



ATTACHMENTS

**Under Separate Cover
Council Meeting**

6.00pm Tuesday 23 February 2021

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7.15 Gifts, Benefits & Hospitality Policy

Attachment 1 Gifts, Benefits and Hospitality Policy- Draft February 2021 4

GIFTS, BENEFITS AND HOSPITALITY POLICY



Gifts, Benefits and Hospitality Policy

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GIFTS, BENEFITS AND HOSPITALITY POLICY

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GIFTS, BENEFITS AND HOSPITALITY POLICY

1. PURPOSE

- 1.1 This policy states Golden Plains Shire Council's position on:
- responding to offers of gifts, benefits and hospitality; and
 - providing gifts, benefits and hospitality.
- 1.2 This policy is intended to support individuals and Golden Plains Shire Council to avoid conflicts of interest and maintain high levels of integrity and public trust.
- 1.3 Golden Plains Shire Council has issued this policy to support behaviour consistent with the Code of Conduct for Employees and the Code of Conduct for Councillors (the Code).

2. SCOPE

- 2.1 This policy applies to all workplace participants. For the purpose of this policy, this includes: the Mayor, Councillors, executives, employees, contractors, consultants and any individuals or groups undertaking activity for or on behalf of Golden Plains Shire Council.

3. POLICY STATEMENT

- 3.1 This policy has been developed in accordance with the Victorian Public Sector Commissions Gifts, Benefits and Hospitality framework policy guide (June 2018) and the Department of Environment, Land, Water and Planning model policy (July 2019).
- 3.2 This policy has been developed in accordance with requirements outlined in the minimum accountabilities for the management of gifts, benefits and hospitality issued by the Victorian Public Sector Commission.
- 3.3 Golden Plains Shire Council is committed to and will uphold the following principles in applying this policy:

Impartiality: individuals have a duty to place the public interest above their private interests when carrying out their official functions. They will not accept gifts, benefits or hospitality 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: individuals 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.

Individuals 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.

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Integrity: individuals 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: Golden Plains Shire Council, 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.

4. MINIMUM ACCOUNTABILITIES

- 4.1 Under the Instructions supporting the Standing Directions of the Minister for Finance 2016, the Victorian Public Sector Commission has set binding minimum accountabilities for the appropriate management of gifts, benefits and hospitality. These can be found at Schedule A.

5. PROCEDURES

5.1 MANAGEMENT OF OFFERS OF GIFTS, BENEFITS AND HOSPITALITY

This section sets out the process for accepting, declining and recording offers of gifts, benefits and hospitality. Any exceptions to this process must have the prior written approval of the CEO.

As a general principle Council, Councillors and staff should, where possible, decline any offer of gifts, benefits or hospitality in a way that does not cause offence. If the decline is considered to be inappropriate or not possible, then the following procedures apply.

5.1.1 Conflict of interest and reputational risks

When deciding whether 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 exists.

5.1.2 Figure 1. GIFT test

This table is a useful tool when considering how to respond to a gift offer.

G	Giver	<p>Who is offering the gift, benefit or hospitality and what is their relationship to me?</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>
I	Influence	<p>Are they seeking to gain an advantage or influence my decisions or actions?</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 valuable non-token offer? Does its timing coincide with a decision I am about to make or my endorsement of a product or service?</p>
F	Favour	<p>Are they seeking a favour in return for the gift, benefit or hospitality?</p>

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		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?
T	Trust	Would accepting the gift, benefit or hospitality diminish public trust? How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family, friends or associates think?

5.1.3 Requirement for refusing offers

Individuals should consider the GIFT test at Figure 1 and the requirements below to help decide whether to refuse an offer. Individuals are to refuse offers:

- likely to influence them, or be perceived to influence them, in the course of their duties or that raise an actual, potential or perceived conflict of interest;
- could bring them, or the Council into disrepute;
- made by a person or organisation about which they will likely make or influence a decision (this also applies to processes involving grants, sponsorship, regulation, enforcement or licensing), particularly offers:
 - made by a current or prospective supplier; or
 - made during a procurement or tender process by a person or organisation involved in the process;
 - made by someone with a planning or other application with Council; or
 - where Council is in dispute with another party.
- likely to be a bribe or inducement to make a decision or act in a particular way;
- that extend to their relatives or friends;
- of money, or used in a similar way to money, or something easily converted to money;
- where, in relation to hospitality and events, the CEO considers the organisation will already be sufficiently represented to meet its business needs;
- where acceptance could be perceived as endorsement of a product or service, or acceptance would unfairly advantage the sponsor in future procurement decisions;
- made by a person or organisation with a primary purpose to lobby Council, Councillors or staff; or
- made in secret.

