

Councillor Gift, Hospitality and Political Donations Policy

Contents

1	Document Information.....	1
2	Definitions.....	2
3	Overview.....	3
4	Governance Principles and Council Plan Alignment.....	3
5	Gifts and Benefits	4
6	Hospitality	5
7	Procedure for Offers of Gifts, Benefits or Hospitality	5
8	Exemptions.....	7
9	Legislative Requirements.....	7
10	Compliance.....	8
11	Internal and External Assessment.....	8
12	Related Documents and Resources.....	8
	Appendix A: Human Rights Assessment	10
	Appendix B: Procedure for Offers of Gifts and Hospitality.....	11

1 Document Information

The electronic version of this document is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

RESPONSIBLE GENERAL MANAGER	General Manager Customer and Corporate Support
RESPONSIBLE MANAGER (Policy Owner)	Manager Governance, Risk & Integrity
APPROVED/ADOPTED BY	Council
APPROVAL DATE	26 May 2025
REVIEW DATE	May 2029
CM REF AND VERSION	21/299475 [V2]
VERSION HISTORY	Version 2
REPLACES	Version 1 – Adopted by Council on 28 February 2022

2 Definitions

<i>The Act</i>	the <i>Local Government Act 2020</i>
<i>Benefit</i>	something of value to the receiver, such as invitations to sporting, cultural or social events, access to discounts and loyalty programs, honorary memberships, accommodation or leisure holidays, access to confidential information, or other advantage offered to an individual, their friend, associate or relative.
<i>CEO</i>	the Chief Executive Officer of the City of Kingston or a person acting in this role.
<i>Council</i>	the City of Kingston
<i>Disclosable gift</i>	<p>one or more gifts with a total value of, or more than, \$500 or if an amount is prescribed for the purposes of this subsection, the prescribed amount, received from a person in the five years preceding the decision on the matter—</p> <p>(a) if the relevant person held the office of Councillor, was a member of Council staff or was a member of a delegated committee at the time the gift was received; or</p> <p>(b) if the gift was, or gifts were, or will be, required to be disclosed as an election campaign donation—</p> <p>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, member of Council staff or member of a delegated committee.</p>
<i>Gift</i> (section 3 of the Act)	<p>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:</p> <p>(a) the provision of a service (other than volunteer labour); and</p> <p>(b) the payment of an amount in respect of a guarantee; and</p> <p>(c) the making of a payment or contribution at a fundraising function.</p> <p>This includes any donations offered for any purpose, including political donations.</p>
<i>Gift disclosure threshold</i>	<p>means –</p> <p>(a) in the case of a Council, other than the Melbourne City Council, \$500 or a higher amount or value prescribed by the regulations;</p> <p>(b) in the case of the Melbourne City Council, \$500 or a higher amount or value prescribed by regulations made under the <i>City of Melbourne Act 2001</i></p>
<i>Hospitality</i>	the reception and entertainment of guests that may range from light refreshments at a business meeting to restaurant meals and sponsored events, travel and accommodation.
<i>Impartiality</i>	the duty to place the public interest above private interests when carrying out official functions, which includes not accepting gifts, benefits or hospitality that could raise a perception of actual or perceivable bias or preferential treatment.
<i>Material conflict of interest</i>	<p>a relevant person has a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter. A benefit may arise or a loss may be incurred—</p> <p>(a) directly or indirectly; or</p> <p>(b) in a pecuniary or non-pecuniary form.</p>
<i>Official gift</i>	a gift presented to Council, or to a Councillor as a representative of Council, from an organisation or corporation bestowing a ceremonial or corporate gift (e.g., plaques, plates, trophies, artwork, etc.)
<i>Policy</i>	the Councillor Gift, Hospitality and Political Donations Policy
<i>Value</i>	the face value or estimated retail value

3 Overview

3.1 Purpose

Section 138 of the Act stipulates that Council must adopt a Councillor Gift Policy. The policy must include procedures for the maintenance of a gift register and any matters prescribed in the *Local Government (Governance and Integrity) Regulations 2020* (the Regulations).

The giving and receiving of gifts, benefits and hospitality from a person or organisation may result in a potential conflict of interest or breach of the Act. This policy establishes a framework for the acceptance and declaration of gifts, hospitality and political donations by Councillors.

3.2 Scope

This policy applies to all Councillors of the City of Kingston where gifts are offered to, or received by, Councillors from sources external to Council, including donations offered or received for any purpose. The policy operates in conjunction with the Model Councillor Code of Conduct and relevant provisions of the Act and the Regulations.

3.3 Policy statement

Councillors have a responsibility to act with integrity in their interactions with the community and business. Acceptance of gifts, benefits or hospitality may influence or appear to influence the actions of Councillors and could bring them and the Council into disrepute.

To prevent allegations of potential or actual bias, or to potentially expose themselves to conflicts of interest, Councillors must be aware of their responsibilities in relation to gifts and hospitality and consider not only their legal obligations but also the ethical impact of accepting gifts on their and Council's reputation.

The objectives of this policy are to:

- Ensure that Council decision making is impartial and promote public confidence that Council activities are not influenced, or could be perceived by an impartial, fair-minded person to be influenced, by the receipt of gifts, benefits or hospitality
- Provide clear direction regarding the types of gifts, benefits or hospitality that may be accepted
- Ensure that offers of gifts, benefits and hospitality, whether accepted or declined, are disclosed and managed in a transparent manner
- Strengthen Council's ongoing commitment to accountability, transparency and legislative compliance.

4 Governance Principles and Council Plan Alignment

4.1 Governance Principles

Principle (i) - the transparency of Council decisions, actions and information is to be ensured.

4.2 Council Plan alignment

Strategic Direction: Well-governed - Council will be collaborative, accountable, transparent, responsive, well-informed, and efficient.

Strategy: Hold ourselves to the highest standard of governance and integrity.

5 Gifts and Benefits

Where practicable, any offer of a gift, irrespective of value, should be declined in the first instance. However, the acceptance of gifts may be appropriate in certain circumstances.

5.1 Token and non-token gifts

Token gifts

Councillors may generally accept token gift offers. A token gift, benefit or hospitality is offered as a courtesy or is of inconsequential or trivial value (up to \$50) to both the person making the offer and the receiver.

Such a gift would not be reasonably perceived by an impartial, fair-minded person to influence the Councillor's actions or create a conflict of interest. Examples of token gifts include chocolates or other confectionery, flowers, a modest bottle of wine, inexpensive pens/stationery, or a cup of coffee.

Where a Councillor receives multiple token gifts from the same person or organisation over a period of 12 months and the cumulative value of the offers exceed \$50, or if an impartial, fair-minded person would consider that the gifts may influence a Councillor, the gifts become non-token and must be managed accordingly.

Non-token gifts

A non-token gift is a gift, benefit or hospitality offered with a value of more than \$50.

Non-token gifts should be declined unless certain circumstances apply as outlined in this policy. If a non-token gift is to be accepted, it must be managed in accordance with this policy.

A gift can be any item of value — money, voucher, entertainment, travel, commodity, services, property — that a person or organisation provides. All non-token gifts, benefits and hospitality offered must be declared via the gift declaration form on cNet within 7 days for recording in the Councillor Gift and Hospitality Register maintained by the Governance, Risk and Integrity department and published on the Council website on a quarterly basis.

5.2 Types of gifts and benefits

Councillors may be exposed to a range of circumstances where different types of gifts may be transacted.

Anonymous gifts

Anonymous gifts of value equal to or exceeding the gift disclosure threshold of \$500 may not be accepted under section 137 of the Act. See section 9 of this policy for further information.

Appreciation gifts

Appreciation gifts are those presented to express thanks or goodwill on behalf of the giver, where there is no expectation of repayment. Councillors should decline any appreciation gift exceeding \$50 in value.

If a Councillor is offered a gift in an open or public setting where refusing it may cause offence or embarrassment, accepting it does not pose any potential, perceived or actual conflict of interest, and acceptance provides clear value to the work of Council, the gift may be accepted, with the benefit to Council outlined in the gift declaration form.

Monetary gifts or items easily converted to cash

Offers of cash, gift cards, lottery tickets, cheques, direct deposits, items that are easily converted to cash, or that would financially benefit the receiver must not be accepted, regardless of value and must be declared.

Loyalty program points and rewards

Councillors must not collect points or rewards for personal use via loyalty programs from any Council-related transactions (e.g., Flybuys or frequent flyer programs).

Political Donations

Any gifts in the form of political donations (whether accepted or declined) irrespective of the value must be declared in the Gifts, Hospitality and Political Donations Register. For clarity, this includes anonymous gifts and the declaration of political donations under the value of \$50.

6 Hospitality

6.1 Types of hospitality

From time to time, Councillors may receive invitations of hospitality to attend various functions and events. Invitations may include and be classified as follows:

Modest/networking opportunity

Where hospitality is only modest in nature (incidental refreshments at meetings, working lunches, community events or similar) and provides an opportunity to network or undertake Council business, it may be appropriate to accept such invitations.

Notwithstanding the nature of this type of hospitality, it is the responsibility of the Councillor to be mindful of the cumulative value of any such offers and to avoid any potential conflict of interest, whether perceived or actual.

Social, corporate, cultural or sporting events (externally sponsored events/tickets)

Any offer of hospitality that is likely to compromise the impartiality of a Councillor or be perceived as a conflict of interest, or with a value of over \$50, should be politely declined.

Councillors are encouraged to avoid potential perceptions of conflicts of interest that may arise due to Councillor patronage and/or regular attendance at events or close associations with individual persons or organisations.

6.2 Reasonable hospitality

Hospitality is considered reasonable and may be accepted where it is determined that:

- There is clear value to the work of Council (e.g., building relationships with community groups)
- It clearly relates to the responsibility of a Councillor to attend the relevant function or event (e.g., where the invitation to attend the event has been processed through formal Council mechanisms, such as consideration of invitations at Councillor briefings)
- It does not advantage the host in dealings with Council

Any hospitality which is likely to create the impression that an attempt is being made to compromise the impartiality of the Councillor, or where an impartial, fair-minded person would determine a conflict of interest would arise, should be declined.

Councillors wishing to attend events where the acceptance of hospitality is not appropriate may still do so provided that they cover the cost of their attendance. Offers of hospitality extended to partners, family members or associates of Councillors are to be assessed and declared as offers of hospitality to the Councillor.

7 Procedure for Offers of Gifts, Benefits or Hospitality

7.1 The GIFT Test

Councillors offered gifts, benefits or hospitality must take into consideration the following:

- Whether an impartial, fair-minded person would consider the gift is intended to, or likely to, influence them in the fair, impartial and efficient discharge of their duties as a Councillor.
- Whether an impartial, fair-minded person would determine a conflict of interest with past, present or future duties may arise, or that the object of the gift or hospitality is to maintain or return a favour.

The GIFT test outlines what to consider when deciding whether to accept or decline an offer:

G	Giver	Who is offering the gift, benefit or hospitality and what is their relationship to me? Does my role require me to award contracts or grants, approve planning matters or determine Council 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 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/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?

A flowchart at Appendix B details the procedure to follow upon receiving an offer of a gift or hospitality.

7.1 Gift offers

All gifts over the value of \$50 (whether accepted or declined) must be declared. Details will be included on the Councillor Gifts, Hospitality & Political Donations Register published on the Council website.

It is the responsibility of a Councillor to declare a gift (which includes anonymous gifts) via the gift declaration form on cNet. The declaration must include the following information:

- Description of the gift;
- Name of the person or organisation offering the gift;
- Date the gift was offered;
- Approximate value of the gift;
- Whether the gift was accepted or declined; and
- The reason for acceptance (benefit to Council), should the gift have been accepted.

The Councillor Gifts, Hospitality & Political Donations Register will be made available on Council's website in accordance with the Public Transparency Policy.

7.2 Offers of hospitality

All invitations are to be forwarded to the Executive Assistant to the Mayor and Councillors (EAMC) who will table these in a report to be discussed at the next Councillor briefing where it will be determined whether invitations are to be accepted and, if so, which Councillor/s will attend.

The EAMC will subsequently declare any offers of hospitality (whether accepted or declined) on behalf of Councillors for events where:

- Attendance is complimentary (at no cost to Councillor/s or Council);
- There are no official duties for the Councillor/s to perform on behalf of Council; and
- The estimated value of the invitation, or total invitations from the same person or organisation over the previous 12 months, is over \$50.

Offers not meeting all of the above criteria do not need to be declared.

8 Exemptions

8.1 Items received in the course of attendance at paid events

Door prizes, gifts or gift bags received in the ordinary course of attending conferences, events or information sessions where Council or the Councillor has paid for attendance, are exempt from this policy.

Such gifts can be accepted as they are covered by the attendance fee and offered equally to all attendees. This includes food and beverages provided, and minor value corporate branded merchandise (such as pens, notepads, water bottles, etc.).

8.2 Attendance at Council-related events

The attendance and participation of Councillors at Council-funded or sponsored events is often an expectation of the Councillor role and is not classed as hospitality.

8.3 Events where payment or reimbursement is made

Events where Council covers the cost of attendance, either directly or by Councillor reimbursement, are handled in accordance with the Councillor Support and Reimbursement of Expenses Policy.

8.4 Election campaign donations

Donations received to be used for, or in connection with, a Council election campaign are to be declared separately in accordance with section 306 of the Act.

8.5 Official gifts

From time to time, a Councillor may receive official gifts from individuals, dignitaries or organisations as offers of goodwill to the Council organisation. Official gifts are deemed to be the property of Council, and are recorded and administered as the CEO deems appropriate.

9 Legislative Requirements

Councillors must comply with the following legislative responsibilities regarding gifts and hospitality:

Section 128(4) of the Act: Material conflict of interest

Section 128(4) of the Act states in part that – a disclosable gift means one or more gifts with a total value of, or more than, \$500 or if an amount is prescribed for the purposes of this subsection, the prescribed amount, received from a person in the five years preceding the decision on the matter –

- (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.

Section 137 of the Act: Anonymous gifts 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 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.

Regulation 9K: Lodging of a biannual personal interests return

Councillors are to provide details of any gift received in the period since their last personal interests return where the value equals or exceeds \$500, or where multiple gifts from any one person or organisation equal or exceed that amount.

This does not include gifts from family members, or any gifts declared in an election campaign donation return under section 306 of the Act. The details to be disclosed must include:

- the description of the gift; and
- the monetary value of the gift; and
- the name of the person who gave the gift; and
- if the gift was given on behalf of another person or body, the name of that person or body.

10 Compliance

Breaches of this policy may result in action under the Model Council Councillor Code of Conduct. Breaches considered to be of a serious nature will be referred to the Independent Broad-based Anti-Corruption Commission (IBAC) and may result in criminal prosecution.

11 Internal and External Assessment

11.1 Risk Assessment

This policy has been reviewed by the Risk Management Coordinator and is considered to have a medium risk impact on Council. The policy has been included in the Operational Risk Registers for ongoing monitoring to ensure that the risk is managed effectively and mitigated where possible.

11.2 Delegation and Authorisation (Compliance) Framework

Legislative authority	Section 46 (1) of the <i>Local Government Act 2020</i>
Power, duty or function	Function of supporting the Mayor and the Councillors in the performance of their roles
Instrument of delegation	S13 Instrument of Delegation of CEO powers, duties and functions
Positions to which power, duty or function is delegated	General Manager Customer and Corporate Support Manager Governance, Risk and Integrity Team Leader Council Governance

11.3 Privacy Impact Assessment

A Privacy Impact Assessment is not required for this policy.

11.4 Human Rights Charter

This policy has been reviewed against and complies with the *Charter of Human Rights and Responsibilities Act 2006*. Details of the assessment are at Appendix A.

11.5 Gender Impact Assessment

A Gender Impact Assessment is not required for this policy.

12 Related Documents and Resources

Legislation

- *Local Government Act 2020*
- *Local Government (Governance and Integrity) Regulations 2020*
- Model Councillor Code of Conduct

Internal Documents

- Councillor Gifts, Hospitality & Political Donations Register
- Councillor Support and Reimbursement of Expenses Policy
- Planning Interaction Policy
- Public Transparency Policy

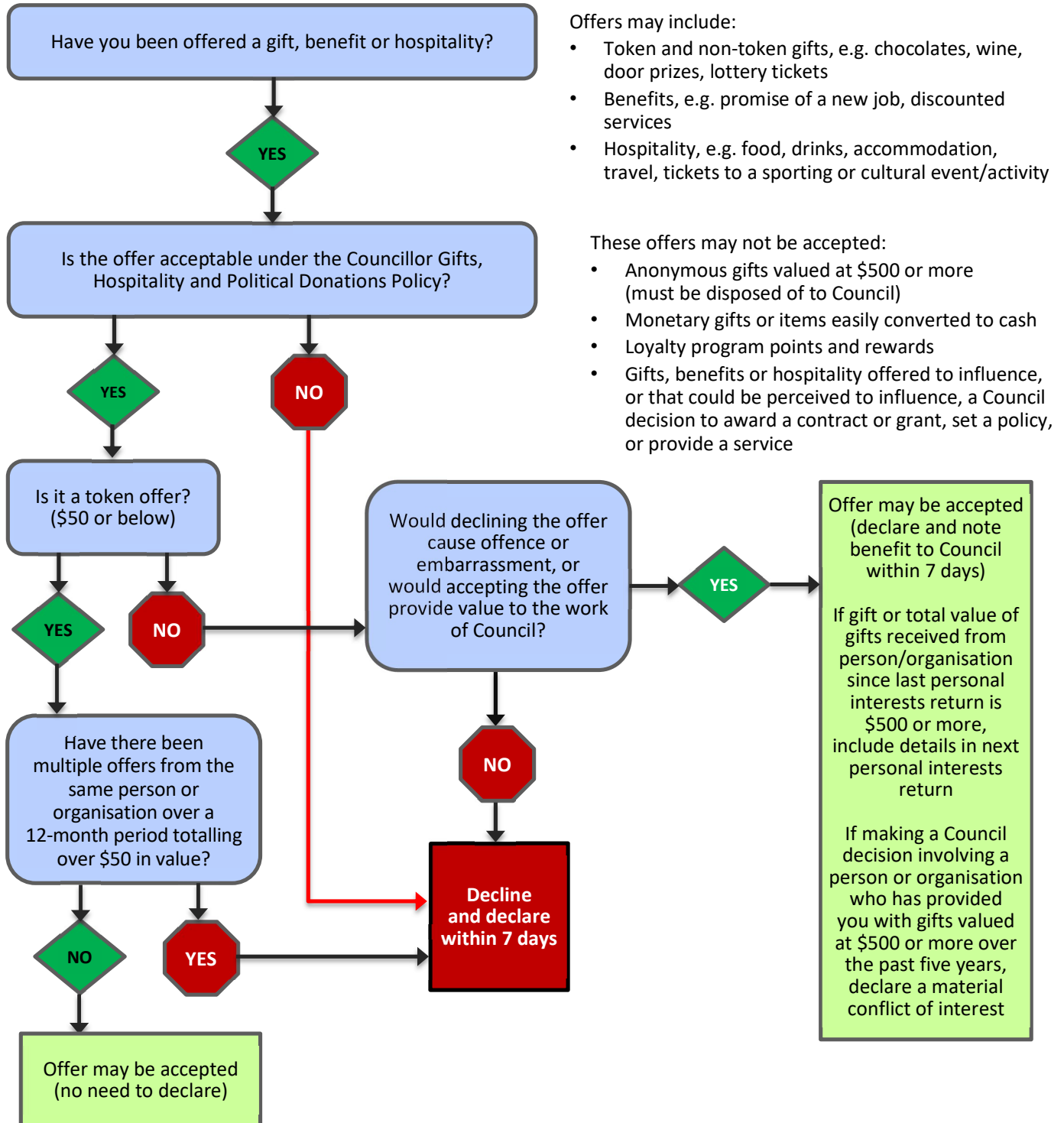
External Documents

- *Fact Sheet: Conflict of interest for Councillors*, Local Government Inspectorate, 2022
- In the public interest: a conflict of interest guide for councillors, delegated committee members and council staff, *Local Government Victoria*, 2020

Appendix A: Human Rights Assessment

Policy Title	Councillor Gift, Hospitality and Political Donations Policy	
Department	Governance, Risk and Integrity	
Purpose of Policy	To provide guidance regarding the acceptance of gifts, benefits and hospitality by Councillors.	
Applicable human right impacted	Are human rights supported? OR Are human rights limited by the policy? If so, how?	Is the limitation on the right reasonable and justifiable? If so, how?
Right to privacy and reputation Section 13 - Your right to privacy and reputation Victorian Equal Opportunity and Human Rights Commission	Councillors may feel as though their privacy is infringed as Council officers and members of the public may access details regarding gifts and hospitality received.	<p>Limitation reasonable.</p> <p>The giving and receiving of gifts, benefits and hospitality by Councillors may result in a potential conflict of interest or breach of the Act.</p> <p>Under Council's Public Transparency Policy and the Act's public transparency principles, Councillors must publicly declare offers and /or acceptance of certain gifts, benefits or hospitality.</p> <p>Public confidence in fair and impartial decision-making by Council must be maintained.</p> <p>The limitation can be mitigated by avoiding situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to gain favourable treatment from Councillors or Council.</p>
Right to take part in public life Section 18 - Your right to take part in public life Victorian Equal Opportunity and Human Rights Commission	Councillors may feel limited by the policy in their ability to accept invitations to certain events.	<p>Limitation reasonable.</p> <p>Council must provide transparency to maintain community trust that Councillors will not misuse their position to receive hospitality where it is inappropriate or develop close associations with particular organisations.</p> <p>This policy provides guidance regarding situations where it is appropriate to accept hospitality. Councillors wishing to attend events where the acceptance of hospitality is not appropriate may still do so provided that they cover the cost of their attendance.</p>

Appendix B: Procedure for Offers of Gifts and Hospitality



NB: It is preferable to decline all offers of gifts and hospitality wherever practicable