

HEAD OF POWER

- *Public Sector Ethics Act 1994*, section 4

INTENT

The purpose of this policy is to outline the ethical considerations involved in the giving and receiving of gifts and benefits by employees of Council.

SCOPE

This policy applies to all employees.

DEFINITIONS

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.

Employee means a local government employee as defined pursuant to the *Local Government Act 2009*.

Gifts and benefit includes gifts of goods, services, money or entitlements; 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 family members of the officer.

Historical significance includes a gift received that has historical significance such as a historical event, people or persons and or developments from the past.

POLICY STATEMENT

1. Principles

Employees may be offered during their employment and during their dealings with external businesses or stakeholders, gifts and benefits as a token of appreciation or gesture of courtesy.

The majority of these gifts and benefits will be within the scope of acceptable and ethical business practice, however Council must ensure the integrity and responsibilities of the organisation are not compromised because of a real or perceived conflict of interest by the acceptance of a gift or benefit which may be considered inappropriate.

Notwithstanding anything else in this policy, any gifts of Cultural or Historical significance must remain the property of Council, regardless of their value.

This policy does not derogate from any responsibilities an employee will have under the *Local Government Act 2009* or the *Local Government Regulation 2012*, including a requirement to complete a register of interest.

2. Acceptance of gifts and benefits

2.1 Restricted Gifts

Employees must not accept any of the following, irrespective of its value:

- a gift of influence that is seen, or may be seen, to affect the performance of the employee's official duties, or otherwise influence, or be seen to influence, the decision-making or behaviour of the employee;
- a gift seen by the donor, or any reasonable observer, to interpret the employee may be under an obligation to the donor as a result of receiving the gift;
- a gift that is not offered openly;
- an offer of money;
- a prize won through an instore or online competition from a business or company where Council has purchased a product of service; or
- a prize won (e.g. lucky door) whilst attending a conference, seminar, fundraiser etc where the employee has attended in an official capacity.

2.2 Acceptable Gifts

The following are considered low risk and can generally be received:

- Nominal gifts or benefits which are of inconsequential or trivial value to both the person making the offer and the employee (such as basic courtesy) –unless the cumulative value of the gifts or benefits exceed \$20 per interaction;
- Gifts or benefits in gratitude for specific tasks or performance e.g. a small personal gift to an employee for speaking at an official function;
- Low value corporate gifts made as a marketing/sponsor initiative e.g. mass produced souvenirs at a professional development conference such as pens, hats, token gifts etc.;
- The gift or benefit is included in the ticket price of an event/conference e.g. conference dinner;
- As part of a delegation or on official business of Council e.g. a Council approved conference, forum or delegation.

These types of gifts and benefits do not need to be reported.

2.3 All other gifts and benefits

This policy applies to all other gifts and benefits received. If in doubt, employees should:

- discuss with their relevant Manager/Supervisor to obtain appropriate approval prior to a decision about whether to accept a gift or benefit;
- refer to the Gifts and Benefits Decision-Making Guide; or
- decline the gift courteously by explaining that acceptance would be against Council policy.

2.4 Unsolicited Gifts

From time to time employees may be given unsolicited gifts from donors without the opportunity to respectfully decline. If this occurs, those gifts and benefits are to be reported in accordance with this policy – see section 5.

3. Retention of gifts and benefits

An employee should complete the Gifts or Benefits Declaration Form if a gift or benefit is received by an employee. It will remain the property of Council unless the Manager/Supervisor, Executive Leadership Team member or Chief Executive Officer determine it is appropriate for the employee to retain the gift or benefit.

If a gift or benefit is retained by Council, it must be used for public benefit and in an appropriate manner. If Council does not have an appropriate use for the gift or benefit, it may be disposed of in accordance with the Asset Disposal Policy.

4. Giving of corporate gifts and benefits

Any gift or benefit given by employees must be for official purposes and the employee must be able to identify the benefit for Council and the public generally.

The practice of giving gifts or benefits should not be common practice. The appropriateness of gift giving must be considered and appropriate approval must be obtained from the employee's Manager/Supervisor. Where a gift is to be made on behalf of Council, consideration should be given to selecting an appropriate gift.

The giving of gifts or benefits will be at Manager/Supervisor discretion, and within the operational budget of the appropriate department. A Gifts or Benefits Declaration Form should be completed for all gifts or benefits given, other than the giving of corporate gifts. .

4.1 Corporate Gifts

In certain cases it may be appropriate for employees to provide corporate gifts to individuals or organisations on behalf of Council. Examples include:

- Presentation to sponsors of events;
- Presentation to judges of events or awards acting in an honorary capacity (does not include employees of Council);
- Presentation to foreign dignitaries or as part of a delegation;
- Presentation by eligible employees when travelling overseas on official Council business;
- Accommodation to support visitors or dignitaries.

Corporate gifts may be given pursuant to this policy and the Entertainment and Hospitality Expenditure Policy.

The giving of a corporate gift or benefit does not need to be reported.

5. Reporting of gifts and benefits

Unless otherwise excluded, any gift or benefit offered to or received by an employee must be recorded on the Gifts and Benefits Declaration Form, generally within 10 days of offer or receipt.

5.1 Approval

Depending on the value of the gift or benefit, approval to retain the gift or benefit is as follows:

- 5.1.1 retail value of **less than \$150** require Manager/Supervisor approval, except for those items mentioned in section 2.2 of this policy.
- 5.1.2 retail value of **more than \$150** will require approval of an Executive Leadership Team member or Chief Executive Officer approval.

5.2 Registers of Interest

The Chief Executive Officer and senior executive employees have obligations to disclose gifts received which exceed \$500 or all gifts totalling more than \$500 on their Register of Interest in accordance with the *Local Government Regulation 2012*. This must be completed within 10 days of receipt.

5.3 Gifts and Benefits Register

Council's Gifts and Benefits Register will be administered by Governance and Legal Services.

ASSOCIATED DOCUMENTS

- Asset Disposal Policy
- *Crime and Corruption Act 2001*
- Employee Code of Conduct
- Entertainment and Hospitality Policy
- Gifts and Benefits Decision-Making Guide
- Gifts and Benefits Form
- Gifts and Benefits Register
- *Local Government Act 2009*
- *Local Government Regulation 2012*
- Register of interests of a chief executive officer, senior executive employees and their related persons – Form 1

DOCUMENTS CONTROLS

Council will review this policy biennially or in response to changes in law or best practice.

POLICY OWNER

Chief Legal Officer, Governance and Legal Services.