

East Gippsland Catchment Management Authority

Gifts and Benefits & Hospitality Procedure

SPONSOR: Peter Quilligan

REVIEWED: September 2017

TITLE: Corporate Services Manager

REVIEW DATE: September 2018

PURPOSE

To define for all employees, including board and sub-committee members, procedures to support the Authority's policy for the receipt and provision of gifts, benefits and hospitality.

OBJECTIVE

The objective of this procedure is to minimise gift offers made to, and prohibit acceptance by, board members and employees. This helps to protect and promote public confidence in the integrity of the Authority.

Gift offers are discouraged and must not be accepted.

SCOPE

This procedure sets out the agency's standards and procedures for responding to gift offers. It applies to all board members and employees (i.e. senior executives and other staff, including 'in house' contractors and consultants).

KEY PRINCIPLES & ACCOUNTABILITIES

The key principles are:

Obligations: board members and employees act in accordance with their respective obligations and with good public sector governance practice.

Public interest: board members and employees act in the public interest.

Culture of integrity: the agency fosters a culture of integrity. Board members and employees are supported to raise any unresolved gifts issues.

Risk-based: the agency's risks in relation to gift offers are assessed, managed, and monitored.

Processes: the agency's procedures are transparent and accountable. Processes are in place to ensure that board members and employees are aware of the requirements of this procedure and how to comply with it.

Consistency with DELWP model policy

The Authority's policy and procedure is consistent with the [DELWP model policy](#) on *Gifts, benefits and hospitality – responding to gift offers*, which is published by the Department of Environment, Land, Water and Planning ('DELWP')

Accountabilities

Board members and employees are responsible for ensuring that their own conduct meets the required standards of integrity. They place the public interest above their own interests when carrying out their official duties. This includes declaring all gift offers in accordance with this procedure and refusing all gift offers.

The chair, the chief executive officer ('CEO'), and employees with direct reports are responsible for being aware of, and monitoring, the risks inherent in their team's work and functions. They model good practice and promote awareness of this procedure and related processes.

BACKGROUND

Board members, sub-committee members and all other employees of the Authority could be subject to offers of gifts, benefits and hospitality in the course of their normal duties. This procedure ensures that the Authority has a transparent and consistent policy framework that fulfils the requirements and accountabilities outlined in the Gifts, Benefits, and Hospitality Policy Framework issued by the Victorian Public Sector Commission.

DEFINITIONS

Gift 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 the Authority. It includes free/discounted:

- **items or services**, for example, 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** such as preferential treatment, privileged access, favours or other advantages or intangibles, for example, access to a discount or loyalty program, or the promise of a new job
- **hospitality that exceeds common courtesy**. 'Hospitality' is the friendly reception and treatment of guests. It includes offers of food, drink, 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

The following offers do not exceed common courtesy. They are **not a gift offer** and do not need to be disclosed under this procedure:

- a cup of coffee at another organisation's premises
- a modest working lunch, such as sandwiches and pastries, at another organisation's premises
- a cup of coffee at a café (unless there is a conflict of interest).

Example – gift offer

The following offers exceed common courtesy. They are a **gift offer** and must be disclosed under this procedure:

- a 'fine dining and wines' working lunch at another organisation's premises
- an offer to pay for a working lunch at a café
- an offer of a free spot at an industry golf day.

Direct or indirect

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, other relative).

Is the gift offer ‘token’ or ‘reportable’?

A gift offer that is made by an external source is either ‘token’ or ‘reportable’:

- Token – 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 – the gift offer exceeds the token value OR is of cultural, historic or other significance.

Example – exceeds token value

If a board member or employee is offered a \$20 bottle of wine three times by the same source in 12 months, the 3rd offer makes a cumulative total of \$60. This exceeds the \$50 threshold. The 3rd offer is therefore reportable, *even if none of the offers are accepted*. What counts is the total offered in the last 12 months.

Example – other significance

A gift offered by a visiting delegation, such as a delegation from another country, is reportable, regardless of its monetary value. Even if it is not of cultural or historic significance, it is of ‘other’ significance.

Conflict of interest

A ‘conflict of interest’ means a conflict between a board member’s or employee’s public duty to act in the best interests of the Authority 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 the Authority, now or in the future.

Bribe

A ‘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.

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 procedure and how to comply.

