

OFFICIAL

# Strathbogie Shire Council Gift, Benefits and Hospitality Policy

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March 2026



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## Gifts, Benefits and Hospitality Policy

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## **PART 1 POLICY**

### **1. PURPOSE**

This policy is to establish guidelines for the receiving and giving of gifts, benefits and hospitality by Councillors and Council staff to avoid any potential conflicts of interest or breaches of the *Local Government Act 2020*.

This policy is designed to assist when Councillors, Council Employees, volunteers and contractors are:

- assessing whether acceptance or giving of the gift, hospitality or benefit is appropriate
- ensuring that a declarable indirect conflict of interest is not created through the acceptance or giving of gifts, hospitality or benefits
- declaring and recording the offer of the gift, hospitality or benefit.

It ensures Strathbogie Shire Council:

- registers the receipt of the gift, benefit or hospitality and maintains a gift register
- where appropriate, distributes the gift in an appropriate manner
- records all declined gifts, benefits or hospitality for maximum transparency and accountability
- has a system of review and reporting in place to assess compliance with this policy and to identify any potential issues of concern that require further action.

### **2. POLICY STATEMENT**

Council is committed to upholding the highest standards of integrity, impartiality and public trust. Councillors, Council staff, volunteers and contractors must perform their duties in a manner that is free from improper influence, conflicts of interest and perceptions of bias.

This policy provides a transparent and consistent framework for the identification, declaration, management and, where appropriate, refusal of gifts, benefits and hospitality offered in the course of official duties. All individuals covered by this policy are required to act in the public interest, avoid accepting or giving any offer that may compromise—or be perceived to compromise—their integrity, and ensure full disclosure of any reportable offers.

Council promotes a culture where ethical behaviour, accountability and good governance are central to decision-making and service delivery.

### **3. APPLICATION OF THIS POLICY**

This policy applies to all gifts, benefits or hospitality given, offered to, or received by, Councillors, Council Employees, volunteers and contractors in exercising their role

This policy is to be read in conjunction with the *Local Government Act 2020*, Local Government (Governance and Integrity) Regulations 2020, relevant Council policies and the Model Councillor Code of Conduct.

4. DEFINITIONS

Term	Meaning
Benefit	means something which is believed to be of value to the receiver, such as access to a sporting event, preferential treatment, access to confidential information, accommodation, personal services, and pleasure/vacation trips.
Conflict of Interest	means that a Councillor, member of a delegated committee or Council staff member has a conflict of interest when they have a personal or private interest that might compromise their ability to act in the public interest. A conflict of interest can exist even if no improper action results from it.
Estimated value	means the known face value or estimated retail value.
Gift	<p>means 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—</p> <p>(a) the provision of a service (other than volunteer labour); and</p> <p>(b) the payment of an amount in respect of a guarantee; and (c) the making of a payment or contribution at a fundraising function.</p> <p>It includes an item, entertainment or other token of appreciation such as</p> <ul style="list-style-type: none"> <li>• goods and services given of a commercial value</li> <li>• property (real or otherwise)</li> <li>• transfers of money</li> <li>• loans of money or property</li> <li>• free services (tickets to events/conferences, accommodation, entertainment, sporting events etc)</li> </ul> <p>goods and services made available at heavily discounted prices.</p>
Gift disclosure threshold	means \$500 received from a person in the five (5) years preceding the decision on the matter, or a higher amount or value prescribed by the regulations supporting the <i>Local Government Act 2020</i> .
Gifts of appreciation	means a gift that is presented to an individual to express thanks, such as flowers, chocolates or moderately priced alcohol and the like. These gifts are generally a one-off occurrence and below nominal value identified by this policy.
Hospitality	<p>means a meal, food, drink, ticket to an event or any other type of service which:</p> <ul style="list-style-type: none"> <li>• has a value greater than the nominal value identified in this policy; and</li> <li>• is not connected to the receiver's attendance on official Council business; and</li> </ul> <p>which is a meal, drink, ticket or other type of service that is not offered to every participant (i.e. the Councillor, Council staff member or member of a delegated committee is being singled out for special treatment).</p>

