

CODE OF CONDUCT

Employee Code of Conduct

Council Values

ACCOUNTABLE

We are **accountable** and responsible for our decisions and actions, and the impacts of these on our community and the organisation.

LEADERSHIP

We demonstrate **leadership** by being informed, applying innovative thinking and solutions and making fair and timely decisions in the best interest of our community and the organisation for now and the future.

PRODUCTIVE

We are **productive** by focusing on delivering efficient and high quality services and projects that respond to the needs and priorities of our community and the organisation.

INTEGRITY

We have **integrity** by being committed, truthful and transparent in our decision making and our interactions with our community and the organisation.

NURTURE

We **nurture** the relationships, contributions and strengths of our community and the individuals of the organisation.

ENGAGED

We are **engaged** with our community, and within the organisation, to build strong and effective relationships and inform our choices.

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1. Introduction

1.1 A BINDING CODE OF CONDUCT

This Code of Conduct (Code) prescribes the behaviour expected of Council employees. Council employees are required to familiarise themselves and act in accordance with this Code. This Code is binding on those employees to whom it applies and contravention of it may constitute misconduct.

1.2 PURPOSE OF THE CODE

The purpose of the Code is to promote adherence to Council's values and to help Council employees to understand the responsibilities and obligations of working for Council. Given the broad and diverse nature of Council's activities this Code prescribes standards of required behaviour rather than detailed policies and procedures.

Policies and procedures tailored to the operating environment are in place and are regularly reviewed to support the application of this Code. Council employees are required to comply with these policies and procedures.

1.3 CONTRACTORS AND CONSULTANTS

Contractors or consultants engaged by Council (including contractors or consultants engaged through an employment agency) are to comply with this Code and relevant policies and procedures, where the contractors or consultants:

- Supervise Council employees;
- Undertake work that is of a similar nature to the work undertaken by Council employees at a premise or location generally regarded as a Council workplace; or
- Use or have access to Council resources or information that are not normally accessible or available to the public.

1.4 OTHER AVAILABLE GUIDANCE

In addition to conduct prescribed in the Code and by Council's policies and procedures, there may be specific issues which are covered by other legislation, an industrial agreement or award, or by some other relevant authority. Council employees who are unsure of the appropriate action to take in a particular situation should seek advice from their supervisor.

1.5 PROFESSIONAL CODES OF CONDUCT

Certain professions have professional codes of conduct that establish specific behaviours relevant to that profession. Relevant employees need to be aware of their professional code of conduct as well as the provisions of this Code. A breach of a professional code may affect the capacity of a relevant employee to continue to act in that profession and may also affect the ability of that employee to undertake their duties as a Council employee.

1.6 BREACH OF THIS CODE

This Code is based on Council's values and therefore relates to both performance and conduct behaviours. Failure to behave in the ways described in this Code may lead to action under relevant performance management or misconduct processes.

Failure to comply with this Code, supporting procedures or guidelines, will be subject to investigation which may lead to disciplinary action.

2. Demonstrating Accountability

We are accountable and responsible for our decisions and actions, and the impacts of these on our community and the organisation. Council employees demonstrate accountability by:

- Working to clear objectives in a transparent manner
- Accepting responsibility for decisions and actions
- Seeking to achieve best use of Council resources
- Ensuring that we are able to meet the essential requirements of our roles
- Complying with all relevant legislation

2.1 WORKING TO CLEAR OBJECTIVES

Council employees understand the objectives of their role. Managers and supervisors provide encouragement, support and a clear sense of direction and purpose. Council employees who are unclear about their position objectives will discuss this with their manager or supervisor.

Council employees implement Council policy in an open and transparent manner. They maintain accurate and reliable records as required by relevant legislation, policies and procedures.

2.2 BEING RESPONSIBLE FOR DECISIONS AND ACTIONS

Council employees make decisions and take actions within the scope of their authority that are lawful and consistent with relevant legislation and Council policy. They consider any impact of their decisions or actions on the Council, other Council employees, the community and other stakeholders.

