

Councillor Gift Policy

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Contents

1.	Purpose.....	2
2.	Scope	2
3.	Objectives	2
4.	Policy Details.....	2
4.1.	Prohibited Gifts, Benefits and Hospitality.....	2
4.2.	Accepting and Declaring Gifts, Benefits and Hospitality.....	3
5.	Responsibilities	3
6.	Definitions.....	4
7.	Deployment	4
8.	Breaches	4
9.	Human Rights Charter Compatibility.....	4
10.	Relevant Legislation and Council Policies	4
11.	Results.....	5

1. Purpose

Council is committed to supporting its Councillors in maintaining the highest levels of integrity and public trust.

The purpose of this policy is to provide support to Councillors in regards to how to respond to offers of gifts, benefits and hospitality, so as to avoid actual or perceived conflicts of interest, and maintain clear public accountability. It is also designed to ensure compliance to the requirements of the *Local Government Act 2020*.

2. Scope

This policy applies to any gifts, benefits or hospitality offered to Councillors as a result of their role with the Council. A gift is anything of monetary or other value and includes free or discounted items or services. A benefit is preferential or privileged treatment, favours or another form of advantage. Hospitality is the friendly reception of guests and may involve, for example, refreshments, travel, entertainment and accommodation.

3. Objectives

The objective of this policy is to enable Councillors with an understanding on the expectations of both Council and the legislation guiding integrity within Victorian Local Government, when receiving gifts or benefits as a result of their position with Council. This will be achieved through highlighting the different scenarios this may occur and assisting with identifying what to do if this situation arises to avoid real or perceived conflicts of interest.

4. Policy Details

4.1. Prohibited Gifts, Benefits and Hospitality

Councillors may not accept gifts, benefits or hospitality that could bring their integrity or that of the Council into disrepute. This includes gifts, benefits or hospitality that may create a conflict of interest whether real, potential or perceived. Examples include:

- Gifts which can be easily converted into money;
- Gifts from an individual or group involved in a Council permit application;
- Gifts from current or prospective suppliers.

Under no circumstances should Councillors accept a gift offer that they believe is an attempted bribe.

Councillors may not accept any gifts, benefits or hospitality exceeding \$50 where the name and address of the person making the gift are unknown to the Councillor. Any such gifts should be disposed of within 30 days of the gift being received. Any Councillor who is found guilty of a breach will be subject to disciplinary action set by both Council and the Local Government Inspectorate.

Councillors must not solicit gifts for themselves or anyone else in any form. To do so may constitute misuse of position and potentially corruption and may lead to criminal prosecution.

Where prohibited gifts, benefits or hospitality are offered they are to be reported to the Director Corporate and Organisational Development so that their refusal can be appropriately recorded in the Councillor Gifts Register. Bribes will be reported to the Victoria Police or the Independent Broad-based Anti-corruption Commission.

4.2. Accepting and Declaring Gifts, Benefits and Hospitality

Councillors may accept token offers of gifts, benefits and hospitality. Councillors should consider the following questions in assessing whether to accept an offer:

- **Giver** - who is providing the offer and what is their relationship to me? Could they benefit from a decision I make?
- **Influence** – are they seeking to gain an advantage or influence my decisions or actions?
- **Favour** – Are they seeking a favour in return?
- **Trust** – Would accepting the offer diminish public trust?

All offers over \$50 whether accepted or declined must be declared and submitted to the Director Corporate and Organisational Development and included in the Gifts Register, to ensure that the cumulative total of offers from a single source does not exceed \$500, in which case the total offer must be disclosed in the Councillor's biannual personal interest return in line with the requirements of the *Local Government Act 2020*.

Offers are to be declared within 7 days of the offer being made. The declaration should provide a description of the gift, benefit or hospitality, its estimated value, the name and address of the gift giver, and what was done with the gift. The Gift Register will be monitored on a six-monthly basis to identify total offers exceeding \$500 or any systematic pattern of offers which may be of concern.

Reasonable hospitality provided when attending a function or event in an official Council capacity does not need to be declared. The hospitality must be of a standard and type that an independent observer would consider appropriate and not excessive, for example sandwiches and pastries over a lunchtime meeting, or a cup of coffee.

5. Responsibilities

Responsibility	Role/Position
Councillors must abide by this policy and the obligations set by the Local Government Act 2020 and associated regulations.	Councillors
The Chief Executive Officer will provide guidance and advice to Councillors in relation to this policy and the legislative instruments that set integrity standards in Victorian Local Government.	Chief Executive Officer
The Director Corporate and Organisational Development will facilitate the recording of gifts received by Councillors and support both the Chief Executive Officer and Local Government Inspectorate in relation to investigations and breaches of the policy/regulations.	Director Corporate and Organisational Improvement

6. Definitions

Term	Definition
Gift	Anything of monetary or other value and includes free or discounted items or services.
Benefit	Preferential or privileged treatment, favours or another form of advantage.
Hospitality	The friendly reception of guests and may involve, for example, refreshments, travel, entertainment and accommodation.
Perceived Conflict of Interest	If an impartial, fair-minded person could observe a scenario to be either a General or Material Conflict of interest, whether it is real or not.
General Conflict of Interest	If an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.
Material Conflict of Interest	If an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.
Local Government Inspectorate	An independent agency responsible for making sure Victorian councils follow the <i>Local Government Act 2020</i>. They assess and investigate complaints about potential breaches of the Act by councils, councillors and staff, including: • conflict of interest • misuse of position • disclosure of confidential information • directing council staff • electoral offences.

7. Deployment

The Director Corporate and Organisational Development is responsible for deployment of this policy.

8. Breaches

Breaches may result in heavy fines and / or disciplinary action as outlined by the *Local Government Act 2020*.

9. Human Rights Charter Compatibility

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

10. Relevant Legislation and Council Policies

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 2020*
- *Local Government Act (Governance and Integrity Regulations 2020)*

Related Council Policies and Plans

- *Councillor Code of Conduct*
- *Fraud and Corrupt Conduct Policy*
- *Public Interest Disclosure Policy*

11. Results

The deployment of this policy and the results achieved will be reviewed annually.



Authorised by:

Juliana Phelps
Chief Executive Officer