

## GIFTS, BENEFITS AND HOSPITALITY POLICY AND PROCEDURE

AUTHORITY	Board
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POLICY OWNER	Senior Manager Governance and Risk
DOCUMENT NO.	

### 1 PURPOSE

This policy and procedure establish an effective, accountable and transparent framework for accepting gifts, benefits and hospitality. It sets out the minimum accountabilities for managing gifts, benefits and hospitality. The overarching objective of the minimum accountabilities is to encourage behaviours that will earn and sustain community and government trust. In particular, they seek to equip staff at ZV to:

- distinguish and appropriately manage modest tokens of appreciation or hospitality that is a basic courtesy, from inducements, conflicts of interest or non-token offers without a legitimate business benefit; and
- identify appropriate boundaries for the provision of gifts, benefits and hospitality in a way that is considered reasonable in terms of community expectations.

This policy ensures compliance with the minimum requirements of the Victorian Public Sector Commission's Gifts, Benefits and Hospitality Policy Framework (October 2016) (notated as a framework (2016)) and consistent with the Department of Environment, Land, Water and Planning (DELWP) model policy.

### 2 SCOPE

This policy sets out the Zoological Parks and Garden Board (ZV)'s standards and procedures for responding to offers of gifts, benefits and hospitality. It applies to all board members and employees (i.e. senior executives and other staff, including 'in house' contractors and consultants).

Providing and receiving gifts, benefits and hospitality (GB&H) presents a particular challenge for ZV as these activities can be a legitimate part of ZV pursuing its objective of community engagement, trade, sponsorship and fundraising for conservation, asset renewals, education, commercial activities, tourism and other objectives in line with its responsibilities as outlined in the Zoological Parks and Gardens Board's Act 1995 (the Act).

### 3 POLICY AIM

The aim of this policy is to effectively manage GB&H and uphold the code of conduct expected from our board members and employees and prevent actions that could lead to and create a conflict of interest between personal interest and their public duty, actions that diminish public trust, damage ZV's reputation and prevent risks of fraudulent activities.

Offers of gifts, benefits and hospitality are discouraged and must never be accepted unless there are clear justification and legitimate business reasons, consistent with the prohibitions in this policy, to do so.

## 4 KEY PRINCIPLES AND ACCOUNTABILITIES

The key principles are:

- Obligations - board members and employees act in accordance with their respective obligations and with good public sector governance practice (**item 19**).
- Public interest - board members and employees act in the public interest, in compliance with this policy.
- Culture of integrity - ZV fosters a culture of integrity. Board members and employees are supported to raise any unresolved gifts issues.
- Risk-based - ZV's risks in relation to gift offers are assessed, managed, and monitored.
- Processes - ZV's procedures are transparent and accountable. Processes are in place to ensure that board members and employees are aware of the requirements of this policy and how to comply with it.

ZV policy is consistent with the Department of Environment, Land, Water and Planning's (DELWP) model policy on GB&H and adjusted for areas where GB&H plays a legitimate business role for ZV such as fundraising, sponsorship, marketing, education, conservation and research in achieving its objectives as outlined in the Act.

## 5 DEFINITIONS

### Gifts offer

A gift offer is anything of monetary or other value that is offered by an external source (organisation or individual) to a **board member or employee** as a result of their role with ZV.

A gift offer may be direct or indirect. It may be made directly to a board member or employee or indirectly via an offer to their relative or close associate, including:

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

It includes free/discounted:

- **Item or services** - for example, (a) items such as a Christmas hamper, desk calendar, box of chocolates, bottle of wine, commemorative object, or 'door prize' at a function; services such as tree-logging or house painting.
- **Benefits** - for example, (a) items such as preferential treatment, privileged access, favours or other advantages or intangibles and (b) access to a discount or loyalty program, or the promise of a new job.
  - **Hospitality exceeds common courtesy** - Hospitality' is the friendly reception and treatment of guests. It includes offers of food, drinks, travel, accommodation, events or activities (e.g. sporting, social, industry, arts, entertainment, or other events/activities).

'Common courtesy' is polite, basic and modest. It does not raise a conflict of interest.

Whether an offer exceeds common courtesy depends on the circumstances (i.e. what is offered, by whom, to whom, when and why).

