

Policy		Gifts Benefits & Hospitality
Purpose	1.1	<p>This policy states the Victorian Legal Services Board and Commissioner's (VLSB+C) position on:</p> <ul style="list-style-type: none"> <li>• responding to offers of gifts, benefits and hospitality; and</li> <li>• providing gifts, benefits and hospitality.</li> </ul> <p>This policy is intended to support individuals and the VLSB+C to avoid conflicts of interest and maintain high levels of integrity and public trust.</p> <p>The VLSB+C have issued this policy to support behaviour consistent with the <i>Code of conduct for Victorian public sector employees</i> (the Code). All employees are required under clause 1.2 of the Code to comply with this policy.</p>
Application	2.1	<p>This policy applies to all workplace participants. For the purpose of this policy this includes employees of the VLSB+C; the members of the Victorian Legal Services Board (the Board); the Victorian Legal Services Commissioner (the Commissioner), members of the VLSB+C's Audit Committees, contractors<sup>1</sup>, consultants and any individuals or groups undertaking activity for or on behalf of the VLSB+C.</p>
Policy principles	3.1	<p>This policy has been developed in accordance with requirements outlined in the <i>Minimum accountabilities for managing gifts, benefits and hospitality</i> issued by the Victorian Public Sector Commission (VPSC) (see section 4 below). In developing this policy, the VLSB+C has been guided by the VPSC's model policy.</p> <p>The VLSB+C are committed to and will uphold the following principles in applying this policy.</p>
	3.2	<p><b>Public interest</b></p> <p>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 reasonably 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.</p>
	3.3	<p><b>Accountability</b></p> <p>Individuals are accountable for:</p> <ul style="list-style-type: none"> <li>• declaring all <i>non-token offers</i> of gifts, benefits and hospitality;</li> <li>• declining <i>non-token offers</i> of gifts, benefits and hospitality, or where an exception applies under this policy, seeking approval to accept the offer; and</li> <li>• the responsible provision of gifts, benefits and hospitality.</li> </ul> <p>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.</p>

<sup>1</sup> Note the application of clause 1.4 of the Code of conduct for Victorian public sector employees to the engagement of contractors and consultants. Contractors and consultants are only bound by the Code if explicitly required by their contract for services.

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3.4 **Risk-based approach**

The VLSB+C, through its policies, processes and Audit Committees 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.

**Minimum Accountabilities**

4.1 The VPSC has set binding minimum accountabilities for the appropriate management of gifts, benefits and hospitality. These are set out below.

4.2 **Public officials offered gifts, benefits and hospitality:**

- a) Do not, for themselves or others, seek or solicit gifts, benefits and hospitality.
- b) 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 their public sector employer or the public sector into disrepute; or
  - are non-token offers without a legitimate business benefit.
- c) Declare all non-token offers (valued at \$50 or more) of gifts, benefits and hospitality (whether accepted or declined) on their organisation's register, and seek written approval from their manager or organisational delegate to accept any non-token offer.
- d) Refuse bribes or inducements and report inducements and bribery attempts to the head of the 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).

4.3 **Public officials providing gifts, benefits and hospitality**

- a) Ensure that any gift, benefit and hospitality 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.
- b) Ensure that any costs are proportionate to the benefits obtained for the State, and would be considered reasonable in terms of community expectations.
- c) Ensure that when hospitality is provided, individuals demonstrate professionalism in their conduct, and uphold their obligation to extend a duty of care to other participants.

- 4.4 **Heads of public sector organisations**
- a) Establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality that comprehensively address these minimum accountabilities.
  - b) Establish and maintain a register for gifts, benefits and hospitality offered to public officials that, at a minimum, records sufficient information to effectively monitor, assess and report on these minimum accountabilities.
  - c) 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.
  - d) 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 business associate acting contrary to the organisation's policy position. This must take into consideration any whole of Victorian Government supplier codes of conduct.
  - e) 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 register. This report must include 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.
  - f) Publish the organisation's gifts, benefits and hospitality policy and register on the organisation's public website (applies only to organisations with an established website). The published register should cover the current and the previous financial year.
  - g) Establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality that comprehensively address these minimum accountabilities.

