2026

VICTORIAN ENVIRONMENTAL WATER HOLDER

# Gifts, Benefits and Hospitality

BUSINESS RULE

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## 1. Purpose

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. A breach of this policy may constitute a breach of the binding Code of Conduct and, where appropriate, may result in disciplinary action. In some circumstances, a breach may constitute criminal or corrupt conduct.

This policy applies to all Commissioners, employees and workplace participants including 'in house' contractors[1], 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 principles

**Key principles:**

- The default position of the VEWH is to politely decline all offers: '**thanks is enough**'.
- Individuals must not seek or solicit any gift, benefit or hospitality, for themselves or others, if the offer could be reasonably be seen as connected to their employment.
- Offers that raise an actual, potential or perceived conflicts of interest must be refused.
- Offers of money, bribes or offers that could bring the individual, VEWH or VPS into disrepute must be refused and reported to the CEO.
- Non-token offers (value is $50 or more) can only be accepted if they have a legitimate business reason and where the responsible person has provided written approval. The VEWH is the owner of the gift.
- Individuals may generally accept token offers (under $50 value) as long as the offer does not create a conflict of interest or lead to reputational damage.
- All offers, whether accepted or declined, **must be declared**, apart from sustenance (light food or drink with business meetings) or items such as promotional notepads or pens.
- Modest catering can be provided at internal and external events provided it fits within the outlined criteria.
- Provision of gifts will be token and only occur in exceptional circumstances.

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 DEECA's Gifts, Benefits and Hospitality Policy.

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

**Impartiality** - 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 reasonable 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 non-token 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.

[1] 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.

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.

**Integrity** - individuals strive to earn and sustain public trust through providing or responding to offers of gifts, benefits and hospitality in a manner that is consistent with community expectations. Individuals will refuse any offer that may lead to an actual, perceived or potential conflict of interest.

**Risk-based approach** - the VEWH, through its policies, processes and Risk and Audit 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.

The CEO has an obligation to model good practice and foster a culture of integrity at the VEWH.

## 3. Minimum accountabilities

Under the DEECA 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 and are included in this business rule.

## 4. 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 CEO.

### 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.

| | | |
|---|---|---|
| **G** | Giver | **Who is providing the gift, benefit or hospitality and what is their relationship to me?**<br><br>Does my role require me to select suppliers, award grants, regulate industries or determine government policies? Could the person, group or organisation benefit from a decision I make? |
| **I** | Influence | **Are they seeking to gain an advantage or influence my decisions or actions?**<br><br>Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a basic courtesy or a token of appreciation or is it a non-token offer? Does its timing coincide with a decision I'll be making in the foreseeable future? |
| **F** | Favour | **Are they seeking a favour in return for the gift, benefit or hospitality?**<br><br>Has the gift, benefit or hospitality been offered honestly? Has the person, group or organisation made several offers over the last 12 months? Would accepting create an obligation, or feeling of obligation, to return a favour? |
| **T** | Trust | **Would accepting the gift, benefit or hospitality diminish public trust?**<br><br>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 Requirement for refusing offers

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

The default position of the VEWH is to politely decline all offers: 'thanks is enough'.

Individuals are to refuse offers:

- of money, or used in a similar way to money, or easily converted to money
- that give rise to a conflict of interest (actual, potential or perceived). This means they must refuse the offer if it could influence, or reasonably be seen to influence, how they perform their public duties
- that could compromise the public's trust that they will perform their public duties in an impartial manner or the public's trust in the impartiality of the VEWH or the public sector
- that are not consistent with community expectations
- that could reasonably be seen as a bribe or other inducement. Report the offer to the CEO (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).

Offers from VEWH suppliers:

- Suppliers are required to adhere to the Victorian government supplier code of conduct and not offer gifts to VEWH employees and other workplace participants.
- If a supplier offers you a gift, you should decline politely and remind them of the supplier's code of conduct.

Even if the offer complies with all the other requirements above, individuals must refuse a non-token offer unless there is a legitimate business reason to accept it. The offer must further the conduct of official business or other legitimate goals of the VEWH, the public sector or the State.

## 4.3 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 are worth less 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).

Regardless of whether a token gift offer is accepted or declined, it must be declared unless it is sustenance (which is light food and drink with business meetings, like tea, coffee or sandwiches) or items such as promotional notepads and pens.

