION OF BENEFITS

All associated individuals or entities must declare any benefits offered or received during the course of carrying out their duties or obligations for or on behalf of VIT in accordance with this policy.

Benefits include preferential treatment, privileged access, favours or other advantages offered to an associated individual or entity. This 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 may be used to influence the associated individual or entity's behaviour.¹⁹

If, during the course of carrying out their duties or obligations for or on behalf of VIT, an associated individual or entity is offered or given **any** benefit, the associated individual or entity must complete a **Gift, benefit or hospitality declaration form in Appendix 1** within five (5) working days of being offered or receiving the gift, benefit or hospitality, and provide this to the relevant person in the table below.

Individual or entity who received gift, benefit or hospitality	Relevant person
VIT Council Chairperson	VIT Council
VIT Council member	VIT Council Chairperson
VIT sub-committee member	VIT Council Chairperson
Hearing panel members	VIT Council Chairperson
CEO	VIT Council Chairperson
VIT employees and contractors	CEO
Consultants, auditors and any other individuals or entities undertaking activities or providing services for or on behalf of VIT	CEO

¹⁹ Victorian Public Sector Commission (VPSC), *Model Gifts Benefit and Hospitality Policy*, p. 2; and VPSC, *Gifts Benefits and Hospitality Policy Guide*, p. 6

4.5. DECLARATION OF HOSPITALITY

All associated individuals or entities must declare any hospitality offered or received during the course of carrying out their duties or obligations for or on behalf of VIT in accordance with this policy.

Hospitality refers to the friendly reception and treatment of guests. This can range from token offers such as the purchase of a coffee in a café, to non-token offers such as expensive meals and drinks at restaurants or sponsored travel.²⁰

Sponsored travel is an offer to fund, wholly, or in part, an associated individual or entity's travel and other work related costs. This includes sponsored transport, accommodation, meals, conferences and industry tours. Sponsored travel must be declined unless there is a legitimate business benefit and it can be demonstrated that there is no conflict of interest or that no improper influence will result from accepting the sponsored travel. Even in these circumstances, the relevant person should consider whether it would be more appropriate for VIT to pay for the travel, accommodation and associated costs in full.

If, during the course of carrying out their duties or obligations for or on behalf of VIT, an associated individual or entity is offered or given **any** hospitality, the associated individual or entity must complete a **Gift, benefit or hospitality declaration form in Appendix 1** within five (5) working days of being offered or receiving the hospitality, and provide this to the relevant person in the table below.

The person to whom the declaration is made must ensure that the declared hospitality is recorded in the

Individual or entity who received gift, benefit or hospitality	Relevant person	
	If the hospitality is valued up to \$50	If the hospitality is valued more than \$50
VIT Council Chairperson	VIT Council	
VIT Council member	VIT Council Chairperson	
VIT sub-committee member	VIT Council Chairperson	
Hearing panel members	VIT Council Chairperson	
CEO	VIT Council Chairperson	
VIT employees and contractors	Relevant Director	CEO
Consultants, auditors and any other individuals or entities undertaking activities or providing services for or on behalf of VIT	Relevant Director	CEO

4.6. DECISION ABOUT THE GIFT, BENEFIT OR HOSPITALITY

The relevant person must ensure that the declared gift, benefit or hospitality is recorded in the Gift, Benefit and Hospitality Register.

In each case, the relevant person will consider the gift, benefit or hospitality and make a determination as to whether the associated individual or entity may:

- decline the offer of the gift, benefit or hospitality
- return the gift, benefit or hospitality
- keep the gift, benefit or hospitality
- display the gift or benefit

- transfer the gift, benefit or hospitality
- sell the gift, benefit or hospitality and donate the proceeds to charity.

²⁰ Victorian Public Sector Commission (VPSC), *Model Gifts Benefits and Hospitality Policy*, p. 3; and Victorian Public Sector Commission, *Gifts Benefits and Hospitality Policy Guide*, p. 6

In making these determinations, the relevant person will consider factors such as the following:

