

Gifts, Benefits and Hospitality Policy

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| Approved By | Board |
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Purpose

This policy outlines Westernport Water's (WPW) requirements for responding to offers of gifts, benefits and hospitality (GBH) and the appropriate provision of gifts, benefits and hospitality.

Scope

This policy applies to all Directors and employees of Westernport Water and contractors, consultants or any other individuals or groups undertaking activity for, or on behalf of Westernport Water.

Please refer to the Victorian Public Sector Commission (VPSC)'s model Gifts, benefits and hospitality policy and minimum accountabilities for additional definitions, examples, context and process requirements.

Policy Application

You must not solicit GBH for yourself or anyone else if the offer could reasonably be seen as connected to your role at Westernport Water.

Responding to offers

The default position of Westernport Water is to politely decline all offers: 'thanks is enough'.

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 Westernport Water.
- 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 or influence, 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 compromise the public's trust in the impartiality of the public sector, Westernport Water, or yourself.
- is inconsistent with community expectations.
- could be reasonably seen as a bribe or other inducement. Such offers must be reported, refer to the Fraud & Corruption Prevention Control Plan for further guidance on lines of reporting.
- repeat offers (token or non-token) the combined effect of which could reasonably be seen as adding up to a conflict of interest. For example, a WPW staff member who manages the relationship with a supplier might meet with that supplier in a café regularly. It might be appropriate for them to accept an offer to pay for their coffee a single time as a basic courtesy, or occasionally, however more than occasionally might result in a perception of influence and so should not be accepted. More than occasionally might also give the impression to a member of the public that suppliers are expected to pay for staff food and drink and in doing so may influence the WPW's staff members decisions.
- could bring your integrity, or that of Westernport Water, into disrepute.

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), see the definition for Token Gift Offer for examples of what is acceptable.
- 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.
- tickets to conferences and seminars relevant to the business of Westernport Water, or where the conference organiser offers to fund travel or accommodation costs, for an employee to present at the conference.
- when there are legitimate business reasons, it would further the business of Westernport Water or there is a public benefit in accepting the offer.
- internal offers that promote approved Westernport Water-initiated programs related to health and wellbeing or rewards and recognition.
- invitations to official business events.

If you are unsure of whether you may accept an offer, seek advice from your manager, the Strategy, Performance and Governance Team, and the Code of Conduct for Victorian public sector employees.

Unsolicited general offers or Sponsorships

Unsolicited offers that are made to Westernport Water or to a general cohort (e.g. customer service or operational staff) rather than an individual must be assessed carefully. If accepted, these offers must be declared by a member of the Executive Team.

Offers that require something from Westernport Water in exchange may constitute a sponsorship proposition. For any offer or exchange that could constitute a sponsorship, refer to Westernport Water's Sponsorship and Donations Policy.

Declaring gifts, benefits and hospitality

Approval must be obtained from your manager before accepting an offer. If it is not possible to seek approval beforehand, the offer must be declared as soon as it is practicable.

You must take reasonable steps to determine the value of the offer if it is not clear.

All offers of gifts, benefits or hospitality valued at \$50 or more must be declared using the Gifts, Benefits and Hospitality Declaration form (INT17-03121), even if they are declined. The declaration must be made within 14 days of receiving the offer.

All declaration forms must be sent to the Strategy Performance and Governance Team for registration. 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, which includes basic courtesy or is catering that is proportionate to the number of attendees and would not be perceived as expensive.

A register of all reportable offers (accepted and declined) is accessible to the public and is published annually on the Westernport Water website.

Provision of gifts, benefits and hospitality (including catering)

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, or
- you declare a conflict and a management plan is appropriately developed which explicitly allows you to provide it.

Any costs must be proportionate to the benefits obtained for the State and considered reasonable in terms of community expectations. You must ensure that when hospitality is provided, or accepted, participants;

- demonstrate professionalism in their conduct,
- uphold their obligation to extend a duty of care to other participants.

Gifts offered for rewards and recognition of excellent work by Westernport Water 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 preferably not involve alcohol. The purchase of such rewards must be approved by the appropriate financial delegate for the accrued value if multiple gifts are purchased.