If an individual considers they have been offered a bribe or inducement, the offer must be reported to the Director Corporate Services or the CEO who will report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission.

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Gift offers must be declined in a way that does not cause offence to the donor or damage relationships. This can be achieved by explaining Council's policy.

5.1.4 Token offers (\$50 or less)

Token offers cannot be worth more than \$50. A token offer is an offer of a gift, benefit or hospitality that is of inconsequential or trivial value to both the person making the offer and the individual. It may include promotional items such as pens and note pads, and modest hospitality that would be considered a basic courtesy, such as light refreshments during a meeting.

Individuals may generally accept token offers without approval or declaring the offer on the register, as long as the offer does not create a conflict of interest or lead to reputational damage e.g. where there have been repeated offers.

5.1.5 Non-token offers (more than \$50)

Individuals can only accept non-token offers if they have a legitimate business benefit. All accepted non-token offers must be approved in writing by the individual's manager and recorded in the gifts, benefits and hospitality register and be consistent with the following requirements:

- it does not raise an actual, potential or perceived conflict of interest or have the potential to bring the individual, or Council into disrepute; and
- there is a legitimate business reason for acceptance. It is offered in the course of the individual's official duties, relates to the individual's responsibilities and has a benefit to Council.

Individuals may be offered a gift or hospitality where there is no opportunity to seek written approval from their manager prior to accepting. For example, they may be offered a wrapped gift that they later identify as being a non-token gift. In these cases, the individual must seek approval from their manager within five business days.

Where the gift would likely bring the person or the Council into disrepute, the gift should be returned. If it represents a conflict of interest, the CEO should either return the gift or transfer ownership to the Council to mitigate this risk.

An individual can accept a non-token offer of a conference invitation where the subject matter relates to an individual's official duties. The organisation allows conference organisers to pay the costs for a Councillor, executive or employee to present at a conference in their area of expertise including flights, accommodation, meals and conference admission.

5.1.6 Recording non-token offers of gifts, benefits and hospitality

All non-token offers, whether accepted or declined, must be recorded in the gifts, benefits and hospitality register.

The business reason for accepting the non-token offer must be recorded in the register with sufficient detail to link the acceptance to the individual's work functions and benefit to Council.

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Individuals should consider the following examples of acceptable and unacceptable levels of detail to be included in the register when recording the business reason:

Unacceptable

- Networking
- Maintaining stakeholder relationships

Acceptable

- Scenario 1 – The Individual is responsible for evaluating and reporting on the outcomes of the sponsorship of Event A. Individual attended Event A in an official capacity and reported back to Council on the event.
- Scenario 2 – The Mayor and CEO are invited to an event within the municipality to represent the Golden Plains Shire Council.
- Scenario 3 – An Individual presented to a visiting international delegation. The delegation presented the individual with a cultural item worth an estimated \$200. Declining the gift would have caused offence. The gift was accepted on behalf of Council.

5.1.7 Process for declaring gifts***Token Offers (\$50 or less)***

In accordance with this Policy, individuals are generally not required to seek approval or record token offers, subject to section 5.1.5.

Non token Offers (more than \$50)

Complete the gifts, benefits and hospitality declaration form within fourteen working days and submit to relevant organisational delegate.

Organisational delegates:

- Manager – when the individual completing the form is a staff member; or
- CEO – when the individual completing the form is the Mayor or a Councillor; or
- Mayor – when the individual completing the form is the CEO.

5.1.8 Register

The Gifts, Benefits and Hospitality Register will be maintained and updated by the Governance Department.

There will be two registers:

- an internal register; and
- a public register.

The internal register will contain full details of declarations. Access to the internal register is restricted to relevant persons within Council.

The public register will contain a subset of the information detailed in the internal register. The public register will be published on Council's website and updated on a

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quarterly basis. Privacy requirements will be taken into account when recording and publishing the register, such as restricting access to relevant persons within the organisation.