- whether the person or entity who has offered or given the gift, benefit or hospitality is a duty holder or co-regulator
- whether the gift, benefit or hospitality may create an actual, potential or perceived conflict of interest
- whether accepting the gift, benefit or hospitality may diminish public trust in the VIT or otherwise create a reputational risk for VIT
- whether the gift, benefit or hospitality may be perceived as an inducement or as an attempt to influence the associated individual or entity in the performance of the duties, and in particular
 - whether the individual or entity making the offer may benefit from a decision that the associated individual or entity receiving the offer may make
 - whether the timing or circumstances of the offer may indicate that the individual or entity making the offer is seeking to gain an advantage or influence the decision of an associated individual or entity
 - whether the individual or entity making the offer is seeking a favour in return for the gift, benefit or hospitality
 - whether the individual or entity making the offer has made any other offers to associated individuals or entities in the last 12 months
- whether the gift, benefit or hospitality is a token offer
- whether the gift or benefit is an invitation to attend a conference or seminar and provides an opportunity to build on the knowledge or capabilities of VIT employees
- whether the gift, benefit or hospitality has a legitimate business benefit
- whether the gift is a ceremonial gift and should be accepted on behalf of VIT to avoid causing offence or embarrassment to the individual or entity who offered the gift.

The relevant person may also consult and seek advice or guidance from the Chief Executive Officer and the Corporate legal Counsel prior to making their decision.

In all cases, the relevant person must make a decision within five (5) working days of receiving the declaration of the gift, benefit or hospitality.

The following table provides some guidance as to the possible decisions that may be made under this policy.

Decision	Examples
Decline the gift, benefit or hospitality	<p>Sponsored travel and hospitality</p> <p>The Director Shared Services receives an invitation from an entity to attend a 3-day IT conference in Sydney. This invitation includes payment for travel, meals and accommodation. The entity has recently put in a quote to provide IT products and services to the VIT. The relevant person should decline the invitation for the following reasons</p> <ul style="list-style-type: none"> • the timing of the invitation coincides with a decision that the Director needs to make about which entity will provide IT products and services to the VIT • accepting the invitation may create an actual, potential or perceived conflict of interest • accepting the invitation may diminish public trust in the VIT or may create a reputational risk for the VIT • the invitation may be considered or perceived as an inducement or an attempt to influence the decision of the Director.

Decision	Examples
	<p>Benefits</p> <p>An entity who provides office supplies invites the Office Manager or a member of his/her family to attend as a guest in the corporate box at the football. The relevant person should decline the invitation for the following reasons</p> <ul style="list-style-type: none"> • accepting the invitation may create an actual, potential or perceived conflict of interest • accepting the invitation may diminish public trust in the VIT or may create a reputational risk for the VIT • the invitation may be considered or perceived an inducement or an attempt to influence future decisions of the Office Manager.
Return the gift, benefit or hospitality	<p>Gift of appreciation</p> <p>The Teacher Engagement and Registration Manager receives a gift voucher in the amount of \$200 from a teacher who has recently been registered to say thank you for his/her assistance during a complicated and protracted registration process. The relevant person decides to return the gift for the following reasons</p> <ul style="list-style-type: none"> • this is a non-token offer • it is a gift voucher and therefore similar to money and can easily be converted into money • accepting the gift may create an actual, potential or perceived conflict of interest • accepting the gift may diminish public trust in the VIT or may create a reputational risk • accepting the gift may diminish the standing of the associated individual • accepting the gift may be perceived as an attempt to influence any future decisions to be made about the teacher by the VIT.
Keep the gift, benefit or hospitality	<p>Token offer</p> <p>An associated individual conducts a presentation for or on behalf of the VIT. At the end of the presentation, the organiser of the presentation thanks the associated individual and presents them with a bottle of wine worth \$20. At his or her discretion, the relevant person may permit the associated individual to keep the gift provided it does not give rise to actual, potential or perceived conflict of interest. This is because this gift is a token gift that has been offered as a gesture of appreciation for the associated individual's time and expertise.</p> <p>Conference attendance</p> <p>A co-regulator is organising a conference and offers to fund the conference fee, meals and accommodation costs of a VIT employee who is presenting at the conference. Provided there is no actual, potential or perceived conflict of interest, the relevant person may, at his or her discretion, decide to accept these benefits and hospitality for the following reasons</p>

