

**Management report to Council**

**Agenda item 6.5**

**Online gift register for Councillors**

**Council**

**Presenter:** Keith Williamson, Manager Governance and Legal

**30 August 2016**

**Purpose and background**

1. The purpose of this report is to recommend an appropriate framework and guidelines for the adoption of a gift register for Councillors to be considered by the next Council. At its meeting on 31 May 2016 Council resolved as follows:
  - 1.1. *Supports in principle the introduction of an online gift register for Councillors.*
  - 1.2. *Requests officers to undertake a review of guidelines for similar, successful gift registers including the format recommended by the MAV.*
  - 1.3. *Request officers prepare a report recommending an appropriate framework and guidelines for the adoption of a gift register to be brought to Council for decision in August 2016.*
2. Examples of other capital city council online registers are contained in Attachment 2.
3. The City of Adelaide online register, which has been in place for many years, is updated quarterly and the threshold is \$100. Each quarter report is a separate web page and each Councillor is named with gifts (including travel) received or 'no gifts recorded'.
4. The City of Perth online register which has only been in existence since earlier this year is updated regularly and the threshold is \$200. Gifts received are recorded and a separate online register records travel that is received.
5. The City of Darwin has a voluntary Gifts and Benefits Register (dating back to 2012) online. There is no threshold. There is no requirement for Councillors to register gifts they receive on the online register.
6. The City of Hobart has an online Gift register (dating back to most recent election) for its Alderman which is continually updated. There appears to be no threshold.
7. Other capital cities don't have online gift registers.

**Key issues**

8. Given Council's support for introducing an online gift register it needs to determine the scope of gifts to be captured, the monetary threshold, other information to be included and the timing of reporting.
9. Under the provisions of the *Local Government Act 1989*, Councillors are required to declare gifts/hospitality from anyone other than a family member which have a value equal to or greater than \$500. Simply having a lower threshold for an online register would likely pick up gifts such as birthday and Christmas presents from friends. It is suggested that for the online register only gifts and hospitality accepted by Councillors as a result of them being a Councillor should be included.
10. It is suggested that information as to the name of the giver, the type of gift/hospitality, date received and the value should be included on the online register. A suggested format for such information is outlined in Attachment 3.
11. Consistent with the timing of updating other online registers (such as Councillor expenses, conflicts of interest and travel) it is recommended that the online register be updated quarterly.
12. Establishment of the online register would be in addition to, not as an alternative to, the statutory requirements around declaring gifts and hence the same information may be required to be submitted on both the online register and the statutory Returns of Interest.

**Recommendation from management**

13. That Council recommends that the newly elected Council consider incorporating into its revised Councillor Code of Conduct the requirement for an online gift register (with a threshold to be determined), and that such register:
  - 13.1. contain the following details of all gifts (including hospitality and in-kind benefits) received by each Councillor as a result of them being a Councillor
    - 13.1.1. name of Councillor receiving gift/benefit/hospitality

- 13.1.2. date gift/benefit/hospitality received
  - 13.1.3. description of gift/benefit/hospitality
  - 13.1.4. estimated market value of gift/benefit/hospitality
  - 13.1.5. reason gift/benefit/hospitality was offered (if known)
  - 13.1.6. name of provider of gift/benefit/hospitality
  - 13.1.7. whether the gift or benefit was accepted or retained by Council
- 13.2. be updated on Council's website on a quarterly basis.

**Attachments:**

1. Supporting Attachment (page 3 of 9)
2. Example of other capital city council online registers (page 4 of 9)
3. Suggested format for Councillor Declaration of Gift, Benefit or Hospitality and suggested format for online register (page 8 of 9)

**Supporting Attachment**

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**Legal**

1. The definition of 'gift' contained in the *Local Government Act 1989* is as follows:  
  
*gift* means 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—
  - (a) the provision of a service (other than volunteer labour); and
  - (b) the payment of an amount in respect of a guarantee; and
  - (c) the making of a payment or contribution at a fundraising function;
2. By making disclosure of gifts for the purpose of the online register a requirement of the Councillor Code of Conduct (Code) contraventions could be dealt with in accordance with the Dispute Resolution Processes outlined in the Code.

**Finance**

3. There are no significant costs of the proposal other than staff time associated with recording and publishing records of gifts.

**Conflict of interest**

4. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

**Stakeholder consultation**

5. The Municipal Association of Victoria were approached to obtain the 'format recommended by the MAV' as stated in the resolution of the May 2016 Council meeting. Advice was received that the MAV does not have a recommended format.

