

Title	Staff Gifts and Hospitality Policy
Description	A policy to outline staff responsibilities in the treatment and disclosure of offers of and gifts and hospitality
Category	Governance
Type	Policy
Approval authority	Chief Executive Officer
Responsible officer	Senior Governance Advisor
Approval date	8 November 2023
Review cycle	Every four years
Review date	8 November 2027
Document Reference	D15/41841
Human Rights compatibility	This policy has been assessed and is compatible with the Victorian Charter of Human Rights and Responsibilities

1. Purpose

This policy provides guidelines to members of Council staff, contractors and volunteers that outline their responsibilities in the treatment and disclosure of offers of gifts and hospitality.

2. Definitions

In this policy:

The Act	<i>means</i>	the Local Government Act 2020
Direct manager	<i>means</i>	the relevant and most immediate Team Leader, Manager or General Manager that the member of Council staff is responsible to. General Managers are responsible to the Chief Executive Officer.
Gift	<i>means</i>	<ul style="list-style-type: none"> 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: the provision of a service (other than volunteer labour); and the payment of an amount in respect of a guarantee; and the making of a payment or contribution at a fundraising function.
Family member	<i>means</i>	<ul style="list-style-type: none"> a spouse or domestic partner; or a parent, grandparent, sibling, child, grandchild, step-parent, step-sibling or step-child or their spouse or domestic partner; or any other relative that regularly resides with the person.

Member of Council staff	<i>means</i>	a natural person appointed by the Chief Executive Officer (which for the purposes of this policy includes an independent contractor under a contract for services or a volunteer) under section 48 of the Act to enable- <ul style="list-style-type: none"> the functions of the Council under this Act or any other Act to be carried out; and the Chief Executive Officer to carry out their functions
-------------------------	--------------	--

3. Scope

This policy applies to members of Council staff (which includes members of Council staff employed on a casual basis) as defined in the Act. For the purposes of this policy, members of Council staff will be defined to include contractors and volunteers.

This policy does not apply to the following gifts:

- Gifts received in a purely personal capacity, such as gifts from friends, family or colleagues;
- Gifts available to the public at large, which are available on equal terms to Council staff, such as customer loyalty schemes, discounts available to any customer, free giveaways and the like;
- Gifts provided to a staff member by the organisation itself, such as a reward or recognition of service, an incentive to participate in a survey or a gym membership discount offered to staff as an employee benefit.

4. Decision Guidelines

The Local Government Act 2020 requires Council to include in the Staff Code of Conduct a gift policy that contains a requirement for members of Council staff to disclose gifts and provisions providing for disclosed gifts to be recorded in a gift register.

Members of Council staff and their direct managers should contact the Governance and Integrity Department if they need any advice.

5. Policy Statement

Members of Council staff have a responsibility as public officers to act with integrity in their interactions with the community and business.

Acceptance of gifts or hospitality may influence or appear to influence the actions of members of Council staff. To prevent allegations of potential or actual bias, members of Council staff must refuse all offers of gifts and hospitality unless an exception applies. In most cases, the member of Council staff must **decline and declare**.

Council staff have a responsibility to treat any gift offered to or received by a family member as though it was offered to or received by themselves. If a gift is accepted by a family member and cannot be refused or surrendered, the staff member is to contact the Governance and Integrity Department for advice.

6. Policy Details

Members of Council staff should remember that the golden rule when offered gifts or hospitality is to **decline and declare**.

Any offer of any gift, regardless of value must be **declined and declared** in accordance with section 6.3.

There are a small number of exceptions to this rule that are outlined below.

6.1 Exceptions

Reasonable hospitality as a representative of Council

Reasonable hospitality includes meals, refreshments and the use of facilities such as a meeting room when a member of Council staff attends a meeting, function or event as part of their duties to Council, or where an appropriate fee for the meeting, function or event has been paid. Whilst attending a meeting, function or event in an official capacity, members of Council staff must not enter a draw for a prize.

The offer of hospitality must be **declined and declared** if an impartial, fair-minded person would consider it inappropriate or excessive.

Only the Chief Executive Officer may approve the acceptance of hospitality that includes:

- accommodation and / or
- interstate / overseas travel.