Decision	Examples
	<ul style="list-style-type: none"> the entity offering the benefit and hospitality is a co-regulator not a duty holder attendance and participation in the conference is for a legitimate business benefit and provides the VIT employee with an opportunity to build on their knowledge and capabilities.
Display the gift or benefit	<p>Ceremonial gift The CEO receives a wooden hand-carved sculpture from an overseas delegation. The relevant person may decide to display the wooden hand-carved sculpture at the VIT office for the following reasons</p> <ul style="list-style-type: none"> the gift may be considered a ceremonial gift returning the gift may cause offence or embarrassment.
Transfer the gift, benefit or hospitality	<p>Historically significant gift A Victorian university provides the VIT Council with an original copy of a famous book about the history of the teaching profession that has been signed by the original author who is now deceased. The relevant person decides to transfer the gift to the State Library of Victoria for the following reasons</p> <ul style="list-style-type: none"> the gift is a non-token offer accepting the gift may create an actual, potential or perceived conflict of interest accepting the gift may diminish public trust in the VIT or may create a reputational risk accepting the gift may be perceived as an attempt to influence any future accreditation decisions to be made by the VIT.
Sell the gift, benefit or hospitality and donate the proceeds to charity	<p>Anonymous gift An anonymous individual or entity arranges for a box of wine to be delivered to the VIT office. The attached note indicates that the gift may have been provided by a teacher, principal or school that has been recently involved with the Conduct and Compliance Branch of the VIT. The relevant person decides to sell the box of wine and donate the proceeds to a charity for children for the following reasons</p> <ul style="list-style-type: none"> the relevant person cannot return the gift because the identity of the individual or entity is unknown. accepting the gift may create an actual, potential or perceived conflict of interest accepting the gift may diminish public trust in the VIT or may create a reputational risk.

4.7. GIFTS, BENEFITS AND HOSPITALITY REGISTER

The Corporate Legal Counsel will establish and maintain a **Gift, benefits and hospitality register** in accordance with **Appendix 2**. This register will record all gifts, benefits and hospitality offered or received.

4.8. PUBLIC REGISTER

VIT is required to publish some of the information on the Gifts, benefits and hospitality register on its website at the end of each financial year. The public register will cover the most recent and the previous financial year and will be published in accordance with **Appendix 3**.

4.9. MONITORING

The Audit, Risk Management and Finance Committee will oversee the register and inspect and review it on a regular basis.

The CEO (or his or her delegate) will also provide the Audit, Risk Management and Finance Committee with an annual report on the administration and control of the gifts, benefits and hospitality policy, processes and register. The report will also include an analysis of the gifts, benefits and hospitality risks (including repeat offers), risk mitigation measures, and any proposed improvements to the policy or the procedure. The Committee will report its findings and recommendations (if any) to the VIT Council.

5. BREACHES OF THIS POLICY

A failure of an employee, contractor or consultant to take reasonable steps to report a gift, benefit or hospitality in accordance with this policy may result in disciplinary action in accordance with the VIT Enterprise Agreement 2016. This may include

- performance management
- formal counselling
- formal warning
- termination of employment.

A breach of this policy may also constitute misconduct under the *Public Administration Act 2004*. This is because a failure to comply with this policy is a breach of the Code of Conduct for Victorian Public Sector Employees, namely the sections relating to conflict of interest, public trust and gifts and benefits.

Any contracted individuals or entities who fail to report a gift, benefit or hospitality in accordance with this policy may be subject to contract re-negotiation, including termination.

Any VIT Council members who fail to comply with this policy may be reported to the Minister for appropriate action. This may include a referral to the Governor in Council who may at any time remove a member from office.²¹

Any sub-committee member or hearing panel member who fails to comply with this policy may be reported to the VIT Council for appropriate action. This may include a decision to remove the person from their position.²²

6. REPORTING ALLEGED BREACHES OF THIS POLICY

Any person who suspects that an associated individual or entity may not have complied with this policy may make a complaint to the CEO or the Chairperson of the VIT Council. The CEO or Chairperson of the VIT Council will investigate the allegation and take appropriate action.

Any person who suspects that an associated individual or entity may have engaged in corrupt conduct may also make a protected disclosure to the Independent Broad-based Anti-corruption Commission (IBAC).

7. REVIEW

This policy will be regularly reviewed and evaluated to ensure that it is fit for purpose.

²¹ *Education and Training Reform Act 2006*, s. 2.6.62(2)

²² *Education and Training Reform Act 2006*, s. 2.6.72(2)

8. RELATED LEGISLATION AND POLICY

LEGISLATION

Education and Training Reform Act 2006

Public Administration Act 2004

Financial Management Act 1994

POLICY

VIT Conflict of Interest policy

OTHER

Code of Conduct for Victorian Public Sector Employees

Standing Directions of the Minister for Finance 2016

Department of Treasury and Finance, *Instructions supporting the Standing Directions 2018 under the Financial Management Act 1994*, issued June 2016 (revised 7 December 2018)

Victorian Public Sector Commission, *Gifts, benefits and hospitality policy Framework*

9. APPENDICES

APPENDIX	DOCUMENT NAME	DOCUMENT CODE
1	Gift, benefit or hospitality declaration form	
2	Gifts, benefits and hospitality register	
3	Gifts, benefits and hospitality public register	

Appendix 1

Gift, benefit or hospitality declaration form

PART 1

To be completed by individual or entity who received the offer.