#### EXAMPLE – does not exceed common courtesy

A modest working lunch, such as sandwiches and pastries at another organisation's premises or at a café, provided there is no conflict of interest.

They are not a gift offer and do not need to be disclosed under this policy.

#### EXAMPLE – gift offer

- (a) A 'fine dining and wines' at another organisation's premises or restaurant.
- (b) An offer to pay for working lunch at a café.
- (c) An offer of a free spot at an industry golf day.

Disclosure is required.

#### Token gift

The gift offer is trivial and inconsequential. The combined total of offers to the board member or employee from that source **in the last 12 months does not exceed \$50**.

#### Reportable gift

The gift offer exceeds the token value, or the combined value of the offer from the same source in 12 months exceed the cumulative value of \$50 or is of cultural, historic or other significance. Example of significant gift- A gift from visiting delegate, such as from another country is reportable, regardless of the value, even if it is not cultural or historic significant, it is of 'other significant'.

#### EXAMPLE of a gift exceeds the token value

An employee is offered a \$20 bottle of wine, three times by the same source in the 12 months. The cumulative value of the 3<sup>rd</sup> token offer equates to \$60, exceeding the \$50 threshold. The 3<sup>rd</sup> offer is therefore reportable, even if none of the offers is accepted. What counts is the total offer in the last 12 months.

#### Conflict of interest

A 'conflict of interest' is a conflict between a board member's or employee's public duty to act in the best interests of ZV and their private interests (financial or non-financial). A conflict exists whether it is:

- real – it currently exists;
- potential – it may arise, given the circumstances; or
- perceived – members of the public could reasonably form the view that a conflict exists or could arise, that may improperly influence the person's performance of their duty to ZV, now or in the future.

#### Bribe

'Bribe' is an offer of money or other inducement made with the intention to corruptly influence a board member or employee in the performance of their duties. Bribery or attempted bribery of a public official is a criminal offence.

#### Legitimate business reason

A 'legitimate business reason' is a business purpose that furthers the official business or other legitimate goals of ZV as outlined above, the public sector, or State. All legitimate business activities are officially sanctioned by ZV.

ZV raised funds to contribute to operating revenue to meet its obligations. A large proportion will

come from fundraising activities, sponsorship, marketing and promotion and tourism activities interstate or international. These require active engagement with the communities, corporates and individuals and building these relationships requires board members and staff to promote, host, attend or present at various marketing, sponsorship or fundraising events.

The zoos have a leadership role in education, community conservation, conservation and research. Its activities include building a domestic and international network of support to further its activities, e.g. conservation or education.

EXAMPLE of ZV's legitimate business activities	
<ul style="list-style-type: none"> <li>• Promoting ZV at a conference and seminars and some of these are as an invitee to attend where all costs are met by the host;</li> <li>• Meeting key business leaders, philanthropic donors, trust and foundations, etc., to seek sponsorship or donations. Meetings may be held at their place of business or at private /public events.</li> <li>• Marketing includes promoting the business domestic and international trade shows or familiarisation.</li> <li>• Reciprocal arrangements between ZV and its partners for entry to/ rights to use each other's properties, provided there is no conflict of interest.</li> <li>• Pre-arrange free entry to other zoos and similar organisation as part of the reciprocal industry arrangement.</li> </ul>	

### Responsible person

The 'responsible person' is the person whom the board member or employee notifies of any gift offers they receive; notifies of suspected bribery attempts; and seeks advice from about this policy and how to comply.

WHO	SEEK ADVICE OR DIRECTION FROM	LODGEMENT
All employees	Senior Manager – Governance and Risk	Gifts, benefits and hospitality declaration must be furnished to the Senior Governance Manager for inclusion in the gift register
Board members or CEO	Chair of the Board. Note for the Chair of the Board, Deputy Chair or Chair of the Audit, Risk Management and Compliance Committee. Where necessary, the Chair can seek advice from the Minister and/or DELWP.	

## 6 PROHIBITED GIFTS

### Types of prohibited gifts

The following gifts are prohibited and must be refused by a **board member or employee**:

- Cash gift including gift cards or gift vouchers or any in any form that is easily converted into cash.
- All kind of gifts including any amount less than the token offer is offered by an external party when:

- a. ZV is in the market to source or obtains quotes for the procurement of goods and services; or
- b. ZV has made a decision to tender for major goods or services or capital projects; or
- c. ZV is in the process of inviting submission for grants.

