



GREATER BENDIGO CITY COUNCIL

COUNCILLOR GIFT POLICY

DOCUMENT INFORMATION

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1. PURPOSE

1.1 The purpose of the Councillor Gift Policy is to:

1.1.1 provide a transparent and consistent framework regarding offers of Gifts made to and by Councillors; and

1.1.2 minimise Gift offers made to and accepted by Councillors, in order to protect and promote public confidence in the integrity of the Council.

2. BACKGROUND

2.1 Council considers that the proper management of Councillor Gifts is a practical demonstration of Councillors' integrity, impartiality and accountability and contributes to community confidence in the Council's decision making.

2.2 This policy is an important step in the proper management of Councillor Gifts and satisfies Council's obligation under the Act to adopt a Councillor gift policy.

3. SCOPE

3.1 This policy applies to Councillors.

4. DEFINITIONS

4.1 In this policy:

Act means the *Local Government Act 2020* (Vic).

Ceremonial Gift means an official Gift provided to the Council or a Councillor as part of the culture and practices of communities and government or as a token of gratitude.

Council means the Greater Bendigo City Council, being a body corporate constituted as a municipal Council under the Act.

Councillor means a person who holds the office of member of the Council.

Gift means:

- free or discounted items or services and any item or service that may be perceived by the public as a gift. Including without limitation high and low value items, consumables and services;
- benefits including preferential treatment, privileged access, upgrades, favours or other advantage offered to a Councillor. Including, without limitation, invitations to sporting, cultural or social events, access to discount or loyalty programs or the promise of a new job; and
- any kind of hospitality.

Councillor Gift Register is the record of Non-Token Gifts whether accepted or declined.

IBAC means the Independent Broad-based Anti-Corruption Commission.

Non-Token Gift means a Gift offered to a Councillor that is, or may be perceived to be, of more than inconsequential value by the recipient or by the wider community. All offers estimated to be worth more than \$20 (either individually or aggregated over the preceding 12-month period) are Non-Token offers and must be refused and recorded on the Councillor Gift Register (whether accepted or declined).

Token Gift means a Gift offered to a Councillor that is of inconsequential or trivial value. The primary determinant of a Token Gift is that it would not be reasonably perceived to influence or raise a conflict of interest. A Gift with an estimated value of equal to or less than \$20 is a Token Gift (unless the same offeror has made several Token Gift offers in the preceding 12-month period, which when aggregated exceed \$20).

5. PRINCIPLES

5.1 Councillors will uphold the following principles in applying this policy:

- 5.1.1 Impartiality - Councillors have a duty to place the public interest above their private interests when carrying out their duties as a Councillor.
- 5.1.2 Integrity - Councillors strive to earn and sustain public trust through providing or responding to offers of Gifts in a manner that is consistent with community expectations.
- 5.1.3 Accountability - Councillors ensure they and their fellow Councillors are accountable in accordance with this policy.
- 5.1.4 Risk-based approach - Councillors must ensure they consider the reputational and legal risks inherent with Gifts when dealing with offers.

6. POLICY

Gift assessment

- 6.1 Councillors must not seek, solicit, demand or request Gifts for themselves or anyone else, in any form.
- 6.2 When deciding whether to accept an offer of a Gift, Councillors should first consider if the offer could be perceived as influencing them in performing their duties or lead to reputational damage. The more valuable the offer, the more likely that a conflict of interest or reputational risk exists.
- 6.3 Councillors must consider the GIFT test outlined in Figure 1. below when offered a Gift.

Figure 1. GIFT test

G	Giver	Who is providing the gift, benefit or hospitality and what is their relationship to me? Does my role mean that the person or organisation may 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 a valuable non-token offer? Does its timing coincide with a decision I am about to make or function I am about to discharge?
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 or imply 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 fellow Councillors, council staff, family, friends or associates think?

- 6.4 Councillors are encouraged to seek advice from the Council's Governance Unit if they have doubts about accepting a Gift, Benefit or Hospitality, regardless of the value.

