



# Gifts, Benefits and Hospitality

BUSINESS RULE

## Document history

The Commission will review this policy on an annual basis or more frequently, if required, to keep up-to-date with changes to laws, government policy, etc.

Version Number	Author	Revision Date	Description of Change
1.0	Beth Ashworth	19 April 2012	Initial
1.1	Beth Ashworth	9 July 2014	Update
1.2	Courtney Johnson	25 August 2014	Aligned to DEPI gifts, benefits and hospitality model policy; added definitions and sections for gift ownership, accepting travel and hospitality, providing gifts and role of the EO; significant gift now includes cumulative value of nominal gift above \$100; explicitly states that ownership of nominal gift resides with the recipient; ownership of significant resides with the organisation but can be transferred with approval of the Chairperson.
1.3	Jenny Knox	6 December 2017	Adoption of DELWP model policy. Amended cumulative value of token gift offers of \$50. Disclosure of token gift offers by email to the responsible person, whether accepted or not. Recording reportable gift offers in a secure register and publishing a copy of the gift register (observing privacy obligations) on VEWH's website. Publishing VEWH's policy on the website. Declaration from Commissioners at each meeting, annual report from EO to RAC, and RAC to the Commission and tighter definition of what a gift offer is.
1.4	Jenny Knox	3 July 2018	Draft DELWP model policy. This revision was in development and was not finalised.
2.0	Dez Daswani	3 September 2019	Combination of versions 1.3, 1.4 and adoption of DELWP's updated model policy removing any duplications. Added: <ul style="list-style-type: none"> <li>Section 7 - provision of gifts, benefits &amp; hospitality</li> <li>Updated position titles</li> <li>Privacy collection statement- <b>Appendix 2</b></li> </ul>
2.1	Dez Daswani	25 September 2020	<ul style="list-style-type: none"> <li>Updated link to <i>Public Administration Act 2004</i> in section 8</li> <li>Deleted duplication of purpose of policy in Section 2 – Application</li> <li>Clarified which register gifts are being recorded in throughout the document – internal and/or external</li> <li>Updated on page 6 the number of days to lodge the gift declaration form from five working days to 14 calendar days in line with the first sentence of Section 6.5, Appendix A and DELWP model policy</li> <li>Access to the internal register has been extended to the Executive team on page 6.</li> <li>Clarified recording of token gifts in Section 5 page 3. Sustenance to be excluded from the internal register i.e. light food and drinks, notepads, &amp; pens.</li> </ul>
3.0	Dez Daswani	19 April 2022	Key changes include: <ul style="list-style-type: none"> <li>updated policy statements in section 2 adapted from DELWP's GBH Policy</li> <li>section on 'Speak Up' has been moved to section 2 and is included as policy statements #15-17</li> <li>policy principles removed from section 2 – they were from DELWP's 2019 model policy and are linked to VPS Code of Conduct which is already referenced in section 1.</li> <li>removal of duplicate information in proceeding sections</li> <li>section 4.11 updated to improve management of any potential conflict of interest</li> <li>section 5.4 updated to note that all provision of gifts is to be declared and recorded in the gifts register apart from catering for business events</li> <li>updated business rule to make reference to one register only i.e. external and internal register consolidated into one</li> <li>shifting of section on 'Definitions' to Appendix 1.</li> </ul>

## Endorsement and approval

Version	RAC		Commission	
	Meeting	Date	Meeting	Date
1.0			14	19-Jun-2019
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1.2			35	3-Sep-2014
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2.0	25	10-Sep-19	Out of Session	26-Sep-2019
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## 1. Purpose

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This policy states the VEWH's position on:

- responding to offers of gifts, benefits and hospitality; and
- the appropriate provision of gifts, benefits and hospitality (GBH).

This policy is intended to support individuals and the VEWH to avoid conflicts of interest and maintain high levels of integrity and public trust. The VEWH has issued this policy to support behavior consistent with the [Code of Conduct for Victorian Public Sector Employees](#), and the [Code of Conduct for Directors of Victorian Public Entities](#) (the Code). All employees are required under clause 1.2 of the Code to comply with this policy.

This policy applies to all Commissioners, employees and workplace participants including 'in house' contractors<sup>1</sup>, consultants and any individuals or groups undertaking activity for or on behalf of the VEWH. Definitions used in this business rule can be found in [Appendix 1](#).

## 2. Policy statements

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This policy has been developed in accordance with requirements outlined in the [minimum accountabilities for the management of gifts, benefits and hospitality issued by the Victorian Public Sector Commission \(VPSC\)](#) and [DELWP's Gifts, Benefits and Hospitality Policy](#).