	Responsible Person
Employee	CEO
Board member or CEO	Chair
Chair	Deputy chair [<i>or if none exists: ‘board member appointed by the board’</i>]. Where appropriate, the chair should also seek advice from the Minister and/or DELWP.

Prohibited gifts

The Authority has determined that all gifts are prohibited. This determination overrides the the minimum DELWP model policy requirements. The requirements to record gift offers still apply.

A board member or employee must refuse any gift offer that:

- is **money** or is similar to money (e.g. gift vouchers) or easily converted into money (e.g. shares)
- is a **conflict of interest** (real, potential or perceived) – e.g. is offered by an external source with an interest in a decision that the board member or employee is likely to make or can influence, including in relation to:
 - procurement of goods or services
 - tender processes
 - awarding of a grant or sponsorship
 - setting of policy
 - enforcement, licensing or regulation; or
 - contracts.
- 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)
- is inconsistent with **community expectations**; or
- could in any other way bring their **integrity**, or that of the Authority, into disrepute.

Gift offers of hospitality

Board members and employees must be particularly mindful of not accepting gift offers of hospitality (i.e. food, drink, travel, accommodation, events or activities). Gift offers of hospitality are often inconsistent with community expectations. There is also a high risk of conflict of interest.

In particular, note that:

- **High risk events and activities**

Invitations to attend or participate in a sporting, social, 'industry', arts, entertainment, or other event or activity are high risk. Examples of gift offers that must be refused include:

- attend as a guest in a corporate box at the football or at a car or horse racing event
- attend a concert or theatre event
- attend an industry golf day or play golf at a reduced fee
- be 'shouted' a meal at a restaurant; or
- accept complimentary or discounted tickets for a family member to attend the tennis.

- **Conferences and familiarisation tours**

Gift offers in relation to conferences or familiarisation tours (e.g. sponsored attendance, participation, travel, or accommodation) 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 the Authority, or, depending on the circumstances, the offeror is a peak body; 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 and noted in the gifts register.

Recording prohibited gift offers

To assist the Authority 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.

Misuse of position

Accepting a prohibited gift offer may constitute misuse of a board member's or employee's position, a breach of Authority 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 or other form of corruption and lead to criminal prosecution.

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 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.

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.

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 procedure 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.

Token gift offers

A board member or employee who is offered a gift of **token value** (as defined above) that is not a prohibited gift must refuse the gift offer.

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. The board member or employee who receives the offer must send an email to the responsible person that sets out:
 - the 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 the offer was accepted or refused.

A gifts declaration form does not need to be completed. Nor does the gifts register.

Example – refusal of token gift

‘On 13 December 2017, I received a gift offer from Murks and Co. of a desk calendar. It was offered as ‘a Christmas good will gift’. I estimate the value of the desk calendar to be \$20. I estimate the combined total of gift offers I have received from this source in the last 12 months to be \$45. It was a prohibited gift as it is a conflict of interest - Murks is a prospective tenderer about whom I am likely to make or can influence a decision. I refused the offer and explained why to the rep.’

Keeping track of token gift offers

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

Reportable gift offers

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

- verbally disclose the offer to the responsible person as soon as practicable; and
- within five working days of the offer, sign and lodge a properly completed gift offer declaration form.

All gift offers **must** be refused.

Gift offer declaration form

The gift offer declaration form is set out in **Appendix 1** of this procedure. The CEO must have processes in place for the lodging and processing of gift offer declaration forms.

Gifts 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

The gifts register template is set out in **Appendix 2**.

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 the Authority's external website. This includes designating employee position(s) whose occupant(s) manage these functions.

In addition:

- **Employees**

The CEO must ensure that employees are provided with regular reminders of the need to lodge gift offer declaration forms

- **Board members**

At the start of each board meeting, the chair must ask all board members present to state whether their entries in the gifts register are complete and correct. If there are no changes, the minutes will note that:

'All board members present confirmed that their entries in the Register of *responses to reportable gift offers* are complete and correct'.

If changes are declared, these will be noted in the minutes, together with the board member's undertaking to lodge a gift offer declaration form within five working days

- **Publishing of gifts register on external website**

A copy of the gifts register that complies with privacy obligations (see next item) must be published on the Authority'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.

Privacy protection

The CEO must have processes in place to ensure that the Authority complies with the *Privacy and Data Protection Act 2014* when collecting, using, and disclosing personal information in relation to gift offers (token and reportable). This includes ensuring that:

- identifying information is deleted from the copy of the gifts register that is published on the Authority's external website, as set out in **Appendix 2**; and
- a *Privacy collection statement - gift offers* is published on the website that is consistent with the [template statement](#) issued by DELWP.

