

# Councillor Gift Policy



Last updated: May 2025



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# Councillor Gift Policy

## Council Policy

**Responsible director**

**Responsible officer**

**Functional area**

**Date adopted by Council**

**Review date**

Director Corporate Services

Manager Governance

Governance

12 April 2021

April 2029

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### Purpose

This policy clearly outlines the Northern Grampians Shire Council's position on Councillors responding to offers of gifts, benefits and hospitality to ensure transparency and accountability.

### Background

Councillors may be offered gifts, benefits and hospitality during the course of their duties. These can range from token offers such as tea or coffee which are generally considered a basic courtesy to non-token offers that risk impartiality and integrity if accepted.

### Scope

The council is committed to and will uphold the following principles in applying this policy:

**Impartiality** - Councillors 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 reasonable perception of, or actual, bias or preferential treatment. Councillors will not accept offers from those about whom they are likely to make business decisions.

**Accountability** - Councillors are accountable for declaring all offers and declining non-token offers of gifts, benefits and hospitality.

**Integrity** - Councillors strive to earn and sustain public trust through responding to offers of gifts, benefits and hospitality in a manner that is consistent with community expectations. Councillors **will refuse** any offer that may lead to an actual, perceived or potential conflict of interest.

**Risk-based approach** - the council, through its policy, processes and Audit and Risk Committee reporting will ensure risks from gifts, benefits and hospitality are appropriately assessed and managed.

**Public transparency** - the council will strengthen its ongoing commitment to developing a highly transparent, ethical and legislative compliant entity. Council will maintain a public register on its website listing information on all offers of gifts, benefits and hospitality over \$50.00 during the last twelve months.

This policy applies to all Northern Grampians Shire Council Councillors and operates in conjunction with the Model Councillor Code of Conduct and relevant provisions in the *Local Government Act 2020*.

### **Policy Objective**

Whenever possible, gifts, benefits and hospitality should **not** be accepted. This does **not apply** to any gifts received from a family member or reasonable hospitality received at an event or function that the Councillor attended in an official capacity as a Councillor.

Councillors **must**:

1. **not seek or solicit** gifts, personal benefits or hospitality for themselves or others by virtue of their position or in appreciation of services rendered;
2. **refuse** all gifts, benefits and hospitality that:
  - are money (of any amount), items used in a similar way to money or items easily converted to money, eg tokens, gift cards, vouchers; or
  - give rise to an actual, perceived or potential conflict of interest; or
  - if accepted is likely to influence them, or be perceived to influence them, in the course of their duties; or
  - may adversely affect their standing as a public official or which may bring the Council into disrepute; or
  - do not have a legitimate business benefit; or
  - extend to their relatives or friends.
3. **declare all** offers of non-token gifts, benefits and hospitality, regardless of whether they have been accepted or refused; and
4. **transfer** all official, ceremonial gifts, including any gift of cultural significance or significant value accepted on behalf of Council, irrespective of value, to Council.

All offers of gifts are registered in the Council's Gift Register.

### **Bribery**

Attempted bribery or suspected inducements must be refused and reported to the Director Corporate Services who will report any potential criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission (IBAC). Where the circumstances fall within the parameters of the *Public Interest Disclosures Act 2012* a disclosure may be made in the appropriate manner.

The policy is supported by the *Gifts, Benefits and Hospitality Guidelines* which are designed to help Councillors to apply the accountabilities within this policy for managing gifts, benefits and hospitality.

### **Anonymous Gifts**

It is an offence under Section 37 of the *Local Government Act 2020* for a Councillor to accept, directly or indirectly, an anonymous gift that has a value of or more than the gift disclosure threshold (currently \$500). A Councillor is not in breach of this clause if they receive an anonymous gift that exceeds the gift disclosure threshold, provided the gift is disposed of to the Council within 30 days of receipt.

### **Provisions in Local Government Act 2020**

Section 128: For the purposes of declaring conflicts of interest by Councillors, a **material conflict of interest** includes a disclosable gift or gifts with a total value of or more than, \$500.

Section 134: Councillors must declare particulars of any gift of or above the amount or value of \$500 in their biannual personal interests returns.

### **Recording Procedures**

**All offers**, whether accepted or declined must be reported via the gift declaration form on the Councillor Portal within 14 days of the offer.

In making the declaration the Councillor will be asked a series of questions relating to who made the offer/gift, the reason for the gift and if accepting it creates a conflict of interest or would bring Council into disrepute. Councillors will also be asked if there is a legitimate business benefit to Council in accepting the gift, if it is official or ceremonial and if the gift was accepted or not.

The declaration will be assessed and a decision made on the acceptance of the offer/gift by the Manager Governance in line with the policy and guidelines. Councillors will then be notified of the decision made.

### **Reporting**

The Director Corporate Services will report to the Executive Leadership Team and Audit and Risk Committee annually on the administration and quality control of the policy, processes and gift register. The report will include an analysis of any trends and risks or vulnerabilities identified (including multiple offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.

The gift register, with restricted access, will be maintained by the Governance Team and monitored by the Manager Governance.

A public version of the gift register is published on the Council's website and details gifts of or above the threshold amount of \$50.00 received during the last twelve months.

