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1 Introduction

1.1 Purpose

This policy states the Greater Metropolitan Cemeteries Trust's (GMCT) position on:

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

This policy is intended to support individuals and the GMCT to avoid conflicts of interest and maintain high levels of integrity and public trust.

GMCT has issued this policy to support behaviour consistent with the *Code of conduct for Victorian public sector employees* (the Code). All employees are required under clause 1.2 of the Code to comply with this policy.

1.2 Scope

This policy applies to all workplace participants. For the purpose of this policy, this includes: executives, Trust members, individuals, contractors, consultants and any individuals or groups undertaking activity for or on behalf of the GMCT.

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2 Policy Statement

This policy has been developed in accordance with requirements outlined in the *Minimum accountabilities for managing gifts, benefits and hospitality* issued by the Victorian Public Sector Commission. The Victorian Public Sector Commission has set binding minimum accountabilities for the appropriate management of gifts, benefit and hospitality. These can be found at Schedule A.

GMCT is committed to and will uphold the following principles in applying this policy:

Public interest: individuals have a duty to place the public interest above their private interests when carrying out their official functions. They will not accept gifts, benefits or hospitality that could raise a perception of, or actual, bias or preferential treatment. Individuals do not accept offers from those about whom they are likely to make business decisions.

Accountability: individuals are accountable for:

- Declaring all offers of gifts, benefits and hospitality;
- Declining non-token offers of gifts, benefits and hospitality, or where an exception applies under this policy, seeking approval to accept the offer; and
- The responsible provision of gifts, benefits and hospitality.

Individuals with direct reports are accountable for overseeing management of their direct reports' acceptance or refusal of non-token gifts, benefits and hospitality, modelling good practice and promoting awareness of gifts, benefits and hospitality policies and processes.

Risk-based approach: GMCT, through its policies, processes and Audit & Risk Management Committee, will ensure gifts, benefits and hospitality risks are appropriately assessed and managed. Individuals with direct reports will ensure they are aware of the risks inherent in their team's work and functions and monitor the risks to which their direct reports are exposed.

3 Policy Details

3.1 Minimum accountabilities

3.2 Under the Instructions supporting the Standing Directions of the Assistant Treasurer 2018, the Victorian Public Sector Commission has set binding minimum accountabilities for the appropriate management of gifts, benefits and hospitality. These can be found at Schedule A.

3.3 Management of offers of gifts, benefits and hospitality

This section sets out the process for accepting, declining and recording offers of gifts, benefits and hospitality. Any exceptions to this process must have the prior written approval of the relevant departmental Executive.

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All offers

Individuals are to refuse all offers (excluding token hospitality, such as sandwiches over a lunchtime meeting, supplier samples or trade shows):

- Made by a current supplier;
- Made during a procurement or tender process by a person or organisation involved in the process;
- Made by a Funeral Director;
- Made by a Stone Mason;
- Likely to be a bribe or inducement to make a decision or act in a particular way; or
- Of money, or used in a similar way to money, or something easily converted to money.

Token offers

A token offer is an offer of a gift, benefit or hospitality that is of inconsequential or trivial value to both the person making the offer and the individual. It may include promotional items such as pens and note pads, and modest hospitality which would be considered a basic courtesy, such as light refreshments offered during a meeting or a small gift offered by appreciative customer as a measure of gratitude.

Whilst the primary determinant of a token offer is that it would not be reasonably perceived within or outside the organisation as influencing an individual raising an actual, potential or perceived conflict of interest, **it cannot be worth more than \$50**. If token offers are made often 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 non-token.

Individuals may accept token offers of gifts, benefits and hospitality without approval but must declare the offer on the GMCT register.

Non-Token offers

A non-token offer is an offer of a gift, benefit or hospitality that is, or may be perceived to be of more than inconsequential value. All offers worth more than \$50 are non-token offers.

Non-token offers (offers that are more than trivial or inconsequential) can only be accepted if they have a legitimate business benefit. That is, when the offer furthers the conduct of official business or other legitimate goals of your organisation, the public sector or the State. If it does not, you must decline the offer.

Examples of non-token offers that must be declined include:

- tickets to entertainment events that do not relate to your official duties; or
- non-token hospitality provided while introducing you to a product or service (e.g. your role

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requires you to impartially assess new products and services, which may be undermined if you accept or are seen to accept such hospitality).

Requirement for refusing non-token offers

Individuals should consider the GIFT test at **Table 1** and the requirements below to help respond to a non-token offer.

Individuals are to **refuse non-token offers**:

- Likely to influence them, or be perceived to influence them, in the course of their duties or raise an actual, potential or perceived conflict of interest;
- By a person or organisation about which they will likely make a decision (also applies to processes involving grants, sponsorship, regulation (stone mason or works permits), enforcement or licensing);
- Likely to be a bribe or inducement to make a decision or act in a particular way;
- That extend to their relatives or friends;
- With no legitimate business benefit;
- 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 agencies; and
- Made in secret.

