



GIFTS, BENEFITS AND HOSPITALITY POLICY

Approved by the Council of Trustees
10 April 2025

Policy statement

When we perform our public duties, it's vital that our decision-making is impartial. This helps to maintain the public's trust in our organisation and prevent corruption.

Sometimes, when offering or receiving gifts, benefits and hospitality, employees encounter difficult situations where they're not sure if they're doing the right thing.

This policy sets out how our organisation and its employees:

- respond to offers of gifts, benefits and hospitality
- provide gifts, benefits and hospitality.

Application

The policy applies to:

- NGV Executives, Employees, Volunteers, Work Experience Students and Interns
- contractors, consultants and labour hire employees required as part of their contract to comply with this policy

For ease of reading, in this policy we use the term 'employee' to cover anyone the policy applies to, as set out above, regardless of their employment or engagement status.

Context

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

This policy has been developed in accordance with the Victorian Public Sector Commission (VPSC) *Gifts, Benefits and Hospitality model policy* and the requirements outlined in the *Minimum accountabilities for managing gifts, benefits and hospitality in the Victorian public sector*.

1. Minimum accountabilities

The Victorian Public Sector Commission (VPSC) issues minimum accountabilities for the management of gifts, benefits and hospitality. These are binding on our organisation. This policy is based on the minimum accountabilities (see Appendix 1).

Fundraising

Fundraising undertaken by our organisation, or on behalf of our organisation with its prior consent, does not breach the minimum accountabilities provided it complies with our *Donations, Gifts and Bequests policy*.

Our *Donations, Gifts and Bequests policy* is consistent with relevant law, government policy and the codes of conduct issued by the VPSC.



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Fundraising in Victoria is variously regulated by Consumer Affairs Victoria and the Victorian Gambling and Casino Control Commission.

Individual fundraising undertaken by our employees in a private capacity does not breach the minimum accountabilities as long as it is clearly undertaken in a private capacity. This kind of fundraising might include:

- raising awareness for or contributing to an online fundraiser
- selling chocolates at the workplace
- participation in fundraisers by third parties, such as sausage sizzles.

No organisational funding may be used to carry out or contribute to any individual fundraisers. Other obligations may be relevant in respect of fundraising, such as conflicts of interest. Employees need to abide by these code of conduct obligations at all times.

2. Key things you must do

When you're doing work for our organisation, no matter what that work is, you must act with integrity and impartiality consistent with the *Code of conduct for Victorian public sector employees*. This includes placing the public interest above your private interests.

This does not just help your workplace. It protects you if you are accused of wrongdoing and helps you to navigate difficult situations.

Employees

As an employee, you must comply with this policy when you:

- are offered gifts, benefits or hospitality
- provide gifts, benefits or hospitality.

Seek advice. If you're unsure what to do, check with your manager or contact Governance, Policy & Planning.

Managers

If you're a manager with direct reports, you must also:

- be aware of the gifts, benefits and hospitality risks inherent in your direct reports' roles
- oversee your direct reports' compliance with this policy
- promote awareness and give advice
- model good practice.

Head of organisation

As a public sector body head, the Director must fulfill their obligations under the minimum accountabilities (see Appendix 1).



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3. Moving to ‘thanks is enough’

We encourage you to help us develop a culture of ‘thanks is enough’. Our aim is to move to a culture in which offers are not accepted even if they are permitted under this policy. We’ll be taking steps to help external stakeholders understand our policy and this aim – for example, that we discourage gift offers, especially repeat offers.

PART A – Offers to employees

4. Do not solicit offers

Consistent with the minimum accountabilities, 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.

5. Integrity test – offers you must refuse

Consistent with the minimum accountabilities, you must always refuse a gift, benefit or hospitality (token or non-token), if any of the following apply.

Minimum accountabilities

a. Money or similar

You must refuse the offer if it is money, used in a similar way to money, or easily converted to money.

b. Conflict of interest

You must refuse the offer if it gives rise to a conflict of interest (actual, potential or perceived). This means you must refuse the offer if it could influence, or reasonably be seen to influence, how you perform your public duties.

Example

Sally is involved in managing a tender for a major contract. Part of doing so involves interviewing each applicant. One applicant offers to host Sally at their office for the interview and provide her 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 Sally performed her public duty of impartially awarding the contract. Sally must refuse and declare the offer.

Example

Refuse the offer if it is from a member of the community or an organisation you’re likely to make or influence a decision about in the foreseeable future, such as a prisoner or a person subject to regulation (for example, applying for a licence).



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c. Public trust

You must refuse the offer if it could compromise the public's trust that you'll perform your job in an impartial manner or the public's trust in the impartiality of your organisation or the public sector.

d. Non-token offer without a legitimate business reason

You must refuse a non-token offer unless there is a legitimate business reason to accept. It must further the conduct of official business or other legitimate goals of our organisation, the public sector or the State.

