



Policy Title	Gifts and Benefits Policy
Policy Category	Public
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Policy Owner	Governance and Risk
Approval by	Council
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1. STRATEGIC PURPOSE

The Gifts and Benefits Policy demonstrates Snowy Valleys Council (Council) commitment to ensure the transparency and integrity of the organisation with the receiving and acceptance of gifts and benefits to work participants and Councillors in their roles within Council.

2. POLICY STATEMENT

This policy operates in conjunction with Councils *Code of Conduct – Part 6 - Personal Benefits*. It is to provide greater clarity to all work participants of Council and to establish a procedure for disclosing and, where necessary, surrendering certain gifts and benefits, received from, but not limited to the community, business and industry, non-profit organisations and individuals.

In addition, Council is obliged under the Local Government Act, Independent Commission Against Corruption (ICAC) Act, Crimes Act and policies to declare any other pecuniary interest.

3. DEFINITIONS

Gift or Benefit – something offered to or received by a work participant or someone personally associated with them for their personal use or enjoyment, as defined in Part 6 of the Code of Conduct.

Bribes – are gifts or benefits given specifically for the purpose of winning favours or to influence the decision or behaviour of a work participant to benefit someone or something.

Hospitality – the provision of meals, refreshments or other forms of entertainment.

Work Participant - Any employee, labour hire staff, volunteers, work experience and contractors of the Council

Token/ Nominal Value –The monetary limit of value of gifts or benefits that may be accepted that do not require a declaration in the Gifts Register. This value is \$50 and any gift or benefit valued at less than \$50 is considered to be of token value in accordance with this policy.

Designated Person – Are those as described under section 4.8 of Councils Code of Conduct and include: the CEO, other senior employees of the Council, any person not a member of the senior management who holds a position identified by Council or a person who is a member of a committee of Council that is identified as exercising a function of Council either regulatory or contractual.

The Value - The monetary worth of the gift or benefit inclusive of GST.

4. GENERAL CONDITIONS:

- A. Gifts and benefits should be actively discouraged by work participants.
- B. All offers of gifts and benefits must be declared, whether or not they are accepted.
- C. Approval must be obtained in order to keep any gift or benefit.
- D. Acceptance of any gift or benefit intended to influence the duty of a work participant is prohibited.
- E. Any work participant who is offered a bribe must refuse to accept the offer and immediately report the incident in accordance with this procedure.
- F. Accepting gifts of money or gift cards is strictly prohibited in all circumstances.
- G. The collection of private reward points or benefits arising from a Council related transaction is strictly prohibited.
- H. Acceptance of gifts of appreciate, which are less than token value are generally permitted
- I. Non-compliance with this procedure may result in disciplinary action for Council Officers.
- J. Contractors or suppliers deliberately acting outside of this procedure will not be used by Snowy Valleys Council.

Council and Councillor's are required to adhere to the requirements of *Part 6 Personal Benefit* - of Council's *Code of Conduct* and the clear guidelines set out in this procedure, that may give rise to gifts and benefits of appreciation being offered. This is to:

- Protect Councillors and work participants from being compromised and to avoid the public perception of bias.
- Provide a safe working environment by removing situations which can cause undue stress and anxiety.
- Demonstrate to suppliers, individuals and other agencies that Council will deal with all matters in an impartial, open and accountable manner.

4.1 Gifts And Benefits of LESS than \$50

Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when combined, do not exceed a value of \$50.

Examples of items of less than token value include:

- a) Ties, pens, coasters, notepads, keyrings, diaries, chocolates, flowers
- b) Inexpensive marketing trinkets or corporate mementos
- c) Gifts of single bottles or reasonably priced alcohol
- d) Invitations to and attendance at local social, cultural or sporting events

4.2 Gifts And Benefits of MORE than \$50

Gifts or benefits that exceed token value must NOT be accepted.

Examples of items of more than token value include:

- a) Tickets to major sporting events or other entertainment
- b) Sports team sponsorship
- c) Hospitality at corporate sponsored events such as golf days and spectator boxes
- d) Discounted products for personal use
- e) The use of holiday homes and facilities such as gyms,
- f) Artworks,
- g) Free or discounted travel,
- h) Electronic devices such as mobile phones, notebooks etc
- i) Jewelry
- j) Clothing
- k) Access to confidential information
- l) Meals above "token" value

If a gift or benefit of a more than token value cannot be refused or reasonably returned, the gift is to be surrendered to Governance and is regarded as property of the Council. Such gifts or benefits that are handed in will be disposed of in one of the following methods

- Shared amongst work participants
- Retained and used as part of Council operations
- Be distributed at the end of year function

Many community groups invite the Mayor (or delegate) and partner to events held by community organisations. Such events include dinners or special events where the Mayor is called upon to act in an official capacity. It is considered that the Mayor is properly fulfilling a community expectation that the community's elected leader should be in attendance at these functions. Participation in such events is not considered a gift or a benefit.