A Commissioner or employee who is offered a **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 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 reason. All non-token offers, whether accepted or not, must be approved in writing by the responsible person and, if accepted, 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 the individual or the VEWH into disrepute, the VEWH should return the gift. If it represents a conflict of interest for the individual, the VEWH should either return the gift or transfer ownership to the VEWH to mitigate this risk.

Individuals may be offered a gift or hospitality where there is no opportunity to seek written approval from the responsible person 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 the responsible person 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.

## 4.5 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 promotional 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 the 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".

Access to the register is restricted to relevant persons within the VEWH.

The VEWH's Risk and Audit 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 a copy of the gifts register (if applicable), 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 Commissioners undertaking to lodge a gift offer declaration form within 14 calendar days of the offer.

### Public register

A copy of this policy and a copy of the gifts register that complies with privacy obligations (refer to next item) must be published on the VEWH's external website.

The public register contains de-identified information of:

- all token and non-token offers, whether they were accepted or not
- the date each offer was made
- the position of the recipient
- the position and organisation of the person making each offer
- where possible, whether the offeror is a business associate of the VEWH
- a description of each offer and its value
- whether the offer was accepted or declined

- if accepted, the business reason for doing so
- the provision of non-token gifts.

Ceremonial gifts or the provision of token gifts are not included on the public register.

The public register will cover the previous financial year and be published within four months of each new financial year.

### 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 non-token).

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 DEECA. Refer to Appendix 5 for the VEWH's *Privacy collection statement - gift offers.*

## 4.6 Ownership of non-token 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 reason 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 the responsible person has provided written approval. Employees must transfer to the VEWH official gifts or any gift of cultural significance or significant value.

## 4.7 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 individuals. Individuals should refuse repeat offers from the same source if they create a conflict of interest or may lead to reputational damage.

## 4.8 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 VEWH, irrespective of value, and should be accepted by individuals on behalf of the VEWH. The receipt of ceremonial gifts are recorded on the gifts register.

## 4.9 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 and in particular *#5:*
*You must ensure that the cost of providing a gift, benefit or hospitality is:*

- *proportionate to the benefits obtained for the State*
- *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 4 is to be followed (regardless of whether the invitation is accepted).

Individuals who accept hospitality must demonstrate professionalism in their conduct and uphold their obligation to extend a duty of care to other participants.

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

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

**Figure 2. HOST test**

| | | |
|---|---|---|
| **H** | Hospitality | **To whom is the gift or hospitality being provided?**<br><br>Will recipients be external business associates, VEWH employees or a mixture of both? |
| **O** | Objectives | **What is the business reason for providing the hospitality?**<br><br>Will it 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? |
| **S** | Spend | **Will the cost be proportionate to the benefits obtained?**<br>What type of hospitality will be provided? Will it be modest or expensive, and will alcohol be provided as a courtesy or an indulgence? Is an external venue necessary or can our organisation host the event? Is the catering or hospitality proportionate to the number of attendees? If a gift is to be given, is it symbolic rather than financial in value? |
| **T** | Trust | **Will public trust be enhanced or diminished?**<br><br>Will the gift, benefit or hospitality be proportionate to public expectations or seen as excessive? Is there a conflict of interest? 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? |

### 5.1 Requirements for providing gifts, benefits and hospitality

Gifts, benefits and hospitality may be provided when welcoming guests, to facilitate the development of business relationships, further public sector business outcomes and to celebrate achievements. The VEWH procurement business rule and DEECA rules relating to expense reimbursement, use of corporate cards and financial delegations apply to the provision of gifts benefits and hospitality. The purchase of gifts, benefits and hospitality must comply with the DEECA Payment Method by Expense Type Policy.

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

- any gift, benefit or hospitality (token or non-token) is provided for a business purpose that 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 Figure 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, or a conflict of interest is declared and the VEWH develops a management plan that explicitly allows for the provision of the gift, benefit or hospitality.

## 5.2 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 VEWH 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?

## 5.3 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 VEWH,
- 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.

When providing hospitality, individuals must ensure that participants demonstrate professionalism in their conduct and uphold their obligation to extend a duty of care to other participants.

The VEWH does not provide alcohol for external events.

