

1. Purpose

This policy states Melbourne Water’s position on:

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

2. Scope

This policy applies to all Melbourne Water employees and workplace participants. For the purpose of this policy, this includes: executives, board members, employees, contractors¹, consultants and any individuals undertaking activity for and on behalf of the Melbourne Water Corporation.

3. Objectives

To ensure the integrity of Melbourne Water is protected and upheld by workplace participants.

4. Principles

MW Values	Principles
Make it count	Risk-based approach: workplace participants will consider the intent and assess the risks associated with accepting any offer of gifts, benefits or hospitality, made either directly or to a family member (i.e. spouse, partner, child, member of household) regular member of their household (relative or other) or another close associate (friend, business associate).
	Distribution of Food Gifts: non-token gifts of food goods accepted, such as hampers will be donated to charity. Token gifts of food goods or perishables (i.e. flowers) should be shared or distributed within the team.
Dive in	<p>Accountability: workplace participants are individually accountable for:</p> <ul style="list-style-type: none"> • 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, accepting the offer; and the responsible provision of gifts, benefits and hospitality. <p>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.</p>
Do what’s right	Conduct: you must not solicit gifts, benefits or hospitality for yourself or anyone else through your role at Melbourne Water.
	Impartiality: workplace participants have a duty to place the public interest above their private interests.
	Integrity: workplace participants 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.
	Appropriate: MW will not pay for gifts for staff (unless provided for in the reward and recognition policy), this should be done through collection. The exception is if a workplace participant experiences a significant medical event or bereavement of a close relative.

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.

MW Values	Principles
	<p>Speak Up: instances of undeclared or inappropriately managed gifts, benefits or hospitality should be reported to your Manager, General Manager or directly to the Company Secretary. Bribes must be reported immediately to your Manager. A Public Interest Disclosure regarding corrupt conduct can be made directly to IBAC under the <i>Public Interest Disclosure Act 2012</i>.</p>

4.1 Responding to offers

Gifts, Benefits and Hospitality offers are discouraged and the default position of Melbourne Water is to politely decline all offers: 'thanks is enough'.

4.1.1 You must decline all offers of Gifts, Benefits or Hospitality that:

- are likely to influence you, or be perceived to influence you, during your duties as an employee or workplace participant of Melbourne Water;
- raise an actual, potential or perceived conflict of interest such as an offer from a business associate or a current supplier;
- are from a person or organisation, you are likely to make a decision about, such as processes involving procurement, planning, sponsorship, regulation 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 Melbourne Water, into disrepute.

4.1.2 Offers that can be considered for acceptance include:

- token gift offers (less than \$50) which do not raise a conflict of interest;
- gifts offered as part of culture and practice of communities such as from an overseas delegation or Traditional Owners;
- hospitality from Victorian public sector organisations.
- thank-you gifts such as a small gift to a speaker at a conference or seminar, or hosting of a national/international stakeholder;
- tickets to conferences and seminars relevant to the business of the Corporation, or where the conference organiser offers to fund travel or accommodation costs, for an employee to present a paper or be a guest speaker at the conference;
- when there are legitimate business reasons, it would further the business of the Corporation or there is a public benefit in accepting the offer;

- internal offers that promote approved Corporation-initiated programs related to health and wellbeing or rewards and recognition;
- invitations to official business events.

4.1.3 Declaring gifts, benefits and hospitality

- Approval must be obtained from your direct 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, even if they are declined.
- The declaration must be made within 14 days of receiving the offer.
- 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;
 - it is a generic, bulk event invitation that is declined (e.g. spam email offers).
- A register of all reportable offers (accepted and declined) is accessible to the public and is published annually on the Melbourne Water website. The current (most recent) and previous year will be available on the website and will include the detail of your position title and department and the position title and organisation that made the offer.