The VEWH's Gifts, Benefits and Hospitality Policy statements are:

1. You must not solicit GBH for yourself or anyone else through your role at the VEWH.

### Responding to offers

2. The default position of the agency is to politely decline all offers: 'thanks is enough'.
3. You must decline all offers of GBH that:
  - are likely to influence you, or be perceived to influence you, during your duties as an employee of the VEWH
  - raise an actual, potential or perceived conflict of interest such as an offer from a business associate or current supplier
  - are from a person or organisation, you are likely to make a decision about, such as processes involving grants, sponsorship, regulation, enforcement or licensing
  - extend to your relatives or friends
  - have no legitimate business reason
  - are money or similar, such as vouchers, or easily converted into money
  - are issued by lobbyists
  - pay for flights, accommodation or any other benefit, other than when offered by a conference organiser to compensate you for presenting at a conference
  - could have other implications such as fringe benefits tax, insurance and/or public liability or health and safety risks
  - could bring your integrity, or that of the VEWH, into disrepute.
4. Offers that can be considered for acceptance include:
  - token gift offers which do not raise a conflict of interest (anything valued at \$50 or above is not a token offer)
  - gifts offered as part of culture and practice of communities such as from an overseas delegation
  - thank-you gifts such as a small gift to a speaker at a conference or seminar
  - offers made or sponsored by a state government department or Minister

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<sup>1</sup> Note the application of clause 1.4 of the Code of conduct for Victorian public sector employees to the engagement of contractors and consultants. Contractors and consultants are only bound by the code if explicitly required by their contract for services.

- tickets to conferences and seminars relevant to the business of the agency, or where the conference organiser offers to fund travel or accommodation costs, for an employee to present a paper at the conference
- when there are legitimate business reasons, it would further the business of the VEWH or there is a public benefit in accepting the offer
- internal offers that promote approved VEWH-initiated programs related to health and wellbeing or rewards and recognition
- invitations to events such as a conference or webinar with a business purpose relevant to your position.

Refer to section 4 for further information.

### **Declaring gifts, benefits and hospitality**

5. Approval must be obtained from your manager before accepting an offer.
6. If it is not possible to seek approval beforehand, the offer must be declared as soon as it is practicable and within 14 days of receiving the offer.
7. You must take reasonable steps to determine the value of the offer if it is not clear.
8. All offers of gifts, benefits or hospitality valued at \$50 or more must be declared, even if they are declined.
9. The declaration must be made within 14 days of receiving the offer.
10. An offer need not be declared if:
  - it does not specifically or personally target the receiver (e.g. a data-base generated invitation to subscribers) and is declined
  - the offer amounts to a business-as-usual benefit such as modest catering.
11. A register of all reportable offers (accepted and declined) is accessible to the public and is published annually on the VEWH's website.

### **Provision of gifts, benefits and hospitality**

12. You should avoid making offers of gifts, benefits and hospitality unless:
  - there is a legitimate business reason to further the conduct of official business or other legitimate organisational goals, or it promotes and supports government policy objectives and priorities
  - it does not raise an actual, potential or perceived conflict of interest.
13. Any costs must be proportionate to the benefits obtained for the State and considered reasonable in terms of community expectations.
14. Catering offered for rewards and recognition of excellent work by employees and workplace participants should be of a reasonable value that would meet community expectations of appropriate use of public funds. Items offered for this purpose must be appropriate to the workplace context and not involve alcohol. The purchase of such rewards must be approved by the appropriate financial delegate.

Refer to section 5 for further information.

### **Speak up!**

15. Individuals who consider that gifts, benefits and hospitality or conflict of interest within the VEWH may not have been declared or is not being appropriately managed should speak up and notify their manager or Commission Chairperson.
16. Individuals who believe they have observed corrupt conduct in their colleagues may also make a protected disclosure directly to the Independent Based-based Anti-corruption Commission (IBAC).
17. The VEWH will take decisive action, including possible disciplinary action, against individuals who discriminate against or victimise those who speak up in good faith.

### 3. Minimum accountabilities

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Under the DELWP Portfolio Financial Management Compliance Framework (PFMCF) section 3.5.8a:

*The Accountable Officer must ensure that the Agency develops policies and procedures that apply the minimum accountabilities set out in the Victorian Public Sector Commission's Gifts, Benefits and Hospitality Policy Framework.*

The gifts, benefits and hospitality minimum accountabilities can be found at [VPSC's website](#).

### 4. Management of offers of gifts, benefits and hospitality

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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 organisational delegate. The policy statements on *responding to offers* are listed in section 2.

#### 4.1 Conflict of interest and reputational risks

When deciding whether to accept an offer, individuals should first consider if the offer could be perceived as influencing them in performing their duties or lead to reputational damage. The more valuable the offer, the more likely that a conflict of interest or reputational risk exists.