The acceptance of reasonable hospitality does not need to be declared.

Cultural offense or embarrassment

A member of Council staff may accept a gift if declining it could cause offence or embarrassment (e.g. a presentation of a gift in public where declining the gift would cause offence or embarrassment).

A member of Council staff who believes declining a gift will cause offence or embarrassment must, if practicable, state when accepting the gift that they accept the gift on behalf of the Council.

If a gift is accepted to avoid offence or embarrassment, it must be surrendered to the Governance and Integrity Department within 14 days and declared in accordance with section 6.2.

Conference gift or similar merchandise

Gifts/gift bags received in the ordinary course of attending conferences, events or information sessions where the Council has paid for the attendance are exempted from the scope of this policy. Such gifts can be accepted as they are contained in the attendance fees and are offered equally to all attendees. This includes food and beverages provided at the conferences, events or information sessions.

Gifts/gift bags received as part of attending conferences, events or information sessions do not need to be declared.

Gifts specifically authorised

The acceptance of a gift may be authorised in exceptional circumstances by a staff member's General Manager (or in the case of a General Manager, the Chief Executive Officer). In considering whether to authorise the acceptance of the gift, the General Manager is to have regard to whether an impartial, fair-minded person would consider that the acceptance of the gift could result in that person acting in a manner that is contrary to their public duty.

If a gift is accepted with specific authorisation, the details of that authorisation need to be provided to the Governance and Integrity Department within 14 days and the gift must be declared in accordance with section 6.2.

6.2 Declaring an offer of a gift or hospitality

Where this policy requires that a gift be declared on the Staff Gifts and Hospitality Register, the following process must be followed by the staff member who was the recipient or intended recipient of the gift:

- Advise their direct supervisor of the acceptance or offer of the gift;
- Complete a Gift and Hospitality Declaration form;
- Submit the form to the Governance and Integrity Department within 14 days of the offer or receipt of a gift or hospitality.

6.3 Surrender of gift

If a gift has been left for a member of Council staff that arrives in the mail, or is delivered to the residence of a member of Council staff, or the giver of a gift refuses to take back the gift, the gift must be **declared and surrendered** to the Governance and Integrity Department.

The Governance and Integrity Department will:

- return the gift to the gift giver;
- donate the gift to a charity of Council's choice;
- dispose of the gift; or
- determine another suitable treatment of the gift;

at its sole discretion.

7. The Gift and Hospitality Register

All gift and hospitality declarations must be made to the Governance and Integrity Department within 14 days of the gift/hospitality being offered. The details from the declaration form will be included in the Gift and Hospitality Register.

Each entry on the Gift and Hospitality Register must list the following details:

- Name of the member of Council staff who received the gift/hospitality.
- The full name of the individual or organisation who offered the gift/hospitality.
- Description of the gift/hospitality.
- Approximate value or 'value unknown'.
- Date gift/hospitality offered.
- Decision on acceptance/decline of gift/hospitality.
- Comments (if any).
- Date of the declaration.

The Gift and Hospitality Register will be reviewed annually by the General Manager Governance, Communications and Customer Experience.

8. Breaches

Breaches of this policy will be dealt with as a potential breach of the Staff Code of Conduct in accordance with the Disciplinary Policy or, in the case of contractors and contracted providers or representatives, under the terms and conditions set out in their contract.

9. Fraud and Corruption

A staff member who reasonably believes that the offer of a gift may constitute an attempt to engage in fraud or corrupt behaviour must, in addition to compliance with this policy, follow the provisions of Council's Fraud and Corruption Policy and Control Plan or the Public Interest Disclosures Act 2012 (if relevant).

It is acknowledged that any staff member who reports the offer of a gift in accordance with the Public Interest Disclosures Act 2012 may be subject to confidentiality provisions preventing them from complying with the disclosure obligations of this policy. An employee in these circumstances shall not be subject to detrimental action as a consequence.

10. Related Documents

City of Yarra Policies

- Disciplinary Policy
- Fraud and Corruption Policy and Control Plan
- Governance Rules
- Staff Code of Conduct

Legislation

- Local Government Act 2020
- Public Interest Disclosures Act 2012