Conflict of Interest - Gifts, Benefits and Hospitality Procedure

Section 1 - Summary

(1) This Procedure outlines Victoria University's (VU) process, when:

a. responding to offers of gifts, benefits and hospitality; and
b. providing gifts, benefits and hospitality.

(2) This Procedure assists VU to maintain a high level of integrity and public trust and supports staff members to avoid actual, potential and perceived conflicts of interest. It should be read in conjunction with the Appropriate Workplace Behaviour Policy and Delegations and Authorisations Policy.

Section 2 - Scope

(3) This Procedure applies to all Staff members of the University, which includes volunteers, contractors, consultants or labor hire employees required as part of their contract to comply with the policy; visiting academics, honorary, adjunct and exchange staff.

(4) It also applies to the Council members and members of its committees.

(5) This Procedure does not relate to the consideration and acceptance of philanthropic gifts covered in the Philanthropic Gift Acceptance Policy.

Section 3 - Policy/Regulation

(6) Conflict of Interest Policy

Section 4 - Procedures

Part A - Roles and Responsibilities

Roles	Responsibility
All Staff	Contribute to a positive organisational culture through the open and transparent identification of conflicts of interest and gifts, benefits and hospitality. Behave honestly and with integrity in accordance with the Appropriate Workplace Behaviour Policy, Conflict of Interest Policy and this Procedure. Declare all reportable offers of gifts, benefits and hospitality. Responsibly provide gifts, benefits and hospitality.
Audit and Risk Committee	Set and promote a positive organisational culture through the open and transparent identification of conflicts of interest and gifts, benefits and hospitality reporting. Receive the Gifts, Benefits and Hospitality Register annually for oversight and monitoring.

Roles	Responsibility
Vice-Chancellor's Group (VCG)	Set and promote a positive compliance culture, promoting awareness and modelling good practice by behaving honestly, with integrity and impartiality.
Executive Director Procurement and Finance Operations	Promote a positive compliance culture, modelling good practice by behaving honestly and with integrity. Monitor the Gifts, Benefits and Hospitality Register for oversight of supplier behaviour and compliance with the Purchasing Policy. Establish and communicate VU's position to suppliers on the offering of gifts, benefits and hospitality to VU staff, including possible consequences for acting contrary to VU requirements.
Supervisors and Managers	Model good practice and promote awareness of this Procedure. Approve reportable offers of gifts, benefits and hospitality. Oversee compliance of direct reports with this Procedure.
Risk and Compliance	Maintain the University's Gifts, Benefits and Hospitality Register. Report to the Audit and Risk Committee annually for oversight and monitoring. Monitor risks as they emerge during the declaration process and raise risks to the relevant Vice-Chancellor's Group member.
Finance	Provide advice to individual staff in relation to FBT implications of gifts provided to staff.
Major Partnerships	Provide advice to individual staff in relation to gifts, benefits or hospitality which form part of an existing Sponsorship, Partnership or Membership Agreement.

Part B - Management of offers of gifts, benefits and hospitality

(7) VU acknowledges while some Gifts, Benefits and Hospitality may be an acceptable and required part of conducting business, all staff should consider whether the acceptance of any gift benefit or hospitality may result in a perceived conflict of interest in future decision making activities (ie procurement, recruitment) relating to their position at VU.

(8) The Acceptance of Gifts, Benefits and Hospitality Decision Flowchart provides an overview of what VU Staff should consider when accepting gifts, benefits or hospitality and the action required.

Staff Responsibilities

(9) VU Staff are required to comply with the following:

Soliciting

a. Staff must not seek or solicit gifts, benefits and hospitality, for themselves or others under any circumstances.

Refusing

a. Staff must refuse any offers of gifts, benefits and hospitality that:
    i. do not have a legitimate business reason or organisational benefit;
    ii. give rise to an actual, potential or perceived conflict of interest or be perceived as undermining the integrity or impartiality of the University or the staff member;
    iii. are made during, or where the University has decided to commence, a procurement or tender process by a person or organisation involved in the process (or within 12 months of a contract ending that will be reprocured or tendered);
    iv. are money, items used in a similar way to money, or items easily converted to money;
    v. may adversely affect their standing as a staff member or which may bring VU into disrepute, including through the creation of a conflict of interest;
    vi. could be perceived as endorsement of a product or service, or acceptance would unfairly advantage the individual or organisation in future procurement decisions;

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vii. are made by people or organisations about whom the staff member, or the University, is likely to make decisions in the near future. Decisions can include, but are not limited to, matters relating to:
    - tender processes;
    - Procurement;
    - Awarding of contracts;
    - Enforcement or Disciplinary action;
    - Admission;
    - Enrolment;
    - Academic Progress;
    - Recruitment / employment; and
    - Non-financial agreements and MOUs.

viii. extend to their relatives or friends;

ix. are made in secret;

x. in relation to hospitality and events, VU will already be sufficiently represented to meet its needs.

