

# Gifts, Benefits & Hospitality Policy

---

## **Preamble**

Bass Coast Shire Council is an ethical and professional work environment with a commitment to good governance and accountability.

Bass Coast Shire Council acknowledges that there are occasions when Councillors, Council officers or committee members may be offered gifts, benefits and/or hospitality. This has the potential to be viewed as improper and/or influencing and requires a comprehensive policy.

## **Policy objectives**

This policy will ensure transparency and appropriate handling of any offer or receipt of any gift, benefit or hospitality to Councillors, Council officers, members of Community Asset Committees or any other Delegated Committees.

The policy aims to minimise the risk of improper practices by the use of transparent and practical guidance on the acceptance or refusal of gifts or hospitality and the associated reporting and recording.

## **Definitions**

### **Gift**

The Local Government Act 2020 defines a gift as:

*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;*

This includes anything offered above normal entitlements related to an officer's employment or representation as a Councillor or committee member. Gifts can be of a token value, such as a box of chocolates, or of a significant value, such as a holiday.

## **Benefit**

Benefits relate to preferential treatment, privileged access, favours or other advantages. Benefits are generally intangible, and include items such as personal service, job offers and invitations to sporting or other events.

## **Hospitality**

Hospitality relates to entertaining stakeholders, conference delegates and other official visitors. Examples of hospitality may include offers of meals, invitations to events, sponsored travel or accommodation.

## **Gift Disclosure Threshold**

A gift, benefit or hospitality to the value of \$500 or a higher amount or value prescribed by the regulations.

## **Policy statement**

### **1.1 Roles & Responsibilities**

Councillors, Council officers and committee members are responsible for understanding and following the guidelines outlined in this policy including notifying the Governance Officer.

Councillors, Council officers and committee members are responsible for seeking clarification from an appropriate person such as the CEO, member of the Executive Leadership Team or the Manager Governance and Property if there is any doubt.

The Governance and Property Department is responsible for maintaining the Gift Register.

### **1.2 Gifts, Benefits & Hospitality Overview**

Councillors, Council officers and committee members operate in an environment where gifts, benefits or hospitality must never be solicited, expected or demanded.

No gift, benefit or hospitality may be accepted that could influence, or be perceived to influence, a Councillor, Council officer or committee member in the performance of their public or professional duties.

No gift, benefit or hospitality can be accepted that has the potential to be a conflict of interest as set out in the *Local Government Act 2020*.

Anonymous gifts are not to be accepted.

As specified in Section 128 (4) of the *Local Government Act 2020*, where the value of a gift is equal to, or exceeds the gift disclosure threshold, Councillors must not accept the gift unless:

*the name and address of the person making the gift are known to the Councillor; or*

*at the time when the gift is made—*

- (i) the Councillor is given the name and address of the person making the gift; and*
- (ii) the Councillor reasonably believes that the name and address so given are the true name and address of the person making the gift.*

Monetary gifts are not to be accepted. Monetary gifts include cash, gift vouchers or gift cards.

### 1.3 Gifts, Benefits & Hospitality Types and Required Actions

Token gifts up to the value of \$20 such as basic hospitality or small promotional items such as pens, notepads, mugs or similar can be accepted and do not require declaration.

Token gifts, benefits and hospitality up to the value of \$50 can be accepted subject to the above points in 1.2. This is then to be declared to the Governance Officer via email who will record who the gift, benefit or hospitality are from, the employee to whom they were given, a description, date and approximate value.

A gift over the value of \$50 offered in a public forum, where it would be discourteous to refuse, can be accepted subject to the points in 1.2. Acceptance can be made on behalf of Council; the item handed over to the CEO and recorded as per the above process.

Council officers and committee members may only accept gifts, benefits and hospitality over the value of \$50 with the express (verbal or written) permission of a General Manager.

Councillors are responsible for determining whether they should accept a gift, benefit or hospitality subject to section 1.2 of the Policy. If uncertain, Councillors can seek advice from the Chief Executive Officer, General Managers or Manager Governance and Property.

### 1.4 Declined offers of Gifts, Benefits & Hospitality

Offers of gifts, benefits & hospitality that do not meet the tests outlined in this Policy must be politely but firmly declined. Reference should be made to this Policy.

Declined offers over the value of \$20 must also be declared to the Governance Officer via email for recording in the Gift Register.

### 1.5 Conflict of Interest

Accepting gifts, benefits and hospitality can create a material conflict of interest under the *Local Government Act 2020* and the *Local Government Act 1989*.