#### Figure 1. GIFT test

This table is a useful tool when considering how to respond to a gift offer.

<b>G</b>	Giver	<b>Who is providing the gift, benefit or hospitality and what is their relationship to me?</b>  Does my role require me to select suppliers, award grants, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make?
<b>I</b>	Influence	<b>Are they seeking to gain an advantage or influence my decisions or actions?</b>  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?
<b>F</b>	Favour	<b>Are they seeking a favour in return for the gift, benefit or hospitality?</b>  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?
<b>T</b>	Trust	<b>Would accepting the gift, benefit or hospitality diminish public trust?</b>  How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family, friends or associates think?

To assist employees and the Commission, a flowchart of how to respond to gift offers is set out in [Appendix 2](#).

## 4.2 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 recipient (such as basic courtesy). The minimum accountabilities state that token offers cannot be worth more than \$50.

Individuals may generally accept token offers as long as the offer does not create a conflict of interest or lead to reputational damage (e.g. a token gift for giving a presentation at a seminar or conference). In alignment with Victorian water industry practices, individuals must not accept hampers, or other gifts, from consultants.

Regardless of whether a token gift offer is accepted, it must be declared as soon as practicable to the [responsible person](#) unless it is sustenance (which is light food and drink with business meetings, like tea, coffee or sandwiches) or items such as notepads and pens. The Commissioner or employee who receives the offer must send an email to the [responsible person](#) that sets out:

- the date of the offer;
- the source (organisation or individual) of the offer;
- what was offered and why;
- that it was a token offer, including an estimate of:
  - the value of the gift offered; and
  - the combined value of all gifts offered to them from that source in the last 12 months;
- whether it was a prohibited gift and, if so, why; and
- whether the offer was accepted or refused.

For token offers, a gifts declaration form does not need to be completed

### Example – acceptance of token gift

'On 16 July 2017, I received a gift offer from Berringer and Co. of a bottle of wine. It was offered to me as a thank you for presenting at their annual education forum, which I did as part of my official duties. I estimate the value of the bottle of wine to be \$30. I estimate the combined total of gift offers I have received from this source in the last 12 months to be \$45. I consider this to be a token gift offer. It was not a prohibited gift offer. I accepted the offer.'

### Example – refusal of token gift

'On 13 December 2017, I received a gift offer from Murks and Co. of a desk calendar. It was offered as 'a Christmas good will gift'. I estimate the value of the desk calendar to be \$20. I estimate the combined total of gift offers I have received from this source in the last 12 months to be \$45. It was a prohibited gift as it is a conflict of interest - Murks is a prospective tenderer about whom I am likely to make or can influence a decision. I refused the offer and explained why to the rep.'

## 4.3 Non-token offers

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 (anything valued at \$50 or more).

Individuals can only accept non-token offers if they have a legitimate business benefit. All non-token offers whether accepted or not must be approved in writing by [responsible person](#) 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 VEWH or the public sector 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 the VEWH, public sector or the State.

Where the gift would likely bring you or the organisation into disrepute, the organisation should return the gift. If it represents a conflict of interest for you, the organisation should either return the gift or transfer ownership to the organisation to mitigate this risk.

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 as soon as it is practicable and within 14 days of receiving the offer.

A Commissioner or employee who is offered a **non-token** gift (*regardless of whether the gift is accepted*) must:

- declare the offer to the [responsible person](#) as soon as practicable; and
- within 14 calendar days of the offer, sign and lodge a completed [gift offer declaration form](#).

#### 4.4 Recording offers of gifts, benefits and hospitality

All offers (token and non-token), whether accepted or declined, must be recorded in the VEWH's gifts register, apart from sustenance (which is light food and drink with business meetings, like tea, coffee or sandwiches) or items such as notepads and pens. The business reason for accepting non-token offers must be recorded in the register with sufficient details to link the acceptance to individual's work functions and benefits to the VEWH, public sector or State.

Consider the following examples of acceptable and unacceptable levels of detail to be included in the VEWH'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 VEWH's sponsorship of Event A. Individual attended Event A in an official capacity and reported back to the VEWH 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 VEWH."

The VEWH's Risk and Audit Committee (RAC) 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 VEWH'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 report format is provided in [Appendix 4](#).

In addition:

#### Employees

The CEO must ensure that employees are provided with regular reminders of the need to lodge [gift offer declaration forms](#)

#### Commission

At the start of each Commission meeting, the chair must ask all Commissioners present to state whether their entries in the gifts register are complete and correct. If there are no changes, the minutes will note that:

*'No gifts, benefits or hospitality were declared.'*

If changes are declared, these will be noted in the minutes, together with the Commission's undertaking to lodge a [gift offer declaration form](#) within 14 calendar days of the offer.