To submit a declaration for the register, email the completed gifts, benefits and hospitality declaration form to governance-administration@gplains.vic.gov.au.

5.1.9 Audit and Risk Management Committee

Council's Audit and Risk Management Committee will receive a report at least annually on the administration and quality control of the gifts, benefits and hospitality policy, processes and register. The report will include analysis of gifts, benefits and hospitality risks (including multiple offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.

5.1.10 Ownership of gifts offered to individuals

Non-token gifts with a legitimate business benefit that have been accepted by an individual for their work or contribution may be retained by the individual where the gift is not likely to bring them or the Council into disrepute, and where their manager or organisational delegate has provided written approval. Employees must transfer to Golden Plains Shire Council official gifts, or any gift of cultural significance or significant value.

Gifts transferred to the Council's ownership may be disposed. The disposal method will be determined by the Director Corporate Services or the CEO.

Gifts such as food hampers, may be auctioned to staff with the proceeds donated to charity. The charity will be determined by the Director Corporate Services or the CEO.

5.1.11 Repeat offers

Receiving multiple offers (token or non-token) from the same person or organisation can generate a stronger perception that the person or organisation could influence you. Individuals should refuse repeat offers from the same source if they create a conflict of interest or may lead to reputational damage.

5.1.12 Ceremonial gifts

Ceremonial gifts are official gifts provided as part of the culture and practices of communities and government, within Australia or internationally. Ceremonial gifts are the property of the organisation, irrespective of value, and should be accepted by individuals on behalf of Golden Plains Shire Council. The receipt of ceremonial gifts should be recorded on the register but this information does not need to be published online.

5.1.13 Hospitality provided by Victorian public sector organisations

Victorian public sector organisations may provide hospitality to stakeholders, as part of their functions. When offered hospitality by a Victorian public sector organisation, individuals should consider the requirements of the minimum accountabilities.

Accepted hospitality offered by a Victorian public sector organisation as part of official business does not need to be declared or reported, where the reason for the

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individual's attendance is consistent with the organisation's functions and objectives and with the individual's role.

Hospitality offered by both public and private sector organisations as part of official business is not required to be published in the public register. This is based on the need to attend events for the purposes of stakeholder engagement, to develop professional and sector knowledge, and to collaborate on projects.

Both public and private sector hospitality is required to be declared and recorded on the internal register. This allows for monitoring and oversight of declarations. Hospitality that is offered, but not accepted is not declared or recorded.

An Official Business Events Practice and declaration form is provided at Appendix 1 and Appendix 3.

5.2 MANAGEMENT OF THE PROVISION OF GIFTS, BENEFITS AND HOSPITALITY

This section sets out the requirements for providing gifts, benefits and hospitality.

5.2.1 Figure 2. HOST test

This table is a useful tool when considering how to providing gifts, benefits and hospitality.

H	Hospitality	<p>To whom is the gift or hospitality being provided? Will recipients be external business partners, or individuals of the host organisation?</p>
O	Objectives	<p>For what purpose will hospitality be provided? Is the hospitality being provided to further the conduct of official business? Will it promote and support government policy objectives and priorities? Will it contribute to staff wellbeing and workplace satisfaction?</p>
S	Spend	<p>Will public funds be spent? 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>
T	Trust	<p>Will public trust be enhanced or diminished? 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 the public sector? Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures?</p>

5.2.2 Requirements for providing gifts, benefits and hospitality

Gifts, benefits and hospitality may be provided when welcoming guests, to facilitate the development of business relationships, further public sector business outcomes and to celebrate achievements.

When deciding whether to provide gifts, benefits or hospitality or the type of gift, benefit or hospitality to provide, individuals must ensure:

- 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 and priorities;
- that any costs are proportionate to the benefits obtained for the State, and would be considered reasonable in terms of community expectations (the

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'HOST' test at Figure 2 is a good reminder of what to think about in making this assessment); and

- it does not raise an actual, potential or perceived conflict of interest.

