



Councillor Gift, Benefit and Hospitality Policy

Policy outcome:	The City of Port Phillip establishes a clear policy position for its Councillors in relation to gifts, benefits, and hospitality. It supports Councillors in avoiding conflicts of interest and maintaining high levels of integrity, accountability, and public trust.
Responsible area:	Governance and Organisational Performance
Version:	2.0
Date adopted:	2 July 2025
Planned review date:	August 2027

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1 Purpose

- 1.1 The purpose of this Gift, Benefit and Hospitality policy is:
 - 1.1.1 to meet the Council's requirements under the *Local Government Act 2020* (the Act) and to provide guidance to Councillors relating to the acceptance or otherwise of a gift or other benefits such as hospitality and professional development opportunities offered to them.
 - 1.1.2 intended to support Councillors to avoid conflicts of interest and maintain high levels of integrity and public trust.
 - 1.1.3 ensure compliance with section 138 of the Act to adopt and maintain a Councillor gift policy.

2 Scope

- 2.1 This policy covers any gifts, benefits or hospitality offered to or received by Councillors when performing their role as a Councillor.
- 2.2 This policy does not apply to:
 - 2.2.1 gifts received by Councillors from the City of Port Phillip Council; or
 - 2.2.2 gifts received by Councillors or candidates during a donation period of an election campaign, specifically section 306 of the Act.

3 Roles and responsibilities

- 3.3 Councillors are responsible for:
 - 3.3.1 ensuring their decisions are beyond reproach, are not likely to raise the perception of, or lead to, bias, benefit or preferential treatment and can withstand audit processes and proper scrutiny.
 - 3.3.2 determining if they have an actual, potential, or perceived conflict of interest and completion of the online Gift, Benefit and Hospitality Declaration Form when required.
 - 3.3.3 identifying and refusing prohibited gifts, bribes and offers that could be reasonably perceived as undermining the integrity and impartiality of the Council or themselves.
 - 3.3.4 declaring accepted gifts, declined gifts, or prohibited gift offers in accordance with this policy and completion of the online Gift, Benefit and Hospitality Declaration Form.
 - 3.3.5 taking reasonable steps to ensure that family members do not receive gifts and/or benefits that may be perceived as being an attempt to gain favourable treatment.
 - 3.3.6 immediately reporting any incidences to the Chief Executive Officer where a bribe and/or cash or equivalent, such as gift cards is offered.
 - 3.3.7 complying with the requirements of this policy.



- 3.4 The Chief Executive Officer is responsible for ensuring:
 - 3.4.1 the development and review of a transparent and consistent framework regarding offers of Gifts made to Councillors.
 - 3.4.2 Councillors are aware of this policy and their responsibilities and providing guidance and support.
 - 3.4.3 a Gift, Benefit and Hospitality Register is maintained in accordance with section 138(2)(a) of the Act.

4 Principles

- 4.1 Councillors will uphold the following principles in applying this policy:
 - 4.1.1 **Impartiality** - Councillors have a duty to place the public interest above their private interests when carrying out their duties as a Councillor.
 - 4.1.2 **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.
 - 4.1.3 **Accountability** - Councillors ensure they and their fellow Councillors are accountable in accordance with this policy.
 - 4.1.4 **Risk-based approach** - Councillors must ensure they consider the reputational and legal risks inherent with Gifts when dealing with offers.

Policy

5 Gifts must never be sought

Councillors must not solicit, demand, or request gifts or any personal benefit for themselves or another person by virtue of their position.

6 Prohibited Gifts

- 6.1 Councillors must not accept any offer of the gift, benefit or hospitality that is inconsistent with this policy and could bring a Councillor's integrity, or that of the Council into disrepute, (for example if accepting a gift could be perceived as an endorsement of a product or service) and must decline and declare the gift.
- 6.2 These include:
 - 6.2.1 Anonymous Gifts – (as defined in part 6.6)
 - 6.2.2 Donations and Bequests to Council – (as defined in part 7.2.7)
 - 6.2.3 Door Prizes and Raffles (as defined in part 7.2.5)
- 6.3 Accepting a prohibited gift is inconsistent with this policy and may constitute a misuse of a Councillor's position as prescribed by section 123 of the Act.