### **Breaches**

Any breach of this policy must be reported to the Chief Executive Officer as soon as the breach is discovered. Councillors who observe corrupt behaviour in their colleagues (eg accepting a bribe) can also make a public interest disclosure directly to the Ombudsman or IBAC.

Council will take decisive action in line with the *Model Councillor Code of Conduct* against Councillors who have breached the policy or who discriminate against or victimise those who speak up in good faith about corrupt behaviour.

### **Council Plan Objective/Strategy**

Improve organisational effectiveness

### **Legislation and Standards**

*Local Government Act 2020*

*Public Interest Disclosures Procedures*

*Councillor Code of Conduct*

*Public Transparency Policy*

## Responsibilities

Council, through its policies, processes and Audit and Risk Committee, will ensure gifts, benefits and hospitality are appropriately assessed and managed.

The Manager Governance is responsible to:

- establish, implement and review the policy
- provide communication and training in the management of gifts, benefits and hospitality and the identification of conflicts of interest
- establish and maintain a register of gifts, benefits and hospitality offered to Councillors that, at a minimum, records sufficient information to effectively assess and report on accountabilities
- undertake risk-based monitoring of the policy, processes and register.

All enquiries about this policy should be directed to the Manager Governance.

## Review

An assessment of the policy will be undertaken every four years to align with the Council term to ensure it remains current with the Council's goals, processes, aims and requirements and as a means by which to reduce Council's exposure to risk. Triggers for an earlier assessment include legislative changes and the introduction of new systems or procedures.

## Communication and implementation

Council's position on gifts, benefits and hospitality will be communicated to all stakeholders, business associates, clients, customers and suppliers including that an offer should **not be made** and will **be refused** if it conflicts with the minimum accountabilities within the policy.

The policy will be made available on the Councillor Portal and the Council website and referred to in Councillor Induction programs. Ongoing training opportunities will be provided as required.

The policy on the offering and provision of gifts, benefits and hospitality will be communicated to contractors, consultants and other business associates.

## References

[\*Victorian Public Sector Commission Gifts, Benefits & Hospitality Resource Suite\*](#)  
[\*VAGO Fraud and Corruption Control – Local Government\*](#)

## Compliance

- ☒ *Local Government Act 2020*
- ☐ *Gender Equality Act 2020*
- ☐ *Child Safety Act 2015*
- ☒ *Privacy and Data Protection Act 2014*
- ☐ *Equal Opportunity Act 2010*
- ☐ *Fair Work Act 2009*
- ☐ *Charter of Human Rights and Responsibilities Act 2006*
- ☐ *Health Records Act 2001*
- ☐ *Freedom of Information Act 1982*
- ☐ *Other*

## Privacy and Data Protection compliance

Protection of personal information has been identified and restricted access will be set on the Gift Register and associated EDRMS folder to the Executive Leadership and Governance teams.

The Council's public Gift Register which will be published on the Council's website will contain a subset of the information detailed in the internal register to exclude personal information.

### **Gender Equality Act 2020**

In developing the policy Council has considered that gender equality principles are not relevant.

### **Charter of Human Rights compliance**

It is considered that this policy does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

### **Definitions:**

<b>Benefit:</b>	<ul style="list-style-type: none"> <li>Something of value to the receiver and includes preferential treatment, privileged access, favours or other advantage offered eg tickets to sporting and other events, discounts and loyalty programs, promises of a new job.</li> <li>The value of benefits may be difficult to define in dollars but may be used to influence behaviour.</li> </ul>
<b>Conflict of interest:</b>	<p><b>Actual</b> - There is a <b>real conflict</b> between a Councillor's public duties and private interests.</p> <p><b>Potential</b> - A Councillor has private interests that <b>could conflict</b> with their public duties. This refers to circumstances where it is foreseeable that a conflict may arise in the future and steps should be taken now to mitigate that future risk.</p> <p><b>Perceived</b> - The public or a third party could reasonably <b>form the view</b> that a Councillor's private interests could improperly influence their decisions or actions, now or in the future.</p> <p>Activities that have a higher risk of conflict of interest include:</p> <ul style="list-style-type: none"> <li>Procurement</li> <li>Regulating individual or business activities</li> <li>Distributing goods, services or funds</li> <li>Making binding decisions</li> </ul>
<b>Gift:</b>	Free or discounted item or service that would generally be seen by the public as a gift, including an item of high value (eg artwork, jewellery or expensive pens), low value (eg small bunch of flowers, chocolates) and services (eg painting, repairs).
<b>Gift Disclosure Threshold:</b>	For the purposes of a material conflict of interest \$500 or a higher amount or value prescribed by the Regulations.
<b>Hospitality:</b>	A reception and entertainment of guests. Hospitality may range from light refreshments at a business meeting to expensive restaurant meals and sponsored travel and accommodation. It can include a meal or service which is not connected to official council business or part of a meal accepted at a conference or similar.

### **Review history**

Date	Review details	Action
15 March 2021	Policy reported to Councillors	
12 April 2021	Policy reported to Council for adoption	
April 2025	Policy reported to ELT	
5 May 2025	Reported to Council for adoption	