2.3 WORK RESOURCES

Council employees use work resources and equipment efficiently and only for appropriate purposes as authorised by the employer. Council employees seek to achieve value for money and use resources in the most effective way possible. They identify opportunities for improvement to achieve best possible efficiency and responsiveness. Work resources include physical, financial, technological and intellectual property. Intellectual property includes copyright, trademarks, registered designs, patents (including patented business systems), and trade, business or company names, and all other proprietary rights, and any rights to the registration of such rights, including proprietary rights developed or created by employees in the course of their employment. The Council retains ownership of all these work resources.

2.4 ABILITY TO MEET ESSENTIAL REQUIREMENTS

Council employees notify their manager of any loss, suspension of, or change to, a registration, accreditation, licence or other qualification that affects their ability to meet relevant essential requirements or to perform their duties.

2.5 COMPLIANCE WITH LEGISLATION

Council employees ensure they are aware of and comply with all legislation relevant to the performance of their duties.

3. Demonstrating Leadership

We demonstrate leadership by being informed, applying innovative thinking and solutions and making fair and timely decisions in the best interest of our community and the organisation for now and the future. Council employees demonstrate leadership by:

- Leading by example
- Managing staff in a safe, encouraging and supportive work environment
- Respecting and seeking others opinions
- Engaging and empowering others to enable delivery of outcomes
- Learning continuously and developing oneself and others

3.1 LEADING BY EXAMPLE

Council employees model the behaviours based on the Council values and at all times act in an ethical manner.

3.2 MANAGING STAFF

Council managers and supervisors apply Council employment principles. They provide a safe, encouraging and supportive work environment that recognises and values diversity, abilities and contributions. They give their employees a clear sense of direction and purpose. They set realistic goals, timelines and workloads, and provide adequate resources and appropriate information to complete work. They treat their employees fairly and consistently when making selection decisions and allocating work. They trust their employees to manage their work autonomously but also provide them with support when needed.

Managers and supervisors continually assess performance and provide constructive feedback and development opportunities. They address any performance issues promptly, directly and confidentially with the employee concerned.

Managers and supervisors consult genuinely with their employees, and adhere to industrial and legal obligations. They understand and respond to legitimate concerns of their employees, and encourage work arrangements that enable their employees to achieve a work-life balance.

3.3 SUPPORTING OTHERS

Council employees work co-operatively with other Council employees. They support and learn from them and accept differences in personal style. They respect, and seek when necessary, the professional opinions of colleagues in their area of competence, and acknowledge their contribution.

3.4 ENGAGING AND EMPOWERING OTHERS

Council managers and supervisors create the right conditions to enable the team to perform at its best. They promote and take responsibility for the teams' reputation and clearly and consistently communicate key priorities and how they link to the Council Plan.

3.5 CONTINUOUS LEARNING

Council employees give specific and balanced feedback for developmental purposes. Capability is built by providing coaching and developmental support. Council employees recognise their own and others' potential and support their capability and long term development through continuous learning.

4. Demonstrating Productiveness

We are productive by focusing on delivering efficient and high quality services and projects that respond to the needs and priorities of our community and the organisation. Council employees demonstrate productiveness by:

- Delivering on objectives in a timely manner
- Providing high quality services to the community and Council stakeholders
- Working as a team
- Displaying an openness to change and acting to make change happen

4.1 DELIVERING ON OBJECTIVES

Council employees are reliable in the delivery of the objectives of their role and manage expectations when conflicting priorities arise. Managers and supervisors guide priorities and aid in resolving delivery issues and risks.

4.2 SERVICES TO THE COMMUNITY

Council employees provide services to the community in an equitable, prompt and professional manner. They act within the level of their authority and in accordance with the relevant policies.

4.3 TEAM WORK

Council employees are conscientious and efficient in their work. Council employees contribute both individually and as part of a team and engage constructively with other Council employees on work related matters. They share information with team members to support delivery of the best and most appropriate service outcomes.

4.4 MOBILISING CHANGE

Council employees identify and advocate for change in specific areas where it would be beneficial.

