

Employee Code of Conduct

Approved by:	Chief Executive Officer
Date Approved:	May 2026
Date Effective:	Immediately
Date of Next Review:	May 2028
Applicable to Unit(s):	Organisation
Responsible Officer:	Manager People & Capability
Statutory Reference:	<i>Local Government Act 2020</i> <i>Fair Work Act 2009</i> <i>Equal Employment Opportunity Act</i> <i>Victorian Long Service Leave Act 2018</i> <i>Occupational Health and Safety Act 2004 (Vic)</i>

1.0 Employee Code of Conduct Overview

This Employee Code of Conduct explains how we are expected to behave at work and when we are representing Wellington Shire Council. It sets out the basic standards we all need to follow so that our workplace is safe, fair and respectful, and so that our community can trust us to do the right thing.

The Code of Conduct covers topics such as:

- How we treat each other and our community
- How we use Council resources and information
- How we manage conflicts of interest, gifts and social Media
- Our responsibilities for safety, child safety and gender equality
- What happens if the code is not followed

If you work for Council – whether you are permanent, casual, temporary, a volunteer, contractor or student – this code applies to you. Reading and following the Code is a condition of working at Council.

You are expected to:

- Read the Code of Conduct and ask questions if something is unclear.

- Use it to guide your decisions and behaviour.
- Speak up early if you see something that does not feel right.

If you are unsure what to do, talk to your Supervisor, Manager or the People and Capability team. The Code of Conduct is here to help you make good decisions, look after each other and provide the best possible service to our community.

2.0 Our Values

Our corporate values underpin how we work together and support each other at Wellington as we strive to deliver excellent outcomes for our community.

Cooperation: Working together, teamwork, collaboration and being solution oriented.

Integrity: Acting with respect, honesty, reliability, trust, tolerance and understanding.

Balance: Demonstrating fairness, equity and flexibility. Consider work-life balance and balancing community needs against resources.

Professionalism: Personal development and meaningful work, being competent, innovative and courageous, focus on excellence and continuous improvement.

Sustainability: Going above and beyond to demonstrate commitment to leading sustainable practices and encouraging and supporting others to do the same.

3.0 General Employee Conduct

By consistently applying these standards of behaviour professionally and respectfully at all times, we aim to improve the community's trust in us and our confidence in each other.

Employee conduct is guided by both legislation and the principals and behaviours described below.

3.1 Employee Responsibilities

Council requires that employees, in the course of their employment, must:

- Act impartially.
- Act with integrity including avoiding real or apparent conflicts of interest.
- Accept accountability for results.
- Provide a responsive service.

3.2 Employees with Supervisory Responsibilities

In addition to the above requirements, employees with supervisory and management responsibilities must:

- Lead by example by modelling our values and performance expectations, as outlined in the Employee Code of Conduct;
- Recognise that leadership is about positive influence, inspiring and empowering others;
- Provide a safe encouraging and supportive work environment that recognises and values diversity, abilities, and contributions;

- d. Give employees a clear sense of direction and purpose, set realistic goals timelines and workloads and provide adequate resources and appropriate information to complete work;
- e. Trust their employees to manage their work autonomously but also provide them with support where needed;
- f. Address any performance issues promptly, directly and confidentially with the employee concerned;
- g. Lead and manage team performance, provide regular feedback, and apply discipline procedures fairly and consistently (when required);
- h. Understand and respond to legitimate concerns of their employees, and encourage them to speak up and raise concerns early.
- i. Promote work arrangements that enable their employees to achieve a work-life balance;
- j. Not request any employee under their supervision to carry out any unlawful action, including non-compliance with Workplace Health and Safety laws;
- k. Promote high levels of customer service;
- l. Manage budget expenditure responsibly and within approved delegations.

3.3 Respectful Workplace Behaviour

Wellington Shire Council is committed to providing a positive workplace where everyone is treated with respect.

That means we all need to:

- Treat customers, members of the community, colleagues and others with dignity, courtesy, and respect;
- Do the right thing, be fair and honest;
- Listen, learn, and respond appropriately to the views and concerns of others;
- Consider how everything we say and do might impact others.

