

## Policy – Gifts, Benefits & Hospitality

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### Purpose

This policy states Southern Rural Water's (SRW's) position on:

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

This policy is issued to support individuals and SRW to avoid conflicts of interest and maintain high levels of integrity and public trust.

The policy is issued to support individuals and SRW maintain high levels of integrity and public trust by setting requirements that:

- avoid conflicts of interest
- support behaviour consistent with the Code of Conduct for Victorian Public Sector Employees
- ensure compliance with the model gifts, benefits and hospitality policy set by the Department of Environment, Water, Land and Planning.

### Policy

SRW employees must:

- not seek or solicit gifts, benefits or hospitality, for themselves or anyone else;
- refuse all non-token offers of gifts, benefits or hospitality over \$50 – with the exception of:
  - official business events which have been pre-approved by the Managing Director in the case of employees, and the Chairman in the case of the Managing Director, or
  - ceremonial gifts.
- refuse all offers of gifts, benefits and hospitality that (including those offers that may constitute an official business event or are ceremonial)::
  - are money, items used in a similar way to money, or items easily converted to money, such as shares and gift cards;
  - 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 offers without a legitimate business benefit; or
  - is inconsistent with community expectations.
- disclose all offers (whether accepted or not) of gifts, benefits and hospitality to the Corporation Secretary within five working days of the offer. for appropriate record-keeping, including attendance at hosted business events of relevance to the industry.

Before requesting approval to attend an official business event, SRW staff must consider:

- whether the employee is the most appropriate person to attend
  - the number of people from SRW attending
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- that the purpose to attend is beyond mere interest – to present or gain information or skills that provides a legitimate business benefit to SRW.

Gifts, benefits or hospitality provided by SRW must:

- only be provided for legitimate business purposes;
- be proportionate to the benefits obtained, and be considered reasonable in terms of community expectations;
- 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;
- where the recipient is a member of SRW staff:
  - not exceed \$50 in value
  - not be in the form of financial gifts such as vouchers and gift cards
  - be in accordance with a staff recognition program approved by the Managing Director; and
- be recorded in SRW's gifts, benefits and hospitality register.

Bribery or inducement attempts must be refused and reported to the Independent Broad-based Anti-corruption Commission (IBAC).

An employee that believes an employee, director, contractor or their associate has been solicited or offered a bribe which has not been reported must report the matter to IBAC. Criminal or corrupt conduct will be reported to Victoria Police.

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## **Gifts, Benefits and Hospitality Register**

Registers of gifts, benefits and hospitality will be maintained by the Corporation Secretary (Attachment 1).

All offers, whether accepted or declined, must be recorded in the registers. The legitimate business benefit for accepting the offer must be recorded in the register with sufficient detail that links the individual's work functions with the benefit to SRW.

Staff must consider the following examples of acceptable and unacceptable levels of detail to be included in the register when recording the business benefit:

### **Unacceptable**

- "Networking"
- "Maintaining stakeholder relationships"

### **Acceptable**

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

The gifts, benefits and hospitality register will be published on SRW's website for the current and previous financial year, compliant with privacy obligations as detailed in SRW's privacy collection statement (Attachment 2).

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This published register will not include detail of hospitality received by attending official business events nor the receipt of ceremonial gifts.

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**Implementation and employee communication**

The Corporation Secretary is accountable for the implementation of this policy in the corporation.

Employees will be advised of this policy and its use at the commencement of their employment, and reminded annually of their obligations in this policy.

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**Monitoring and reporting**

Gifts, benefits and hospitality offered to SRW directors, and by SRW directors since the previous meeting, will be reported to each board meeting.

An annual report will be made by the Corporation Secretary to the Audit, Risk and Governance Committee meeting. This report will:

- consider compliance by the corporation with obligations set by government and this policy; and

provide a copy of the gifts, benefits and hospitality registers for the period since the last report to the Audit, Risk and Governance Committee (including detail of official business events and ceremonial gifts).

Following consideration of the annual report from the Corporation Secretary, the Audit, Risk and Governance Committee will submit an annual gifts, benefits and hospitality compliance report to the board.

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**Breaches**

Breaches will be managed in accordance with SRW's Compliance Policy.

In addition:

- Accepting or offering a gift, benefit or hospitality outside of the policy conditions is considered a breach of policy, and may result in disciplinary action.
- Accepting an offer of a gift, benefit or hospitality that constitutes a bribe or other form of corruption, may lead to criminal prosecution.

Speak up

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

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).

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

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**Policy availability to public**

The following will be made available on SRW's website:

- A copy of this policy
  - A copy of the gifts, benefits and hospitality register (compliant with SRW's privacy collection statement – gift offers)
  - SRW's privacy collection statement – gift offers (Attachment 2)
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**External stakeholders**

All contracts for supplies and external contractors must ensure that the contract can be revoked (or renegotiated) by SRW if the supplier or external contractor offers a prohibited gift to an employee.