**Relation to Council policy**

6. It is considered appropriate that the Councillor Code of Conduct be the appropriate avenue for requiring Councillors to comply with declaring gifts for publication on an online register.

**Environmental sustainability**


7. Environmental sustainability issues or opportunities are considered not relevant to this proposal.

## Example 1 – Adelaide City Council Register of Gifts for Councillors

Adelaide City Council : Register of Gifts  
1 January 2016 to 31 March 2016

Councillor	\$
<b>Councillor Houssam Abiad (Central Ward Councillor)</b>	<b>\$0.00</b>
31/01/2016	
Gifts Received	
No Items Recorded	\$0.00
29/02/2016	
Gifts Received	
No Items Recorded	\$0.00
31/03/2016	
Gifts Received	
No Items Recorded	\$0.00
<b>Councillor Alex Antic (South Ward Councillor)</b>	<b>\$265.00</b>
31/01/2016	
Gifts Received	
No Items Recorded	\$0.00
29/02/2016	
Gifts Received	
No Items Recorded	\$0.00
31/03/2016	
Gifts Received	
1x Complimentary ticket to the Minter Ellison, Rymill House Foundation charity luncheon on 4 March 2016	\$265.00
<b>Councillor Susan Clearihan (North Ward Councillor)</b>	<b>\$0.00</b>
31/01/2016	
Gifts Received	
No Items Recorded	\$0.00
29/02/2016	
Gifts Received	
No Items Recorded	\$0.00
31/03/2016	
Gifts Received	
No Items Recorded	\$0.00

## Example 2 – City of Perth Elected Member Gift Register

 <b>City of Perth Elected Member - Gift Register</b>						
Name of Relevant Person making Disclosure	Description of Gift	Name of Person who made gift	Address of Person who made gift	Date gift was received	Estimated Value of Gift	Nature of Relationship between the Relevant Person and Person who gave made the Gift
Jemma Green	40under40 awards dinner	WA Business News	Not provided	9/03/2016	\$ 275.00	Partnership for 40under40
Janet Davidson	40under40's Business News	40under40 Awards	Not provided	9/03/2016	\$ 550.00	Sponsorship
Reece Harley	40under40 Awards ticket. City of Perth sponsored	WA Business News	Not provided	9/03/2016	\$ 275.00	Stakeholder
Jim Adamos	Business News 40under40 Gala Awards 2016	Business News	Not provided	9/03/2016	\$ 275.00	Sponsorship Recipient
Keith Yong	Represent Lord Mayor at FACCI WA Annual Gala Dinner 6 May 2016	FACCI WA	Not provided	11/03/2016	\$ 210.00	Operate in City, Office in City of Perth
Keith Yong	ICCI Momentum Business Forum	Italian Chamber of Commerce	Not provided	17/03/2016	\$ 270.00	Sponsorship
Keith Yong	International Visitor Leadership Program 2016 - Food and drinks, conference and seminar	Department of State (USA)	Not provided	26/03/2016	\$USD 3740.00	Inter-governmental
James Limnios	Invitation to be guest at the Australian Construction Achievement Awards on Thursday 26 May 2016 at Crown Perth	Probuild	Not provided	24/05/2016	\$ 275.00	None that I know of
James Limnios	Welcome Dinner during personally funded visit to Najing from 12 to 14 June 2016	Nanjing Qixia District	Not provided	11/06/2016	\$ 50.00	Nanjing is a sister city with Perth
James Limnios	Dinner during personally funded visits to Nanjing from 12 to 14 June 2016	Nanjing Qixia District	Not provided	13/06/2016	\$ 50.00	Nanjing is a sister city with Perth
James Limnios	Lunch during personally funded visits to Nanjing from 12 to 14 June 2016	Nanjing Qixia District	Not provided	13/06/2016	\$ 80.00	Nanjing is a sister city with Perth
James Limnios	Presented with large Yun Jin Brocade during personally funded visit to Nanjing from 12 to 14 June 2016.	Nanjing Qixia District	Not provided	11/06/2016	\$ 100.00	Nanjing is a sister city with Perth