Creating an inclusive workplace and looking after the health and wellbeing of our employees is of great importance. This means it is not acceptable for us to engage in the following types of behaviours in our workplace:

3.3.1 Bullying, harassment, discrimination, and workplace violence

Council is committed to proactively preventing and responding to any instances of bullying, harassment, discrimination and violence in the workplace. All staff must be aware of and understand Council's Respect in the Workplace (Managing Bullying and Negative Workplace Behaviours) Policy, Equal Opportunity and Anti-Discrimination Policy, Workplace Grievances procedure, and participate in workplace training to ensure adherence to relevant policies, and support a positive and harmonious workplace for all.

3.3.2 Sexual Harassment

Wellington Shire Council is committed to a safe, respectful and inclusive workplace that is free from all forms of sexual harassment. Sexual harassment will not be tolerated under any

circumstances. All employees must comply with Council's Prevention of Sexual Harassment Policy, complete required training, and report any behaviour that is unsafe, inappropriate or unlawful. Concerns can be raised with a Supervisor or Manager, with People & Capability, through a formal processes as detailed within the Prevention of Ssexual Harassment Policy. 3.3.3

3.3.3 Reporting inappropriate workplace behaviour

Employees are encouraged to speak up if something is not right. Unsafe, disrespectful or unlawful behaviour is unacceptable.

You can raise concerns through:

- Speaking directly with the person (if safe and comfortable)
- Contacting an Contact Officer
- Speaking with your Supervisor, Manager or People & Capability

Lodging a formal grievance under the Workplace Grievances Procedure

3.3.4 Victimisation

Victimisation means treating someone negatively because they have made or being involved in a complaint. At Wellington Shire Council we encourage employees to say something when a situation isn't right, and victimisation is not acceptable. It is not acceptable to disadvantage someone because they have raised concerns or have asked questions about their job or pay, they plan to or are taking leave or they are using other entitlements. For more information, refer to Council's Respect in the Workplace (Bullying, Harassment and Discrimination) policy.

3.4 Family violence

Wellington Shire Council does not tolerate family violence in any form and is committed to fostering a safe, supportive and respectful workplace for employees who are experiencing or affected by family violence. Council will respond with empathy, confidentiality and practical support, including access to leave, safety planning and referrals, in line with our Family Violence Policy. All employees are expected to be aware of this policy and uphold our commitment to safety and support for those impacted.

3.5 Child Safety

As a committed Child Safe organisation, all employees have a responsibility for the safety and wellbeing of children and young people.

All employees are required to observe the requirements of the Victorian Child Safe Standards and expectations for appropriate behaviour towards and in the company of children and young people. All employees are responsible for supporting the safety, participation, wellbeing and empowerment of children.

Council's Child Safety Policy aims to ensure that members of the public, children and young people, employees and volunteers are aware of Council's commitment to being a Child Safe organisation, and are aware of their rights and responsibilities. Employees must comply with the requirements of the Child Safe Policy, the Child Safe Code of Conduct and the Child Safe Reporting Procedures. Any breach of the Child Safe Policy and/or the Child Safe Code of Conduct by an employee will be considered serious misconduct and action will be taken in accordance with Council's Discipline and Performance Management policy, along with any other reporting requirements to external authorities

3.6 Workplace Health and Safety

Wellington Shire Council is committed to providing a healthy, safe and respectful workplace, and every employee has a duty to take reasonable care for their own safety and the safety of others. This means coming to work fit for duty, following all safety policies and procedures, using protective equipment as required, reporting hazards, near misses and incidents immediately, and contributing to a culture where risks are identified and managed early. Working safely is a core expectation of our Code of Conduct and fundamental to how we protect our colleagues, the community and ourselves. Employees must also ensure they are not under the influence of alcohol or drugs while at work and must follow Council's Prevention of Drug and Alcohol Use in the Workplace Policy and related procedures.

3.7 Drug and Alcohol Usage in the Workplace

Wellington Shire Council is committed to the wellbeing of its employees, contractors, volunteers, and customers. Council has a duty of care to ensure that alcohol and/or drugs do not jeopardise the health, wellbeing and safety of others, and every employee has a duty of care to minimise risks to themselves and their colleagues. Council aims to foster an attitude amongst employees that working under the influence of alcohol and/or drugs is unacceptable.

Employees should not report for work, at any time, if the level of alcohol in their blood is in excess of the legal blood alcohol concentration (BAC) limit for their position (such as 0.00 for Lifeguards or operators of Heavy Machinery), or if they are under the influence of, or affected by, illicit drugs or substances. Employees must not bring alcoholic beverages into, or consume alcoholic beverages in Council workplaces, unless authorised by the relevant General Manager or Chief Executive Officer.