4.1.4 Provision of gifts, benefits and hospitality (offers MW make)

- 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 sector outcomes;
 - it does not raise an actual, potential or perceived conflict of interest
- Any costs must be proportionate to the benefits obtained for Melbourne Water or the State and considered reasonable in terms of community expectations;
- Gifts, benefits and hospitality of a minor nature may be provided when welcoming guests, to facilitate the development of business relationships, further public sector business outcomes and to celebrate achievements.
- Gifts offered for rewards and recognition of excellent work by Corporation 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 for the accrued value if multiple gifts are purchased.

4.1.5 Additional guidance

- Special requirements may apply to managing gifts, benefits and hospitality offers when they arise through different circumstances. Links to further information can be found in the policies and supporting documents sections of this policy.
- Definitions - The key terms underlined and used throughout this policy are defined in the associated procedure.

5. Reporting and Monitoring

The Register is overseen by the Company Secretary.

- A copy of the detailed Gifts, Benefits and Hospitality Register will be provided to the Executive Leadership Group at least twice per annum.
- A report will be provided annually to the Committee responsible for corporate governance oversight on the quality control of this policy, processes and register. This report must include analysis of the organisation's gifts, benefits and hospitality risks (including repeat offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.
- A copy of the current (or most recent) and previous year's Register will be published on the Melbourne Water external website. The Register will align to the VPSC requirements and the Public Register will align to DEECA guidance, providing the position title and Department/Organisation of the workplace participant in receipt of the offer and the position title and organisation of the individual that made the offer.

6. Breaches

- Any actual or suspected breaches of this policy will be investigated. If it is determined that a breach has occurred, we will address the conduct in line with the circumstances of the individual case and in accordance with Melbourne Water policies and procedures.
- Action may be taken under the *Public Interest Disclosures Act 2012 (Vic.)* by the Independent Broad-based Anti-corruption Commission or action by the Victorian Ombudsman.
- Legal action may be taken against Melbourne Water or the individual/s concerned.

7. Attestation

The Managing Director will sign an attestation at the end of each financial year as to compliance with the Gift, Benefits and Hospitality Policy in accordance with s10.3 of the Statement of Corporate Governance approved by the Board.

8. Accountability

All Melbourne Water Representatives are accountable for the implementation of and compliance with this policy.

9. Review

The content of this Policy will be reviewed annually, or more frequently if deemed necessary or if legislation or State guidelines change.

10. Authorising Environment

The key regulatory and legislative requirements driving the need for this Policy are listed below.

Act, Regulations and Guidance Documents
<i>Water Act 1989 (Vic)</i>
<i>Public Administration Act 2004</i>

Act, Regulations and Guidance Documents
DEECA Model Gifts, Benefits and Hospitality Policy Model policies for agencies and boards - Gifts, benefits and hospitality
Victorian Public Sector Commission Policy Guide
Code of Conduct for Victorian Public Sector Employees
Code of Conduct for Directors of Victorian Public Entities
Victorian Government Supplier Code of Conduct

11. Key Related Documents

Document title
Gifts, Benefits and Hospitality Procedure (<i>intranet link to policy to be inserted</i>)
Code of Conduct (<i>intranet link to policy to be inserted</i>)
Conflict of Interest Policy (<i>intranet link to policy to be inserted</i>)
Private Interests Declaration (<i>intranet link to policy to be inserted</i>)
Procurement Framework (<i>intranet link to policy to be inserted</i>)

12. Document History

Date	Reviewer	Version	Action
Oct 2023	Company Secretary	27	Adjusted reference from DELWP to DEECA Adjusted Protected Interest Disclosures Act to Public Interest Disclosures Act, incorporated changes from the DEECA Model Policy and VPSC minimum accountabilities to strengthen governance on gifts, benefits and hospitality offered and provided.
Aug 2022	Company Secretary	26	Minor typographical adjustments
Aug 2018	Company Secretary	25	Introduction of Protected Interest Disclosure Act 2012 and IBAC reference.
Aug 2016	Company Secretary	24	No change