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Indirect interest	means the source of an indirect conflict of interest for a Councillor, Council officer or member of a special committee under sections 77A and 78C of the <i>Local Government Act 1989</i> (see Attachment 1)
Member of Council staff	means people employed by Council, including contractors, and volunteers registered with Council.
Member of a delegated committee	means a member of a delegated committee appointed by Council under section 63 of the <i>Local Government Act 2020</i> .
Monetary gifts	means cash, cheques, money orders, travellers' cheques, direct deposits or items which can be easily converted to cash. This also includes loans of money. It also includes gift cards, lottery ticket, scratch and win cards and the like.
Nominal value	means an item with a face or estimated value of less than or equal to \$100.
Official gift	means a gift presented to or given by the Shire or the Council and include gifts received/given from a Sister/Friendship City, organisations or corporations that are bestowing a corporate gift (plaques, plates, vases, trophies and artwork) or souvenirs.
Reasonable hospitality	means a meal or service provided by an organisation to a Councillor, member of Council staff or member of a delegated committee who attends a function or event in an official capacity and who receives the same hospitality or service offered to other guests.
the Act	means the <i>Local Government Act 2020</i> .
the Regulations	means the Local Government (Governance and Integrity) Regulations 2020.
Token gift, benefit or hospitality	means a gift, benefit or hospitality of nominal value as identified by this policy and infrequently received (up to two times in a 12-month period).  Token gifts, benefits or hospitality may include low-priced promotional items, souvenirs or corporate gifts such as pens, mugs, gifts of single bottles of reasonable priced alcohol, free or subsidised meals of a modest nature, invitations to appropriate corporate or social functions organised by community groups or organisations, door prizes at conferences, trade shows etc.

## 5. GIFTS, BENEFITS OR HOSPITALITY

In accordance with the key principles of this Policy before deciding whether to offer or accept an offer, Councillors 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.

Developed by the Victorian Public Sector Commission, the GIFT test is a good example of what to think about when deciding whether to accept or decline a gift, benefit or hospitality.

<b>G</b>	<b>Giver</b>	<p><b>Who is providing the gift, benefit or hospitality and what is their relationship to me?</b> 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>
<b>I</b>	<b>Influence</b>	<p><b>Are they seeking to gain an advantage or influence my decisions or actions?</b> 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?</p>
<b>F</b>	<b>Favour</b>	<p><b>Are they seeking a favour in return for the gift, benefit or hospitality?</b> 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?</p>
<b>T</b>	<b>Trust</b>	<p><b>Would accepting the gift, benefit or hospitality diminish public trust?</b> How would the public view acceptance of this gift, benefit or hospitality? What would my colleagues, family, friends or associates think?</p>

### 5.1 Declaration of Gifts Benefits and Hospitality

All gifts, benefits and hospitality must be declared by Councillors, members of Council staff and members of delegated committees regardless of their value and whether or not the offer of the gift, benefit or hospitality was declined.

All declared gifts, benefits and hospitality will be entered onto Council's Gift, Benefit and Hospitality Register and available for public review upon request.

The details of any gift, benefit and hospitality received by or offered to (but declined/returned) a Councillor, members of Council staff must be declared and recorded in the Gifts, Benefits and Hospitality Register within five business days (5) days of acceptance or return/refusal.

Councillors, Council Employees and members of delegated committees must not solicit, demand or request gifts or any personal benefit by virtue of their position which could prejudicially influence, or be perceived to influence, a person in the performance of their public or professional duties.

### 5.2 Token Gifts, Benefits or Hospitality

Token gifts, benefits or hospitality are those below the nominal value (\$100) identified by this policy. Gifts of a token nature may be accepted only when:

- Acceptance would not cause any potential perceived or actual compromise or conflict of interest
- The gift does not have a significant monetary value and is considered more a gesture of goodwill than a gift. Examples may include flowers, small food items, mugs, ornaments
- The gift is offered on a one-off basis and is not a regular occurrence and the gift does not exceed \$100 in value

Given their token nature and small monetary value, such items are appropriate to accept, provided the provisions of the Act are met. However, this does not mean that all token gifts, benefits, and hospitality should automatically be accepted.

Consideration should be given as to whether the acceptance of any token gift could create a perceived or actual conflict of interest.

### 5.3 Official Gifts

Individuals may be involved in social, cultural or community events where official gifts are presented or exchanged.

Where it would appear impolite or inappropriate to decline the offer, it is reasonable for official representatives of Council to accept official gifts on behalf of the Council.

A letter of thanks will be prepared and sent by Council staff acknowledging the gift to Council and not the individual Councillor.