**Definitions**

- 5.1 **Business associate**
- Is an external individual or entity with which the organisation has, or plans to establish some form of business relationship, or who may seek commercial or other advantage by offering gifts, benefits or hospitality.
- 5.2 **Benefits**
- These include preferential treatment, privileged access, favours or other advantages offered to an individual. Benefits 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.

5.3 **Conflicts of interest**

a) *Actual conflict of interest*

There is a **real conflict** between an employee's public duties and private interests.

b) *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.

c) *Perceived conflict of interest*

The public or a third party **form the view** that an employee's private interests could improperly influence their decisions or actions, now or in the future.

5.4 **Gifts**

These are free or discounted items and include any item that would generally be seen by the public as a gift. This includes items of high value (for example, artwork, jewellery or expensive pens), low value (for example, a small bunch of flowers) and consumables (for example, chocolates).

Fundraising by public sector organisations that is consistent with relevant legislation and any government policy is not prohibited under the minimum accountabilities.

5.5 **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.

5.6 **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.

5.7 **Public official**

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

- public sector employees;
- statutory office holders; and
- directors of public entities.

5.8 **Register**

This is a record, preferably electronic, of all declarable gifts, benefits and hospitality. It records the date an offer was made and by whom, the nature of the offer, its estimated value, the raising of any actual, potential or perceived conflicts of interests or reputational risks and how the offer was managed. For accepted offers, it details the business reason for acceptance and the officer approving the acceptance.

5.9 **Token offer**

This is an offer of a gift, benefit or hospitality that is offered as a courtesy or is of inconsequential or trivial value to both the person making the offer and the individual.

Whilst the primary determinant of a token offer is that it would not be reasonably perceived within or outside the organisation as influencing an individual or raising an actual, potential or perceived conflict of interest, it cannot be worth more than \$50 (including cumulative offers from the same source over a 12 month period).

5.10 **Non-token offer**

An offer of a gift, benefit or hospitality that is, or may be perceived by the recipient, the person making the offer or by the wider community to be 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.

**Management of offers of gifts, benefits and hospitality**

6.1

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 the relevant organisational delegate:

- VLSB+C staff must seek approval from their manager;
- Board members and members of VLSB+C Audit Committees must seek approval from the Chairperson of the Board.

6.2 **Circumstances in which offers of gifts and benefits must be refused**

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

- made during a procurement or tender process by a person or organisation involved in the process; or
- made by a person about whom, or organisation about which, the VLSB+C is likely to make a decision (this includes processes involving grants, sponsorship, regulation, enforcement or issuing of practising certificates and includes all parties to any matter that is the subject of a formal complaint or is under investigation by the VLSB+C).

6.3 **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.

While the primary determinant of a token offer is that it would not be reasonably perceived within or outside the organisation as influencing an individual raising an actual, potential or perceived conflict of interest, it cannot be worth more than \$50.

If token offers are made often by the same person or organisation, the cumulative value of the offers, or the perception that they may influence the recipient, may result in the offers becoming non-token.

Subject to the requirements of section 6.2 above, individuals may accept token offers of gifts, benefits and hospitality without approval.

An example of a token offer is a modest box of chocolates or other small token of thanks given after a presentation.

If an offer is made by a current or prospective supplier, the person must consider whether there is a legitimate business benefit and if acceptance of the offer would raise an actual, potential or perceived conflict of interest before deciding whether to accept the offer.

#### 6.4 Requirement for refusing non-token offers

Individuals should consider the GIFT test at section 6.6 and the requirements below to help respond to a non-token offer.

