Gifts, Benefits and Hospitality Policy

Management

Organisational Performance

1. **Background**
Moonee Valley City Council is committed to being open and transparent in its operations in relation to the receipt of Gifts, Benefits and Hospitality to minimise the risk of being placed in a compromising position that may have an adverse effect on its public endeavours and the promotion of trust within the community.

Council recognises that Councillors and Council officers will on occasion be offered Gifts, Benefits and Hospitality, however, Councillors and Council officers will perform their roles to ensure the peace, order and good governance of the City of Moonee Valley, and not to derive personal benefit.

Receipt of a gift from a person or organisation can result in a Conflict of Interest, or a perceived Conflict of Interest, in a matter. Councillors and Council officers need to familiarise themselves with the Conflict of Interest provisions of the *Local Government Act 1989* (the Act).

2. **Purpose**
This policy states Moonee Valley City Council’s position on responding to offers of Gifts, Benefits and Hospitality.

This policy is intended to support Councillors and officers of Moonee Valley City Council to avoid conflicts of interest and maintain high levels of integrity and public trust.

Moonee Valley City Council has issued this policy to support behavior consistent with Section 78 of the *Local Government Act 1989* and the Councillor Code of Conduct (adopted 21 February 2017) and the Employee Code of Conduct.

All Councillors and Council employees are required to comply with this policy.

3. **Principles**
Moonee Valley City Council is committed to and will uphold the following principles in applying this policy:

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<tbody>
<tr>
<td>Organisational Performance</td>
<td>Allison Watt</td>
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</table>
Public interest: Councillors and Council officers have a duty to place the public interest above their private interests when carrying out their official functions. They will not accept Gifts, Benefits or Hospitality that could raise a perception of, or actual, bias or preferential treatment. Individuals do not accept offers from those about whom they are likely to make business decisions.

Accountability: Councillors and Council officers are accountable for:

- declaring all non-token offers of Gifts, Benefits and Hospitality;
- declining non-token offers of Gifts, Benefits and Hospitality, or where an exception applies under this policy, seeking approval to accept the offer; and

Individuals with direct reports are accountable for overseeing management of their direct reports' acceptance or refusal of non-token Gifts, Benefits and Hospitality, modelling good practice and promoting awareness of the Gifts, Benefits and Hospitality Policy and processes.

Risk-based approach: Moonee Valley City Council through its policies, processes, internal audits and Audit Committee, will ensure Gifts, Benefits and Hospitality risks are appropriately assessed and managed. Individuals with direct reports will ensure they are aware of the risks inherent in their team's work and functions and monitor the risks to which their direct reports are exposed.

3. **Scope**

This policy applies to all Councillors and employees of Moonee Valley City Council.

4. **Definitions**

<table>
<thead>
<tr>
<th>The Act</th>
<th>Local Government Act 1989</th>
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</thead>
<tbody>
<tr>
<td>Applicable gift</td>
<td>Is defined in Section 79C of the Act as one or more gifts with a total value of, or more than, the gift disclosure threshold ($500 or higher), received from a person or persons specified in subsection (2) in the 5 years preceding the decision or the exercise of the power duty or function, but does not include---</td>
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<td>(a) reasonable hospitality received by the person at an event or function the person attended in an official capacity as the Mayor, a Councillor, a member of Council staff or a member of a special committee; or</td>
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<tr>
<td></td>
<td>(b) a gift, other than an election campaign donation, that was received by the person more than 12 months before the person</td>
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became a Councillor, a member of Council staff or a member of a special committee.

