

POLICY

TITLE:	GIFTS AND BENEFITS POLICY (Council Staff)		
DIVISON:	OPERATIONS		
ADOPTED BY:	CEO		
DATE OF ADOPTION:	26 April 2023	DATE OF REVIEW:	26 April 2028
POLICY NUMBER:	HR11		
LEGISLATIVE REF:	<i>Local Government Act 2019, regulation 6(1)(g), 6(2)(c)</i>		

THIS POLICY APPLIES TO: All Council employees

1. PURPOSE

The purpose of this policy is to set out the requirements for the Council Staff 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

Council Staff must, at all times, discharge official duties, responsibilities and obligations impartially and with integrity including in relation to receiving, accepting and disclosing gifts or benefits.

Council Staff must not accept a gift or benefit from any person or organisation, which may be perceived by a reasonable person to improperly influence the Staff member's performance of official duties, responsibilities and obligation.

A benefit includes entertainment or hospitality.

Staff members must notify the CEO if the Staff member is offered any gifts or benefit that are not exempt, including in circumstances where the Staff member 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 (or multiple gifts or benefits) offered to a Council Staff member, which exceeds the **nominal value** and includes:

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

4.2 Exemptions from disclosure

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

- (a) a gift or benefit given to a Staff member in a private capacity for personal use by the Staff 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 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 a Staff member for the Council;
- (c) a gift or benefit given to a Staff member 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
- (d) 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 Staff member official duties, responsibilities or obligations.

4.3 Rejecting the gift or benefits

Generally, if the Staff member is offered a gift or benefit that is not exempt, the Staff member 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 Staff member can seek advice from the CEO how 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 Staff member may consider redirecting the gift. For example, if the Staff member received a gift basket containing food that would spoil, the Staff member 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 – Staff.

A Staff member must notify the CEO as soon as reasonably practicable if the Staff 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 Staff member or another person (including the full name and relationship of the person to the Staff member, if applicable);
- (f) the reason for the gift or benefit;
- (g) whether the Staff member accepted or rejected the gift or benefit; and
- (h) any other relevant details.

Approved/Not Approved

Russell Anderson
A/Chief Executive Officer

26 / 4 /23