For (b) and (c), the “quarantine period” prohibiting any gifts (even is token in value) is six months from the date the decision has been made to tender or to consider submission for grants applications.

- Could in any other way create a reasonable perception that it is offered to influence, or could influence, the judgement of the board member or employee (i.e. how he/she acts or fails to act, now or in the future);
- Could in any other way bring their integrity, or that of ZV, into disrepute<sup>1</sup>;

If it is a reportable gift offer (**item 11.3**), it must also be refused unless there is a ‘**legitimate business reason**’ to accept it.<sup>2</sup>

### Recording of prohibited gift offer

To assist ZV to monitor the frequency and nature of prohibited gift offers, it is essential that all such offers are disclosed in accordance with the requirements for token or reportable gift offers (**item 11.1 to item 11.3**).

<sup>1</sup> For example, if accepting the gift offer could be perceived as an endorsement of a product or service.

<sup>2</sup> Note that the following are not a ‘legitimate business reason’:

- ‘It would have been impolite to refuse’;
- ‘Refusal would offend’ (except in compelling circumstances that are in the public interest. These almost never exist for gift offers of hospitality and rarely exist for other gift offers.);
- ‘Networking’; and
- ‘Maintaining stakeholder relationships’.

## 7 GIFT OFFERS OF HOSPITALITY

To ensure compliance with the above requirements, board members and employees must be particularly cautious about accepting gift offers of hospitality (i.e. food, drink, travel, accommodation, events or activities). There is also a high risk of conflict of interest. In such cases, the gift offer must be refused if there is no legitimate business reason to accept the offer.

### HIGH-RISK EVENTS AND ACTIVITIES

In particular, note examples of high-risk events, especially where there is **no legitimate business reason to attend**:

Examples of high-risk event and activities

- to attend as a guest in a corporate box at a sporting event;
- to attend a concert or theatre event;
- to participate in an industry event at a reduced fee;
- to be ‘shouted’ a meal at a restaurant.

### CONFERENCE AND FAMILIARISATION TOURS

Gift offers in relation to conferences or familiarisation tours (e.g. sponsored attendance, participation, travel, or accommodation) other than those for legitimate business reason, defined in section 4.6 must be declined unless there is:

- clear justification, such as where the invitation is issued by a government department, or the event is funded by ZV, or, depending on the circumstances, the offer or is a peak body or a relevant industry related company or organisation; and
- prior written approval that sets out clear reasons is specifically granted by the CEO (for employees) or the responsible person (for the Chair, board members, and CEO). The signed and dated approval must be attached to the gift offer declaration form (*item 12*) and noted in the gifts register (*item 13*).<sup>1</sup>

## 8 MISUSE OF POSITION

Accepting a prohibited gift offer may constitute misuse of a board member's or employee's position, a breach of this policy and/or a breach of the relevant code of conduct, and may result in disciplinary action. In addition, if the gift was offered with the expectation of something in return, such as preferential treatment, accepting it may constitute a bribe (*item 9*) or another form of corruption and lead to criminal prosecution.

## 9 ATTEMPTS TO BRIBE

A board member or employee who receives a gift offer that he/she believes is an attempted bribe must refuse the offer. He or she must:

- immediately notify the responsible person and lodge a gift offer declaration form (*item 10*), so that their refusal can be properly recorded; or
- report the matter to the Independent Broad-based Anti-corruption Commission (IBAC) as a protected disclosure.<sup>2</sup>

A board member or employee who believes that another board member or employee may have solicited or been offered a bribe which the other person has not reported must either notify the responsible person or report the matter to IBAC as a protected disclosure.

The CEO must have processes in place to ensure that he or she is notified when a responsible person becomes aware of a bribery issue. The CEO must notify IBAC of any matter which he/she believes on reasonable grounds may be corrupt conduct or, if appropriate, notify the police of a suspected offence.<sup>3</sup>

## 10 A BAN ON SOLICITING GIFTS

Board members and employees must not solicit gifts for themselves or anyone else, in any form. To do so may constitute misuse of their position, a breach of this policy and/or a breach of the relevant code of conduct and may result in disciplinary action. It may also constitute corruption and lead to criminal prosecution<sup>4</sup>

## 11 RECORDING AND REPORTING PROCEDURES

Recording and disclosing token gift offers

Regardless of whether a token gift offer is accepted, it must be disclosed as soon as practicable to the responsible person. A board member or employee who is offered a gift of token value and that is not a prohibited gift may:

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<sup>1</sup> ZV is the owner of the sponsored travel and accommodation, etc. (item 11.5). Approval is given for the board member or employee to utilise the gift at ZV's behest – see 'Public interest approval' in item 11.6

<sup>2</sup> Note that if a matter is referred to IBAC or the police there may be legal implications, which necessitate variation to the Usual record-keeping processes in item 11 to item 12.

