

# **Councillor Gift Policy**

## **July 2025**

# Document Control

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# Document Compliance

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Council acknowledges the legal responsibility to comply with the *Charter of Human Rights and Responsibilities Act 2006* and the *Equal Opportunity Act 2010*. The *Charter of Human Rights and Responsibilities Act 2006* is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality and dignity.

Greater Dandenong City Council Policies comply with the Victorian Charter of Human Rights and Responsibilities, the *Gender Equality Act 2020*, the *Climate Change Act 2017*, the Child Safe Standards contained in the *Child Wellbeing and Safety Act 2005* (Amended) and the Overarching Governance Principles specified in 9(2) of the *Local Government Act 2020*.

# Acknowledgment of Country

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Greater Dandenong City Council acknowledges the Traditional Custodians of this land, the Bunurong People and pays respect to their Elders past and present. We recognise and respect their continuing connections to climate, Culture, Country and waters.

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## 1. POLICY OBJECTIVE (OR PURPOSE)

The purpose of this policy is to:

- Provide guidance to Councillors on appropriate acceptance and declaration of gifts, benefits and hospitality.
- Limit the number of gifts, benefits and hospitality made to or accepted by Councillors to promote confidence in the integrity of Council.
- Outline the details required for recording Gifts, Benefits and Hospitality in the Councillor Gift Register.
- Promote transparency and integrity in Council decision-making and public services.
- Ensure compliance with the requirements of the *Local Government Act 2020*, in particular section 138.

## 2. BACKGROUND

This policy has been developed with the same principal-based approach as the intent of the *Local Government Act 2020 (the Act)*.

The Council recognises that Councillors on occasions will be offered gifts, benefits and hospitality when carrying out their official duties. This policy provides transparency by requiring declarations of those offers.

Councillors have a duty to place public interest above their private interests when carrying out their official duties and will not accept any offer of a gift, benefit or hospitality that may jeopardise this trust or the reputation of Council.

## 3. SCOPE

This policy applies to all Councillors of the Greater Dandenong City Council in relation to the acceptance and declaration of Gifts that may be offered to them in connection with official roles, and governs:

- the receipt of gifts, benefits or hospitality in connection with a Councillor's role.
- the disclosure and management of gifts and potential conflicts of interest.
- recording-keeping and public transparency requirements.

The *Local Government Act 2020 (the Act)* sets out legislative requirements in relation to conflict of interest. Nothing in this policy shall be construed to override *the Act*. In the event of any apparent inconsistency, the provisions of *the Act* will prevail.

## 4. DEFINITIONS

For the purpose of this policy, Council adopts the following definitions:

<b>Ceremonial Gift</b>	means a gift usually given from one organisation to another, marking a special occasion or at a special event.
<b>Gift</b>	means anything monetary or other value that is offered by an external organisation or individual to a Councillor as a result of their official role. It includes free or discounted items or services, benefits or hospitality that exceeds the reportable gift threshold of this policy being \$50.
<b>Token Gift</b>	means a gift that is offered in a business situation to a Councillor for a particular purpose, or as token or memento of an occasion and is typically valued at \$50 or under.
<b>Reportable Gift</b>	means a gift that exceeds the value of \$50.

## 5. POLICY

Councillors must avoid situations in which the appearance of improper influence could occur.

Acceptance of gifts must be approached with caution to maintain public confidence and comply with legislative obligations.

Where practicable, any offer of a gift, benefit or hospitality, irrespective of value, should be declined politely in the first instance by simply saying 'no thankyou - your thanks is enough'.

### 5.1 Acceptable Gifts

Where it is impracticable to decline a gift, Councillors may accept certain gifts, if the gift does not risk the reputation of Council or the Councillors objectivity or integrity.

Councillors may accept gifts that are:

- unsolicited and of modest value (\$50 or under).
- of a ceremonial nature or provided during Council events.
- gifts of hospitality or recognition, valued at \$50 or under and received while acting in an official capacity and carrying out official duties.
- unable to be declined due to cultural or other reasons that would offend the gift-giver.
- received in an official capacity without notice and cannot be returned.

- Corporate gifts received from Council as authorised by the CEO in recognition of significant milestones, such as service recognition (*see Council Expense, Support and Accountability Policy*).

Gifts valued at \$50 or under do not need to be recorded in the Councillor Gift Register, however repeat offers from the same individual or organisation may create a conflict of interest, even if the value is low.

Gifts exceeding \$50 remain the property of Council and not the individual Councillor and should be given to the CEO who will determine its appropriate use or disposal.

## 5.2 Prohibited Gifts

Councillors should avoid situations giving rise to the appearance that a person, business or organisation through the provision of a gift is attempting to secure favourable treatment.