Example

James is required to meet with a supplier to conduct business. The supplier invites James 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. James must refuse and declare the offer.

e. Community expectations

You must refuse the offer (token or non-token) if it is not consistent with community expectations.

f. Bribe

You must refuse the offer if it could reasonably be seen as a bribe or other inducement. Report the offer to the Fraud, Corruption & Control Officer (the Associate Director, Governance, Policy, Planning & IT). They will report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission.

Additional requirements

Our organisation has decided that you must also refuse a gift, benefit or hospitality if any of the following apply.

g. Repeat offers that cause a conflict of interest

Repeat offers are multiple offers from the same person, group or organisation. Their combined effect can sometimes lead to the perception that they could influence you. Refuse the offer if it is a repeat offer (token or non-token) that could reasonably be seen as adding up to a conflict of interest.

Example

Rachael is responsible for managing a relationship with one of our suppliers. She often meets with the supplier's representative at a café because it's a convenient place for both parties to meet. The supplier has offered to pay for Rachael's coffee. It may be appropriate for Rachael to accept the offer a single time or perhaps occasionally. However, the supplier offers every or most times. It would not be appropriate for Rachael to accept each time or more than occasionally, because it could create the perception of influence. A member of the public could reasonably infer that



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Rachel expects suppliers to pay for her food and drink when they meet and that this may influence her decision making.

h. Decisions you are likely to make or influence

Refuse the offer if it is from a person, group or organisation you're likely to make or influence a decision about in the foreseeable future. This could reasonably be seen as a conflict of interest.

Exception

The only exception is that you can accept an offer if it is:

- token hospitality (a basic courtesy)
- a learning opportunity, such as a webinar, and all of the following apply:
 - it is relevant to your work duties
 - it has a legitimate business reason (benefit)
 - it is free for all attendees
 - the covering or discounting of additional costs (travel, accommodation) is not included in the offer
 - it is consistent with community expectations.

i. Offers by suppliers or contractors

Accepting offers from suppliers for free or discounted development opportunities that they were not engaged to provide will not pass the integrity test in some circumstances. Staff may only accept development opportunities from suppliers where there is a legitimate business reason, attendance meets community expectations and any risk of conflict of interest can be appropriately managed.

Example

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. Refuse the offer if it is made by a person, group or organisation whose primary purpose is to lobby ministers, members of parliament or public sector agencies.

j. Endorsement

Refuse the offer if accepting it could reasonably be seen as endorsing a product or service.

Example

An organisation is offered several vehicles to use by a dealership. The dealership is making the offer on the basis that it can include advertising indicating that it is the preferred dealer of vehicles to Government. In this instance the offer should be refused.



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k. Advantage to a supplier or sponsor

Refuse the offer if accepting it could reasonably be seen as advantaging a supplier or sponsor in a future procurement.

Example

Eman is attending a conference, paid for by her organisation, as part of her work. At the conference she should avoid accepting offers from the sponsors of the conference or any exhibitors. A member of the public might see this as an attempt by the offeror to make Eman more favourable to them in the future.

l. Sufficient attendees

For hospitality and events, refuse the offer if our organisation will already be sufficiently represented to meet its business needs or – as is the case for all other offers – if it does not comply with other elements of the integrity test.

m. Your own judgement

Refuse the offer if you feel that accepting it would breach your obligations under the *Code of conduct for Victorian public sector employees*. This is a broad test that you can use to protect yourself if you are still unsure about accepting an offer. If you're uncertain, you can seek advice from your manager or Governance, Policy & Planning.

6. Declining offers

In most cases where the offer should or must be refused, you should decline it at the time the offer is made to you. Sometimes this can be difficult, for example:

- The offer may have been delivered to our organisation via mail, making declining difficult.
- Declining the offer may cause offence or even be unsafe in the moment for the staff member being offered it.
- There may be some other reason why, in the moment, you are unable to decline the offer.

Gifts

This is most common with gifts. In the case of gifts, declare the offer as normal and make it clear to your manager or the appropriate delegate that you were unable to decline the offer in the moment, but you have not accepted it.

Follow-up response

You or our organisation will dispose of the gift and an explanation and rejection will be sent to the offeror where appropriate.



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Benefits and hospitality

In the case of benefits and hospitality, it is very unusual for a situation to arise where you cannot decline an offer. The most obvious, but still extremely unlikely, scenario is that refusing would offend the offeror in a way that would make you feel unsafe. In such cases, as soon as possible declare that you accepted the offer and why.

Follow-up response

Our organisation will take action to ensure our staff are not placed in such situations in the future.

7. Helpful guide on whether to accept or refuse

You can use the following GIFT questions to help assess whether to accept or refuse a particular gift, benefit or hospitality. GIFT is an acronym that stands for: giver, influence, favour and trust.