<sup>3</sup> Consistent with Minimum accountability 4 of the framework (2016).

<sup>4</sup> Consistent with Minimum accountability 1 of the framework (2016).

- refuse the gift offer; or
- accept the gift offer and retain the gift as their own.

Regardless of whether a token gift offer is accepted, a record of the offer must be kept, or the information can be sent to the responsible person.

#### EXAMPLE OF ACCEPTANCE OF TOKEN GIFT

I received a gift offer from the Zoo and Aquarium Association of a bottle of wine. It was offered to me as a thank you for presenting at their annual conference, which I did as part of my official duties. I estimate the value of the bottle of wine to be \$30. I estimate the combined total of gift offers I have received from the Zoo and Aquarium Association in the last 12 months to be \$45. I consider this to be a token gift offer. It was not a prohibited gift offer. I accept the offer. I record the details in my spreadsheet with the information as outlined in **item 11.2**.

#### EXAMPLE OF REFUSAL OF TOKEN GIFT

I received a gift offer from Speedy Cleaners & Co of a leather compendium. It was offered as 'a Christmas good will gift'. I estimate the value of the gift to be \$30. From my records, I have received from Speedy & Co in the last 12 months to be \$45. ZV is in the process of calling for cleaning tender and therefore this gift is a 'prohibit gift' citing potential conflict of interest. I refused the gift and returned it to Speedy & Co with a note stating my refusal. I recorded the refusal in my register and noting that the gift was returned and provide the information to the responsible person, Senior Manager – Governance and Risk.

#### Information needed disclosure of token gift offers

A gift declaration form is not required. However, you need to track gift offers or multiple offers to determine if it exceeds the reportable threshold of \$50, from the same source during the 12 in the last 12 months of the financial year.

#### Keeping track of the token gift offer

The board member or employee disclosing the token gift offer and the responsible person must each retain a copy of the email. An email record:

- assists the board member/employee to fulfil their responsibility to keep track of whether offers made to them by that source exceed a combined value of \$50 in the last 12 months (i.e. the reportable threshold); and
- assists the responsible person to monitor the risks inherent in their team's work and functions.<sup>5</sup>

An easy way to maintain all information of token gift offers is to keep it in a spreadsheet.

The information to be recorded against the token gift offer are outlined below:

Information required:

- date of the offer
- the source (organisation or individual) of the offer;
- what was offered and why;
- that it was a token offer, including an estimate of:
- the value of the gift offered; and
- the combined value of all gifts offered to them from that source in the last 12 months;
- whether it was a prohibited gift (**item 5**) and, if so, why; and

<sup>5</sup> A responsible person may decide to maintain a spreadsheet with an overview of token gift offers disclosed to them by email. This will assist in monitoring risks and compliance with this policy (item 15).

- whether the offer was accepted or refused.

Otherwise, send an email to the responsible person who will track the gift offer on your behalf.

### Disclosing reportable gift offers

If it was a token offer and the combined value of all gifts offered to them from that source in the last 12 months exceed \$50, it is then deemed reportable gift offer, and this section applies.

A gift offer must not be accepted if it is a prohibited gift.

A board member or employee who is offered a **reportable** gift must, **regardless of whether the gift is accepted:**

- Verbally or email disclose the offer to the responsible person as soon as practical, setting out the following information:
  - Date of the offer
  - Source of the offer;
  - What was offered and why;
  - Did you accept the offer or refuse it; and
- Within five working days of the offer, sign and lodge a properly completed gift declaration form (**Appendix 1**) to the Senior Governance and Risk Officer.