PERSONAL DETAILS	
Name of individual or entity	
Position / role	
Branch / team*	

DETAILS OF PERSON OR ENTITY MAKING THE OFFER	
Name of individual or entity	
Position / role	
Type of organisation**	

DETAILS OF GIFT, BENEFIT OR HOSPITALITY	
Description of gift, benefit or hospitality	
Estimated or actual value	
Date offered / provided	
Reason or context in which it was offered	
Previous offers of gifts, benefits or hospitality (if any)	
Is the person or entity making the offer an associated individual or entity?	<input type="checkbox"/> YES or <input type="checkbox"/> NO

Would accepting the offer create an actual, potential or perceived conflict of interest?	<input type="checkbox"/> YES or <input type="checkbox"/> NO
Would accepting the offer bring you or VIT into disrepute?	<input type="checkbox"/> YES or <input type="checkbox"/> NO
Is there a legitimate business benefit to VIT?	<input type="checkbox"/> YES or <input type="checkbox"/> NO
Is the offer a ceremonial gift?	<input type="checkbox"/> YES or <input type="checkbox"/> NO
I have accepted the offer	<input type="checkbox"/> YES or <input type="checkbox"/> NO

* This information is only published if the offer is accepted

** This information will be published instead of the name of the organisation if the offer is declined

DECLARATION

I declare that the information contained in this form is complete, accurate and up to date.

I understand that it may be a breach of my personal obligations and that there may be personal consequences if the information in this form is found to be incomplete or inaccurate.

I acknowledge that the information highlighted in light blue will be published on the VIT website.

Name	
Signature	
Date	

PART 2

To be completed by the relevant person who will be responsible for making a decision about the gift, benefit or hospitality (see section 4.3.2 of the Gifts, benefits and hospitality policy).

DETAILS OF RELEVANT PERSON	
Name of relevant person	
Position / role	
Branch / team	

DECISION	
Decision	<input type="checkbox"/> Associated individual or entity to decline the offer of a gift, benefit or hospitality <input type="checkbox"/> Associated individual or entity to return the gift, benefit or hospitality <input type="checkbox"/> Associated individual or entity can keep the gift, benefit or hospitality <input type="checkbox"/> VIT can display the gift, benefit or hospitality <input type="checkbox"/> Associated individual or entity can transfer ownership of the gift, benefit or hospitality to VIT <input type="checkbox"/> VIT can sell the gift, benefit or hospitality by <enter text here> <input type="checkbox"/> VIT can donate the proceeds of sale to <enter text here>
Reasons for decision	

DECLARATION	
<p>I acknowledge that if I have decided that the associated individual or entity can accept the offer that, to my knowledge, accepting the offer</p> <ul style="list-style-type: none"> • does not raise an actual, potential or perceived conflict of interest for the associated individual or entity or VIT • will not bring the associated individual or entity or VIT into disrepute • will provide a clear business benefit to VIT. <p>I undertake to advise the associated individual or entity of my decision and reasons for decision.</p> <p>I undertake to implement the decision that I have made.</p> <p>I undertake to submit this declaration form to the Governance Manager for inclusion in the Gifts, benefits and hospitality register.</p>	
Signature	
Date	

Appendix 3

VIT is obliged to publish some information about the offers of gifts, benefits and hospitality that its associated individuals and entities are offered and / or receive.

The Gifts, benefits and hospitality public register will include the following information

- the date an offer was made
- details of the person who received the offer – if the offer was accepted, this will include the position and branch of the individual who received the offer. If the offer was not accepted, this will include the position number only
- details of the person or entity who made the offer – if the offer was accepted, this will include the entity's name and the individual's position title. If the offer was declined, this will include a generic description of the type of entity or individual who made the offer
- the nature of the offer and its estimated or actual value
- if the offer was accepted or decline
- the decision on ownership of the offer.²³

The Gifts, benefits and hospitality public register will be consistent with the template overleaf.

²³ Victorian Public Sector Commission, *Gifts, Benefits and Hospitality Policy Guide*, p. 21