If an individual considers they have been offered a bribe or inducement, the offer must be reported to the CEO or Company Secretary (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).

Table 1. GIFT test

G	Giver	Who is providing the gift, benefit or hospitality and what is their relationship to me?
		Does my role require me to select contractors, award grants, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make?

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I	Influence	<p>Are they seeking to gain an advantage or influence my decisions or actions?</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 valuable non- token offer? Does its timing coincide with a decision I am about to make or endorse a product or service?</p>
F	Favour	<p>Are they seeking a favour in return for the gift, benefit or hospitality?</p> <p>Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months? Would accepting it create an obligation to return a favour?</p>
T	Trust	<p>Would accepting the gift, benefit or hospitality diminish public trust?</p> <p>How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family, friends or associates think?</p>

Requirements for accepting non-token offers

There will be some exceptions where there is a legitimate business reason for accepting a non-token offer. All accepted non-token offers **must** be approved in writing by the individual's manager or organisational delegate, recorded in the gifts, benefits and hospitality register and be consistent with the following requirements:

- It does not raise an actual, potential or perceived conflict of interest or have the potential to bring the individual, the GMCT or the public sector into disrepute (the 'GIFT' test at **Table 1** is a good reminder of what to think about in making this assessment); and
- There is a legitimate business reason for acceptance. It is offered in the course of the individual's official duties, relates to the individual's responsibilities and has a benefit to the GMCT, public sector or the State.

Individuals may be offered a gift or hospitality where there is no opportunity to seek written approval from their manager prior to accepting. For example, they may be offered a wrapped gift that they later identify as being a non-token gift. In these cases, the individual must seek approval from their manager within five business days.

Some non-token offers may hold a business benefit but still be inappropriate to accept. For example, travel sponsored by private or commercial sources may have a business benefit to the organisation. However, this should generally be declined because there is a high risk that a conflict of interest will arise.

3.4 Recording non-token offers of gifts, benefits and hospitality

All offers (token and non-token), whether accepted or declined, must be recorded in the GMCT's gifts, benefits and hospitality register via the Gifts, Benefits & Hospitality Declaration Form. The business reason for accepting the non-token offer must be recorded in the register and provide

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sufficient detail to link the acceptance to the individual's work functions and benefit to the GMCT, public sector or State.

Individuals should consider the following examples of acceptable and unacceptable levels of detail to be included in the GMCT's register when recording the business reason:

Unacceptable: "Networking"

"Maintaining stakeholder relationships"

Acceptable: "Individual is responsible for evaluating and reporting outcomes of the GMCT's sponsorship of Event A. Individual attended Event A in an official capacity and reported back to the GMCT on the event."

"Individual presented to a significant cultural community. The community presented the Individual with a cultural item worth an estimated \$200. Declining the gift would have caused offence. The Gift was accepted, written approval was subsequently obtained for the gift, which became the GMCT's property."

GMCT's Audit and Risk Management Committee will receive a report at least annually on the administration and quality control of the gifts, benefits and hospitality policy, processes and register. The report will include analysis of GMCT's gifts, benefits and hospitality risks (including multiple offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.

The Gifts, Benefits and Hospitality Policy and Register of non-token gifts will be published on the GMCT website. The published Register will include only non-token gifts and will be published after reported to the Audit and Risk Management Committee. Token gifts will not be reported on the published register.

3.5 Ownership of gifts offered to individuals

Non-token gifts accepted by an individual for their work or contribution may be retained by the individual where their manager or organisational delegate has provided written approval.

Employees must transfer to the GMCT official gifts or any gift of cultural significance or significant value (over \$50).

3.6 Repeat offers, inducements and attempted bribery

Repeated offers of gifts, benefits and hospitality from a single source must be reported to the audit committee on the risks associated with such offers. Repeated offers (token and non-token) must be managed appropriately.

3.7 Management of the provision of gifts, benefits and hospitality

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This section sets out the requirements for providing gifts, benefits and hospitality.

Requirements for providing gifts, benefits and hospitality

Gifts, benefits and hospitality may be provided to welcome guests, facilitate the development of business relationships, further public sector business outcomes and to celebrate achievements.

When deciding whether to provide gifts, benefits or hospitality or the type of gift, benefit or hospitality to provide, individuals must ensure:

- Any gift, benefit or hospitality is provided for a business reason in that it furthers the conduct of official business or other legitimate organisational goals, or promotes and supports government policy objectives and priorities;
- That any costs are proportionate to the benefits obtained for the State, and would be considered reasonable in terms of community expectations (the 'HOST' test at **Table 2** is a good reminder of what to think about in making this assessment); and
- It does not raise an actual, potential or perceived conflict of interest.