<table>
<thead>
<tr>
<th>Benefit</th>
<th>Something which is believed to be of value to the receiver including access to a sporting event, preferential treatment, access to confidential information, accommodation, personal services, pleasure or vacation trips</th>
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<tbody>
<tr>
<td>Bribe</td>
<td>A corrupt inducement to rewards</td>
</tr>
<tr>
<td>Campaign Donation</td>
<td>As defined in Section 62 of the Act any gifts received during the donation period, by the candidate or on behalf of the candidate, to be used for or in connection with the election campaign</td>
</tr>
<tr>
<td>Conflict of Interest</td>
<td>A Councillor or member of Council staff has a conflict of interest when they have a personal or private interest that might compromise their ability to act in the public interest as defined in the Act.</td>
</tr>
<tr>
<td>Council</td>
<td>Means Moonee Valley City Council, being a body corporate constituted as a municipal Council under the Act</td>
</tr>
<tr>
<td>Councillors</td>
<td>Means the individuals holding the office of a member of Moonee Valley City Council</td>
</tr>
<tr>
<td>Council officer</td>
<td>Means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer</td>
</tr>
</tbody>
</table>
| Gift                      | Defined in Section 3 of the Act as 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—
                           | (a) the provision of a service (other than volunteer labour); and
                           | (b) the payment of an amount in respect of a guarantee; and
                           | (c) the making of a payment or contribution at a fundraising function                                                                                                                             |
| Gift of Appreciation      | Means a gift that is presented to an individual to express thanks and a feeling of goodwill on behalf of the giver where there is no business transaction associated with it. |

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<tr>
<td>Gift Disclosure Threshold</td>
<td>Means $500 or a higher amount or value prescribed by the Local Government (General) Regulations 2015.</td>
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<tr>
<td>Hospitality</td>
<td>Is a meal or service which is offered, has a value greater than $50, and is not viewed as being connected to official Council business or part of a meal accepted at a conference or seminar.</td>
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<tr>
<td>Monetary gift</td>
<td>Means cash, cheques, money orders, travellers’ cheques and direct deposits, lottery tickets, ‘scratchies’ and gift cards.</td>
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<tr>
<td>Nominal Value</td>
<td>Is an item with a face or estimated value of less than $50</td>
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<tr>
<td>Official Gift</td>
<td>Is a gift presented to the Council as part of Council business operations e.g. sister city arrangements, individuals and organisations bestowing a corporate gift (i.e. plaques, plates, trophies, vases, artwork) to the city or as a token of appreciation for a contribution to a conference or industry event</td>
<td></td>
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<tr>
<td>Reasonable hospitality</td>
<td>Hospitality received when attending a function or event in an official capacity i.e. the hospitality is of reasonable value and the Mayor or Councillor or member of Council staff is performing an official role at the function or event.</td>
<td></td>
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<tr>
<td>Register of Interest Returns</td>
<td>These are completed by nominated staff, Councillors, and members of special committees to declare any interests they may have (e.g. property owned, gifts over $500 received) as required by the Local Government Act 1989. The Primary return is completed initially, followed by Ordinary returns twice yearly</td>
<td></td>
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<tr>
<td>Sponsorship</td>
<td>Is items which are identified as part of a formal written sponsorship agreement between Moonee Valley City Council and a third party</td>
<td></td>
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</tr>
<tr>
<td>Token Gift</td>
<td>Is a gift that does not have significant monetary value (as a guide less than $20) and infrequently received. These gifts may include low-priced promotional items, souvenirs or corporate gifts such as pens, mugs, single bottles of reasonable priced</td>
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5. **Responsibility**
The Governance Unit is responsible for communicating and implementing this policy as well as enforcement of the policy and dealing with any breaches.

6. **Legislation/Related documents**
- Local Government Act 1989
- Local Government (General) Regulations 2015
- Protected Disclosure Act 2012
- Conflict of Interest – A Guide for Councillors – October 2012
- Conflict of Interest – A Guide for Council staff – October 2011
- Moonee Valley City Council – Councillor Code of Conduct, Employee Code of Conduct

7. **Policy**
This section sets out the process for accepting, declining and recording offers of Gifts, Benefits and Hospitality.

**Gifts and Benefits**
Gifts should not be accepted unless provided for by this policy.

Councillors and Council officers should be aware that the accumulation of even small gifts could quickly become an Applicable Gift and result in the Conflict of Interest provisions within the Act applying.