## 5.4 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.

The VEWH will not fund social celebration gatherings (such as birthdays, marriages or the birth of a child), coffee catchups or meals consumed at home for VEWH staff and other workplace participants.

Reward and Recognition events for VEWH staff must be approved by the CEO, and meal reimbursement rates provide an upper-limit guide to costs that would be considered reasonable in terms of community expectations.

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

VEWH practice is that meetings are scheduled to avoid conflict with mealtimes. Where that is not possible, a break is encouraged to enable participants to seek their own refreshments. If an event or meeting extends over mealtimes, 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
- 4 hours - for lunch and either morning or afternoon tea
- 6 hours - for lunch, morning tea and afternoon tea.

### 5.5 Provision of gifts

The VEWH procurement business rule and DEECA rules relating to expense reimbursement, use of corporate cards and financial delegations apply to the provision of gifts benefits and hospitality. The purchase of gifts, benefits and hospitality must comply with the DEECA Payment Method by Expense Type Policy.

Gifts to Commissioners or employees (e.g. to recognise significant work achievements or service milestones) will be token and only occur in exceptional circumstances (for example, end of a Commissioner's term or length of service over 15 years). They must 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 for the accrued value if multiple gifts are purchased. Flowers (or equivalent gifts) 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 birthdays, marriages or the birth of a child, flowers and gifts are funded through staff collections.

All provision of gifts are to be approved by the CEO, declared and recorded in the gifts register apart from token gifts and catering for business events.

## 6. Related policy, legislation and other documents

- 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*
- *DEECA's Gifts, Benefits and Hospitality policy*
- *DEECA's Conflict of Interest Policy*
- *DEECA's Safe and respectful workplace behaviour policy*
- *VEWH's Fraud and Corruption business rule*
- *Public Administration Act 2004*[2]
- *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*

## 7. Authorising Officer and organisational delegate

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

## 8. Breaches

The VEWH will respond to alleged breaches of this policy in a manner that is fair, reasonable and proportionate. Each breach will be reviewed on a case by case basis. This may result in further education or counselling, or in serious instances, a performance or misconduct process.

A finding of misconduct may amount to a breach of the code of conduct. Serious misconduct can result in termination of employment.

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

[2] 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 DEECA;
4. s 81(1)(b): duty to inform the minister and the Secretary of DEECA of major risks to VEWH;
5. s 81(1)(g): requirement to have an adequate gifts policy in place for Commission.

## 9. Speak Up

Employees who believe that conflicts of interest within the VEWH may not have been declared or managed appropriately should speak up. If you see something that doesn't look right, you can discuss your concerns with your manager or the Integrity Unit.

For serious matters, you can also consider making a public interest disclosure under the *Public Interest Disclosure Act 2012*. Contact disclosures@deeca.vic.gov.au or call the PID hotline on 1800 903 877.

The VEWH must always:

- actively support and protect employees who speak up in good faith
- 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.

## 10. 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, the Governance team or CEO for advice.

## Appendix 1 - Definitions

**Benefits -** Preferential treatment, favours or other advantage. For example, invitations to sporting, cultural or social events, access to discounts or the promise of a new job.

**Business associate -** An individual, group or organisation that the VEWH has, or plans to have, a business relationship with or who may seek commercial or other advantage.

**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 VEWH, irrespective of value, and should be accepted by individuals on behalf of the VEWH. The receipt of ceremonial gifts are recorded on the gifts register.

**Conflict of interest** - A conflict of interest exists if you have a private interest that could influence, or reasonably be seen to influence, how you perform your public duties. The conflict can be actual, potential or perceived.
If a conflict of interest exists, the DEECA conflict of interest policy will also apply.

**Gifts -** Items or services that are free, discounted items or would generally be seen by the public as a gift. For example: items such as vouchers, gift cards, artwork, chocolate or flowers; services such as car repair.

**Gifts Register –** The official record of all declarable gifts, benefits and hospitality made to the VEWH and its employees, whether accepted or declined. Guidance regarding the information that should be recorded is provided in the **VPSC** minimum accountabilities.

**Public Register –** The public register is a de-identified subset of the gifts register that is published on the VEWH's website. The public register contains de-identified information on token and non-token gift offers (gifts received) (accepted and declined) and the provision (gifts given) of non-token gifts. It does not contain information on ceremonial gifts (gifts received) or the provision (gifts given) of token gifts.