Catering may be arranged for meetings running for longer than four (4) hours or across a lunchtime period. The cost per head will be capped at \$20 and must have approval from a member of the Executive Team.

The Managing Director has the authority to approve larger amounts for catering or gifts in the instance of specialised functions or unusual circumstances.

Speak up!

Instances of undeclared or inappropriately managed gifts, benefits and hospitality should be reported to the [Manager](#) Strategy, Performance & Governance. Reports can be made anonymously.

Westernport Water will;

- actively support and protect employees who speak up in good faith about a possible breach of the policy.
- take decisive action, including possible disciplinary action, against anyone who discriminates against or victimises an employee who speaks up in good faith.
- respond in a constructive manner to the information provided.

Definitions

Business Associate

An individual, group or organisation that Westernport Water has, or plans to have, a business relationship with or who may seek commercial or other advantage.

Gift Offer

Anything of monetary or other value offered by an external source to an employee or their close relative, friend or associate because of the employee's role with Westernport Water. It includes free or discounted:

- items or services – such as food hamper, desk calendar, box of chocolates, door prize, gardening services.
- benefits – preferential treatment, privileged access, favours or other intangibles such as a discount gym membership or the promise of a new job.
- hospitality – friendly reception and treatment of guests. It includes offers of food, drink, travel, accommodation, events and activities such as sporting, social, industry, arts, entertainment.

Depending on its value, a gift offer is token or reportable.

Where an employee is offered hospitality that qualifies as modest catering or an official business event it is not a gift offer.

A generic bulk offer, such as via spam email, is not a gift offer unless it is accepted.

Gifts, Benefits and Hospitality Registers

An internal register titled the 'Register of gifts, benefits and hospitality – declarable offers'. The internal register records all non-token offers, the date of the offer, information about the donor and recipient, its nature, its estimated value and how it was handled and, if accepted, the business reason for doing so. A de-identified public register is published online and the full register is tabled with the Audit and Risk Committee annually.

Hospitality

The friendly reception and treatment of guests, ranging from offers of light refreshment at a business meeting to restaurant meals and sponsored travel and accommodation. Hospitality may be offered to a public-sector employee. It may also be provided by public sector organisations.

Host

An external source (organisation or individual) organising or hosting the event.

Legitimate business reason

A business purpose that furthers the official business or other legitimate goals of Westernport Water, public sector or State.

Official business event

When an employee is invited to an event that it is in the public interest for them to attend such as events hosted by other government agencies, engagement with community or industry stakeholders or maintaining sector or professional knowledge.

Reportable (non-token) gift offer

Gift offer with an estimated value of \$50 or greater, or is of cultural, historic or other significance such as a ceremonial gift.

Token gift offer

Gift offer that is inconsequential and trivial in value to both the offeror and the employee. The offer must be worth less than \$50. If a joint offer is made by multiple people the total value of the offer is used to determine its worth, not the value of each individual contribution. For example, a gift hamper, chocolates, or flowers worth less than \$50 might be considered a token offer. Staff should remain mindful of repeat offers and the perceived conflict of interest this may create, regardless of the value of the offer.

Applicable legislation, regulation and standards

Westernport Water's Gifts, Benefits and Hospitality Policy responds to the Corporation's governing bodies' requirements and the principles of good corporate governance.

The following WPW and external documents must be considered when editing this policy. Any changes made to this document are to be reflected in and/or aligned to:

- Conflict of Interest Policy
- Code of Conduct (VPSC)
- Commitment letter Supplier Code of Conduct – Department of Treasury and Finance
- Working Together Policy
- Travel and Accommodation Policy
- Corporate Purchasing Card Policy
- Public Interest Disclosures Act 2012 (Vic)
- Public Interest Disclosure Policy

- Fraud & Corruption Prevention Control Plan
- Sponsorship and Donation Policy
- VPSC Gifts, benefits and hospitality (employees) model policy and minimum accountabilities
- DEECA Model policies for agencies and boards – Gifts, benefits and hospitality

Review Date

This policy is to be reviewed every three years and approved by the Board. The Policy will continue until replaced by a later version or rescinded.

RESPONSIBLE OFFICER

Policy Owner – General Manager, Corporate and Customer

Responsible Policy Officer – Manager Strategy, Performance and Governance