5. Demonstrating Integrity

We have integrity by being committed, truthful and transparent in our decision making and our interactions with our community and the organisation. Council employees demonstrate integrity by:

- Providing frank, impartial and timely advice to Council
- Being honest, open and transparent in their dealings
- Using powers responsibly
- Reporting improper conduct
- Avoiding any real or apparent conflicts of interest

5.1 ADVISING COUNCIL

Council employees serve the Council and advice is provided in a frank, impartial and timely manner, and with an understanding of its implications on the broader policy direction of the Council. Council employees do not withhold relevant information from the Council.

Council employees provide briefings or information to councillors only when authorised by the relevant manager. When providing briefings or information to councillors Council employees respect the confidentiality of Council considerations leading to a decision, and decline to provide personal views or judgements on Council policy or policy options.

5.2 HONESTY AT WORK

Council employees act honestly in the performance of their duties. They are open and transparent when making decisions. They give honest advice to others based on available facts and data. They ensure their advice is up to date.

5.3 REPRESENTING COUNCIL

On matters of Council business, Council employees may appear before courts, panels, tribunals and committees as a representative of Council. Information sought by such panels, tribunals and committees should be provided unless the relevant manager directs that disclosure would be prejudicial to the public interest. Official witnesses should be co-operative and frank when giving factual information. They are not therefore expected to answer questions:

- Seeking their personal views on Council policy
- Seeking details of matters considered in relation to a Council decision or possible decision, unless those details have already been made public or the giving of evidence on them has been approved
- That would require a personal judgement on the policies or policy options of the Council

Council employees, who are directed to answer a question falling within the coverage of the categories listed above, seek a deferral until they can discuss the matter with the Chief Executive Officer. Alternatively, they can request that the answer to the particular question be reserved for submission in writing.

5.4 REMAINING APOLITICAL

Council employees conduct themselves in an apolitical manner. They implement and administer the policies and programs of the elected Council.

During caretaker periods (which are governed by caretaker conventions relating to the period of the election campaign and sometimes the period immediately after the election) Council employees maintain neutrality and comply with section 93A of the Local Government Act 1989 and Council's election period policy. They do not use their position to support particular issues or candidates in an election campaign.

If standing as a candidate in an Alpine Shire Council election, Council employees ensure that they balance this right against their obligations under section 29 of the Local Government Act 1989 and this Code. They discuss their options to comply with legislation with their manager.

5.5 USING POWERS AT WORK

Council employees use their power in a responsible way. They do not use their power to provide a private benefit to themselves, their family, friends or associates. They exercise power in a way that is fair and reasonable, and family or other personal relationships do not improperly influence their decisions. They respect the rights and dignity of those affected by their decisions and actions.

5.6 FINANCIAL PROBITY

Council employees observe the highest standards of integrity in financial matters and comply with the requirements of relevant financial management legislation, policies and procedures. They maintain a strict separation between work-related and personal financial matters and only use or authorise the use of public resources or facilities for work-related purposes.

5.7 OFFICIAL INFORMATION

Council employees with access to official information ensure it is only used for official purposes and in an approved manner. Official and personal information is handled according to relevant legislation and Council policies and procedures. Council employees only disclose official information or documents acquired in the course of their Council employment when required to do so by law, in the legitimate course of duty, when called to give evidence in court, or when proper authority has been given. In such cases comments are confined to factual information only.

5.8 PUBLIC COMMENT

Council employees only make public comment when specifically authorised to do so in relation to their duties. Such comment is restricted to factual information and avoids the expression of personal opinion. Public comment includes speaking engagements and providing information or comment through any media, including social media. When making a comment in a private capacity, Council employees ensure their comments are not related to any Council activity that they are involved in or connected with as a Council employee and make it clear they are expressing their own view. They ensure personal comments do not compromise their capacity to perform their Council role in an unbiased manner, and that their comments are not seen or perceived to be an official Council comment.