All official gifts received by Councillors are to be reported to the Chief Executive Officer via the Executive Assistant to the Chief Executive Officer and recorded in the Gifts, Benefits and Hospitality Register within five business days (5) of receipt.

The gift will be considered the property of Council, and where suitable, the gift will be displayed in an appropriate and secure location for public viewing.

Where an item is not suitable for public display, the recipient can make an application to the Chief Executive Officer to retain the gift. The Chief Executive Officer will consider such applications on a case by case basis and will use their discretion as to the appropriate disposal/utilisation of the official gift. The outcome of this process will be recorded in the Gifts, Benefits and Hospitality Register.

### 5.4 Gifts of Appreciation

Individuals are not to seek or give a gift or benefit in appreciation of services rendered. However, it is acknowledged that from time to time members of the community do offer gifts of appreciation to Councillors, members of Council staff and members of delegated committees.

Acceptable gifts of appreciation might include a letter or card of thanks as this is less likely to result in a situation that compromises either party.

Gifts of appreciation exceeding the nominal value identified by this policy (eg a bouquet of flowers, a box of chocolates) are not to be accepted.

### 5.5 Gifts Never to be Accepted

The following gifts or benefits are considered totally inappropriate and must not be accepted or offered directly or indirectly under any circumstances:

- anonymous gifts (where the name and address of the person making the gift are not known to the Councillor, member of Council staff or member of a delegated committee as per section 137 (1) of the Act) \*
- monetary gifts, regardless of the amount
- access to confidential information
- promise of a new job or contracted employment
- preferential treatment (may include reciprocal favours given in return for a service provided by Council).

\*\*\* Please note that in accordance with section 137(2) of the Act, if the name and address of the person making the gift are not known to the Councillor for whose benefit the gift is intended, the Councillor is not in breach of subsection 137(1) if the Councillor disposes of the gift to the Council within 30 days of the gift being received.

It should also be noted that a finding of guilt for a Councillor in breach of section 137(1) of the Act means the Councillor is liable to a penalty of 60 penalty units and must also

pay to Council an amount equal to the value of the gift accepted in contravention of that subsection.

## 5.6 Reasonable Hospitality

Where hospitality is less than the nominal value identified in this policy and provides an opportunity to network or undertake business of a common purpose, it may be appropriate for Councillors, a member of Council staff or delegated committee member to accept such invitations.

Hospitality received when attending a function or event in an official capacity is exempt if:

- the hospitality is reasonable and not excessive in the circumstances and
- others at the event are offered the same form of hospitality and
- the Councillor, member of Council staff is performing an official role at the function or event.

Hospitality is considered to be a disclosable gift where a Councillor, member of Council staff attends an event or function:

- using free tickets received and has no official duties to perform and/or
- where free membership is offered and/or
- where the hospitality exceeds the nominal value.

All hospitality received must be recorded in the Gifts, Benefits and Hospitality Register within five business (5) days of their acceptance.

Any refusal of hospitality must also be recorded on the Gifts, Benefits and Hospitality Register.

## 5.7 Other Circumstances

### Christmas

Christmas is a time when Councillors, members of Council staff and members of delegated committees are often offered gifts and invitations to functions. Annual notification to all Councillors, members of Council staff and members of delegated committees reminding them of their obligations in respect to the receipt of gifts and invitations will be sent out by the CEO's office in late November.

### Expressions of Interest/Tender Documentation

All Expression of Interest (EOIs) and tender documentation (specifications and contracts) must state that *"No offers of gifts, of whatever value, may be made to Councillors, members of delegated committees or members of Council staff. Any such offer during the procurement process will automatically exclude that participant from that process"*.

A link to this policy must also be included in the expression of interest/tender documentation.

## 6. RISK ASSESSMENT

In order to comply with its obligations under the *Local Government Act 2020* and maintain the trust and confidence of the community, it is critical that Council and Councillors maintain the highest possible standards of good governance, integrity, ethical behaviour and conduct.

This Policy and the associated procedures mitigate Council's risks and enables:

- a) Councillors to understand their requirements and obligations under the Councillor Code of Conduct Governance Rules and Election Period Policy (and under the Act.

