

A close-up photograph of a person's hands holding a small, rectangular gift box wrapped in brown paper with a light blue ribbon tied around it. The hands are positioned as if presenting the gift. The background is softly blurred, showing a light-colored surface and a textured grey sleeve. A decorative teal and white graphic element curves across the bottom right of the page.

# Gifts, Benefits, Hospitality Policy & Guidelines



**Yarriambiack**  
SHIRE COUNCIL

*Yarriambiack Shire Council encourages a working environment which promotes gender equality and models non-violent and respectful relationships.*

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## GIFTS, BENEFITS AND HOSPITALITY POLICY

### 1 Objective

The Yarriambiack Shire Council objectives are to:

- a) Provide clear direction and guidance to Councillors and Council Officers on gifts, benefits and hospitality that may be accepted and those that may not.
- b) Support Councillors and staff to avoid Conflict of Interest and maintain high levels of integrity, public trust and confidence that public resources are being used responsibly and appropriately.
- c) Ensure that members of the Yarriambiack Shire Council community and other key stakeholders have full confidence in the performance standards and conduct of Councillors and Council Officers, as it relates to gifts, benefits and hospitality.
- d) Further strengthen the organisation’s ongoing commitment to developing a highly transparent, ethical and legislative compliant entity.

### 2 Responsibility

The Chief Executive Officer is responsible for the implementation of the Council Gifts, Benefits and Hospitality Policy and Guidelines.

This policy and guidelines applies to all Councillors, full-time/part-time employees; including temporary and casual employees, contractors and suppliers engaged by Council.

### 3 Policy Statement and Scope

This policy is to address the offers received or declined, and disposal of any gift, benefit or hospitality from external sources to Councillors and Council employees.

As public officials, our management of any gifts, benefits and hospitality is a practical demonstration of our integrity impartiality and accountability. It allows our community, business associates and Government to be confident that we make decisions and provide advice free of favouritism, influence and conflicts of interest.

Therefore, as a guiding principle, Councillors and employees should not accept a gift if it is likely to be perceived by a ‘reasonable person’, as intended to, or likely to, influence him or her in the fair, impartial and efficient discharge of their duties as a member of Council.

#### 3.1 Council Employees

- a) Under NO circumstances is cash (monetary gift) to be accepted.
- b) Employees should not accept any gift where there is, or may be, the perception of a conflict of interest or they believe the gift was a deliberate attempt to receive preferential treatment.
- c) Council employees that refuse a non-token gift must immediately advise the Chief Executive Officer or the Manager People and Culture.
- d) Employees should not accept an Anonymous gift.
- e) Receipt of a gift will not affect how a duty or function is performed.
- f) Council employees recognise the cultural sensitivities around gift giving and refusal/return of gifts.
- g) Employees should consider the following ‘GIFT’ test when deciding whether to accept or decline a gift, benefit, or hospitality.

<b>G</b>	<b>Giver</b>	<p><b>Who is providing the gift, benefit or hospitality and what is their relationship to me?</b></p> <p>Does my role require me to select contractors, award grants, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make?</p>
<b>I</b>	<b>Influence</b>	<p><b>Are they seeking to influence my decision or actions?</b></p> <p>Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy or a token of appreciation or a valuable non-token offer? Does its timing coincide with a decision I am about to make?</p>
<b>F</b>	<b>Favour</b>	<p><b>Are they seeking a favour in return for the gift, benefit or hospitality?</b></p> <p>Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months? Would accepting it create an obligation to return a favour?</p>
<b>T</b>	<b>Trust</b>	<p><b>Would accepting the gift, benefit or hospitality diminish public trust?</b></p> <p>How would I feel if the gift, benefit or hospitality became public knowledge? What would my colleagues, family friends or associates think?</p>

- h) Where a procurement process is in place, any officer involved in the evaluation of that procurement should not accept directly or through third parties any gifts from any individual / group that may be involved in the procurement process. It is not appropriate in any circumstances that employees accept gifts from persons or bodies engaged in a competitive procurement process.
- i) Employees need to be particularly aware of the consequence of accepting a gift from a current or potential supplier and/or contractor which may be a crime in itself.
- j) Where any approval or application process is underway, any officer involved in such instances should not accept any gifts from any individual or group that may be involved with the permit application or regulatory activity.