Councillors and Council officers should not solicit, demand or request Gifts, including business card raffles at events, or receive any personal benefit by virtue of their position which could prejudicially influence, or be perceived to influence, a person in the performance of his or her public or professional duties. To avoid a Conflict of Interest, acceptance of any Gifts, Benefits or Hospitality in these situations must be declined.

If the organisation will not pay for Council officers attendance at an event or a function, the staff member can attend provided they personally pay the full value of the offer and approval is received from their Director.

Councillors and Council officers are to ensure that attendance at private functions does not have potential implications for Council’s reputation or image, or may cause a Conflict of Interest.

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In all cases, Councillors and Council officers must record the details of all gifts and benefits over $20, both received and declined, in the Gift Register maintained by the Governance Unit.

**Token Gifts**
Gifts of token value may be accepted by Councillors and Council officers provided that the Gift does not create a real or perceived sense of obligation that may lead to a perception of preferential service as a result of the Gift.

Such Gifts may be accepted only when the following have been considered:

a) The Gift is offered in an open or public forum and refusal would be obviously discourteous

b) Acceptance would not cause any potential, perceived or actual compromise or conflict of interest

c) The Gift does not have a significant monetary value (as a guide, less than $20);  
d) The Gift is not offered on a regular basis.

**Official Gifts**
Individuals may be involved in social, cultural or community events where official gifts are presented or exchanged. In such circumstances, where it would appear not to be polite or appropriate to decline the offer, it is reasonable for official representatives of Council to accept Official Gifts on behalf of Council.

All Official Gifts received are to be reported to the Chief Executive Officer and recorded in the Gifts Register.

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.

**Gifts of Appreciation**
Individuals must not seek a Gift or Benefit in appreciation of services rendered.

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

Where an individual accepts a Gift of Appreciation it should not exceed the nominal value. Gifts of Appreciation that would generally be considered of Nominal Value might include a bouquet of flowers, a box of chocolates, gifts of home-made items, home grown produce, or a bottle of wine.

**Monetary Gifts**
The offer of Monetary Gifts (of any amount) must never be accepted.
Awards and prizes won at conferences and seminars
Councillors and Council officers attending functions as Council representatives, and who make no financial contribution to the attendance, lose entitlement to any award or prize won as a result of attending the function.

If the Councillor or Council officer in attendance as above purchases their own raffle tickets and wins a prize, the prize may be retained by the Councillor or Council officer however the prize must be disclosed and go on the Gifts Register.

Prizes and awards valued at over $20 by Councillors and Council officers attending functions as Council representatives, and at which Council has made no financial contribution to the attendance, must report this prize or award as soon as possible to the Chief Executive Officer, who must determine the ownership of the item and the appropriate action to be taken.

Sponsorship Gifts
Gifts that are received as part of a sponsorship arrangement are deemed gifts under this policy.

Disposal of Gifts
If a gift does not have a public value the recipient may, at the discretion of the Chief Executive Officer, keep the gift from Council. The purchase price must be the manufacturer’s wholesale value of the gift in the place of origin at the time of purchase, as determined by the Chief Executive Officer. If there is difficulty in assessing the value, a valuation must be obtained by Council from an appropriately experienced person or body.

The Chief Executive Officer may dispose of gifts by any of the following methods:

a) Return to original recipient
b) Return to sender
c) Placing gift on display
d) Disposal by resolution of Council
e) Transfer to other public agencies or authorities
f) Transfer as a gift to a recognised charitable, aid or non-profit organisation
g) Archival action by Museums Victoria, or State Library Victoria
h) Reduction to scrap
i) Retained and collected and when there is a number of gifts, a raffle will be held amongst staff and the money collected donated to a charity, not-for-profit organisation or a worthy recipient as determined by the Chief Executive Officer or
j) Destruction.

