



PRESBYTERIAN CHURCH OF VICTORIA

Gifts, Benefits and Hospitality Policy [Oct 2022, min. 102]

1. Purpose

The purpose of this Policy is to guide General Assembly office bearers and committee members in receiving and giving gifts, benefits and hospitality in the performance of their duties.

2. Policy principles

- a) General Assembly office bearers and committee members must:
 - i) not solicit for themselves or others, gifts, benefits or hospitality;
 - ii) not accept gifts, benefits or hospitality:
 - that could be perceived as influencing them in performing their duties; or
 - from persons with whom they are likely to make business decisions;
 - iii) refuse all offers of gifts, benefits and hospitality which:
 - are money, items used in a similar way to money, or items easily converted to money;
 - may adversely affect their standing as a workplace participant or which may bring the PCV into disrepute; or
 - are non-token offers without a legitimate business benefit.
 - iv) refuse bribes or inducements and report inducements and bribery attempts to the Clerk of Assembly or his delegate (who must report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission);
 - v) ensure that when they provide any gift, benefit or hospitality:
 - it is provided for a business purpose of and in connection with the PCV or otherwise promotes and supports the interests of the PCV; and
 - any costs are proportionate to the benefits obtained for PCV and would be considered reasonable in terms of community expectations.
 - vi) ensure that when they provide hospitality, individuals demonstrate professionalism in their conduct, and uphold their obligation to extend a duty of care to other participants.
- b) conveners of General Assembly committees are accountable for:
 - i) overseeing management of committee members' acceptance or refusal of non-token gifts, benefits and hospitality, modelling good practice; and
 - ii) promoting awareness of this Policy among the members of their committees.

3. Definitions

In this Policy:

- a) **'business associate'** means an individual or body with whom the church organisation has, or plans to establish, some form of business relationship;
- b) **'benefit'** means any form of preferential treatment, privileged access favour, or other advantage offered to an individual (including but not limited to invitations to sporting, cultural or social events, access to discounts and loyalty programs or promises of a new job);
- c) **'gift'** means a free or discounted item or service and any item or service that would generally be seen by the public as a gift;
- d) **'hospitality'** means the friendly reception and entertainment of guests. This may range from light refreshments at a business meeting to expensive restaurant meals and sponsored travel and accommodation;
- e) **'legitimate business benefit'** means a gift, benefit or hospitality that may further the conduct of official business or other legitimate goals of the PCV;

- f) 'register' means a record of all declarable gifts, benefits and hospitality;
- g) 'token offer' means a gift, benefit or hospitality worth not more than \$50;
- h) 'non-token offer' means a gift, benefit or hospitality worth more than \$50.

4. Management of offers of gifts, benefits and hospitality

This section sets out the process for accepting and declining offers of gifts, benefits and hospitality by General Assembly office bearers and committee members and recording the same. Any exceptions to this process must have the prior written approval of the Clerk of Assembly or his delegate, or, where the Clerk is seeking an exception, the Deputy Clerk.

a) **Acceptance risks**

When deciding whether to accept an offer, individuals must first consider if the offer could be perceived as influencing them in performing their duties, or lead to reputational damage, taking into account that the more valuable the offer, the more likely that a risk exists.

Figure 1. GIFT test

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| G | Giver | Who is providing the gift, benefit or hospitality and what is their relationship to me? Could the person or organisation benefit from a decision I make? |
| I | Influence | Is he/she seeking to gain an advantage or influence my decisions or actions? Does its timing coincide with a decision I am about to make? |
| F | Favour | Is he/she seeking a favour in return for the gift, benefit or hospitality? Would accepting it create an obligation to return a favour? |
| T | Trust | Would accepting the gift, benefit or hospitality diminish public trust? What would my colleagues, family, friends or the general public think of this gift? |

b) **Refusing offers**

Individuals must consider the GIFT test at Figure 1 and the requirements below to help decide whether to refuse an offer.

Individuals must refuse offers:

- i) likely to influence them, or be perceived to influence them, in the course of their duties;
- ii) which could bring them, their committee or the PCV into disrepute;
- iii) made by a person or organisation about which they will likely make or influence a decision, particularly offers made:
 - by a current or prospective supplier; or
 - during a procurement or tender process by someone involved in the process.
- iv) likely to be a bribe or inducement to make a decision or act in a particular way;
- v) that extend to their relatives or friends;
- vi) of money, or used in a similar way to money, or something easily converted to money;
- vii) where, in relation to hospitality and events, their committee or the PCV will already be sufficiently represented to meet its business needs;
- viii) where acceptance could be perceived as endorsement of a product or service, or acceptance would unfairly advantage the sponsor in future procurement decisions; or
- ix) made in secret.