Useful questions to prompt your thinking

Giver

- Who is providing the gift, benefit or hospitality and what is their relationship to me?
- Does my role require me to select suppliers, award grants, regulate industries or determine government policies?
- Could the person, group or organisation benefit from a decision I make?

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 basic courtesy or token of appreciation or is it a non-token offer?
- Does its timing coincide with a decision I'll be making in the foreseeable future?

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, group or organisation made several offers over the last 12 months?
- Would accepting create an obligation, or feeling of obligation, to return a favour?

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?

Remember, these are meant to be useful prompts only. The obligations for employees are set out in Section 5, particularly in the part *Integrity test - offers you must refuse*.



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8. Token offers – what you must do

If you receive a token offer (value less than \$50):

- You can only accept the offer if it passes the 'integrity test' (Section 5).
- Remember, thanks is enough. Do you need to accept?
- You do not need to declare the offer.
- You do not need a legitimate business reason to accept.
- You do not need approval from your manager to accept.
- You are the owner of the gift, benefit or hospitality.

9. Non-token offers – what you must do

If you receive a non-token offer (value \$50 or more):

- You must declare the offer even if you refuse it.
- Remember, thanks is enough. Even if you have a legitimate business reason, do you need to accept?
- You can accept the offer if it passes the 'integrity test' (Section 5).
- As part of the integrity test, you must have a legitimate business reason to accept.
- You must have prior approval in writing from your manager or delegate to accept.
- If you accept the offer you do so on behalf of our organisation. It is not usually yours to keep. Some exceptions exist, but you will need to apply to see if you qualify in the circumstances. For more information see 'applying for ownership of a non-token gift' below.
- The offer and outcome are recorded in the internal register. Certain information may also be published in the online public register.

How to declare an offer

To declare a non-token offer:

- Use the *Gifts, Benefits & Hospitality* declaration form.
- If you accept the offer, record the business reason on the form in enough detail to link it with your duties and the benefit to our organisation, the public sector or the State.
- Submit the form to your manager, who will arrange for the offer and outcome to be recorded in the internal register.

Examples – legitimate business reason

These are examples of how to record the legitimate business reason in enough detail:

Unacceptable

- 'Networking'
- 'Maintaining stakeholder relationships'

Acceptable



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- 'I am responsible for evaluating and reporting on the outcomes of our organisation's sponsorship of Event A. I was offered a free ticket by the event organisers. I accepted so I could attend Event A in an official capacity and reported back to our organisation on the event.'
- 'I presented to a visiting international delegation. The delegation presented me with a cultural item which, consistent with our organisation's policy on official gifts and items, I accepted on behalf of the organisation.'
- 'I was offered to attend professional development by one of our stakeholders, who supplies legal services to my organisation and more broadly to other organisations in the public sector. The session would count towards my Continuing Professional Development obligations as a lawyer. The event was free to everyone, and my organisation paid for travel costs.'

Internal register and public register

Access to the internal register is restricted to relevant persons in our organisation. Certain information from the internal register is published online in the public register, consistent with *VPSC guidance on gifts, benefits and hospitality*.

Applying for ownership of a non-token gift

Usually, a non-token gift belongs to the organisation. However, if the gift was given to you specifically in recognition of your work or contribution, you may retain it provided that:

- it is not an official gift (see section 15 *Official gifts and items – what you must do*)
- it is unlikely to bring you or our organisation into disrepute
- it would be consistent with community expectations, and
- your manager or appropriate delegate gives written approval.

Retrospective approval

If you cannot obtain prior approval to accepting an offer, in limited circumstances you can obtain retrospective approval. Apply within 5 business days. For example:

- if it was reasonable to be unaware the gift was non-token – such as a wrapped gift
- if it would have caused serious offence to refuse – but remember, except for official gifts or items, this is not usually sufficient reason.

10. Offers made in a personal capacity

It is normal to receive offers of gifts, benefits and hospitality in your personal life that are unconnected to your work. You can accept these offers, provided you believe on reasonable grounds that the offers are made in a personal capacity. If you are unsure whether an offer is being made to you in a personal capacity or because of your role with our organisation, apply the integrity test, consider the GIFT questions and follow this policy as you would in your professional capacity.



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11. Non-token offer from another public sector organisation

Non-token offer from a government department

In the course of your work as an employee of our organisation, you might be offered a non-token gift, benefit or hospitality by:

- a Victorian government department or administrative office
- the VPSC.

If this occurs:

- you can accept the offer if it complies with the 'Integrity test - offers you must refuse'
- you do not need to declare the non-token offer, unless it is to an event. In this case, you must complete an External Event Attendance form.

However, if the offer does not meet the 'Integrity test - offers you must refuse' it must be refused and declared.