**Hospitality -** The friendly reception and entertainment of guests. Ranges from light refreshment at a business meeting to expensive restaurant meals and sponsored travel and accommodation.

**Legitimate business reason -** furthers the conduct of official business or other legitimate goals of the VEWH, 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.

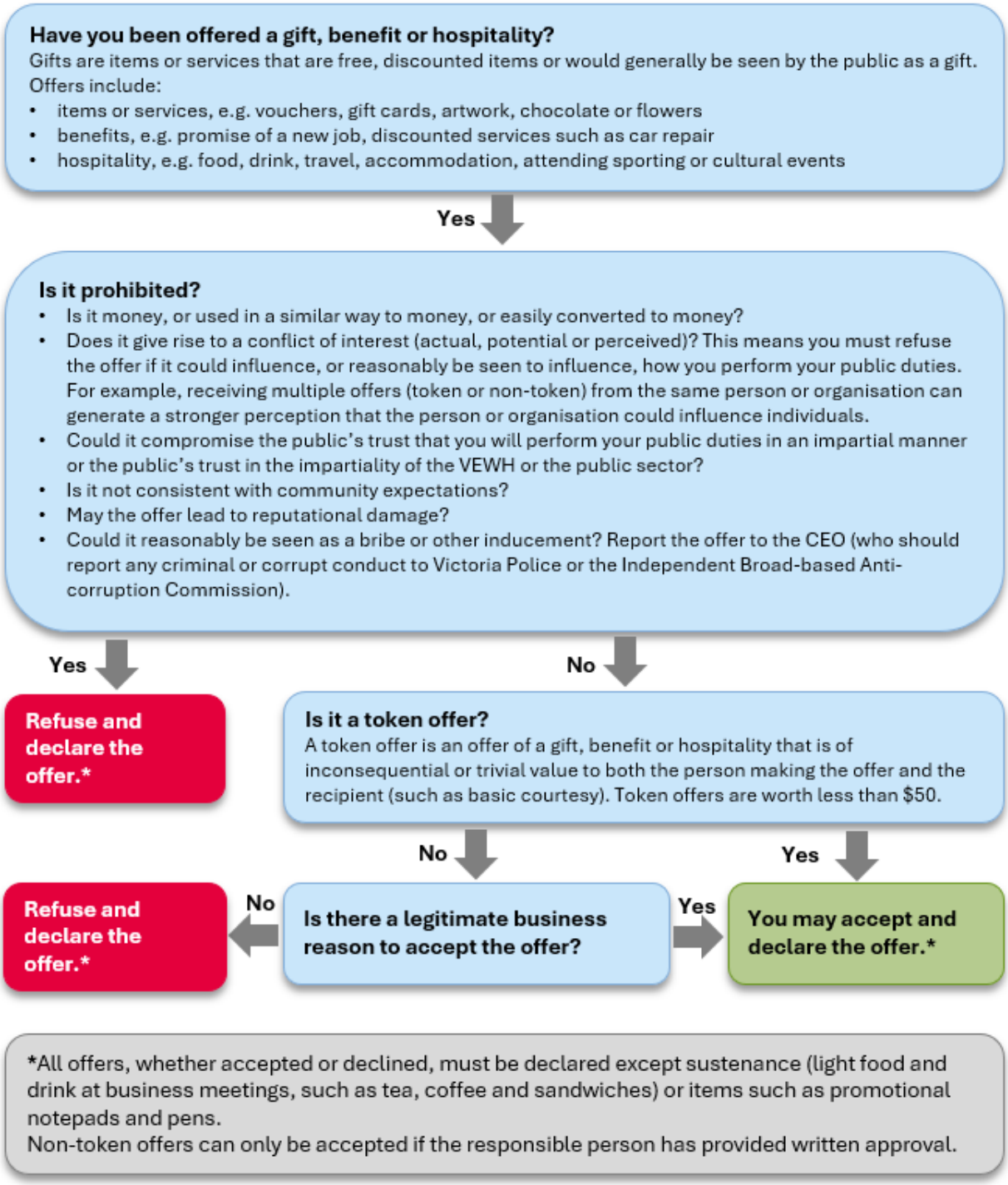
| | **Responsible Person** |
|---|---|
| **Employee** | Line manager |
| **Commissioner or CEO** | Chair |
| **Chair** | Deputy chair<br>Where appropriate, the chair should also seek advice from the Minister and/or DEECA. |

**Token offer -** The offer is valued at less 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 promotional notepads and pens.