## Example 3 – City of Darwin Elected Member Gift Register

## ELECTED MEMBERS' GIFTS AND BENEFITS REGISTER FROM APRIL 2012

Date	Name of Recipient	Ward	Gift	Organization	Value	Declined	Date Returned
Aug-2012	Bob Elix	Chan	2 X double tickets to the Darwin Festival	Darwin Festival	unknown	accepted	
Aug-2012	Allan Mitchell	Waters	4 X double tickets to the Darwin Festival	Darwin Festival	unknown	accepted	
Aug-2012	Robin Knox	Chan	Tickets to various events during Darwin Festival 2012	Darwin Festival		accepted	
19/12/2012	Garry Lambert	Richardson	Gift basket	Osborne Family for acting as Judge in the Urban Art competition	\$50.00	accepted	
Oct-12	Robin Knox	Chan	Received one iPad (approx \$600) as unlucky prize at bicycle Futures Conference in Melbourne in October 2012. After offering it to Bicycle NT, who did not have a use for it, I donated it to an environmental organisation in Papua New Guinea that was requesting donations of IT equipment.	Received at Bike Futures Conference in October 2012	\$600.00	accepted	
21/08/2014	Allan Mitchell	Chan	Darwin Festival Tickets to 5 Events	Darwin Festival	\$250.00	accepted	
22/06/2015	George Lambrinidis	Richardson	Suitcase - raffle prize at an event for AANT	AANT	unknown	accepted	
07/07/2015	George Lambrinidis	Watetrs	Tie, Scarfe and Wooden Bowl	Mayor of Suva	unknown	accepted	
07/07/2015	George Lambrinidis	Waters	Wine Stop	Austrian Consul	unknown	accepted	

## Example 4 – City of Hobart Elected Member Gift Register

**ALDERMANIC GIFTS REGISTER**

DATE	NAME	POSITION	DESCRIPTION OF GIFT	GIFT PROVIDER	ESTIMATED COST	COMMENTS
4 Apr 16	Alderman Christie	Deputy Lord Mayor	2 x Executive Club tickets to the North Melbourne vs Melbourne AFL game on 10 April 2016	North Melbourne Football Club	\$720	Provided by the North Melbourne Football Club as part of the City of Hobart's funding agreement
4 Apr 16	Alderman Briscoe	Alderman	1 x Chairman's Room ticket to the North Melbourne vs Melbourne AFL game on 10 April 2016	North Melbourne Football Club	\$360	Provided by the North Melbourne Football Club as part of the City of Hobart's funding agreement
4 Apr 16	Alderman Hickey	Lord Mayor	1 x Chairman's Room ticket to the North Melbourne vs Melbourne AFL game on 10 April 2016	North Melbourne Football Club	\$360	Provided by the North Melbourne Football Club as part of the City of Hobart's funding agreement
24 May 16	Alderman Christie	Deputy Lord Mayor	2 x Executive Club tickets to the North Melbourne vs Richmond AFL game on 3 June 2016	North Melbourne Football Club	\$720	Provided by the North Melbourne Football Club as part of the City of Hobart's funding agreement
24 May 16	Alderman Sexton	Alderman	2 x Chairman's Room tickets to the North Melbourne vs Richmond AFL game on 3 June 2016 and 2 x grandstand seated tickets	North Melbourne Football Club	\$850	Provided by the North Melbourne Football Club as part of the City of Hobart's funding agreement
24 May 16	Alderman Denison	Alderman	2 x Chairman's Room tickets to the North Melbourne vs Richmond AFL game on 3 June 2016	North Melbourne Football Club	\$720	Provided by the North Melbourne Football Club as part of the City of Hobart's funding agreement
25 May 16	Alderman Hickey	Lord Mayor	2 x Chairman's Room tickets to the North Melbourne vs Richmond AFL game on 3 June 2016	North Melbourne Football Club	\$720	Provided by the North Melbourne Football Club as part of the City of Hobart's funding agreement

Table 1 – Suggested format for Councillor Declaration of Gift, Benefit or Hospitality

<b>Councillor Declaration of Gift, Benefit or Hospitality</b>	
Councillors must declare any gift, benefit or hospitality received, valued at [threshold to be determined], on this form, within five business days of receipt (or where received interstate or overseas, within five business days from return to work). Declarations made using this form will be kept by Governance and Legal and key details will be recorded in the Councillor Online Gift Register which is updated online each quarter.	
Councillor name (recipient):	
Date gift, benefit or hospitality received:	
Description of gift, benefit or hospitality:	
Estimated market value of gift, benefit or hospitality:	
Reason gift, benefit or hospitality was offered (if known):	
Name of provider of gift, benefit or hospitality (organisation or individual):	
Provider's association to Councillor:	
Decision regarding gift or benefit (accepted, retained by Council):	
----- Signature of Councillor	----- Date



Table 2 – Suggested format for Online Councillor Gift Register



City of Melbourne Councillor Gift Register

Date of Declaration	Name of Councillor	Description of gift, benefit or hospitality	Estimated market value of gift, benefit or hospitality	Name of provider of gift, benefit or hospitality	Date gift, benefit or hospitality received	Decision made regarding gift, benefit or hospitality	Provider's association to Councillor