

POLICY TITLE GIFTS, BENEFITS AND HOSPITALITY POLICY

POLICY NUMBER CPOL/GOV027

1. PURPOSE

The purpose of this policy is to outline Swan Hill Rural City Council's (Council) position on responding to offers of gifts, benefits and hospitality.

The intent of this policy is to support individuals and Council to avoid conflicts of interest and maintain high levels of integrity and public trust.

This policy supports behavior consistent with the Councillor Code of Conduct and Staff Code of Conduct.

2. SCOPE

This policy applies to all Councillors, Council committee members, employees and any individuals undertaking activity for or on behalf of Council.

3. DEFINITIONS

Benefits: 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.

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.

Bribe: To give money or some other form of consideration to a public official so as to persuade the official not to exercise his or her common law or statutory powers or to bestow some privilege or favour.

Conflict of interest: Conflicts may be a:

- general conflict of interest within the meaning of section 127 of the Local Government Act 2020 (the Act); or a
- material conflict of interest within the meaning of section 128 of the Act.

A general conflict of interest is where an impartial, fair-minded person would consider that a person's private interests could result in that person acting in a manner that is contrary to their public duty.

A material conflict of interest is where an affected person would gain a benefit or suffer a loss depending on the outcome of the matter. The benefit may arise or the loss incurred either directly or indirectly and in a pecuniary or non-pecuniary form.

Gifts: 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) and services (e.g. painting and repairs).

Hospitality: 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.

Gifts, Benefits and Hospitality Register: A record of all declarable gifts, benefits and hospitality.

Nominated Officer: Means a member of Council staff who—
(a) has a statutory or delegated power, duty or function; and
(b) is nominated by the Chief Executive Officer because of the nature of that power, duty or function.

Token offer: A token offer is a gift, benefit or hospitality offered as courtesy or is inconsequential or trivial in value (ie equal to or less than \$50 for a Council employee of equal to or less than \$200 for a Councillor) to both the person making offer and the individual. Such gift would not be reasonably perceived as influencing a Councillor or Council Officer or raising an actual, potential or perceived conflict of interest (excludes cumulative offers from same source over 12 month period).

Non-token offer 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 of more than \$50 for a Council employee of more than \$200 for a Councillor must be recorded on Council's Gifts, Benefits and Hospitality Register.

4. POLICY

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; and
 - declining non-token offers of gifts, benefits and hospitality
- **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 a conflict of interest.
- **Risk-based approach:** Council through its policies and processes will ensure gifts, benefits and hospitality risks are appropriately assessed and managed.

5. RESPONSIBILITIES

Councillors', council committee members and staff offered gifts, benefits and hospitality:

- Do not, for themselves or others, seek or solicit gifts, benefits and hospitality.
- 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 Council into disrepute; or
 - are non-token offers without a legitimate business benefit.
- Declare all offers of gifts, benefits and hospitality (whether accepted or declined) on Council's Gifts, Benefits and Hospitality Register in accordance with the attached Gifts, Benefits and Hospitality Procedure.
- Refuse bribes or inducements and report inducements and bribery attempts in accordance with the attached Gifts, Benefits and Hospitality Procedure.
- Ensure that a person, company or organisation is not placed in a position in which they feel obliged to offer gifts, benefits or hospitality in order to secure or retain Council business.

Supervisory staff are responsible 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.

6. RELATED POLICIES/PROCEDURES/DOCUMENTS

CPOL/GOV027 Councillor Code of Conduct
 POL/STAFF100 Staff Code of Conduct
 POL/CORP217 Tendering Policy
 CPOL/CORP229 Procurement Policy
 POL/STAFF123 Serious Misconduct, Negligence and Fraud Policy
 CPOL/GOV022 Governance Rules
 POL/STAFF104 Disciplinary Policy
 PRO/GOV018 Public Interest Disclosure Procedure
 CPOL/GOV023 Public Transparency Policy

7. RELATED LEGISLATION

Local Government Act 2020 (VIC)

8. DOCUMENT HISTORY

Version Number	Issue Date	Description of Change
1.0	February 2021	Initial release
1.1	October 2022	Review

Signed: **Bill Moar**

Mayor

Date: **20/10/2022**