Wellington Shire Council does not and will not condone the use, sale, or possession of any illegal or prohibited substance at the workplace or at any work-related activity or event. Council operates a random drug and alcohol testing program, and 'For Cause' drug and alcohol testing program for suspected use of alcohol and illicit drugs in line with the Prevention of Alcohol and Drug Use in the Workplace Policy.

3.8 Smoking

Under Victoria's *Tobacco Act 1987*, smoking and the use of e-cigarettes (vaping) is prohibited in all enclosed workplaces. and areas designated as smoke-free and vape-free.

In addition, Council prohibits employees from smoking and vaping:

- In any vehicle, item of equipment or plant owned or leased by Council, including those allocated as private use and tools-of-the-trade vehicles.
- Within four metres of the entry or exit points to any Council workplace.
- On duty. Employees are not permitted to smoke or vape at any time whilst on duty, except on authorised breaks. Note that the term 'smoking' includes the use of tobacco-based and other non-tobacco smoke such as from e-cigarettes (vaping).

3.8.1 Support for Employees

Council recognises the benefits as well as the difficulties in banning smoking and e-cigarette's from the workplace for some employees and is supportive of staff members willing to participate in an approved 'Quit' program, or with assistance from our Employee Assistance Provider. Further details are available to employees via the Intranet.

3.9 Working with Councillors

Wellington Shire Council is committed to developing and maintaining strong working relationships with its elected representatives, while also maintaining the integrity of the decision making process.

The Chief Executive Officer (CEO) is responsible for the overall management of employees and Councillors should not be directly instructing council employees to perform duties.

Employees and Councillors must be familiar with the Councillor Staff Interaction Policy.

If employees are approached by a Councillor in this way, they must refer the request to their Manager/Supervisor.

Similarly, employees are not permitted to request information from Councillors in relation to council business unless authorised by their respective General Manager.

4.0 Use of Council Resources and Preservation of Assets

Employees are required to use a range of Council resources to perform their duties including Council systems, vehicles, equipment, machinery, stationery, and other resources and must not misuse, or allow others to misuse, these in any way. This includes ensuring that they are secure against theft, properly stored and maintained and not used in a way that could misrepresent Wellington Shire Council.

Council assets and other resources must only be used for official Council business, unless written authorisation has been obtained from an employee's Manager/Supervisor.

Disciplinary action will be taken against an employee who steals, misappropriates, or converts Council, community, or customer assets for private use.

Upon conclusion of employment, all employees must return all Council property to their respective Manager/Supervisor in good repair.

4.1 Council Fleet Vehicles

All employees using Council vehicles, must:

- Hold a current driver's license for that type and class of vehicle;
- Carry their driver's license with them at all times when driving a Council vehicle; and
- Follow all relevant legislation and regulations.

Refer to 8.0. *Disclosure of Criminal Offences and Loss of Qualifications and/or Licenses* for information relating to loss of driver's license. Employees are not permitted to drive Council vehicles on a Learners Permit (with the exception of full private use vehicles).

5.0 Access to and Disclosure of Information – Privacy

In the course of their work, Council employees may have access to commercial and personal information about members of the Wellington Shire community, businesses, other employees and the wider public. It is essential, therefore, that any information accessed by employees, is used only for the purpose of performing their relevant workplace duties.

5.1 Intellectual Property

Intellectual Property includes any material, work, concepts, designs or systems produced by an employee in order to perform their duties, and remains the property of Council for it to use at its discretion.

5.2 Statements on behalf of Council

Employees are not permitted to make official comments on behalf of Council. The Council's spokesperson on policy matters is the Mayor and on executive matters, the CEO by delegation.

No interviews, photographs, discussion or liaison with the press, radio or television should be undertaken by any employee without prior approval of the CEO or delegate.

5.3 Social Media

Wellington Shire Council uses social media to communicate with our community. To protect Council's reputation and ensure consistent, accurate information is shared, all use of social media connected to Council business must comply with Council's Social Media Policy.

5.3.1 Use of social media for Council business

Employees, contractors and Councillors must:

- Obtain prior authorisation from the Customer and Communications Manager before creating, updating or contributing to any social media account on behalf of a department or business unit.
- Follow all Council policies related to communication and conduct, including the Social Media Policy.
- Act with caution, professionalism, honesty and respect in all online interactions.
- Reinforce and protect the integrity, reputation and values of Wellington Shire Council.
- Forward any significant or sensitive social media activity to the Customer and Communications Business Unit for follow-up.
- Direct community members to Council's official channels when they wish to make a request, provide feedback or lodge a complaint.

