

COUNCIL POLICY



TITLE:	GIFTS, BENEFITS AND HOSPITALITY - COUNCILLORS
ID NUMBER:	CPO-CEO-CS-007 DocSetID1134387
DEPARTMENT:	CEO
UNIT:	CEO
RESPONSIBLE OFFICER:	Chief Executive Officer

ADOPTED DATE AND BY WHOM:	26 August 2025 by Council
EXPIRY DATE:	Not Applicable
REVIEW DATE:	July 2029 <i>This policy will be reviewed every four years or as required by any legislative or council changes.</i>

AVAILABILITY:	Organisation wide	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	Public	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	Internet	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
ADVISE AVAILABILITY:	Media Release	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	Sou Wester (Responsible Officer to prepare article)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

1. References (if applicable)

- Section 137 and 138 *Local Government Act 2020 (Councillor Gift Policy)*
- Section 58 *Local Government Act 2020 – (Public Transparency Principles)*
- *Local Government (Governance & Integrity) Regulations 2020*
- Model Councillor Code of Conduct (Doc Set ID 3254643)
- Council Policy – Public Transparency Policy (Doc Set ID 2714387)
- Declaration of Gifts, Benefits & Hospitality Form – Councillors (DocSetID 1007480)
- Gift Register – Gifts, Benefits and Hospitality – Councillors (DocSetID 2579671)
- Template letter advice return of gift, benefit and hospitality – (DocSetID 2579623)
- Public Interest Disclosure (Whistleblower) Procedures - (DocSetID: 2580165)

Disclosures about improper conduct or detrimental action by Councillors must be made to IBAC or to the Victorian Ombudsman.

2. Purpose

The purpose of this Policy is to outline the Glenelg Shire's position on elected Councillors responding to offers of gifts, benefits and hospitality.

This Policy supports Councillors to avoid conflicts of interest and maintain high levels of integrity, accountability and public trust.

Council has issued this policy to support behaviours that are consistent with the Model Councillor Code of Conduct.

3. Scope

This policy applies to Councillors when:

- offered a gift, benefit or hospitality;
- declaring the offer of a gift, benefit or hospitality; and
- deciding the treatment of the gift, benefit or hospitality.

For the purpose of this policy, a reference to a gift, benefit or hospitality does not include a donation or contribution to a Council election candidate fund that is subject to the provisions of the Section 309 of the *Local Government Act 2020* in relation to Council elections.

4. Council Policy

In accordance with Section 138(1) of the *Local Government Act 2020* a Council must adopt a Councillor Gift Policy.

Section 138(2) of the Act states a Councillor Gift Policy must include –

1. procedures for maintenance of a gift register; and
2. any other matters prescribed by the regulations.

Council is committed to being open and transparent in its operations to ensure that it minimises the risk of being placed in a compromising position that may have an adverse affect on its public reputation or image and the promotion of trust within the community.

Councillors must:

- at all times be ethical, fair and honest in the conduct of official duties;
- not fraudulently receive a gift, benefit or hospitality;
- ensure that the methods and processes they use to arrive at decisions are beyond reproach and can withstand audit processes and proper scrutiny;
- not seek, solicit, or use their position with Council to obtain gifts, benefits or hospitality from external organisations or individuals;
- ensure that a person, company or organisation is not placed in a position in which they feel obliged to offer gifts, benefits or hospitality to secure or retain council business;
- not accept a gift (of any amount) if doing so presents a conflict of interest (real, perceived or otherwise); and
- report attempts, or perceived attempts, of bribery to the CEO or Public Interest Disclosure Co-ordinator at pid@glenelg.vic.gov.au

The GIFT Test can be a useful resource when making a determination on whether to accept or decline a gift:

G	Giver	Who is providing the gift, benefit, or hospitality and what is their relationship to me? Does my role require me to select contractors, award grants, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make?
I	Influence	Are they seeking to gain an advantage or influence my decisions or actions? Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy or a token of appreciation or valuable non-token offer? Does its timing coincide with a decision I am about to make?
F	Favour	Are they seeking a favour in return for the gift, benefit, or hospitality? Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months? Would accepting it create an obligation to return a favour?
T	Trust	Would accepting the gift, benefit or hospitality diminish public trust? How would the public view acceptance of this gift, benefit, or hospitality? What would my colleagues, family, friends, or associates think?

4.1 Gift Value (\$20 and above)

The preferred corporate standard is that any offer of a gift, benefit or hospitality, irrespective of value, should be politely declined in the first instance.

In such circumstances, where it would appear not to be polite, or considered offensive, such as cultural sensitivities, then it is reasonable for representatives of Council to accept official gifts on behalf of Council. This includes ceremonial gifts.

All official gifts received of a nominal value above \$20 are to be declared and reported to the CEO in respect of the Mayor and Councillors.

The gift may be considered the property of Council, and where suitable, the gift will be displayed in an appropriate and secure location for public viewing.

The offer of monetary gifts, including gift cards (of any amount) must never be accepted.

4.2 Anonymous Gift Value Threshold

In accordance with section 137 of the Act 'Anonymous gift not to be accepted':

- (1) Subject to subsection (2), 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 (\$500) 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.
- (3) In addition to the penalty specified in subsection (1), a Councillor who is found guilty of a breach of that subsection must pay to the Council the amount or value of the gift accepted in contravention of that subsection.

The offer of monetary gifts, including gift cards (of any amount) must never be accepted.

