

# Gifts, Benefits and Hospitality Guideline

V1



<b>Title</b>	<b>Gifts, Benefits and Hospitality Guideline</b>
<b>Summary</b>	<p>This guideline provides information and guidance for Council officials on their responsibilities in relation to the offering and acceptance of gifts, benefits and hospitality under the Model Code of Conduct.</p> <p>This guideline should be read in conjunction with the Code of Conduct.</p>
<b>Document Type</b>	Guideline
<b>Relevant Strategic Plan Objective</b>	Strategic Direction 5: Progressive, responsive and effective civic leadership
<b>Legislative Reference</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1993</i></li> <li>• <i>Local Government (General) Regulation 2020</i></li> </ul>
<b>Related Council Documents</b>	<ul style="list-style-type: none"> <li>• Code of Conduct</li> <li>• Gifts, Benefits and Hospitality Form</li> </ul>
<b>Version Control</b>	See last page



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## 1. Overview

Council officials must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from Council through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.

Part 6 of the adopted Model Code of Conduct outlines how offers of gifts, benefits and hospitality are to be dealt with by council officials.

This guideline assists with the practical application of the requirements in the Model Code of Conduct regarding gifts, benefits and hospitality.

It is highly recommended that all gifts, benefits and hospitality be refused by all Council officials.

## 2. What are gifts, benefits and hospitality?

Any gift or financial benefit including cash, gift vouchers, tickets to events or hospitality and entertainment.

It may be an item, service, prize, ticket, hospitality or travel offered by a person or organisation that is of value to you, a member of your family, relation, friend or someone personally associated with you.

Hospitality is the reception and entertainment of guests and includes refreshments or a service provided or promised to be provided by a person or organisation to you, a member of your family, relation, friend or someone personally associated with you.

This includes gifts, benefits or hospitality from, for example, other Council officials, contractors, customers, residents, clients, applicants, suppliers, potential suppliers, tenderers, external organisations or other council officials.

If you receive a gift, benefit or hospitality, you need to consider two things:

- a. The actual **value** of the gift, benefit or hospitality, e.g. the retail or replacement cost of the gift, benefit or hospitality, (What would it cost the general public?).
- b. The actual **purpose** of the gift, benefit or hospitality or the **appearance of securing favor** e.g. is this person or body attempting to secure favor or favourable treatment of any kind from you or from Council via the gift, benefit or hospitality.

If the answer to question **A** above is over \$100 then you cannot accept. If the answer to question **B** above is yes they are trying to secure favor, or even that it could appear that they are trying to secure favor, then you cannot accept.

### 3. What is not a gift or benefit?

- a. items with a value of \$10 or less
- b. a political donation for the purposes of the *Electoral Funding Act 2018*
- c. a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official, or someone personally associated with them
- d. a benefit or facility provided by the council to an employee or councillor
- e. attendance by a Councillor or staff member at a work-related event or function for the purposes of performing their official duties, e.g. opening an event, making a speech, representing the Council, presenting, undertaking some type of function at the event
- f. where Council purchases a table or tickets to relevant Council or local government events and invites Councillors or employees; or
- g. free or subsidised meals, beverages or refreshments of token value (\$100) provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
  - I. the discussion of official business
  - II. work-related events such as council-sponsored or community events, training, education sessions or workshops
  - III. conferences
  - IV. council functions or events
  - V. social functions organised by groups, such as council committees and community organisations.

**Note:** point F above is only talking about free or subsidised meals, beverages, or refreshments in conjunction with the types of events listed in Parts I-V.

### 4. What you can accept

You may accept gifts and benefits of **token value (\$100)**. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a **12-month period** that, when combined, do not exceed the token value of \$100.

They can include, but are not limited to:

- a. invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
- b. gifts of alcohol that do not exceed a value of \$100
- c. ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like that do not exceed a value of \$100
- d. prizes or awards that do not exceed \$100 in value.

**Note:** If you have accepted gifts or benefits from a person or organisation you need to be mindful not to accept from the same person or organisation any more gifts

or benefits that if added to the accepted gifts or benefits would exceed the **token value (\$100)** within a 12-month period.