Non-token offer from a public entity or other public sector organisation

In the course of your work as an employee of our organisation, you might be offered a non-token gift, benefit or hospitality by another Victorian public sector organisation, such as a public entity. For example, you might be offered free tickets to an event where our organisation:

- has helped to organise the event
- otherwise actively supports the event or the organisation.

If this occurs:

- you can accept the offer if it complies with the Integrity test (Section 5)
- regardless of whether you accept the non-token offer, you must declare it. If the offer is to an event (for example, an invitation to attend the opening of an exhibition at Museum Victoria), you must complete an External Event Attendance form.

Non-token offers of uncertain origin

If you receive an offer via a work colleague and you believe they may be offering on behalf of a third party with the possible intention of influencing you:

- refuse the offer and declare it, and
- report it to your manager or the appropriate delegate, as it may need to be referred on to an integrity body or the police.

Offers from an interstate or Commonwealth public sector organisation

Offers from public sector organisations that are part of a different state or part of the Commonwealth public sector should be treated the same as any other organisation that is not a Victorian public sector organisation.



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Example

An offer may be made to our organisation by a visiting delegation from a Queensland government department. This offer should be treated like any other offer. It should be subject to the integrity test, and declarations should be made if necessary.

12. 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.

13. 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.

14. Exceptions to declaration rule

Generic offers that are refused

In the course of your public duties you may receive generic offers of non-token gifts or benefits. For example:

- emails targeting our employees with offers to attend a seminar or webinar at a discount rate
- SPAM email.

You don't need to declare a generic non-token offer if you refuse it. If you want to accept it, the usual restrictions in the 'Integrity test - offers you must refuse' (Section 5) apply as to whether you can do so.



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Targeted email blasts

Often, generic offers may appear personalised by being addressed to you directly, or through the use of generative language tools that can quickly and believably personalise the body of emails whilst still sending them to a large number of people.

If you receive an email and you are unsure if it is a generic offer, talk to your manager to determine if you need to declare it. Some useful questions to ask when unsure are:

- Do I have a relationship with the person who sent the email?
- Do I have a relationship with the organisation who sent the email?
- Is the offer related to my work or the work of my area of the organisation?

If the answer to all of the above is 'no' then it is likely a generic offer.

Multi-employee declaration

Sometimes, our organisation will issue a non-token declaration on behalf of all or some of our employees. If this happens, we will let the relevant employees know, as it means they don't need to make an individual declaration of a non-token offer. This can be a multi-employee refusal or multi-employee acceptance, depending on the offer.

These declarations will be issued by your manager or the most appropriate delegate.

Employees are still responsible for declaring any actual, potential or perceived conflicts of interest that they might have in relation to the offer.

Example

Sometimes, if a number of our employees receive a non-token offer to attend a learning opportunity, our organisation will issue a multi-employee declaration. If we accept the offer using a multi-employee declaration we will let eligible employees know that they will be covered by this declaration if they attend. Employees who decide to attend will still need to let the event organiser know as our organisation will only approve attendance for eligible employees, not confirm it with the organisers. Employees still have an obligation to raise and manage any conflicts of interest that they believe the offer may create for them.

15. Official gifts and items – what you must do

If you accept the following, you do so on behalf of our organisation:

- official gift
- official item (item with cultural, ceremonial, religious, historic, or other significance).



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Official gifts and official items (for example a culturally significant gift from an official delegation) are an exception to our usual 'thanks but no thanks' approach. Regardless of its monetary value, an official gift or official item:

- must be declared
- will be recorded in the internal register
- will not usually be published in the online public register
- belongs to our organisation, not you.

Some exceptions exist (see below).

Applying for ownership of an official item

If an official item was given to you specifically in recognition of your work or contribution, you may retain it provided that:

- it is the express wish of the giver
- it benefits our organisation's relationship with the giver
- it is appropriate given the significance and value of the item
- it would be consistent with community expectations
- it is unlikely to bring you or our organisation into disrepute, and
- your manager or, depending on the gift, an appropriately senior delegate gives written approval.

You cannot retain the gift unless it meets all the above requirements.

16. Offers to our organisation

Sometimes offers are made to our organisation itself. For example, offers of equipment.

In deciding whether to accept such an offer, our organisation will take into account:

- whether the offer passes the 'Integrity test - offers you must refuse' (see Section 5)
- in particular, will carefully scrutinise:
 - the people or organisation making the offer
 - the nature and circumstances of the offer
 - the level of public benefit if the offer is accepted.

Our organisation must reject any offer that is not consistent with community expectations.

Official items

If an offer of an official item is accepted by one of our employees, it becomes the property of our organisation, with some exceptions (see above). Our organisation will decide what to do with each official item that comes into its possession according to the nature of the item and our own policies.



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Reward and recognition offers

Sometimes, an offer is made to provide our organisation with a benefit like discounts, free tickets or equipment for employees. Sometimes, our organisation may decide to accept the offer for reward and recognition purposes after taking into account:

- the above factors, and
- any other relevant requirements of this policy.