EXAMPLE OF UNACCEPTABLE REASON
“Networking” or “Maintain stakeholder relationship” where there is no legitimate business reason. The attendance did not involve ZV’s business activities such as fundraising or tourism function.
EXAMPLE OF ACCEPTABLE REASON
(a) The individual is responsible for evaluating and reporting the outcomes of ZV’s participation in a trade show or tourism event. Individual attended the event in an official capacity and reported back to ZV on the event; or
(b) The Individual has to attend an event, e.g. donor hospitality, hosted by a stakeholder to promote and advance the interest of ZV. Individual attended the event in an official capacity and reported back to ZV on the event.

### Ownership of reportable gift offers

A board member or employee who accepts a reportable gift does so on behalf of ZV. ZV is the owner of the gift.

### Dealing with accepted reportable gifts

The CEO must have processes in place for the receipt and use or disposal of reportable gifts by ZV. As part of these processes:

#### Gifts of cultural, historic or other significance

Consideration should be given to donating gifts of cultural, historic or other significance to an appropriate public institution, such as the Melbourne Museum, State Library, or National Gallery of Victoria.

### Donating other reportable gifts

Consideration should be given to donating other reportable gifts, or the proceeds of their sale, to a non-profit organisation or public institution.<sup>6</sup>

### 'Public interest' approval for the use of gift by a Board member or employee

Occasionally, it will be in the public interest for approval to be given for a board member or employee to use a reportable gift 'as their own' at the behest of the Board.

Applications for 'public interest approval' will be determined by the board (for board members and the CEO) or the CEO (for employees) in accordance with the following criteria:

approval is required to avoid the person being in breach of this policy through no fault of their own; or prior written approval has been granted, in accordance with **item 5.1** of this policy, for sponsored hospitality to be accepted in relation to a conference or familiarisation tour; or

The reason(s) for any public interest approval that is granted must be well documented, attached to the gift offer declaration form, and recorded in the gifts register.

## 12 GIFT OFFER DECLARATION FORM

The gift offer declaration form is set out in **Appendix 1** of this policy. The CEO must have processes in place for the lodging and processing of gift offer declaration forms.<sup>7</sup>

## 13 GIFT REGISTER

A Register of responses to reportable gift offers ('gifts register') must be maintained that includes a record of:

- all **reportable** gift offers and responses (based on completed gift offer declaration forms); and
- if the gift offer was accepted, how the gift will be used or disposed of by ZV.

The gifts register template (**Appendix 2**) contained the sort of information to be recorded.

The CEO must have processes in place for ensuring that the register is up-to-date; is protected from unauthorised changes, and is published on ZV's external website (**item 14**).<sup>8</sup> This includes designating employee position(s) whose occupant(s) manage these functions.

## 14 CHANGES TO GIFT DECLARATION

If changes are declared at meeting, these will be noted in the minutes, together with the undertaking to lodge a gift offer declaration form within 5 working days of the declaration at the meeting.

## 15 PUBLISHING GIFT REGISTER AND PRIVACY PROTECTION

A copy of the gifts register that complies with privacy obligations must be published on the ZV's external website. It should be updated at least every six months. Entries should remain on the website for at least the current and previous financial year.<sup>9</sup>

The CEO must have processes in place to ensure that ZV complies with the Privacy and Data

<sup>6</sup> Consistent with Minimum accountability 3 of the framework (2016).

<sup>7</sup> Note that completed declaration forms must be retained in accordance with the *Public Records Act 1973*.

<sup>8</sup> Consistent with Minimum accountability 9 of the framework (2016).

<sup>9</sup> To assist readers, the 'de-identified' copy of the gifts register should be located with the privacy collection statement (item 14) and copy of this policy and guidance for external stakeholders (item 16.4) on the website.

Protection Act 2014 when collecting, using and disclosing personal information in relation to gift offers on the register.

This includes ensuring that:

- identifying information is deleted from the copy of the gifts register that is published on ZV's external website; and
- a Privacy collection statement - gift offers published on the website.<sup>10</sup>

## 16 ANNUAL REPORTING

The administration and quality control of ZV's policy and processes, including the gifts register and gift offer declaration forms, must be subject to regular scrutiny.<sup>11</sup>

### **Annual report by CEO to Audit, Risk management and Compliance Committee**

The CEO must provide a report at least annually to the Audit committee that includes the matters set out in **Appendix 3** in relation to:

- risk analysis;
- steps taken to improve compliance; and
- recommendations for improvement.

