

	PUFFING BILLY RAILWAY	Document Number
	Gifts, Benefits & Hospitality Policy	ETRB PO 015

1. Purpose

This policy outlines the Emerald Tourist Railway Board's (ETRB) operators of Puffing Billy Railway's (PBR) position on:

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

This policy is intended to

- support individuals and the organisation in the avoidance of conflicts of interest and maintain high levels of integrity and public trust, and
- support behaviour consistent with the Code of Conduct for Victorian Public Sector Employees, Code of Conduct for Victorian Public Sector Employees of Special Bodies and/or the Code of Conduct for Directors of Victorian Public Entities.

2. Policy Statement

PBR is committed to creating a process for managing situations where offers of gifts, benefits and hospitality (GBH) are made by non PBR workplace participants or organisations to PBR workplace participants and providing GBH to PBR workplace participants and non PBR workplace participants. It is designed to support:

- workplace participants in their responsibility to only respond to offers of GBH or providing GBH where it can be demonstrated to be in Public interest and does not create the perception of a conflict of interest or could raise a perception of, or actual, bias or preferential treatment.
- Managers to develop and maintain processes and appropriate documentation to ensure that full and proper consideration is given to the management and reporting of all offers of GBH or providing GBH.

This Policy reinforces the value of impartiality, accountability and integrity outlined in the Victorian Public Sector Codes of Conduct and as per the Public Administration Act 2004 (Vic).

3. Scope

This Policy applies to workplace participants including the immediate family members of workplace participants.

For the purpose of this Policy, work related Gifts, Benefits and Hospitality offered to a family member of a workplace participant may be considered as though it were offered to a workplace participant directly, as such offerings may be judged to create a perception of conflict of interest on the part of workplace participant.

This policy does not apply to gifts received in a private context.

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4. Policy Principles

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

Impartiality – workplace participants have a duty to place the public interest above their private interests when carrying out their public duty. They will not accept GBH 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 - workplace participants 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.

Workplace participants 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: 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. Individuals will refuse any offer that may lead to an actual, perceived or potential conflict of interest.

Risk-based approach: PBR, through its policies, processes 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.

Attendance at Official Business Events (OBE) is not subject to this Policy.

5. Definitions

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.

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.

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.

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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 register but does not need to be published online.

Conflict of interest

Conflict of interest - where contention arises between Workplace Participants PBR duties and private interests and can arise from avoiding losses or gaining personal advantage, whether financial or otherwise. This can be:

- **An actual conflict of interest** where there is real and current conflict between Workplace Participants duties and responsibilities and private interests.
- **A potential conflict of interest** where Workplace Participants have private interests that could conflict their PBR duties and responsibilities.
- **A perceived conflict of interest** where a third party could form the view that Workplace Participants private interests could improperly influence the performance of their duties, now or in the future.

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.

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.

Immediate Family Member - Immediate Family Member of a Workplace Participant means:

- (a) the Workplace Participant's spouse/Partner; or
- (b) a person who is wholly or partly dependent on the Workplace Participant for financial support.

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 - includes, public sector employees, statutory office holders and directors of public entities.

Public register - is a record, preferably digital, of a subset of the information contained in a register, for publication as required by the minimum accountabilities as set forth in the Gifts, Benefits and Hospitality Procedure.

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Register - is a record, preferably digital, of all declarable gifts, benefits and hospitality and attached as Appendix B to the Procedures.

Token offer - 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.

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.

Workplace Participants - all employees, executives/Board members, volunteers of PBR, contractors, consultants and any individuals or groups undertaking activity for or on behalf of PBR.

6. Management of Gifts, Benefits and Hospitality

- 6.1 ETRB Gifts Benefits and Hospitality Procedure exhibits the process to deal with an offer and provision of a Gift Benefit and Hospitality.
- 6.2 Gifts Benefits and Hospitality procedure deals with the requirements to help decide when an offer of Gifts Benefits and Hospitality shall be refused and when to provide Gifts Benefits and Hospitality.
- 6.3 When offered gift, benefit or hospitality, Workplace Participants must first consider whether 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.
- 6.4 If Workplace Participants consider that they have been offered a bribe or inducement, the offer must be reported to the Chief Executive Officer or Company Secretary who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-Corruption Commission.
- 6.5 All non-token offers, whether accepted or declined, must be recorded in the ETRB's gifts, benefits and hospitality register. The business reason for accepting the non-token offer must be recorded in the register with enough detail to link the acceptance to the Workplace Participant's work functions and benefit to PBR or state.

7. Responsibilities

- 7.1 All workplace participants need to ensure that their personal interests do not influence and could not reasonably be perceived to influence them in their role.

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- 7.2 The default ETRB persons position is to politely say ‘no thank you’ to offers of GBH (excluding token hospitality, such as sandwiches over a lunchtime meeting).
- 7.3 CEO and Direct Reports to CEO are to decline all offers of GBH that could be reasonably be perceived as undermining the integrity and impartiality of the Puffing Billy Railway’s services or themselves. However, the CEO and Direct Reports to the CEO can consider token offers which form part of PBR operational and tourism strategy requirements. Such offers must be considered for reasonableness to determine whether it should be declined or declared and shall be dealt in a manner that upholds the integrity of Puffing Billy Railway. All non-token offers (i.e valued at \$ 50 or greater) whether accepted or declined must be registered on ETRB’s GBH register.
- 7.4 All non-token offers of GBH that are accepted require documented approval from an appropriate manager.
- 7.5 If a non-token gift is accepted, the relevant Manager is responsible for determining the appropriate course of action for managing the gift.
- 7.6 It is the responsibility of all workplace participants to ensure that all reportable gifts, benefits or hospitality offered or accepted must be recorded in the gift declaration register.

8. Supporting documentation

Internal PBR Documentation

- Conflict of Interest Policy ETRB PO 019
- Conflict of Interest Procedure ETRB P 004
- Gifts, Benefits and Hospitality Procedure ETRB PO 015

External

- Minimum accountabilities for the management of gifts, benefits and hospitality.
- <https://vpsc.vic.gov.au/html-resources/gifts-benefits-hospitality-policy-guide/2-minimum-accountabilities/>
- PublicAdministrationAct2004(Vic)
http://classic.austlii.edu.au/au/legis/vic/consol_act/paa2004230/
- Code of Conduct for Victorian Public Sector Employees.
- <https://vpsc.vic.gov.au/html-resources/code-of-conduct-for-victorian-public-sector-employees/>
- Code of Conduct for Victorian Public Sector Employees of Special Bodies.
- <https://vpsc.vic.gov.au/html-resources/code-of-conduct-for-victorian-public-sector-employees-of-special-bodies/>
- Code of Conduct for Directors of Victorian Public Entities.
- <https://vpsc.vic.gov.au/resources/code-of-conduct-for-directors/>

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9. Document information, control and review

9.1 Information

Document ID	ETRB PO 015
Document title	Gifts, Donations & Hospitality Policy

9.2 Responsibility

Policy owner	Executive
Policy author	Company Secretary
Approving body	Emerald Tourist Railway Board

9.3 Version control and change history

Version number	Approval date	Approved by	Amendment
2	28 May 2015	ETRB	Second Version
3	28 February 2020		Separation of policy and procedure – rewrite compliance with public sector policy
Post implementation review			
Due date		February 2021	