Donations or gifts given on our organisation's behalf

Sometimes an individual or business that has a relationship with our organisation may seek to donate or gift to a third party, like a charity, in our name or on our behalf. Often this happens without seeking prior approval from our organisation or giving us any opportunity to accept or refuse the gift or donation.

There are reputational risks associated with any donation or gift made on our behalf, even where this is well meaning.

For example, it can be seen as preferencing one charitable organisation over another and can impact the perception of and trust in the Victorian Government as a whole.

There are other risks associated with allowing a commercial partner to donate or gift in this manner, including the impact that this may have on future procurement or work activities. Our organisation expects that everyone who works with us is made aware of our expectations around donations made in our name. While there is no opportunity to refuse the donation or gift once made, the commercial partner should be informed that no gift or donation should be made on our organisation's behalf in future without a formal offer and approval.

Where a gift or donation has been made without prior approval, that gift or donation should be listed on the gifts, benefits and hospitality register, noting that there was no opportunity to accept or refuse.

PART B – Providing to others

17. Integrity test – providing

When providing a gift, benefit or hospitality on behalf of our organisation, you must ensure all of the following:

a. Business reason

Ensure it is for a business reason. There must be a legitimate business benefit that furthers the conduct of official business or other legitimate goals of our organisation, the public sector or the State. Some examples of legitimate business reasons are to:



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- Welcome guests
- Facilitate the development of business relationships and outcomes
- Celebrate achievements.

b. No conflict of interest

Ensure it does not raise a conflict of interest (actual, potential or perceived).

c. Proportionate costs

Ensure that any costs incurred are proportionate to the benefits obtained for the State.

d. Consistent with community expectations

Ensure that the event would be considered reasonable and consistent with community expectations.

Example

Our organisation is running a workshop for all staff, with mandatory attendance. It is an all day event and our organisation has organised catering to provide lunch for all attendees.

This is a legitimate business reason for our organisation to provide hospitality. It does not raise a conflict of interest, it is proportionate in costs, and it is consistent with community expectations.

Helpful guide on whether or not to provide gifts, benefits or hospitality to others

You can use the following HOST questions to help you assess if providing a particular gift, benefit or hospitality would comply with the *Integrity test – providing* above. HOST is an acronym that stands for: hospitality, objectives, spend and trust.

Useful questions to prompt your thinking

Hospitality

- To whom is the gift or hospitality being provided?
- Will recipients be external business associates, our employees, or a mixture of both?

Objectives

- What is the business reason for providing the hospitality?
- Will it further the conduct of official business?
- Will it promote and support government policy objectives and priorities?
- Will it contribute to staff wellbeing and workplace satisfaction?

Spend

- Will the cost be proportionate to the benefits obtained?
- What type of hospitality will be provided?
- Will the hospitality be modest or expensive?



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- If alcohol is to be provided, why? Would it be a courtesy or an indulgence?
- Is an external venue necessary or can our organisation host the event?
- Is the catering or hospitality proportionate to the number of attendees?
- Does the size of the event and number of attendees align with the intended outcomes?
- If a gift is to be given, is it symbolic rather than financial in value?

Trust

- Will public trust be enhanced or diminished?
- Will the gift, benefit or hospitality be proportionate to public expectations or seen as excessive?
- Is there a conflict of interest?
- Could you publicly explain the rationale for providing the gift, benefit or hospitality?
- Will the event be conducted in a manner which upholds the reputation of the public sector?
- Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures?

Remember, these are meant to be useful prompts only. The obligations on you are set out in the *Integrity test – providing* (section 17).

18. Processes you must follow – providing

Our organisation has processes and procedures for providing gifts, benefits and hospitality. You must complete a Hospitality Expenditure Approval/Declaration Form, or an Approval to Give Official Gifts Form.

These requirements must be complied with. For example, requirements in relation to:

Alcohol

The cost of alcohol should be incidental to the total cost of the Hospitality. The supply of alcohol when providing Hospitality on NGV Premises or to NGV employees must be undertaken in accordance with the requirements of *Occupational Health and Safety Act 2004*, the *Liquor Control Reform Act 1998* and its related regulations, and the *Code of Conduct for Victorian Public Sector Employees*. Consideration should be given to the risks and public perception of providing alcohol at events.

Financial expenditure and approval

- a) Hospitality is one of several categories of expenditure which is often perceived to have personal benefit. Therefore, Managers and staff procuring goods or services to provide Hospitality in which they intend to participate, or seeking reimbursement or payment of expenditure on Hospitality in which they have participated, cannot exercise their own Financial Delegation, but must obtain approval from their Manager or Relevant Executive



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Officer. Hospitality or Official Gift expenses which employees are seeking reimbursement for must be in line with the principles outlined in this policy.