Monitoring compliance

The administration and quality control of the Authority's policy and processes, including the gifts register and gift offer declaration forms, must be subject to regular scrutiny.

Annual report by CEO to Audit 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 Audit committee to 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.

Promoting and improving compliance

To promote and improve compliance with this procedure:

- **Business rules**

The CEO must have suitable business rules, processes, and record-keeping requirements in place for the practical implementation of this procedure.

- **Induction and refresher training – 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 procedure;
- 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 procedure 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.

A copy of the Authority's policy and procedure 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, procedure and related guidance must be provided as soon as practicable after they occur.

Summary flow chart

To assist employees and board members, a flowchart of how to respond to gift offers is set out in **Appendix 4**.

- **Gifts hub – board members and employees**

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

- **Contracts for 'in house' contractors and consultants**

All contracts for 'in house' contractors and consultants (including those engaged through an employment Authority) must explicitly state that the contractor or consultant is bound by this procedure and by the [*Code of Conduct for Victorian Public Sector Employees*](#).¹

- **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 the Authority 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 procedure. This includes ensuring that:

- an up-to-date copy of this procedure is published on the Authority's external website; 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 the Authority's website.

- **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.

¹ This includes the contracts for all contractors or consultants who:

- supervise employees of this agency;
- undertake work similar in nature to the work undertaken by employees of this Authority at a premises or location generally regarded as a workplace of this Authority; and/or
- use or have access to the Authority's resources or information not normally accessible or available to the public.

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 how to comply with this procedure should seek advice from their responsible person. They can also seek advice from the Board Secretary, HR and Administration Coordinator. This does not abrogate their responsibility to make the right decision.

- **Possible breach of this procedure**

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

- **Speaking up**

A board member or employee who believes that another board member/employee may have breached this procedure 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.

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 procedure.

Obligations and good practice

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

- the *Catchment and Land Protection Act 1994 Act*
- the *Public Administration Act 2004*;²
- 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')
 - [Code of Conduct for Victorian Public Sector Employees](#); and
 - [Minimum accountabilities for managing gifts, benefits and hospitality](#);³
- government policy

² 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 13A: requirement to provide information to the Secretary of DELWP;
- s 81(1)(b): duty to inform the minister and the Secretary of DELWP of major risks to agency;
- s 81(1)(g): requirement to have an adequate gifts policy in place for board members.

³ The minimum accountabilities are incorporated into DELWP's model policy, which this agency's policy is consistent with.

- any directions, guidelines and/or statements of obligation or expectation issued by the Minister; and
- all other laws and obligations that bind the Authority.

Regular review of this procedure

The board will review this procedure on an annual basis or more frequently, if required, to keep up-to-date with changes to laws, government policy, etc. This procedure should be consistent with the most recent version of the DELWP model policy.⁴

Further information

For further information see the [Gifts, benefits and hospitality](#) support module in the [Governance guides and resources](#) section of DELWP's governance website, **On Board** (www.delwp.vic.gov.au/onboard). It includes the DELWP model policies and DELWP guidance notes, plus direct links to this topic on the VPSC website.

REFERENCES, RELATED DOCUMENTS AND LEGISLATION

- Authority's Gifts, Benefits & Hospitality Policy
- Authority's Gifts Register
- Authority's Conflict of Interest Policy
- Authority's Purchasing Policy
- Authority's Privacy Policy
- Authority's Board Charter
- Authority's Administration & Finance Policy
- Authority's Travel and Associated Expenses Procedure
- DELWP's model policies and guidance notes
- Victorian Public Sector Standards Commission Gifts, Benefits and Hospitality Framework (the framework)
- Victorian Public Sector Commission (VPSC) - Code of Conduct for Victorian public sector employees and directors
- Department of Environment, Land, Water and Planning (DELWP) Guide to Good Governance – board members
- VPSC- Directors' Code of Conduct and guidance notes
- *Catchment and Land Protection Act 1994*
- *Water Act 1989*
- *Public Administration Act 2004..*

⁴ See item 3 of this procedure, including footnote 1.

