



CITY OF  
MONASH

## **COUNCILLOR GIFT POLICY**

[30 MARCH 2021]

## 1. PURPOSE

This policy provides guidance to Councillors relating to the acceptance or otherwise of a gift offered to them.

*The Local Government Act 2020* (the Act) requires a council to adopt a Councillor Gift Policy.

Further, the Act requires all anonymous gifts that meet or exceed the 'gift disclosure threshold' to be refused.

## 2. OBJECTIVE

The objectives of this Policy are to:

- a) State Council's position in respect to the acceptance of gifts by Councillors.
- b) Establish procedures for the maintenance of a gift register.
- c) Set procedures for the disclosure of gifts offered, that meet the 'gift disclosure threshold' and the definition of 'disclosable gift'.

## 3. DEFINITIONS

**'Gift'** means any disposition of property otherwise than by will made by a person to another person without consideration in money or money's worth or with inadequate consideration, including—

- (a) the provision of a service (other than volunteer labour);  
and
- (b) the payment of an amount in respect of a guarantee;  
and
- (c) the making of a payment or contribution at a fundraising function;  
and
- (d) hospitality received by the relevant person at an event or function that the relevant person attended as a private individual, ie outside their role as a Councillor;  
and
- (e) professional development includes formal activities conducted by 'for profit' organisations and may include events such as briefings and training conducted by professional peak or industry bodies or organisations, where costs are met by that body or organisation.

**'Disclosable gift'** means one or more gifts with a total value of, or more than, \$500 received from a person during the preceding 4 years—

- (a) if the relevant person held the office of Councillor, at the

time the gift was received; or

- (b) if the gift was, or gifts were, or will be, required to be disclosed as an election campaign donation—

but does not include the value of any reasonable hospitality received by the relevant person at an event or function that the relevant person attended in an official capacity as a Councillor.

**‘Ceremonial gifts’** means gifts which are official gifts provided as part of the culture and practices of communities and government, within Australia or internationally. Ceremonial gifts are usually provided when conducting business with official delegates or representatives from another organisation, community or foreign government. Ceremonial gifts are the property of the Council, irrespective of value, and should be accepted by individuals on behalf of the Council. The receipt of ceremonial gifts should be recorded on the register.

**‘Gift disclosure threshold’** means, in the case of a Council, \$500 or a higher amount or value prescribed by the Regulations (Local Government Governance and Integrity) Regulations 2020.

**‘Hospitality’** includes free or discounted goods and services such as meals, entertainment, travel and accommodation. It does not include reasonable hospitality received at an event or function attended in an official capacity by a person as either a Councillor, CEO, member of Council staff or member of a Council delegated committee.

**‘Official capacity’** – a Councillor is acting in an official capacity if they are exercising their powers or performing their responsibilities under relevant legislation and their attendance at the event or function is related to providing good local governance for the municipality.

#### 4. POLICY

##### **Anonymous gift are not to be accepted.**

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 unless—

1. the name and address of the person making the gift are known to the Councillor; or
2. at the time when the gift is made—
  - a) the Councillor is given (or is otherwise aware of) the name and address of the person making the gift; and
  - b) the Councillor reasonably believes that the name and address are the true name and address of the person making the gift.

Disclosure of anonymous gifts will be made as part of the biannual personal interest returns submitted by Councillors.

### **Acceptance of Gifts**

The following procedures will apply where a Councillor accepts a gift (including receiving disclosable hospitality).

Where a gift or gifts are accepted that meet the 'Gift Disclosure Threshold' as defined in this policy under section 3, they must be declared by the recipient in the relevant personal interests return required to be submitted by the recipient under section 135 of the Act.

Details of all gift disclosures by Councillors will be published on Council's website in line with Council's practice of publishing the biannual personal interests returns submitted by Councillors.

### **Refusal of a gift above the disclosable gift threshold**

If a Councillor is offered and refuses a gift that is above the disclosable gift threshold, the Councillor will disclose in writing to the Chief Operating Officer the offer and refusal within 30 days of the offer and refusal including details of:

- the person who made the offer, and
- the offer and the monetary value (or estimate) of the offer.

The Chief Operating Officer will ensure that details of the offer and refusal are recorded and published on Council's website, within 10 days of the disclosure.

### **Public Transparency Principles**

Council will give effect to and implement the Public Transparency Principles by making all disclosures of gifts publicly available and accessible on Council's website via a public register, as part of the biannual personal interests returns submitted by Councillors process.

Councillor Gift Policy

**REFERENCE DOCUMENTS**

Monash Councillor Code of Conduct -23 February 2021

*Local Government Act 2020*