6.5 Councillors must refuse all offers of Gifts which are:

- 6.5.1 likely to influence them in the course of their duties;
- 6.5.2 likely to raise a material or general conflict of interest for the Councillor either immediately or in the future;
- 6.5.3 of money, vouchers, credit or similar;
- 6.5.4 made in secret with an express or implied expectation that the Councillor will not publicly disclose the Gift.

Token Gift offers

6.6 Councillors may accept Token Gift offers without declaring the offer on the Councillor Gift Register, unless the offer must be refused in accordance with clause 6.5.

Non-Token Gift offers

- 6.7 Councillors must not accept any Non-Token Gift offers.
- 6.8 All Non-Token Gift offers must be recorded in the Councillor Gift Register.
- 6.9 It is a Councillor responsibility to notify and provide adequate information to the Governance Unit to enable registration of a Non-Token Gift offer on the Councillor Gift Register.
- 6.10 Councillors may be offered a Non-Token Gift where there is no opportunity to decline prior to accepting. For example, they may receive a parcel in the post which contains a Gift. At first instance the Councillor should return the Gift to the sender. If that is not possible, the Councillor must notify and deliver the Gift to the Manager Governance for disposal.

Attendance at events and functions

- 6.11 This policy does not apply to invitations to and reasonable hospitality provided at events and functions that a Councillor is required to attend in an official capacity, including where:
 - 6.11.1 the Councillor is invited to open or speak at the event or function or is otherwise involved in the proceedings;
 - 6.11.2 the Councillor is a Council appointed representative of a committee or group involved in or relevant to the event or function; or
 - 6.11.3 a majority of Councillors or the Mayor consider that it is appropriate and aligned with community expectations for the Councillor to attend the event or function.
- 6.12 Invitations to attend events and functions in an official capacity are not considered Gifts under this policy and are not required to be declared on the Councillor Gifts Register.
- 6.13 If a Councillor is invited to attend a function or event and is not required to do so in an official capacity, determined in accordance with clause 6.11, the invitation to attend must be treated as a Token Gift offer or Non-Token Gift offer in accordance with this policy, save that the Councillor is not required to declare Non-Token Gift offers of this kind on the Council Gift Register.

- 6.14 Councillors should seek advice from Governance staff if they are unsure if their attendance at an event is or would be in an official capacity. However, it is ultimately for the Councillor to determine.

Councillor Gift Register

- 6.15 Access to amend the Councillor Gift Register is restricted to relevant persons within the Council.
- 6.16 The Council's Audit and Risk Committee will receive a report at least annually on the administration and quality control of this policy, processes and Councillor Gift Register.
- 6.17 The Councillor Gift Register is maintained by the Council's Governance Unit.
- 6.18 The Councillor Gift Register is made available to the public, including by publication of the Council's website.
- 6.19 The Councillor Gift Register will include any information the Governance Unit consider from time to time is legal and relevant to disclose including the recipient's name, the date the Gift was offered, a description of the Gift, the reason for the Gift being offered, the estimated value of the Gift and the name of the organisation offering the Gift.

Ceremonial Gifts

- 6.20 Ceremonial Gifts are the property of the Council, irrespective of value, and should be accepted by Councillors on behalf of the Council.
- 6.21 Councillors accepting a Ceremonial Gift on behalf of the Council must:
- 6.21.1 arrange registration of the Gift on the Councillor Gift Register; and
 - 6.21.2 discuss with the Governance Unit and other Councillors an appropriate means of displaying, disposing of or storing the Gift.
- 6.22 Note: In the event a consensus is not reached in discussions, the Manager Governance will determine whether and how to display, dispose of or store the Gift.