- b) Council to demonstrate its commitment to probity in the management of potential breaches of the *Local Government Act 2020*, *Crimes Act 1958*, Codes of Conduct and Council policies.
- c) Community confidence and public trust in Council to be maintained or improved through appropriate and transparent declaration and use of gifts thereby minimising risks to Council, Councillors or staff reputations.
- d) Councillors and staff to mitigate the risk of fraud and appropriately manage situations which may be regarded as unethical conduct or behaviour

## 7. BREACHES

Where an employee fails to comply with this policy, the issue shall be dealt with in accordance with Strathbogie Shire Council's Staff Code of Conduct CEO Directive.

Where a Councillor fails to comply with this policy, the issue shall be dealt with in accordance with the Model Councillor Code of Conduct and *Local Government Act 2020* requirements.

## 8. MONITORING

### 8.1 Quarterly Auditing

The Gift Register will be monitored by the Director People and Governance, and a report will be presented to the Executive Leadership Team and the Audit and Risk Committee on any identified systematic pattern of gifts, benefits or hospitality offered and accepted to ensure that unacceptable cultures do not develop within Council.

### 8.2 Annual Reporting

The Director People and Governance will be responsible for providing an annual report to the Audit and Risk Committee and the Executive Management Team within three (3) months of the end of the financial year.

### 8.3 Internal Audits

Council's independent internal auditors may undertake periodic reviews of gifts and benefits register as part of the ongoing audit program.

## 9. RELATED POLICIES AND LEGISLATION

### Legislation

- *Local Government Act 2020*
- *Crimes Act 1958*
- *Charter of Human Rights and Responsibilities Act 2006*
- Local Government (Governance and Integrity) Regulations 2020
- Fraud and Corruption Controls – Local Government, Victorian Auditor General of Victoria, June 2019

### Related Council Documents

- Model Councillor Code of Conduct
- Fraud and Corruption Policy
- Discretionary Expenditure Guide
- Procurement Policy

- Public Transparency Policy
- Staff Code of Conduct CEO Directive
- Governance Rules
- Delegations and Instruments of Authorisation

## **10. POLICY REVIEW**

Council may review this policy at any time and at least two years from the date of adoption. Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy (eg a change to the name of a related document, or a change in legislation).

## **11. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 AND THE EQUAL OPPORTUNITY ACT 2010**

The Council acknowledges the legal responsibility to comply with the *Charter of Human Rights and Responsibilities Act 2006* and the *Equal Opportunity Act 2010*.

The *Charter of Human Rights and Responsibilities Act 2006* is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality and dignity.

## 12. PART 2 PROCEDURES

The following procedures are designed to ensure that all decisions relating to this policy are made in a consistent and open manner.

### 12.1 Reporting Offers, Refusals or Receipt of Gifts, Benefits and Hospitality

All gifts, benefits and hospitality offered, received or declined/returned must be reported to the Chief Executive Officer if accepted by a Councillor, member of a delegated committee or a member of the Executive Leadership Team.

The relevant departmental manager/Executive Leadership Team member will receive declarations from members of Council staff.

Where the recipient of the gift, benefit or hospitality is the CEO, the form will be forwarded to the Director People and Governance for processing and approval via the electronic workflow.

All declarations of gifts, benefits or hospitality, whether received or declined must be recorded by completing the Gifts, Benefits and Hospitality Form.

The completed form must be submitted within five (5) working days. The Manager will then forward the Executive Assistant to the Chief Executive Officer for registration on the Gifts, Benefits and Hospitality Register.

### 12.2 Use of Electronic Approval Workflows

All completed forms must be submitted to Records Management, who will assign the appropriate workflow for review.

Process	Roles and Responsibilities
<b>STAFF PROCESS</b>	
Gift, benefit or hospitality offered or received	<p><b>Member of Council Staff</b></p> <ul style="list-style-type: none"> <li>• Completes the Gifts, Benefits and Hospitality form and submits form to their Departmental Manager.</li> <li>• If the recipient is a Manager, their relevant Executive Leadership Team member.</li> </ul> <p><b>Manager/Executive Leadership Team member</b></p> <ul style="list-style-type: none"> <li>• Advises the Director People and Governance if the value exceeds the nominal value identified in this policy (currently \$100)</li> <li>• Determines compliance in accordance with this Policy</li> <li>• Formally acknowledges the donor by way of a letter if required</li> <li>• Ensures all documentation is saved in Council's electronic document management system.</li> <li>• Finalises form and submits form to the Records team for scanning and workflow allocation.</li> </ul> <p><b>Executive Assistant to the CEO</b></p> <ul style="list-style-type: none"> <li>• Enters the gift, benefit or hospitality on the Gifts, Benefits and Hospitality Register once the workflow has been completed.</li> </ul>

**COUNCILLOR, MEMBER OF A DELEGATED COMMITTEE OR EXECUTIVE LEADERSHIP TEAM MEMBER PROCESS**

Gift, benefit or hospitality offered or received

**Councillor/Member of the Executive Leadership Team/Member of a delegated committee**

- Completes form and submits the Gifts, Benefits and Hospitality form to Executive Assistant to the CEO.