A copy of the gifts register that complies with privacy obligations (refer to next item) must be published on the VEWH's external website. Entries should remain on the website for at least the current and previous financial year.

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<sup>2</sup> To assist readers, the 'de-identified' copy of the gifts register should be located with the privacy collection statement and copy of this policy and guidance for external stakeholders on the website.

## Privacy protection

The CEO must have processes in place to ensure that the VEWH complies with the [Privacy and Data Protection Act 2014](#) when collecting, using, and disclosing personal information in relation to gift offers (token and reportable).

This includes ensuring that:

- identifying information is deleted from the copy of the gifts register that is published on the VEWH's external website, and
- a *Privacy collection statement - gift offers* is published on the website that is consistent with the [template statement](#) issued by DELWP. Refer to [Appendix 5](#) for the VEWH's *Privacy collection statement - gift offers*.

## 4.5 Ownership of gifts offered to individuals

A Commissioner or employee who accepts a non-token gift does so **on behalf of the VEWH**. The VEWH is the owner of the gift.

Non-token gifts with a legitimate business benefit that have been accepted by an individual for their work or contribution may be retained by the individual where the gift is not likely to bring them or the VEWH into disrepute, and where their manager or organisational delegate has provided written approval. Employees must transfer to the VEWH official gifts or any gift of cultural significance or significant value

## 4.6 Repeat offers

Receiving multiple offers (token or non-token) from the same person or organisation can generate a stronger perception that the person or organisation could influence you. Individuals should refuse repeat offers from the same source if they create a conflict of interest or may lead to reputational damage.

## 4.7 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 organisation, irrespective of value, and should be accepted by individuals on behalf of the VEWH.

## 4.8 'Public interest' approval for use of gift by Commission or employee

Occasionally, it will be in the **public interest** for approval to be given for a Commissioner or employee to use a non-token gift 'as their own' at the behest of the VEWH.

Applications for 'public interest approval' will be determined by the Commission (for the Commission and the CEO) or the CEO (for employees) in accordance with the following criteria:

- approval is required to avoid the person being in breach of this policy through no fault of their own;
- prior written approval has been granted, for sponsored hospitality to be accepted in relation to a conference or familiarisation tour.

The reason(s) for any public interest approval that is granted must be well documented, attached to the [gift offer declaration form](#), and recorded in the gifts register.

## 4.9 Gifts of cultural, historic or other significance

Consideration should be given to donating gifts of cultural, historic or other significance to an appropriate public institution, such as the Melbourne Museum, State Library, or National Gallery of Victoria.

## 4.10 Donating other reportable gifts

Consideration should be given to donating other non-token gifts, or the proceeds of their sale, to a non-profit organisation or public institution.

## 4.11 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](#) and in particular #6:

*Ensure that any costs are proportionate to the benefits obtained for the State, and would be considered reasonable in terms of community expectations.*

Individuals should be mindful to avoid potential conflict of interest especially during evaluation of projects for provision of grants by using the [GIFT test \(figure 1\)](#) to guide decision-making.

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 VEWH's functions and objectives and with the individual's role;
- does not raise an actual, potential or perceived conflict of interest.

The VEWH does not have a separate register for official business events. If it is not clear whether attendance at an event is part of normal business activity, the invitation should be treated as a gift offer and the process outlined in section 5 is to be followed (regardless of whether the invitation is accepted).

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

This section sets out the requirements for providing gifts, benefits and hospitality. The policy statements on *provision of gifts, benefits and hospitality* are listed in section 2.

**Figure 2. HOST test**

<b>H</b>	Hospitality	<p><b>To whom is the gift or hospitality being provided?</b></p> <p>Will recipients be external business associates, or individuals of the host organisation?</p>
<b>O</b>	Objectives	<p><b>For what purpose will hospitality be provided?</b></p> <p>Is the hospitality being provided to further the conduct of official business? Will it promote and support government policy objectives and priorities? Will it contribute to staff wellbeing and workplace satisfaction?</p>
<b>S</b>	Spend	<p><b>Will public funds be spent?</b></p> <p>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?</p>
<b>T</b>	Trust	<p><b>Will public trust be enhanced or diminished?</b></p> <p>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?</p>

### 5.1 Containing costs

Individuals should contain costs involved with providing gifts, benefits and hospitality wherever possible, and should comply with the financial probity and efficient use of resources guidance outlined in the [Code of Conduct for Victorian Public Sector Employees](#), and the [Code of Conduct for Directors of Public Entities](#). The following questions may be useful to assist individuals to decide on 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?
- Is the gift symbolic, rather than financial, in value?
- Will providing the gift, benefit or hospitality be viewed by the public as excessive?