This policy and guidelines is unlikely to cover all circumstances of gift offering. If employees are unsure about a gift, they should raise the matter with the Chief Executive Officer or the Manager People and Culture.

### 3.2 Gifts of Appreciation

Gifts of appreciation given as a sign of gratitude, recognised outcomes collectively achieved by the Council and / or by a group of employees as far as is reasonable and practical, such gifts are to be 'pooled' then shared among the Council and / or work group.

### 3.3 Ceremonial Gifts

The Yarriambiack Shire Council can direct individuals such as employees or Councillors to accept ceremonial gifts on Council's behalf. Ceremonial gifts need to be recorded on the Council's internal register but does not need to be published.

Ceremonial gifts are treated separately to other types of gifts because:

- a) They are the property of the Council, irrespective of value, and are less likely to create a conflict of interest: and
- b) Refusing ceremonial gifts may cause offence or embarrassment to the organisation, community or government who offered the gift.

### 3.4 Councillors

This policy includes the process for accepting, declining, disposing and recording offers of gifts, benefits and hospitality by Councillors. Any exceptions to this process must have the prior written approval of the Chief Executive Officer or the Mayor. As a general

principle Councillors will not request the provision of gifts, benefits or hospitality, nor will they be made a condition of financial or other support being provided.

When deciding 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 could be created. Similarly, regular offers of smaller gifts can also be perceived as creating conflicts or reputational risk. The 'GIFT' test is intended to help guide the decision whether to accept or decline a gift.

### 3.5 Conflict of Interest and Reputational Risk

Conflict of interest considerations are essential in determining how to respond to offers of gifts, benefits or hospitality. You need to ensure that your personal interests do not influence and could not reasonably be perceived to influence you in your role. It is also important to consider whether an offer could affect your standing as a public official; or bring you or the Yarriambiack Shire Council into disrepute. The more valuable the offer, the more likely that a conflict of interest or reputational risk exists.

Council is committed to making all decisions impartially and in the best interests of the whole community. It therefore recognises the importance of fully observing the requirements of the Act in regard to the disclosure of conflicts of interest.

For the purpose of this policy and guideline, a Councillor, member of a delegated committee or an employee of Council has a conflict of interest if the relevant person has a General or Material Conflict of Interest.

### 3.6 General Conflict of Interest

A relevant person has a general conflict of interest:

- a) When they have a private interest in a matter, being an interest that does not derive from their public duty as a Council official, does not include an interest that is only a matter of personal opinion or belief.
- b) Where an impartial, fair-minded person would consider that their private interest could result in them acting contrary to their public duty.

### 3.7 Material Conflict of Interest

A relevant person has a material conflict of interest if an affected person stands to gain a benefit or suffer a loss depending on the outcome of the decision or action. The benefit or loss may be direct, indirect, pecuniary or non-pecuniary.

An **affected person** can be:

- a) The relevant person.
- b) Family member of the relevant person.
- c) A body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body.
- d) An employer of the relevant person, unless the employer is a public body.
- e) A business partner of the relevant person.
- f) A person for whom the relevant person is a consultant, contractor or agent.
- g) A beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee.
- h) A person from whom the relevant person has received a disclosable gift.

The Act states that a benefit or loss, for material conflicts of interest, includes benefits or losses that are:

- a) Direct or indirect, and
- b) Pecuniary or non-pecuniary.

#### 4 References

The Policy and Guidelines are in accordance with the following legislation:

- a) Yarriambiack Shire Council Enterprise Agreement.
- b) Yarriambiack Shire Council Procurement Policy.
- c) Yarriambiack Shire Council Employee Code of Conduct.
- d) Yarriambiack Shire Council Councillor Code of Conduct.
- e) Yarriambiack Shire Council Public Transparency Policy.
- f) Victorian Local Government Best Practice Procurement Guidelines.
- g) Yarriambiack Shire Council Human Resource Policy and Guidelines Manual.
- h) Yarriambiack Shire Council Fraud and Corruption Prevention Policy.
- i) *Local Government Act 2020*
- j) *Local Government (Governance and Integrity) Regulations 2020*
- k) *Privacy and Data Protection Act 2014*
- l) *Victorian Public Sector Commission – Gifts, Benefits and Hospitality Policy Guide*
- m) *IBAC – Local Government Integrity Framework Review*