Providing Gifts

6.23 Councillors must consider the HOST test outlined in Figure 2. below when providing Gifts.

Figure 2. HOST test

H	Hospitality	To whom is the gift or hospitality being provided? Will recipients be external business associates, or individuals of the host organisation?
O	Objectives	For what purpose will hospitality be provided? Is the hospitality being provided to further the conduct of official business? Will it promote and support government policy objectives and priorities? Will it contribute to staff wellbeing and workplace satisfaction?
S	Spend	Will public funds be spent? What type of hospitality will be provided? Will it be modest or expensive, and will alcohol be provided as a courtesy or an indulgence? Will the costs incurred be proportionate to the benefits obtained?
T	Trust	Will public trust be enhanced or diminished? Could you publicly explain the rationale for providing the gift or hospitality? Will the event be conducted in a manner which upholds the reputation of the Council? Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures?

Considerations when providing Gifts

6.24 Councillors providing Gifts must ensure that:

- 6.24.1 any Gift, Benefit or Hospitality is provided for a business purpose in that it furthers the conduct of official business or other legitimate Council goals, or promotes and supports the Council's policy objectives and priorities;
- 6.24.2 it does not raise an actual, potential or perceived conflict of interest;
- 6.24.3 any costs are proportionate to the benefits obtained for the Council, and would be considered reasonable in terms of community expectations;
- 6.24.4 costs are contained wherever possible and expenditure complies with principles of financial probity and efficient use of resources.

Personal celebrations

6.25 Gifts provided to Councillors for personal celebrations will not be funded by the Council. This includes anniversaries, birthdays or improving/brightening the spirits of a Councillor. Nothing in this policy will prohibit Councillors or Council staff from personally paying for a Gift for such occasions.

Mayoral and Councillor Gifts

- 6.26 At the end of each Mayoral term the City provides gifts chosen by the City, not to exceed the following nominal amounts:
- 6.26.1 \$150 - to the Mayor
 - 6.26.2 \$50 – to the Deputy Mayor
- 6.27 These gifts are a memento in recognition of the importance of these roles for the City of Greater Bendigo.
- 6.28 At the end of the Councillor term the City provides a gift to all Councillors which will not exceed the following nominal amount:
- 6.28.1 \$100 per councillor.
- 6.29 These gifts:
- 6.29.1 Must be registered by the City on the Gift Register
 - 6.29.2 Are otherwise exempt from this Policy (as in the individual may accept the gift)
- 6.30 The choice of gift remains the sole discretion of the City.
- 6.31 Gifts that are donations on behalf of the gift recipient (or in the name of the Council) must only be to a registered charity.
- 6.32 No other gifts, for example to the Mayor's spouse, will be provided.

7. REVIEW

- 7.1 Further information or advice on this policy should be directed to the Governance Unit at corporate.governance@Bendigo.vic.gov.au.
- 7.2 This Policy will be reviewed within 12 months of each municipal election.

8. ROLES AND RESPONSIBILITIES

- 8.1 Councillors are responsible for ensuring:
- 8.1.1 they do not seek, solicit or demand Gifts, Benefits or Hospitality for themselves or anyone else, in any form;
 - 8.1.2 all offers of Non-Token Gifts are declared; and
 - 8.1.3 they adhere to this policy.
- 8.2 The Manager Governance is responsible for facilitating the implementation and review of this policy, managing the disposal of Gifts under this policy, maintaining the Councillor Gifts Register and reporting to the CEO and Audit and Risk Committee on the receipt of Gifts, Benefits and Hospitality by Councillors.

9. RELATED DOCUMENTS

- 9.1 The following documents are related to this Policy:
- 9.1.1 [Local Government Act 2020 \(Victoria\)](#)
 - 9.1.2 [Councillor Code of Conduct](#)

10. HUMAN RIGHTS COMPATABILITY

- 10.1 The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

11. ADMINISTRATIVE UPDATES

- 11.1 It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. However, any change or update which materially alters this document must be made through consultation with the staff Consultative Committee and with the approval of EMT or where required, resolution of Council.

12. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version
Oct 2015	Manager Governance	Governance	Developed	1.0
Apr 2021	Manager Governance	Governance	Revision	2.0
Feb 2022	Manager Governance	Governance	Revision	2.1