## 5.2 Providing catering for external events

Catering is provided at functions for external guests subject to the following criteria:

- there is a real benefit to the department,
- the expenditure is modest and proportionate to the benefit,
- it is not excessive,
- it is not too frequent, and
- it is consistent with community expectations.

The VEWH does not provide alcohol for external events.

## 5.3 Providing catering at internal events

VEWH provides modest catering for employees for events such as annual recognition events or marking the completion of a major project based on the following considerations:

- 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, or
- the need to balance the positive benefits of public recognition with community expectations in relation to modest expenditure by public officials.

Celebrations of events such as birthdays, marriages or the birth of a child are not catered with public funds.

VEWH practice for recognition events is that the business unit funds a modest meal and soft drinks. Staff purchase alcohol if they choose.

VEWH practice is that meetings are scheduled to avoid conflict with meal times. Where that is not possible, a break is encouraged to enable participants to seek their own refreshments. If an event or meeting extends over meal times, modest hospitality can be provided.

As a guideline, provide refreshments when meetings exceed these times:

- 2 hours - for morning or afternoon tea
- 3 hours - for lunch
- 5 hours - for lunch and either morning or afternoon tea
- 7 hours - for lunch, morning tea and afternoon tea.

## 5.4 Provision of gifts

The VEWH does not provide gifts to employees as part of Reward & Recognition or farewell.

Flowers can be purchased from public funds in the event of the death of an employee or close family member. Should work colleagues choose to recognise life events such as the birth of a child flowers and gifts are funded through staff collections.

All provision of gifts is to be declared and recorded in the gifts register apart from catering for business events.

## 6. Related policy, legislation and other documents

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- The establishing Act, being *the amendment to the [Water Act 1989](#)* July 2010;
- [Minimum accountabilities for the management of gifts, benefits and hospitality set out by the VPSC](#)
- [DELWP's Gifts, Benefits and Hospitality policy](#)
- [DELWP's Conflict of Interest Policy](#)
- [VEWH's Fraud and Corruption business rule](#)
- [Public Administration Act 20043](#)
- [Code of Conduct for Victorian Public Sector Employees](#)
- [Code of Conduct for Victorian Public Sector Employees of Special Bodies](#)
- [Code of Conduct for Directors of Victorian Public Entities](#)
- [Victorian Public Sector Commission's Gifts, Benefits and Hospitality Policy Guide](#)

## 7. Authorising Officer and organisational delegate

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This policy is issued under the authority of the Commission and is subject to annual review.  
The organisational delegate is the CEO.

## 8. Breaches

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Disciplinary action consistent with the relevant industrial instrument 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 DELWP's Conflict of Interest Policy.

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](#), and the [Code of Conduct for Directors of Public Entities](#), such as sections of the Code covering conflict of interest, public trust and gifts and benefits; and
- individuals making improper use of their position.

For further information on managing breaches of this policy, please contact the Project Officer, Business Management.

The VEWH 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.

## 9. Contacts for further information

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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, the Project Officer, Business Management or Commission Chair for advice.

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<sup>3</sup>In particular:

1. s 7: public sector values (i.e. integrity, impartiality, accountability, respect, responsiveness, human rights, leadership);
2. s 79: 'duties of directors' (Commission);
3. s 13A: requirement to provide information to the Secretary of DELWP;
4. s 81(1)(b): duty to inform the minister and the Secretary of DELWP of major risks to VEWH;
5. s 81(1)(g): requirement to have an adequate gifts policy in place for Commission.

## Appendix 1 - Definitions

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**Benefits** - 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 and promises of a new job.

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 behaviour.

**Business associate** - An individual or body that the public sector 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.

**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 usually provided when conducting business with official delegates or representatives from another organisation, community or foreign government.

Ceremonial gifts are the property of the public sector organisation, irrespective of value, and should be accepted by individuals on behalf of the public sector organisation. The receipt of ceremonial gifts should be recorded on the gifts register.

**Conflict of interest** - Conflicts may be:

- **Actual:** There is a real conflict between an employee's public duties and private interests.
- **Potential:** An employee has private interests that could conflict 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.
- **Perceived:** The public or a third party could reasonably form the view that an employee's private interests could improperly influence their decisions or actions, now or in the future.

### Gifts

Gifts are free or discounted items or services and any item or service 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), consumables (e.g. chocolates) and services (e.g. painting and repairs). Fundraising by public sector organisations that is consistent with relevant legislation and any government policy is not prohibited under the minimum accountabilities.