### **Annual report by the Audit, Risk management and Compliance Committee to the Board**

The Audit committee must submit a report at least annually to the Board that takes into account the CEO's report and includes any other information or recommendations that the Audit committee chooses to include.

## 17 PROMOTING, IMPROVING COMPLIANCE

### **Establish business rules**

The CEO must have suitable business rules, processes, and record-keeping requirements in place for the practical implementation of this policy.<sup>12</sup>

### **Induction and refresher training for board members and employees**

The chair (for board members and the CEO) and the CEO (for employees) must ensure that all board members and employees receive induction training and annual refresher training, including:

- information about the aim, principles, accountabilities, and requirements of this policy;
- practical guidance on how to comply with it (e.g. where to obtain gift offer declaration forms, how to refuse a gift without giving offence, etc.); and
- advice that a breach of this policy may constitute a breach of a binding code of conduct and may result in disciplinary action and, in the case of corrupt conduct, criminal prosecution.<sup>13</sup>

A copy of ZV's policy and related practical guidance must be provided to each board member and employee when they commence their term of appointment/ employment. Updates to the policy

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<sup>10</sup> Privacy collection statement - gift offers is available from [www.zoo.vic.gov.au/purchasing](http://www.zoo.vic.gov.au/purchasing).

<sup>11</sup> Consistent with Minimum accountability 12 of the framework (2016).

<sup>12</sup> Consistent with Minimum accountability 8 of the framework (2016).

<sup>13</sup> Consistent with Minimum accountability 10 of the framework (2016).

and related guidance must be provided as soon as practicable after they occur.<sup>14</sup>

### **Contracts for ‘in house’ contractors and consultants**

All contracts for ‘in house’ contractors and consultants (including those engaged through an agency) must explicitly state that the contractor or consultant is bound by this policy and by Zoo Victoria Staff Code of Conduct<sup>15</sup>.

### **External stakeholders (tenderers, suppliers, external contractors, etc.)**

All contracts for suppliers and external contractors must ensure that the contract can be revoked (or renegotiated) by ZV if the supplier or external contractor offers a prohibited gift to a board member or employee.

The CEO must have processes in place to ensure that external stakeholders have ready access to information that explains the prohibitions and restrictions in this policy. This includes ensuring that:

- an up-to-date copy of this policy is published on ZV’s external website;<sup>16</sup> and
- suitable guidance material is:
  - included in information packages for prospective tenderers and suppliers;
  - provided directly to all suppliers and external contractors, with regular reminders thereafter; and
- published on ZV’s website, [www.zoo.org.au/purchasing.20](http://www.zoo.org.au/purchasing.20)

### **Remedial action**

The CEO must have processes in place to ensure that patterns of frequent or prohibited gift offers are identified and, where appropriate, remedial action is taken - e.g. a letter is sent to the source of the offers explaining why such offers must not be made.

## **18 ENSURE CULTURE OF INTEGRITY**

It is essential that board members, employees, and external stakeholders are supported to raise queries and issues about gift offers, including queries and issues relating to their own conduct or that of others.

### **Assistance with making decisions**

A Board member or employee who is uncertain about how to comply with this policy should seek advice from their responsible person. This does not abrogate their responsibility to make the right decision.

### **Possible breach of this policy**

A board member or employee who may have breached this policy must immediately notify the responsible person and remedy any breach.

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<sup>14</sup> Consistent with paras 5.2.1 and 5.2.3 of the framework (October 2016).

<sup>15</sup> This includes the contracts for all contractors or consultants who supervise employees and undertake work similar in nature to the work undertaken by employees of ZV at its premises and/or use or have access to ZV’s resources or information not normally accessible or available to the public.

<sup>16</sup> Consistent with Minimum accountability 13 of the framework (2016). <sup>20</sup> Consistent with Minimum accountability 11 of the framework (2016).

### Speaking up

A board member or employee who believes that another board member/employee may have breached this policy must approach the other person, to give them the opportunity to notify the responsible person and remedy any breach; or notify the responsible person directly.

If the matter involves corruption or serious misconduct, the board member or employee can choose to instead report the matter to IBAC as a protected disclosure.<sup>17</sup> Decisive action, including possible disciplinary action, will be taken against any board member or employee who discriminates against or victimises a person who speaks up in good faith about a possible breach of this policy.