5.9 CONFLICT OF INTEREST

A conflict of interest occurs where there is conflict between the Council duty and private interests of a Council employee. A conflict can be actual, potential or perceived. It may relate to circumstances where the employee is or could be directly influenced, or where it is perceived the employee might be influenced. Council employees avoid conflicts of interest (actual, potential or perceived) wherever possible. They ensure their personal or financial interests (including the interests of family members, friends, or associates) do not influence and could not be perceived to influence the performance of their role. Council employees declare any conflicts of interest. They manage any conflicts of interest that cannot be avoided in accordance with Council's policies and procedures. If unsure about a possible conflict of interest, Council employees seek advice from their manager.

5.10 OTHER EMPLOYMENT

Council employees only engage in other employment where the activity does not conflict with their role as a Council employee. Employment includes a second job, conducting a business, trade or profession, or active involvement with other organisations (paid employment or voluntary work). Managers or supervisors can assist Council employees to determine if such activities will cause an actual or perceived conflict of interest. Council employees are required to seek approval from the Chief Executive Officer to engage in any other paid employment.

5.11 CRIMINAL OFFENCES

Council employees advise their manager if they are charged with a criminal offence, which is punishable by imprisonment or, if found guilty, could reasonably be seen to affect their ability to meet the inherent requirements of the work they are engaged to perform.

5.12 GIFTS AND BENEFITS

Council employees do not, for themselves or others seek gifts or benefits (including hospitality). They refuse all offers of gifts or benefits that could reasonably be perceived as influencing them or undermining the integrity of the organisation or themselves. Council employees comply with Council policies and procedures in relation to accepting, declaring and recording the receipt of gifts or benefits. If unsure about responding to an offer of a gift or benefit, Council employees seek advice from their manager.

5.13 REPORTING UNETHICAL BEHAVIOUR

Council employees comply with legislation, policies and lawful instructions in the performance of their work. Council employees must report to their supervisor or other manager, behaviour that violates any law, rule or regulation, or represents corrupt conduct, mismanagement of public resources, or is a danger to health or safety (including to the public), or to the environment. Council employees will be informed of their rights and responsibilities in line with the Protected Disclosure Act 2012 regarding the making of such disclosures.

6. Demonstrating Nurture

We nurture the relationships, contributions and strengths of our community and the individuals of the organisation by:

- Treating people fairly and objectively
- Ensuring a workplace free from discrimination, harassment or bullying
- Maintaining the privacy and confidentiality of information
- Taking reasonable care for the health and safety of ourselves and others
- Not misusing drugs or alcohol while engaged in work related activities
- Not smoking in the workplace
- Actively implementing, promoting and supporting human rights

6.1 FAIR AND OBJECTIVE TREATMENT

Council employees promote an environment that encourages respect. Council employees are fair, objective and courteous in their dealings with the Council, the community, other Council employees and stakeholders.

6.2 EQUITY AND DIVERSITY

Council employees follow the spirit as well as the letter of the law relating to discrimination, harassment, bullying and victimisation. Council employees create an environment that is free of discrimination, harassment and bullying. Valuing and promoting diversity is an important element of demonstrating respect.

6.3 HEALTH AND SAFETY

Council employees carry out their work safely and avoid conduct that puts themselves or others at risk. Council employees comply with the Occupational Health and Safety Act 2004 by performing all tasks in a manner that does not place at risk the health and safety of any person and by seeking assistance when unsure of how to perform a task.

Council employees understand and comply with all health and safety legislation, regulations, codes of practice, policies, procedures and directives, regularly inspecting their work environment for hazards and immediately reporting workplace incidents, accidents, near misses and hazards.

Council employees support the return to work plan of any injured worker when returning to work.

6.4 DRUGS AND ALCOHOL

Council employees do not misuse alcohol, drugs or other substances when at work or when engaged in work related activities. The misuse of alcohol, prescribed drugs, illegal drugs and other substances is an issue for both Council and employees as it impacts on both work and personal life and in some cases the reputation of the Council. The consumption of alcohol during work hours or after 5:00pm on a Friday is permitted if endorsed by the Chief Executive Officer.

