

Councillor Gift Policy

Responsible officer:	Director Corporate and Organisational Development
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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*.

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.

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 must pay to Council the amount or value of the gift.

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.

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.

Deployment

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

Relevant Legislation and Council Policies

Local Government Act 2020

Councillor Code of Conduct

Fraud and Corrupt Conduct Policy

Breaches

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

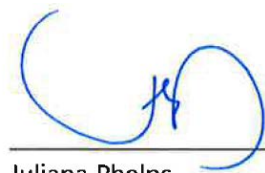
Human Rights Charter Compatibility

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

Results

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

Authorised by:



Juliana Phelps
Chief Executive Officer