Individuals are to refuse non-token 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;
- made by a person about whom, or organisation about which, the VLSB+C is likely to make a decision (this includes processes involving grants, sponsorship, regulation, enforcement or issuing of practising certificates and includes all parties to any matter that is the subject of a formal complaint or is under investigation by the VLSB+C);
- likely to be a bribe or inducement to make a decision or act in a particular way;
- that extend to their relatives or friends;
- with no legitimate business benefit;
- of money, or used in a similar way to money, or something easily converted to money (for example, shares, gift cards);
- where, in relation to hospitality and events, the VLSB+C will already be sufficiently represented to meet its business needs;
- where acceptance could be perceived as endorsement of a product or service, or acceptance would unfairly advantage the sponsor 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 Commissioner or their delegate who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission.

6.5 **Example of how to differentiate between a gift or offer with a legitimate business benefit**

Pam is responsible for her organisation's marketing and promotions team, including for approving sponsorship funding for local events. While attending an event that her organisation sponsored, Pam was invited by the event organiser to attend the upcoming Australian Open tennis tournament.

It was appropriate for Pam to attend the event her organisation sponsored so that she could report back to her employer on the outcome. However, it would not be appropriate for Pam to attend the Australian Open event, as there is no business benefit for the organisation in her attending. It could also raise a perceived conflict of interest, as the person making the offer could be seeking to influence Pam's future sponsorship decisions. She should decline the invitation and record the non-token offer of Australian Open tickets on her organisation's gifts, benefits and hospitality register.

6.6 **Gift Test**

<b>G</b>	Giver	<p><b>Who is providing the gift, benefit or hospitality and what is their relationship to me?</b></p> <p>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?</p>
<b>I</b>	Influence	<p><b>Are they seeking to gain an advantage or influence my decisions or actions?</b></p> <p>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?</p>
<b>F</b>	Favour	<p><b>Are they seeking a favour in return for the gift, benefit or hospitality?</b></p> <p>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?</p>
<b>T</b>	Trust	<p><b>Would accepting the gift, benefit or hospitality diminish public trust?</b></p> <p>How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family, friends or associates think?</p>

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**6.7 Requirements for accepting non-token offers**

There will be some exceptions where there is a legitimate business reason for accepting a non-token offer. All accepted non-token offers must be approved in writing by the individual's manager or organisational delegate, 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 VLSB+C or the public sector into disrepute: the 'GIFT' test at section 6.6 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 VLSB+C, 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.

**6.8 Recording offers of gifts, benefits and hospitality**

All non-token offers (with the exception of token hospitality), whether accepted or declined, must be recorded in the VLSB+C's gifts, benefits and hospitality register (the register).

The business reason for accepting a 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 VLSB+C, public sector or State.

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

<b>Unacceptable:</b>	<i>"Networking"</i> <i>"Maintaining stakeholder relationships"</i>
<b>Acceptable:</b>	<i>"Individual is responsible for evaluating and reporting outcomes of the VLSB+C's sponsorship of Event A. Individual attended Event A in an official capacity and reported back to the VLSB+C on the event."</i> <i>"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 VLSB+C's property."</i>

All offers (with the exception of token hospitality), whether accepted or declined, must be reported to the Group Manager, Corporate Operations (email acceptable).

For token offers, the individual must provide details of the gift or benefit offered, its value and the reason for acceptance or rejection of the offer.

For non-token offers, a Gifts Declaration Form must be completed and provided to the Human Resources Business Partner.



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6.9 **Ownership of gifts offered to individuals**

Non-token gifts accepted by an individual for their work or contribution may be retained by the individual where their manager or organisational delegate has provided written approval.

When a non-token gift is received that cannot be retained by the individual, the recipient's manager will decide how to dispose of it in an appropriate manner. The disposal of any non-token gift must be recorded in the register. Some options for disposal include:

- returning the gift;
- donating the gift; or
- holding an auction with the proceeds going to a charity.