Consistent with any relevant health and safety requirements, Council employees who are on medication that could affect their work performance or the safety of themselves or others, will inform their manager or supervisor to ensure any necessary precautions or adjustments to work can be put in place.

6.5 SMOKING

Council employees do not smoke in any workplace or when engaged in work related activities. Smoking is an issue for both Council and employees as it impacts on both the work and personal life of the smoker and other employees and in some cases the reputation of the Council.

Council employees are aware of the harm caused by tobacco smoke and understand that a smoke free workplace is important as it protects all employees from exposure to second-hand tobacco smoke and supports people who have quit or are trying to quit smoking.

6.6 CHILD SAFETY

Council employees comply with the Victorian Government's Child Safe Standards and the Reportable Conduct Scheme by upholding the right of all children who come into contact with them to feel safe and protected. Council promotes cultural safety for Aboriginal children and children from culturally and/or linguistically diverse backgrounds, and provides a safe environment for children with a disability.

Council employees have a zero tolerance for child abuse and comply with all policies and procedures to create a child safe organisation, including undertaking working with children checks if required.

6.7 PRIVACY AND CONFIDENTIALITY

Council employees understand the importance of privacy and confidentiality of information. Confidential information requires special treatment and protection. Those people who provide confidential information to Council employees have the right to expect their information will be treated as confidential. Council employees will at all times act in accordance with legislation and policies relating to dealing with private information and not use information to gain advantage or cause disadvantage.

6.8 PROTECTING HUMAN RIGHTS

Council employees understand human rights as these apply to their work and ensure their own decisions, advice and policy development properly considers the human rights set out in the Charter, and respects the human rights of others. Council employees deliver services and programs and act in a manner that is consistent with the Charter. Council employees raise concerns regarding circumstances that could breach those rights, and report any suspected breaches in accordance with procedures established by Council.

7. Demonstrating Engagement

We are engaged with our community, and within the organisation, to build strong and effective relationships and inform our choices. Council employees demonstrate engagement by:

- Availing themselves of all relevant facts and interests
- Making decisions and providing advice on merit and without bias, impulse, favouritism or self-interest
- Acting fairly by objectively considering all relevant facts and fair criteria
- Implementing Council policies and programs equitably
- Striving to earn and sustain a high level of public trust

7.1 DECISIONS AND ADVICE

Council employees make decisions and provide advice that is free of prejudice or favouritism and is based on sound judgement. Before making a decision or providing advice, Council employees avail themselves and consider relevant information and the impact on the Council, other Council employees, the community and other council stakeholders. Their decisions are not affected by personal influences.

7.2 ACTING FAIRLY

Council employees deal with issues consistently, fairly and in a timely manner. Council employees use fair criteria, and consider all relevant information in dealing with issues. Being fair means being just and working within commonly accepted rules.

7.3 IMPLEMENTING COUNCIL POLICIES AND PROGRAMS

Council employees implement Council policies and programs fairly and without bias. Their decisions and actions are consistent with relevant policies and are based on merit and careful consideration of the relevant facts. Council employees seek to achieve equitable outcomes within the extent of their authority.

7.4 PUBLIC TRUST

Council employees seek to build and maintain a high level of trust with the Council, the community, other Council employees and stakeholders. In the performance of their Council duties and in their private life, Council employees avoid conduct that may adversely affect their standing as a Council employee or which may bring the Council into disrepute.

8. Approval

Approved by the Chief Executive Officer on 22nd December 2021.



Charlie Bird
Chief Executive Officer

Appendix A: Employee Gift Policy

Note: The Employee Gift Policy is considered an incorporated document to the Employee Code of Conduct (Code), and may be amended and updated as required, without a requirement to review the Code. The current / approved version of the Employee Gift Policy will appear in the Code, with the original version held separately in the Policy Register.

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REVISION RECORD

Date	Version	Revision description
03/08/2007	1.0	Approved by CEO
30/06/2021	2.0	Revised to align with Councillor Gift Policy Approved by CEO

1. Purpose

The Alpine Shire Council is committed to protecting its assets, integrity and reputation and protecting its employees from allegations of impropriety.