4.3 Prizes And Incentive Schemes

On some occasions a Council employee may receive a gift or prize as a result of entering a competition while engaged in official duties. For example, they may win a raffle or lucky door prize drawn at a conference or win a prize that was promoted as an incentive associated with their role as a Council official.

Gifts received as prizes must be considered on a case by case basis, taking into account the nature of Council's relationship with the prize donor. If Council has business dealings with the organisation that provided the prize or discretionary power that could be exercised in the prize donor's favour, accepting the prize may lead to perceptions of improper influence.

4.4 Children's Services

Children's Services often receive a number of gifts from families during the festive season. Part 6 of the *Code of Conduct* as well as these procedures should be adhered to at all times, ensuring no single item of more than token value is ever accepted.

To ensure that each transition is recorded appropriately and in the most efficient way, a form has been created to lodge bulk gifts and benefits declarations. The Children's Services *Gifts and Benefits Declaration Form* to be completed during these busy periods and, submitted to Governance for processing.

4.5 Gifts and Benefits Declaration

ALL gifts and benefits offered must be registered in the *Gifts and Benefits Register*.

The *Gifts and Benefits Register* is stored electronically in the Pulse software system, under the *Delegations and Policies* module. The register contains the following information:

- Name of person to whom the gift or benefit was offered
- Name of person and organisation who offered gift or benefit and contact details
- Details of the gift or benefit
- Estimated monetary value
- Response to the offer

If access to Pulse is not available, a *Gifts and Benefits Declaration Form* can be filled in and submitted to Governance, although this is not the preferred method.

The completed declaration will be assessed by Governance, with referral to the CEO or Mayor if required.

Once assessed, the work participant will be notified of the outcome, if required.

The Coordinator Governance and Risk will periodically audit the register and provide reports when required.

4.6 Questions regarding accepting of Gifts and Benefits

Any questions about gifts or benefits should be directed to the CEO (for Councillors) or Governance (for work participants including volunteers and committee members).

4.7 Sponsorship

If Council receive tickets or other gifts and benefits associated with Council providing sponsorship to events and so forth, these items will be surrendered to Governance for appropriate disposal in accordance with section 4.2 above.

4.8 Breaches

Work participants found to be in breach of the Gifts and Benefits Procedure will be subject to relevant disciplinary processes, as set out in the Code of Conduct.

Suppliers of goods or services to Council found to be in breach of this Gifts and Benefits Policy may receive a warning for non-compliance, or, if the breach is considered by the CEO to be serious, may be banned by Snowy Valleys Council. The CEO will determine if a warning is provided, or immediate banning will be implemented.

NOTE: Should a work participant become aware that another work participant is offered a gift or benefit, which he or she believes is meant to be a bribe, the person must immediately notify the Coordinator Governance and Risk, immediate supervisor or CEO in the case of Councillors and the Mayor.

4.9 Pecuniary Interests

In addition to the Gifts and Benefits Register, Councillors and designated persons need to be aware that gifts also need to be listed when completing Pecuniary Interest Returns in accordance with *Schedule 1, Part 2 - Gifts of Councils Code of Conduct*.

5. ASSOCIATED LEGISLATION

Local Government Act 1993 – Section 440
Independent Commission against Corruption Act 1988 – Section 11
Crimes Act 1900 (NSW) – Section 249B

6. ASSOCIATED COUNCIL DOCUMENTS

Code of Conduct SVC-RP-STY-001-02
Gifts & Benefits Declaration Form SVC-COR-F-063-01
Gifts & Benefits Register – contained in Pulse

7. HISTORY

Date	Action	Name	Policy Number	Resolution Date	Resolution Number
30.03.2017		Presented to Policy Review Committee		30.03.2017	
27.04.2017		Adopted Ordinary Council Meeting for Public Exhibition		27.04.2017	
29.06.2017		Adopted Extraordinary Council meeting			M92/17
03.06.2020					