5.2.3 Containing costs

Individuals should contain costs involved with providing gifts, benefits and hospitality wherever possible, and should comply with the financial probity and efficient use of resources guidance outlined in the Code of Conduct. The following questions may be useful to assist individuals to decide on the type of gift, benefit or hospitality to provide:

- Will the cost of providing the gift, benefit or hospitality be proportionate to the potential benefits?
- Is an external venue necessary or does the organisation have facilities to host the event?
- Is the proposed catering or hospitality proportionate to the number of attendees?
- Does the size of the event and number of attendees align with intended outcomes?
- Is the gift symbolic, rather than financial, in value?
- Will providing the gift, benefit or hospitality be viewed by the public as excessive?

5.2.4 Reward and recognition programs

Modest gifts may be provided to employees in exceptional circumstances as part of the reward and recognition programs. ~~Financial gifts to employees such as vouchers or gift cards are prohibited.~~ Financial gifts such as eftpos or cash cards are prohibited, however vouchers and gift cards are permitted. The value of the gift will be based on the values as specified in Council's Staff Service Recognition policy.

Maximum expenditure on unbudgeted gifts

\$150 is the set nominal limit for the maximum expenditure on gifts to others, where the expenditure has not been explicitly budgeted for. This nominal limit is a total for a discrete, unbudgeted gift. It is not per person or an annual total.

5.2.5 Flowers

Flowers can be purchased from Council funds in the event of the death of a Councillor, executive, employee, or close family member. Should work colleagues choose to recognise life events such as the birth of a child, flowers and gifts are funded through staff collections.

5.2.6 Providing catering and alcohol for external events

Catering is provided at functions for external guests subject to the following criteria:

- there is a real benefit to the Council;
- the expenditure is modest and proportionate to the benefit;

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- it is not excessive;
- it is not too frequent; and
- it is consistent with community expectations.

5.2.7 Providing alcohol at internal and external events

The purchase of alcohol with Council funds for internal and external events is not permitted. Having non-employees, guests or stakeholders at an event does not necessarily mean it is not an internal event. Councillors, executives and employees may purchase alcohol if they choose.

5.2.8 Providing catering at internal events

Modest catering for internal events may be provided, based on the following considerations:

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

Celebrations of events such as birthdays, marriages or the birth of a child are not catered with Council funds.

Meetings will be scheduled to avoid conflict with meal times. Where that is not possible, a break will occur enabling participants to seek their own refreshments. If an event or meeting extends over meal times, modest hospitality can be provided.

Provide modest refreshments when meetings exceed these times:

- 2 hours - for morning or afternoon tea
- 3 hours - for lunch
- 5 hours - for lunch and either morning or afternoon tea
- 7 hours - for lunch, morning tea and afternoon tea

6. BREACHES

Disciplinary action consistent with the relevant industrial instrument and legislation, including dismissal, may be taken where an individual fails to adhere to this policy. 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.

Actions inconsistent with this policy may constitute misconduct, which includes:

- breaches of the Code of Conduct; and

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- individuals making improper use of their position.

For further information on managing breaches of this policy, please contact the Director Corporate Services.

Golden Plains Shire Council will communicate its policy on the offering and provision of gifts, benefits and hospitality to contractors, consultants and other business associates. Those identified as acting inconsistently with this policy may be subject to contract re-negotiation, including termination.

6.1 **Speak UP**

Individuals who consider that gifts, benefits and hospitality or conflict of interest within Golden Plains Shire Council may not have been declared or is not being appropriately managed should speak up and notify their manager, Director Corporate Services of the CEO. Individuals who believe they have observed corrupt conduct in their colleagues may also make a protected disclosure directly to the Independent Based-based Anti-corruption Commission (IBAC).

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

7. **RESPONSIBILITIES**

7.1 **Compliance, monitoring and review**

The policy owner is responsible for ensuring the policy:

- aligns with relevant legislation, government policy and Council's requirements/strategies/values;
- is implemented and monitored (i.e. the policy is followed, reflects the changing policy environment, and emerging issues are identified); and
- is reviewed to evaluate its continuing effectiveness (e.g. achieving its purpose, remains relevant/current).

7.2 **Reporting**

The policy owner is responsible for reporting, where required by the policy.

7.3 **Records Management**

Council must maintain all records relevant to administering this policy in accordance with the Public Records Act 1973.

