Local Government Association Tasmania

Our Ref: DJL| LR

6 March 2026

Integrity Commission Tasmania
Via email: contact@integrity.tas.gov.au

Dear recipient,

Local Government Gifts and Donations Consultation Paper

Thank you for the opportunity to provide a submission on the Local Government Gifts and Donations Consultation Paper (the Consultation paper). This submission has been prepared by the Local Government Association of Tasmania (LGAT) on behalf of Tasmanian local government in collaboration with our members; all 29 councils.

LGAT is incorporated under the *Local Government Act 1993* and is the representative body and advocate for local government in Tasmania. Where a council has made a direct submission to this process, any omission of specific comments made by that council in this submission should not be viewed as lack of support by the LGAT for that specific issue.

Please contact me if you have any questions or would like further information, at dion.lester@lgat.tas.gov.au or 6146 3740.

Yours sincerely,



Dion Lester
Chief Executive Officer

Local Government Gifts and Donations Consultation Paper

Tasmanian local government is firmly committed to upholding the highest standards of transparency and ethical conduct among its elected members and staff. We recognise that maintaining public trust is essential, councils strive to ensure that all actions and decisions are guided by integrity, accountability, and openness. A well-functioning personal interest return and gifts and donations framework are important components of this. That is why Tasmanian councils support improvements to our regulatory framework. Specifically, local government supports:

- The introduction of an appropriate personal interest return framework for elected representatives, and
- Improvements to the gifts and donations framework, particularly related to local government elections. For example, expanding the requirement to disclose gifts and donations from incumbent councillors to all candidates in local government elections.

In early 2024 the State Government consulted on significant changes to the management of interests in our sector through the Draft *Managing conflicts of interest of councillors framework*. This framework was informed by an expert local government reference group and broadly supported by the sector. This work has informed a discussion paper (early 2025) and draft legislation (February 2026), which outlined important local government election and personal interest framework reforms. This work has also been supported by local government.

The 2025 discussion paper and draft legislation can be accessed at:

https://www.dpac.tas.gov.au/divisions/local_government/consultation-on-local-government-electoral-legislation

These reforms are important and relevant, but the Consultation paper makes no reference to them. This is a significant omission and symptomatic of the major shortcomings of the Consultation paper, which makes several broad statements and assertions, without appropriate research or evidence in support.

For example, when noting the low number of declarations in the gift registers for council staff and smaller councils, the Consultation paper suggests that:

> *"council officials may be accepting gifts and donations without reporting them as required"*
>
> *"apart from some of the larger municipalities, very few gifts are declared by councillors and even fewer by employees"*

The observations regarding the relative percentages of declarations are implying council staff and smaller councils are acting in a corrupt manner when in fact there is a low number of declarations in the gift register for these cohorts **because there is a low number of gifts received**. For example, the likelihood of an offer of a gift in smaller rural councils is far lower than in larger metropolitan councils by virtue of the nature of activities that larger metropolitan councils are involved in.

Similarly, the Consultation paper notes that "*Few registers have met the legislative requirement to update the register 'at least monthly'*. In most cases this is not a failure to update the registers, but rather councils only updating their register when a gift or donation is received. In

other words, if a register has not been updated since 2022, in most cases it is because there have been no donations received since that time.

The suggestion on page 5 of the Consultation paper that Council employees may be "escaping public scrutiny" if their declarations are not publicly disclosed appears to assert that public registers may be appropriate for officers in the same way they are for elected members. While making this assertion, the Consultation paper does not meaningfully consider the practical, legal or workplace implications of such an approach, including privacy considerations. Rather, in reality, officers occupy a fundamentally different governance position to elected members. Public disclosure, as distinct from internal disclosure, may not be a proportionate response to the perceived risk of officer under-reporting or misconduct, and the Consultation paper does not demonstrate how applying a similar transparency model to officers would be justified or sustainable.

The Consultation paper on page 10 notes the issue of donations made indirectly to elected members and officers through third parties (e.g. sporting clubs to which they may be a member), it does not sufficiently address the practical limitations of attempting to regulate this conduct. Councils have no power to compel disclosure from external entities that are not contracting with the council, and there are no clear mechanisms by which such donations could be reliably monitored. Even if a more "robust system of personal interest disclosures" were introduced, particularly for officers (as it seems to suggest), it is unclear how this would operate in practice or how compliance could be verified.

