MORNINGTON SHIRE COUNCIL

Gifts and Benefits Policy

Policy Information			
Policy Name	MSC-STRAT-908		
Policy Number	Gifts and Benefits Policy		
Type	Strategic		
Owner	CEO		
Responsible Officer	Director of Corporate and Communications		
Decision No.	2026/167	**Approval Date**	30 September 2026
Records No.	N/A	**Next Review Date**	30 September 2029

Document Version Control			
Version	Date	Resolution No.	Details
1	16/10/2019	2019/179	New Issue
2	30/09/2026	2026/167	Up-Issue

This an official copy of the Gifts and Benefits Policy, made in accordance with the provisions of Local Government Act 2009, Local Government Regulation 2012, Crime and Corruption Act 2001, and current Council Policies.

The Gifts and Benefit Policy is a Strategic Policy.

Strategic policies are adopted by Council due to its desire to influence the direction of an issue or assist in the delegated decision making of Council officers. Strategic policies should follow the jurisdiction provided to Council through its Corporate Plan; the Gifts and Benefits Policy is approved by the Mornington Shire Council for the operations and procedures of Council.

1. Statement

1.1 The objectives of this policy are:

To provide guidance to Councillors and employees who are offered gifts, rewards or benefits in connection with duties while representing Council or as a result of a Council activity. For the purposes of this policy “hospitality” is considered to be included in the term “benefits”.

To ensure Councillors and Council employees uphold the Local Government Act 2009 principles as outlined in Section 4(2):

a) transparent and effective processes, and decision-making in the public interest
b) sustainable development and management of assets and infrastructure, and delivery of effective services, and
c) democratic representation, social inclusion and meaningful community engagement, and
d) good governance of, and by, local government, and
e) ethical and legal behaviour of Councillors, local government employees and councillor advisors.

1 Mission Road, Gununa
Mornington Island QLD 4892
Ph 07 4745 7800
info@mornington.qld.gov.au
mornington.qld.gov.au

2. Purpose

2.1 This policy is to establish guidelines for the giving and receiving of gifts and benefits by Councillors and Council employees to avoid any potential conflicts of interest or breaches of the Local Government Act 2009 and all other regulations as outlined in Clause 12. Legislation and Related Documents.

2.2 Councillors and Council employees hold positions of public trust and must carry out their duties impartially and with integrity. The provision of gifts and benefits to Councillors and Council employees can create perceptions of a conflict of interest and it is appropriate to question why they are offered and whether they should be accepted.

2.3 The Public Sector Ethics Act 1994, identifies the following four ethics principles as fundamental to good public administration:

- Integrity and impartiality
- Promoting the public good
- Commitment to the system of government
- Accountability and transparency.

3. Scope

3.1 This policy applies in relation to any gift and benefit received by Councillors or Council employees from external parties and is intended to highlight the legal and ethical issues that should be taken into account in deciding whether to accept a gift or benefit. This policy does not apply to electoral gifts to Councillors as defined in the Local Government Electoral Act 2011.

4. Definitions

Councillor	Mayor and Councillors.
Council employee	Any person employed directly by Mornington Shire Council, regardless of their employment status and contractors undertaking duties on behalf of Council.
Gift	Any item of value such as money, voucher, entertainment, hospitality, travel, commodity, property that one person gives to another.
Benefit	Something that is similar to a gift in that it is of value to the recipient but it is less tangible in nature (e.g. promise of a job or promotion, preferential treatments or access to confidential information).
Official Gift	A gift received by a Councillor or Council employee as representatives of Council. These gifts may be received from another local government, organisation or corporation that are bestowing a corporate gift (i.e. plaques, plates, vases, trophies, artwork) or souvenir, or a token of appreciation for a contribution to a conference or industry event.

5. Guiding Principles

5.1 Gifts and Benefits Received

5.1.1 At times people and organisations who deal with Mornington Shire Council wish to express appreciation for services or assistance given by a Councillor or a Council employee or wish to demonstrate good faith in a business relationship by giving some form of gift or benefit.

5.1.2 In some circumstances the giving of a gift or benefit has the potential to compromise a person by creating a sense of obligation and thereby affecting impartiality. Councillors and Council employees should always by mindful of their obligations to maintain public confidence in Council.

5.1.3 As a general guide, if a Councillor or Council employee is offered a gift, they should put themselves in the position of the person offering the gift or benefit and consider why it is being given and whether acceptance is appropriate.

5.1.4 Each type of gift or benefit carries with it different risk that should be considered when deciding whether or not acceptance is appropriate. Lower risk gifts or benefits are those intended as a token of appreciation or memento, or a ceremonial or official gift from one organisation to another.

