

## Gifts, Benefits & Hospitality Policy

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### **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 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 (Council Officers and Community Asset Committees)

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 written permission of a General Manager.

### 1.4 Gifts, Benefits & Hospitality Types and Required Actions (Councillors)

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 Manager Governance and Property. The Manager Governance and Property will record the advice given.

It is recommended that if a Councillor is invited to meet with representatives of developers, gambling or hospitality businesses or other business organisations that may have business come before Council, they attend with another Councillor or a Council officer and that they seek advice on the purpose of the meeting prior to accepting.

It is recommended that Councillors exercise caution in accepting offers of hospitality where a direct interest or benefit to Council is not obvious.

### 1.5 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.

## 1.6 Conflict of Interest

Accepting gifts, benefits and hospitality can create a material conflict of interest under 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 2020* Section 128 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 material conflict of interest.

### **Additional documents**

Gift Register

### **Reference to other documents**

Gift Register

*Local Government Act 2020*

Governance Rules 2020

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 and Property Department.

**Approval**

Adopted by Council at its meeting held on

Date 21 April 2021

Signed by the Mayor Cr Brett Tessari

A handwritten signature in black ink, appearing to read 'Brett Tessari', is written over a light blue rectangular stamp. The signature is cursive and includes a long horizontal stroke at the end.