- b) Employees should be aware that certain Hospitality may have Fringe Benefits Tax (FBT) levied on it. The FBT cost will nearly double the cost of entertainment and therefore will be charged to the relevant cost centre budget. Guidance on Hospitality subject to FBT is provided at Appendix 2 to this policy.
- c) The NGV will not pay, or reimburse, gratuities or tips in relation to any transaction in Australia, including expenditure on Hospitality. If NGV employees wish to provide a tip or gratuity, this should be at their own expense. If the services are provided abroad, tips and gratuities are permissible if they are required by the accepted custom of that country. In general, the tip should not exceed 10% of the total cost and no tip or gratuity should be paid if the cost already includes a service charge.
- d) Care should be taken when providing Hospitality or Official Gifts to NGV prospective and actual donors as this may undermine both the tax deductibility of any donations, and the deductible gift recipient status of the NGV. Further information can be obtained from Taxation Ruling 2005/13 or from the Associate Director, Finance & CFO.

Procurement

- a) Procurement of goods or services for the purpose of offering Official Gifts or providing Hospitality must be in accordance with the NGV's Procurement Policy and NGV Procurement and Contract Management Procedures.
- b) Procurement of goods or services for the purpose of providing Hospitality on the NGV premises at NGV International and NGV Australia must take into account any contractual arrangements the NGV may have with providers of catering services, which generally require an exclusive arrangement. Further information may be obtained from the NGV Suppliers List.

Catering for employees and for office functions

Hospitality should not generally be provided to groups consisting solely of NGV employees or of public sector employees, unless it is an integral part of a larger event, for example: a training course, workshop, planning day, seminar or conference. However, consideration should be given to any obligations under the relevant industrial instrument in relation to meal breaks and any other employee entitlements. Purely social functions such as Christmas parties, farewell parties or other celebrations of personal events will not generally satisfy this requirement and prior approval must be sought from the Director.

Recording and reporting

As Hospitality and Official Gift expenditure may be the subject of external scrutiny and interest, it is



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particularly important that all documentation in relation to such expenditure, including evidence of the exercise of appropriate financial delegations, is complete and accurate.

Conduct during hospitality

Consistent with minimum accountability 7, if you participate in hospitality in your public sector role you must:

- Demonstrate professionalism in your conduct
- Uphold your duty of care to other participants.

Providing official gifts and items

Before providing an official gift or item, make reasonable enquiries to ensure it will be appropriate to do so.

Example

Before providing a ceremonial gift to an official representative of an Aboriginal or Torres Strait Islander group, reasonable enquiries could include making enquiries with:

- The group that the person represents
- An organisation such as the Victorian Aboriginal Heritage Council or the local Registered Aboriginal Party (RAP) or Traditional Owner Organisation.

Definitions

Benefits

Preferential treatment, favours or other advantage. For example, invitations to sporting, cultural or social events, access to discounts, or the promise of a new job.

Business associate

An individual, group or organisation that our organisation has, or plans to have, a business relationship with or who may seek commercial or other advantage.

Conflict of interest

A conflict of interest exists if you have a private interest that could influence, or reasonably be seen to influence, how you perform your public duties. The conflict can be actual, potential or perceived.

If a conflict of interest exists, our Conflict of Interest policy will also apply. For more information, see our Conflict of interest policy.

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.



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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 repairs.

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.

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.

Legitimate business reason

Furtheres the conduct of official business or other legitimate goals of our organisation, the public sector or the State.

Non-token offer

The offer is worth \$50 or more.

Official gifts and items

Official gifts and items include:

- official gifts
- official items (items with cultural, ceremonial, religious, historic, or other significance)

Sometimes accepted or given on behalf of our organisation as part of business with official delegates or representatives of a community group, organisation, or government. It does not include gifts received under the NGV's *Donations, Gifts and Bequests policy*.

Example

Our organisation has been working with a local community group representing people of a specific cultural background. In gratitude for our work, the group presents the staff member leading the group with a gift that is culturally significant to them. This is an official item.

The community group, in addition to this official item, provides the staff member with a bottle of wine for the team to celebrate the successful work. This is an official gift – it is not culturally significant, but it was provided by an organisation in recognition of our relationship with them.

The staff member accepts both gifts on behalf of our organisation, declares both, and our organisation determines what to do with the gift as soon as reasonably possible.



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Official gifts and items are declared and recorded regardless of their value and regardless of whether they were accepted or refused.

Internal register

The official record of all declarable offers of gifts, benefits and hospitality made to our employees or organisation, whether accepted or declined. The full title is 'Register of gifts, benefits and hospitality – declarable offers'.

Public register

The official record of information made public from our organisation's internal register. It is published online.

Token offer

The offer is worth less than \$50.

Breach of policy

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

If you may have breached this policy notify your manager in writing immediately. This enables us to assess how best to mitigate the risk – for example, we may arrange to return the gift.