**Non-token offer -** The offer is valued at $50 or more. 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[3]

The default position of the VEWH is to politely decline all offers: '**thanks is enough**'.




[3] This flowchart has been adapted from the VPSC Flowchart on responding to gifts, benefits and hospitality

## 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 gift, benefit or hospitality offer within 14 days of the offer being made and sent to general.enquiries@vewh.vic.gov.au.

**Important note for non-token (worth $50 or more) offers**– fields shaded in:

- light grey will be published on the VEWH'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 VEWH?<br>**If yes**, describe the relationship between them and the VEWH.<br>**If no**, describe the relationship between you and the person or organisation making the offer *(e.g. friendship)*. | **Select yes or no from this list.**<br>[**relationship between the department and offeror**]<br>[**relationship between you and the offeror**] |
| Would accepting the offer create an actual, potential or perceived **conflict of interest**?<br>**If yes**, then the offer must be declined. | **Select yes or no from this list.** |
| Would accepting the offer bring you, the VEWH or the public sector into disrepute?<br>**If yes**, then the offer must be declined. | **Select yes or no from this list.** |
| Is there a legitimate business reason to the VEWH or public sector for accepting the offer?<br>*For example:*<br>• *Was it offered during your official duties?* | **Select yes or no from this list.**<br>[**details of the legitimate business benefit**] |

| | |
|---|---|
| • *Does it relate to your official responsibilities?*<br>• *Does accepting bring any benefit to the VEWH, public sector or State?*<br><br>**If no**, then the offer must be declined.<br>**If yes**, then the business reason must be detailed. | |
| 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? | **Select yes or no from this list.** |
| **If yes**, please provide details. | [**details of the official or ceremonial purpose**] |
| Did I accept or decline the offer? | **Select accept or decline from this list.** |
| I declare that the details above are accurate and complete. | Signature:<br><br>Date: |
| **Responsible person to complete** | |
| 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**] |
| **Complete if the declarant declined the offer** | |
| I have reviewed this declaration form and submitted it for inclusion on our Gifts Register. | Signature:<br><br>Date: |
| **Complete if the declarant accepted the offer** | |
| What decision was made about the ownership and disposal of the gift?<br>*(e.g. was it kept by the declarant, transferred to the VEWH, returned, or donated to charity)* | [**details on how the gift was disposed of**] |
| I confirm that, to my knowledge, accepting this offer:<br>• does not raise an actual, potential or perceived conflict of interest for the individual or myself; **and**<br>• will not bring the individual, myself, the VEWH or the public sector into disrepute; **and**<br>• will provide a clear and legitimate business reason to the VEWH, the public sector or the State. | Signature:<br><br>Date: |

**Send completed form to: general.enquiries@vewh.vic.gov.au**

# Appendix 4 – Annual report to Risk and Audit committee

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)

Token and non-token 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, Commission, 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.

### 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.

## 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) 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);
(ii) remedial action taken to address patterns of frequent or prohibited gift offers (e.g. letters to offerors); and
(iii) progress in implementing any recommendations made to, and accepted by, the RAC and/or board.

## C. Recommendations

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

## D. Gifts Register

A copy of the VEWH Gifts register is attached (if applicable).

# Appendix 5 - 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.*

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, benefit or hospitality to a Commissioner or employee of the VEWH as a result of that person's role with the VEWH, information about the offer and who made it will be recorded, retained, and used by the VEWH.

2. The purpose of collecting this information is to record details of gifts, benefits and hospitality in a register to ensure compliance with government policy, including to:
   - promote transparency in public sector decision making; and
   - comply with the *Minimum accountabilities* for the management of gifts, benefits and hospitality.

3. The VEWH's gifts policy is published on its external website 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

## Viewing information

If you have offered a gift to a Commissioner 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: general.enquiries@vewh.vic.gov.au

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

- only information on non-token gifts is included in the public 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.