This policy does not cover Gifts received during a donation period of an election campaign under Section 62 of the Act.
Gifts never to be accepted
The following Gifts or Benefits are considered totally inappropriate and should not be accepted:

- Money, regardless of the amount
- Access to confidential information
- Promise of a new job
- Preferential treatment (may include reciprocal favours given in return for a service provided by Council, the provision of goods and services or discounts on goods and services)
- Disposition of property or bequest, not necessarily land – can include goods and chattels (furniture, vehicles etc) by one person to another without payment

Hospitality
Councillors and Council officers, in an official capacity, will from time to time receive invitations of Hospitality to attend various functions and events.

Where hospitality is only modest in nature and provides an opportunity to network, or undertake business of a common purpose, it may be appropriate to accept such invitations.

Such incidental refreshments at meetings, working lunches, community events or similar are not considered a Gift and need not be recorded unless they occur at a frequency that may give rise to the perception of a conflict of interest under the Act.

However if the Hospitality is over the nominal value of $50 it is to be disclosed and recorded in Council’s Gifts Register.

Reasonable Hospitality received by the person at an event or function the person attended in an official capacity as the Mayor, a Councillor or a member of Council staff is not considered a conflict of interest under the Act.

Official capacity is that the Mayor or Councillor receives the invitation in the name of the Mayor or Councillor and the invitation is received by the Council Office or via the Councillors’ official e-mail. It should include roles such as presenting an award, delivering a speech or unveiling a plaque. In all such instances, Councillors must wear their Councillor name badge.

In some circumstances a Councillor or Council officer may attend the event if Council either fully reimburses the organisation for the full cost of the Hospitality, or if the Councillor or Council officer personally pays for their own attendance.

If acceptance of the Hospitality is likely to create the impression that an attempt is being made to compromise the impartiality of the Councillor or Council officer, or could be perceived as a Conflict of Interest, the offer of Hospitality must be declined and recorded in the Gift Register.
The value of Hospitality can be difficult to estimate and is open to personal interpretation, therefore in the interests of consistency and transparency the following values have been assigned to the following:

<table>
<thead>
<tr>
<th>Hospitality offered</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finger food and beverages</td>
<td>Up to $50</td>
</tr>
<tr>
<td>Seated meals and beverages</td>
<td>$100</td>
</tr>
<tr>
<td>Sporting event and catering i.e. general admission</td>
<td>$150</td>
</tr>
<tr>
<td>Corporate Suite sporting event and catering i.e. box tickets</td>
<td>$300</td>
</tr>
</tbody>
</table>

Where a Councillor or Council officer is accompanied by their partner and/or other family member(s), the assigned Hospitality value of the event which must be declared is the aggregated amount of all attendees, using the above figures.

Details of Hospitality received valued at $50 or more are to be disclosed and recorded in the Gifts Register.

The GIFT test (developed by the Victorian Public Sector Commission) is a useful tool to use in deciding whether to accept or decline a gift, benefit or hospitality.

<table>
<thead>
<tr>
<th>G</th>
<th>Giver</th>
<th>Who is providing the gift, benefit or hospitality and what is their relationship to me?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Does my role require me to select suppliers, award grants, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make?</td>
</tr>
<tr>
<td>I</td>
<td>Influence</td>
<td>Are they seeking to gain an advantage or influence my decisions or actions?</td>
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<tr>
<td></td>
<td></td>
<td>Has the gift, benefit or hospitality been offered to me publicly or privately?</td>
</tr>
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<td></td>
<td></td>
<td>Is it a courtesy or a token of appreciation or valuable non-token offer?</td>
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<td></td>
<td>Does its timing coincide with a decision I am about to make or endorse a product or service?</td>
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<tr>
<td>F</td>
<td>Favour</td>
<td>Are they seeking a favour in return for the gift, benefit or hospitality?</td>
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<tr>
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<td></td>
<td>Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months?</td>
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<td></td>
<td></td>
<td>Would accepting it create an obligation to return a favour?</td>
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<td>T</td>
<td>Trust</td>
<td>Would accepting the gift, benefit or hospitality diminish public trust?</td>
</tr>
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<td></td>
<td></td>
<td>How would the public view acceptance of this gift, benefit or hospitality?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>What would my colleagues, family, friends or associates think?</td>
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</table>
8. Procedure