The *Local Government Act 2020* Section 128 (4) states:

*For the purposes of subsection (3)(h), disclosable gift means one or more gifts with a total value of, or more than, \$500 or if an amount is prescribed for the purposes of this subsection, the prescribed amount, received from a person in the 5 years preceding the decision on the matter—*

*(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  
(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.*

The *Local Government Act 1989* Section 78C (Indirect interest because of receipt of an applicable gift) also specifies the situation in which receipt of one or more gifts totalling an amount equal to or higher than the gift disclosure threshold creates a conflict of interest.

**Additional documents**

Gift Register

**Reference to other documents**

Gift Register

*Local Government Act 2020*

*Local Government Act 1989*

Councillor Code of Conduct

Code of Conduct for Council officers

Committee Member Delegations and Manuals

**Review process**

- This Policy is reviewed every 3 years or prior if considered necessary.

**Accountability process**

This Policy will be included in the Councillor Induction and Bass Coast Shire Council Staff Induction. The policy will be signed by the inductee and a copy retained by both the signatory and the Governance Department.

**Approval**

Adopted by Council at its meeting held on	Date ...../...../.....
Signed by the Mayor (Name).....	
.....	Date ...../...../.....

# Council Support and Resources Policy

---

## Preamble

The elected Councillors are provided with a range of resources to enable them to effectively carry out their role. These resources include a Councillors' allowance, administrative support, reimbursement of expenses associated with Council business, travel and accommodation entitlements, professional development opportunities and information technology support.

Delegated committees play an important role in decision making and supporting good governance. Members of delegated committees are also provided with administrative support and reimbursement of expenses associated with their delegated role.

This policy outlines the resources and support to be provided by Council to Councillors and members of delegated committees as well as eligible expenditure that may be reimbursed in performing their duties as elected or delegated representatives as outlined in Section 63 of *The Local Government Act 2020*.

## Policy objectives

- Provide Councillors with the resources required to carry out their role as representatives of their communities, and communicate with each other, Council staff and the Bass Coast community.
- Provide members of delegated committees with the resources required to carry out their role, and communicate with each other, Council staff and the Bass Coast community.
- Assist Council staff in providing the necessary resources, equipment and professional support to Councillors and members of delegated committees.

Councillors who are also members of delegated committees will continue to have access to all Councillor entitlements as set out in this policy.

## Definitions

### Delegated Committee.

As set out in the *Local Government Act 2020*, a delegated committee means:

- (a) a delegated committee established by a Council under section 63; or
- (b) a joint delegated committee established by 2 or more Councils under section 64; or

*(c) a committee, other than a Community Asset Committee, exercising any power of a Council under this Act or any other Act delegated to the committee under this Act or any other Act;*

## **Carer Expenses**

*Expenses incurred by a Councillor who is a carer in a care relationship within the meaning of section 4 of the Carers Recognition Act 2012.*

## **Policy statement**

## **Councillor Entitlements**

### **Mayoral and Councillor Allowance**

The Mayor, Deputy Mayor and Councillors are entitled to receive a Mayoral and Councillor allowance, pursuant to Section 39 of the *Local Government Act 2020*. The level of the allowance will be determined by Council after each general election, within the statutory limits set by the Minister for Local Government.

### **Administrative and Meeting Support**

Councillors will attend regular meetings of Council both formal and informal. The following support will be provided:

- Council Policy Workshops occur on the first, second and fourth Wednesdays. All business papers will be distributed to Councillors for these meetings from the Governance and Property Department.
- Ordinary Meetings of Council will occur on the third Wednesday of the month or alternative date by resolution of Council. Agendas will be provided to the Councillors from the Governance and Property Department. Minutes of these meetings will be taken by the Governance Officer and made available to the public via Council's website.
- The Councillor Support team will manage all Councillor invitations received. They will be clear with the intent of the invitation, the nature of the event, and the attendance of partners/family where appropriate. Council will cover costs associated with a Councillor and partner attending any Council run and organised event.
- Council support will be provided by staff in the Governance team. Councillor Support staff will manage all Councillor requests and responses will be provided in the Councillor Bulletin each Friday unless it is of an urgent nature.
- All Councillor communication will be through the Councillor Support team or with a relevant General Manager unless by agreement with the Chief Executive Officer.