**Gifts Register** - A gifts register is a record of all declarable gifts, benefits and hospitality. The register records sufficient information for identifying trends and key risks and forms the basis of risk-based monitoring and reporting. Guidance regarding the information that should be recorded is provided in the [Policy Guide](#).

**Hospitality** - 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** - 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 public sector organisation, the public sector or the State.

**Public official** - Public official has the same meaning as section 4 of the Public Administration Act 2004 and includes, public sector employees, statutory office holders and directors of public entities.

**Responsible person** - The 'responsible person' is the person whom the Commission or employee notifies of any gift offers they receive; notifies of suspected bribery attempts; and seeks advice from about this policy and how to comply.

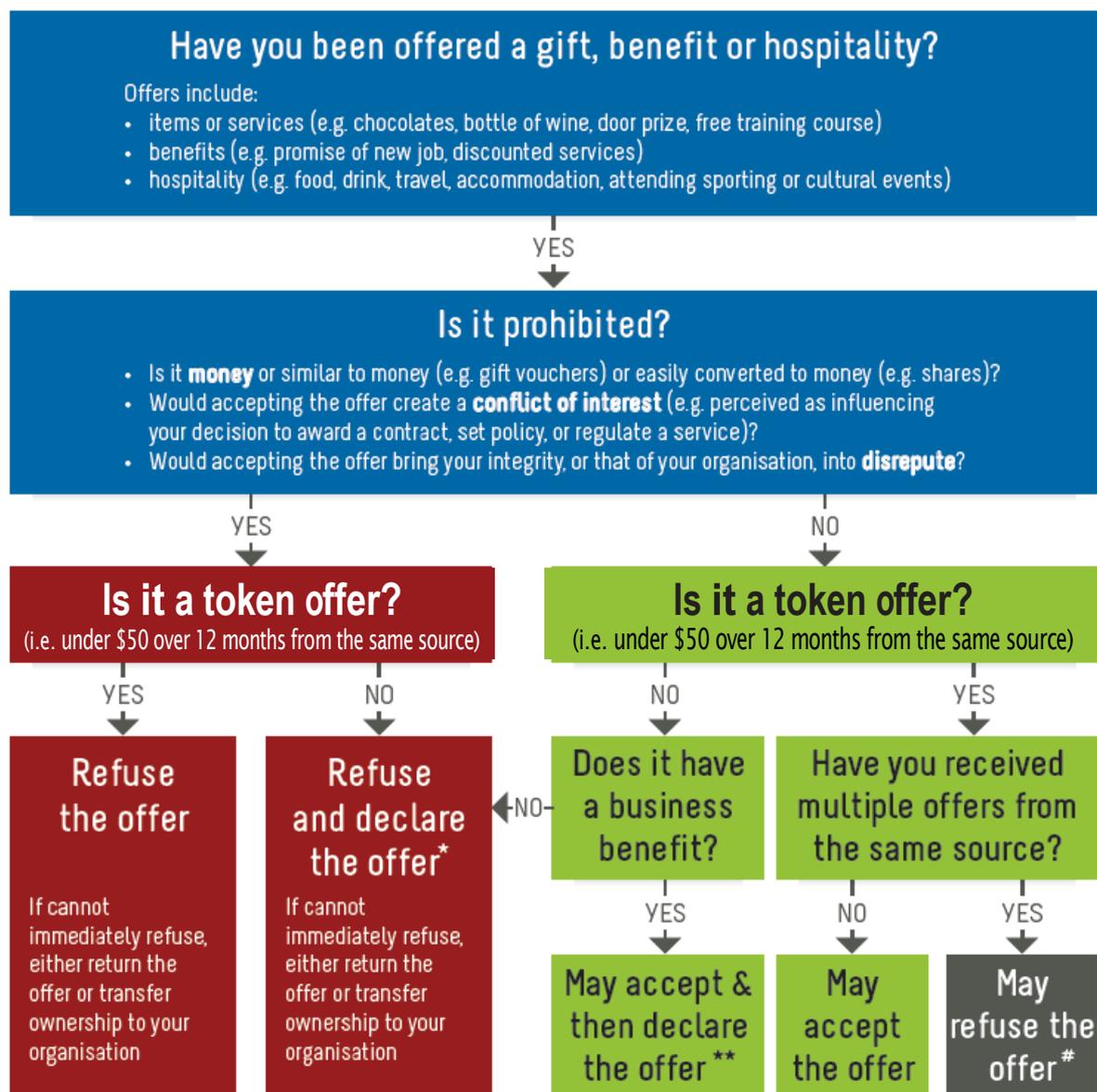
	<b>Responsible Person</b>
<b>Employee</b>	Line manager
<b>Commissioner or CEO</b>	Chair
<b>Chair</b>	Deputy chair Where appropriate, the chair should also seek advice from the Minister and/or DELWP.