Any Gift, Benefit, award or prize over $20 or Hospitality received over $50 must be declared and the details recorded on Council’s Gifts, Benefits and Hospitality Register which is administered by the Governance Unit. The Manager Governance and Communications will authorise the acceptance of any non-token gift offer.

It is the individual’s responsibility to complete the Gifts, Benefits and Hospitality Form and forward it to the Governance Unit.

Surrendered gifts immediately become public property and will be disposed of in accordance with the process set out in this policy.

A gift declined must also be disclosed. Disclosure that the gift has been declined and returned protects the Councillor or member of Council staff and highlights any systemic patterns. Gifts declined in the presence of the gift giver do not need to be disclosed.

The Gifts Register will contain the following information:
- The date the gift, benefit or hospitality was received or declined
- A description of the gift, benefit or hospitality
- The recipient of the gift, benefit or hospitality
- Details of the donor/giver/provider
- Treatment of the gift (accepted or declined)
- Whether representing Council at an event
- Correctly signed and authorised

9. Reporting

The Governance Unit will report on the Gift Register quarterly to the Audit Committee and the Executive and the Register will be made publicly available on the Transparency pages of Council’s website.

10. Breaches

Breaches will be dealt with under the relevant provisions of the following:
- *The Local Government Act 1989*
- Councillor Code of Conduct
- Employees Code of Conduct
## GIFTS, BENEFITS AND HOSPITALITY DECLARATION FORM – COUNCILLORS

This declaration form supports Council’s Gifts, Benefits and Hospitality Policy. Councillors must declare all non-token offers of gifts and benefits with a value of more than $20 and hospitality with a value of $50 or more (whether accepted or declined) on and seek written the approval from Manager Governance and Communications to accept any non-token offer.

<table>
<thead>
<tr>
<th>Date of Declaration:</th>
<th>Offered to:</th>
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<tr>
<td></td>
<td>Position:</td>
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</table>

### DETAILS OF GIFT/HOSPITALITY

<table>
<thead>
<tr>
<th>Offered by:</th>
<th>Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organisation:</td>
<td>Date of Offer:</td>
</tr>
</tbody>
</table>

| Description of the gift/hospitality: | |
| How was the gift/hospitality received? | |

<table>
<thead>
<tr>
<th>Estimated value ($) of gift/hospitality:</th>
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<table>
<thead>
<tr>
<th>First time offer:</th>
<th>Previous offer(s):</th>
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<tr>
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<td>□ Yes □ No</td>
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</table>

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<thead>
<tr>
<th>Cumulative total value ($)</th>
<th>Within last 12 months by this individual/organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>$</td>
<td>All gifts/hospitality received by this individual/organisation</td>
</tr>
</tbody>
</table>

### CONFLICT OF INTEREST:

Would accepting the offer:

a) create a direct or indirect conflict of interest exist?, or

b) bring you, the Council or the community into disrepute?

| □ Yes □ No | If either is answered YES, then the offer must be Declined in accordance with the minimum accountabilities |

### BENEFIT TO COUNCIL:

Is there a legitimate business benefit to the Council or the community for accepting the offer?, does it meet the following:

a) it was offered during the course of the your official duties (Y/N); and

b) it relates to your official responsibilities (Y/N); and

c) it has a benefit to the Council or the community (Y/N).

| □ Yes □ No | If NO then offer must be Declined. If YES then the business benefit must be detailed, in accordance with the minimum accountabilities. |

### DECLARATION:

Offer of gift/hospitality:

| □ Declined | □ Accepted | □ Transferred to MVCC |

| Reason:                     | SIGNATURE: | DATE:               |

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DELEGATE AUTHORISATION
To be completed by the Manager Governance and Communications or delegate (Manager Financial Operations)

Name: ________________________________
Position: ________________________________

**Complete if Councillor declined offer:**
I have reviewed this declaration form and submitted it for inclusion on the organisation’s gifts, benefits and hospitality register.

