



GLEN EIRA  
CITY COUNCIL

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# GLEN EIRA CITY COUNCIL

## Staff Gifts, Favours and Hospitality Policy

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**Date first adopted:** 2 July 2004

**Date last amended:** December 2014  
23 July 2019  
October 2024

**Next review date:** October 2028

**Policy owner:** Manager Risk and Governance

**Approved by:** CEO

**Policy category:** Category 3 – Mandatory CEO Policy

## 1. OBJECTIVES AND SCOPE

- 1.1 This Policy aims to:
- 1.1.1 ensure that all Gifts, Favours and Hospitality received or given by Council officers are properly managed in accordance with the Act;
  - 1.1.2 maintain high levels of integrity and public trust by avoiding potential, actual and perceived conflicts of interest and reducing opportunities for fraud and corruption; and
  - 1.1.3 uphold transparency and promote public confidence in Council activities.
- 1.2 This Policy applies to Gifts, Favours, and Hospitality provided to or by a Council officer in the course of or in connection with the performance of their Council duties.
- 1.3 This Policy does not apply to:
- 1.3.1 Gifts, Favours or Hospitality provided to a Councillor;
  - 1.3.2 Council's fundraising activities under relevant legislation and government policies;
  - 1.3.3 Gifts, Favours or Hospitality received or given in a Personal Capacity; or
  - 1.3.4 grants provided under Council's Community Grants Policy.

## 2. DEFINITIONS

The following definitions apply to this Policy:

Term	Meaning
Act	The <i>Local Government Act 2020</i> .
Affected person	Includes a Council officer and their family members, a business partner of the Council officer and a person from whom the Council officer received a disclosable gift.
Approver	A person who is required under this Policy to approve acceptance of Gifts, Favours or Hospitality.
Bribe	A financial or other form of inducement made with the intention to influence a Council officer in the performance of their duties.
CEO	Council's Chief Executive Officer.
Conflict of Interest	Any: <ul style="list-style-type: none"><li>• general conflict of interest within the meaning of section 127 of the Act; and</li><li>• material conflict of interest within the meaning of section 128 of the Act.</li></ul>

Council officer	Any individual employed or engaged by Council to carry out Council's powers, functions or duties, including employees, authorised officers, volunteers and contractors.
Disclosable Gift	One or more gifts with a total value equal to or exceeding \$500 (or such other amount prescribed by the regulations made under the Act) received from a single source (person or entity) in the preceding five years, but excludes reasonable hospitality received at an event or function attended in an official capacity as a Council officer.
Favour	Includes preferential treatment, privileged access, or other advantage offered to an individual, such as access to discounts, fast-tracked approval processes, loyalty programs and invitations to sporting, cultural or social events.
Gift	A gift within the meaning of section 3(1) of the Act.
Gift disclosure threshold	\$500 or such higher amount or value prescribed by the regulations made under the Act.
Gifts Register	A register of all Gifts, Favours, and Hospitality received by Council officers, maintained by Risk and Governance (or such other team as determined by the CEO from time to time).
Hospitality	<p>The provision or sponsorship of travel, accommodation, meals or entertainment or the hosting, reception or entertainment of guests, but does not include:</p> <ul style="list-style-type: none"> <li>• training, learning and development activities;</li> <li>• externally hosted business meetings, site visits or community events which are not for networking purposes;</li> <li>• travel accommodation, meals or entertainment which is paid for by Council or by the person receiving the hospitality; or</li> <li>• modest refreshments which are incidental to business meetings, training, learning and development activities or community events.</li> </ul>
Legitimate business purpose	<p>A purpose which furthers the conduct of Council's official business, or promotes and supports Council's goals, policy objectives and priorities, and may include:</p> <ul style="list-style-type: none"> <li>• expressing goodwill for official or ceremonial purposes;</li> <li>• commemorating a significant occasion;</li> <li>• facilitating the development of business relationships;</li> <li>• furthering Council's business outcomes;</li> <li>• contributing to staff development and wellbeing and workplace satisfaction; and/or</li> <li>• celebrating Council's achievements.</li> </ul>
Personal capacity	Engagement in activities entirely outside the scope of an individual's duties as a Council officer. This includes the receipt or provision of a Gift, Favour or Hospitality between Council officers when unrelated to their roles or responsibilities with Council.
Policy	This Policy.
Token Gift	A Gift (other than money) with a value up to and including \$50, and may include:

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- flowers;
  - chocolates;
  - thank-you cards; and/or
  - light meals or beverages.
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### **3. MINIMUM COMMITMENTS**

3.1 Council officers must not, under any circumstances:

- 3.1.1 offer or accept Gifts, Favours, or Hospitality as a Bribe;
- 3.1.2 accept any Gifts, Favours or Hospitality with a value greater than or equal to the Gift disclosure threshold;
- 3.1.3 use their position at Council to seek or solicit Gifts, Favours or Hospitality (including Token Gifts);
- 3.1.4 place any individual or organisation in a position in which they feel obliged to offer Gifts, Favours or Hospitality to secure or retain Council business; or
- 3.1.5 offer or accept a Gift which consists wholly or in part of cash, or any item which can be easily converted to cash.