5.1.5 It is important to consider the following:

- Relevant legislation.
- Why the offer of a gift or benefit was made:
    - Was the gift or benefit intended to ingratiate the giver with the receiver for future influence?
    - Was it gratitude for a service that has been completed (so no scope for future influence)?
- The value and type of the gift or benefit (with higher value gifts/benefits warranting increased scrutiny).
- The sensitivity of the role of the recipient or the relationship of the parties (e.g. is the recipient a decision-maker as relevant to the giver).
- Whether the giving of the gift or benefit is being done publicly (more transparent) or in private, and
- The likely public perception of acceptance.

5.1.6 If unsure Councillors and Council employees should either decline the offer or the gift or benefit courteously by explaining that acceptance would be against Council policy or seek advice from the Chief Executive Officer or the Corporate and Communications Team.

5.2 Three categories of gifts and benefits received

5.2.1 Gifts and benefits received are broken into three categories for consideration:

- Gifts and benefits of nominal value - $100.00 (including GST) or less
- Gifts and benefits of value - $100.00 to $300.00 (including GST)
- Gifts and benefits NEVER to be accepted.

5.2.2 Gifts and Benefits of Nominal Value

5.2.2.1 For the purpose of this policy, a gift or benefit of nominal value includes (but is not limited to):

- Gifts and benefits of a nominal value - $100.00 (including GST) or less that are infrequently offered.
- Gifts of single bottle of reasonably priced alcohol or flowers as acknowledgement for giving a presentation or being a guest speaker.

- Free meals and/or beverages of a modest nature provided to Councillors or Council employees who are formally representing Council, and the meal and/or beverages is not provided withing the registration costs of the activity/event/travel.
- Refreshments of a modest nature provided at a conference where a Councillor or Council employee is a guest speaker or is attending with the prior approval of management.
- Marketing or corporate mementos such as (but not limited to) ties, scarves, pens, coasters, tie pins, diaries or chocolates.
- Invitation to appropriate out of hours functions or social event organised by groups such as council committees and community organisations that Councillors or Council employees attend in their role of representing the Council.

5.2.2.2 For Council employees – care must be taken concerning the cumulative nature of gifts and benefits from the same donor during a financial year (i.e. 1 July to 30 June). Should the amount exceed a total value of $100.00 (including GST) then those items are considered items of significant value.

5.2.2.3 For Councillors – the cumulative nature of gifts and benefits, from the same donor, is considered to be from the first day a Councillor is officially sworn into office until the last day of elected representation following the retirement or defeat of the said Councillor, regardless of the number of terms that the Councillor serves.

5.2.2.4 While one-off gifts and benefits of nominal value are not required to be recorded on Council's Gifts and Benefits Register (which is maintained by the Corporate and Communications Team), it is of paramount importance that all Councillors and Council employees who regularly attend community meetings, functions, events keep a personal record of attendance at all events where gifts and benefits and/or hospitality or entertainment are offered to ensure that the cumulative effect can be recognised and recorded on the appropriate Gifts and Benefits Declaration Form.

5.2.3 Gifts and Benefits of Value

5.2.3.1 For the purpose of this policy, a gift or benefit of more than nominal value ($100.00 to $300.00 including GST or more), includes (but is not limited to):

- Invitations to a corporate box at a sporting event or other entertainment event.
- Free or discounted tickets to major sporting or community events, corporate hospitality at a corporate facility at a major sporting event, products for personal use, the frequent use of facility such as gyms, travel or vehicles, free training excursions, gift hampers or vouchers.
- Payment by suppliers for Councillors or Council employees to attend training seminars, conferences or other promotional or educational activities.
- Free or subsidised meals and/or beverages provided by a potential supplier or contractor.
- Free or subsidised meals and/or beverages provided infrequently and/or reciprocally, that have been arranged primarily for, or in connection with, discussion of official business.

5.2.3.2 Gifts or benefits of value offered and/or accepted by a Councillor or Council employee are to be recorded on Council Gifts and Benefits Register (which is maintained by the Corporate and Communications Team). The Gifts and Benefits Declaration Form can be found on Council's Intranet.

5.2.3.3 In deciding whether to accept a gift or benefit, consideration should be given to whether refusal, in the circumstances could be discourteous or cause offence to a person offering the gift or benefit.

5.2.3.4 Care should be taken in handling circumstances where there are cultural differences. In some circumstances it is recognised that declining a gift may be difficult, inappropriate or offensive.

5.2.3.5 However, the overriding concern in considering whether to accept a gift or benefit is whether the gift or benefit is likely, or could reasonably be perceived, to affect the independent and impartial performance of duties.

5.2.3.6 Gifts with a value of over $300.00 (including GST) are not to be accepted unless it is an official gift received by a Councillor or council employee – refer 9. Such gifts remain the property of the Council.

5.2.4 Gifts and benefits which are NEVER to be accepted

5.2.4.1 For the purpose of this policy, gifts and benefits that are considered totally inappropriate and should never be accepted or given include (but are not limited to):

- Cash, regardless of the amount.
- Any item which may be readily converted into cash (e.g. shares).
- Access to confidential information.
- Promise of a new job.
- Preferential treatment (may include reciprocal favours given in return for a service provided by Council).
- Disposition of property or bequest, not necessarily land, can include goods and chattels (furniture, vehicles, tools etc) by one person to another without payment.

