



GIFTS, BENEFITS AND HOSPITALITY POLICY

Approved by the Council of Trustees
24 August 2023

Policy statement

This policy states the National Gallery of Victoria's (NGV) position on responding to offers of gifts, benefits and hospitality.

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

Application

This policy applies to all NGV employees.

This policy does not relate to the provision of gifts, benefits and hospitality by the NGV, which is addressed in the NGV Hospitality and Gift Expenditure policy.

Context

The NGV has issued this policy to support behavior 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.

This policy has been developed in accordance with the *Gifts, Benefits and Hospitality Policy Guide* (Victorian Public Sector Commission, July 2018), including the requirements outlined in the *Minimum accountabilities for managing gifts, benefits and hospitality*.

Key principles

1. Impartiality

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.

2. 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

Individuals with direct reports are accountable for overseeing management of 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.

3. Integrity

Individuals strive to earn and sustain public trust through providing or responding to offers of gifts, benefits and hospitality in a manner that is consistent with community expectations. Individuals will refuse any offer that may lead to an actual, perceived or potential conflict of interest.



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4. Risk-based approach

The NGV through its policies, processes and Audit, Risk and Compliance Committee, 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.

5. Minimum accountabilities

Employees will:

- Not seek or solicit gifts, benefits and hospitality for themselves or others
- 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 the NGV or the public sector into disrepute
 - are non-token offers without a legitimate business benefit.
- Declare all non-token offers (valued at \$50 or more) of gifts, benefits and hospitality (whether accepted or declined) on the gifts, benefits and hospitality register, and seek written approval from their manager to accept any non-token offer.
- Refuse bribes or inducements and report inducements and bribery attempts to the Director or the Associate Director, Governance, Policy, Planning & IT (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).

NGV will:

- Establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality that comprehensively address these minimum accountabilities.
- Establish and maintain a register for gifts, benefits and hospitality offered to employees that, at a minimum, records sufficient information to effectively monitor, assess and report on these minimum accountabilities.
- 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.
- 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



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business associate acting contrary to the organisation's policy position. This must take into consideration any whole of Victorian Government supplier codes of conduct.

- Report at least annually to the Audit, Risk and Compliance 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 multiple offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.
- Publish the organisation's gifts, benefits and hospitality policy and register on the organisation's public website. The published register should cover the current and the previous financial year.

6. Management of offers of gifts, benefits and hospitality

This section sets out 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 an Executive Officer.

Conflict of interest and reputational risks

When deciding whether to accept an offer, individuals should first consider if the offer could be perceived as influencing them in performing their duties, or lead to reputational damage. The more valuable the offer, the more likely that a conflict of interest or reputational risk exists.

Table 1. GIFT test

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



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Requirement for refusing offers

Individuals should consider the GIFT test at **Table 1** and the requirements below to help decide whether to refuse an offer.

Individuals are to refuse 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
- that could bring them, the NGV or the public sector into disrepute
- made by a person or organisation about which they will likely make or influence a decision (also applies to processes involving grants, sponsorship, regulation, enforcement or licensing), particularly offers:
 - made by a current or prospective supplier
 - made during a procurement or tender process by a person or organisation involved in the process
- likely to be a bribe or inducement to make a decision or act in a particular way
- that extend to their relatives or friends
- 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 (sufficient representation will be determined on a case-by-case basis by an Executive Officer)
- where acceptance could be perceived as endorsement of a product or service, or acceptance would unfairly advantage the giver 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 or the Associate Director, Governance, Policy, Planning & IT (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).

Token offers

A 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. It 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.



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The minimum accountabilities state that token offers cannot be worth more than \$50.

Individuals may accept token offers of gifts, benefits and hospitality without approval or declaring the offer on the gifts, benefits and hospitality register, as long as the offer does not create a conflict of interest or lead to reputational damage.

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

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

Non-token offers

Individuals can only accept non-token offers if they have a legitimate business benefit. All accepted non-token offers **must** be approved in writing by the individual's manager, recorded in the gifts, benefits and hospitality 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, the NGV or the public sector into disrepute (the 'GIFT' test at **Table 1** is a good reminder of what to think about in 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 NGV, public sector or the State.

Individuals may be offered a gift or hospitality where there is no opportunity to seek written approval from their manager 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 seek approval from their manager within five business days.

Where the gift would likely bring you or the organisation into disrepute, the organisation should return the gift. If it represents a conflict of interest for you, the organisation should either return the gift or transfer ownership to the organisation to mitigate this risk.

Recording non-token offers of gifts, benefits and hospitality

All non-token offers, whether accepted or declined, must be recorded in the NGV's gifts, benefits and hospitality 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 NGV, public sector or State.

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

Unacceptable: "Networking"



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“Maintaining stakeholder relationships”

Acceptable: “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 NGV’s property.”