5.3.2 Personal use of social media

When using personal social media accounts, employees, contractors and Councillors must:

- Not publish information on behalf of Wellington Shire Council.
- Not comment on, or engage in, online discussions about Council decisions, projects, works, consultations or Councillor social media posts.
- Not make negative, misleading or harmful comments about Council, Councillors, employees, services, suppliers or stakeholders.
- Not upload images or content that show themselves or others identifiable as Council employees (e.g. in uniform or using Council equipment) in an unprofessional or unlawful manner.
- Not use social media to bully, harass or intimidate any Councillor, employee, contractor or stakeholder.

- Not rely on privacy settings to assume posts or comments are private.

All staff must be familiar with and adhere to Wellington Shire Council's Social Media Policy. Breaches of this section of the Code of Conduct may result in disciplinary action.

6.0 Conflict of Interest (Direct or Indirect, Real or Perceived)

Conflicts of interest exist when it is likely that you could be influenced, or it could be perceived that you are influenced by a personal interest when carrying out public duty. Conflicts of interest can lead to bias in decision making which may constitute corrupt conduct.

Members of the public need to be confident that decisions made by Council employees are free of any conflict of interest.

In addition to the relevant sections of the *Local Government Act 2020*, Council requires all employees to disclose any Conflicts of Interest, direct or indirect, real or perceived.

A Conflict of Interest may occur when an employee has a personal or private interest that might compromise their objectivity to perform their duties on behalf of Council by acting in the public interest. It is the responsibility of the employee to disclose if they have a conflict of interest to their Manager/Supervisor or General Manager immediately by completing the Employee Conflict of Interest Declaration and Management Plan. Employees may be asked to step aside from the decision-making process. A conflict of interest exists even if no improper act results from it.

Failure to disclose a Conflict of Interest, either direct or indirect, perceived or real, may result in disciplinary action. Managers and Supervisors have a duty to report any breaches they have knowledge of. Staff must also not influence any person, or allow themselves to be influenced, in any improper way to obtain any advantages or favours for themselves or any other person or group because of their position as an employee of Council.

All decisions made by Council employees, including selection, appointment or promotion of employees, the purchasing of goods or services or the enforcement of legislation and/or regulations must be fair, transparent and in the best interests of Wellington Shire Council.

For further information, refer to Council's Conflict of Interest Policy.

7.0 Acceptance of Gifts, Benefits and Hospitality

It is not acceptable in any circumstances for an employee to accept a gift, benefit or hospitality when it is given as a bribe for favourable service or outcomes. Employees must never accept cash or cheques, regardless of their value, or receive payments, loans or discounts for the purchase, hire or use of property or services for private purposes. All employees must adhere to the Acceptance and Declaration of Gifts, Benefits and Hospitality Policy which forms part of The Employee Code of Conduct at Appendix 1.

Further information about declaring a gift can be obtained on the Intranet or from the Governance & Council Business Officer. All declarations, whether accepted or declined, will be recorded in Council's Gifts, Benefits and Hospitality Declaration Register.

Employees should not encourage others to give gifts as an appreciation for duties they have performed.

8.0 Disclosure of Criminal Offences and Loss of Qualifications and/or Licenses

Employees during the term of their employment must advise their Manager/Supervisor if they are convicted of a criminal offence that has the potential to affect their ability to meet the inherent requirements of their position. All disclosures will be assessed on an individual basis and will be dealt with confidentially.

Where an ongoing risk is identified, employees may be required to complete ongoing National Police Record Clearance and/or a Working with Children Check at designated intervals during the course of their future employment with Council. For more information on Police Checks at Council, refer to the Recruitment and Selection Policy, relating to Pre-Employment Background Checks.

Employees during the term of their employment must immediately notify their Manager/Supervisor if their qualification(s), professional accreditation(s), license(s), registration(s) or permit(s) are revoked or have expired, where relevant to their position.

9.0 Fairness, Equity, Diversity and Inclusion

Wellington Shire Council is committed to a workplace that is inclusive, respectful and equitable for all. We value diversity in all its forms and believe that the ideas, aspirations and needs of every person enrich our organisation and strengthen the services we provide to our community.

As a defined entity under the *Gender Equality Act 2020 (Victoria)*, Council has specific obligations to identify, prevent and address gender inequality in our workplace. This includes taking positive actions to ensure equal access to employment, development, leadership and flexible work opportunities.