Link to Supporting Forms:

- a) Councillor Gifts, Benefits and Hospitality Declaration Form
- b) Employee Gifts, Benefits and Hospitality Declaration Form
- c) Website – Public Register
- d) Gifts, Benefits and Hospitality Register

#### 5 Definitions

<b>Act</b>	Local Government Act 2020
<b>Benefit</b>	Something which is believed to be of value to the receiver, such as a service, i.e. access to a sporting event, preferential treatment, access to confidential information, accommodation, personal services, pleasure or vacation trips.
<b>Hospitality</b>	Is a meal or service which is offered and is not viewed as being connected to official Council business or part of a meal acceptance at a conference seminar. At times, employees during the course of their role, may receive token offers such as tea or coffee, which are generally considered a basic courtesy and don't require to be declared or recorded.
<b>Gift</b>	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), prizes (e.g. items won at events) 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 requirements.
<b>Gift Definition Local Government Act 2020</b>	Ggift means any disposition of property otherwise than by will made by a person to another person without consideration in money or money's worth or with inadequate consideration, including—  (a) the provision of a service (other than volunteer labour); and  (b) the payment of an amount in respect of a guarantee; and

	(c) the making of a payment or contribution at a fundraising function.
<b>Gift of Appreciation</b>	Are gifts that are presented to an individual to express thanks, such as flowers, chocolates or moderately priced alcohol. These gifts are usually a one-off occurrence.
<b>Monetary Gifts</b>	Defined as cash, cheques, money orders, travellers cheques and direct deposits, lottery tickets and scratchies.
<b>Nominal Value</b>	Is the face value or current estimated retail value.
<b>Sponsorship</b>	Are items which are identified as part of a formal written sponsorship agreement between Council and a third party.
<b>Token Gift</b>	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. Token offers are those that are worth \$50 or less. These gifts may include pens, mugs, reasonable priced bottles of alcohol, free meals, corporate or social functions organised by community groups, door prizes at conferences or trade shows.
<b>Non - Token Gift</b>	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.
<b>Conflict of Interest</b>	A relevant person has a conflict of interest if the relevant person has a General Conflict of Interest within the meaning of S127 or a Material Conflict of Interest within the meaning of S 128 of the Act.
<b>Disclosable Gift</b>	<p><b>Disclosable gift</b> means one or more gifts with a total value of, or more than, \$500 or, the prescribed amount, received from a person in the 5 years preceding the decision on the matter –</p> <p>a) if the relevant person held the office of Councillor, was a member of Council staff or was a member of a delegated committee at the time the gift was received; or</p> <p>b) if the gift was, or gifts were, or will be, required to be disclosed as an election campaign donation; but does not include the value of any reasonable hospitality received by the relevant person at an event or function that the relevant person attended in an official capacity as a Councillor, member of Council staff or member of a delegated committee.</p>

## 6 Consistency with Governance Principles Local Government Act 2020

<b>Governance Principle</b>	<b>Section of policy where covered</b>
(a) Council decisions are to be made and actions taken in accordance with the relevant law;	Section 8 – Legislative Requirements
(b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;	This policy and guidelines as a whole covers the governance requirements to ensure the best outcome for the municipal community, with the disclosure of gifts and the process to be undertaken to ensure transparency in decision making and disclosure.
(c) the economic, social and environmental sustainability of the municipal district, including mitigation	Section 1 Policy Objectives and Section 3 Policy Statement and Scope.



Governance Principle	Section of policy where covered
and planning for climate change risks, is to be promoted;	
(d) the municipal community is to be engaged in strategic planning and strategic decision making;	This policy and guidelines supports Council’s Public Transparency Policy, ensuring accountability in decision making.
(e) innovation and continuous improvement is to be pursued;	This policy has a review cycle included at section 7 to ensure it is reflective of best practice and legislative requirements.
(f) collaboration with other Councils and Governments and statutory bodies is to be sought;	This policy has a review cycle included at section 7 to ensure it is reflective of best practice and legislative requirements, which also includes a review of best practice Council policies and guidelines.
(g) the ongoing financial viability of the Council is to be ensured;	This policy and guidelines as a whole covers the governance and transparency requirements to ensure the best outcome for the municipal community, with the disclosure of gifts and the process to be undertaken to ensure transparency in decision making and disclosure.
(h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making;	This policy has a review cycle included at section 7 to ensure it is reflective of best practice and legislative requirements.
(i) the transparency of Council decisions, actions and information is to be ensured.	This policy and guidelines as a whole covers the governance and transparency requirements to ensure the best outcome for the municipal community, with the disclosure of gifts and the process to be undertaken to ensure transparency in decision making and disclosure.