Appendix 1 – Gift offer declaration form

How to fill out this form

The information that you provide in this form will be entered into the *Register of responses to reportable gift offers* ('gifts register'). A de-identified copy of the register is published on the Authority's external website <http://www.egcma.com.au/about-us/303/>

For assistance in filling out this form contact your 'responsible person' – i.e. line manager (for employees), chair (for board members and the CEO), or deputy chair [*or 'board member appointed by the board'*] (for the chair).

For the definition of a 'reportable gift offer' and to decide whether a gift is 'prohibited' refer to the Authority's procedure on *Gifts, benefits and hospitality*. For a quick overview, see the 'summary flowchart' in Appendix 4 of the procedure.

A copy of the procedure and related guidance is available on the Intranet. The procedure is also published on the Authority's website www.egcma.com.au

How to lodge this form

Completed Gift Offer declaration forms are to be submitted to the relevant Responsible Person.

1. Date of offer (insert)

2. Source of offer

- (i) Organisation (or individual stakeholder):
- (ii) Name and title of person making offer:
- (iii) Type of organisation:

(e.g. supplier, prospective tenderer, industry stakeholder with commercial interest, not-for-profit stakeholder, etc.)

3. Description of gift offered (insert)

4. Value

Do you believe that the gift offered may be of cultural, historic or other significance?

Yes No

Estimated value of gift offered: \$

Have you received any other gift offers from this source in the last 12 months? Yes No

If yes, estimate the total value of gift offers you have received from this source in the last 12 months: \$

5. Prohibited?

Accepted or declined?

The gift offer was: declined OR accepted **on behalf of the Authority**

Comments (if any)

Signed and dated declaration

I confirm that the information I have provided is true and correct.

Name:

Title

Signature: _____

Date:

Noted I have noted the contents of the above declaration.

Name:

Title

Signature: _____

Date:

Office use:

A. Gifts register: confirmation that the register has been updated.

B. Remedial action: any remedial action to be taken (e.g. letter to frequent offer or about policy requirements).

C. Accepted gifts: if the gift was accepted:

- (i) how the Authority will use or dispose of the gift in accordance with the policy and supporting procedures;
- (ii) if the gift (or its proceeds) are being donated, details of the organisation receiving the donation; and
- (iii) signature (dated) of the person(s) authorising these decisions, including their name and title/position no.

D. **Assets register:** confirmation that, if applicable, the assets register has been updated

Appendix 2 – Register of responses to reportable gift offers

The template for the *Register of responses to reportable gift offers* is as follows. When publishing the register on the Authority’s website delete all identifying information.

A	B	C	D	E	F	G	H	I	J	K	L
Entry no.	Date gift offered	Offeror	Offeror number	Prohibited gift? If so, why?	Board member or employee to whom the gift was offered	Description of gift offered	Cultural, historic or other significance?	Est. value of this offer	Est. combined value	Was the gift accepted or declined?	Any relevant: (1) Comments (2) Remedial action.
#/year		Include: (i) Name of offeror (organisation offering gift). (ii) Name and title of person making offer on behalf of offeror. (iii) Type (e.g. supplier; prospective tenderer; industry stakeholder with commercial interest; ‘not for profit’ stakeholder; etc.). When publishing on website delete all information	The ‘offeror number’ is assigned to an organisation the first time that an offer it makes is recorded in the register remains the same for every reportable offer made by that organisation enables gift patterns to be identified when the register is published on the internet.	All gifts are prohibited When publishing on website delete any identifying information.	Include: (i) name (ii) title/position no. (iii) type – i.e. board member, executive, or employee <i>[Other data can also be required e.g. ‘division’]</i> When publishing on website delete all information in this column EXCEPT do not delete (iii) board member, executive, or	When publishing on website delete any identifying information.	Note that: All gifts of cultural, historic, or other significance are reportable, regardless of their monetary value. Any gift from a visiting delegation or any other official gift is of ‘significance’. When publishing on website delete any identifying	Est. \$ value of this gift offer.	Est. total \$ value of all gift offers from this source to the board member or employee in last 12 months.	When publishing on website delete any identifying information.	(1) Note any relevant comments, including by whom made. (2) Note any remedial action that has been or will be taken additional to that noted in comments. When publishing on website delete any identifying information, for example, substitute: offeror number for offeror’s name ‘board member’ for name and details of chair or board member ‘executive’ for