The Consultation paper also fails to acknowledge the Model Gifts and Benefits Policy that is already available to councils through the LGAT. This is included as Attachment 1 for reference.

Ensuring there are robust personal interest return, and gifts and donations frameworks in place for local government is in the interests of the Tasmanian community and support by our sector. The current system would benefit from some changes, and this is support by councils. But unfortunately, the Consultation paper has failed to undertake the necessary research, consultation or analysis to make a meaningful contribution to the reforms State and local government already have underway.

Attachment 1

Local Government Association Tasmania

LGAT GUIDE GIFTS AND BENEFITS POLICY

2025-26

Please note that this document is a model policy and intended to act as a guideline for councils. It can be tailored by a council so that it is appropriate and also consistent with the organisations related policies and procedures. The council specific document should be approved by Council prior to use.

Drafting note- all sections highlighted in yellow are to be completed by the Council

Please note LGAT takes no responsibility for the manner in which these documents are used and or modified by council.

LGAT TEMPLATE - GIFTS AND BENEFITS POLICY

First issued/approved	(insert)
Source of approval/authority	Council Resolution xxxxxxx (insert)
Last reviewed	(insert)
Next review date	(insert)
Version number	(insert)
Responsible Officer	(insert)

Department responsible for policy development	(insert)
Strategic Plan reference	(insert)
Related policies	• *Local Government Act 1993* • *Local Government (General) Regulations 2025* • Code of Conduct (insert additional – i.e. council policies)
Publication of policy	Policy to be made available on council's website and at council's Customer Service Centre(s).

PURPOSE

<Council name> is committed to acting with fairness, impartiality, and integrity.

The acceptance of gifts, benefits and hospitality can:

- Undermine this commitment, or create perceptions that threaten community and council confidence
- Place elected representatives and employees in a situation where they may be vulnerable to undue influence.

The purpose of this policy is to:

- Ensure that Elected Representatives (Covered Parties) act with fairness, impartiality, and integrity.
- Assist Covered Parties to make appropriate judgements in relation to gifts and benefits; and

- Outline the obligations and responsibilities of Covered Parties when dealing with offers of gifts or benefits.

SCOPE

The policy applies to all gifts and benefits offered to, or received by, Covered Parties in their council role.

LEGISLATION

The legislation relevant to this policy are:

Local Government Act 1993

- Section 56A – councillors to notify council when receiving gifts and benefits.
- Section 56B – council has to keep a register of gifts and benefits.
- Section 339A – specifies penalties in relation to the misuse of office by councillors and employees.
- Section 28R to 28U – deals with the Code of Conduct for councillors.
- Section 62 – identifies the functions and powers of the general manager.

Local Government (General) Regulations 2025

- Regulation 31 – defines 'gift' and 'benefit' and sets the value of $50 or more.
- Regulation 32 and 33 – details the information that a councillor is to supply when making a declaration under Section 56A of the *Local Government Act 1993* and the timeframe this must be made (14 days)
- Regulation 34 – the information to be kept in council's gift and benefit register.

This policy should be read in conjunction with any other relevant State and Federal legislation.

APPLICATION

This policy is to be applied to any gift accepted by, or offered to, a Covered Party that is related to their Council role.

The policy is to be applied in conjunction with provisions in council's Code of Conduct and other relevant Council policies and procedures.

POLICY STATEMENT

1. General

Covered Parties must always and in all situations be seen to be fair, impartial, and act with integrity.

Covered Parties must avoid situations which could lead to the appearance that a person or body, through the provision of gifts, benefits, or hospitality of any kind, is attempting to secure favourable treatment from you or the council.

Covered Parties must take all reasonable steps to ensure that immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children, and siblings.

Key considerations for Covered Parties in this policy:

- Actively discourage offers of gifts and benefits and must not solicit gifts or benefits.
- Not take advantage of their official position to secure personal profit or advantage.
- People doing business with the council should be encouraged to understand that they do not need to give gifts or benefits to Covered Parties to get high quality service.
- Covered Parties should be aware of the wider context in which a gift or benefit is being made. Covered Parties should consider whether the donor is in, or may be seeking to, enter into a business relationship with council or may be applying to council in relation to the exercise of Councils functions.
- Covered Parties must avoid situations where a person or body is attempting to secure favourable treatment from Council through the provision of gifts or benefits.
- Token gifts and benefits may be accepted in circumstances detailed in section 2.1.
- When deciding whether to accept or decline a gift or benefit, consideration is to be given to the value of the gift or benefit and the intent of the gift or benefit being offered. If in doubt, do not accept the gift or benefit.