Speak up

We encourage you to speak up if you believe a breach of this policy:

- has happened
- is happening
- might be about to happen.

You can do so by notifying your manager or using the NGV's Speak Up portal, the details of which can be found on the NGV's Intranet at: <https://ngvic.sharepoint.com/sites/IC-WorkingatNGV/SitePages/Speak-Up-portal.aspx>.

IBAC and the Victorian Ombudsman

Alternatively, if you believe corrupt or improper conduct is occurring, you can make a complaint directly to the Independent Broad-based Anti-corruption Commission (IBAC) or the Victorian Ombudsman. Sometimes this can occur on a whistle-blower basis as a public interest disclosure.

How our organisation must respond

Our organisation must always:

- actively support and protect employees who speak up in good faith



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- 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.

Further information

If you are unsure about accepting a gift, benefit or hospitality, or the application of this policy ask your manager or Governance, Policy & Planning.

- Minimum accountabilities for the management of gifts, benefits and hospitality (VPSC)
- 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 model policy*

Approval

Approved by the Council of Trustees 10 April 2025

Next review due

3 years



GIFTS, BENEFITS AND HOSPITALITY POLICY

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Appendix 1 – VPSC Minimum accountabilities for managing gifts, benefits and hospitality in the Victorian public sector

Minimum accountabilities

For managing gifts, benefits and hospitality in the Victorian public sector.

Part A – Introduction

The minimum accountabilities are issued by the Victorian Public Sector Commission (VPSC).

A gift, benefit or hospitality must not be accepted or given by a public sector organisation or its employees if the offer does not comply with the minimum accountabilities.

The minimum accountabilities are binding under the [Instructions supporting the Standing Directions of the Minister for Finance 2018](#).

Accordingly, all public sector organisations should incorporate the minimum accountabilities as the binding foundation of their gifts, benefits and hospitality policy.

Organisations are encouraged to use and can adapt the model policy to take into account their organisation's functions and any special requirements in its establishing documents as long as they make sure their policies are at least as strict as the minimum accountabilities.

Terms used

For more information about the terms used see [more definitions](#).

The definitions at the end of this document do not form part of the minimum accountabilities. They are a guide to assist your understanding and are based on the definitions in the model policy.

Part B – Receiving offers of gifts, benefits and hospitality

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.

Minimum accountability 1 – Do not solicit offers

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.

Minimum accountability 2 – Offers you must refuse

You must always refuse a gift, benefit or hospitality (token or not token) if any of the following apply:

1. Money or similar:

You must refuse the offer if it is money, used in a similar way to money, or easily converted to money.

Important: the Department of Education may permit members of the Teaching Service to accept 'non cash' vouchers offered to convey appreciation to members of the Teaching Service by students, parents, guardians and/or carers – that is, vouchers which are not universally accepted in the way that cash or a debit card are, and which can't be converted into cash.

2. Conflict of interest

You must refuse the offer if it gives rise to a conflict of interest (actual, potential or perceived). This means you must refuse the offer if it could influence, or reasonably be seen to influence, how you perform your public duties.

3. Public trust

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 your organisation or the public sector.

4. Community expectations

You must refuse the offer if it is not consistent with community expectations.

5. Bribes

You must refuse the offer if it could reasonably be seen as a bribe or other inducement. Report the offer to the head of your public sector organisation or their delegate (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).

6. Legitimate business reason – non token offers

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.

Minimum accountability 3 – Declare all non-token offers

If you receive a non-token offer (valued at \$50 or more), you must:

- 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 as set out in your organisation's policy.

The offer and outcome will be recorded on the organisation's official internal register and in the public register.

Important: The Department of Education may set a token limit of \$100 for an offer conveying appreciation to members of the Teaching Service by students, parents, guardians and/or carers.

If a joint offer is made by multiple people the total value of the offer is used to determine its worth, not the value of each individual contribution.

Part C – Providing gifts, benefits and hospitality

These minimum accountabilities relate to providing gifts, benefits and hospitality on behalf of your organisation.

They apply when making any offer of a gift, benefit or hospitality, including an offer to another Victorian public sector organisation.

Minimum accountability 4 – business purpose

You must ensure that any gift, benefit and hospitality (token or non-token) you provide on behalf of your organisation is provided for a business purpose, in that it:

- furthers the conduct of official business or other legitimate organisational goals, or
- promotes and supports government policy objectives and priorities.

Minimum accountability 5 – cost and community expectations

You must ensure that the cost of providing a gift, benefit or hospitality is:

- proportionate to the benefits obtained for the State
- would be considered reasonable in terms of community expectations.

Minimum accountability 6 – conflicts of interest

You must ensure that you do not provide a gift, benefit or hospitality unless:

- no conflict of interest exists (actual, potential or perceived), or
- you declare a conflict and your organisation develops a management plan that explicitly allows you to provide it.