**Token offer** - 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 minimum accountabilities state that token offers cannot be worth more than \$50. All token offers must be recorded in the gifts register except for sustenance (which is light food and drink with business meetings, like tea, coffee or sandwiches) or items such as notepads and pens.

**Non-token offer** - 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 in the gifts register.

## Appendix 2 - Flowchart on responding to gifts, benefits and hospitality

### Public officials do not seek offers of gifts, benefits and hospitality.



\* Generic, bulkevent invitations that are declined (e.g. spam email offers) do not need to be declared.

\*\* Hospitality from Victorian public sector organisations do not need to be declared.

# More than one token offer may be accepted. However, care should be taken to ensure that multiple offers are not used as a device to avoid offers being recorded on the register and that the total value does not exceed \$50 over 12 months.

## Appendix 3 – Gift offer declaration form

*We have an obligation to protect public confidence in the integrity of our decision-making by minimising offers of gifts.*

### Instructions

To be completed by the recipient of the reportable gift, benefit or hospitality offer within 14 days of the offer being made and sent to [dez.daswani@vewh.vic.gov.au](mailto:dez.daswani@vewh.vic.gov.au).

**Important note** – fields shaded in:

- light grey will be published on the agency’s public register on our website.
- dark grey will only be published on the public register if you accept the gift, benefit or hospitality.

You to complete	
Your name	[your name]
Your position (e.g. Policy Officer)	[your position]
Your team (e.g. Governance)	[your unit or division]
Details of the gift, benefit or hospitality	
Date offered	[date offered]
Description of the gift, benefit or hospitality	[description of the gift, benefit or hospitality]
Estimated or actual value	[estimated or actual value]
Name of the person making the offer	[name of the person making the offer]
Position or title of the person making the offer	[position or title of the person making the offer]
Name of the organisation making the offer	[name of the organisation making the offer]
Type of organisation (e.g. conference organiser, government agency, consulting firm)	[type of organisation]
Why is the offer being made?	[reason for the offer being made]
Is the person or organisation making the offer a business associate of the agency? <b>If yes</b> , describe the relationship between them and the organisation. <b>If no</b> , describe the relationship between you and the person or organisation making the offer (e.g. friendship).	Select yes or no from this list.
	[relationship between the department and offeror]
	[relationship between you and the offeror]
Would accepting the offer create an actual, potential or perceived <b>conflict of interest</b> ? <b>If yes</b> , then the offer must be declined.	Select yes or no from this list.
Would accepting the offer bring you, the agency or the public sector into disrepute? <b>If yes</b> , then the offer must be declined.	Select yes or no from this list.
Is there a legitimate business benefit to the department or public sector for accepting the offer? <i>For example:</i>	Select yes or no from this list.
	[details of the legitimate business benefit]

<ul style="list-style-type: none"> <li>• Was it offered during your official duties?</li> <li>• Does it relate to your official responsibilities?</li> <li>• Does accepting bring any benefit to the agency, public sector or State?</li> </ul> <p>If <b>no</b>, then the offer must be declined. If <b>yes</b>, then the business benefit must be detailed.</p>	
Is the offer an official or ceremonial gift provided when conducting business with official delegates or representatives from another organisation, the community or another government?	<b>Select yes or no from this list.</b>
If <b>yes</b> , please provide details.	[details of the official or ceremonial purpose]
Did I accept or decline the offer?	<b>Select accept or decline from this list.</b>
I declare that the details above are accurate and complete.	Signature:
	Date:
<b>Your manager or organisational delegate to complete</b>	
Your name	[reviewer's name]
Your position or title (e.g. Director)	[reviewer's position or title]
Your unit or division (e.g. Climate Change)	[reviewer's unit or division]
Your relationship to the declarant (e.g. line manager)	[reviewer's relationship to declarant]
<b>Complete if the declarant declined the offer</b>	
I have reviewed this declaration form and submitted it for inclusion on our Gifts, Benefits & Hospitality Register.	Signature:
	Date:
<b>Complete if the declarant accepted the offer</b>	
What decision was made about the ownership and disposal of the gift? (e.g. was it kept by the declarant, transferred to the agency, returned, or donated to charity)	[details on how the gift was disposed of]
I confirm that, to my knowledge, accepting this offer: <ul style="list-style-type: none"> <li>• does not raise an actual, potential or perceived conflict of interest for the individual or myself; <b>and</b></li> <li>• will not bring the individual, myself, the agency or the public sector into disrepute; <b>and</b></li> <li>• will provide a clear and legitimate business benefit to the agency, the public sector or the State.</li> </ul>	Signature:
	Date:

Send completed form to [dez.daswani@vewh.vic.gov.au](mailto:dez.daswani@vewh.vic.gov.au)