Employee hospitality

GMCT may provide hospitality for employees for a range of reasons, including catering as part of a large employee-related event, for example a training course, workshop, planning day, seminar or conference.

Catering an event for staff can be an effective means of celebrating achievements or promoting particular behaviours and is consistent with common business practice. When deciding to provide hospitality to employees, individual must consider:

- The extent to which the event will contribute to organisational objectives by, for example, reinforcing particular values or motivating staff;
- Whether there have been multiple recent events that would result in perceptions of excess should further events be funded; or
- The need to balance the positive benefits of public recognition with community expectations in relation to modest expenditure by public officials.

Table 2. HOST test

H	Hospitality	To whom is the gift or hospitality being provided? Will recipients be external business partners, or individuals of the host organisation?
O	Objectives	For what purpose will hospitality be provided? Is the hospitality being provided to further the conduct of official business? Will it promote and support government policy objectives and priorities? Will

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		it contribute to staff wellbeing and workplace satisfaction?
S	Spend	Will public funds be spent? What type of hospitality will be provided? Will it be modest or expensive, and will alcohol be provided as a courtesy or an indulgence? Will the costs incurred be proportionate to the benefits obtained?
T	Trust	Will public trust be enhanced or diminished? Could you publicly explain the rationale for providing the gift or hospitality? Will the event be conducted in a manner which upholds the reputation of the public sector? Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures?

Containing costs

Individuals should contain costs involved in the provision of gifts, benefits and hospitality wherever possible. The following questions may be useful to assist individuals to decide the type of gift, benefit or hospitality to provide:

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

Providing alcohol

The supply of alcohol at any event can lead to increased risks, including the risk of occupational health and safety, anti-social behaviour and reputational damage.

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The Code of Conduct requires “Public sector employees carry out their work safely and avoid conduct that puts themselves or others at risk. This includes the misuse of alcohol, drugs or other substances when at work or when engaged in work related activities.

Decisions relating to the provision of alcohol should be made on a case-by-case basis. The following parameters should be applied in making these decisions:

- Provision of alcohol would be relatively uncommon and only be associated with a meal;
- Any event where alcohol is served should be held at a time that minimises the risk of employees returning to work impaired by alcohol. (e.g. the event should be held in the late afternoon or early evening);
- Events with alcohol service should not exceed four hours in duration;
- No more than two standard drinks per person should be provided; and
- The provision of alcohol should be incidental to the overall level of hospitality provided.

3.8 Ceremonial gifts

Ceremonial gifts are official gifts provided as part of the culture and practices of communities and government, within Australia or internationally. Ceremonial gifts are the property of the GMCT, irrespective of value, and should be accepted by individuals on behalf of GMCT. The receipt of ceremonial gifts should be recorded on GMCT’s register but this information does not need to be published online.

3.9 Hospitality provided by Victorian public sector organisations

Victorian public sector organisations may provide hospitality to stakeholders, as part of their functions. When offered hospitality by a Victorian public sector organisation, individuals should consider the requirements of the minimum accountabilities.

Accepted hospitality offered by a Victorian public sector organisation as part of official business does not need to be declared or reported, where the reason for the individual’s attendance is consistent with the GMCT’s functions and objectives and with the individual’s role.

3.10 Breaches

Disciplinary action consistent with GMCT policies and legislation, including dismissal, may be taken where an individual fails to adhere to this policy. This includes where an individual fails to avoid wherever possible or identify, declare and manage a conflict of interest related to gifts, benefits and hospitality in accordance with the GMCT’s Code of Conduct policy.

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Actions inconsistent with this policy may constitute misconduct under the *Public Administration Act 2004*, which includes:

- Breaches of the binding Code of conduct for Victorian public sector employees, such as sections of the Code covering conflict of interest (section 3.7), public trust (section 3.9) and gifts and benefits (section 4.2); and
- Individuals making improper use of their position.

The GMCT will communicate its policy on the offering and provision of gifts, benefits and hospitality to contractors, consultants and other business associates. Those identified as acting inconsistently with this policy may be subject to contract re-negotiation, including termination.

3.11 Speak up

Individuals who consider that gifts, benefits and hospitality or conflict of interest within the GMCT may not have been declared or is not being appropriately managed should speak up and notify their manager or Executive, Company Secretary or CEO.

The GMCT will take decisive action, including possible disciplinary action, against individuals who discriminate against or victimise those who speak up in good faith.

3.12 Contacts for further information

A conflict of interest resulting from the acceptance of a gift, benefit or hospitality is not always clear to those who have them. Individuals who are unsure about accepting a gift, benefit or hospitality, or the application of this policy, should ask their manager, Company Secretary or Governance Officer for advice.