In giving effect to the overarching governance principles, a Council must take into account the following supporting principles—

- (a) the community engagement principles;
- (b) the public transparency principles;
- (c) the strategic planning principles;
- (d) the financial management principles;
- (e) the service performance principles.

## 7 Policy Review

This policy will be reviewed in conjunction with its associated procedures every three years, and in accordance with the Local Government Act 2020 requirements.

## 8 Legislative Requirements

The *Local Government Act 2020 (Vic)* (The Act) requires a Council to adopt a Councillor gift policy within six months of when the applicable section comes into operation being the 24 October 2020. The Policy must make provision for the maintenance of a gift register and any matters in the regulations, including a minimum value of gifts that must

be disclosed. Councils must also ensure their Policy complies with the public transparency principles.

Councillors are required to adhere to Standards of Conduct as detailed in Schedule 1 of Regulation 12. Standards include:

- a) Treatment of others.
- b) Performing the role of Councillor.
- c) Compliance with good governance measures.
- d) Councillor must not discredit or mislead Council or public.
- e) Standards do not limit robust political debate.

Council employees must in the course of their employment:

- a) Act impartially.
- b) Act with integrity including avoiding real or apparent conflicts of interest.
- c) Accept accountability for results.
- d) Provide responsive service; and
- e) Demonstrate Yarriambiack Shire Council's ICARE values in performing their duties.

### Council Approved Policy

<b>Policy Adopted:</b>	Ordinary Meeting 25/09/2019	Item Number 13.5	Page 91
<b>Policy Reviewed:</b>	Ordinary Meeting 28/04/2021	Item Number 13.4	Page 36
	Ordinary Meeting 24/05/2023	Item Number 15.4	Page 29

**COUNCILS GIFTS, BENEFITS AND HOSPITALITY GUIDELINES**
**9 GUIDELINES FOR EMPLOYEES**
**9.1 Acceptance of Gifts**

Employees may accept gifts provided the intent of this policy and the following guidelines are observed:

- a) All gifts, including declined and disposed gifts, are to be declared - by completing an Employee Gifts, Benefits, Hospitality Declaration Form.
- b) That a gift does not create a conflict of interest or lead to reputational damage.
- c) Unplanned and impromptu hospitality that is offered, regardless of if it is accepted or declined, must be declared by completing an Employee Gifts, Benefits, Hospitality Declaration Form and recorded on the Employee Gifts, Benefits, Hospitality Register (Employees accepting such hospitality must be mindful that on such occasions they remain ambassadors of Council).

Non-token offers (offers that are more than trivial or inconsequential) can only be accepted if they have a legitimate business benefit. That is, when the offer furthers the conduct of official business or other legitimate goals of the Council. An example is where the Sport and Recreation Officer may be provided with a non-token offer to attend the Australian Open and a dinner. The offer maybe made as a thank you for Council’s participation in the development of a government funded strategy, conducted by Tennis Australia. The participation in that strategy development ensures rural Victoria’s challenges, particularly Yarriambiack Shire’s are represented.

If the non-token offer does not have a legitimate business benefit, you must decline the offer. Examples of non-token offers that must be declined include:

- a) Tickets to entertainment events that do not relate to your official duties.
- b) Non-token hospitality provided while introducing you to a product or service.

Where the gift would likely bring you or the Council into disrepute, the Council should return the gift or not accept the gift. If it represents a conflict of interest for you, the gift should be returned or transfer ownership to the Council to mitigate the risk.

**9.2 Disposal of Gifts**

Based on the dollar value scale set out below, where practicable, certain gifts are to be handed over to the Chief Executive Officer or Manager People and Culture, as applicable, for work area ‘pooling’ or donation to an appropriate charity or not for profit community group.