Council's values – Cooperation, Integrity, Balance, Professionalism and Sustainability—require us to actively support gender equality, challenge discriminatory behaviour, and foster a culture where everyone feels safe, included and able to participate equally. This includes preventing sexual harassment, discrimination, stereotyping and behaviours that undermine equality.

Council supports flexible and accessible working arrangements for all employees, in line with the inherent requirements of each role. This applies regardless of ability or disability, cultural background or heritage, religion, language, age, gender identity, gender expression, sex characteristics, sexual orientation or family responsibilities.

Employees must treat others fairly, with dignity and respect, and value the diversity of colleagues, community members, contractors and volunteers. Inclusive behaviour is expected in all interactions—internal, external and online.

Council has policies and processes in place to ensure employees understand their responsibilities under the *Equal Opportunity Act 2010*, the *Gender Equality Act 2020*, the *Human Rights and Equal Opportunity Commission Act 1986*, and Council's own *Equal Opportunity and Anti-Discrimination, Respect at Work and Prevention of Sexual Harassment policies*. Employees should familiarise themselves with these obligations and seek advice if unsure.

10.0 Employment Outside of Council

Council employees can engage in other employment or unpaid work where this work does not conflict or interfere with their role as a Council employee. Other employment could include a

second job, conducting a business or contract work. Examples of unpaid work include volunteering or sitting on a board.

Employment or business operations outside of Council must not;

- a. Impede with their Council work or be undertaken while on Council duty;
- b. Involve confidential information or resources obtained through their work with the Council; or
- c. Discredit or disadvantage the Council or interfere with Council's transparent business practices.

In accordance with the *Victorian Long Service Leave Act 2018*, staff are not permitted to work while receiving Long Service Leave payments, including secondary employment, during the hours that they are taking leave for.

If an employee seeks to stand as a candidate in a local, state or federal election refer to Election Period Policy (Council Policy) for appropriate guidance.

11.0 Breaches of the Employee Code of Conduct

Breaches of this Code of Conduct are taken seriously, as they have the potential to damage public trust, compromise safety, harm workplace relationships and undermine Council's values. All employees are expected to speak up early if they witness behaviour that may breach the Code.

Concerns or breaches can be reported through any of the following channels:

- Your Supervisor or Manager
- People & Capability
- A formal complaint or report can be made under the Workplace Grievances Procedure
- Council will assess all reports promptly, confidentially and impartially. Breaches of the Code may amount to misconduct or serious misconduct, and may lead to disciplinary action, which can include informal or formal counselling, written warnings, suspension, or termination of employment. Some breaches may also need to be referred to external bodies such as Victoria Police, the Independent Broad-based Anti-corruption Commission (IBAC), or other regulators.

Employees are expected to cooperate with any investigation undertaken. For more information on how performance and conduct matters are managed, refer to the Discipline and Performance Management Policy.

12.0 Environmental Considerations

All representatives of Council have the responsibility for considering the environmental and sustainability impacts of their activities. Employees should consider the environmental impact of their actions on recycling (including paper, plastic, soft plastic, food waste, batteries and e-waste), water and electricity efficiency/usage.

Council is committed to reducing its environmental impact wherever possible, so it is suggested that employees minimise waste and maximise efficiency in all aspects of Council activities.

13.0 Related Council Policies and Documents

- Equal Employment and Anti-Discrimination Policy
- Respect in the Workplace (Prevention of Bullying Harassment in the Workplace) Policy
- Workplace Grievances Procedure
- Child Safe Policy and Child Safe Code of Conduct
- Acceptance and Declaration of Gifts, Benefits and Hospitality Policy
- Social Media Policy
- Prevention of Drug and Alcohol Usage in the Workplace Policy
- Declarable Associations Policy
- Prevention of Sexual Harassment Policy
- Discipline and Performance Management Policy

14.0 Human Rights Charter

The Victorian Charter of Human Rights and Responsibilities 2006 (“the Charter”) contains an agreed set of human rights, freedoms and responsibilities protected by law. The Charter aims to ensure government bodies, public bodies, local Councils and public servants observe certain rights when creating laws, setting policies and providing services.

The Charter requires Councils and their employees to act compatibly with human rights and to consider human rights when making decisions. Employees involved in policy development should familiarise themselves with the Charter.

