

BENEFITS AND GIFTS POLICY

INTENT

To ensure transparency, good governance and accountability are practised by Council employees if gifts and/or benefits are offered in the course of undertaking their duties.

SCOPE

This policy applies to all Council employees.

DEFINITIONS

TERM	DEFINITION
Disclosure	Making a declaration about a gift or benefit by completing and submitting an appropriate form.
Employee	Any person who has been an employee of Council (permanent, part-time and/or casual), volunteers, work experience, contractors or consultants either current or past.
Gift or benefit	Means an item or service offered, with a real value in excess of \$10.00, to an employee or related person of the employee, where the item offered is free of charge or for a charge substantially less than the full value.
Perceptions of a conflict of interest	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.

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Authorised By:	Director Organisational Business Services		
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POLICY STATEMENT

Council employees hold positions of public trust and must carry out their duties impartially and with honesty to enhance public confidence in the integrity of Council administration.

They are not entitled to extra benefits from external parties and the provision of gifts or benefits to employees can create perceptions of a conflict of interest. Therefore, it is appropriate to question why they are offered and whether they should be accepted.

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.

In addition, the Local Government Act 2009 contains the local government principles which include:

- 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.

This policy aims to minimise the risk of employees being exposed to an actual or perceived conflict of interest associated with benefits or gifts offered in the course of their official duties. In developing this policy, the following standards have been devised and considered essential in maintaining public trust:

- Gifts or benefits are not an entitlement, or a right and should not generally be accepted.
- Monetary gifts, including cash, vouchers or gift cards, of any value must never be accepted.
- Any gifts or benefits received – with a real value in excess of \$10.00 – must be declared. This includes:
 - any prizes won while representing Council on official business (e.g. community events, conferences etc).
 - an individual award in recognition of work undertaken in an employee's official capacity, which includes components that could be deemed a gift or benefit.
 - tickets or invitations to an event, whether or not, Council is sponsoring that event.
 - small tokens of gratitude which would normally be accepted as a matter of social convention.
- Employees must not solicit, demand or request gifts or any personal benefit for themselves or any other person by virtue of their position.

Document Number:	D15/21507	CONTROLLED DOCUMENT This electronic document is guaranteed as the most current. DO NOT COPY. Unauthorised hard copies of this document are prohibited.	Page 2 of 5
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- No gift may be accepted that could influence, or be perceived to influence an employee in the performance of their public or professional duties currently or in the future.
- Disclosures of conflicts of interests, gifts, benefits and other personal interests by employees is required.
- Applying disclosure requirements that enhance transparency, good decision making and public trust, is fundamental to great governance.

ACCEPTING BENEFITS OR GIFTS

As a general guide, if an employee is offered a gift or benefit, they should put themselves in the position of the person offering the gift or benefit and consider why the gift is being given and whether acceptance is appropriate. Each type of gift or benefit carries a level of risk that should be considered when deciding whether it should be accepted or declined. In determining whether acceptance of a gift is appropriate, the two major considerations are:

- the intent in which the benefit/gift is given; and
- the public perception of acceptance of the benefit/gift.

As gifts and benefits can create obligations and expectations, if it can be considered in any way, perceived or actual, that the gift is given with the intention of influencing a decision or action of the recipient, it must be declined.

The offer of any benefit/gift, which can be of either monetary or non-monetary nature, that is to influence a decision or outcome is a bribe and is prohibited under legislation and this policy. Any such instances are to be immediately referred to the Chief Executive Officer who has the responsibility to refer to the Crime and Corruption Commission.

If the employee, who is the proposed recipient of a benefit/gift, is unsure of the impacts or liabilities incurred if they accept the benefit/gift, they should refer the matter to their Director prior to acceptance.

DECLARING AND REPORTING OF BENEFITS OR GIFTS

Upon the determination to accept a benefit/gift and the real value of this benefit/gift exceeds \$10.00, the recipient employee must complete the “Benefits and Gifts Declaration Form” and provide the form to their Director for countersigning. This should be completed within 5 working days of acceptance of a benefit/gift.

Depending on the individual circumstances and merits surrounding the acceptance of the benefit/gift, the Director may refer form to the Chief Executive Officer for countersigning.

The completed and signed form is to be registered in Council’s electronic document management system (EDMS). Upon EDMS registration of the declaration form, the details are to be recorded into Council’s Benefit and Gifts Register. The details recorded in the register are:

- the EDMS reference number for Benefit and Gift Declaration Form
- recipient employee name and position
- date of benefit/gift receipt

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Authorised By:	Director Organisational Business Services		
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- description of benefit/gift received
- estimated value
- provider of benefit/gift
- classification of benefit/gift
- relevant person countersigning declaration (Director, CEO or Mayor)
- whether matter referred to CEO

REVIEW AND MONITORING OF BENEFITS/GIFTS

The Benefit and Gift Register will be submitted to an Executive Leadership Team meeting on a quarterly basis to enable senior management review the effectiveness of this policy and the appropriateness of benefits/gifts being received by employees.

KEY RESPONSIBILITIES

RESPONSIBLE OFFICER	RESPONSIBILITY
Director	To impartially and objectively assess the individual circumstances and merits of an employee accepting a benefit/gift.
Executive Leadership Team	To proactively promote this policy and encourage the disclosure of all benefits/gifts received by employees.
All staff	To act within the public interest and comply with requirements of this policy.

REFERENCES, LEGISLATION AND GUIDELINES

Local Government Act 2009

Local Government Regulation 2012

Public Sectors Ethics Act 1994

Code of Conduct

RELATED DOCUMENTS

D15/8335 Council's Benefit and Gift Declaration Form
Council's Benefit and Gifts Register

Document Number:	D15/21507	<p>CONTROLLED DOCUMENT</p> <p>This electronic document is guaranteed as the most current. DO NOT COPY.</p> <p>Unauthorised hard copies of this document are prohibited.</p>	Page 4 of 5
Authorised By:	Director Organisational Business Services		
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IMPLEMENTATION/COMMUNICATION

Upon adoption, this policy will be posted on Council's website.

Directors and Managers are to ensure that the contents of this policy are communicated to all staff through team meetings.

APPROVED BY

Council resolution

REVIEW

SPONSOR:	Director of Organisation and Business Services
OFFICER RESPONSIBLE FOR REVIEW:	Manager Governance and Risk
ADOPTION DATE:	17 July 2019 (Council Resolution 2019/176)
REVIEW DATE:	July 2022

THIS POLICY IS TO REMAIN IN FORCE UNTIL OTHERWISE DETERMINED BY COUNCIL

AMENDMENT HISTORY

VERSION	AMENDMENT DETAILS	AMENDMENT DATE	APPROVAL
V1.0	New Policy	July 2005	Council Resolution 24543
V2.0	Minor Amendments	Feb 2009	Council Resolution 28732
V3.0	Minor Amendments	September 2015	Council
V4.0	Minor Amendments	July 2017	Council Resolution 2019/176

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