

Name of policy:	Gifts and Benefits		
Adoption by Council:	22 May 2024	Minute number:	194/2024
Last review date:	May 2024		
Review timeframe:	Four years		
Next scheduled review date:	May 2028		
Related legislation:	<i>Local Government Act 1993</i>		
Associated policies/documents:	MidCoast Council Code of Conduct		
Responsible division:	Corporate Services		

Policy objective

- To provide guidance to Council Officials in regard to the acceptance or refusal of gifts and benefits, as contained in Council's Code of Conduct.
- To provide advice to Council Officials on the procedure for notifying Council of a gift or benefit.
- To ensure Council meets its' legal obligations and complies with guidelines issued by regulatory authorities.

Policy statement

The purpose of this policy is to ensure all Mid-Coast Council Officials are aware of their obligations under the adopted Code of Conduct, in relation to the receiving of gifts and benefits. A gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.

Coverage of the policy

Councillors, administrators, staff, delegates of council, (including members of council committees that are delegates of Council), volunteers, contractors and members of advisory committees are to adhere to this Policy.

Strategic Plan link

Community Outcome 4: Strong leadership and good governance

<i>4.1 The community has confidence in Council decisions and planning for the future</i>	<i>4.1.2 Provide clear, accessible, timely and relevant information to the community about council projects and services.</i>
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Policy content

The conduct of council business may give rise to gifts or benefits of appreciation being offered to Council Officials. As a general rule, Council discourages the offering or acceptance of gifts regardless of the token value but does acknowledge that on occasions a gift cannot be reasonably refused. Given the potential for acceptance of gifts and benefits to be misinterpreted, it is necessary for Council Officials to conduct themselves in accordance with a recognised and appropriate set of transparent procedures.

Council Officials must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from them or from the Council, through the provision of gifts, benefits or hospitality of any kind to the Council Official or someone personally associated with them.

Council Officials must not use their position to influence other council officials in the performance of their official functions to obtain a private benefit for themselves or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the *Local Government Act 1993* (LGA).

Council Officials must not take advantage (or seek to take advantage) of their status or position with council, or of functions they perform for council, in order to obtain a private benefit for themselves or for any other person or body. A gift or benefit is deemed to have been accepted where it is received by a Council Official or someone personally associated with the Council Official.

Factors which can influence the perception of a gift or benefit would include:

- the value
- the frequency of occurrence
- the degree of openness surrounding the occasion or gift
- the context under which the gift is given

Council Officials may accept gifts and benefits of token value. Council's Code of Conduct defines **token** gifts and benefits as:

One or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:

- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
- b) gifts of alcohol that do not exceed a value of \$50
- c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d) prizes or awards that do not exceed \$50 in value

Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.

The value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

Council's Code of Conduct defines **more than token** value gifts and benefits as:

- a) Gifts or benefits that exceed \$50 in value
- b) Tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50,
- c) Corporate hospitality at a corporate facility at major sporting events
- d) Free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons
- e) The use of holiday homes
- f) Artworks
- g) Free or discounted travel

A gift or benefit does **not** include:

- a) a political donation for the purposes of the *Electoral Funding Act 2018*
- b) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
- c) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
- d) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - I. the discussion of official business
 - II. work-related events such as council-sponsored or community events, training, education sessions or workshops
 - III. conferences
 - IV. council functions or events
 - V. social functions organised by groups, such as council committees and community organisations.

Council Officials are not to:

- a) seek or accept a bribe or other improper inducement.
- b) seek gifts or benefits of any kind.
- c) accept any 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.
- d) accept any gift or benefit of more than token value.
- e) accept an offer of cash or a cash-like gift, regardless of the amount.

- f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
- g) personally benefit from reward points programs when purchasing on behalf of the council.

A “cash-like gift” includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Procedure for Declaration of a Gift or Benefit

Council Officers must declare and record all gifts and benefits in the Gifts Register, regardless of whether the gifts or benefits are declined, accepted or returned. Recipients have the option to retain token gifts however where a gift or benefit is more than token value it must be refused or surrendered to council unless the nature of the gift or benefit makes this impractical.

Where you receive a gift or benefit of any value, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council’s gift register:

- a) the nature of the gift or benefit
- b) the estimated monetary value of the gift or benefit
- c) the name of the person who provided the gift or benefit, and
- d) the date on which the gift or benefit was received.

Gifts & Benefits Declaration Form

A Gifts and Benefits Declaration Form must be completed and forwarded by a staff member to their Supervisor, Manager or Director.

Where the General Manager completes a Gifts and Benefits Declaration Form this should be reviewed by the Mayor. Councillors should forward their forms to the General Manager.

The relevant Supervisor, Manager, or the General Manager are responsible for ensuring all Gifts & Benefits Declaration Forms are forwarded to Governance who will ensure it is placed in the Gifts Register which constitutes a public register.

All gifts surrendered to Council will be used for Council purposes or raffled for charity prior to Christmas.

References and related documents

MidCoast Council Code of Conduct

Responsible officer (position)

Manager Governance