Approved



Chief Executive Officer

May 2026

Review and Modification History

Version #	Implemented By	Revision Date	Approved By	Approval Date	Reason
1.0	Vanessa Leahy	July 2019	David Morcom	July 2019	Annual Review
1.1	Erin O’Neill	December 2021	David Morcom	December 2021	Annual Review; change review frequency
1.2	Kirralee Richardson	November 2023	David Morcom	December 2023	Annual Review; Updates to align with other policy updates.

					Acceptance and declaration of gifts, benefits and hospitality policy added as an attachment.
1.3	Erin O'Neill	December 2025	David Morcom	December 2025	Review due – amendments to reflect updated policies and stronger child safety commitments

APPENDIX 1 - ACCEPTANCE AND DECLARATION OF GIFTS, BENEFITS AND HOSPITALITY POLICY

ACCEPTANCE AND DECLARATION OF GIFTS, BENEFITS AND HOSPITALITY POLICY

Policy Number:	2.4.8
Approved by:	Council
Date Approved:	December 2024
Date of Next Review:	December 2026
Applicable to:	Councillors, Council employees and temporary staff, volunteers, contractors and consultants engaged by Council and members of delegated committees
Responsible Officer:	Manager Organisational Performance and Governance
Related Policies:	Conflict of Interest Policy Council Expense and Administration Policy Public Transparency Policy Fraud and Corruption Control Policy Mandatory Notification Policy
Related Documents:	Gifts, Benefits and Hospitality Declaration Form Gifts, Benefits and Hospitality Declaration Register Model Councillor Code of Conduct Employee Code of Conduct
Statutory Reference:	<i>Local Government Act 2020</i> <i>Local Government (Governance and Integrity) Regulations 2020</i>

OVERVIEW

To provide Councillors and Council employees with requirements and guidance relating to the acceptance of gifts, benefits and hospitality.

THE POLICY

Wellington Shire Council is committed to following sound and transparent business practices in accordance with the *Local Government Act 2020*, Model Councillor Code of Conduct and Employee Code of Conduct. It recognises the importance of operating in a manner that models transparency, integrity and the highest ethical standards.

This policy is intended to support Councillors and employees in avoiding conflicts of interest, maintaining high levels of integrity and public trust and ensure that any gifts accepted are properly managed and disclosed.

COUNCILLORS AND COUNCIL EMPLOYEES

All gifts, benefits or hospitality offered to Councillors or Council employees must be declared and appropriately managed to maintain high levels of integrity and public trust.

A gift, benefit or hospitality must not be accepted by Councillors or employees if:

- It is given as a bribe for favourable service or outcomes, or
- It could be perceived as intended to, or likely to, influence the individual in the fair, impartial and efficient discharge of their duties as a Councillor or Council employee.

The performance of Council functions and decision making including — but not limited to — tenders, planning decisions, recruitment processes and regulatory activity must not be influenced by the offer or inducement of a gift, benefit or hospitality.

Receipt of a gift from a person or external organisation can result in a general or material conflict of interest in a matter.

Councillors and employees must not solicit, demand or request gifts or any personal benefit for themselves or another person by virtue of their position.

All gifts, benefits and hospitality of **any** value, whether declined or accepted, must be declared using the appropriate Gifts, Benefits and Hospitality Declaration form and details will be included on Council's Gifts, Benefits and Hospitality Declaration Register.

Under **NO** circumstances is cash to be accepted as an applicable gift.

Exempt Hospitality is the only item with an exemption. Refer to 'Hospitality' section.

Token Offers

A token offer is an offer of a gift or hospitality, valued at no more than \$50, and is of inconsequential or trivial value to both the person making the offer and the individual. It may include promotional items such as pens and note pads, and modest hospitality which would be considered a basic courtesy, such as morning tea or a coffee offered during a meeting.

Individuals may generally accept token offers as long as the offer does not create a conflict of interest or lead to reputational damage to the individual or Council.

Token offers other than Exempt Hospitality must be declared using the Gifts, Benefits and Hospitality Declaration form.

Non-token Offers

Individuals may accept non-token offers if they have a legitimate business reason. Employees must declare non-token offers in writing and seek approval for the allocation of the non-token offer from their Manager and General Manager as per the approval process on the Gifts, Benefits and Hospitality Declaration form. Councillors must declare all non-token offers in writing and seek acknowledgement from the CEO as per the Gifts, Benefits and Hospitality Declaration form.