## 19 OBLIGATIONS, RELATED POLICIES AND GOOD PRACTICE

Board members and employees must act in accordance with their respective obligations and with good public sector governance practice, including:

- the establishing Act, being [Zoological Parks and Gardens Board Act 1995;
- the Public Administration Act 2004 ('PAA');<sup>18</sup>
- binding codes and accountabilities issued by the Victorian Public Sector Commission, in particular:
  - Code of Conduct for Directors of Victorian Public Entities ('Directors Code of Conduct'); and
  - Minimum accountabilities for managing gifts, benefits and hospitality per the Victorian Public Sector Commission (VPSC) Gifts, Benefits and Hospitality Framework notated as "framework (2016)" in the reference.
- Government policies
- ZV Board Code of Conduct
- ZV Staff Code of Conduct
- any directions, guidelines and/or statements of obligation or expectation issued by the Minister; and
- all other laws and obligations that bind ZV.<sup>19</sup>

## 20 ASSISTANCE WITH THIS POLICY

The CEO must designate an employee position whose occupant manages (or acts as) an 'advisor' to provide responsible persons and other board members and employees with a central point from which to obtain advice and guidance materials or refer issues to our department for advice.

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<sup>17</sup> Making a 'complaint' to IBAC under the Protected Disclosures Act 2012 gives legal protection to the person making it that their identity will remain confidential and they will be protected from reprisals.

<sup>18</sup> In particular:

- s 7: public sector values (i.e. integrity, impartiality, accountability, respect, responsiveness, human rights, leadership);

- s 79: 'duties of directors' (board members);

- s 81(1)(g): requirement to have an adequate gifts policy in place for board members.

<sup>19</sup> For example, the requirement in the 'Instructions supporting the Standing Directions of the Minister for Finance 2016' for agencies which are subject to the *Financial Management Act 1994* to have policies and procedures in place in relation to gifts, benefits and hospitality – see Instruction 2.1(i) and Direction 3.4(e).

## 21 APPENDIX 1 - GIFT OFFER DECLARATION FORM

### Gifts, Benefits and Hospitality Declaration Form

Recipient	
Date of offer	Click to enter a date.
Offer to (name of staff)	Click to enter text.
Title and role	Click to enter text.
Department	Click to enter text.
Gift/ Hospitality Offer	
Offered by (name of person)	Click to enter text.
Title and role	Click to enter text.
Organisation	Click to enter text.
Reason for the gift/ hospitality	Click to enter text.
Description of the gift or hospitality	Click to enter text.
If hospitality, give place and address	Click to enter text.
The estimated value of this gift/ hospitality	Click to enter text.
The recipient needs to complete	
Is the organisation providing the benefit, a current supplier of ZV? If Yes, what was <b>the total of purchases in the last 12 months?</b>	Click to enter text.
If it is a current supplier, provide steps that are implemented to ensure there is no conflict of interest (real, potential or perceived) for the staff to attend.	Click to enter text.
First Time Offer <input type="checkbox"/>	Precious offer(s) within the last 12 months by this individual for the financial year <input type="checkbox"/>
Cumulative value of gifts offered by this individual within the last 12 months of the financial year	Click to enter text.
Is this a prohibited gift? <sup>20</sup>	Choose an item.
The decision regarding gift?	Choose an item.
Give a reason for retained or declined the gift.	Click to enter text.
If the gift is retained, state how the gift is used.	Click to enter text.
Details gift/ hospitality given to staff (You can also attach a list to this form).	Click to enter text.
Recipient Declaration	
Signature of recipient	
Date	Click to enter a date.
Approved by recipient's Director	
Signature of recipient	
Name	Click to enter text.
Date	Click to enter a date.

<sup>20</sup> Refer to the Gift, Benefits and Hospitality Policy for details.

## 22 APPENDIX 2 – ANNUAL REPORT TO AUDIT COMMITTEE

The CEO's annual report to the Audit committee (*item 15.1*) must, at a minimum, include the following information:

### A. Risk analysis

Sources, type, and targeting of gift offers (patterns and anomalies)

Reportable gifts: an analysis of patterns and anomalies in the gifts register, including an overview of:

- i Gifts offered: the types and value range of gifts offered, in particular:
  - main sources (organisations and individuals) of high value and/or frequent offers;
  - which areas of ZV and which positions (chair, board member, CEO, other employee positions) were subject to high value and/or frequent offers; and
  - patterns in areas identified by the Audit committee for high scrutiny (e.g. tendering and procurement).
- ii Prohibited gifts: the level, nature and sources of prohibited gifts offers.
- iii Acceptance of gifts: the total number, value, and percentage of gift offer accepted v. refused.
- iv Use and disposal: how ZV used or disposed of the gifts it received.
- v Bribes: any reports of suspected bribery attempts.