## **Travel**

Councillors will be reimbursed for travel involved in attending any meeting of Council whether formal or informal. Travel costs will be reimbursed at the vehicle use allowance rates included in the Bass Coast Shire Council Enterprise Bargaining Agreement. Travel reimbursement will apply for:

- Representing Council as an official delegate or Council representative at meetings, briefings, announcements and functions, including:
  - Events, State / Federal Government announcements, Ministerial visits
  - Attending Council or Committee meetings or formal briefings of Council called by the Mayor or CEO
  - Civic events and community celebrations arranged and / or hosted by Bass Coast Shire Council
  - Meetings or events arranged and/or hosted by community groups where Councillors are invited to attend as a Councillor, with or without formal duties
- Attending site-inspections pertaining to a planning application or other matter that is likely to be considered by Council.
- Attendance at professional development opportunities.

Travel arrangements can be made for Councillors to travel with an officer when attending the same event.

A Council pool car may be booked by a Councillor, subject to availability of a vehicle, for travel to/from official meetings, conferences, seminars, training and events.

Any parking fees associated with travel at events will also be reimbursed.

### **Air Travel**

Air travel will be by economy class unless determined by Council resolution.

- Council will pay up to 10% variation for a comparative flight at a comparable time for Councillors travelling on their nominated airline. Any costs over and above this will be paid or reimbursed by the Councillor.
- Airline tickets are not transferable and cannot be used for defraying or offsetting any other costs including the costs of other persons accompanying the Councillors.
- Councillors may upgrade the class of travel at their own expense.

### **Accommodation**

Where the Councillor attends a conference, event or function that is held over more than one day, accommodation will be provided on successive nights. For example should a conference, event or function commence on a Friday afternoon and finish on Sunday at 12.00pm, accommodation will be provided for the Friday and Saturday nights only.

- Council will pay up to a 10% variation for comparable hotels of a similar standard to that nominated by the conference, or previous conferences. If no hotel is nominated then accommodation will be a maximum four star single room accommodation. Any additional costs incurred as a result of extended stays, the attendance of partners and/or children and the cost of non-essential room extras such as mini bar, tips or in-house movies shall be borne by the Councillor.

- Where the Councillor attends a meeting, conference, event or function commencing at or before 11.00am which is located more than 100kms from the Wonthaggi Civic Centre at 76 McBride Avenue, Wonthaggi, accommodation is provided on the night prior to the meeting.
- Where the Councillor attends a meeting, conference, event or function concluding later than 8.00pm which is held more than 100kms from the Wonthaggi Civic Centre at 76 McBride Avenue, Wonthaggi, accommodation will be provided on the night.

### **Carer Expenses**

Reimbursement of child and/or carer expenses incurred when attending any appointments which would be deemed claimable under the above criteria for travel expenses:

- Reimbursement will only be paid for services where a receipt from the caregiver is received showing the dates and times the care was provided.
- Reimbursement for care is available up to \$25 per hour for Council activities that are deemed claimable.
- The care must be for a person who resides with the Councillor, and for whom the Councillor is the sole primary carer.
- The care must not be provided by a person who is an immediate family member and/or normally or regularly lives with the Councillor.

### **Information Technology Support**

Information Technology support for Councillors will include:

- A smartphone with voicemail facilities and hands free (Bluetooth) kit will be provided. The account for this mobile telephone will be paid for by Council.
- A computer with access to email and internet services and loaded with Microsoft Office and Anti-Virus software will be provided for use during the Council term. At the end of the term, all devices will be returned to factory settings and any private information will be deleted.
- A landline telephone connected to Council's phone system will be provided to each Councillor during their Council term. The account for this landline will be paid for by Council.
- Councillors will be provided with a Council email address. The Council email will be linked to the Council Outlook Calendar to allow for diary management by Councillor Support.
- Cases to protect the smartphone and tablet will be provided.
- Councillors will be provided with access to a printer located at the Wonthaggi Civic Centre.
- Council's IT department will provide support for Council provided equipment and software. If Councillors wish to use their own equipment, Council is unable to provide full IT Support.

- Council officers will provide support for virtual meetings/teleconferences where the meeting was initiated by Council. Council is unable to provide IT support to community groups or other organisations where Councillors are invited to attend.
- All confidential Council information stored on private devices must be deleted at the end of the Council term.
- All Council provided equipment must be returned to Council on the first business day following Council elections, if the Councillor is not returned to office.
- Use of Council provided equipment and services are intended for Council use only, however it is recognised that some personal use may occur for practical purposes.
- Any information or portals that Council provide access to and content that is included remains the property of Council. Access to this information will be removed at the end of the Council term.