Accepted non-token offers must be consistent with the following requirements:

- it does not raise an actual, potential or perceived conflict of interest or have the potential to bring reputational damage to the individual or Council.
- there is a legitimate business reason for acceptance i.e. it is offered in the course of the individual's official duties, relates to the individual's responsibilities, recognises work undertaken or benefits achieved for the Council.

Employees may be offered a gift, benefit or hospitality where there is no opportunity to seek written approval prior to accepting. For example, they may be offered a wrapped gift that they later identify as being a non-token gift. In these cases, the individual must seek approval within five business days.

Where the gift would likely lead to reputational damage to the individual or Council, the gift should be returned. If it represents a conflict of interest for the individual or Council, the gift should be returned.

Repeat Offers

Receiving multiple offers (token or non-token) from the same individual or external organisation can generate a stronger perception that the individual or external organisation could influence the performance of Council functions and decision making. Councillors and employees should refuse repeat offers from the same source if they create a conflict of interest or may lead to reputational damage. Any offer, whether rejected or accepted, must be declared.

The Gift Test

When deciding whether to accept an offer, the Councillor or employee should first consider if the offer could be perceived as influencing them in the performance of their duties or lead to reputational damage. The more valuable the offer, the more likely that a conflict of interest or reputational risk could arise.

The GIFT test (developed by the Victorian Public Sector Commission) provides guidance in what to consider when deciding whether to accept or decline a gift, benefit or hospitality.

G	Giver	Who is providing the gift, benefit or hospitality and what is their relationship to me? Does my role require me to select contractors, award grants, regulate industries or determine government policies? Could the person or external organisation benefit from a decision I make?
I	Influence	Are they seeking to gain an advantage or influence my decisions or actions? Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy, a token of appreciation or highly valuable? Does its timing coincide with a decision I am about to make?
F	Favour	Are they seeking a favour in return for the gift, benefit or hospitality? Has the gift, benefit or hospitality been offered honestly? Has the person or external organisation made several offers over the last 12 months? Would accepting it create an obligation to return a favour?
T	Trust	Would accepting the gift, benefit or hospitality diminish public trust? How would I feel if the gift, benefit or hospitality became public knowledge? What would my colleagues, family friends or associates think?

GIFTS

In general, **gifts** are acceptable when:

- the gift is a token offer and estimated to be less than \$50;
- it is customary of the culture of the person providing the gift to bestow or exchange gifts as thanks for hospitality; or
- gifts are presented by a visiting official and duly authorised by their governing body.

Gifts are sometimes given as a sign of gratitude to recognise outcomes collectively achieved by the Council and/or group of employees. Therefore, as far as reasonable and practical, such gifts are "pooled" then shared among the Council and/or the working group.

All gifts of **any** value must be declared using the appropriate Gifts, Benefits and Hospitality Declaration form, even if the gift has been declined.

Under **NO** circumstances is cash to be accepted as an applicable gift.

Disclosable Gift

A **disclosable gift** is a gift that puts the recipient into a material conflict of interest because the donor of the gift has an interest in a matter.

Section 128(4) of the *Local Government Act 2020* defines a disclosable gift as:

One or more gifts with a total value of, or more than, \$500 or if an amount is prescribed for the purposes of this subsection, the prescribed amount, received from a person in the 5 years preceding the decision on the matter—

- (a) *if the relevant person held the office of Councillor, was a member of Council staff or was a member of a delegated committee at the time the gift was received; or*
 - (b) *if the gift was, or gifts were, or will be, required to be disclosed as an election campaign donation—*
- but does not include the value of any reasonable hospitality received by the relevant person at an event or function that the relevant person attended in an official capacity as a Councillor, member of Council staff or member of a delegated committee.*

Ceremonial Gifts

Ceremonial Gifts are official gifts provided as part of the culture and practices of communities, organisations and government. Ceremonial gifts are usually provided when conducting business with official delegates or representatives from an external organisation, community or government authority. Ceremonial gifts presented to the Mayor, Councillors, or employees are the property of Wellington Shire Council, irrespective of value.

All Ceremonial Gifts **must be declared** using the Gifts, Benefits and Hospitality Declaration form and details included on Council's Gifts, Benefits and Hospitality Declaration Register. Individuals must transfer all Ceremonial Gifts to Council.

Ownership of Gifts Offered to Individuals

Non-token gifts with a legitimate business reason that have been accepted by an individual for their work or contribution may be retained by the individual where the gift is not likely to bring the individual or Council into disrepute, and where the General Manager or CEO has provided written approval.