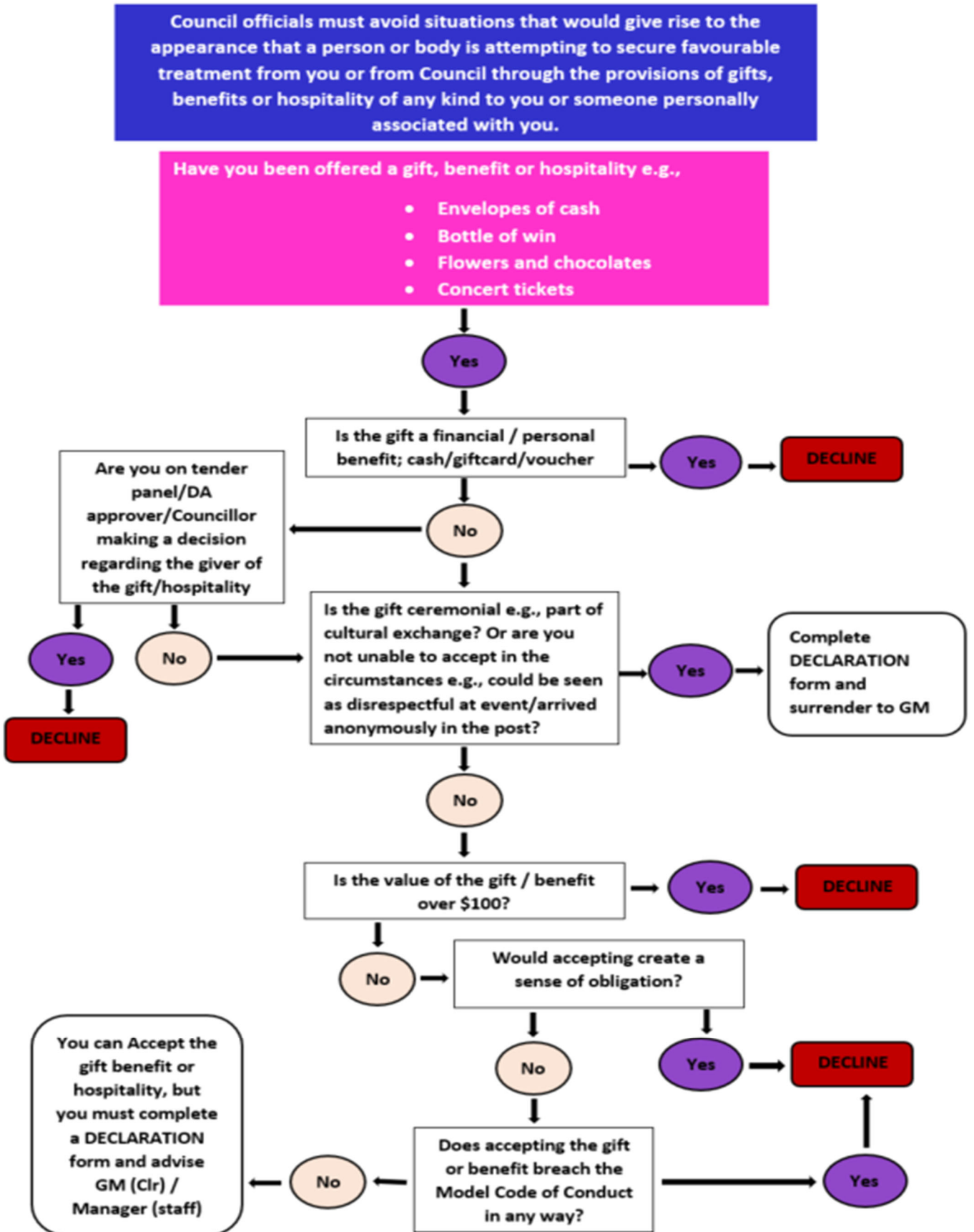
## 5. What steps to take when you accept a gift or benefit?