**Executive Assistant to the CEO**

- Refers the form to Records for scanning and allocation of workflow
- Drafts formal acknowledgement letter for the donor via letter from CEO or Mayor (to be determined given nature of gift)
- Updates Gift and Hospitality Register after CEO has signed the form once the workflow is completed.
- Ensures all documentation is saved in Council's electronic document management system.

**CEO**

- Determines compliance in accordance with Policy
- Where necessary consults with the Mayor on the matter and action to be taken
- Finalises form and requests the Executive Assistant to the CEO to update the Gifts, Benefits and Hospitality Register
- Signs and sends the acknowledgement letter to the donor

**12.3 Gifts, Benefits and Hospitality Register**

The Gifts, Benefits and Hospitality Register will be made available for public inspection and contain the following information:

- date
- description of the gift, benefit or hospitality
- value, with a note as to whether the gift is a token gift or over the nominal value identified by the policy
- the recipient
- the donor/provider details
- action taken (i.e. was it personally accepted, declined or returned to the donor, placed on display, or retained by the Manager/Chief Executive Officer to be pooled for staff use).

13. FORMS



**GIFT, BENEFITS AND HOSPITALITY DECLARATION FORM**

Submit the completed form to Records for allocation to the appropriate approval workflow.

Details – Recipient to complete			
<b>Name of Recipient</b>			
<b>Position Title</b>			
<b>Name of Donor</b>			
<b>Donor Address</b> (Agency/Organisation) Note: If the donor is anonymous the gift, benefit or hospitality must be declined.			
<b>Relationship of Donor to recipient (e.g. permit applicant, consultant, business owner)</b>			
<b>Description of gift, benefit or hospitality</b>			
<b>Reason for gift, benefit or hospitality</b>			
<b>Estimated Value</b>	\$	<b>Date Received or Offered</b>	
<b>Donor Acknowledged?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>Details of the gift, benefit or hospitality being declined or returned to the donor:</b>			
<i>To my knowledge the donor is not currently subject to any tender, permit application processes or matters under consideration, for which this gift may be perceived as exercising a beneficial interest over any Councillor or member of Council staff, including myself.</i>			
<b>Recipient Signature</b>			<b>Date</b>

**Unless otherwise determined, all official gifts remain the property of Council.**

Gift Allocation – Line Manager/ member of the Executive Leadership Team to complete			
<input type="checkbox"/> Gift to be retained and pooled for staff use <input type="checkbox"/> Gift to be returned to donor <input type="checkbox"/> Gift to be retained by individual <input type="checkbox"/> Other (explain below)			
<b>Line manager Instructions/ comment</b>			
<b>Line Manager Signature</b>		<b>Date</b>	
<b>Manager/ELT Member Name</b> <i>(please print)</i>			
<b>Manager/ELT Member comment</b> <i>(if applicable)</i>			
<b>CEO comment</b> <i>(if applicable)</i>			
<b>CEO Signature</b>		<b>Date</b>	
<b>EA to CEO</b>	<i>Gift, benefit or hospitality entered into the Gift, Benefit and Hospitality Register</i>	<b>Date</b>	
<i>The personal information requested on this form is being collected by Council for the purpose of maintaining Council's Gift Register. The personal information will be used solely by Council for this primary purpose or directly related purposes. The employee, contractor or Councillor understands that the personal information provided is for these purposes and that they may apply to Council for access and/or amendment of the information.</i>			

## 14. ATTACHMENT

### 128 Material Conflict Of Interest

- (1) Subject to section 129, a relevant person has a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.
- (2) The benefit may arise or the loss incurred—
  - (a) directly or indirectly; or
  - (b) in a pecuniary or non-pecuniary form.
- (3) For the purposes of this section, any of the following is an affected person—

....

  - (h) a person from whom the relevant person has received a disclosable gift.
- (4) 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 five 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.