BENEFITS

In general, **benefits** are only acceptable when a Councillor or employee can demonstrate that there is a legitimate business reason. Benefits may arise in the carrying out of Council duties such as attendance as a Council representative at promotional or other events.

Examples of benefits may present in the form of preferential treatment, privileged access, favours or other advantage. This can also include invitations to sporting, cultural or social events, or access to discounts or loyalty programs. It is the responsibility of the individual to decline the benefit, in the absence of a legitimate business reason.

The value of benefits may be difficult to define in dollars, but as they are valued by the individual, they may be used to influence the individual's behaviour and decision making. As this is the case, **any** benefit of **any** value, whether declined or accepted, must be declared using the appropriate Acceptance and Declaration of Gifts, Benefits and Hospitality Declaration form.

HOSPITALITY

In general, **hospitality** is acceptable when it is not considered excessive and does not create a conflict of interest or bring the individual or Council into disrepute. A Councillor or employee may accept hospitality such as attendance as a Council representative at promotional or other events.

All hospitality of **any** value, other than Exempt Hospitality, must be declared using the appropriate Gifts, Benefits and Hospitality Declaration form.

Exempt Hospitality is hospitality that is reasonably received in the carrying out of Council duties and can be considered a basic courtesy, including the acceptance of light refreshments during a meeting or lunch during the course of a daylong event. Exempt Hospitality does not require the completion of a declaration form.

If the estimated value of the hospitality is over \$50 (non-token offer), a declaration form must be completed, regardless of whether the hospitality is accepted or declined. An example of this is an offer of a three course meal at the conclusion of a meeting. If the hospitality represents a conflict of interest for the individual or Council, the hospitality should not be accepted to mitigate the risk.

COUNCILLOR SPECIFIC REQUIREMENTS

Disclosable Gift to Councillors

Where a Councillor has declared a material conflict of interest from the acceptance of a **disclosable gift**, details of the interest will be declared at the meeting and documented in the relevant meeting minutes that are publicly available.

Anonymous Gifts Not To Be Accepted

A Councillor must not accept, directly or indirectly, a gift for the benefit of the Councillor for the amount or value of which is equal to or exceeds the gift disclosure threshold unless:

- a) the name and address of the person making the gift are known to the Councillor; or
- b) at the time when the gift is made —
 - i) the Councillor is given the name and address of the person making the gift; and
 - ii) the Councillor reasonably believes that the name and address so given are the true name and address of the person making the gift.

Election Campaign Donation Return Gift

A **donation period** gift is a gift given to an electoral candidate to be used in connection with an election campaign. In accordance with section 306 of the *Local Government Act 2020*, each candidate, whether successfully elected to Council or not, must give an Election Campaign Donation Return to the Chief Executive Officer within 40 days of election day.

In accordance with section 308 (2) and (3) of the *Local Government Act 2020*, copies of all election campaign donation returns received are available for inspection at the Desailly Street Service Centre and a summary of all Election Campaign Donation Returns is available on Council's website and will remain available to view until the close of roll for the next general election.

DECLARATIONS

Declarations are required to be completed for all gifts, benefits or hospitality received, whether accepted or declined. Where multiple gifts, benefits and hospitality are offered by one person on the same day, only one declaration form should be completed for all the items from that one person. The items must not be split across multiple declarations.

Declaration forms must be completed and signed prior to providing to Governance for registration.

RECORDS MANAGEMENT

Council maintains a register of all gifts, benefits and hospitality received by Employees and Councillors.

Sale Service Centre 18 Desailly Street (PO BOX 506), Sale VIC 3850 Telephone 1300 366 244
Yarram Service Centre 156 Grant Street, Yarram VIC 3971 Telephone (03) 5182 5100

Web www.wellington.vic.gov.au **Email** enquiries@wellington.vic.gov.au



Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	DATE	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	December 2022	Minor update	Update of Responsible Officer title No changes applicable at this review
1.1	August 2023	Minor update	Various minor grammatical updates throughout Revision of content under 'Repeat Offers', 'Benefits' and 'Hospitality' to provide further clarity and ease of reference
1.2	December 2023	Minor update	Various minor grammatical updates throughout Minor revisions to COUNCILLORS AND COUNCIL EMPLOYEES', 'Token Offers' and 'Non-token Offers' Deletion of Municipal Association of Victoria - New Councillor Resource Guide 2016 as related document.