Declaring

a. Staff must declare all reportable offers, whether accepted or declined, using the Reportable Gifts, Benefits or Hospitality form.
b. Refuse and report any bribes or inducements via the Fraud and Corruption Control Procedure or the Public Interest Disclosures Procedure.
c. Consider conflict of interest and exposure to risk when exercising delegations as per Clause (10) of the Delegations and Authorisations Policy.

Managing offers of gifts, benefits and hospitality

Non-Reportable offers

(10) Individuals may accept non-reportable offers of gifts, benefits and hospitality without approval or declaring the offer on VU's Register.

(11) If non-reportable offers are made regularly 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 reportable.

(12) Staff who are in doubt about whether it is appropriate to accept a gift should discuss it with their supervisor so that an assessment can be made (the GIFT Questions provides guidance as to what to consider in making this assessment).

Reportable offers

(13) Staff members who are offered a reportable gift, benefit or hospitality must complete a Reportable Gifts, Benefits or Hospitality form and seek approval from their supervisor. In instances where prior approval is unable to be obtained, the form must be submitted within 5 business days of receipt.

(14) Staff who accept a reportable offer must document the legitimate business reason for acceptance and provide sufficient detail to link the acceptance to their work functions and benefit to VU.

a. For Vice-Chancellor's Group members and Council and members of its committees, acceptance will be sought through the Vice-Chancellor for VCG members and the Chancellor for the Vice-Chancellor and Council members.
b. For all other staff, acceptance requires prior written approval from their supervisor.

Sponsorships

(15) Where VU has entered Sponsorship, Partnership or Membership Agreements that include the provision of specified gifts, benefits or hospitality, the acceptance of such is not required to be declared and recorded on the Register (this is recorded by Major Partnerships). Anything outside of a formal agreement is reportable and should be declared and submitted for approval.

Reporting Obligations

(16) VU's Audit and Risk Committee will receive the Gifts, Benefits and Hospitality Register annually for oversight and monitoring.

Ownership of gifts offered to Staff members

(17) Reportable gifts may be retained by the University where there is no actual, potential or perceived conflict of interest and and in alignment with the following conditions:

a. Consumable gifts (e.g. chocolates, wine) may be retained by the staff member where modest in value and not recurring, subject to declaration.
b. Non-consumable gifts (e.g. artwork, electronics) should generally not be retained unless there is a cultural or ceremonial significance, and supervisor approval has been provided.
c. Non-consumable gifts with a clear link to the staff member's role or VU's strategic engagement may be accepted on behalf of the University.
d. High value offers should be considered for classification as University assets or artworks and managed accordingly.

(18) Official gifts are the property of VU, irrespective of value, and should be accepted by individuals on behalf of VU. Such gifts should be declared by the accepting staff member and transferred to the business area for appropriate handling.

(19) Where a gift does not meet the requirements of this Procedure, the individual will either return the gift or transfer ownership to VU to mitigate this risk.

Part C - Provision of gifts, benefits and hospitality

Staff Responsibilities

(20) VU staff are required to comply with the following:

a. ensure that any gift, benefit or hospitality is provided for an organisational purpose in that it furthers the conduct of official VU activities or other legitimate organisational goals or promotes and supports University policy objectives and priorities;
b. ensure the provision of gifts, benefits or hospitality does not raise an actual, potential or perceived conflict of interest, or the conflict has been declared and a management plan is developed which explicitly allows such provision;
c. ensure that any costs are proportionate to the benefits obtained for the University and would be considered reasonable in terms of community expectations;
d. ensure that when hospitality is provided, staff demonstrate professionalism in their conduct and uphold their obligation to extend a duty of care to other participants;
e. ensure that any gift, benefit or hospitality offered by VU or any representative of the University to an international delegate or body is not capable of being construed as a bribe, and complies with the OECD

Convention on Combating Bribery of Foreign Public Officials, the UN Convention against Corruption and any relevant national laws in the country of origin of the delegate.

Providing gifts, benefits and hospitality

(21) Gifts, benefits and hospitality may be provided to welcome guests, facilitate the development of relationships and partnerships, further University strategic goals and outcomes and to celebrate achievements.

(22) Staff should contain costs involved in providing gifts, benefits and hospitality where possible. The following questions may be useful to assist staff to decide the type of gift, benefit or hospitality to provide:

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

Providing gifts, benefits and hospitality to Staff

(23) Celebrations of work-related special events are a normal and productive way of recognising staff input. Considerations outlined in the HOST Questions apply to decisions about hospitality provided to Staff. Decisions to fund hospitality for Staff should consider the reasonableness and proportionality of the expenditure, and the likely impact on public perception of VU should it be disclosed.