2. Acceptable gifts and benefits

Gifts or benefits of a token nature at or below nominal value (Sections 2.1 and 2.2 below) may generally be accepted by Covered Parties without disclosing details to the General Manager and without recording the details of the gift or benefit on the Gifts and Benefits Declaration Form (Attachment 1) and Register (Attachment 2).

Where Covered Parties receive more than the specified number of token gifts of a nominal value from the same person or organisation in a specified period, they must disclose these gifts in the gifts and benefits register.

If a Covered Party has any doubt if a gift or benefit is token or of nominal value they should discuss it with the General Manager.

2.1. Token gifts and benefits

Gifts or benefits of a token nature are unlikely to create the appearance of a conflict of interest and include:

- Items with a company logo on them, ties, scarves, coasters, diaries, chocolates, flowers.
- Books given to individuals at functions, public occasions or in recognition of exceptional work done.
- Gifts of single bottles of reasonably priced (i.e. below the nominal value threshold) alcohol given to individuals at functions, public occasions or in recognition of exceptional work done.
- Free or subsidised meals of a modest nature and/or beverages provided infrequently (and or reciprocally) that have been arranged for, or in connection with, the discussion of official business.

- Free meals of a modest nature and or beverages provided to Covered Parties who formally represent Council at work related events such as training, education sessions and workshops.
- Invitations to approved social functions organised by groups such as Council Committees and community organisations.

2.2. Nominal value

For the purpose of this policy the nominal value limit is less than the amount set in section 11.

3. Non-acceptable gifts and benefits

Accepting gifts of money is never acceptable.

Covered Parties should generally not accept gifts or benefits that appear to be non-token in nature or more than of a nominal value.

There may be times when a non-token gift or benefit (refer to section 3.1) cannot reasonably be refused as this may cause embarrassment. In these cases the offer and receipt of the gift or benefit must be declared via completion of a Gifts and Benefits Declaration Form (at Attachment 1) and the details must be recorded on the Council Gift Register (at Attachment 2).

Where a Covered Party refuses a gift or benefit because they believe that the gift was a deliberate attempt to receive "special treatment', then such instances are to be reported to the General Manager.

3.1. Non-token gifts and benefits

Gifts or benefits of a non-token nature include:

- free or discounted travel
- use of holiday homes
- tickets to major sporting events
- corporate hospitality at a corporate facility or sporting venue
- free training excursions
- access to confidential information
- discounted products for personal use
- goods and services provided via a determination in a Will.

At times a gift of a non-token nature may be given from one authority to another. Such gifts are often provided to a host authority. These gifts may be given as an expression of gratitude without obligation on the receiver to respond. The gratitude usually extends to the work of several people in the authority and therefore the gift recipient is the authority, not a particular individual.

3.2. Significant value

For the purpose of this policy, a gift or benefit with significant value has a value more than the amount or cumulatively received, as set in section 11

4. Actual or perceived effect of the gift or benefit – Gift of Influence

It is not acceptable to accept gifts where a reasonable person could consider that there may be influence applied as a result of accepting the gift or benefit.

Where it is suspected that a gift or benefit has been offered for the purpose of influencing the behaviour of someone acting in their official capacity, the gift or benefit must be declined, and the matter should be reported immediately to the General Manager and entered into the Gifts and Benefits register.

5. Actual or perceived effect of the gift or benefit - Bribes

It is an offence common law and Tasmanian Legislation to offer or seek a bribe.

A person offered a bribe should refuse it and report the incident as soon as possible to the General Manager. Council will take steps to immediately report the matter to Police.

6. Family members

Covered Parties must take all reasonable steps to ensure that immediate family members do not receive gifts or benefits of a non-token nature or gifts or benefits above the nominal value. Immediate family members include parents, spouses, children and siblings.

7. Records – Gifts and Benefits Registers

Covered Parties who receive a gift or donation must provide notice within 14 days of receiving a gift or donation. This also applies if the gift or donation is received outside of Australia, where notice must be provided within 14 days of returning to Australia.

