

## Gifts, Benefits & Hospitality Policy

### 1. Purpose

This policy sets the Victorian Legal Services Board + Commissioner's (VLSB+C) expectations for the management of gifts, benefits and hospitality by VLSB+C staff and Board members.

### 2. Scope

This policy applies to employees, Victorian Legal Services Board (VLSB) members, the Victorian Legal Services Commissioner (Commissioner), committee members, contractors and consultants required as part of their contract to comply with this policy, and any other individuals or groups undertaking an activity for or on behalf of the VLSB+C (including suppliers; does not include VLSB+C grant or sponsorship recipients) (referred to collectively as 'staff' in this document, unless specified otherwise).

### 3. Policy

We have a culture of 'thanks are enough' – where a simple card, letter or email to say thank you will suffice. Staff are encouraged to not accept offers, even if permitted under this Policy.

Staff and Board members are expected to:

- act with integrity and impartiality and place the public interest above their private interests when doing work for our organisation, no matter what that work is
- not solicit offers – our staff must not seek any gift, benefit or hospitality, for themselves or others, if the offer could reasonably be seen as connected to their employment
- only accept offers of gifts, benefits or hospitality worth more than \$50 where there is a legitimate business purpose, and approval (where possible) is sought beforehand
- only offer gifts or hospitality where there is a legitimate business reason, such as:
  - to further the conduct of official business or other legitimate organisational goals, or
  - to promote or support VLSB+C policy objectives and priorities
- record all offers of gifts, benefits and hospitality valued at \$50 or more, whether accepted or not
- report to their manager or the Manager, Corporate Services, any offers they receive that they believe may be made to influence them.

We also encourage our staff to declare token offers (offers worth less than \$50) so that we can monitor the cumulative value of token offers made by the same person or organisation.

### 4. Definitions

**Gifts** are items or services that are free, discounted, or would generally be seen by the public as a gift.

**Benefits** include preferential treatment, privileged access, favours or other advantage.

**Hospitality** is the friendly reception and entertainment of guests.

## 5. Integrity test

Consistent with the minimum accountabilities, **our staff must refuse any gift, benefit or hospitality (token or non-token), if any of the following apply:**

- it is a non-token offer, unless there is a legitimate business reason to accept
- it is money, used in a similar way to money, or easily converted to money
- it could compromise the public's trust
- for VLSB members, where it may affect their standing as a board director
- it may bring the VLSB+C or public sector into disrepute
- it gives rise to a conflict of interest or could reasonably be seen as a bribe or other inducement
- it would not be considered reasonable in terms of community expectations
- it is a repeat token offer that could reasonably be seen as adding up to a conflict of interest
- it could reasonably be seen as endorsing a product or service, other than those for which we are providing grant funding or sponsorship
- for hospitality and events, where the VLSB+C will already be sufficiently represented to meet its business needs
- it is an offer extended to an individual's relatives or friends.

## 6. Token offers

Token offers are worth less than \$50. Our staff can only accept a token offer from a current supplier or a person, group or organisation our staff are likely to make or influence a decision about in the foreseeable future if it is:

- modest hospitality (a basic courtesy, such as light refreshments offered during a meeting)
- a learning opportunity, such as a webinar, and all of the following apply:
  - it is relevant to their work duties
  - it has a legitimate business reason
  - 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
  - any risk of conflict of interest can be appropriately managed.

## 7. Non-token offers

Non-token offers are worth \$50 or more and must be declared by the person the offer was made to (whether accepted or refused) and recorded to the VLSB+C Gifts, Benefits & Hospitality Register (Register).

If our staff receive an offer via a work colleague and they believe they may be offering on behalf of a third party with the possible intention of influencing them they are to refuse the offer and declare it, and report it to their manager, as it may need to be referred on to an integrity body or the police.

## 8. Hospitality

Where hospitality is provided, participants must demonstrate professionalism in their conduct and uphold their obligation to extend a duty of care to other participants.

## 9. Offers made to the VLSB+C

Offers may be made to the VLSB+C itself. The Integrity test applies when deciding whether to accept these offers.

## 10. Donations or gifts given on behalf of the VLSB+C

An individual or business that has a relationship with the VLSB+C may seek to donate or gift to a third party in our name or on our behalf. The Integrity test applies to these offers. Where a donation or gift is made in our name or behalf without our approval being sought or giving us any opportunity to accept or refuse, our staff are required to declare it and record it in the Register noting there was no opportunity to accept or refuse.

