

Gifts and Benefits Policy

1 Document Information

Version Date <i>(Draft or Council Meeting date)</i>	[22 May 2018]
Author	Administration Manager
Owner <i>(Relevant director)</i>	Director of Finance & Corporate Services
Status – <i>Draft, Approved, Adopted by Council, Superseded or Withdrawn</i>	Adopted by Council
Next Review Date	Within 12 months of Council election
Minute number <i>(once adopted by Council)</i>	18/05/20

2 Summary

This policy sets out Council's requirements and the conduct expected of all Councillors, employees, contractors, volunteers, Committee members (commonly referred to as Council Officers) in relation to gifts and benefits.

It also makes clear Council's actions to provide transparency in relation to disclosure of offers and acceptance of gifts and benefits by Council Officers.

3 Approvals

Title	Date Approved	Signature
General Manager		

4 History

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Minute No.	Summary of Changes	New Version Date
17/05/13	First adopted as a stand-alone policy	23 May 2017
18/05/20	Readopted as per s165(4)	22 May 2018

5 Reason

Whilst the Code of Conduct includes reference to gifts and benefits (Part 5 Personal Benefit), it is intended that this policy on gifts and benefits will also specifically communicate expected behaviour and transparency measures in relation to same.

6 Scope

This policy applies to Councillors, employees, contractors, volunteers, Committee members and other delegates (commonly referred to in this policy and procedure as Council Officers).

The policy applies to the offer of gifts and benefits to individual Council Officers and to Council services.

This policy does not apply to political donations (covered in the Code of Conduct) nor the private giving of gifts between staff.

7 Associated Legislation

Local Government (General) Regulation 2005

8 Definitions

<i>Benefit</i>	A non-tangible item of value that one person or organisation confers on another.
<i>Bribe</i>	A gift or benefit offered to or solicited by a Council official to influence that person to act in a particular way.
<i>Council Officer</i>	Includes all Councillors, employees, contractors, volunteers, Committee members and other Council delegates.
<i>Corruption</i>	The abuse of public office for private or personal advantage.
<i>Gift</i>	An item of value which one person or organisation presents to another.
Gift Register	An official record that details gifts and benefits received by Council Officers and how they are managed.
Pecuniary interests return	A return completed by councillors and designated staff as required by s449 of the Local government Act 1993 which includes disclosure, inter alia, of gifts as required under cl184 of the Local Government (General) Regulation 2005.
<i>Token Value</i>	The value amount of goods or services deemed to not be significant and therefore does not require mandatory declaration (for the purpose of this policy - less than \$25).

9 Responsibilities

9.1 General Manager

The General Manager is responsible for the overall control and implementation of the policy. Additionally, the General Manager is required to determine recommendations made by the Administration Manager relating to disposal of gifts and benefits that could not be refused or returned.

9.2 Directors and Managers

Directors and Managers are responsible for the control of the policy and procedures within their area of responsibility.

The Administration Manager is to ensure the Gift and Benefit Register is regularly updated and to make a disposal/usage recommendation to the General Manager when accepted gifts can not be returned.

9.3 Supervisors

Supervisors have a responsibility to be aware of the Gift and Benefit policy and the declaration procedure.

9.4 Council Officers

All Council officers (including Councillors, members of staff, delegates etc.) have a responsibility to disclose instances of being offered or receiving gifts and benefits in accordance with this policy and associated procedures.

They must comply at all times with this policy and Council's Code of Conduct.

9.1 Contractors, suppliers and ratepayers

People doing business with Council should understand that they do not need to give gifts or benefits to Council Officers to get high quality service or to be awarded work.

10 Related Documents

Document Name	Document Location
Code of conduct	Policy database
Gift and benefit declaration - Procedure - 2017	Council's EDRMS Doc ID 829159
Fact Sheet No 7 - Gifts and Benefits - published by the NSW Ombudsman's Office for Public Sector Agencies, March 2004.	Available on the website www.ombo.nsw.gov.au
Managing gifts and benefits Auditor-General's Report to Parliament 27 March 2013	Available on the website http://www.audit.nsw.gov.au/news/managing-gifts-and-benefits

11 Policy Statements

1. Council Officers must not solicit gifts/benefits, nor accept gifts/benefits of more than token value (i.e. being valued at \$25 or more).
2. Acceptance of gifts of gratitude or gifts of appreciation of token value is generally permitted and it is optional whether to declare same.
3. Under certain circumstances, it may not be possible to decline a gift or benefit of more than token value e.g. a gift from a visiting dignitary or delegation, or a meal consumed in the carrying out of official representative duties.
4. Any gift or benefit which could not reasonably be refused or returned is to be regarded as the property of the Council and must be surrendered to the Administration Manager who will follow the steps allowed in the procedure and make a recommendation to the General Manager on disposal or use of same. The outcome will be included in the Gift and Benefit register.
5. All offers of gifts and benefits of greater than token value must be declared, whether or not they are accepted.
6. If any gift, reward or benefit is offered (whether it is accepted or not) this must be disclosed using the attached Gifts and Benefits Declaration form or Council's on-line declaration system.
7. Lucky door prizes must be declared.
8. Many community groups invite the Mayor (or delegate) and partner to events held by the community organisation. Such events include dinners and/or special events where the Mayor (or the Mayor's delegate) is called upon to act in an official capacity. It is considered that the Mayor (or delegate) is properly fulfilling a community expectation that the community's elected leader (and partner) should be in attendance at these functions. Participation in such events is not considered a gift and benefit.
9. Council will maintain a Gifts and Benefits Register of all gifts/benefits offered to all Council Officers or services whether or not the gift or benefit is accepted. This Register is available for public inspection and placed on Council's website.
10. Acceptance of any gift or benefit intended to influence the duty of a Council Officer is prohibited. This is a bribe.
11. Any Council Officer who is offered a bribe must refuse to accept the offer and immediately report the incident, which will be reported to the Independent Commission Against Corruption and the Police.
12. Accepting gifts of money or gift cards (or similar) is strictly prohibited in all circumstances.
13. People doing business with Council should understand that they do not need to give gifts or benefits to Council Officers to get high quality service or be awarded work.
14. Councillors and designated staff must also include a declaration of gifts in the annual pecuniary declaration return when gifts exceed \$500, or if gifts totalling more than \$500 are made by the same person during a period of 12 months or less.
15. Non-compliance with this policy may result in disciplinary action for Council Officers.



Gifts & Benefits Declaration Form

For Councillors, Staff and other council officials required to make declarations without access to Council's computer systems

Offered to:

Offered by:

Name:

Company:

Reason for Offer:

.....

Description of Gift or benefit:.....

.....

.....

Estimate Value (\$):.....

Signature of Recipient:

Name: Position:

Date: Email:

If value is \$25 and over

The gift must be surrendered to Council (hand to the Administration Manager).

If impractical to surrender state reason why:

Reason not reasonably refused or returned:

If value is less than \$25 declaration is **optional**. If you choose to make a declaration, please advise what you did with the gift/benefit. (Tick box below)

Declined /returned the gift or benefit	<input type="checkbox"/>	Donated to charity	<input type="checkbox"/>	Shared with colleagues	<input type="checkbox"/>	Retained or used the gift or benefit	<input type="checkbox"/>
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Signed form forwarded to Records for registration and assigning to Administration Officer for entry into Register.