Value of Gift \$	Declare to Whom	Disposal of Gift
Token Offers under \$50 / of Nominal Value	Manager People and Culture	Decision to be made by Manager People and Culture. If practical, ‘pool’ for employees in work area or retain by individual if endorsed by Manager People and Culture. Token Offers that are declined must still be recorded.
Non-Token Offers Over \$50	CEO and Manager People and Culture	To be determined by CEO. For all gift offers made to the CEO, the Mayor will sign the Employee Gifts, Benefits and Hospitality Declaration Form. Gifts accepted or declined must be recorded on the Employee Gifts, Benefits and Hospitality Register.

### **9.3 Acknowledgement and Recording of Gifts**

All gifts must be recorded in the Employee Gifts, Benefits, Hospitality Register by the Manager People and Culture (or their delegate).

As soon as is practicable, all gifts, once properly declared, are to be formally acknowledged to the giver, by the relevant Director stating that (as applicable):

- a) Goodwill sentiment from the gift is appreciated.
- b) Where practical, the gift has been pooled for the appreciation of the Council or employee of a designated work area.
- c) Gift has been retained by Council and is on display.
- d) Yarriambiack Shire Council is an organisation committed to the highest ethical standards of openness, probity and equality.

If employees refuse a gift, on the basis that they believe that the gift was a deliberate attempt to receive 'special treatment', such instances are to be reported to the Chief Executive Officer for appropriate action.

### **9.4 Maintenance of Register**

The Manager People and Culture (or their delegate) will be responsible for the review, publishing, maintenance and annual reporting of the Employee Gifts, Benefits, Hospitality Register.

## 10 GUIDELINES FOR COUNCILLORS

### 10.1 Gifts, Benefits and Hospitality

The following process must be followed for all gifts, benefits and hospitality:

Value (\$)	Roles and Responsibility
Any Value	<p><b>Councillor</b></p> <p>Complete Councillor Gifts, Benefits, Hospitality Declaration Form and submit to the Mayor or Chief Executive Officer for review and approval.</p> <p><b>Mayor and Councillor Support</b></p> <p>Formally acknowledge the giver on behalf of the Councillor.</p> <p>Finalise form and submit to the Manager People and Culture (or their delegate).</p> <p>Manager People and Culture (or their delegate) is to complete and update the Councillor Register and Website.</p>

### 10.2 Not Applicable

This policy does not cover gifts received during a donation period of an election campaign. Refer to Division 10, section 307 of the *Local Government Act 2020*.

### 10.3 Anonymous Gifts

A Councillor must not accept, directly or indirectly, a gift for the benefit of the Councillor from an anonymous person/source.

The Councillor must ensure that:

- a) The name and address of the person making the gift are known to the Councillor; or
- b) At the time when the gift is made, the Councillor is given the name and address of the person making the gift and the Councillor reasonably believes that the name and address so given are the true name and address of the person making the gift.

If the name and address of the person making the gift are not known to the Councillor for who benefit the gift is intended, the Councillor is to provide the gift to the Chief Executive Officer for disposal, within 30 days of the gift being received.

All anonymous gifts must be declared by completing the Councillor Gifts, Benefits and Hospitality Form and the anonymous gift offer must be recorded on the applicable register.

### 10.4 Disposal of Gifts

If a gift does not have a public value, the gift must be provided to the Chief Executive Officer for disposal

The Chief Executive Officer may dispose of gifts by:

- a) Disposal by resolution of Council.
- b) Transfer to other public agencies or authorities.
- c) Transfer as a gift to a recognised charitable, aid or non-profit organisation.
- d) Archival action by the Victorian Museum or State Library.
- e) Reduction to scrap.
- f) Destruction.

### 10.5 Acknowledgment and Recording of Gifts

All gifts must be acknowledged by the Manager People and Culture (or their delegate) and be recorded in the Councillor Gifts, Benefits, Hospitality Register.

**10.6 Maintenance of Public Register**

For transparency, and to comply with the minimum accountabilities, information outlined in the register will be published at the end of the financial year. The public register will cover the most recent and the previous financial year gift reporting. The Manager People and Culture (or their delegate) is responsible for the maintenance of the register, including the annual reporting requirements.

**10.7 Disclosure of the Gift Register**

The Councillor Gift Register listing gifts, benefits and hospitality declared by Councillors will be accessible via the Yarriambiack Shire Council Website and available for public inspection at the Shire office, via the application to inspect prescribed documents.

