

Council Policy



Policy Title:	Gifts and Benefits
Policy Number:	1.05
Focus Area:	Making Council Great
Responsibility:	Governance and Advocacy
Meeting Adopted:	15 September 2020 [Resolution 150920/6]

OBJECTIVE

The purpose of the Gifts and Benefits Policy is to provide a framework for Council staff and Councillors on the ethical considerations and procedures involved in the giving and receiving of gifts and benefits in the course of their official duties.

It is essential that all Council staff and Councillors not place themselves in situations which could lead to, or be seen to give rise to, a conflict of interest.

Council's Code of Conduct provides information in relation to gifts and benefits that may be offered to Councillors and staff. Corrupt acts such as inducements are not considered acceptable by Council and instances of corrupt conduct must be reported to the Independent Commission Against Corruption (ICAC) in accordance with Council's Internal Reporting (Public Interest Disclosures) Policy.

SCOPE

This policy applies to all Council staff and Councillors and should be read in conjunction with Council's Code of Conduct relating to the giving and receiving of gifts and benefits. It is the responsibility of the individual staff member or Councillor to respond to offers of gifts and benefits in accordance with this policy.

POLICY

Gifts and Benefits

1. You must not:
 - § seek or accept a bribe or other improper inducement
 - § seek gifts or benefits of any kind
 - § accept any gift or benefit of more than a token value (for the purpose of this policy, token value is regarded as being a value of \$100.00 or less)
 - § accept an offer of cash or a cash-like gift, regardless of the amount, including but not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.
2. You must not seek or accept any payment, gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty to:

- § act in a particular way (including making a particular decision)
- § fail to act in a particular circumstance
- § otherwise deviate from the proper exercise of your official duties.

3. You may accept gifts or benefits of a nominal or token value that do not create a sense of obligation on your part.

Token Gifts and Benefits

Generally speaking, token gifts and benefits may include:

- § gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
- § free or subsidised meals, of a modest nature, and/or beverages provided infrequently (and/or reciprocally) that have been arranged primarily for, or in connection with the discussion of official business
- § council work related events such as:
 - training, education sessions, workshops
 - conferences
 - council functions or events
 - social functions organised by groups, such as council committees and community organisations
- § invitations to and attendance at local social, cultural or sporting events
- § ties, scarves, coasters, tie pins, diaries, chocolates or flowers
- § prizes of token value

Dealing with Gifts and Benefits

You must never accept an offer of money, regardless of the amount.

In general, you must not accept gifts and benefits that have more than a nominal or token value. These include but are not limited to tickets to major sporting events, corporate hospitality at a corporate facility at a sporting venue, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

If you receive a gift of more than token value in circumstances where it cannot reasonably be refused or returned, you should accept the gift and disclose this promptly to your supervisor, the Mayor or the General Manager. The supervisor, Mayor or General Manager will ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.

You must avoid situations in which the appearance may be created that any person or body, through the provision of hospitality or benefits of any kind, is securing or attempting to influence or secure a favour from you or the council.

You must also take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that could appear to an impartial observer to be an attempt to influence

or secure a favour. Immediate family members ordinarily include parents, spouses, children and siblings.

Councillors and designated persons must by law disclose a description of any gift or gifts totalling a value exceeding \$500 made by the same person during a period of 12 months or less (refer to the Code of Conduct). This is required to be included in Disclosure of Interest Returns – section 449 *Local Government Act 1993*).

Disclosure

A Personal Benefit Disclosure form has been prepared for utilisation in conjunction with this policy. The disclosure form should be utilised by staff and Councillors to record the receipt of all gifts and benefits.

REFERENCES

Internal Reporting (Public Interest Disclosures) Policy
Local Government Act 1993
Model Code of Conduct – Councillors and Personnel Policy

REVIEW

This policy will be reviewed by Council at the time of any relevant legislative changes, compliance requirements or at least every four years.

Version Number	Date	Reason / Comments
1	19 September 2006	New policy
2	17 August 2010	Review
3	4 October 2017	Review
4	15 September 2020	Review and alignment with amended Code of Conduct, increasing token value of gifts from \$50 to \$100.



Local Government Act 1993 – Section 440 The Model Code of Conduct for Local Councils in NSW Councillors and Staff Personal Benefit Disclosure

GIFTS OR BENEFITS

1. You must not:
 - seek or accept a bribe or other improper inducement
 - seek gifts or benefits of any kind
 - accept any gift or benefit of more than a token value. (For the purpose of this policy, token value is regarded as being a value of \$100.00 or less.)
 - accept an offer of cash or a cash-like gift, regardless of the amount, including but not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.
2. You must not seek or accept any payment, gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty to:
 - act in a particular way (including making a particular decision)
 - fail to act in a particular circumstance
 - otherwise deviate from the proper exercise of your official duties.
3. You may accept gifts or benefits of a nominal or token value that do not create a sense of obligation on your part.

TOKEN GIFTS AND BENEFITS

Generally speaking, token gifts and benefits may include:

- gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address).
- free or subsidised meals, of a modest nature, and/or beverages provided infrequently (and/or reciprocally) that have been arranged primarily for, or in connection with the discussion of official business
- council work related events such as:
 - training, education sessions, workshops
 - conferences
 - council functions or events
 - social functions organised by groups, such as council committees and community organisations
- invitations to and attendance at local social, cultural or sporting events
- ties, scarves, coasters, tie pins, diaries, chocolates or flowers
- prizes of token value

GIFTS OF VALUE

- You must never accept an offer of money, regardless of the amount.
- In general, you must not accept gifts and benefits that have more than a nominal or token value. These include, but are not limited to, tickets to major sporting events, corporate hospitality at a corporate facility at a sporting venue, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.
- If you receive a gift of more than token value in circumstances where it cannot reasonably be refused or returned, you should accept the gift and disclose this promptly to your supervisor, the Mayor or the General Manager. The supervisor, Mayor or General Manager will ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.
- You must avoid situations in which the appearance may be created that any person or body, through the provision of hospitality or benefits of any kind, is securing or attempting to influence or secure a favour from you or the council.
- You must also take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that could appear to an impartial observer to be an attempt to influence or secure a favour. Immediate family members ordinarily include parents, spouses, children and siblings.
- Councillors and designated persons must by law disclose a description of any gift or gifts totalling a value exceeding \$500 made by the same person during a period of 12 months or less. *(Required to be included in the disclosure of interests returns – section 449)*

Personal Benefit Disclosure by:
(Full Name)

Description of Gift or Benefit:
.....

Value of Gift or Benefit: \$ Date Received:

Signature: Date:

Submit to the General Manager for notation and recording in Council's Corporate Information System