Employees must transfer to the VLSB+C official gifts or any gift of cultural significance or significant value (over \$50). In some circumstances it may be appropriate to keep the gift within the VLSB+C offices. Similarly, gifts from visiting delegations or personalised gifts, such as plaques with the VLSB+C name engraved can be retained.

**Managing provision of gifts, benefits and hospitality**

7.1

This section sets out the requirements for providing gifts, benefits and hospitality by the VLSB+C.

7.2

**Requirements for providing gifts, benefits and hospitality**

Gifts, benefits and hospitality may be provided to welcome guests, facilitate the development of business relationships, further public sector business outcomes and to celebrate achievements.

When deciding whether to provide gifts, benefits or hospitality or the type of gift, benefit or hospitality to provide, individuals must ensure:

- any gift, benefit or hospitality is provided for a business reason in that it furthers the conduct of official business or other legitimate organisational goals, or promotes and supports government policy objectives and priorities;
- that any costs are proportionate to the benefits obtained for the State, and would be considered reasonable in terms of community expectations (the 'HOST' test at section 7.3 is a good reminder of what to think about in making this assessment); and
- it does not raise an actual, potential or perceived conflict of interest.

7.3 HOST Test

<b>H</b>	Hospitality	<p><b>To whom is the gift or hospitality being provided?</b>                  Will recipients be external business partners, or individuals of the host organisation?</p>
<b>O</b>	Objectives	<p><b>For what purpose will hospitality be provided?</b>                  Is the hospitality being provided to 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?</p>
<b>S</b>	Spend	<p><b>Will public funds be spent?</b>                  What type of hospitality will be provided? Will it be modest or expensive, and will alcohol be provided as a courtesy or an indulgence? Will the costs incurred be proportionate to the benefits obtained?</p>
<b>T</b>	Trust	<p><b>Will public trust be enhanced or diminished?</b>                  Could you publicly explain the rationale for providing the gift 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?</p>

7.4 Containing costs

Individuals should contain costs involved in the provision of gifts, benefits and hospitality wherever possible. The following questions may be useful to assist individuals to decide the type of gift, benefit or hospitality to provide:

- Will the cost of providing the gift, benefit or hospitality be proportionate to the potential benefits?
- Is an external venue necessary or does the organisation have facilities to host the event?
- Is the proposed catering or hospitality proportionate to the number of attendees?
- Does the size of the event and number of attendees align with intended outcomes?
- Will providing the gift, benefit or hospitality be viewed by the public as excessive?

When proposing to give a gift or benefit to another agency or person, an individual should:

- consult with their manager about the proposed gift (Board members and members of the Audit Committees must consult with the Chairperson of the board);
- consider the VLSB+C's rules on catered functions for staff (see section 7.5); and
- consider the VLSB+C's rules for the provision of alcohol (see section 7.6).

7.5 **Catered functions**

VLSB+C staff, Board members and members of Audit Committees may attend catered events, such as presentations and training sessions, at the offices of the VLSB+C.

Staff organising the event should consider the following matters when determining whether to pay for catering:

- whether the event will contribute to organisational objectives;
- whether the extent to which events have been catered in the past will result in perceptions of excess; and
- whether it is consistent with the community expectations of modest and prudent expenditure by public officials.

7.6 **Serving of alcohol**

Alcohol may be supplied at events hosted by the VLSB+C.

The VLSB+C have obligations in relation to the provision of alcohol under the *Occupation Health and Safety Act 2004*, the *Liquor Control Reform Act 1998* and the Code of Conduct.

Any event where alcohol is served should not exceed two hours in duration and should be held at a time which minimises the risk of employees returning to work impaired by alcohol. The amount of alcohol provided should be limited to two standard drinks per person attending the event. Further, the provision of alcohol should be incidental to the overall level of hospitality provided.

7.7 **Staff health and well-being program**

The VLSB+C values the physical and psychological health and well-being of staff, and believe that a healthy, safe and supportive workplace is good for our people and good for our organisation. The VLSB+C have an important role in setting a positive example for the legal community. A legal profession that is psychologically and physically healthy leads to better outcomes for consumers of legal services and requires less regulatory intervention.

