



Councillor Gift Policy

Policy Owner	Governance and Corporate Accountability Governance and Corporate Performance
Creation Date	April 2021
Revision Date	April 2025

Purpose

Section 138 of the *Local Government Act 2020* (the Act) requires Council to adopt and maintain a Councillor Gift Policy. This policy sets out the minimum standards for elected Councillors in the management of gifts, benefits and hospitality and the procedure for the maintenance of a Gift and Benefits Register.

This Policy supports the overarching governance principles specified in section 9(2) of the *Local Government Act 2020*.

Scope

The objective of the Councillor Gift Policy is to formalise the minimum standards in relation to offers of gifts, benefits and hospitality and as a result seeks to promote:

- a) Accountable practices by providing clear direction and guidance to Councillors in relation to what may be accepted and what may not;
- b) Transparency by making the Councillor Gift and Benefits Register readily available and easily accessible on Council's website;
- c) The demonstration of integrity, impartiality and accountability in relation to the appropriateness or lack of, in the receiving of gifts, benefits and hospitality;
- d) Community trust and confidence in decision making, and that decisions are made free of favouritism, influence, conflicts of interest or bias.

Policy

1. Policy Principles

- 1.1. This policy should not override or be inconsistent with any Act or Regulation. In the event of any inconsistency, the provisions within the legislation will apply.
- 1.2. A Councillor should not use their position to seek, solicit to obtain gifts, benefits or hospitality for personal gain to themselves or others.
- 1.3. A Councillor must ensure to the best of their abilities that external persons, companies and organisations do not offer gifts, benefits or hospitality believing that they will receive preferential treatment by the Councillor and/or Council.
- 1.4. Monetary gifts should not be accepted regardless of value.
(Election campaign donations are excluded. For information on election donations, refer to sections 306 and 309 of the Act).
- 1.5. Anonymous gifts not to be accepted

Section 137 of the Act

- (1) *A Councillor must not accept, directly or indirectly, a gift for the benefit of the Councillor 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.*

(2) *If the name and address of the person making the gift are not known to the Councillor for whose benefit the gift is intended, the Councillor is not in breach of subsection (1) if the Councillor disposes of the gift to the Council within 30 days of the gift being received.*

1.6. Other offers to be declined (non-exhaustive list):

- Any single gift exceeding \$250.00;
- Access to confidential information or information that is not generally available to the broader community; or
- Any gift whereby the Councillor obtains a personal, financial or professional advantage.

1.7. Official or Ceremonial gifts

From time to time a Councillor may be presented with a goodwill gift to Council for example a gift of artwork, a gift of historical, community or cultural significance or a ceremonial gift to the Shire.

Where appropriate, and where the acceptance of the gift does not give benefit to the benefactor or cause a conflict of interest to the Councillor or Council, whether actual, potential or perceived, the gift may be accepted. An official gift to Council, will be recorded in the Gift and Benefits Register and remain the property of Council.

1.8. Exemptions from disclosure under this policy:

- Election donations;
- Hospitality or ticket costs where the Councillor has attended in an official capacity representing Council;
- Attendance at events that were free of charge to the broader community, or where the Council or Councillor has funded their attendance.

2. Gift disclosure

2.1 All offers of a gift, benefit or hospitality whether accepted, declined or returned must be recorded in the Gift and Benefits Register using the Gift Declaration Form (Attachment 1).

2.2 Non-token offers should where appropriate be politely declined.

2.3 A situation where it is deemed inappropriate to decline a gift, benefit or hospitality, or where refusal is likely to cause embarrassment to Council or the Councillor, the gift, benefit or hospitality may be accepted.

2.3 Prior to accepting any offer of a gift, benefit or hospitality, a Councillor should assess and determine that the offer is not likely to cause themselves or Council an actual, potential or perceived conflict of interest. An offer of a gift, benefit or hospitality that is reasonably likely to cause Council or the Councillor a conflict of interest immediately or in the future must be declined. Consideration should also be given by the Councillor regarding the gift disclosure threshold as defined by the Act.

2.6 Any individual offering a gift must be advised that their name and details of

the gift will be recorded in the Councillor Gift and Benefits Register and will be made publicly available for inspection and online in accordance with this policy.

