

Gifts, benefits and hospitality policy

| Cemetery trust (hereafter referred to as ‘the trust’): |  |
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| Date policy adopted (trust meeting date): |  |

The trust adopted this policy at its trust meeting on the date specified above. This policy will be reviewed two years from the date the policy was adopted.

# Purpose

This policy is to support the trust and trust members to avoid any conflicts of interest and maintain high levels of integrity and public trust in accordance with the Victorian public sector values of impartiality, integrity and accountability.

# Scope

This policy applies to all trust members and non-member secretaries and includes individual contractors, consultants and any groups directly undertaking activity for or on behalf of the trust. Any gifts, benefits or hospitality provided or received cannot be extended to family, friends or relatives.

# Policy principles

This policy has been developed in accordance with the Department of Health *Gifts, Benefits and Hospitality Policy*. The following principles apply to this policy:

## Impartiality

The trust and trust members have a duty to place the public interest above private interest when carrying out their official functions. No trust member or trust will receive gifts, benefits or hospitality that could raise a perception of, or actual, bias or preferred treatment.

## Accountability

The trust and trust members are accountable for declaring all non-token offers of gifts, benefits and hospitality, declining non-token offers of gifts, benefits and hospitality, and the responsible provision of gifts, benefits or hospitality.

## Integrity

The trust and trust members strive to earn and sustain public trust through providing or responding to offers of gifts, benefits and hospitality in a manner that is consistent with community expectations. Trusts and trust members will refuse any offer that may lead to an actual, perceived or potential conflict of interest.

## Hospitality

Official hospitality is only to be provided for legitimate business purposes. Any food or refreshments are to be healthy and overall cost is to be modest and prudent.

# Definitions

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| Benefits | Preferential treatment, privileged access, favours or other advantage offered to an individual. This may include invitations to sporting, cultural or social events and access to discounts or loyalty points. |
| Ceremonial gifts | Gifts provided when conducting business with official delegates or representatives from another organisation, community or foreign government. They are the property of the trust irrespective of value. The receipt of ceremonial gifts should be recorded on the register (see definition below). |
| Conflicts of interest – actual  | There is a **real conflict** between a trust or trust member’s duties and private interests. |
| Conflicts of interest – potential | A trust or trust member has private interests that **could conflict** with their public duties. This refers to circumstances where it is foreseeable that a conflict may arise in the future. |
| Conflicts of interest – perceived | The public or a third party could form the view that a trust or trust member’s private interests could improperly influence their decisions or actions, now or in the future. |
| Gifts | Free or discounted items and any item that would generally be seen by the public as a gift. These include but are not limited to items of high value (e.g. artwork or expensive pens), low value (e.g. a small bunch of flowers or chocolates) or services (e.g. painting and repairs). |
| Hospitality | The friendly reception and entertainment of guests. That which would be considered a basic courtesy such as water, tea, coffee or healthy light refreshments including sandwiches, wraps, sushi, light pastries and fruit (taking into consideration dietary requirements). |
| Legitimate business benefit | A gift, benefit or hospitality may have a legitimate business benefit if it furthers the conduct of official business or other legitimate goals of the trust. |
| Non-token offer | An offer of 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 (more than $50). |
| Token offer | An offer of 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). Token offers cannot be worth more than $50.  |
| Register | A record, preferably digital, of all declarable gifts, benefits and hospitality. |

# Provision of gifts, benefits and hospitality

On limited occasions the trust may welcome guests, facilitate business outcomes and celebrate achievements. Before the trust decides to provide gifts, benefits and hospitality it will consider if:

* any gift, benefit or hospitality is provided for a business reason that furthers the conduct of official business
* costs are proportionate to the benefits and would be considered reasonable in terms of community expectations
* they do not give rise to any actual, potential or perceived conflict of interest.

## Alcohol

Alcohol is not generally provided at any event. If the trust intends to provide alcohol at an event it will contact the Department of Health to seek guidance.

## Containing costs

The trust will contain costs involved in the provision of gifts, benefits and hospitality. The following questions will be considered when deciding the type of gift, benefit or hospitality:

* Will the cost be proportionate to the potential benefits?
* Is the proposed catering proportionate to the number of attendees and does the event align with intended outcomes?
* Is the gift symbolic rather than financial in value?
* Would providing the gift, benefit or hospitality be considered excessive by the public?

## Meals and light refreshments

Any provision of meals and light refreshments will be healthy and the overall cost modest and prudent. The rational for the event will be documented, approved by the trust and recorded with appropriate supporting documentation and placed on trust records.

## Rewards and recognition[[1]](#footnote-1)

### Informal recognition

The trust may at times wish to informally show gestures of appreciation to trust members which may include:

* acknowledging a trust member at a meeting for a particular piece of work
* the chairperson writing a letter of thanks (or memo, email, personal note)
* creating a photo gallery or story board about the successful project or program on the trust website.

### Formal recognition

Where there has been a significant contribution by a trust member the trust may wish to provide formal recognition by:

* presenting certificates, plaques, trophies, awards or gift vouchers
* celebrating with a special event like a lunch, morning or afternoon tea.

**Note:** Formal recognition must be no more than $50 (including GST) for each individual being recognised and cannot be for personal celebrations such as birthdays.

# Receiving of gifts, benefits and hospitality

## Conflict of interest and reputational risks

All gifts, benefits or hospitality token or non-token **must** be declined by the trust or trust members if:

* there is a real, potential or perceived conflict of interest
* the gift constitutes money
* the gift can be used in a similar way as money or be redeemed for money
* the gift is extended to family and relatives.

## Token offers

Trusts or trust members may generally accept a token offer without approval or declaration on the trust’s gifts, benefits and hospitality register, as long as the offer does not create a conflict of interest.

## Non-token offers

The trust or trust members will only accept non-token offers if they have a legitimate business benefit. This includes when related to an individual’s official duties or when offered in the course of an individual’s official duties. All non-token offers must be approved by the trust and the approval kept on trust records.

Trusts and trust members **must refuse** all offers (excluding token hospitality, such as tea, coffee, light refreshments over a business meeting), made by a current or prospective supplier or during a procurement or tender process by a person or organisation involved in the process.

## Record keeping

All non-token offers accepted or declined must be recorded on the register within five days of the offer. Any gift, benefit or formal recognition that is provided where a cost is incurred by the trust must be approved by the trust and recorded along with a copy of any invoices and receipts.

VERSION CONTROL

| No. | Date | Comments | Next review |
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1. This section has been developed in accordance with Victorian Public Sector Commission guidance. [↑](#footnote-ref-1)