Yarriambiack Shire Council will take in consideration their requirements under relevant privacy legislation, including the Information Privacy Principles under *the Privacy and Data Protection Act 2014* when recording items in their register and when publishing their register online.

Gifts, Benefits and Hospitality Policy and Guidelines	This Document is Uncontrolled when Printed	Responsible Officer: CEO	
Version: 3.0	Issue Date: 24 May 2023	Next Review: 24 May 2026	Page 14/ 18

## 11 GUIDELINES FOR PROVIDING GIFTS, BENEFITS AND HOSPITALITY

### 11.1 Provisions of Gifts, Benefits and Hospitality

This section sets out the requirements where Council, Councillors and or employees provide gifts, benefits and hospitalities to others.

### 11.2 Requirements when providing Gifts, Benefits and Hospitality

Gifts, benefits and hospitality may be provided when welcoming guests to facilitate the development of business relationships; to further Council’s business outcomes and to celebrate achievements.

When deciding whether to provide gifts, benefits and hospitality or what type to provide, you must comply with the financial probity and ensure:

- a) Any gift, benefit or hospitality, is provided for a business reason that furthers the conduct of official business or other legitimate organisational goals or promotes and supports Council policy objectives.
- b) That any costs are proportionate to the benefits obtained for Council and would be considered reasonable in terms of community expectations (the following HOST Test is a good reference of what to think about in making this assessment).
- c) It does not raise an actual, potential or perceived conflict of interest.

HOST TEST		
<b>H</b>	<b>Hospitality</b>	<p><b>To whom is the gift or hospitality being provided?</b></p> <p>Will recipients be external business associates, or individuals of the host organisation.</p>
<b>O</b>	<b>Objectives</b>	<p><b>For what purpose will hospitality be provided?</b></p> <p>Is the hospitality being provided to further the conduct of official business? Will it promote and support Council’s policy objective and priorities? Will it contribute to employees’ wellbeing and workplace satisfaction?</p>
<b>S</b>	<b>Spend</b>	<p><b>Will Council funds be spent?</b></p> <p>What type of hospitality will be provided? Will it be modest or expensive, and will alcohol be provided as a courtesy or an indulgence? Will the costs incurred be proportionate to the benefits obtained?</p>
<b>T</b>	<b>Trust</b>	<p><b>Will public trust be enhanced or diminished?</b></p> <p>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 Council? Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures.</p>

### 11.3 Containing Costs

Individuals should contain costs involved with providing gifts, benefits and hospitality wherever possible. The following questions may be useful to assist individuals to decide on the type of gift, benefit or hospitality to provide:

- a) Will the cost of providing the gift, benefit or hospitality be proportionate to the potential benefits?
- b) Is an external venue necessary or does the organisation have facilities to host the event?
- c) Is the proposed catering or hospitality proportionate to the number of attendees?
- d) Does the size of the event and number of attendees align with intended outcomes?
- e) Will providing the gift, benefit or hospitality be viewed by the public as excessive?

Allocated costs associated with the providing of gifts, benefits and hospitality should adhere to Yarriambiack's Shire Council Procurement Policy in relation to approval procedures and financial delegations.

## 11.4 Catering Events and Meetings

If an event or meeting extends over mealtimes, it is generally considered a basic courtesy to provide token hospitality such as tea, coffee or a light meal. This type of hospitality usually has a low cost per head and should be consistent with community expectations. The Yarriambiack Shire Council will endeavour to ensure compliance with any obligations under the relevant industrial instrument in relation to meal breaks and any other employee entitlements, including occupational health and safety obligations. Wherever possible, a sufficient break in proceedings will be encouraged to enable participants to seek their own refreshments. Where possible meetings should not be scheduled to conflict with meal times.

## 11.5 External Guests

Yarriambiack Shire Council may provide gifts, benefits or hospitality for the purpose of:

- a) Receiving guests (e.g. visiting from another Council).
- b) Facilitating relationships between third party organisations.
- c) Celebrating the opening of an event; or
- d) Launching an initiative (e.g. a new community awareness campaign).