4 References & Related Materials

4.1 Legislation & Regulations

- Minimum accountabilities for the management of gifts, benefits and hospitality (see Instructions supporting the Standing Directions of the Assistant Treasurer, 2018)
- *Public Administration Act 2004*
- Code of conduct for Victorian public sector employees 2015
- Code of conduct for Directors of Victorian public entities 2016
- Victorian Public Sector Commission's Gifts, benefits and hospitality policy framework.
- *Occupational Health and Safety Act 2004*

4.2 Related GMCT Documents

- Code of Conduct
- Financial Delegation Policy(Policy No: 006)

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5 Policy History

Date	Details of Change
November 2016	Significant amendments to reflect the Victorian Public Sector Commission (VPSC) Gift, Benefit and Hospitality Policy Framework
November 2020	Information added on ceremonial gifts, hospitality provided by Victorian public sector agencies, minimum accountabilities from Standing Directions, contact information and changes to organisational role titles
June 2023	Updated advise on accepting non-token offers and repeat offers.

6 Definitions

Term	Definition
Business associate	an external individual or entity which the organisation has, or plans to establish, some form of business relationship, or who may seek commercial or other advantage by offering gifts, benefits or hospitality.
Benefits	<p>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, and promises of a new job.</p> <p>The value of benefits may be difficult to define in dollars, but as they are valued by the individual, they may be used to influence the individual's behavior.</p>
Conflicts of interest	
<i>Actual conflict of interest:</i>	There is a <u>real conflict</u> between an employee's public duties and private interests.
<i>Potential conflict of interest:</i>	An employee has private interests that <u>could conflict</u> with their public 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.
<i>Perceived conflict of interest:</i>	The public or a third party could <u>form the view</u> that an employee's private interests could improperly influence their decisions or actions, now or in the future.
Gifts	Are free or discounted items 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) and consumables (e.g. chocolates). Fundraising by public sector organisations that is consistent

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	<p>with relevant legislation and any government policy is not prohibited under the minimum accountabilities.</p> <p>Samples produced by suppliers or attendance at trade shows are not considered gifts.</p>
Hospitality	Is the friendly reception and entertainment of guests. Hospitality may range from light refreshments at a business meeting to expensive restaurant meals and sponsored travel and accommodation.
Legitimate business benefit	Gifts, benefits and hospitality accepted or provided for a business purpose, in that it furthers the conduct of official business or other legitimate goals of the organisation, public sector or State.
Public official	<p>Has the same meaning as under section 4 of the Public Administration Act 2004. This includes:</p> <ul style="list-style-type: none"> • public sector employees; • statutory office holders; and • directors of public entities.
Register	<p>Is a record, preferably electronic, of all declarable gifts, benefits and hospitality. It records the date an offer was made and by whom, the nature of the offer, its estimated value, the raising of any actual, potential or perceived conflicts of interest or reputational risks and how the offer was managed. For accepted offers, it details the business reason for acceptance and the officer approving the acceptance.</p> <p>The published register only includes non-token gifts.</p>
Token offer	<p>Is an offer of a gift, benefit or hospitality that is offered as a courtesy or is of inconsequential or trivial value to both the person making the offer and the individual.</p> <p>Whilst the primary determinant of a token offer is that it would not be reasonably perceived within or outside the organisation as influencing an individual or raising an actual, potential or perceived conflict of interest, it cannot be worth more than \$50 (including cumulative offers from the same source over a 12 month period).</p> <p>Token offers must be recorded on a gift, benefit and hospitality register but not on the published register.</p>
Non-token offer	Is 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. All offers worth more than \$50 are non- token offers and must be recorded on a gift, benefit and hospitality register.

Minimum accountabilities (per Standing Directions)

Public officials offered gifts, benefits and hospitality:

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 public official or which may bring their public sector employer 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, benefits and hospitality (whether accepted or declined) on their organisation's register, and seek written approval from their manager or organisational delegate to accept any non-token offer.
4. Refuse bribes or inducements and report inducements and bribery attempts to the head of the public sector organisation or their delegate (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).

Public officials providing gifts, benefits and hospitality:

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.

Heads of public sector organisations:

8. Establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality that comprehensively address these minimum accountabilities.
9. Establish and maintain a register for gifts, benefits and hospitality offered to public officials that, at a minimum, records sufficient information to effectively monitor, assess and report on these minimum accountabilities.
10. Communicate and make clear within the organisation that 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.

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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.
12. Report at least annually to the organisation's audit committee on the administration and quality control of its gifts, benefits and hospitality policy, processes and register. This report must include analysis of the organisation's gifts, benefits and hospitality risks (including repeat offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.
13. Publish the organisation's gifts, benefits and hospitality policy and register on the organisation's public website (applies only to organisations with an established website). The published register should cover the current and the previous financial year. Establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality that comprehensively address these minimum accountabilities.