A	B	C	D	E	F	G	H	I	J	K	L
Entry no.	Date gift offered	Offeror	Offeror number	Prohibited gift? If so, why?	Board member or employee to whom the gift was offered	Description of gift offered	Cultural, historic or other significance?	Est. value of this offer	Est. combined value	Was the gift accepted or declined?	Any relevant: (1) Comments (2) Remedial action.
		in this column EXCEPT do not delete (iii) 'type of organisation'.			employee.		information.				name and details of CEO or other executive 'employee' for name and details of employee.
01/17	9.12.16	Takem Pty Ltd John Smith, Marketing officer (Supplier)	55	All gifts are prohibited	Anita Green Senior Purchasing Officer (Employee)	Christmas hamper	No	\$70	\$85	Declined	'Explained was prohibited gift as I am a purchasing officer. Directed supplier to info on website.' (Anita Green)
02/17	20.4.17	Water Steady Pty. Ltd Alex Hutton, Director (Industry stakeholder)	63	All gifts are prohibited	Charles Pink Board member (Board member)	Lunch at a cafe	No	\$45	\$70	Declined	'AH wanted to discuss green paper "over lunch at Mimi's, my shout". (Charles Pink)

A	B	C	D	E	F	G	H	I	J	K	L
Entry no.	Date gift offered	Offeror	Offeror number	Prohibited gift? If so, why?	Board member or employee to whom the gift was offered	Description of gift offered	Cultural, historic or other significance?	Est. value of this offer	Est. combined value	Was the gift accepted or declined?	Any relevant: (1) Comments (2) Remedial action.
03/17	10.5.17	South Pacific Nations Sustainability Alliance Lyn Tan, Head of delegation (Visiting international delegation)	64	All gifts are prohibited	Francine Gold Chair (Board member)	Wall clock made of sustainably harvested timbers sourced from South Pacific.	Yes.	\$500	\$500	Declined	
04/17	9.7.17	Takem Pty Ltd Andrea Honey, Marketing officer (Supplier)	55	All gifts are prohibited	James Fry Manager, Purchasing (Employee)	Free ticket to 'Office of the Future' trade exhibition (where offeror has a stand).	No	\$65	\$65	Declined	'Explained prohibited gift. (James Fry) 'Supplier has pattern of prohibited offers. Suggest remedial action' (Bob Ng – responsible person) Remedial action: letter sent to CEO on 28.5.16
05/17	12.9.17	Birchup Ltd Sandra Sutton, Managing	32	All gifts are prohibited	John Black CEO (Executive)	Attendance for two at AFL Grand Final in corporate box.	No	\$450	\$450	Declined	'Explained prohibited gift. Sent guidance materials by email dated

A	B	C	D	E	F	G	H	I	J	K	L
Entry no.	Date gift offered	Offeror	Offeror number	Prohibited gift? If so, why?	Board member or employee to whom the gift was offered	Description of gift offered	Cultural, historic or other significance?	Est. value of this offer	Est. combined value	Was the gift accepted or declined?	Any relevant: (1) Comments (2) Remedial action.
		Director (Industry stakeholder, commercial interests)									14.9.16' (John Black)
06/17	10.9.17	Green Growth Forums Sally Bower, Director, Education (Not for profit. Regional collective of environment agencies)	44	All gifts are prohibited	Jan Baker Executive Director, Sustainable Growth Division (Employee)	Box of chocolates	No	\$25	\$55	Declined	'Gift offered for presenting at 2 nd forum this year. Explained could not accept this offer.. (Jan Baker)

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Appendix 3 – Annual report to Audit committee

The CEO's annual report to the Audit committee 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 the Authority 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 offers accepted v. refused.
- (iv) Use and disposal: how the Authority 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 procedure

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

- (i) Whether there are fewer entries in the gifts register than would reasonably be expected given the size and functions of the Authority.
- (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 the Gifts, Benefits and Hospitality policy and procedure, including:

- (i) substantive changes to business rules, processes and record-keeping requirements;

- (ii) activities to promote awareness of, and improve compliance with, this procedure, noting who the activities were directed to (i.e. board members, employees and/or external stakeholders);
- (iii) remedial action 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 procedure; and/or
- (ii) updating this procedure and related business rules, processes and record-keeping requirements.

Appendix 4 - Flowchart

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

'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

No (hospitality does not exceed common courtesy)

Procedure does not apply

Procedure applies

Is it a prohibited gift?

- All gifts are prohibited

Yes

It is prohibited

- Refuse the gift.
- Disclose offer to your 'responsible person' (line manager 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.

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