

## 1. Purpose

The purpose of this policy is to:

- a. Provide clear direction for councillors and staff to enable them to deal with any offer of a gift or hospitality;
- b. Protect councillors and staff from being compromised and to avoid the public perception of bias; and
- c. Demonstrate to the community, suppliers, and other agencies that the council will deal with all matters in an impartial, open and accountable manner.

## 2. Objective

Councillors and staff will on occasions be offered gifts or hospitality. While these offers may be very genuine in nature they can give rise to:

- Perceived or potentially inappropriate relationships;
- Discomfort to the recipient; and
- Potential embarrassment if the offer is declined.

The council discourages the acceptance of all gifts and hospitality, including token gifts. However, where it occurs there is an expectation that high levels of transparency and accountability will be followed through the proper recording of gifts or hospitality received, or offered, to councillors and staff.

This policy should be read in conjunction with the *Governance Code, incorporating the Councillor Code of Conduct, the Staff Code of Conduct, and the Gifts and Hospitality Guidelines*.

## 3. Scope

This policy applies in relation to gifts or hospitality received by, or offered to, councillors and staff, and applies to all councillors and staff.

### 4. Definitions

A token gift:

- a. Is a gift (other than money) that has a nominal value (up to \$30), and is infrequently received;
- b. Does not create a sense of obligation in the receiver that will influence, or appear to influence, the exercise of his or her official duties; and
- c. Does not include money of any value (or something easily exchanged for money).

Gift: The receipt of any object, property, service or money without any consideration in money or kind, or inadequate consideration, and that is not otherwise classified as a token gift (ie: a gift will usually have a value greater than \$30, although in certain circumstances it may be below this amount).

The term gift does not include gifts received from family members or personal friends offered in a purely personal capacity, or those received through being a beneficiary of a will of a family member or personal friend. These may however come under the ambit of the conflict of interest rules [s.78c of the *Local Government Act 1989* (the Act)] regarding indirect conflicts due to receipt of applicable gifts. Any bequests to councillors and staff as a direct result of their position with the council must not be accepted. Arrangements may be made to donate the bequest to a charitable institution in the name of the person or returned to the immediate family.

Hospitality: The provision of food and beverages or tickets for events that include the serving of food and beverages given to convey goodwill on behalf of the giver, and that is not otherwise classified as a token gift.

### 5. Policy

- 5.1 Token gifts may be accepted.
- 5.2 Gifts may not be accepted.
- 5.3 Where it would be impolite or otherwise impractical to decline a gift, the gift may be accepted on behalf of the council as a corporate gift.
- 5.4 Councillors or staff may only accept hospitality where:
  - a. There is clear value to the work of the council (for example, building relationships with community groups); and

- b. The hospitality was received at an event or function that the person attended in an official capacity (ie: it directly relates to their public duty); and
  - c. It is reasonable hospitality (that is, a reasonable person would consider it appropriate and not excessive) and as such does not advantage the donor in their dealings with the council.
- 5.5 Where a gift or hospitality is offered (regardless of whether it is received or declined) it must be recorded in the Gifts and Hospitality Register.
- 5.6 When the accumulation of token gifts from a single source exceeds \$30 in a 12 month period they must be recorded in the Gifts and Hospitality Register.
- 5.7 The *Gifts and Hospitality Guidelines* explain the process to be followed with the Gifts and Hospitality Register.
- 5.8 Councillors and staff must take all reasonable steps to ensure that their relatives, (refer section 78 of the Act), do not receive gifts or hospitality that could appear to an impartial observer to be an attempt to influence or secure a favour from the council.
- 5.9 The adherence to this policy, including the recording of information in the Gifts and Hospitality Register, does not remove any other obligations under the Act, any other legislation, or relevant codes and policies regarding gifts and hospitality and the disclosure of any interests.
- 5.10 Breaches of this policy will be a disciplinary matter to be dealt with in accordance with the Codes of Conduct, Workplace Agreements, policies, directives, and procedural guidelines in place at the time.

## 6. Attachments

Nil.

## 7. Related policies

- *Governance Code, incorporating the Councillor Code of Conduct*
- *Staff Code of Conduct*
- *Fraud Prevention and Management Policy*
- *Gifts and Hospitality Guidelines*

## 8. Related legislation

- *Local Government Act 1989 – Sections 77A to 81*
- *Victorian Charter of Human Rights and Responsibilities Act 2006.*

## 9. References

- *Records Management Directive*

## 10. Review

The council may review this policy at any time but unless otherwise requested at least every four years from date of adoption. Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy eg: typographical errors, a change to the name of a related policy, or a change to the name of legislation.

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