

# Gifts, benefits and hospitality (model) policy

## (insert name of VOLUNTARY COMMITTEE OF MANAGEMENT OF CROWN LAND RESERVE INCORPORATED)

### Purpose and scope

This policy states our committee's position on:

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

The policy applies to all committee/workplace participants, including committee members, other volunteers, employees, contractors, consultants and any individuals or groups undertaking activity for or on behalf of our committee.

The policy is consistent with our committee's commitment to the Code of Conduct for Directors of Victorian Public Entities and adheres to the thirteen minimum accountabilities for managing gifts, benefits and hospitality published by the Victorian Public Sector Commission (VPSC).

### Key definitions

A **token offer** is a gift, benefit or hospitality that is of inconsequential or trivial value to both the person making the offer and the recipient (such as basic courtesy). The VPSC's minimum accountabilities state that token offers cannot be worth more than \$50.

A **non-token offer** is a gift, benefit or hospitality that is, or may be perceived to be by the recipient, the person making the offer or by the wider community, of more than inconsequential value. All offers worth more than \$50 are non-token offers and must be recorded on a register of gifts, benefit and hospitality.

A **business associate** is an individual or body that our organisation has, or plans to establish, some form of business relationship with, or who may seek commercial or other advantage by offering gifts, benefits or hospitality.

**Benefits** include preferential treatment, privileged access, favours or other advantage offered to an individual. They may include invitations to sporting, cultural or social events, access to discounts and loyalty programs or promises of a new job.

### Offers of gifts, benefits or hospitality to our organisation

Regarding offers of gifts, benefits or hospitality, committee members and other organisational participants:

1. Do not, for themselves or others, seek or solicit gifts, benefits and hospitality.
2. Refuse all offers of gifts, benefits and hospitality that:
  - are money, items used in a similar way to money, or items easily converted to money
  - give rise to an actual, potential or perceived conflict of interest

- may adversely affect their standing as a committee of management member or organisational participant, or which may bring our organisation or the public sector into disrepute; or
  - are non-token offers without a legitimate business benefit
3. Declare all non-token offers (valued at \$50 or more) of gifts, benefit and hospitality (whether accepted or declined) on our organisation's Register of gifts, benefits and hospitality, and seek written approval from the committee or other organisational delegate to accept any non-token offer.
  4. Refuse bribes or inducements and ensure all inducements and bribery attempts are reported to our organisation's governing body, the Committee of Management (and the Committee will report any criminal or corrupt conduct to Victoria Police and/or the Independent Broad-based Anti-corruption Commission).

## Our organisation offering gifts, benefits or hospitality

In considering the provision of gifts, benefits and hospitality, committee members and other organisational participants will:

5. Ensure that any gift, benefit and hospitality is provided for a business purpose in that it furthers the conduct of official business or other legitimate organisational goals, or promotes and supports government policy objectives and priorities.
6. Ensure that any costs are proportionate to the benefits obtained for the State, and would be considered reasonable in terms of community expectations.
7. Ensure that when hospitality is provided, individuals demonstrate professionalism in their conduct, and uphold their obligation to extend a duty of care to other participants.

## Addressing VPSC minimum accountabilities

This policy and associated processes complies with VPSC minimum accountability No. 8, to:

8. Establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality that comprehensively address the minimum accountabilities.

## Register of gifts, benefits and hospitality

9. Our organisation maintains a Register of gifts, benefits and hospitality. The Register includes all non-token offers (declined or accepted) of gifts, benefits or hospitality to committee members or other organisational participants. The Register is regularly reviewed by the Committee of Management to ensure it is up-to-date. The format our organisations uses for the Register is included as Appendix B.

Note: In addition to recording gifts, benefits or hospitality directed towards individual committee members or other organisation participants (for example, the offer of free accommodation to attend a conference), the Register includes gifts, benefits and hospitality intended for the general operation of the reserve/committee (for example, donation of a mower valued at \$50 or more to assist with general operations).

