



Procedure Title	DRAFT Gifts and Benefits Procedure
Procedure Category	Public
Number & Version	SVC-GOV-PR-057-01
Procedure Owner	Governance and Risk
Approval by	Council
Effective date	
Date for review	April 2025

1. PROCEDURE STATEMENT

To provide clear direction as to how Council appropriately manages gifts/benefits whilst ensuring a transparent and accountable process.

This procedure applies to all persons performing a function of the Council.

This procedure operates in conjunction with Councils *Code of Conduct – Part 6 - Personal Benefit*

Council recognises there are risks associated with the accepting of gifts/benefits. There is potential for a gift/benefit to inappropriately influence a behaviour resulting in Council failing to act impartially in accordance with the Council's Code of Conduct. This is not the only concern as the perception of compromise can be equally damaging to Council and its ability to demonstrate commitment to its values.

This procedure aims to:

- Protect Council 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.

2. DEFINITIONS

Gift/Benefit – something offered to, or received by, a person performing a function of the Council, or someone personally associated with them, for their personal use and enjoyment as defined in *Part 6 of the Code of Conduct*.

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Adopted:
Reviewed:

Bribes – any offer specifically for the purpose of winning favours, or to influence the decision, or behaviour, of a person performing a function of Council in order to benefit someone or something.

Cash-like gifts – include, but are 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, as defined in *Part 6 of the Code of Conduct*.

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

Greater Leadership Team - includes the Executive Leadership Team and those managers and coordinators who report directly to a member of the Executive Leadership Team

Immediate Family member – As defined under the Local Government Award (State) 2020 under section J. Bereavement Leave.

- (a) a spouse or de facto partner of the employee;
- (b) a child of the employee;
- (c) a parent of the employee;
- (d) a sibling of the employee;
- (e) a grandchild of the employee;
- (f) a child of the spouse or de facto partner of the employee;
- (g) a parent of the spouse or de facto partner of the employee;
- (h) a sibling of the spouse or de facto partner of the employee;
- (i) a grandchild of the spouse or de facto partner of the employee;
- (j) a member of the employee's extended family living in the same domestic dwelling as the employee.

3. GENERAL PROVISIONS:

- A. Any gifts/benefits should be actively discouraged.
- B. Any bribe must be refused and declared.
- C. Any "cash-like" gift/benefit must be refused and declared.
- D. Private reward points when purchasing on behalf of Council are prohibited.
(e.g. Flybuys, frequent flyer)

Value (Inc. GST)	Rule (reference to Code to Conduct)	Application	Declaration Required
Less than \$10	Not considered a gift/benefit (6.2)	Can be accepted	No
Between \$10 and \$100	Gift/Benefit of token value (6.8)	Can be accepted provided the total value of gifts from one source does not exceed \$100 in 12-month period	Yes.
Greater than \$100	Gift/Benefit of more than token value (6.9 - 6.12)	Must be surrendered to Governance	Yes. Must be surrendered to Governance

3.1 Mayoral Attendance at Events

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 attend these functions. Participation in such events is not considered a gift/benefit.

3.2 Prizes and Incentive Schemes

On some occasions a prize as a result of entering a competition while engaged in official duties may be offered. For example, winning a raffle or lucky door prize at a conference or a prize that was promoted as an incentive associated with Council.

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.

3.3 Sponsorship

If Council receive tickets or any other gift/benefit associated with Council providing sponsorship to events and so forth, these items will be surrendered to Governance.

3.4 Gifts/Benefits Declaration

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

If access to Pulse is not available, a *Gifts and Benefits Declaration Form* can be completed and submitted to Governance.

The completed declaration will be assessed and notification of the outcome provided.

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

3.5 Gift/benefit Surrendered to Governance

If a gift/benefit of more than token value cannot be refused or reasonably returned, the gift/benefit is to be surrendered to Governance and is regarded as property of the Council. Any such gift/benefit that is 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.

3.6 Questions regarding accepting of Gifts and Benefits.

Any questions regarding a gift/benefit should be directed to Governance or in the case of Councillors, the Chief Executive Officer (CEO).

3.7 Breaches

Anyone found to be in breach of this procedure or *Part 6 of the Code of Conduct* 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 may receive a warning for non-compliance, or, if the breach is considered by the CEO to be serious, may have their supply agreements terminated by Snowy Valleys Council. The CEO will determine if a warning is provided, or immediate banning will be implemented.

Should someone become aware that a gift/benefit was offered, which they believe 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.

3.8 Condolence and Congratulations

The Greater Leadership Team may approve presents of up to \$100 (usually in the form of a floral arrangement) to employees if the employee:

- Becomes a parent (either the birth or adoption of a child) or
- Becomes incapacitated with a serious illness or injury or
- Experiences the death of an immediate family member.

The responsible officer will liaise with the Executive Assistant CEO regarding the arrangements for the order, payment and delivery of the present. Orders for floral arrangements will be alternated between local florists.

4. ASSOCIATED LEGISLATION

Local Government Act 1993 – Section 440

Independent Commission against Corruption Act 1988 – Section 11

Crimes Act 1900 (NSW) – Section 249B

5. ASSOCIATED COUNCIL DOCUMENTS

Code of Conduct – Part 6 - SVC-RP-STY-001

Gifts & Benefits Declaration Form - SVC-COR-F-063

Gifts & Benefits Children's Services Declaration Form – SVC-GOV-F-154

Gifts & Benefits Register – contained in Pulse,

6. HISTORY

Date	Action	Name	Procedure Number	Resolution Date	Resolution Number
20.04.2021	Supersede	Gifts and Benefits Policy	SVC-EXE-PO-009-003		

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Adopted:
Reviewed:

Snowy Valleys Council

Quarterly Budget Review Statement
for the period 01/01/21 to 31/03/21

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This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/03/2021 and should be read in conjunction with the total QBRs report
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