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

The public register will contain a subset of the information detailed in the NGV’s internal register.

Access to the NGV’s internal register is restricted to relevant persons within the NGV.

Ownership of gifts offered to individuals

Non-token gifts with a legitimate business benefit that have been accepted by an individual for their work or contribution may be retained by the individual where the gift is not likely to bring them or the NGV into disrepute, and where their manager or organisational delegate has provided written approval. Employees must transfer to the NGV official gifts or any gift of cultural significance or significant value.

Repeat offers

Receiving multiple offers (token or non-token) from the same person or organisation can generate a stronger perception that the person or organisation could influence you. Individuals should refuse repeat offers from the same source if they create a conflict of interest or may lead to reputational damage.

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 the property of the organisation, irrespective of value, and should be accepted by individuals on behalf of the NGV. The receipt of ceremonial gifts should be recorded on the NGV’s register but this information does not need to be published online.

Hospitality provided by Victorian public sector organisations

Victorian public sector organisations may provide hospitality to stakeholders, as part of their functions. When offered hospitality by a Victorian public sector organisation, individuals should consider the requirements of the minimum accountabilities.



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Accepted hospitality offered by a Victorian public sector organisation as part of official business does not need to be declared or reported, where the reason for the individual's attendance is consistent with the NGV's functions and objectives and with the individual's role.

7. Attendance at Sponsor events

It is a legitimate business benefit to the NGV for employees to attend events held by NGV's sponsors. Attendance by executive officers or senior staff at a sponsor's event may also be an explicit or implicit expectation of the sponsorship arrangement. Attendance at sponsor events will not be considered a gift, benefit or hospitality under this policy. Attendance at sponsor events must be approved by an employee's manager in advance of acceptance and recorded on the NGV's External Event Attendance Register. The External Event Attendance Register will be reviewed at least annually by the Audit, Risk and Compliance Committee.

8. Attendance at Sector and State/Official events

It is a legitimate business benefit to the NGV for employees to attend sector and State/Official events. Attendance by executive officers or senior staff at a sector event benefits the NGV by maintaining an awareness of current and emerging trends, issues and industry standards. Executive officers or senior staff may be expected to attend State or Official events as formal representatives of the NGV. Attendance at sector or State/Official events will not be considered a gift, benefit or hospitality under this policy. Attendance at sector or State/Official events must be approved by an employee's manager in advance of acceptance and recorded on the NGV's External Event Attendance Register. The External Event Attendance Register will be reviewed at least annually by the Audit, Risk and Compliance Committee.

Definitions

Business associate

An individual or body that the public sector organisation has, or plans to establish, some form of business relationship with, or who may seek commercial or other advantage by offering gifts, benefits or hospitality.

Benefits

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 public sector organisation, irrespective of value, and



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should be accepted by individuals on behalf of the public sector organisation. 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) and services (e.g. painting and repairs). 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.

Official gift

Gift to an employee as a representative of the NGV with the expectation on the part of the giver that the Gift becomes the property of the NGV and not of the employee (for example, a work of art).

Public official

Has the same meaning as under section 4 of the *Public Administration Act 2004*. This includes:

- public sector employees
- statutory office holders
- directors of public entities

Public register



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A public register is a record, preferably digital, of a subset of the information contained in a register, for publication as required by the minimum accountabilities. Guidance regarding the information that should be published is provided by the *VPSC Gifts, Benefits & Hospitality Policy Guide*.

Register

A record, preferably digital, of all declarable gifts, benefits and hospitality. Guidance regarding the information that should be published is provided by the *VPSC Gifts, Benefits & Hospitality Policy Guide*.

Sector events

This may include events or festivals organised by GLAM (Galleries, Libraries, Archives and Museums) sector organisations, or cultural and tourism organisations, or performing arts organisations.

Sponsor

A company or organisation which is a commercial sponsor, either in cash or kind of the NGV and its activities.

State or Official events

This may include formal events or functions hosted by the Commonwealth or State government, for example state dinners, state funerals or memorial services, and events staged as part of an official international delegation.

Token offer

An offer of a gift, benefit or hospitality that is of inconsequential or trivial value to both the person making the offer and the recipient (such as basic courtesy). The minimum accountabilities state that token offers cannot be worth more than \$50.

Non-token offer

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 a gift, benefit and hospitality register.

Breach of policy

In the case where this, or related policies, are breached resolution will be according to the NGV Performance and Discipline policy.

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



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- 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.

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*)
- NGV Conflict of Interest policy
- *Public Administration Act 2004*
- Code of conduct for Victorian public sector employees 2015
- Victorian Public Sector Commission's *Gifts, benefits and hospitality policy guide*.

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 or the staff of Governance, Policy and Planning for advice.

Approval

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Next review due

3 years