



# Councillor Gift Policy

Responsible Officer	Adoption Date	January 2021
Governance and Reporting Advisor	Approved By	Council
	Review Date	January 2025
Authorising Officer	Policy Type	Major Council Policy
Director Corporate Services		

## Statement and Purpose

This policy supports the Council to maintain public trust, good governance, integrity and open and accountable decision-making.

It establishes the way gift offers are to be treated so as to avoid potential, actual or perceived conflicts of interest.

Council must adopt a Councillor gift policy, which must include procedures for the maintenance of a gift register and any other matters prescribed by the regulations, under section 138 of the *Local Government Act 2020*.

## Scope

The policy applies to councillors and gifts made personally to them or others as a consequence of their role as a councillor

The policy does not apply to council election candidates and their election campaign donations.

The policy does not apply to the receipt of official gifts on behalf of council.

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## Policy

### 1. Gifts must not be solicited

A councillor must not, for themselves or others, seek, request or solicit gifts.

### 2. Gifts that must not be accepted

A councillor must not accept a gift that is:

- (a) not provided for by this policy; or
- (b) made anonymously; or
- (c) likely to be a bribe or inducement to make a decision or act in a particular way
- (d) money, an item used in a similar way to money, or an item easily converted to money; or
- (e) likely to influence them, or be perceived to influence them, in the course of their duties; or
- (f) likely to give rise to an actual, potential or perceived conflict of interest; or
- (g) made by a person or organisation about which they will likely make or influence a decision; or
- (h) made by a current or prospective supplier; or
- (i) made during a procurement or tender process by a person or organisation involved in the process; or
- (j) likely to be perceived as endorsement of a product or service; or
- (k) likely to lead to providing an unfair advantage for the gift giver in future procurement decisions; or
- (l) likely to adversely affect a person's standing as a councillor or which may bring the council or the local government sector into disrepute; or
- (m) hospitality or attendance at an official business event where council will already be sufficiently represented to meet its business needs; or
- (n) a non-token gift which does not have a legitimate business benefit; or
- (o) a token gift offered repeatedly or on a regular basis

### 3. Gifts that may be accepted

- (1) A councillor may accept a token gift provided it:
  - (a) has not been sought, requested or solicited; and
  - (b) is not a gift that must not be accepted
- (2) A councillor may accept a non-token gift provided it:
  - (a) has not been sought, requested or solicited; and
  - (b) is not a gift that must not be accepted; and

- (c) is offered with a legitimate business benefit, in the course of the councillor's official duties, relating to the councillor's responsibilities and is a benefit to the council; and
- (d) is approved in writing by the Mayor in the case of a councillor who is not the Mayor; or
- (e) is approved in writing by the Chief Executive Officer in the case of the Mayor.

#### **4. Declaring, reporting and approving gift offers**

- (1) A councillor must declare all gift offers whether accepted or not.
- (2) Bribes and inducements must be reported to the Independent Broad-based Anti-corruption Commission.
- (3) A councillor must seek approval to accept any non-token gift offer.
- (4) Where a councillor does not receive approval to accept a non-token gift offer the gift offer:
  - (a) if not received, may be declined; or
  - (b) if received, may be returned to the gift giver, transferred to a not-for-profit community group or destroyed.
- (5) Gift offer declarations must be placed on the gift register.

### **Procedures**

#### **5. Gift offer declaration form**

- (1) A gift offer declaration form is used to declare gift offers.
- (2) A gift offer declaration form must be completed and submitted within 14 days of receiving a gift offer unless the gift offer was received overseas, in which case it must be completed within 14 days of returning to Australia.
- (3) The gift offer declaration form should at a minimum contain the following information:
  - (a) date gift offer received
  - (b) name of councillor who received the gift offer
  - (c) description of the gift
  - (d) estimated value of the gift
  - (e) name of the person or organisation making the gift offer
  - (f) whether the gift is a token gift or non-token gift
  - (g) if a non-token gift, a description of the legitimate business benefit accruing from accepting the gift including the related councillor official duties, relevant councillor responsibilities and the specific benefit to council

- (h) approval or non-approval of acceptance of a non-token gift (decision, name of approver and date of decision)
- (i) disposition of the gift - gift accepted or not accepted

## 6. Gift register

- (1) A register of gift offer declarations must be maintained.
- (2) The register of gift offer declarations must be reviewed by the Audit & Risk Committee once each financial year.

## Monitoring and review

A periodic review of this policy will be undertaken to ensure any changes required to strengthen or update the policy are made in a timely manner.

## Definitions

Act	<i>Local Government Act 2020.</i>
Audit & Risk Committee	The audit and risk committee established by the Council under section 53 of the Act.
Bribe	Money, reward or service offered to procure action, decision, or preferential treatment in favour of the giver or another person
Chief Executive Officer	The person occupying the office of Chief Executive Officer of the Council, and includes a person acting in that office.
Conflict of interest	Any private or personal interest, which could prejudicially influence, or be perceived to influence, a person in the performance of his or her public or professional duties. Refer to the Act or a comprehensive definition
Council	The Wangaratta Rural City Council comprised of elected councillors and led by the Mayor.
Council organisation	The Rural City of Wangaratta organisation, led by the Chief Executive Officer.

Councillor	A councillor of the Council.
Gift	A gift is a free or discounted item or service that is offered to a councillor for themselves or others but does not include the value of any reasonable hospitality received by the councillor at an event or function that the councillor attended in an official capacity as a councillor
Gift offer	All offers of gifts and gifts given, token and non-token, accepted or declined. All gift offers must be declared by completion of a gift offer declaration form.
Mayor	The Mayor of the Council and any person appointed by the Council to be acting as Mayor.
Money	Is a gift of cash, cheques, money orders, travellers' cheques, direct deposits, store vouchers or items which can be easily converted to cash
Non-token gift	A gift that is not a token gift
Official business event	Is an event directly connected to a councillor's role hosted by external organisation where it is for a business purpose consistent with council's role, functions and objectives. Examples include observing council-grant funded program or project delivery, stakeholder engagement, collaboration opportunities, sector knowledge, professional knowledge, state and local government functions, accompanying a government representative, government events.
Official gift	Is a gift presented to the Council. Examples include gifts received from individuals, a Sister City, organisations or corporations that are bestowing a corporate gift (plaques, vases, trophies, artwork) or a souvenir of an official visit or event.

Official capacity	Representing council for an official purpose that is related to duties as a councillor and council's role
Reasonable hospitality	Sensible in the circumstances and not excessive; consistent with community expectations and able to withstand public scrutiny; examples include a meal at a conference; a working lunch; refreshments that constitute a basic courtesy
Token gift	Is a gift with a face or estimated value of less than \$50. Examples include promotional items, souvenirs or corporate gifts such as pens, mugs, single bottles of alcohol, meals of a modest nature, invitations to corporate or social functions, door prizes at conferences, trade shows.

## References

### Guidelines

- DELWP (2018) Model policies for agencies and boards - Gifts, benefits and hospitality

### Integrity agency reports

- IBAC (2019) Local government integrity frameworks review
- IBAC (2019) Managing corruption risks associated with conflicts of interest in the Victorian public sector

### Legislation

- *Local Government Act 2020*

## Review

The policy may be amended by the Council at any time.

It must be reviewed by the Council, and amended if necessary, at least once in each Council term.