## Appendix 4 – Annual report to Audit committee

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The CEO's annual report to the Risk and Audit Committee (RAC) must, at a minimum, include the following information:

### A. Risk analysis

#### Sources, type, and targeting of gift offers (patterns and anomalies)

Reportable gifts: an analysis of patterns and anomalies in the gifts register, including an overview of:

- (i) *Gifts offered*: the types and value range of gifts offered, in particular:
  - main sources (organisations and individuals) of high value and/or frequent offers;
  - which areas of the VEWH and which positions (chair, Commissioner, CEO, other employee positions) were subject to high value and/or frequent offers; and
  - patterns in areas identified by the RAC for high scrutiny (e.g. tendering and procurement).
- (ii) *Prohibited gifts*: the level, nature and sources of prohibited gifts offers.
- (iii) *Acceptance of gifts*: the total number, value, and percentage of gift offers accepted v. refused.
- (iv) *Use and disposal*: how the VEWH used or disposed of the gifts it received.
- (v) *Bribes*: any reports of suspected bribery attempts.

Token gifts: to the extent, if any, that the RAC requires, an analysis of token gift offers - e.g. some or all of (i) to (iii) above - in particular, prohibited token gift offers.

#### Level of compliance with policy

An overview of the estimated level of compliance with this policy, including:

- (i) Whether there are fewer entries in the gifts register than would reasonably be expected given the size and functions of the VEWH.
- (ii) Based on research conducted (e.g. surveys and focus groups with Commissioners and employees; random and targeted spot checks with current/recent suppliers and external contractors, etc.), the estimated level of failure to:
  - declare reportable gifts by lodging a [gift offer declaration form](#);
  - declare token gifts by emailing the [responsible person](#);
  - refuse prohibited gifts.

### B. Steps taken to improve compliance (risk mitigation measures)

An overview of steps taken in the last year to improve compliance with this policy, including:

- (i) substantive changes to business rules, processes and record-keeping requirements;
- (ii) activities to promote awareness of, and improve compliance with, this policy, noting who the activities were directed to (i.e. Commissioner, employees and/or external stakeholders);
- (iii) remedial action taken to address patterns of frequent or prohibited gift offers (e.g. letters to offerors); and
- (iv) progress in implementing any recommendations made to, and accepted by, the RAC and/or board.

### C. Recommendations (future improvements)

New recommendations, if any, for:

- (i) improving compliance with this policy; and/or
- (ii) updating this policy and related business rules, processes and record-keeping requirements

## Appendix 5 - Privacy collection statement – gift offers

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### Background

This privacy collection statement is published in accordance with the Information Privacy Principles in Schedule 1 of the *Privacy and Data Protection Act 2014*.

The Victorian Environmental Water Holder (VEWH) is part of the public sector. As such, it complies with a range of laws and related obligations, including:

- the *Public Administration Act 2004*;
- the *Minimum accountabilities for the management of gifts, benefits and hospitality* issued by the Victorian Public Sector Commission; and
- the *Privacy and Data Protection Act 2014*,

### Collection, retention and use of information

As part of the VEWH's compliance with its obligations and with good public sector governance practice:

1. If an individual or organisation offers a gift to a Commissioner or employee of the VEWH as a result of that person's role with the VEWH, information about the offer will be recorded, retained, and used by the VEWH.
2. Details of the information that will be recorded, retained and used by the VEWH are set out in the VEWH's policy on Gifts, Benefits and Hospitality – responding to gift offers ('gifts policy').
3. The VEWH's gifts policy is published on its external website [www.vewh.vic.gov.au](http://www.vewh.vic.gov.au)
4. As set out in its gifts policy, the VEWH publishes a 'de-identified' copy of its gifts register on its external website [www.vewh.vic.gov.au](http://www.vewh.vic.gov.au)
5. The purpose of publishing the 'de-identified' copy of the VEWH's gifts register on its external website is to:
  - promote transparency in public sector decision making; and
  - comply with the *Minimum accountabilities* for the management of gifts, benefits and hospitality.

### Viewing information

If you have offered a gift to a board member or employee of the VEWH as a result of that person's role with the VEWH you can view the information that has been recorded by contacting: **Dez Daswani** – [dez.daswani@vewh.vic.gov.au](mailto:dez.daswani@vewh.vic.gov.au)

Please note that, in accordance with the VEWH's gifts policy, whilst information on both 'reportable' and 'token' gifts (as defined in the policy) are recorded, retained and used by the VEWH:

- only information on reportable gifts is recorded in the gifts register; and
- steps have been taken to 'de-identify' personal information in the copy of the gifts register that is published on the VEWH's external website.