- a. Where you receive a gift or benefit of **any value**, other than one referred to in section 3 above, you must disclose this promptly to the General Manager if a Councillor, or your Manager or General Manager, if a staff member, via the gifts and benefits [form](#).
- b. If a situation arises where you receive a gift or benefit of more than **token value (\$100)** that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical and a gifts and benefits [form](#) must be filled out.

## 6. What you must not accept under any circumstances

- a. a bribe or other improper inducement
- b. any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty;
- c. any gift or benefit of more than **token value (\$100)** excluding those in 5b above; which can include, but is not limited to:
  - I. tickets to major sporting events (*such as international matches or matches in national sporting codes*) with a ticket value that exceeds \$100;
  - II. corporate hospitality at a corporate facility at major sporting events with a ticket value that exceeds \$100;
  - III. free or discounted products or services for personal use provided on terms that are not available to the general public;
  - IV. the use of holiday homes, artworks, free or discounted travel.
- d. an offer of cash or a cash-like gift (***gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons***)
- e. participation in competitions for prizes **where** eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
- f. personal reward points for personal programs when purchasing on behalf of the council.

## 7. Flow Chart



## 8. Examples of scenarios and applying the principles

### Upgrade for flight

Aisha has to travel intrastate for a Local Government conference being paid for Council. She books a flight with the Council's contracted carrier and, when she checks-in, realises she has been upgraded to business class.

The airline's contract expires at the end of the financial year after which time a new tender will be released. Aisha is the manager of the finance and is responsible for managing the forthcoming tender and the airline contract.

### Applying the principles

Aisha's role is high risk because she works in finance and finance manage the airline's contract. Accepting the upgrade could create a *perceived* sense of indebtedness.

Aisha should decline the offer in this circumstance.

### Cultural exchange

The Mayor is presenting on behalf of Council at a sister-city ceremony. At the end of her speech, the Mayor is presented with a gift. The gift has cultural significance and to refuse would likely be considered a slight to the person offering the gift.

### Applying the principles

As the gift is culturally significant, it would be offensive to refuse it.

The appropriate course of action would be to accept the gift at the event, complete a Gifts and Benefits form and hand the gift to the General Manager who will determine how it will be used. Such gifts typically become the property of the Council and may be placed on display.

### Tickets to Council-sponsored film festival

Carol is a Councillor. Council is sponsoring a local Trop Fest Film Festival. She has been directly emailed two tickets to opening night and has been asked to introduce a category of the festival. Tickets to opening night are by invitation and for film festival entrants only.

### Applying the principles

The benefit is clearly related to Carol's public role and Carol will be undertaking a specific function at the event. Acceptance of the tickets wouldn't be classified as a gift or benefit.



## 9. Refusing a gift, benefit or hospitality

Councillors and council staff should always be mindful that people may want to cultivate a relationship with them because of their role. The best and most transparent course of action is to politely refuse any gifts, benefits or hospitality unless the above principles can be confidently worked through and the conditions enabling acceptance can be met.

Gifts, benefits and hospitality that do not meet the criteria of Council's Code of Conduct should be refused. Refused gifts, benefits and hospitality do not need to be disclosed but Councillors and staff may choose to disclose if they wish.

In situations where a gift or benefit cannot be reasonably refused e.g., part of cultural exchange, or could be seen as disrespectful, the gift the benefit must be declared and surrendered to the GM.

## Breaches of this Guideline

*Breaches of this Guideline/Procedure may result in an investigation of the alleged breach in line with relevant Council policies including the Model Code of Conduct.*

*Any alleged criminal offence or allegation of corrupt conduct will be referred to the relevant external agency.*

## 11. Administrative Changes

From time-to-time circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made including branding, Council Officer titles or department changes and legislative name or title changes are considered minor in nature and not required to be formally endorsed.

## 12. Version Control – Policy History

This policy will be formally reviewed every three years from the date of adoption or as required.

Governance use only:

<b>Document:</b>	<b>Gifts, Benefits and Hospitality Guideline</b>	<b><i>Uncontrolled Copy When Printed</i></b>	
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<b>Approved By:</b>	General Manager	<b>ECM Document #</b>	36947434

<b>Amended by</b>	<b>Changes made</b>	<b>Date</b>
Governance & Risk	New Guideline	6 December 2022