External stakeholders must be provided ready access to information explaining this policy in information packages for prospective tenderers and suppliers.

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**Definitions****Benefit**

Benefits include anything of value to the staff member or their associate and include preferential treatment, privileged access, favours or other advantage offered. Examples include invitations to sporting, cultural or social events, access to discounts and loyalty programs and promises of a new job.

**Bribes**

Are money or other inducements given or promised to employees to corruptly influence the performance of their role. Bribery or attempted bribery of a public official is a criminal offence.

**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.

**Common courtesy**

Common courtesy is polite, basic and modest. It does not raise a conflict of interest. Whether an offer exceeds common courtesy depends on the circumstances (i.e. what is offered, by whom, to whom, when and why).

The following offers do not exceed common courtesy. They are not a gift offer and do not need to be disclosed:

- a cup of coffee at another organisation's premises
- a modest working lunch, such as sandwiches and pastries, at another organisation's premises
- a cup of coffee at a café (unless there is a conflict of interest).

The following offers exceed common courtesy. They are a gift offer and must be disclosed:

- a 'fine dining and wines' working lunch at another organisation's premises
- an offer to pay for a working lunch at a café
- an offer of a free spot at an industry golf day.

**Conflict of interest**

A conflict of interest is a conflict between a staff member's:

- public duty to act in the best interests of the organisation and
- their private interests.

Conflicts can occur where the SRW staff member can influence or make a decision in relation, but not limited to:

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- procurement of goods or services
- tender processes
- awarding of a grant or sponsorship
- setting of policy
- enforcement, licensing or regulation

Conflicts can 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**

Are free or discounted items or services that would generally be seen by the public as exceeding common courtesy.

### **Hospitality**

For the purposes of this policy, hospitality refers to hospitality that exceeds common courtesy.

### **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 SRW, the public sector or the State.

### **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 on a gift, benefit and hospitality register.

### **Official business events**

An official business event is when an event is in the public interest for an employee to attend. These invitations include seminars, conferences and working lunches.

Official business events:

- must provide a legitimate business benefit that has a tangible connection to an employee's role and be directly related to the SRW's work or
- events where non-attendance would genuinely bring the agency into disrepute

### **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). Token offers cannot be worth more than \$50.

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**Effective date and review date** This policy takes effect on 30 October 2019.  
It is due for review in 2022.

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**Contact** Individuals who are unsure about accepting a gift, benefit or hospitality, or the application of this policy, should contact the Managing Director or the Corporation Secretary for advice.

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**Related documents**

- Model Policy for Gifts, benefits and hospitality 2019, DELWP
  - Gifts, benefits and hospitality declaration form (available on the staff Wiki)
  - Official business events attendance form (available on the staff Wiki)
  - *Public Administration Act 2004*
  - *Privacy and Data Protection Act 2014*
  - Code of Conduct for Victorian Public Sector Employees – Victorian Public Sector Commission (VPSC) ([www.vpsc.vic.gov.au](http://www.vpsc.vic.gov.au))
  - Gifts, Benefits and Hospitality Framework – VPSC ([www.vpsc.vic.gov.au](http://www.vpsc.vic.gov.au))
  - Public Sector Standards Commissioner letter of 25 June 2012 and Premier's Circular 2012/02 dated 4 April 2012
  - Governance Policy, SRW (director responsibilities relating to gifts, benefits and hospitality) (available on SRW board portal)
  - Conflicts of Interest Policy (available on SRW board portal)
  - Board Agenda Policy, SRW (available on SRW board portal)
  - Privacy Collection Statement – gift offers, SRW (Attachment 1)
  - Compliance Policy, SRW (available on SRW board portal)
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## **ATTACHMENT 2 – SRW PRIVACY COLLECTION STATEMENT – GIFT OFFERS**

### **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*.

Southern Rural Water (SRW) 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 SRW's compliance with its obligations and with good public sector governance practice:

1. If an individual or organisation offers a gift to a board member or employee of SRW as a result of that person's role with the SRW, information about the offer will be recorded, retained, and used by SRW.
2. Details of the information that will be recorded, retained and used by SRW are set out in SRW's Gifts, Benefits and Hospitality Policy (gifts policy).
3. SRW's gifts policy is published on its website [www.srw.com.au](http://www.srw.com.au).
4. As set out in its gifts policy, SRW publishes a 'de-identified' copy of its gifts register on its website [www.srw.com.au](http://www.srw.com.au).
5. The purpose of publishing the 'de-identified' copy of SRW's gifts register on its 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 SRW as a result of that person's role with SRW you can view the information that has been recorded by contacting SRW's Corporation Secretary.

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

- 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 SRW's website.
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