3.2 Council acknowledges that Council officers may, from time to time, receive unsolicited offers of Gifts, Favours or Hospitality, and may also provide Gifts, Favours or Hospitality to others for a legitimate business purpose. In these circumstances, Council officers will:

- 3.2.1 maintain a high standard of probity and accountability;
- 3.2.2 exercise reasonable judgment, including by seeking further advice if necessary;
- 3.2.3 meet all relevant legislative and policy requirements, as well as community expectations;
- 3.2.4 avoid any Conflict of Interest; and
- 3.2.5 ensure that the receipt or provision of Gifts, Favours and Hospitality is properly disclosed and managed in accordance with this Policy.

3.3 In addition to any approval requirements in this Policy, Council officers are expected to exercise judgement in relation to any offers of Gifts, Favours and Hospitality, having regard to the same considerations as are applicable to approval. If, in the view of a Council officer, acceptance of a Gift, Favour or Hospitality would result in a Conflict of Interest, Council officers may take the following action as appropriate:

- 3.3.1 politely decline the offer;
- 3.3.2 in the case of a Gift:
  - (a) return the Gift; or
  - (b) in consultation with their Manager dispose of the Gift,and, where possible, inform the person who made the offer.

- 3.3.3 The Council officer must inform Risk and Governance that a Gift has been returned or appropriately disposed of, including the steps that were taken to dispose of or return the Gift.

## 4. ACCEPTING AND REPORTING

### 4.1 General reporting requirement

- 4.1.1 If a Council officer is offered any Gifts, Favours or Hospitality (including any Token Gifts), they must report and record the offer in the Gifts Register by completing a Gift Declaration Form and submitting the form to Risk and Governance within 5 days of the initial offer.
- 4.1.2 A Council officer must report and record an offer in accordance with clause 4.1.1 even if they do not accept that offer.

### 4.2 Approval process

- 4.2.1 If a Council officer is offered any Gifts, other than a Token Gift, the Council officer must seek approval to accept the Gift as set out in the following table:

Estimated or actual value	Reporting requirement	Approver
Less than \$50	Must be reported	No approval required
Greater than \$50, but no greater than \$100	Must be reported	Manager
Greater than \$100, but no greater than \$200	Must be reported	Director
Greater than \$200	Must be reported	CEO

- 4.2.2 A Council officer must not approve their own acceptance of any Gifts.
- 4.2.3 If a Manager is offered any Gifts:
- (a) their Director is the Approver for that offer if the value is greater than \$50, but no greater than \$200; and
  - (b) the CEO is the Approver for that offer if the value of the Gift is greater than \$200.
- 4.2.4 If a Director is offered a Gift, the CEO is the Approver for that offer, irrespective of the value of the Gift.
- 4.2.5 If the CEO is offered a Gift, the Mayor is the Approver for that offer, irrespective of the value of the Gift.

### 4.3 Token Gifts

- 4.3.1 A Council officer may accept a Token Gift which is offered to them without first seeking approval if, having made reasonable enquiries, they are of the view that:
- (a) acceptance of the Token Gift will not give rise to any Conflict of Interest; and
  - (b) the offer of the Token Gift does not form part of a systemic pattern of gift-giving.
- 4.3.2 For the avoidance of doubt, Token Gifts must still be reported and recorded as per the process set out in clause 4.1.1.

#### **4.4 Disposal**

- 4.4.1 A Council officer may dispose of any Gift by:
- (a) transferring it to another public agency or authority;
  - (b) surrendering it to the CEO, who will ensure that it is transferred as a gift to a recognised charitable or not-for-profit organisation;
  - (c) providing it to the Victorian Museum or State Library for archiving; or
  - (d) recycling or destroying it after consultation with the approver and subject to legal requirements including the *Public Records Act 1973*.

#### **4.5 Favours**

- 4.5.1 A Council officer must not, under any circumstances, accept a Favour offered to them.

#### **4.6 Hospitality**

- 4.6.1 If a Council officer is offered Hospitality, they must seek written approval from their Director before accepting the Hospitality.
- 4.6.2 A Director or the CEO may accept an offer of Hospitality given to them without further approval, provided that the value of the offer does not exceed \$200 and the considerations in section 3 of this Policy have been taken into account. If the value of the offer exceeds \$200, the Director must seek approval from the CEO before accepting the offer, and the CEO must seek approval from the Mayor before accepting the offer.
- 4.6.3 An Approver may only approve Hospitality if, having considered the matters set out in section 3 of this Policy, they are of the view that the Hospitality:
- (a) will bring a benefit to Council or further a legitimate business purpose;
  - (b) will not advantage the host in such a way as to create a Conflict of Interest or diminish public trust in Council or its activities; and
  - (c) will not personally advantage the person to whom the Hospitality is offered.