8. **DEFINITIONS OF TERMS OR ABBREVIATIONS USED**

Terms and definitions

Gifts, Benefits and Hospitality Policy
Reference Number:
[\(INT2042DA7E7E\)](#)

Effective Date: [23 February 2021](#)
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Term	Definition
<i>Benefits</i>	<p><i>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.</i></p> <p><i>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.</i></p>
<i>Business associate</i>	<p><i>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.</i></p>
<i>Ceremonial gifts</i>	<p><i>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.</i></p> <p><i>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.</i></p>
<i>CEO</i>	<p><i>The Chief Executive Officer of the Golden Plains Shire Council.</i></p>
<i>Conflict of interest</i>	<p><i>In the application of this Policy, Conflicts may be:</i></p> <p><i><u>Actual:</u> There is a real conflict between an employee's public duties and private interests.</i></p> <p><i><u>Potential:</u> An employee has private interests that could conflict with their public duties. This refers to circumstances where it is foreseeable that a conflict may arise in future and steps should be taken now to mitigate that future risk.</i></p> <p><i><u>Perceived:</u> The public or a third party could reasonably form the view that an employee's private interests could improperly influence their decisions or actions, now or in the future.</i></p>
<i>Council</i>	<p><i>Golden Plains Shire Council, or the organisation.</i></p>
<i>Gifts</i>	<p><i>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),</i></p>

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	<i>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.</i>
<i>Hospitality</i>	<i>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.</i>
<i>Legitimate business benefit</i>	<i>A gift, benefit or hospitality may have a legitimate business benefit if it furthers the conduct of official business or other legitimate goals of Council.</i>
<i>Public official</i>	<i>Public official includes Councillors, executives, employees, contractors, consultants and any individuals undertaking activity for or on behalf of Golden Plains Shire Council.</i>
<i>Public register</i>	<i>A 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.</i>
<i>Register</i>	<i>A register is a record, preferably digital, of all declarable gifts, benefits and hospitality.</i>
<i>Token offer</i>	<i>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 (such as basic courtesies). The minimum accountabilities state that token offers cannot be worth more than \$50.</i>
<i>Non-token offer</i>	<i>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. All offers worth more than \$50 are non-token offers and must be recorded on a gift, benefit and hospitality register.</i>

9. RELATED LEGISLATION AND DOCUMENTS

9.1 Strategic Documents, Policies or Procedures

Code of Conduct for Employees

Code of Conduct for Councillors

Department of Environment, Land, Water and Planning – Model Policy

Minimum accountabilities for the management of gifts, benefits and hospitality

Victorian Auditor-General's Report - Implementing the Gifts, Benefits and Hospitality Framework

Victorian Public Sector Commission's Gifts, Benefits And Hospitality – Policy Guide

9.2 Legislation

The Local Government Act [20204989](#)

Independent Broad-based Anti-corruption Commission (IBAC) Act 2011

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10. SCHEDULES AND APPENDICES

10.1 Schedules

Schedule A – Minimum accountabilities

10.2 Appendices

Appendix 1 – Official Business Events Practice

Appendix 2 – Gifts, benefits and hospitality declaration form

Appendix 3 – Official business events attendance form

11. HUMAN RIGHTS STATEMENT OF COMPATIBILITY

- 11.1 It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

12. POLICY OWNER

- 12.1 The Coordinator Corporate Governance and Risk Coordinator is the policy owner.
- 12.2 The policy owner is the individual who is given the responsibility to review, edit and maintain this policy and associated procedure. The policy owner is also the point of contact for any questions regarding this policy.

13. FEEDBACK AND CONTACTS FOR FURTHER INFORMATION

- 13.1 You may provide feedback about this document by emailing enquiries@gplains.vic.gov.au
- 13.2 A conflict of interest resulting from the acceptance of a gift, benefit or hospitality is not always clear to those who have them. Individuals who are unsure about accepting a gift, benefit or hospitality, or the application of this policy, should ask their manager, Director Corporate Services or Coordinator Corporate Governance and Risk Coordinator for advice.

