

# POLICY

<b>TITLE:</b>	GIFTS AND BENEFITS POLICY (CEO)		
<b>DIVISION:</b>	COUNCIL		
<b>ADOPTED BY:</b>	COUNCIL		
<b>DATE OF ADOPTION:</b>	MAY 2023	<b>DATE OF REVIEW:</b>	MAY 2028
<b>MOTION NUMBER:</b>			
<b>POLICY NUMBER:</b>	CP14		
<b>LEGISLATIVE REF:</b>	<i>Local Government Act 2019, regulation 6(1)(g), 6(2)(c)</i>		

## THIS POLICY APPLIES TO: CEO

### 1. PURPOSE

The purpose of this policy is to set out the requirements for the CEO receiving gifts or benefits and disclosing relevant gifts or benefits.

### 2. DEFINITIONS

For the purposes of this policy:

**associate**, see section 8 of the *Local Government Act 2019*.

**nominal value** means gifts or benefits totalling less than \$50 from the same donor or an **associate** of the donor in a financial year.

**protocol gift** means a gift or benefit given to the CEO for Council for diplomatic, ceremonial or symbolic purposes that will not be sold or transferred (unless in diplomatic, ceremonial or symbolic circumstances).

**register of declared gifts and benefits**, see section 113 of the *Local Government Act 2019*.

### 3. PRINCIPLES

The CEO must discharge official duties, responsibilities and obligations impartially and with integrity including in relation to receiving, accepting and disclosing gifts or benefits.

The CEO must not accept a gift or benefit of any value that may be perceived by a reasonable person to improperly influence the performance or decisions of the Council Member or the Council.

A benefit includes entertainment or hospitality.

The CEO must notify the Mayor if the CEO is offered any gifts or benefit that is not exempt, including in circumstances where the CEO rejects the gift or benefit.

## **4. APPLICATION OF POLICY**

### **4.1 Relevant gifts or benefits**

A relevant gift or benefit is a gift or benefit that exceeds the **nominal value** and includes:

- (a) gift or benefit offered to the CEO for Council; or
- (b) gift or benefit offered to the CEO for the CEO or another person.

### **4.2 Exemptions from disclosure**

The following gifts or benefits are exempt from Council's gift and benefits policy:

- (a) a gift or benefit given to the CEO in a private capacity for personal use by the CEO or another person – unless the gift or benefit may be perceived by a reasonable person to improperly influence the performance of official duties, responsibilities or obligations;
- (b) a gift or benefit given to the CEO by Council;
- (c) a protocol gift (gift or benefit that is primarily for diplomatic, ceremonial or symbolic purposes and not to sold or otherwise transferred unless in diplomatic, ceremonial or symbolic circumstances) given to the CEO for Council;
- (d) a gift or benefit given to the CEO for the Council in relation to its status as a body corporate where no individual Council Member or Members are considered to have accepted the gift or benefit; or
- (e) food, hospitality or accommodation included in attending of meetings, conferences, training courses, functions or other events that have been paid for by the Council and are directly relevant to the performance of the CEO's official duties, responsibilities or obligations.

### **4.3 Rejecting the gift or benefits**

Generally, if the CEO is offered a gift or benefit that is not exempt, the CEO should reject the gift or benefit by returning it to the donor or refusing it and respectfully explaining to the donor that acceptance of the gift or benefit would breach Council Policy.

If it is not possible (or highly impractical) to return or refuse the gift or benefit, the CEO can seek Council's resolution to appropriately deal with the gift or benefit.

Another option where it is not possible (or highly impractical) to return the gift or benefit, the CEO may consider redirecting the gift. For example, if the CEO received a gift basket containing food that would spoil, the CEO may redirect the gift basket to a local charity.

### **4.4 Notification**

All gift and benefits, accepted, refused or redirected must be lodged in the register, Gifts Register – CEO.

Following any entry to the Gifts Register – CEO, the register is to be present for noting in the next ordinary Council meeting.

The CEO is to notify the Mayor as soon as reasonably practicable if the CEO is offered any gifts or benefits, with the following details:

- (a) the name of the donor (person and/ or organisation) offering the gift or benefit;
- (b) the date the gift or benefit was offered;
- (c) a description of the gift or benefit;
- (d) the value ( or estimated value) of the gift or benefit;
- (e) whether the gift or benefit is for the CEO or another person (including the full name and relationship of the person to the CEO, if applicable);
- (f) the reason for the gift or benefit;
- (g) whether the CEO accepts or rejected the gift or benefit; and
- (h) any other relevant details.