#### **4.7 Considerations for approval**

- 4.7.1 The following considerations must be taken into account by the Approver in determining whether an offer of any Gifts or Hospitality may be accepted under this Policy:
- (a) the value and timing of the offer, including whether the offer is made preceding or during any procurement activities involving the offeror;
  - (b) any existing relationship with the person or organisation making the offer;
  - (c) whether any benefit is sought or might reasonably be expected in return for the offer;
  - (d) whether accepting the offer would bring any benefit to Council or further a legitimate business purpose;
  - (e) whether accepting the offer would influence, or could reasonably be perceived to influence, the public and professional duties of the person to whom the offer is made; and
  - (f) whether accepting the offer would diminish public trust in Council or its activities.
- 4.7.2 For the avoidance of doubt, a Favour must not be accepted by a Council officer and is incapable of being approved under this Policy.

## **5. GIFTS REGISTER**

- 5.1 The Gifts Register shall be maintained by Risk and Governance and shall, at a minimum, include the following information:
- 5.1.1 date of offer;
  - 5.1.2 description of offer;
  - 5.1.3 estimated value of offer;
  - 5.1.4 name of person offering the Gift, Favour or Hospitality;
  - 5.1.5 name and position of intended recipient; and
  - 5.1.6 whether the Gift or Hospitality was approved, and if so, the name and position of the Approver.
- 5.2 The Gifts Register shall be reviewed once every two months by the Chief Financial Officer and Manager Risk and Governance.
- 5.3 The Manager Risk and Governance or the Chief Financial Officer may, at any time, make further enquiries in relation to any Gifts, Favours and Hospitality recorded in the Gifts Register.
- 5.4 In accordance with principles of public transparency, the Gifts Register is available for inspection on written request:
- 5.4.1 without restriction, if the request is made by internal and external auditors, the Audit Committee and the Office of the Victorian Ombudsman; or
  - 5.4.2 with personal information removed, if the request is made by a member of the public.

## **6. PROVIDING GIFTS, FAVOURS AND HOSPITALITY**

- 6.1 Council officers may only offer Gifts or Hospitality to any external parties:

- 6.1.1 to further a legitimate business purpose; and
  - 6.1.2 if the Gift or Hospitality has been procured in accordance with Council's Procurement Policy and any other relevant procedures.
- 6.2 The following considerations must be taken into account by Council officers when determining whether to offer Gifts and Hospitality to an external party:
- 6.2.1 the purpose for offering the Gifts and Hospitality and the extent to which it will further Council's objectives and priorities;
  - 6.2.2 whether the offer will incur the expenditure of public funds if it were accepted and, if so, whether the costs incurred will be proportionate to the potential benefits; and
  - 6.2.3 whether public trust in Council and its activities will be enhanced or diminished.
- 6.3 A Council officer who offers Gifts or Hospitality to an external party must keep records of expenditure in accordance with relevant financial management, accountability and reporting requirements.
- 6.4 A Council officer must not, under any circumstances, offer any Favour to an external party.

## **7. CONFLICTS OF INTEREST**

- 7.1 If a Council officer suspects that accepting an offer of any Gifts, Favours or Hospitality would give rise to an actual or perceived Conflict of Interest, they must notify Risk and Governance when reporting the offer.
- 7.2 If Risk and Governance suspects that the Conflict of Interest cannot be appropriately managed, they will advise the Council officer and the Council officer must not accept the offer.
- 7.3 Council officers must consider that multiple or repeat offers from a single person have the potential create a perception of Conflict of Interest in the public's view.
- 7.4 If a Council officer receives multiple or repeat offers of Gifts, Favours or Hospitality with a cumulative value equal to or greater than \$500 within a five-year period from a single person, that will constitute a Disclosable Gift that must be disclosed to Risk and Governance.

## **8. REPORTING OF IMPROPER BEHAVIOUR**

- 8.1 If a Council officer believes that the offer or acceptance of any Gifts, Favours or Hospitality or a Conflict of Interest within Council has not been appropriately managed and reported in accordance with this Policy, they may report the matter, including by reporting it in accordance with the Protected Disclosures Act 2012.
- 8.2 If a Council officer believes that they have been offered a bribe, they must report and manage the matter in accordance with Council's Fraud and Corruption Policy and Procedure.

## **9. TRAINING**

- 9.1 Council must ensure that all Council officers receive induction training and refresher training in relation to the operation of this Policy and associated procedures, including:



- 9.1.1 information about the aim, principles, accountabilities and requirements of this Policy;  
and
- 9.1.2 practical guidance on how to comply with this Policy, i.e. where to obtain Gift Declaration Forms and how to refuse a gift without giving offence.

## **10. LEGISLATIVE COMPLIANCE**

- 10.1 This Policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006* (Vic).
- 10.2 In line with the *Gender Equality Act 2020* (Vic), a Gender Impact Assessment is not required for this policy.

## **11. ASSOCIATED COUNCIL DOCUMENTS**

Staff Code of Conduct

Fraud and Corruption Policy and Procedure

Community Grants Policy

Procurement Policy

## **12. EXTERNAL REFERENCES/RESOURCES**

*In the public interest*, Local Government Victoria

*Local Government Act 2020* (Vic)

*Minimum accountabilities for managing gifts, benefits and hospitality*, Victorian Public Sector Commission

*Public Records Act 1973* (Vic)

Victorian Public Sector Commission Gifts, benefits and hospitality policy guide



GLEN EIRA  
CITY COUNCIL

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