4.3 Biannual Personal Interest Return – recording of gifts that equal or exceed the threshold

In accordance with Section 134 of the *Local Government Act 2020* and Section 9(k) of the *Local Government Governance and Integrity Regulations 2020*, Councillors must lodge a biannual Personal Interest Return. Councillors are required to provide details of any gift they have received in the period since they last lodged an interest return, where the value equals or exceeds \$500 or the gifts in form of goods or services and multiple gifts equal or exceed that amount.

Councillors are not required to include gifts from family members or any gifts they may have declared in an election campaign donation return under section 306 of the *Local Government Act 2020*.

Councillors are not required to include reasonable hospitality they have received at an event or function attended in an official capacity as either a Councillor or member of a delegated committee.

4.4 Councillor Gift, Benefit and Hospitality Register

All offers of gifts, benefits and hospitality, which have been:

- accepted;
- returned; or
- declined

regardless of value, must be recorded in the Councillor Gift, Benefit and Hospitality Register.

Where a gift has been accepted, returned or declined by a Councillor, the Councillor must complete a Declaration of Gifts, Benefits and Hospitality Form – Councillors (Appendix 1), within 10 days of receiving, returning or declining the gift. Completed forms (along with gift, if accepted) are to be provided to the CEO.

The EA to the CEO is also responsible for completing the Councillor Gift, Benefit and Hospitality Register. The Councillor Gift Register is available for public inspection on Council's website (updated quarterly).

4.5 Treatment of gifts, benefits and hospitality

Gift Accepted

When a gift is accepted due to cultural or ceremonial reasons, the gift will be retained by Council, unless otherwise determined by the CEO and recorded in the Gift Register.

Gift Returned

When a gift is accepted due to cultural or ceremonial reasons, or received not in person, the gift may be returned, to be determined by the CEO and recorded in the Gift Register.

Gift Declined

The preferred corporate standard, is that any offer of a gift, benefit or hospitality, irrespective of value, should be politely declined in the first instance, and recorded in the Gift Register.

5. Records Management

All Council records created and managed as a result of implementing this policy and procedure will be managed in accordance with the Council's records management policy.

The records management policy assigns responsibilities for records management to employees, supervisors, volunteers and other specific positions.

No Council records are to be destroyed without consideration of the requirements of the Act(s) that govern the functions relevant to this policy. Prior to destruction, advice must be sought from the records management unit, with consideration to the requirements of the appropriate Retention and Disposal Authority (RDA).

6. Victorian State Legislation Copyright Acknowledgement

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7. Document History

Version	Issue Date
1	22 November 2011
2	28 April 2015
3	23 February 2021
4	TBC



DECLARATION OF GIFTS, BENEFITS AND HOSPITALITY FORM - COUNCILLORS

Councillors should carefully consider whether they accept any gift, benefit or hospitality.

Councillors must declare any gift, benefit or hospitality with a nominal value of \$20 and above. This declaration must be completed within 10 days of receipt of gift. All declarations must be submitted to councillor.support@glenelg.vic.gov.au for processing.

RECIPIENT DETAILS

COUNCILLOR NAME:

Unless otherwise determined, all gifts remain the property of Council. The Mayor in the case of Councillors, and the Chief Executive Officer in the case of the Mayor may exercise their discretion to make a determination on the retention, use or allocation of any items or services received by the recipient.

Details – Recipient to complete (Additional pages and documentation can be attached)

Name of Donor		
Donor address and contact information		
Description of gift, benefit or hospitality		
Estimated value	Date Received:	

Has the gift been acknowledged in writing to the donor Yes No

I certify that to the best of my knowledge and belief, this declaration contains all the information available at the time the declaration is given and it is correct.

Recipient signature: Date:

Gift Allocation – Recipient to complete

<input type="checkbox"/> Gift to be retained and pooled for Council use	<input type="checkbox"/> Gift to be returned to donor
<input type="checkbox"/> Gift to be retained by individual	<input type="checkbox"/> Other (explain below)

Instructions/Comments (if applicable) – CEO or Mayor to complete

CEO (in case of Mayor) instructions/comment	
CEO Signature:	Date:
Mayor (in case of Crs) instructions/comment	
Mayor's signature:	Date:

Declaration forms are to be submitted via email to councillor.support@glenelg.vic.gov.au for processing. Completed forms are to be saved in SharePoint by the Executive Assistant to the CEO. The Executive Assistant to the CEO is also responsible for completing the gift register located in ECM DocSetID: 2579671.

Definitions

Act	<i>Local Government Act 2020</i>
<i>benefit</i>	Is something which is believed to be of value to the receiver, including access to a sporting, cultural or social event, preferential treatment (queue jumping), and access to discounts and loyalty programs. While their value may sometimes be difficult to quantify in dollars, they may be highly valued by the intended recipient and therefore used to influence their behaviour.
<i>gift disclosure threshold</i>	In the case of a Council, other than the City of Melbourne City Council, \$500 or a higher amount or value prescribed by the regulations.
<i>Councillor Gift Register</i>	A register of all declarable gifts, benefits and hospitality, including those accepted, returned or declined and is available on Council's website
<i>hospitality</i>	Is the friendly reception and treatment of guests. It is hospitable to offer light refreshments in the course of a business meeting or as part of a conference program. Hospitality can range from offers of light refreshment at a business meeting to restaurant meals and sponsored travel and accommodation.
<i>monetary gifts</i>	Are cash, gift cards, cheque, direct deposits or other financial facility that will financially benefit the receiver.
<i>official/Ceremonial gifts</i>	Are gifts presented to the Council and include gifts received from an International Visitor Exchange Council, organisations or corporations that are bestowing a corporate or ceremonial gift (plaques, plates, vases, trophies and artwork) or souvenir.
<i>value</i>	Is the face value or estimated retail value.