The purpose of this Policy is to provide clear guidelines for employees on the treatment of gifts, including benefits or hospitality from individuals or other entities that are external to Council.

2. Scope

This Policy applies to all employees of Alpine Shire Council.

This policy deals with the offer of gifts, benefits and hospitality to employees as a result of their official Council duties.

The following gifts are not considered within the scope of this policy:

- Attendance at events paid for by Council such as external training, education sessions, and workshops, including any food and beverages; or
- Council organised events where Council provides or pays for the hospitality.

For the Chief Executive Officer (CEO) and employees designated as Nominated Officers under s132 of the *Local Government Act 2020* (LGA 2020), the statutory gift disclosure threshold set by the LGA 2020 is \$500 or such higher amount or value as prescribed by the regulations. Gifts of this value must be disclosed in initial and biannual Personal Interests Returns, as required by sections 132-136 of the LGA 2020.

This policy deals with the offer of gifts, benefits and hospitality **below** the statutory gift disclosure threshold.

3. Policy details

3.1 WHAT IS A GIFT?

For the purposes of this policy, “gift” refers to any gift, benefit, or hospitality offered to an employee as a result of their role with Council. This includes anything of monetary or other value that is offered by an external source (organisation or individual) – refer to definitions.

3.2 CONFLICT OF INTEREST

Employees must not accept a gift that is likely to create a conflict of interest, whether real, potential, or perceived. Employees should also be mindful that gifts extended to their family and friends could also constitute a conflict of interest.

Employees must familiarise themselves with the conflict of interest provisions in sections 126-131 of the *Local Government Act 2020* (LGA 2020) and ensure that they are complying with those requirements in the first instance. The LGA 2020 separates conflict of interest into two main types: a general interest or a material interest. A failure to disclose a conflict of interest is a breach of the LGA 2020 and the Employee Code of Conduct.

3.3 PROHIBITED GIFTS

3.3.1 Anonymous gifts

Employees must not accept anonymous gifts under any circumstances.

3.3.2 Other gifts that must be refused

Employees must not accept or receive:

- Cash or suppliers’ goods or services at no cost.
- Gifts from current or potential suppliers who are in the process of tendering for the supply of goods, the provision of services or the carrying out of works with Council.
- Invitations to attend a supplier’s Christmas party, event, or function
- Gifts extended to family and friends that could also constitute a conflict of interest.

3.3.3 Attempts to bribe

A bribe is an offer of money or other inducement made with the intention to corruptly influence an employee in the performance of their duties.

An employee who receives a gift offer that they believe is an attempted bribe must refuse the offer. They must immediately notify their Manager and lodge a Gift Declaration Form so that their refusal can be properly recorded. The Manager must advise the CEO as soon as they receive notification of a reported bribe.

The CEO must determine whether the matter constitutes corrupt conduct which must be disclosed to Independent Broad-based Anticorruption Commission.

3.3.4 No soliciting of gifts

Employees must not solicit gifts for themselves or anyone else, in any form. To do so may constitute misuse of their position or corrupt conduct, leading to a breach of the *Local Government Act 2020*, and the Employee Code of Conduct.

3.3.5 Recording of prohibited gift offers

Where offers of prohibited gifts are made to an employee, the employee must refuse the offer, and record the offer and subsequent refusal by lodging a Gift Declaration Form in accordance with section 3.5.

3.4 RECEIPT OF GIFTS

3.4.1 Determining whether to accept a gift

Employees are encouraged to decline any gift offer in the first instance.

When deciding whether to accept an offer, employees 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.

Employees should consider the GIFT test (Appendix A) when offered a gift, including hospitality that exceeds a token offer.

Managers, Directors and CEO have the discretion to determine whether a gift offered to an employee should be politely refused or returned to the gift giver, retained by Council, retained by the employee, or shared amongst a group of employees.