(24) VU will not pay welcome and farewell or other special occasions gifts or hospitality for staff (e.g. birthdays, marriages, birth of children etc.). Such gifts should be funded via voluntary collections from staff themselves. An exception to this rule can only be approved by a member of the Vice-Chancellor's Group, and approval must be obtained in writing which details the reasons for the exception being sought and granted.

(25) Gifts that are of an entertainment nature and/or any other gifts with an aggregate value of $300 or more provided by the University, or under an arrangement with a third party to any current staff, past and future staff, and their associates (spouses and children) may attract Fringe Benefits Tax (FBT). Any FBT liability will be charged to the staff member's default cost centre. For further information please refer to the Financial Code of Conduct Policy and Fringe Benefits Tax (FBT) Procedures or contact the Tax Compliance team.

Part D - Breaches

(26) Staff should report suspected breaches of this Procedure in the first instance to their supervisor or other senior staff members as appropriate.

(27) Individuals making disclosures should not suffer adverse consequences or reprisals from VU or any of its staff as the result of making a disclosure. If victimisation occurs, VU will take steps to address it.

(28) Breaches may be dealt with in accordance with the Complaints Policy, Fraud and Corruption Control Procedure, the relevant enterprise agreement, or another policy of the University where applicable and may result in possible disciplinary action or may constitute criminal or corrupt conduct.

(29) Nothing in this Policy restricts an individual's right and ability to report concerns as set out within the Public Interest Disclosures Policy.

Section 5 - HESF/ASQA/ESOS Alignment

(30) HESF: Standard 6.1 Corporate Governance; 6.2 Corporate Monitoring and Accountability.

(31) Outcome Standards for NVR Registered Training Organisations 2025: Standard 4.1 Leadership and Accountability; 4.3 Risk Management. Compliance Standards for NVR Registered Training Organisations and FPP Requirements 2025: Standard 20 Compliance with Laws.

Section 6 - Definitions

(32) Benefits - A benefit includes preferential treatment, privileged access, favours or other advantage offered to an individual (such as tickets to sporting events). This may be provided in connection with a current duty or role, or in anticipation of a future action, decision, or relationship.

(33) Conflicts of Interest:

a. Actual conflict of interest: There is a real conflict between a staff member’s University duties and private interests.
b. Potential conflict of interest: Where a staff member’s private interests could conflict with their university 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: Where a member of the public or a third party could form the view that a staff member’s private interests could improperly influence their university decisions or actions, now or in the future.

(34) Entertainment: Specifically defined in tax legislation as entertainment by way of food, drink, recreation, and accommodation or travel that arise when providing such entertainment.

(35) Gifts: are free or discounted items or services and any item that would generally be seen by the public as a gift. These include items of high value (e.g. artwork, jewellery, or expensive pens), low value (e.g. small bunch of flowers), consumables (e.g., chocolates) and services (e.g. painting and repairs).

(36) Hospitality: is the reception and entertainment of guests. Hospitality may range from light refreshments at a meeting to restaurant meals and sponsored travel and accommodation.

(37) Legitimate Business Reason: gifts, benefits and hospitality accepted or provided for a university purpose, in that it aligns with strategic objectives, furthers the conduct of official VU activities or other legitimate goals of VU and is offered in the course of the staff member’s official duties and responsibilities.

(38) Non-Reportable Offer: is an offer of a gift, benefit or hospitality which:

a. would not be reasonably perceived as influencing a staff member or raising an actual, potential or perceived conflict of interest;
b. is offered as a courtesy or gesture of goodwill, and is of nominal value; or
c. is not worth more than $200 (including cumulative offers from the same source over a 12-month period).

(39) Official gifts: are gifts or items of cultural, ceremonial, religious, historic or other significance provided as part of the culture and practices of communities and government, within Australia or internationally. Official gifts are usually provided in dealings with official delegates or representatives from another organisation, community or foreign government, and may include items that are not culturally significant, but provided by an organisation in recognition of VU’s relationship with them.

(40) Register: is a record of all declarable gifts, benefits and hospitality. It records the date a reportable offer was made and by whom, the nature of the reportable offer, its estimated value, the raising of any actual, potential or perceived conflicts of interest or reputational risks and how the reportable offer was managed. For accepted reportable offers, it details the legitimate business reason for acceptance.

(41) Reportable Offer: is an offer of a gift, benefit or hospitality that:

a. is, or may be reasonably perceived as influencing a staff member or raising an actual, potential or perceived conflict of interest; or,
b. is worth more than $200 (including cumulative offers from the same source over a 12-month period), and,
c. must be recorded on the Gift, Benefit and Hospitality register, even if the offer is declined.

Status and Details

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