If an individual considers he or she has been offered a bribe or inducement, the offer must be reported to the Clerk of Assembly who must report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission.

c) **Accepting offers**

i) **Token offers**

Individuals may generally accept token offers without approval or declaring the offer on the General Assembly's register, as long as the offer does not influence them in performing their duties or is not likely to lead to reputational damage.

ii) **Non-token offers**

Individuals may only accept non-token offers if they have a legitimate business benefit. All accepted non-token offers must be approved in writing by the committee convener or Clerk of Assembly, recorded in the gifts, benefits and hospitality register and be consistent with the following requirements:

- it is not likely to influence them, or be perceived to influence them, in the course of their duties or have the potential to bring the individual, their committee or the PCV into disrepute; 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 their committee or the PCV.

Individuals may be offered a non-token gift or hospitality where there is no opportunity to seek written approval from the convener of their committee or the Clerk of Assembly 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 within five business days. Where the gift could influence an individual, or be perceived to influence an individual, in the course of his or her duties, the committee convener or Clerk of Assembly (as the case may be) must either return the gift or transfer ownership to the PCV to mitigate this risk.

iii) **Recording non-token offers of gifts, benefits and hospitality**

All non-token offers, whether accepted or declined, must be recorded in the General Assembly's gifts, benefits and hospitality register. The business reason for accepting the non-token offer must be recorded in the register with sufficient detail to link the acceptance to the individual's work functions and benefit to their committee or to the PCV. Individuals must consider the following examples of acceptable and unacceptable levels of detail to be included in the General Assembly's register when recording the business reason:

Unacceptable

- 'Networking'
- 'Maintaining stakeholder relationships'

Acceptable

- 'Individual is responsible for evaluating and reporting on the outcomes of the committee's sponsorship of Event A. Individual attended Event A in an official capacity and reported back to the committee on the event.'
- 'Individual presented to a visiting international delegation. The delegation presented the individual with a cultural item worth an estimated \$200. Declining the gift would have caused offence. The gift was accepted on behalf of the PCV.'

Access to the register is restricted on a need to access basis under the supervision of the Clerk of Assembly.

d) **Reporting by the Clerk of Assembly**

The Clerk must report annually to the General Assembly on the administration and quality control of this Policy and the register. The report must include analysis of gifts, benefits and hospitality risks (including multiple offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.

e) **Ownership of gifts given to individuals**

- Non-token gifts with a legitimate business benefit accepted by an individual for his/her work or contribution may be retained by the individual where the gift is not likely to bring them or the PCV into disrepute, and where the Clerk of Assembly or their supervising committee has provided written approval.
- Official gifts or any gift of cultural significance or significant value must be transferred to the PCV.

f) **Repeat offers**

Given that repeat offers (token or non-token) from the same person or organisation can generate a stronger perception that the person or organisation could influence an individual, individuals must refuse repeat offers from the same source if they may lead to reputational damage.

5. Management of the provision of gifts, benefits and hospitality

This section sets out the requirements for the provision of gifts, benefits and hospitality by General Assembly office bearers and committee members.

Figure 2. HOST test

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| H | Hospitality | To whom is the gift or hospitality being provided? Will recipients be external business associates, or individuals within the PCV? |
| O | Objectives | For what purpose will hospitality be provided? Is the hospitality being provided to further the conduct of official business and likely to promote and support the PCV's objectives? |
| S | Spend | Will church funds be spent? What type of hospitality will be provided? Will the costs incurred be proportionate to the benefits obtained? |
| T | Trust | Will public trust be enhanced or diminished? Could the rationale for providing the gift or hospitality be publicly explained? Have records in relation to it been kept in accordance with reporting and recording procedures? |

Requirements for providing gifts, benefits and hospitality

Gifts, benefits and hospitality may be provided when welcoming guests, to facilitate the development of business relationships, to further church 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 that:

- a) any gift, benefit or hospitality provided furthers the conduct of official business or other legitimate church goals, or promotes and the interests of the PCV; and
- b) any costs are proportionate to the benefits obtained for the PCV, and would be considered reasonable in terms of community expectations.

It is expected that the instances where gifts, benefits and hospitality may be provided would rarely arise. It is advisable to seek the prior approval of the Clerk of Assembly as far as is it is practical.

6. Reporting breaches of this Policy

Individuals who consider that gifts, benefits and hospitality by General Assembly office bearers or committee members may not have been declared or are not being appropriately managed must notify the Clerk of Assembly, or, where it involves the Clerk of Assembly, the Deputy Clerk. Individuals who believe they have observed corrupt conduct in their colleagues may also make a protected disclosure directly to the Independent Broad-based Anti-corruption Commission (IBAC).

7. Advice on the application of this Policy

Individuals unsure about accepting a gift benefit or hospitality or any other aspect of the application of this Policy should ask the Clerk of Assembly for advice.