## 11. Providing gifts, benefits and hospitality

Gifts, benefits and hospitality may be provided to welcome guests, further the conduct of official business or other legitimate organisational goals or celebrate achievements and recognise staff contributions.

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

- it is for a legitimate business reason
- it does not raise a conflict of interest (actual, potential or perceived) or a management plan has been developed that explicitly allows them to provide it
- that any costs incurred are proportionate to the benefits obtained for the State
- it would be considered reasonable in terms of community expectations.

Gifts should only be purchased in limited circumstances. They may be given to:

- external individuals or organisations – these will be symbolic, rather than financial, in value
- VLSB members or employees - token gifts, to recognise significant work achievements or service milestones.

Approval to provide a gift must be obtained prior to purchase. Gifts given by the organisation should be recorded in the Register.

Where hospitality is provided, our staff must demonstrate professionalism in their conduct and uphold their obligation to extend a duty of care to other participants.

## 12. Gifts, Benefits & Hospitality Register

The Register records all declarable gifts, benefits and hospitality offered to our staff. It must record sufficient information to effectively monitor, assess and report on the minimum accountabilities and meet the information requirements for the Public Register.

### 13. Reporting to the Finance, Risk & Audit Committee (FRAC)

The FRAC must be provided at least annually a report on the administration and quality control of the VLSB+C's Gifts, Benefits & Hospitality Policy, processes, and the Register. The report must include a copy of the Register, analysis of the VLSB+C'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.

### 14. Communication

The Gifts, Benefits & Hospitality Policy will be communicated:

| To                                                              | Via             |
|-----------------------------------------------------------------|-----------------|
| Staff and contractors                                           | VLSB+C intranet |
| Board and Committee members                                     | Diligent        |
| Consumers, lawyers, business associates, consultants, suppliers | VLSB+C website  |

### 15. Speak up

Our staff are encouraged to speak up if they believe there has been, or could be, a breach of this policy. They are to notify their manager or the CEO + Commissioner, and VLSB members, the VLSB Chairperson. Staff and Board members are also encouraged to report any actual or suspected corruption to the Independent Broad-based Anti-Corruption Commission.

The VLSB+C will:

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

### 16. Dealing with an alleged breach

A breach of this Policy may constitute a breach of the [Code of conduct for Victorian public sector employees](#) and, where appropriate, may result in disciplinary action. In some circumstances, a breach may constitute criminal or corrupt conduct.

We will respond to alleged breaches of this policy consistent with the *Public Administration Act 2004*, the Code of conduct for Victorian public sector employees, this policy and any other obligations that apply.

Business associates (including contractors and consultants) identified as acting inconsistently with the Supplier Code of Conduct may be subject to contract re-negotiation, including termination.

## 17. Roles and responsibilities

| Role                                                                                                                                                                                                                                         | Responsibilities                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Employees<br>VLSB members<br>The Commissioner<br>Committee members<br>Contractors and consultants required as part of their contract to comply with this policy Individuals or groups undertaking an activity for or on behalf of the VLSB+C | Comply with this Policy when offered or providing gifts, benefits, or hospitality.<br><br>Report offers of a bribe or inducement to the Commissioner.<br><br>Report instances where they suspect that the giving or receiving of gifts, benefits and hospitality have not been declared, are not being managed properly, or have created an actual, perceived or potential conflict of interest to their manager or the CEO + Commissioner. |
| The Commissioner                                                                                                                                                                                                                             | Model good practice and foster a culture of integrity.<br><br>Establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality, and ensure that these are at least as strong as the requirements in the minimum accountabilities.<br><br>Report offers of a bribe or inducement to Victoria Police or the Independent Broad-based Anti-Corruption Commission.          |
| Manager with direct reports                                                                                                                                                                                                                  | Promote awareness, give advice and model good practice.<br><br>Be aware of the gifts, benefits and hospitality risks inherent in their team's work and functions and monitor the risks to which their direct reports are exposed.<br><br>Oversee compliance by direct reports.<br><br>Approve or decline non-token offers of gifts, benefits and hospitality offered to their direct reports.                                               |
| Manager, Corporate Services                                                                                                                                                                                                                  | Maintain the Gifts, Benefits and Hospitality Register and prepare and publish the Public Register.<br><br>Communicate this Policy.<br><br>Prepare reporting to the Finance, Risk & Audit Committee.                                                                                                                                                                                                                                         |