14. DOCUMENT INFORMATION

DOCUMENT TYPE:	Council Policy document
DOCUMENT STATUS:	Approved
DOCUMENT OWNER POSITION:	<u>Corporate Coordinator Governance and Risk Coordinator</u>
APPROVED BY:	Council
DATE ADOPTED:	<u>23 February 2021</u>
VERSION NUMBER:	<u>21</u>

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REVIEW DATE:	23 February 2024
DATE RESCINDED:	N/A
EVIDENCE OF APPROVAL:	 Signed by Chief Executive Officer
FILE LOCATION:	INT20/42DA7E7E
NOTES:	<p>Policy documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult Council's Policy page on the Golden Plains Shire Council website to ensure that the version you are using is up to date. Available at:</p> <p>https://www.goldenplains.vic.gov.au/residents/my-council/about-council/council-policies</p>

Schedule A – Minimum accountabilities

Offered gifts, benefits and hospitality:

Councillors, executives, employees and contractors of the Golden Plains Shire Council:

1. Do not, for themselves or others, seek or solicit gifts, benefits and hospitality.
2. Refuse all offers of gifts, benefits and hospitality that:
 - are money, items used in a similar way to money, or items easily converted to money
 - give rise to an actual, potential or perceived conflict of interest;
 - may adversely affect their standing as a public official or which may bring their public sector employer or the public sector into disrepute; or
 - are non-token offers without a legitimate business benefit.
3. Declare all non-token offers (valued at \$50 or more) of gifts, benefits and hospitality (whether accepted or declined) on the register, and seek written approval from their manager, Director Corporate Services or the CEO to accept any non-token offer.
4. Refuse bribes or inducements and report inducements and bribery attempts to the head of the Director Corporate Services, the CEO or their delegate (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).

Providing gifts, benefits and hospitality:

Councillors, executives, employees and contractors of the Golden Plains Shire Council:

5. Ensure that any gift, benefit and hospitality is provided for a business purpose in that it furthers the conduct of official business or other legitimate goals of Council or promotes and supports Council policy, objectives and priorities.
6. Ensure that any costs are proportionate to the benefits obtained for the Golden Plains Shire Council, and would be considered reasonable in terms of community expectations.
7. Ensure that when hospitality is provided, individuals demonstrate professionalism in their conduct, and uphold their obligation to extend a duty of care to other participants.

Heads of the Golden Plains Shire Council:

The executives and the Chief Executive Officer (CEO) of the Golden Plains Shire Council will:

8. Establish, implement and review policies and processes for the effective management of gifts, benefits and hospitality that comprehensively address these minimum accountabilities.
9. Establish and maintain a register for gifts, benefits and hospitality offered to public officials that, at a minimum, records sufficient information to effectively monitor, assess and report on these minimum accountabilities.
10. Communicate and make clear within the organisation that a breach of the gifts, benefits and hospitality policies or processes may constitute a breach of binding codes of conduct and may constitute criminal or corrupt conduct, and may result in disciplinary action.
11. Establish and communicate a clear policy position to business associates on the offering of gifts, benefits and hospitality to employees, including possible consequences for a business associate acting contrary to the Council's policy position. This must take into consideration any supplier codes of conduct.
12. Report at least annually to the Council's Audit and Risk Committee on the administration and quality control of its gifts, benefits and hospitality policy, processes and register. This report must include analysis of the gifts, benefits and hospitality risks (including repeat offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.
13. Publish [a public version of](#) the gifts, benefits and hospitality policy and register on the Council's public website. The published register ~~should~~will cover the current and the previous financial year.

Appendix 1 – Official business events practice

Official business events

An official business event is an event hosted by external organisation that it is in the public interest for a Councillor, executive or employee (herein after referred to as individual or individuals) to attend. These invitations are different to gifts, benefits and hospitality offers and include seminars, conferences and working lunches.

Official business events need to have a tangible connection to an employee's role and be directly related to the Golden Plains Shire Council.

Most official business events fall under five categories:

- **stakeholder engagement** – opportunities to develop networks with people interested in the Golden Plains Shire Council activities
- **sector knowledge** – opportunities to develop a deeper knowledge of the industry and to improve services and programs
- **business leveraging** – opportunities to network with key stakeholders or other agencies e.g. other councils interested in collaboration
- **professional knowledge** – opportunities to maintain knowledge relating to a qualification (e.g. CPD points) or build expertise in a technical field or become acquainted with industry changes.

In addition to those five categories, there are situations where it is in the public interest for the Golden Plains Shire Council to be represented in some capacity. Those include:

- **government functions** – attending an event or function hosted by another government agency or public sector entity
- **delegation forums** – attending an event to debate issues of national significance, advocate on major strategic issues and projects across the region, hear from political and academics speakers as well as to develop policy and fiscal strategy.
- **industry stakeholders** – attending an event hosted by industry or community stakeholders where attendance provides a legitimate business benefit.