Councillors must not accept gifts:

- that could reasonably be perceived to influence their decision making.
- any gift that is inconsistent with community values and/or the nature of the gift could bring the Councillor's integrity or Council into disrepute.
- from any individual, business or organisation that may benefit from a Council decision.
- from any individual, business or organisation that are a current or prospective supplier of goods or services for Council.
- from a person in dispute with Council.
- of money or items easily convertible to money (*such as gift cards, shares or loyalty program points and rewards*).
- that could be characterised as a bequest.
- where acceptance could be perceived as endorsement of a product or service.
- made by a person whose primary purpose is to lobby Council, Councillors or members of Council staff.
- from an anonymous gift giver, where the gift(s) equal or exceed the gift disclosure threshold of \$500, in accordance with section 137 of *the Act*.

If a Councillor has concerns about whether a particular gift is prohibited under this policy they should consult with the CEO or the Manager Governance, Legal and Risk in respect to the gift.

## 5.3 Soliciting Gifts

Councillors must not solicit gifts, benefits or hospitality in connection with their official duties or on behalf themselves, family or friends.

## 5.4 Anonymous Gifts

Under section 137 of *the Act*, it is an offence to accept an anonymous gift above the gift disclosure threshold of \$500.

Councillors must not accept any gifts that equals or exceed the gift disclosure threshold unless they know the name and address of the person or organisation making the gift and the details of the donor are recorded in the Councillor Gift Register.

If however, a Councillor receives a gift and subsequently realises that they do not know the identity of the gift-giver, they are not in breach if they dispose of the gift to the Council within 30 days of receiving it.

## 5.5 Attempts to Bribe

A Councillor who receives a gift offer that they believe is an attempted bribe must refuse the offer and immediately:

- lodge a gift declaration form, so their refusal can be recorded; and
- report the matter to the CEO or Council's Public Disclosure Officer who is responsible for reporting any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission.

A Councillor who believes another person within the Council may have solicited or been offered a bribe which they have not reported, must notify the CEO or report the matter as a public interest disclosure in accordance with *Public Interest Disclosures Act 2012* and Council's Public Interest Policy and Procedures.

## 5.6 Declaring and Disclosure of Gifts

Councillors must record the details of any gift offered to them with a value exceeding \$50, including any inconsequential gift and /or any gift which has been declined.

The recording of gifts on the Councillors' gift register is made by completing a gift declaration form (Appendix 2) available on the Councillors' Intranet and submitting the form to the Governance, Legal and Risk Department.

- Gift declaration forms for any gift offers that equal or exceed the gift disclosure threshold or \$500 must be submitted within 5 days of the initial offer of the gift to the Councillor.
- Gift declaration forms for any other gift offers must be submitted within 14 days of the initial offer of the gift to the Councillor.

A Councillor who has a conflict of interest as a result of receiving a gift or gifts from a person must disclose the conflict of interest in accordance with the procedures outlined in the Governance Rules and declare the interest on their Biannual Personal Interest Return.

Hospitality that has been provided as part of a Council event or where a registration fee has been paid by Council for a Councillor to attend an event does not need to be declared or recorded in the Councillor Gift Register.

Appendix 1 provides a flow chart to assist Councillors when considering an offered gift.

### **5.7 Councillor Gift Register and Record Keeping**

The Councillor Gift Register will be maintained by the Governance, Legal and Risk Department in accordance with s138 (2)(a) of *the Act*. A summary of the register will be publicly available via Council's Website with quarterly updates.

A copy of the Councillor Gift Register will be presented to Council's Audit and Risk Committee for review every 6 months.

A record of all relevant gift offers must be entered into the Councillor Gift Register, and the following details must be included:

- date of any offer of a gift;
- name of the Councillor to whom the gift was offered;
- generic description of the donor offering the gift - *i.e.* resident, community group, business or developer;
- description of the gift;
- the estimated value of the gift;
- the reason the gift was offered (if known);
- Councillor decision regarding the gift (accepted/declined) and justification for the decision;
- if the gift was accepted, was it retained by the Councillor or given to the CEO; and
- signature of the relevant Councillor declaring the accuracy of the information provided on the gift form.

All disclosures must be retained in accordance with the *Public Records Act 1973* (Vic) for a period of 7 years.

### **5.8 Cumulative Value**

Multiple gifts from a single source over a five-year period that collectively equal or exceed the \$500 threshold must be treated as a reportable gift and disclosed accordingly (see *Biannual Personal Interest Return Disclosure*).

### **5.9 Conflicts of Interest**

Receipt of gifts may give rise to a conflict of interest. Councillors must assess whether any gift creates:



- A material conflict of interest (requiring disclosure and recusal); or
- A general conflict of interest (requiring disclosure and risk mitigation)

Even if accepted or declined, gifts may lead to conflicts of interest be that actual or perceived in accordance with sections 130 and 131 of *the Act*.

If a Councillor has concerns about whether a gift may give rise to a conflict of interest, they should consult with the Manager Governance, Legal and Risk, in respect to the gift.