## Breach of the gifts, benefits and hospitality policy

10. A breach of the gifts, benefits and hospitality policies or processes may constitute a breach of binding codes of conduct and may constitute criminal or corrupt conduct, and may result in disciplinary action.

## Communication regarding the policy, including business associates

All committee members and other organisational participants are informed about the existence of this policy and its compliance requirements. The policy is also available to provide to “business associates” where relevant. This complies with VPSC minimum accountability No. 11 to:

11. Establish and communicate a clear policy position to business associates on the offering of gifts, benefits and hospitality to employees, including possible consequences for a business associate acting contrary to the organisation’s policy position. This must take into consideration any whole of Victorian Government supplier codes of conduct.

## Annual review of the policy

12. The Committee of Management will, at least annually, review the administration and quality control of our gifts, benefits and hospitality policy, processes and register. This will include analysis of gifts, benefits and hospitality risks (including repeat offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.

## Availability of the Register of gifts, benefits and hospitality for inspection

13. Our organisation’s Register of gifts, benefits and hospitality (current and previous financial year) will be available for inspection at any time by the Department of Environment, Land, Water and Planning (DELWP) or other relevant authority.

## Process for accepting or declining offers of gifts, benefits and hospitality

The process for accepting or declining offers of gifts, benefits and hospitality will include consideration of the “Giver, Influence, Favour, Trust (GIFT)” test published by the VPSC and summarised in Appendix A.

## Policy agreement date

This policy was agreed to by the Committee of Management on        /        /

## Appendix A: Summary of VPSC Giver, Influence, Favour, Trust (GIFT) test

<b>G</b>	Giver	<p><b>Who is providing the gift, benefit or hospitality and what is their relationship to me?</b></p> <p>Does my role require me to select suppliers, or decide on lease or licence arrangements? Could the person or organisation benefit from a decision I make?</p>
<b>I</b>	Influence	<p><b>Are they seeking to gain an advantage or influence my decisions or actions?</b></p> <p>Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy or a token of appreciation or a valuable non-token offer? Does its timing coincide with a decision I am about to make?</p>
<b>F</b>	Favour	<p><b>Are they seeking a favour in return for the gift, benefit or hospitality?</b></p> <p>Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months?</p> <p>Would accepting it create an obligation to return a favour?</p>
<b>T</b>	Trust	<p><b>Would accepting the gift, benefit or hospitality diminish public trust?</b></p> <p>How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family, friends or associates think?</p>

Individuals should consider the GIFT test and the requirements below to help decide whether to refuse an offer. Individuals are to refuse offers:

- likely to influence them, or be perceived to influence them, in the course of their duties or that raise an actual, potential or perceived conflict of interest;
- could bring them, our organisation or the public sector into disrepute;
- made by a person or organisation about which they will likely make or influence a decision (this also applies to processes involving grants, sponsorship, regulation, enforcement or licensing), particularly offers:
  - made by a current or prospective supplier;
  - made during a procurement or tender process by a person or organisation involved in the process; or
- likely to be a bribe or inducement to make a decision or act in a particular way;
- that extend to their relatives or friends;
- of money, or used in a similar way to money, or something easily converted to money;
- where, in relation to hospitality and events, the organisation will already be sufficiently represented to meet its business needs
- where acceptance could be perceived as endorsement of a product or service, or acceptance would unfairly advantage the sponsor in future procurement decisions;
- made by a person or organisation with a primary purpose to lobby Ministers, Members of Parliament or public sector organisations; or
- made in secret.

## Appendix B: Example\* Register of gifts, benefits and hospitality

NAME OF CROWN LAND RESERVE COMMITTEE OF MANAGEMENT INCORPORATED

This updated version completed on    /    /    by:

Checked and approved by:

Date	Intended recipient	Donor	Offer Summary	Estimated Value	Accepted/ Rejected/ Other	Notes on reasons for decision

\* Another example register, in an Excel format with additional columns, can be found through the [“Gifts, benefits and hospitality resource suite” on the website of the Victorian Public Sector Commission \(VPSC\).](#)