## 11.6 Employees

Yarriambiack Shire Council may provide hospitality to employees for a range of reasons, including catering as part of a larger staff-related event, for example a training course or professional development day. Catering for an event for employees can be an effective means of celebrating achievements or promoting particular behaviours and is consistent with common business practice. In deciding whether your organisation should pay for all, some or none of the costs associated with the event, the following should be considered:

- a) The extent to which the event will contribute to organisational objectives by, for example, reinforcing particular values or motivating employees.
- b) Whether there have been multiple recent events that would result in perceptions of excess.
- c) The need to balance the positive benefits of public recognition with community expectations in relation to modest expenditure by public officials.

Yarriambiack Shire Council does not need to declare or record hospitality provided from other Victorian Public Sector organisations or hospitality provided to stakeholders, including own employees and other Victorian Public Officials if it's offered as part of official business; and or your reason for attending is consistent with Council's functions, objectives and your role.



**GENERAL GIFTS, BENEFITS AND HOSPITALITY**
**12 OTHER MATTERS**
**12.1 Education and Training**

The Council Gifts, Benefits and Hospitality Policy and Guidelines are essential for our organisation. This policy forms part of the Councillor and Employee induction process and forms part of our online training for newly appointed employees. Employees conduct a review of online training every two years. Council also engages a Consultant to facilitate in person training sessions on Good Governance every three years.

**12.2 Library Books**

Council may accept donations of library materials (such as but not limited to books, magazines etc) to support its library service, however the materials must be assessed to ensure they are not racist or do not contain problematic content that would be deemed offensive in the community, or wider society.

All donations must be endorsed by the Manager Community Strengthening and Engagement prior to becoming available.

**12.3 Bribery**

No Council official shall, either directly or indirectly, solicit or accept gifts or presents from any member of the public involved with any matter that is connected with the duties of the officer, or in which the Council is interested.

Councill Officials must exercise the utmost discretion in accepting hospitality from contractors or their representatives, or from organisations, firms or individuals with whom they have official dealings. Council officials should also make attempts to avoid the ambiguous situation created by visiting the premises of a contractor, organisation, firm or individual uninvited and/or not on official business.

Offers of bribes, commissions or other irregular approaches from organisations or individuals (no matter how flimsy the evidence available), must be promptly brought to the attention of the CEO for Council employees or the CEO / Mayor for Councillors.

Yarriambiack Shire Council needs to be alerted to repeated offers of gifts, benefits and hospitality from a single source and must report to its Audit and Risk Committee on the risks associated with such offers. Repeated offers (taken or non-taken) must be managed appropriately.

**12.4 Breaches**

Disciplinary action consistent with Council's Employee Code of Conduct, Councillor Code of Conduct, Human Resource Policy and Guidelines Manual and relevant legislation, including dismissal, may be taken where an individual fails to adhere to this policy and guidelines. This includes where an individual fails to avoid wherever possible or identify, declare and manage a conflict of interest related to gifts, benefits and hospitality in accordance with the *Local Government Act 2020*.

Employees and Councillors are responsible for maintaining their own records in relation to receipt of 'disclosable gifts' as defined in the *Local Government Act 2020*, and where necessary reporting these on their Register of Interest Returns. Failure to do so could constitute an offence under that Act.

Council will communicate its policy on the offering and provision of gifts, benefits and hospitality through its Website and as part of any procurement process.

Individuals who consider that gifts, benefits or hospitality or conflict of interest within Council may not have been declared or managed appropriately should notify their CEO, or the Manager People and Culture. Individuals who believe they have observed corrupt conduct by their colleagues may also make a Public Interest Disclosure in accordance with the Public Interest Disclosure Act 2012 and/or directly to the Independent Broad-based Anti-corruption Commission (IBAC).

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

Employees and Councillors must declare and seek approval for all offers of gifts, benefits and hospitality (whether accepted or declined). The Gifts, Benefits and Hospitality Form fields that are marked in green will be published in the Council's Public Register.

## **12.5 Material Conflicts of Interest and Disclosable Gifts**

A Councillor, member of staff, or delegated committee must ensure they comply with the requirements of section 128 of the Local Government Act, that outlines when a relevant person has a material conflict of interest.

This includes when a person has received a disclosable gift. Refer to the definitions section of this document for what constitutes a disclosable gift.

## **12.6 Inspection of Register**

The Council's Gifts, Benefits and Hospitality Register will be made available for public inspection in accordance with the provisions of the Act and reported on an annual basis to the Audit and Risk Committee.

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