- 2.7 Councillors are responsible to ensure they record any disclosable gifts on their Biannual Personal Interests Return form.

3. Procedure

- 3.1 Within 7 days of an offer of a gift, benefit or hospitality, the Councillor should complete the Gift Declaration Form and submit it into the Councillor Portal.
- 3.2 Governance and Corporate Accountability will maintain a register of all gift and benefits.

Definitions

Reference term	Definition
Business associate	An individual or body that Council has, or plans to establish, some form of business relationship with, or who may seek commercial or other advantage by offering gifts, benefits or hospitality.
Benefits	Benefits include preferential treatment, privileged access, favours or other advantage offered to an individual. They may include invitations to sporting, cultural or social events, access to discounts and loyalty programs and promises of a new job. 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.
Ceremonial gifts	Ceremonial gifts are official gifts provided as part of the culture and practices of communities and government, within Australia or internationally. Ceremonial gifts are usually provided when conducting business with official delegates or representatives from another organisation, community or foreign government. Ceremonial gifts are the property of Council, irrespective of value, and should be accepted by individuals on behalf of Council.
Disclosable gift	As defined in section 128(4) of the Act. A gift of, or more than \$500 or an amount received from a person in the five years preceding. However, under this policy all gifts and benefits should be disclosed.

Gifts	Gifts are free or discounted items or services and any item or service that would generally be seen by the public as a gift. These include items of high value (e.g., artwork, jewellery, or expensive pens), low value (e.g., small bunch of flowers), consumables (e.g., chocolates) and services (e.g., painting and repairs). Fundraising by Council that is consistent with relevant legislation and any government policy is not prohibited under the minimum accountabilities.
Gift disclosure threshold	The Act definition: gift disclosure threshold means— <i>in the case of a Council, other than the Melbourne City Council, \$500 or a higher amount or value prescribed by the regulations;</i> However, under this policy all gifts and benefits should be disclosed.
Hospitality	Hospitality is 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.
Token offer	A token offer is a gift, benefit or hospitality that is of inconsequential or trivial value to both the person making the offer and the recipient (such as basic courtesy). May include (non-exhaustive list): <ul style="list-style-type: none"> • Marketing and corporate gifts such as pens, notepads, diaries, chocolates or single bottles of alcohol (within token offer threshold); • Flowers and chocolates; or • Invitations to events (within token offer threshold).
Non-token offer	A non-token offer is a gift, benefit or hospitality that is, or may be perceived to be by the recipient, the person making the offer or by the wider community, of more than inconsequential value. May include; <ul style="list-style-type: none"> • Invitations to sporting events and/or corporate box tickets; • Memberships; • Training sessions; • Gifts with a single or cumulative total of more than \$500 over a five-year period become a disclosable gift as defined in section 128(4) of the Act.

Responsibilities

This Policy applies to all Councillors. The Policy and Gift and Benefit Register will be maintained by Governance and Corporate Accountability.

Related Documents

Governance Rules

Council Expenses Policy

Councillor Code of Conduct

Local Government Act 2020

Equal Opportunity Act 2010

Charter of Human Rights and Responsibilities Act 2006

Public Interest Disclosures Act 2012

Local Government (Governance and Integrity) Regulations 2020

GIFT REGISTER

Declaration Form

To be completed by the recipient of a reportable gift within 7 days of the offer

Date of Offer: _____
Offered to (name): _____
Position: _____

Offered by: _____
Name: _____
Role: _____
Organisation: _____

Reason gift was offered:

Description of gift:

Estimated value of gift: _____
First time offer: Yes No
Previous offer(s):
Within last 12 months by this individual/organisation Yes No
Cumulative total value of gifts: _____

Decision regarding gift:
 Declined or Retained or Transferred to organisation's ownership

Signature of recipient: _____ **Date:** _____

Reviewed by authorised delegate:
Signature: _____ **Date:** _____
Name: _____
Position: _____

Gift Register Updated (Governance and Corporate Accountability Unit Only):
Signature: _____ **Date:** _____
Name: _____
Position: _____

Flow Chart

