

# COUNCIL POLICY



<b>Councillor Gift and Hospitality Policy</b>	TRIM folder:	18/08/03
	Approval date:	28/06/2016
	Approved by:	Council
	Review Date	22/02/2017
<b>Responsible Officer:</b> Manager Governance	Expiry Date	N/A
	Version No	1
<b>Authorising Officer:</b>	Chief Executive Officer	

## 1. PURPOSE

Councillors are required to act impartially and with integrity, and avoid conflicts of interest in the performance of their duties as a Councillor. This policy establishes guidelines to help Councillors comply with the conflict of interest provisions of the Local Government Act 1989 where they are offered gifts or hospitality.

## 2. SCOPE

This policy applies where gifts or hospitality are offered to, or received by, Councillors from sources external to Council.

## 3. REFERENCES

- Local Government Act 1989 – Sections 77A to 81
- Council Policy – Councillor Code of Conduct
- Council Policy – Fraud Control and Management Policy

## 4. DEFINITIONS

- 4.1 **Gift** – is the receipt of any object, property, service or money without any consideration in money or kind, or inadequate consideration.
- 4.2 **Hospitality** – is the provision of food and beverages or tickets for events that include the serving of food and beverages given to convey goodwill on behalf of the giver with no expectation of favours or repayment in return.

## 5. COUNCIL POLICY

### Gifts

- 5.1. Councillors must not solicit personal gifts of any kind in connection with the performance of their duties as a Councillor.

- 5.2. The acceptance of a gift requires the prior approval of the Chief Executive Officer where it is practical to do so. Approval will be sought via a Gift and Hospitality Declaration Form (attached).
- 5.3. Gifts should only be accepted on behalf of the organisation when:
  - 5.4.1 there is clear value to Council; and
  - 5.4.2 it does not advantage the donor in its dealings with Council; and
  - 5.4.3 it does not produce any conflict of interest.
- 5.4. A gift presented to a Councillor at an event can be accepted by the Councillor in good faith on behalf of the Council. Any gift determined by the Chief Executive Officer not to satisfy the acceptance criteria shall be politely declined and returned.
- 5.5. All gifts received or declined will be recorded in the Gift and Hospitality Register administered by Governance.

### **Hospitality**

- 5.6. Councillors may only accept hospitality when, after consideration they believe:
  - 5.7.1 there is clear value to the work of Council (for example, building relationships with community groups); and
  - 5.7.2 it directly relates to their public duty as a Mayor, Deputy Mayor or Councillor; and
  - 5.7.3 it does not advantage the donor in its dealings with Council.
- 5.7. Councillors are obligated to comply with the conflict of interest provisions of the Local Government Act 1989 (the Act) and these provisions must be considered by Councillors when determining to accept or decline hospitality.
- 5.8. There may be occasions where an offer of hospitality does not satisfy the acceptance criteria, however, the Mayor/CEO may deem it necessary for a Councillor to attend and therefore Council may pay for the event, or a Councillor may wish to attend the event and may do so if he or she pays for his or her attendance. Notwithstanding that a Councillor may pay for their attendance at an event, conflict of interest provisions of the Act will still apply.
- 5.9. Subject to 5.8, any hospitality that does not satisfy the acceptance criteria shall be politely declined.
- 5.10. All hospitality received or declined shall be recorded in the Gift and Hospitality Register administered by Governance.

### **Reporting**

- 5.11. Completed Gift and Hospitality Declaration Forms are to be forwarded to Governance for recording in the Gift and Hospitality Register.
- 5.12. The Gift and Hospitality Register will be maintained by Governance and will be forwarded to the Chief Executive Officer on a quarterly basis for inspection.

- 5.13. The Gift and Hospitality Register will be made available for public inspection and will be placed on Council's website and updated quarterly.

#### **ATTACHMENTS**

- Gift and Hospitality Declaration Form



## Gift and Hospitality Declaration Form

Councillor/s Name:

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Date of receipt of Gift / Hospitality:

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Gift / Hospitality Type:

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Purpose of Gift / Hospitality:

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Name of Gift / Hospitality Provider:

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Relationship of provider to Council

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Estimated Value:

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Serial/Model No (if applicable):

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Current Location (if applicable):

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Councillor/s Name and Signature:

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Date:

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**This form is to be approved by the Chief Executive Officer prior to the acceptance of any gift where practical to do so.**

Chief Executive Officer Signature:

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Date:

Decision: APPROVED / DECLINED (strike out whichever is not applicable)

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Once completed, please forward form to Governance for the purpose of updating the Gift and Hospitality Register.

### Privacy Notification

The personal information requested on this form is being collected by Council for the purpose of maintaining Council's Gift and Hospitality Register. The personal information will be used solely by Council for this primary purpose or directly related purposes. The Councillor understands that the personal information provided is for these purposes and that they may apply to Council for access and/or amendment of the information. The Register is available for public inspection.