Covered Parties who receive more than (three) nominal gifts of a token nature from the same person or organisation (a cumulative gift or benefit), in a six-month period must disclose that fact in the Gifts and Benefits Declaration Form and Register (Attachment 1 and 2).

If a Covered Party receives a non-token gift or benefit in circumstances where it cannot reasonably be refused or returned (see Section 8), the receipt of the gift or benefit should be disclosed and the details recorded on a Gifts and Benefits Declaration Form (at Attachment 1) and in the Gifts and Benefits Register (at Attachment 2).

The Register will be available for public inspection.

The content of the Registers will be monitored by the General Manager on a regular basis and reviewed every <x months>. (period to be determined by Council).

8. Disposal of gifts

Where gifts that have been accepted because they could not reasonably be refused but should not be retained by an individual may need to be disposed of. The General Manager will determine whether a gift or benefit of a non-token nature should be disposed.

Examples of circumstances where gifts or benefits may be received include:

- Gifts accepted for protocol or other reasons, where returning it would be inappropriate.
- Anonymous gifts (received through the mail or left without a return address).

- A gift received in a public forum where attempts to refuse or return it would cause significant embarrassment.
- A gift or benefit of significant value provided to a Council official through a Will, where the relationship between the giver and recipient was essentially a council related business relationship.

Options for disposal include:

- Surrendering the gift to Council for retention.
- Distributing the gift or benefit amongst a selection of Council's elected representatives - where a reasonable person would agree that the allocation was appropriate.
- Donating the gift to an appropriate charity.

9. Breaches of Policy

Covered Parties are obliged to comply with this policy and sanctions may be applied if the policy is breached.

Any person may report an alleged breach of this policy by a Covered Party to the General Manager who shall investigate any report received and take such action as is considered necessary.

If this policy has been breached, such action may include counselling, censure motions, disciplinary action, action under the *Local Government Act 1993*, Code of Conduct, the laying of charges and the taking of civil action.

10. Review process and endorsement

This policy, including the amounts and frequencies specified, may be varied by resolution of the Council. When varied, the amounts and frequencies that apply to the policy must be updated and included in section 11.

This policy should be reviewed as required, but at least every four years following the conduct of local government elections.

11. Detail of amounts specified in the policy

For the purpose of this policy the current nominal value limit is $50.00

A gift or benefit is considered significant if a Covered Parties receives more than (three) nominal gifts of a token nature from the same person or organisation, in a six-month period. These must also be disclosed in the gifts and benefits register.

12. Definitions

Benefit – a non-tangible item which is believed to be of value to the receiver. For example, preferential treatment such as queue jumping, access to confidential information and hospitality).

Bribe – a gift or benefit given specifically for the purpose of winning favours or to influence the decision or behaviour of a Council official to benefit someone or something.

Cash – money or gift cards.

Conflict of interest – any situation in which an individual or corporation (either private or government) is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit.

Covered parties - are elected representatives, including Mayors, Deputy Mayors, Councillors and Aldermen.

Gift – An item, service, loan of money, loan of property or any other benefit with a monetary value given to another person.

Attachment 1

GIFTS AND BENEFITS DECLARATION FORM

Name, position	
Date gift offered	
What is the gift?	
What is the approximate dollar value of the gift?	
Who is the gift from? • Individual (provide name) • Organisation (provide name)	
Where was the gift offered? (i.e. at a function, over the counter, through the mail, at a meeting)?	
Recipient's relationship to the donor	
Was the gift or benefit accepted or declined?	
If the gift was accepted, should it be retained by the employee or organisation?	
If the gift was retained by <council> should it be disposed?	
Council Official's signature	
Date	
Responsible Officer (General Manager, Mayor) comments	
Responsible Officer's name and signature	
Office Use	
Date recorded on Gifts and Benefits Register	

Attachment 2

GIFTS AND BENEFITS REGISTER

This register shows reportable gifts and benefits that have been offered to and received by Council Officials for the financial year 2025-26.

The register includes instances where Council Officials have received more than the specified number of token gifts of a nominal value from the same person or organisation, in a specified period.

ID	Date gift received	Description of gift or benefit	Token / Non-token	Value ($)	Name of donor and organisation	Name of recipient	Reasons for accepting/declining the gift	Disposal (Yes/No)	Name of accountable officer