Gifts valued at or exceeding \$500 will give rise to a conflict of interest, including accumulated gifts from a single source over a five-year period.

### **5.10 Biannual Personal Interest Return Disclosure**

A Councillor must disclose any gifts with a value which is equal to or exceeds the gift threshold value of \$500 in their biannual personal interest return, unless:

- the gift was received from a family member;
- the gift constitutes reasonable hospitality received at an event or function that the councillor attended in an official capacity as a Councillor; and/or
- the gift was already disclosed by the Councillor in an election campaign donation return.

### **5.11 Training and Review**

All Councillors will receive induction and refresher training on gifts and conflicts of interest obligations.

This policy will be reviewed every 4 years or as required by legislative changes (see *section 7 of this policy*).

## **6. RESPONSIBILITIES**

<b>Councillor</b>	<p>It is the responsibility of each Councillor to appropriately adhere to this policy, declare gifts appropriately, and determine whether to accept or decline a gift.</p> <p>Ensure personal interests do not influence and could not reasonably be perceived to influence their official role.</p> <p>Ensure gifts that are equal to or exceed the gift threshold of \$500 are disclosed on their biannual Personal Interest Return.</p>
<b>Mayor</b>	<p>It is the responsibility of the Mayor to support adherence to policy and to lead by example.</p>

**CEO** It is the legislative responsibility of the CEO to maintain a gift register in accordance with s138 of *the Act*, provide guidance to Councillors on their obligations under *the Act* and this policy and ensure transparency of gift offers made to Councillors.

**Coordinator Mayor and Councillors Office** It is the Coordinator of the Mayor and Councillors Office to advise individuals, business and organisations of Council's policy on accepting gifts upon the RSVP of invitations where an offer of a gift is anticipated.

**Governance, Legal and Risk Department** It is the Governance, Legal and Risk Department's responsibility to coordinate the maintenance of the Councillor Gift Register on behalf of the CEO, monitor compliance with *the Act* and this Policy, support training and education on ethical conduct in relation to the acceptance of gifts and provide an extract of the Gift Register to the Audit and Risk Committee for review every 6 months.

## 7. REPORTING, MONITORING AND REVIEW

**Reporting** The Gift Declaration Register will be presented to the Audit and Risk Committee every 6 months for review.

The Governance, Legal and Risk Department will report to the relevant Councillor, Mayor and CEO where gifts from a single source over a 5-year period collectively is nearing the \$500 threshold.

**Monitoring** All declarations will be monitored by the Governance, Legal and Risk Department for compliance and accumulative value.

**Review** This policy should be reviewed every four (4) years within three (3) months of a general election.

**Stakeholder Engagement** CEO, Executive Management Team, Manager Governance, Legal and Risk, Audit and Risk Committee, Records Management, Co-ordinator Mayor and Councillors Office, Mayor and Councillors.

## 8. BREACH OF THIS POLICY

Accepting a prohibited gift may constitute misuse of a Councillor's position and a breach of this policy.

Breaches of this policy will be dealt with under the provisions of the:

- Model Councillor Code of Conduct

- Sections 132-136, 137, 138 and 306-310 of *the Act*

Serious breach of the Councillor Gift Policy, especially those involving corruption or bribery could lead to disciplinary action, including potential removal of office and fines of up to 60 Penalty Units.

## 9. REFERENCES AND RELATED DOCUMENTS

### Legislation

[Charter of Human Rights and Responsibilities Act 2006](#)

[Gender Equality Act 2020](#)

[Child Wellbeing and Safety Act 2005 \(Amended\)](#)

[Climate Change Act 2017](#)

[Local Government Act 2020.](#)

[Local Government \(Governance and Integrity\) Regulations 2020](#)

[Freedom of Information Act 1982](#)

[Privacy and Data Protection Act 2014](#)

[Public Interest Disclosures Act 2012](#)

[Public Records Act 1973](#)

### Related Council Policies, Procedures, Strategies, Protocols, and Guidelines

- Conflict of Interest Policy (to be developed)
- Councillor Contact with Developers Submitters and Lobbyists Policy
- Council Expense, Support and Accountability Policy
- Governance Rules
- Fraud Prevention & Control Policy
- Model Councillor Code of Conduct
- Public Interest Disclosure Policy
- Public Interest Disclosure Procedures
- Public Transparency Policy
- Records Management Policy
- Privacy and Personal Information Policy

### Other Related Documents

- [Victorian Public Sector Commission GIFT and HOST Test](#)

### **Administrative Updates**

It is recognised that from time to time, circumstance 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. Examples include a change to the name of a Council department, the change to an existing policy or document referred to in this policy and minor updates to legislation and the like which does not have a material impact. All changes or updates which materially alter this policy must be by resolution of Council.

<b>Date</b>	<b>Update</b>