### **Uniform and Stationery**

Councillors will be provided with uniform and stationery items that include:

- Standard stationery required to carry out Council duties, including but not limited to, diaries, notebooks and pens.
- Councillors can be provided with a Council embroidered blazer or vest, and rain jacket. Additional uniform items are available to be purchased by Councillors and will not be reimbursed by Council.
- Councillors will be provided with any required personal, protective equipment to enable them to fulfil their role.
- All unused stationery provided by Council must be returned to Council on the first business day following Council elections, if the Councillor is not returned to office.

### **Mayoral Support**

- The Mayor will be provided with a furnished Mayoral office.
- Reasonable private use of a medium sized, environmentally friendly vehicle with a five star safety rating and fuel card will be supplied upon request. Alternatively a fuel card could be provided if the Mayor wishes to drive their own vehicle.
- The Mayoral vehicle may not be used for other commercial employment or external business activities.
- The Mayor will be provided with a corporate purchase card to pay for Council business expenses incurred in carrying out Mayoral duties.

### **Professional Development**

Councillor professional development is encouraged to develop and maintain Councillors' skills and abilities with regard to effective community representation, decision making and strategic Council planning.

There are three avenues for Councillors to utilise professional development opportunities.

- Through a Councillor Transition Program.

- Through workshops, seminars, conferences, and other day training as offered by industry partners, local government networks, support organisations and internally. These are generally of a lower cost and do not entitle the attendee to a formal qualification. Council approval to attend these is not required, and arrangements will be coordinated by Councillor Support.
- Through formal study courses at appropriately recognised training facilities. These are often at a higher cost and entitle the attendee to a formal qualification, such as a certificate, diploma, undergraduate or postgraduate degree, on successful completion. Council approval to attend these is required via resolution and conditions may be applied by Council, eg, Councillor to pay 50% of fees. The Councillor must demonstrate the benefits of undertaking formal study to not only themselves, but the organisation and Council. Formal study funded by Council, either in part or in full, must not cross over Council terms.

All costs associated with Councillor professional development will be recorded in the Councillor Expense Register.

### **Members of Delegated Committees**

#### **Administrative and Meeting Support**

Members of delegated committees will attend regular formal meetings. Meeting frequency and meeting days will be determined when a delegated committee is formed.

The following support will be provided:

- All business papers, including formal meeting agendas, will be distributed to committee members from the Governance and Property Department.
- Minutes of Delegated Committee meetings will be taken by a Council officer and made available to the public via Council's website.
- All Committee member communication will be through the Councillor Support team or with a relevant General Manager unless by agreement with the Chief Executive Officer.

#### **Stationery and equipment**

Members of delegated committees will be provided with standard stationery required to carry out their role. Members of delegated committees will be provided with any required personal, protective equipment to enable them to fulfil their role. Uniform items are not provided for members of delegated committees.

#### **Other Reimbursements**

Reimbursements will be made to Councillors or members of a delegated committee where the cost of purchasing a ticket or paying a fee is associated with them performing their official role.

#### **Resources paid for by Councillors and members of delegated committees**

Councillors must pay for all other costs associated with carrying out their responsibilities unless the Chief Executive Officer approves the payment of these expenses because of extenuating circumstances.

### **Payment and reimbursement of expenses**

Claims for the reimbursement of costs must be submitted on the appropriate claim forms provided by Councillor Support.

Receipts are required as proof of purchase for reimbursement.

### **Reporting of expenses**

A report of expenses of Councillors and members of delegated committees will be reported quarterly to Council and to each Audit and Risk Committee meeting.

### **Additional documents**

The *Bass Coast Shire Council Enterprise Bargain Agreement - Part B* relates to the payment of travel expenses, forms part of this Policy and can be viewed by contacting Council staff.

The *Information Sheet – Councillor allowances and remuneration* relates to the payment of Mayoral and Councillor allowances, forms part of this Policy and can be viewed by contacting Council staff.

### **Reference to other documents**

*Local Government Act 2020*

*Carers Recognition Act 2012*

Councillor Code of Conduct

IT Usage Policy

Privacy and Data Protection Policy

### **Review process**

Each new Council will review this Policy within six months of the general election. However, Council can review and change this Policy at any time.

### **Accountability process**

All claims for the reimbursement of expenses will be authorised for payment by a representative from the Governance and Property Department.

### **Approval**

Approved by Council at its meeting held on	Date:
Signed by the Mayor, Cr	
	Date: