



WARRNAMBOOL
CITY COUNCIL

**GIFTS POLICY
(COUNCILLORS)
2020**

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Table of Contents

1. INTRODUCTION	4
Purpose	4
Scope.....	4
Definitions and Terminology.....	4
References	5
2. POLICY	5
General Principles	5
Acceptance of Gifts and Benefits	6
Official Gifts	6
Hospitality	6
Conflict of Interest	7
3. GOVERNANCE	7
Review	7
Compliance Responsibility	7

1. INTRODUCTION

Purpose

The Council is committed to protecting its assets, its integrity and reputation by providing Councillors with clear guidance on ethical gift receiving so that they can be, and be seen to be, ethical, fair and scrupulous in their roles as Councillors.

The Council recognises that Councillors will on occasion be offered, gifts, benefits and hospitality

The purpose of this policy is to provide clear guidance to Councillors on their approach to the acceptance, or otherwise, of gifts, benefits or hospitality from individuals or other entities external to Council.

Scope

This policy applies to all Councillors.

The Local Government Act (the Act) sets out legislative requirements in relation to conflict of interest and Councillors are responsible to familiarise themselves with the provisions contained in the Act and the requirements of this Policy.

Nothing in this policy shall be construed to override the provisions of the Act. In the event of any apparent inconsistency, the provisions of the Act will prevail. Procedures have been developed in support of this Policy.

Definitions and Terminology

Term	Meaning
Benefit	Something which is believed to be of value to the receiver, including access to sporting, cultural or social event, preferential treatment (queue jumping) and access to discounts or 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.
Bribe	Money, reward or service offered to procure an action, decision or preferential treatment.
Gift	Gifts are unsolicited and mean to convey a feeling of goodwill on behalf of the giver and where there is no expectation of favours or repayment. Some examples of these types of gifts could include clothes, products and tickets.
Gift Register	A summary of gifts, benefits and hospitality received which will contain the following information; recipient details, providers details, date received, description and estimated value of the gift, benefit or hospitality.
Hospitality	Provision of food or beverages, travel, accommodation or entertainment, which is offered to convey goodwill on behalf of the giver, for which there is no expectation of favours or repayment. Hospitality is a form of Gift, but for the purpose of this Policy is considered separately.
Monetary	Cash, cheques, money orders, travellers' cheques, direct deposits or

Term	Meaning
Benefit	item which can easily be converted to cash.
Official Gift	A gift received by Councillors or Council officers as representatives of the City or the Council. Includes gifts from a Sister City, organisations or corporations that are bestowing a corporate gift (i.e. plaques, plates, vases, trophies, artwork) or souvenir to the City, or as a token of appreciation for a contribution to a conference or industry event.
Token Gift	Is of such a nature and Value (less than \$100) that it could not reasonably be regarded as capable of influencing any actions or decisions of the relevant person in relation to a matter. Does not create a sense of obligation in the receiver that will influence, or appear to influence, the exercise of their official duties. In the event that it might reasonably be perceived to influence, or appear to influence, the recipient, it cannot be defined as a Token Gift.
Value	Face value or estimate retail value.

References

Category	Document
Legislation	Local Government Act 1989 Local Government Act 2020
Standards and Guidelines	Conflict of Interest, A Guide for Councillors – 2012
Council Related Policies & Procedures	Gifts Procedure (Councillors) Councillors Code of Conduct Fraud Prevention & Control Policy Public Interest Disclosure Procedure

2. POLICY

General Principles

Councillors must:

- Not seek, solicit, or use their position with Council to obtain gifts, benefits or hospitality from external organisations or individuals for themselves or others;
- Ensure that a person, company or organisation is not placed in a position in which they feel obliged to offer gifts, benefits or hospitality in order to secure or retain Council business;
- Avoid circumstances where accepting any gift, benefit or hospitality could give the appearance of a past, present or future Conflict of Interest;
- Avoid circumstances where the offer of a gift, benefit or hospitality could be interpreted as having been made with the objective of securing, or in return for, a favour or preference;
- Under no circumstances accept or receive a monetary benefit, supplier's goods or

- services at no cost or at a non-commercial discount;
- Be fully accountable and responsible for their actions and ensure that the methods and processes they use to arrive at decisions are beyond reproach, do not create a conflict of interest and can withstand audit processes and proper scrutiny; and
- Report any incidences where a bribe or inducement is offered.

Acceptance of Gifts and Benefits

The following conventions apply to Councillors in relation to the acceptance of Gifts, Benefits or Hospitality:

- Token Gifts (gift of value less than \$100) may be accepted provided they do not create a real or perceived sense of obligation that may lead to a perception of preferential service.
- Gifts and benefits with a value in excess of \$100 must only be accepted where they have been authorised and formerly declared in accordance with Gifts Procedure.
- Gifts and benefits are not to be accepted under any circumstance by a Councillor who is aware that the benefit is being offered by a supplier who is in the process of tendering for the supply of goods and services to the Council.

Official Gifts

From time to time individuals or organisations may offer Official Gifts to Councillors.

Individuals may be involved in conferences or social, cultural, community, industry events where Official Gifts are presented or exchanged. Where it would appear impolite or inappropriate to decline the offer, it is reasonable for official representatives of the Council to accept Official Gifts on behalf of the Council. Official Gifts shall be considered to be the property of the Council and may be displayed in an appropriate and secure location for public viewing.

Notwithstanding, in some circumstances, including where the item may not be suitable for public display or the gift is of a personal nature to the recipient, the Chief Executive Officer may use discretion as to the appropriate use of the Official Gift.

The Chief Executive Officer will ensure that an Official Gift is recorded in the Gift Register.

Hospitality

Councillors in the normal course of their duties, will from time to time receive invitations of Hospitality to attend various functions and events.

Where such Hospitality is modest in nature and provides an opportunity to network or undertake business of a common purpose, it may be appropriate to accept such invitations. Where practical, approval should be obtained prior to the attendance.

If, however, acceptance of the Hospitality is likely to create the impression of compromised impartiality of the Councillor or could be perceived as a Conflict of Interest, the offer of Hospitality should be politely declined.

Any Hospitality estimated to be in excess of \$50 must be reported in the same manner as a Gift.

Conflict of Interest

Councillors should be aware one or more Gifts or Hospitality with a total value of, or more than, \$500 received from one person, over a five year period, will give rise to a conflict of interest, which must be declared in accordance with the Local Government Act.

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

All other forms of Hospitality must be declared. Hospitality does not constitute a Gift if it is paid for by the Council, or by the person receiving the Hospitality.

3. GOVERNANCE

Review

This policy is reviewed, in consultation with the Audit and Risk Committee, no later than six months after a general election.

Compliance Responsibility

The Audit and Risk Committee shall exercise an oversight function over compliance with this policy.

Where a Councillor fails to comply with this policy, the issue shall be dealt with in the same manner as disputes arising under the Councillor Code of Conduct.