

2068 Gifts and Benefits

Governance Policy

PURPOSE

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

SCOPE

- 2) This policy aims to minimise the risk of Councillors and staff being exposed to an actual or perceived conflict of interest associated with gifts or benefits offered in the course of their official duties.
- 3) The requirements of this policy are in addition to the legislative obligations of Councillors and Senior Executives with respect to individual register of interests as prescribed in the *Local Government Regulation 2012* and the legislative obligations of Councillors prescribed by the *Local Government Electoral Act 2011*.
- 4) This Policy applies to all Councillors and staff.

DEFINITIONS

Term	Definition
Conflict of Interest	Involves a conflict between a public official's duties and responsibilities in serving the public interest, and the public official's private interests. A conflict of interest can arise from avoiding personal losses as well as gaining personal advantage – whether financial or otherwise.
Cultural significance	includes a gift received from significant people or organisations such as a souvenir from a Sister City or international delegation; or a gift received from a distinctive cultural group.
Donor	Refers to the person or organisation making the offer of a gift/benefit to Council, a Councillor or staff.
Gifts and benefits	includes gifts of goods, services, money or entitlements (lotto and scratchie tickets); supply of goods or services at concessional prices; provisions of meals or entertainment; prizes won at seminars, conferences etc. when the officer is attending in an official capacity; free or reduced price travel and/or accommodation; provision of services (free or reduced cost); any other form of direct or indirect benefit which is not available to the general public; and benefits provided to a family member of the Councillor or staff.
Historical significance	Includes a gift received that has historical significance such as a historical event, people or persons and or developments from the past.
Nominal value	For the purpose of this policy – is considered to be anything up to \$100inc GST
Perceived (or apparent) conflict of interests	Occurs where it could be perceived by others that a public official's private interests could improperly influence the performance of their public duties – whether or not this is in fact the case.
Public perception	Means the perception of a fair-minded person in possession of the relevant facts.
Recipient	Means a Councillor or staff who have been offered the gift or benefit.
Staff	For the purposes of this Policy includes a Contractor when engaged by Council.
Value	Refers to the estimated reasonable retail value of a gift or benefit.

POLICY

- 5) It is not appropriate for Councillors or staff to be offered or to accept gift or benefits that affect, may be likely to affect or could reasonably be perceived to affect, the independent and impartial performance of their official duties.
- 6) Councillors and staff must not ask for or encourage the giving of any form of gift or benefit in connection with the performance of their official duties.

- 7) The collection of private loyalty program/frequent flyer or any rewards or benefits from a Council related transaction is strictly prohibited.
- 8) Any gifts of cultural or historical significance must remain the property of Council, regardless of their value.

OBJECTIVES

- 9) The objective of this Policy is to:
 - Provide guidance to Councillors and staff who are offered gifts or benefits in connection with their duties while representing Council or as a result of a Council activity.

PRINCIPLES

- 10) 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; and
 - Accountability and transparency.
- 11) In addition to the above principles, this policy supports Council's commitment to the local government principles of:
 - Transparent and effective processes, and decision-making in the public interest;
 - Good governance of, and by, local government; and
 - Ethical and legal behaviour of Councillors and local government employees.

POLICY STATEMENT

- 12) Workplace participants must be mindful at all times of their obligation to maintain public confidence in Council administration and must be aware that acceptance of any gift or benefit from an external party may, or may be seen to, affect the performance of official duties, or influence, or be seen to influence, their decision-making or behaviour.

ROLES AND RESPONSIBILITIES

- 13) The Chief Executive Officer is responsible for ensuring compliance with this Policy and Procedure.
- 14) The Governance Policy and Risk Advisor is responsible for monitoring compliance with this Policy and Procedure and maintaining the Gifts and Benefits Register.
- 15) Councillors and staff are responsible for reporting Gifts or Benefits received in accordance with this Policy and Procedure.

APPLICABLE LEGISLATION AND REGULATION

- 16) Applicable legislation and regulation:
 - a) *Crime and Corruption Act 2001*
 - b) *Local Government Act 2009*
 - c) *Local Government Electoral Act 2011*
 - d) *Local Government Regulation 2012*
 - e) *Public Sector Ethics Act 1994*

RELATED DOCUMENTS

- 17) Related documents are:
 - a) Councillor Code of Conduct
 - b) Employee Code of Conduct
 - c) Entertainment and Hospitality Policy
 - d) Fraud and Corruption Prevention Policy
 - e) Gifts and Benefits Procedure
 - f) Gifts and Benefits Declaration
 - g) Register of interests of a Chief Executive Officer, Senior Executive and their related persons – Form 1 (Available on the Departments Website).

RESPONSIBLE OFFICER

Chief Executive Officer

APPROVAL DATE

22 September 2021

REVIEW DATE

September 2025 (Standard four year term)

REVISION HISTORY

Version	Meeting	Approval Date	History
1	General Meeting	15 June 2016	New Policy
2	General Meeting	27 June 2018	Review
3	General Meeting	22 September 2021	Review