Individuals are required to declare their attendance as official business events.

Individuals can attend an official business event when:

- the invitation was extended by the event host rather than a third party;
- the event is directly related to their official duties;
- it is for a business purpose consistent with the Golden Plains Shire Council functions and objectives;
- it is in the public interest and the best interests of the Golden Plains Shire Council to be represented at the event;
- the activities and level of hospitality at the event is consistent with community expectations;
- there is no conflict of interest (real, potential or perceived) for the individual to attend;
- attending the event will not bring the individual, or the Council into disrepute; and

- the host does not have an interest in any business decision the individual is likely to make or influence as part of their official duties.

Before an official business event invitation is accepted, consider:

- whether the individual is the most appropriate person to attend;
- the number of people from the Council attending;
- what the individual's purpose to attend is – to present, develop work skills or purely out of interest
- if the event is a gift offer rather than official business event attendance

Events that provide a personal benefit or are limited to providing hospitality and serve no business purpose can be regarded as an official business event only if non-attendance would bring the Council into disrepute.

To report a gift, the individual must disclose the offer to the responsible person (either by email or in person) as soon as practicable.

A register of official business events will be maintained. Individuals must:

- complete the official business events attendance form within fourteen working days and submit to relevant organisation delegate:

Organisational delegates:

- Manager – when the individual completing the form is a staff member; or
 - CEO – when the individual completing the form is the Mayor or a Councillor; or
 - Mayor – when the individual completing the form is the CEO.
- and ensure the declaration is added to the register of official business events.

Appendix 2 – Gifts, benefits and hospitality declaration form



Gifts, benefits and hospitality declaration form

We have an obligation to protect public confidence in the integrity of our decision-making by minimising offers of gifts.

Instructions

To be completed by the recipient of the reportable gift, benefit or hospitality offer within 14 days of the offer being made and sent to governance-administration@gplains.vic.gov.au.

Important note – fields shaded in:

- light grey will be published on the Council's public register on our website.
- dark grey will only be published on the public register if you accept the gift, benefit or hospitality.

You to complete	
Your name	[your name]
Your position (e.g. Policy Officer)	[your position]
Your unit or department (e.g. Governance)	[your unit or division]
Details of the gift, benefit or hospitality	
Date offered	[date offered]
Description of the gift, benefit or hospitality	[description of the gift, benefit or hospitality]
Estimated or actual value	[estimated or actual value]
Name of the person making the offer	[name of the person making the offer]
Position or title of the person making the offer	[position or title of the person making the offer]
Name of the organisation making the offer	[name of the organisation making the offer]
Type of organisation (e.g. conference organiser, government agency, consulting firm)	[type of organisation]
Why is the offer being made?	[reason for the offer being made]
Is the person or organisation making the offer a business associate of the agency? If yes , describe the relationship between them and the organisation. If no , describe the relationship between you and the person or organisation making the offer (e.g. friendship).	<p>Select yes or no from this list.</p> <p>[relationship between the department and offeror]</p> <p>[relationship between you and the offeror]</p>
Would accepting the offer create an actual, potential or perceived conflict of interest ? If yes , then the offer must be declined.	Select yes or no from this list.
Would accepting the offer bring you, the organisation or the Council into disrepute? If yes , then the offer must be declined.	Select yes or no from this list.