Minimum accountability 7 – behaviour

You must ensure that when hospitality is provided, participants:

- demonstrate professionalism in their conduct
- uphold their obligation to extend a duty of care to other participants.

If you are a participant who is accepting hospitality, you must also comply with these standards.

Part D – Additional obligations for heads of public sector organisations

As the head of a public sector organisation, in addition to the other minimum accountabilities, you must also comply with the following requirements.

Minimum accountability 8 – culture and good practice

You must model good practice and foster a culture of integrity.

Minimum accountability 9 – policies and processes

You must establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality.

Your organisation's policy must comprehensively address the minimum accountabilities.

You must ensure that the requirements in your organisation's gifts, benefits and hospitality policy are at least as strong as those in the minimum accountabilities.

The VPSC recommends that your organisation:

- adopt the gifts benefits and hospitality model policy and model forms published by the VPSC
- where appropriate, adapt them to take into account your organisation's functions and any requirements in its establishing documentation.

When an employee speaks up in good faith

You must ensure that your organisation's policy and procedures require the organisation to:

- 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.

Minimum accountability 10 – communicating to employees

You must ensure that your organisation's policy and related processes are communicated effectively to employees.

This includes communicating that a breach of the policy may constitute a breach of a binding code of conduct and, where appropriate, may result in disciplinary action. In some circumstances, a breach may constitute criminal or corrupt conduct.

Minimum accountability 11 – communicating to business associates

You must ensure that 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 organisation's policy position.

The information provided to (potential) suppliers should include:

- what constitutes a gift, benefit or hospitality
- the organisation's policy
- that the organisation discourages the making of offers
- any whole of Victorian Government supplier codes of conduct.

Minimum accountability 12 – reports to audit committee

You must report at least annually to the organisation's audit committee on the administration and quality control of its gifts, benefits and hospitality policy, processes

and internal register.

This report must include a copy of the internal register, analysis of the organisation's gifts, benefits and hospitality risks (including repeat offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.

Minimum accountability 13 – internal register

You must ensure that an official internal register of non-token gifts, benefits and hospitality offered to employees is established and maintained.

At a minimum, the register must record sufficient information to:

- effectively monitor, assess and report on the minimum accountabilities,
- meet the information requirements for the public register.

Minimum accountability 14 – publishing organisation's policy and the public register

You must ensure that the following documents are available to the public:

- your organisation's gifts, benefit and hospitality policy
- the public register of reportable gift offers received.

If your organisation has an external website the policy and public register must be published on it. If no public website exists, other reasonable arrangements must be made to ensure the information is available to the public.

The public register should cover the previous financial year and be published within four months of each new financial year.

The public register must at a minimum contain the following reportable information:

- 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.

More information – Definitions

We use these definitions in the minimum accountabilities. They:

- do not form part of the minimum accountabilities
- are reproduced from the model policy. (If we change a definition in the model policy it will automatically update below.)
- promote consistency of understanding across the public sector.

Benefits

Preferential treatment, favours or other advantage. For example, invitations to sporting, cultural or social events, access to discounts, or the promise of a new job.

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.

Conflict of interest

A conflict of interest exists if you have a private interest that could influence, or reasonably be seen to influence, how you perform your public duties. The conflict can be actual, potential or perceived.

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.

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.

Legitimate business reason

Furtheres the conduct of official business or other legitimate goals of our organisation, the public sector or the State.

Non-token offer

The offer is worth \$50 or more.

Important: The Department of Education may set a token limit of \$100 for an offer conveying appreciation to members of the Teaching Service by students, parents, guardians and/or carers.

If a joint offer is made by multiple people the total value of the offer is used to determine its worth, not the value of each individual contribution.

Official gifts and items

Official gifts and items include:

- official gifts
- official items (items with cultural, ceremonial, religious, historic, or other significance)

which 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.

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'.

Public Register

The official record of information made public from a public sector organisation's internal register. It is published online.

Token offer

The offer is worth less than \$50.

Important: The Department of Education may set a token limit of \$100 for an offer conveying appreciation to members of the Teaching Service by students, parents, guardians and/or carers.

If a joint offer is made by multiple people the total value of the offer is used to determine its worth, not the value of each individual contribution.



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Appendix 2 – Hospitality Subject to Fringe Benefits Tax (FBT)

As a guideline, hospitality subject to FBT includes entertainment such as:

- employee meals in restaurants;
- Christmas functions paid by the NGV;
- stand up functions where staff involvement is not incidental to the provision of entertainment;
- working lunches with alcohol; and
- sit down functions that staff attend.

Entertainment not subject to FBT includes:

- meals without alcohol whilst staff are travelling;
- morning and afternoon tea without alcohol;
- staff light working lunches without alcohol;
- stand up functions where staff involvement is incidental to the provision of entertainment; and
- eligible seminars.