3.4.2 Declaration of gifts

Employees must report all gifts, whether accepted or declined, in accordance with section 3.5. Approval is required from the relevant Manager / Director / CEO prior to acceptance of gifts valued >\$25.

The monitoring of gifts offered to employees, whether accepted or declined, ensures that repeated offers of gifts from a single source – and any inappropriate attempts to sway the opinion of employees or Council – can be monitored.

Gifts valued <\$25 (token gifts)

All gifts offered to employees valued < \$25 must be reported to the employee's Manager.

The employee may retain the gift without prior approval from the relevant Manager. However, if the gift is considered inappropriate, the employee may be encouraged to politely return it to the person or organisation that offered the gift.

All gifts valued < \$25 must be reported in accordance with section 3.5. This applies regardless of whether the gift was accepted or declined.

Gifts valued \$25 - \$50

All gifts offered to employees valued between \$25 - \$50 must be reported to the employee's Manager.

The employee may not retain the gift until approval is provided by the relevant Manager. Where gifts are considered inappropriate, they must be politely returned to the person or organisation that offered the gift.

All gifts valued between \$25 - \$50 must be reported and registered in the Gift Register. This applies regardless of whether the gift was accepted or declined.

Gifts valued \$50 - \$100

All gifts offered to employees valued between \$50 - \$100 must be reported to the employee's Manager and Director.

The employee may not retain the gift until approval is provided by the relevant Director. Where gifts are considered inappropriate, they must be politely returned to the person or organisation that offered the gift.

All gifts valued between \$50 - \$100 must be reported and registered in the Gift Register. This applies regardless of whether the gift was accepted or declined.

Gifts valued >\$100

All gifts offered to employees valued > \$100 must be reported to the employee's Manager, Director and the CEO.

The employee may not retain the gift until approval is provided by the CEO. Where the gift has been offered to the CEO, the CEO must seek approval from the Mayor prior to

accepting the gift. Where gifts are considered inappropriate, they must be politely returned to the person or organisation that offered the gift.

All gifts valued > \$100 must be reported and registered in the Gift Register. This applies regardless of whether the gift was accepted or declined.

Gifts valued > \$500

The CEO and Nominated Officers must follow gift disclosure threshold requirements as governed by the LGA 2020. This includes the cumulative value of several gifts offered from a single source.

3.5 GIFTS REGISTER

The CEO will maintain an Employee Gift Register to record all gifts offered to employees, regardless of whether they are accepted or declined. A Gift Declaration Form is available on Council's file network and must be lodged with Council's Governance Officer within five (5) working days of being offered a gift.

The details to be recorded in the Employee Gift Register include:

- Date of Declaration
- Date Gift offered / received
- Name and Position of employee
- Description of Gift
- Approximate value (\$)
- Name of individual or organisation offering the Gift
- Reason for offering the Gift
- Whether the Gift was accepted or refused
- Approval granted to accept gift (Manager / Director / CEO)

Where an employee reasonably believes that an offer of a gift has been made in an attempt to influence the outcome of Council business, details are to be provided to the employee's Manager and the CEO as a matter of urgency.

4. Roles and responsibilities

The following positions are responsible for

Responsibility	Role / Position
Implementation of this Policy	Employees Governance Officer Manager Corporate Director Corporate Performance CEO
Compliance with this Policy	All Employees
Development and review of this Policy	Governance Officer
Interpretation of this Policy and the provision of advice	Governance Officer Managers Directors CEO

5. Breaches

Failure to comply with this Policy, supporting procedures or guidelines will be subject to investigation, which may lead to disciplinary action.

Penalties apply for breaches of the *Local Government Act 2020* relating to receipt of anonymous gifts, lodgement of personal interests returns, and declarations of conflict of interest.

6. Human Rights Charter compatibility

This policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006 [Vic]*.

7. Supporting documents

This policy should be read in conjunction with all other relevant, Council policies and procedures, as well as relevant legislative requirements.