Is there a legitimate business benefit to the Council for accepting the offer? <i>For example:</i>	Select yes or no from this list.
<ul style="list-style-type: none"> • Was it offered during your official duties? • Does it relate to your official responsibilities? • Does accepting bring any benefit to the Council? If no , then the offer must be declined. If yes , then the business benefit must be detailed.	[details of the legitimate business benefit]
Is the offer an official or ceremonial gift provided when conducting business with official delegates or representatives from another organisation, the community or another government?	Select yes or no from this list.
If yes , please provide details.	[details of the official or ceremonial purpose]
Did I accept or decline the offer?	Select accept or decline from this list.
I declare that the details above are accurate and complete.	Signature:
	Date:
Your manager or organisational delegate to complete	
Your name	[reviewer's name]
Your position or title (e.g. Manager)	[reviewer's position or title]
Your unit or division (e.g. Corporate Services)	[reviewer's unit or division]
Your relationship to the declarant (e.g. manager)	[reviewer's relationship to declarant]
Complete if the declarant declined the offer	
I have reviewed this declaration form and submitted it for inclusion on our Gifts, Benefits & Hospitality Register.	Signature:
	Date:
Complete if the declarant accepted the offer	
What decision was made about the ownership and disposal of the gift? <i>(e.g. was it kept by the declarant, transferred to the Council, returned, or donated to charity)</i>	[details on how the gift was disposed of]
I confirm that, to my knowledge, accepting this offer: <ul style="list-style-type: none"> • does not raise an actual, potential or perceived conflict of interest for the individual or myself; and • will not bring the individual, myself, or the Council into disrepute; and • will provide a clear and legitimate business benefit to the Council. 	Signature:
	Date:
Send completed form to governance.administration@tplains.vic.gov.au (scanned as PDF)	

Appendix 3 – Official business events attendance form



Official business events attendance form

We have an obligation to protect public confidence in the integrity of our work by disclosing official events we attend.

Instructions

To be completed by the invitee within 14 days of the offer being made and sent to governance-administration@GPLAINS.VIC.GOV.AU

You to complete	
Your name	[your name]
Your position (e.g. Policy Officer)	[your position]
Your unit or division (e.g. Governance)	[your unit or division]
Details of the official business event	
Invitation date	[date invited]
Name of the event	[name of the event]
Brief description of the event	[description of event]
Type of event (e.g. government, industry, forum)	[type of event]
Date and time for the event	[date and time for event]
Location for the event	[location of event]
Estimated or actual value of a ticket to the event	[estimated or actual value]
Name of the person extending the invitation	[name of the person extending the invitation]
Position or title of the person extending the invitation	[position or title of the person extending the invitation]
Name of the organisation extending the invitation	[name of the organisation making the offer]
Type of organisation (e.g. conference organiser, government agency, consulting firm)	[type of organisation]
Is the person or organisation extending the invitation from the organisation hosting or organising the event? If no , you must decline the invitation.	Select yes or no from this list.
Why is the invitation being extended to you?	[reason for the invitation being extended]
Is attending this event directly related to your official duties? If yes , detail how your attendance is relevant to your role. If no , you must decline the invitation.	Select yes or no from this list. [how is this relevant to your work]
What business purpose does attending the event serve (e.g. stakeholder engagement, sector knowledge or professional knowledge)?	[what is the business purpose]

Does the host have a business interest in any decisions you are likely to make as part of your official duties? If yes , you must decline the invitation.	Select yes or no from this list.
Would accepting the invitation create an actual, potential or perceived conflict of interest ? If yes , you must decline the invitation.	Select yes or no from this list.
Would accepting the invitation bring you, or the Council into disrepute? If yes , you must decline the invitation.	Select yes or no from this list.
Is level of hospitality offered reasonable, proportionate and likely to meet community expectations? If no , you must decline the invitation.	Select yes or no from this list.
Did I accept or decline the offer?	Select accept or decline from this list.
I declare that the details above are accurate and complete.	Signature:
	Date:
Your manager or organisational delegate to complete	
Your name	[reviewer's name]
Your position or title (e.g. <i>Manager</i>)	[reviewer's position or title]
Your unit or division (e.g. <i>Corporate Service</i>)	[reviewer's unit or division]
Your relationship to the declarant (e.g. <i>line manager</i>)	[reviewer's relationship to declarant]
Complete if the declarant declined the offer	
I have reviewed this declaration form and submitted it for inclusion on our Official Business Events Register.	Signature:
	Date:
Complete if the declarant accepted the offer	
I confirm that, to my knowledge, accepting this offer: <ul style="list-style-type: none"> • does not raise an actual, potential or perceived conflict of interest for the individual or myself; and • will not bring the individual, myself, or the Council into disrepute; and • the individual is the most appropriate person to attend; and • the number of people from the Council attending is acceptable; and • the attendance at the event is considered official business event attendance. 	Signature:
	I declare that the details above are accurate and complete.
Date:	

Send completed form to governance.administration@gplains.vic.gov.au (scanned as PDF)