In 2015, the VLSB+C became signatories to the Tristan Jepson Memorial Foundation Guidelines which collectively seek to decrease work related psychological ill health in the legal community and to promote workplace psychological health. A Committee "Balancing Your Act" is dedicated to the implementation of the Guidelines and operates according to an Action Plan and an allocated budget. The Committee has supported initiatives such as training in personal resilience and in the awareness, identification and appropriate management of psychological ill health in colleagues.

The VLSB+C also supports an active Health and Well-being Committee which operates subject to terms of reference and an allocated budget. The Committee supports and assists staff by subsidising health related programs.

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Reporting	8.1	<p><b>VLSB+C register</b></p> <p>The Group Manager, Corporate Operations is responsible for maintaining and updating the register.</p>
	8.2	<p><b>VLSB+C Audit Committees</b></p> <p>The Group Manager, Corporate Operations will provide a report to the VLSB+C Audit Committees at least annually on the administration and quality control of the gifts, benefits and hospitality policy, processes and the register.</p> <p>The report will include analysis of VLSB+C'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.</p>
	8.2	<p><b>Annual attestation</b></p> <p>The VLSB+C is required to make an annual attestation to the Secretary of the Department of Justice and Regulation in a form specified by the Secretary to the operation, review, promulgation and scrutiny of appropriate gifts, benefits and hospitality policies and processes within the VLSB+C.</p>
Related policy, legislation and other documents	9.1	<p><b>Legislation and Victorian Government policies and guidelines</b></p> <p><i>Financial Management Act 1994</i></p> <p>Minimum accountabilities for the management of gifts, benefits and hospitality (see <i>Instructions supporting the Standing Directions of the Minister for Finance</i>)</p> <p><i>Public Administration Act 2004</i></p> <p>Code of conduct for Victorian public sector employees 2015</p> <p>Code of conduct for Directors of Victorian public entities 2016</p> <p>Victorian Public Sector Commission's <i>Gifts, benefits and hospitality policy framework</i> (<a href="http://www.vpsc.vic.gov.au">www.vpsc.vic.gov.au</a>)</p> <p>Victorian Public Sector Commission's <i>Conflict of interest policy framework</i></p>
	9.2	<p><b>Related VLSB+C polices, guidelines and other documents</b></p> <ul style="list-style-type: none"> <li>• Conflict of Interest and Declaration of Private Interests</li> <li>• Fraud, Corruption and Other Losses Policy</li> <li>• IT Security Policy</li> <li>• Managing Financial Information Policy</li> <li>• Managing Risk Policy</li> <li>• Protected Disclosure Policy</li> <li>• Risk Management and Guidelines Policy</li> <li>• Treasury and Investment Risk Management Policy</li> <li>• VLSB+C Gifts and Hospitality Register</li> <li>• VLSB+C Gifts Declaration</li> <li>• VLSC Human Resources Policies and Processes Handbook</li> <li>• VLSB+C Financial Code of Practice</li> </ul>