Related Legislation

- *Local Government Act 1989 [Vic]*
- *Local Government Act 2020 [Vic]*

Related Guidelines, Operational Directives or Policies

- Employee Code of Conduct
- Council Fraud and Corruption Policy

8. Definitions and abbreviations

Term	Meaning
Benefit	<p>Something that is believed to be of value to the receiver. This includes preferential treatment, privileged access, favours or other advantage offered. Examples of benefits include:</p> <ul style="list-style-type: none"> • Invitations to sporting, cultural or social events • Access to discounts and loyalty programs • Promises of a new job
Bribe	Money, reward or service offered to procure an action, decision, or preferential treatment.
Complimentary ticket	Means free access to an event or function where other attendees or the general public would otherwise be required to purchase a ticket / pay money in order to attend the event or function.
CEO	Chief Executive Officer
Conflict of Interest	<p>A conflict of interest is a conflict between an employee's public duty to act in the best interests of Council, and their private interests (financial or non-financial). A conflict exists whether it is:</p> <p>Actual / Real: There is a current conflict between an employee's public duties and private interests. i.e. an actual conflict currently exists.</p> <p>Potential: An employee has private interests that could conflict with their Council duties. This refers to circumstances where it is foreseeable that a conflict may arise in the future and steps should be taken now to mitigate that future risk. i.e. it may arise, given the circumstances.</p> <p>Perceived: The public or a third party could reasonably form the view that the employee's private interests could improperly influence their decisions or actions, now or in the future. i.e. members of the public could reasonably form the view that a conflict exists, or could arise, that may improperly influence the employee's performance of their duty to Council, now or in the future.</p> <p>Includes both general and material conflicts of interest as defined in the LGA 2020.</p>

Term	Meaning
Employee	A person employed by Council, whether full-time, part-time, permanent, fixed-term contract, casuals or otherwise engaged as an employee of Council.
Gift	<p>Anything of monetary or other value that is offered by an external person or organisation to an employee as a result of their position with Council. It includes free or discounted items or services, benefits or hospitality that exceeds common courtesy, and any item that would generally be seen by the public as a gift. Examples of gifts include:</p> <ul style="list-style-type: none"> • Alcohol, gift baskets, flowers, chocolates • Complimentary tickets • Gift voucher • Discounted products for personal use • Hospitality • Entertainment • Free or discounted travel including airfares • Accommodation including use of a holiday home <p>For the purposes of this policy, "gift" includes any gift, benefit or hospitality. See also "token offer". Gifts are further defined in s3 of the LGA 2020.</p>
Hospitality	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.
LGA 2020	<i>Local Government Act 2020</i>
Nominated Officer	An employee designated by the CEO as having a statutory or delegated power, duty, or function, and nominated by the CEO under s132 of the LGA 2020 to complete a Personal Interests Return.
Personal Interests Return	A return of personal interests required in accordance with sections 132 – 136 of the LGA 2020.
Supplier	Refers to any person or organisation who provides or is likely to provide goods, services or undertake works to Council.

Term	Meaning
Token offers	<p>Token offers are a gift that is of inconsequential or trivial value to both the person making the offer and the recipient (such as basic / common courtesy) and must not be reasonably perceived as raising an actual, potential, or perceived conflict of interest.</p> <p>Examples of a token offer include one of the following. A single offer containing multiple examples below (e.g. a bottle of wine and some chocolates) is likely to amount to more than a token gift. An internet search for current pricing will assist in determining an offer's value (nominally <\$50).</p> <ul style="list-style-type: none"> • Light refreshments offered and consumed during a meeting; • Budget bottle of wine; • Commemorative / marketing mementos such as ties, scarves, pens, coasters, etc; • Flowers; • Small box of chocolates.

9. Approval

Approved by the Chief Executive Officer on 30 June 2021.

Refer to Policy Register (No.65) for signed version.

Appendix B: Conflict of Interest

Conflict of Interest will be managed in accordance with the requirements of sections 126-131 of the *Local Government Act 2020*.

Disclosure of Conflicts of Interest will be made in accordance with Chapter 7 of Council's Governance Rules.

Section 1.6 of this Code relates to breaches, which includes breaches or alleged breaches in conflict of interest.