<table>
<thead>
<tr>
<th>Signature:</th>
<th>Date:</th>
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**Complete if Councillor accepted offer:**
I have reviewed this declaration form and, confirm that, to my knowledge, accepting this offer:

- a) does not raise a direct or indirect conflict of interest for the Councillor or myself; and
- b) will not bring the Councillor, myself, the Council into disrepute; and
- c) will provide a clear business benefit to the Council.

<table>
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Detail decision regarding ownership of tangible offers (e.g., specify whether Councillor retained gift; transferred to MVCC ownership; returned to offeror; donated to charity etc.)

**Completed form to be submitted to the Governance team for inclusion on Council’s Gifts, Benefits and Hospitality Register.**
GIFTS, BENEFITS AND HOSPITALITY DECLARATION FORM – EMPLOYEES

This declaration form supports Council’s Gifts, Benefits and Hospitality Policy. Employees must declare all non-token offers of gifts and benefits with a value of more than $20 and hospitality with a value of $50 or more (whether accepted or declined) on and seek written approval from their manager or direct supervisor to accept any non-token offer.

Date of Declaration:
Offered to:
Position:

DETAILS OF GIFT/HOSPITALITY
Offered by:
Name:
Organisation:
Date of Offer:
Description of the gift/hospitality:

How was the gift/hospitality received?

Estimated value ($) of gift/hospitality:

First time offer:  
- $  
-  

Previous offer(s):  
- $  
- All gifts/hospitality received by this individual/organisation

 Cumulative total value ($):

CONFLICT OF INTEREST:
Would accepting the offer:

c) create a direct or indirect conflict of interest exist?, or  
- Yes  
- No

d) bring you, the Council or the community into disrepute?  
- Yes  
- No

If either is answered YES, then the offer must be Declined in accordance with the minimum accountabilities

BENEFIT TO COUNCIL:
Is there a legitimate business benefit to the Council or the community for accepting the offer?, does it meet the following:

d) it was offered during the course of the your official duties (Y/N); and  
- Yes  
- No

e) it relates to your official responsibilities (Y/N); and  
- Yes  
- No

f) it has a benefit to the Council or the community (Y/N);  
- Yes  
- No

DECLARATION:
Offer of gift/hospitality:  
- Declined  
- Accepted  
- Transferred to MVCC
Reason:

SIGNATURE:  
DATE:

<table>
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<tr>
<th>Directorate</th>
<th>Responsible Manager</th>
<th>Document No</th>
<th>Approval Date</th>
<th>Review Date</th>
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<tr>
<td>Organisational Performance</td>
<td>Allison Watt</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

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DELEGATE AUTHORISATION
To be completed by the Employee’s Manager or direct supervisor.

Name: __________________________
Position: __________________________
Relationship to Employee: __________________________

**Complete if Employee declined offer:**
I have reviewed this declaration form and submitted it for inclusion on the organisation’s gifts, benefits and hospitality register.

Signature: __________________________
Date: __________________________

**Complete if Employee accepted offer:**
I have reviewed this declaration form and, confirm that, to my knowledge, accepting this offer:

d) does not raise a direct or indirect conflict of interest for the Employee or myself; and
e) will not bring the Employee, myself, the Council into disrepute; and
f) will provide a clear business benefit to the Council.

Signature: __________________________
Date: __________________________

Detail decision regarding ownership of tangible offers (e.g. specify whether Employee retained gift; transferred to MVCC ownership; returned to offeror; donated to charity etc.)

**Completed form to be submitted the Governance team for inclusion on Council’s Gifts, Benefits and Hospitality Register.**