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	9.3	<p><b>Forms</b></p> <p>The Gifts Declaration Form is available on the Staff Wiki and appears in Section 13.</p>
<b>Authorising officer and organisational delegate</b>	10.1	<p>This policy is issued under the Authority of the Victorian Legal Services Board and is subject to annual review.</p> <p>The organisational delegate is the Victorian Legal Services Commissioner.</p> <p>The staff member responsible for maintaining the gifts register is the Human Resources Business Partner.</p>
<b>Enforcement</b>	11.1	<p><b>Breaches</b></p> <p>Disciplinary action consistent with the relevant industrial instrument and legislation, including dismissal, may be taken where an individual fails to adhere to this policy.</p> <p>This includes where an individual fails to avoid wherever possible or identify, declare and manage a conflict of interest related to gifts, benefits and hospitality in accordance with the VLSB+C's Conflict of interest policy.</p> <p>Actions inconsistent with this policy may constitute misconduct under the <i>Public Administration Act 2004</i>, which includes:</p> <ul style="list-style-type: none"> <li>breaches of the binding <i>Code of conduct for Victorian public sector employees</i>, 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</li> <li>individuals making improper use of their position.</li> </ul> <p>For further information on reporting breaches of this policy, please contact the Human Resources Business Partner.</p> <p>The VLSB+C will communicate its policy on the offering and provision of gifts, benefits and hospitality to contractors, consultants and other business associates. Those identified as acting inconsistently with this policy may be subject to contract re-negotiation, including termination.</p>
	11.2	<p><b>Speak up</b></p> <p>Individuals who consider that gifts, benefits and hospitality or conflict of interest within the VLSB+C may not have been declared or are not being appropriately managed should speak up and notify their manager or the Commissioner.</p> <p>The VLSB+C will take decisive action, including possible disciplinary action, against individuals who discriminate against or victimise those who speak up in good faith.</p>
<b>Contacts</b>	12.	<p>A conflict of interest resulting from the acceptance of a gift, benefit or hospitality is not always clear to those who have them.</p> <p>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 Manager, Policy &amp; Regulation.</p>
<b>Declaration</b>	13.	<p>This declaration form supports the VLSB+C's Gifts, benefits and hospitality policy.</p> <p>Employees must use this form to declare all non-token offers of gifts, benefits and hospitality (whether accepted or declined) and seek written approval from their manager or organisational delegate to accept any non-token offer.</p>

Victorian Legal Services  
**BOARD + COMMISSIONER**

**Gifts Declaration Form**

Individual to complete this section	
Declaration Date:	
Name:	
Position:	
Unit/Division:	
<b>Details of the gift, benefit or hospitality</b>	
Date offered:	
Describe the gift, benefit or hospitality offered:	
Estimated or actual value:	
Offered by: <i>Name individual/organisation making the offer</i>	
Is the person or entity making the offer, a business associate of the organisation?  <i>If YES, describe the relationship between them and the organisation</i> <i>If NO, describe the relationship between you and the person or organisation making the offer</i>	Yes / No
Reason for making the offer	
Would accepting the offer: a) Create an actual potential or perceived conflict of interest (Y/N); or b) Bring you, the organisation or the public sector into disrepute (Y/N)  <i>If either answer above is YES, then the offer must be declined in accordance with the minimum accountabilities</i>	<i>Detail of conflict of interest:</i>
Is there a legitimate business benefit to the organisation, public sector or State for accepting the offer, ie. does it meet the following: a) it was offered during the course of your official duties (Y/N); and b) it relates to your official responsibilities (Y/N); and c) it has a benefit to the organisation, public sector or State (Y/N).  <i>If NO, then offer must be declined.</i> <i>If YES then the business benefit must be detailed, in accordance with the minimum accountabilities</i>	<i>Detail of business benefit</i>
I accepted the offer	<i>Signature</i>
	<i>Date</i>

**Gifts Declaration Form**

Manager to complete this section	
Name:	
Position:	
Unit/Division:	
<b>Complete if individual declined offer</b>	
I have reviewed this declaration form and submitted it for inclusion on the organisation's gifts, benefits and hospitality register.	<i>Signature</i>
	<i>Date</i>
<b>Complete if individual accepted offer</b>	
I have reviewed this declaration form and confirm that, to my knowledge, accepting this offer: a) does not raise an actual, potential or perceived conflict of interest for the individual or myself; <b>and</b> b) will not bring the individual, myself, the organisation or the public sector into disrepute; <b>and</b> c) will provide a clear business benefit to the organisation, the public sector or the State.	<i>Signature</i>
	<i>Date</i>
Detail decision regarding ownership of tangible offers (eg. specify whether employee retained gift; transferred to organisation's ownership; returned to offeror; donated to charity etc.)	