Token gifts: to the extent, if any, that the Audit committee requires, an analysis of token gift offers - e.g. some or all of (i) to (iii) above - in particular, prohibited token gift offers.

Level of compliance with policy

An overview of the estimated level of compliance with this policy, including:

- i Whether there are fewer entries in the gifts register than would reasonably be expected given the size and functions of ZV.
- ii Based on research conducted (e.g. surveys and focus groups with board members and employees; random and targeted spot checks with current/recent suppliers and external contractors, etc.), the estimated level of failure to:
  - disclose reportable gifts by lodging a gift offer declaration form;
  - disclose token gifts by emailing the responsible person;
  - refuse prohibited gifts.

### B. Steps taken to improve compliance (risk mitigation measures)

An overview of steps taken in the last year to improve compliance with this policy, including:

- i substantive changes to business rules, processes and record-keeping requirements;
- ii activities to promote awareness of, and improve compliance with, this policy, noting whom the activities were directed to (i.e. board members, employees and/or external stakeholders);
- iii remedial action is taken to address patterns of frequent or prohibited gift offers (e.g. letters to offerors); and
- iv progress in implementing any recommendations made to, and accepted by, the Audit Committee and/or board.

### C. Recommendations (future improvements)

New recommendations, if any, for:

- i improving compliance with this policy; and/or
- ii updating this policy and related business rules, processes and record-keeping requirements.

## 23 APPENDIX 3 - FLOWCHART RESPONDING TO GIFT OFFERS

Have you received a gift offer as a result of your role with ZV?

**'GIFT' includes:**

- **items or services** (e.g. chocolates, bottle of wine, commemorative object, calendar, door prize)
- **benefits** (e.g. promise of a new job)
- **hospitality that exceeds common courtesy.** ('Hospitality' includes food, drink, travel, accommodation, events or activities – e.g. sporting, social, industry, arts or entertainment. 'Common courtesy' is polite, basic and modest. It does not raise a conflict of interest. Whether an offer exceeds common courtesy depends on what is offered, by whom, to whom, when, why.)

Yes

Policy applies

No (hospitality does not exceed common courtesy)

Policy does not apply

Is it a prohibited gift?

- Is it **money** or is similar to money (e.g. gift vouchers) or easily converted into money (e.g. shares)?
- **Is it a conflict of interest** (real, potential or perceived)? – e.g. offered by an external source with an interest in a decision that you are likely to make or can influence (e.g. tender process; procurement of goods/services; awarding of a grant or sponsorship; setting of policy; enforcement, licensing or regulation; contracts).
- Could it in any other way create a **reasonable perception** that it is offered to influence, or could influence, your judgement (i.e. how you act, or fail to act, now or in the future)?
- Could it in any other way bring your integrity, or that of ZV, into disrepute?

Yes

**It is prohibited**

- Refuse the gift.
- Disclose offer to your 'responsible person' for employees; chair for board members and the CEO) as follows:
- Token offers by email
- Reportable offers verbally and by lodging a gift offer declaration form.

Yes – it is 'reportable'

Is there a 'legitimate business reason' to accept the offer?

No

Yes

**'Reportable' obligations**

- You can either refuse or accept the gift.
- Regardless, you must inform your 'responsible person' and disclose the offer by lodging a gift offer declaration form.
- If you accept the offer, ZV is the owner of the gift, not you.

No

**Token or reportable?**

- Does the combined total of offers to you from this source in the last 12 months exceed \$50?  
OR
- Regardless of value, is the gift offered of cultural, historical or other significance?

No – it is 'token'

**'Token' obligations**

- You can either refuse or accept the gift.
- Regardless, you must disclose the offer by email to your 'responsible person' and keep a copy of it.
- If you accept the gift, you can keep it as your own.

Note that information about reportable gift offers is published (de-identified) on the ZV's website.