## Gifts, benefits and hospitality

## Model policy

# Introduction

The integrity of XXX committee of management is critical to its function and acceptance in the Victorian community as a provider of services for, and on behalf of, the community.

Accepting or providing gifts, benefits and hospitality can seriously affect the integrity of committee work. Where poorly managed it can undermine trust and confidence that a committee’s work is delivered fairly and transparently, without favour and without bias.

# Purpose

This policy outlines the XXXX committee of management approach to accepting and providing gifts, benefits and hospitality:

* expectations for declining goods, benefits and hospitality
* guidance for keeping proper records
* guidance on how to politely decline offers of goods, benefits and hospitality
* guidance for proper use and disposal of goods, benefits and hospitality
* guidance on restrictions on gift giving.

# Statement of policy

All members are expected to comply with this policy and at a minimum:

* never solicit gifts
* always refuse any bribery attempt and report the incident to the committee chair or the local DELWP [regional office](https://www2.delwp.vic.gov.au/communities-and-regions/regions-and-locations)
* keep community expectations in mind and never accept offers that could create a perception of bias
* never accept:
  + money or other items easily converted into money
  + gifts, including volunteer labour or discounted materials, from a person who is likely to be affected by a decision that the committee makes, now or in the future, for example, from a person likely to apply for a contract or tender with the committee
  + inducements offered indirectly through family.

# Guidance

#### Keeping proper records

All offers of goods, benefits and hospitality should be declared and documented in a register. Committees should also record whether the offer was accepted, if so by whom, and how it was used, for example, personal consumption, shared amongst members, donated or disposed of.

The register should be current at any time and reviewed at least annually by the committee to identify if a committee member (or employee) is being targeted, or if a business or person is making repeated offers in an attempt to influence committee decisions.

#### Declining offers

Declining an offer may at times risk causing offence or affect relationships. It is recommended that committee members (and employees) take positive action to limit embarrassment by ensuring:

* clear and consistent messaging with suppliers and stakeholders that sets expectations at the outset
* making it clear that ‘thanks is enough’
* suppliers and stakeholders know that they are helping you to set high integrity standards by not offering goods, benefits and hospitality to committee members or employees

#### Proper use and disposal of gifts, benefits and hospitality

When an offer of gifts, benefits and hospitality has been made to a member or the committee generally, one of the following strategies may be helpful:

|  |  |
| --- | --- |
| **Strategy** | **Action** |
| Register | All offers of gifts, benefits and hospitality valued at $50 or more should be recorded in the register, *regardless of whether the offer is accepted or declined.* |
| Decline | Best practice is to decline all but token\* offers of gifts, benefits and hospitality to eliminate the possibility of perceptions of bias. This includes returning the item that has been delivered. |
| Donate | Donate the gifts, benefits and hospitality to further committee business, or to another organisation on behalf of the committee and the donor. |
| Purchase | Remove any personal benefit by paying a fair price for the goods, benefits and hospitality. |
| Disperse | Share consumables fairly with members and employees, perhaps as a reward/recognition gesture. |
| \* Token offers are those that align with community expectations of common courtesy. The Victorian public sector rates any gift valued at $50 or more as beyond token. | |

#### Restrictions on gift giving

The committee should never purchase a gift from committee funds unless it can *clearly* be justified in the public interest, which is rare. This applies to gifts to committee members and to non-committee members. Any such expense should be recorded in the committee’s records, as required by section 15(8) of the *Crown Land (Reserves) Act 1978*. Contact your local DELWP [regional office](https://www2.delwp.vic.gov.au/communities-and-regions/regions-and-locations) for further information.

# Policy breaches

Improper acceptance of gifts in accordance with this policy could lead to disciplinary action. Actions inconsistent with this policy may constitute misconduct under the *Public Administration Act 2004* and/or corrupt conduct under the *Independent Broad-based Anti-corruption Commission Act 2011*.

# Speak up

Members and employees of the committee who believe that offers of gifts, benefits and hospitality within the committee may not have been declared or managed appropriately should speak up and notify the committee chair or the local DELWP [regional office](https://www2.delwp.vic.gov.au/communities-and-regions/regions-and-locations).

The committee will take decisive action against members who discriminate against or victimise those who speak up in good faith.

# Contact

The following people may be contacted concerning matters arising under the policy:

* committee chair
* the local DELWP [regional office](https://www2.delwp.vic.gov.au/communities-and-regions/regions-and-locations).