- 6.4 Accepting a gift with the expectation of something in return, such as preferential treatment, is completely inappropriate, and may constitute a bribe or other form of corruption and may lead to criminal prosecution.
- 6.5 To assist the Council in monitoring the frequency and nature of prohibited gifts, an online Gift, Benefit and Hospitality Declaration Form must be completed and submitted in accordance with this policy.
- 6.6 Anonymous Gifts
 - 6.6.1 It is an offence under section 137 of the Act for councillors to accept anonymous gifts directly or indirectly with a value equal to or exceeding the gift disclosure threshold (\$500 or a higher prescribed amount). They must be refused. Contravention of section 137 is punishable by a fine.
 - 6.6.2 If for any reason a Councillor finds themselves in possession of such a gift, the Councillor will not commit an offence provided that the Councillor gives the gift to Council within 30 days of receipt. The gift should be delivered to the Chief Executive Officer and an online Gift, Benefit and Hospitality Declaration Form must be completed and submitted to the Governance team within 30 days of receipt of the gift.
 - 6.6.3 While it is not an offence under the Act, as a matter of policy anonymous gifts below the gift disclosure threshold must also be refused.
- 6.7 Procurement & Tender Process
 - 6.7.1 Councillors must not accept any gifts, benefits and hospitality from current or prospective suppliers, or any offer made during a procurement or tender process by a person or organisation involved in the process.
 - 6.7.2 If a Councillor receives an unsolicited gift or approaches from a supplier, they must notify the Chief Executive Officer and document their refusal by completing an online Gift, Benefit and Hospitality Declaration Form .
- 6.8 Attempts to Bribe
 - 6.8.1 A Councillor who is offered a gift that they believe is an attempted bribe must:
 - 6.8.1.1 Refuse the offer.
 - 6.8.1.2 Immediately notify the Chief Executive Officer and/or the Public Interest Disclosure Coordinator and where relevant, the Victoria Police; and
 - 6.8.1.3 Lodge an online Gift, Benefit and Hospitality Declaration Form in accordance with this policy so the refusal can be properly recorded.
 - 6.8.2 A Councillor who believes another person within the Council may have solicited or been offered a bribe regardless of whether or not they have knowledge that it has been reported, must notify the Chief Executive Officer, or report the matter as a public interest disclosure in accordance with Council's Public Interest Disclosure Procedures.



7 Offers of hospitality, gifts and benefits

7.1 Hospitality

7.1.1 Reasonable Hospitality

7.1.1.1 Councillors may accept offers of reasonable hospitality.

7.1.1.2 Reasonable hospitality is that which is:

- i. received by a Councillor at an event or function, where the Councillor was attending the event or function for an official purpose that is related to their duties as a Councillor and in their official capacity as a Councillor.
- ii. of a standard and type that an independent observer would consider appropriate and not excessive, in the context in which it was received.

7.1.1.3 Official duties of a Councillor may include, but are not limited to:

- Delivering a speech
- Opening an event or a facility
- Observing Council grant-funded program project delivery or a Council sponsored activity
- Presenting an award at a ceremonial event
- Receiving an award on behalf of Council
- Unveiling a plaque

7.1.1.4 An official business event is an event hosted by an external organisation that it is in the public interest for a Councillor to attend and fall under the following categories:

- i. **stakeholder engagement** – opportunities to develop networks with people interested in the City of Port Phillip Council activities.
- ii. **sector knowledge** – opportunities to develop a deeper knowledge of the industry and to improve services and programs.
- iii. **business leveraging** – opportunities to network with key stakeholders or other agencies interested in collaboration.

7.1.1.5 In addition to the above categories, there are situations where it is in the public interest for the City of Port Phillip Council to be represented in some capacity. Those include:

- i. **government functions** – attending an event or function hosted by another government agency or public sector entity.



- ii. **industry stakeholders** – attending an event hosted by industry or community stakeholders where attendance provides a legitimate business benefit.

7.1.2 Unreasonable Hospitality

- 7.1.2.1 Offers of hospitality that are likely to influence a Councillor, or be perceived to influence a Councillor, in the course of their duties or that raise an actual, potential, or perceived conflict of interest, or otherwise meet the criteria of section 5 (Gifts must never be sought) of this policy, must be declined and declared.
- 7.1.2.2 In the case of invitations to functions where the principal activity is focused on hospitality and the Councillor has no formal role at the event in their capacity as a Councillor, then the offer of hospitality should be declined, and an online Gift, Benefit and Hospitality Declaration Form completed for inclusion in the gift, benefit and hospitality register. A copy of the invitation should also be included with the declaration.
- 7.1.2.3 Consideration should be given where the location of an event is outside the municipality, as to whether an independent observer would consider any associated hospitality as unreasonable.
- 7.1.2.4 Councillors should consult the Mayor, (in the absence of the Mayor, Deputy Mayor) before accepting an offer that may be perceived as unreasonable hospitality. Should a Councillor choose to accept the offer this must be declared by completing an online Gift, Benefit and Hospitality Declaration Form.

7.2 Gifts

7.2.1 Non-token gifts

- 7.2.1.1 Before accepting a non-token gift or benefit (more than \$100 in value), the Councillor must consider the following:
 - i. Use the GIFT test table below to assess whether acceptance is appropriate.
 - ii. Consider whether the offer could be perceived as influencing them in performing **their duties or lead to reputational damage**.
 - iii. Be aware that the more valuable the offer, the more likely that an actual, potential, or perceived conflict of interest exists.
 - iv. An online Gift, Benefit and Hospitality Declaration Form must be completed for inclusion in the Gift, Benefit and Hospitality Register as follows:
 - for a single accepted non-token gift or benefit more than \$100
 - for a single declined non-token gift or benefit more than \$250.



7.2.1.2 GIFT TEST

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

7.2.2 Token Gift

- 7.2.2.1 A token gift, benefit, or hospitality of minimal value (less than \$100) may be accepted by Councillors, provided that the gift does not create a real or perceived sense of obligation, conflict of interest or reputational damage to Council. Examples of token gifts include a box of chocolates, homemade goods, a small souvenir.
- 7.2.2.2 There is no requirement to record token gifts whether (any single offer less than \$100) or declined (any single offer less than \$250) in the Councillor Gift, Benefit and Hospitality Register.
- 7.2.2.3 Councillors must monitor if the combined total value of accepted token gift offers in the past 12 months from the same individual or organisation exceeds \$100 then it becomes a non-token gift (as defined in section 7.2.1).



7.2.3 Repeat Offers

- 7.2.3.1 Receiving multiple offers (token or non-token) from the same person or organisation can generate a stronger perception that the person or organisation could influence a Councillor. Multiple gifts, benefits and hospitality from the same person/organisation could be considered inappropriate and should be considered carefully.
- 7.2.3.2 Gifts, benefits and hospitality of a combined value of \$500 or more over a 5-year period trigger both the conflict of interest and the reporting provisions in the Act and may also impact on the capacity of the Councillor to undertake their duties as a Councillor.

7.2.4 Conferences

- 7.2.4.1 Gift offers in relation to conferences (for example: sponsored attendance, paid participation, travel or accommodation) may only be accepted where:
 - a) There is clear justification for accepting the offer, such as where the invitation is issued by a government department, or the offer has come from a peak body; and
 - b) Prior written approval has been provided by the Mayor (or Deputy Mayor where the Mayor is requires approval).
- 7.2.4.2 Attendance at conferences must also adhere to the requirements of the Councillor Expenses and Support Policy.
- 7.2.4.3 All accepted gift offers of this nature must be declared in accordance with the procedures of this policy, together with a copy of the written approval from the Mayor (or Deputy Mayor where the Mayor is seeking approval). Declarations must also include the reason for accepting the offer. A copy of the invitation to attend the conference must also be submitted with the Gift, Benefit and Hospitality Declaration Form.
- 7.2.4.4 Where Council pays for a Councillors attendance at a conference, the cost of attending will be managed according to the Councillor Expense and Support Policy, including all necessary reporting requirements.

7.2.5 Door Prizes and Raffles

- 7.2.5.1 Door prizes and raffles won at functions and events are not considered a gift if a Councillor has personally paid for their attendance, and for the raffle ticket.
- 7.2.5.2 Door prizes and raffles won (even if the Councillor has purchased the raffle ticket) at functions and events are considered the property of Council if the Councillor has attended at the Council's expense and must be surrendered and declared in accordance with the procedures of this policy.



7.2.6 Ceremonial Gifts

- 7.2.6.1 Councillors may be involved in conferences or social, cultural, community, and industry events where gifts of goodwill or ceremonial gifts are presented or exchanged. Where it would appear to be impolite or inappropriate to decline the offer, it is reasonable for Councillors to receive the ceremonial gifts on behalf of Council.
- 7.2.6.2 Unless otherwise determined by the Mayor (or Deputy Mayor where the gift of goodwill or ceremonial gift has been received by the Mayor), such gifts shall consider to be the property of Council and may be displayed in an appropriate and secure location for public viewing.
- 7.2.6.3 For transparency and accountability purposes all, ceremonial gifts must be declared by completing the Gift, Benefit and Hospitality Declaration Form, and the details recorded in the Gift, Benefit and Hospitality Register. The register will also record if the gift remained the property of the Council or the Councillor.

7.2.7 Donations and Bequests to Council

- 7.2.7.1 Council does not encourage and will not automatically accept a bequeathed gift or donation and reserves the right to decline such offers.
- 7.2.7.2 Examples may include:
 - Real property
 - Donations
 - Artwork
 - Free Training & Services
- 7.2.7.3 In relation to bequests, consideration will be given to the expressed wishes and intentions of the bequestor, as outlined in the will, are paramount in determining the purpose for which the gift will be used.
- 7.2.7.4 Where Council is unable to honour the intentions of the will, all appropriate legal measures will be taken to determine a purpose for the gift that most closely aligns to the bequestor's intentions.

8 Procedures

8.1 Declaration of Gifts, Benefits and Hospitality

Completed Gift, Benefit and Hospitality Declaration Form must be submitted within 14 days from the date of the gift offer to the Head of Governance and Advocacy and will be included in the Gift, Benefit and Hospitality Register.



8.2 Gift, Benefit and Hospitality Register

The Governance unit is responsible for maintaining the Gift, Benefit and Hospitality Register in accordance with the Public Transparency Policy, the Gift, Benefit and Hospitality Register will be updated quarterly and made available on Council's website.

8.3 Monitoring and Reporting

Biannual reports will be provided to the Mayor and Chief Executive Officer in April and October. An annual report will be provided to the Audit and Risk Committee within three months from the end of the financial year.

9 Additional Disclosure Requirements

9.1 Biannual Personal Interests Returns

- 9.1.1 Personal Interests Returns are required to be lodged periodically by Councillors declaring the matters as prescribed by the Act and Local Government (Governance and Integrity) Regulations 2020.
- 9.1.2 This includes the details of any gift received that equal or exceeds \$500 or more in value, including gifts in the form of goods or services, and multiple gifts that together equal or exceed \$500 in value received at any time since the preceding return was lodged. This does not include gifts from family members or any gifts you may have declared in an election campaign donation return under section 306 of the Act.

9.2 Conflict of Interest

- 9.2.1 Councillors should be mindful that any gift, benefit or hospitality they declare (over a five-year period) for the purpose of Council's Gift, Benefit and Hospitality Register could give rise to an actual, potential or perceived conflict of interest. This includes election campaign donations (please see below).
- 9.2.2 A Councillor who has a conflict of interest as a result of receiving a gift or gifts from a person or organisation must disclose the conflict of interest in accordance with the procedures outlined in the Governance Rules .

9.3 Election Campaign Donations

- 9.3.1 Gifts above the gift disclosure threshold that are election campaign donations must also be disclosed and declared to the Chief Executive Officer in an election campaign donation return declaration form within 40 days after election day.
- 9.3.2 Refer to sections 306 and 308 of the Act for further information on election campaign donations/gifts.

10 Supplementary policy documents

- Gift, Benefit and Hospitality Declaration Form
- Gift, Benefit and Hospitality Guidelines (to be developed)



- Councillor Gift, Benefit and Hospitality Register

11 Related legislation and documents

- *Local Government Act 2020*
- Local Government (Governance and Integrity) Regulations 2020
- Local Government Victoria – Conflict of Interest Guides
- The Victorian Public Sector Commission – Gifts, benefits and hospitality resource suite
- IBAC Local Government Integrity Frameworks Review (2019)
- Model Councillor Code of Conduct

11.1 City of Port Phillip documents

- Council's Governance Rules
- Councillor Expenses and Support Policy
- Public Transparency Policy

12 Definitions

Term	Definition
Benefits	<p>Benefits can take many forms and are often non-tangible (that is not a physical item). Examples may include:</p> <p>Preferential treatment (for example, priority service, access to benefits or services not usually available)</p> <ul style="list-style-type: none"> • Privileged access • Access to discount or loyalty programs • Access to confidential information • Promise of a new job or business opportunities
Bribes and cash gifts	<p>An offer of money, gift cards, vouchers, shares etc that can be converted into money or other inducement made with the intention to corruptly influence a Councillor in the performance of their duties.</p> <p>Offering or accepting a bribe has particularly serious, criminal consequences. Any offer of money or other inducement is a reportable gift which <u>must be</u> refused and reported immediately to the Chief Executive Officer and /or the Public Interest Disclosure Coordinator and where</p>



Term	Definition
	relevant, the Victoria Police. Bribery or attempted bribery of a public official is a criminal offence.
Conflict of Interest	<p>Division 2 of the <i>Local Government Act 2020</i> requires Councillors to declare General or Material Conflicts of Interest.</p> <p>A conflict of interest is a conflict between a Councillor's public duty to act in the best interest of the Council, their community, and their private interests (financial or non-financial). A conflict exists whether it is:</p> <ul style="list-style-type: none"> • Real – it currently exists • Potential – it may arise, given the circumstances • Perceived – members of the public could reasonably form the view that a conflict exists, or could arise, that may improperly influence the person's performance of their duty to the Council, now or in the future.
Family Member	<p>Means:</p> <ul style="list-style-type: none"> a) a spouse or domestic partner of the relevant person; or b) a parent, grandparent, sibling, child, grandchild, stepparent, step-sibling or step-child of the relevant person or of their spouse or domestic partner; or c) any other relative that regularly resides with the relevant person.
Gift	<p>Section 3 of the <i>Local Government Act 2020</i> defines a 'gift' as:</p> <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> <ul style="list-style-type: none"> a) the provision of a service (other than volunteer labour); and b) the payment of an amount in respect of a guarantee; and



Term	Definition
	c) the making of a payment or contribution at a fundraising function
Gift, Benefit and Hospitality Declaration Form	The form a councillor uses to declare all gifts, benefits and hospitality whether accepted (any single offer exceeding \$100) or declined (any single offer exceeding \$250)
Gift Disclosure Threshold	<p>Section 3 - <i>Local Government Act 2020</i> defines the gift disclosure threshold as:</p> <p>\$500 or a higher amount or value prescribed by the Local Government (Governance and Integrity) Regulations.</p> <p>If multiple gifts are received from a person or organisation, they must be treated as a single gift with an aggregate value.</p>
Gift, Benefit and Hospitality Register	<p>Section 138(2)(a) of the <i>Local Government Act 2020</i> requires Council to:</p> <p>Maintain a gift register for all gifts, benefits and hospitality offered, whether accepted or declined. The Gift, Benefit and Hospitality Register is maintained by the Governance unit</p>
Hospitality	Hospitality is the friendly reception and entertainment of guests. Hospitality may range from light refreshments at a meeting to expensive restaurant meals and sponsored travel and accommodation.
Official Council Capacity	A Councillor is acting in an official Council capacity if they are exercising their powers or performing their responsibilities under the <i>Local Government Act 2020</i> in their attendance at the event or function.
The Act	The <i>Local Government Act 2020</i>
The Regulations	the Local Government (Governance and Integrity) Regulations 2020.
Value	The face or estimated value.

13 Administrative updates

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 document, such a change may be made administratively. However, any change or update which materially



alters this document must be made with the approval of ELT or where required, resolution of Council.

14 Document history

Version	Date of approval / adoption	Changes made	ECM record
1	21 April 2021	New policy – required under section 138 of the <i>Local Government Act 2020</i>	6355137
2	2 July 2025	Review of policy – updates to provide clarity	6355137 v2