5.2.4.2 All gifts and benefits offered of a prohibited nature, as outlined above, are to be recorded using Council's Gifts and Benefits Declaration Form which can be found on Council's Intranet.

5.2.4.3 Where you decide to decline a gift or benefit (except where it could be considered to be a bribe or other potentially corrupt conduct – see Clause 7 – Bribery) you should politely thank the person for the offer and explain what your obligations are under this policy.

5.2.4.4 Where uncertainty exists as to what action to take regarding the offer of a gift or benefit, regardless of the occasion or purpose, refer to the decision making guide (Attachment A) to help you decide, or seek advice from the CEO or Corporate and Communications Team.

5.3 What is NOT a gift or benefit for the purposes of this policy

5.3.1 For the purpose of this policy, a gift or benefit is NOT:

- Any product or service that genuinely has no connection to your role as a Councillor or Council employee.
- Any product or service that is given to a Councillor or Council employee by the Council or another Council official (except a contractor) as an award, any other form of recognition or to celebrate an occasion.
- Any discounted product or service if the discount is reasonable and generally available of capable of being negotiated by others not connected with Council and acceptance of the product or service will not compromise the Council or be seen to compromise the Council.
- Any discounted product or service if the discounted is offered to staff generally (such as through a staff social club) and the arrangements will not compromise the Council or be seen to compromise the Council and the arrangements have the approval of the CEO.
- Any product of service received in relation to your membership of any industrial or professional organisation, club or other association or body.
- Any product or service received by a relative or associate from someone connection to Council if you genuinely did not know about it.

6. Soliciting Gifts and Benefits

6.1 Soliciting gifts and benefits is strictly prohibited under any circumstances. If a Councillor or Council employee becomes aware of a situation of soliciting gifts and benefits, they must report it to the CEO immediately.

7. Bribery

7.1 Acceptance of money or any other gifts or benefits perceived as bribery is strictly prohibited under any circumstances and must be report to the CEO immediately. The CEO may notify the Crime and Corruption Commission if any offer of money is made regardless of the giver's intention.

8. Gifts Given by Council to Person/s Visiting Council in an Official Capacity

8.1 There are occasions when Council may wish to present a gift to a person visiting Council in an official capacity. This may include guest speakers at conferences, courses, seminars or workshops that Council has organised or visiting delegates whether intrastate, interstate or overseas.

8.2 The gift must be for official purposes, and the requesting officer must be able to identify the benefit for Council and the public in giving the gift.

8.3 Prior approval must be given by:

- Requests from Council employees are to be approved by the relevant director.
- Requests from Councillors are to be approved by the Mayor or the CEO.
- Requests from the CEO are to be approved by the Mayor.
- Requests from the Mayor are to be approved by the CEO.

8.4 The costs associated with purchasing the gift are to follow Council's normal procurement processes (refer to Council's Procurement Policy).

9. Official Gifts Received By a Councillor or Council Employee

9.1 There are occasions when a Councillor or Council employee is involved in a conference, cultural, community of industry event where official gifts are presented or exchanged. Where it would appear not to be polite or appropriate to decline the offer, it is reasonable for official representatives of Council to accept the gift on behalf of Council.

9.2 All such gifts are considered the property of Council, not the individual representing Council, and are to be handed to the CEO as soon as possible after receipt of the item.

9.3 The Councillor or Council employee is required to complete a Gifts and Benefits Declaration Form which can be found on Council's intranet to accompany the item.

9.4 The CEO will assign responsibility of the item to the Chief Financial Officer (Finance Team) who will ensure that the item is entered into Council's Asset Register.

9.5 If the gift if of an appropriate nature, it will be placed on display at Council's Administration Building. It will also detail the giver's details, reason and nature of the gift and date that it was gifted.

9.6 Should the gift not be suitable for public display the CEO will decide a suitable location with Council's facilities to store or dispose of the item in accordance with current policy and procedures.

10. Breach Of Policy

10.1 Any actual or suspected breach of this policy will be managed by Council in accordance with its legislative obligations.

11. Communication and Distribution

10.1 Council will make available to the public the Gifts and Benefits Policy, on our website www.mornington.qld.gov.au

11.2 Council will make available to Council Employees the Gifts and Benefits Policy on the Council's Intranet.

12. Legislation and Related Documents

- Local Government Act 2009
- Local Government Regulation 2012
- Local Government Electoral Act 2011
- Public Sector Ethics Act 1994
- Crime and Corruption Act 2001

- Code of Conduct for Councillors
- Employee Code of Conduct
- Entertainment and Hospitality Policy
- Performance Management Policy
- Procurement Policy

Appendix A – Gift & Benefit Decision Making Guide

