

Gifts & Benefits

POLICY – GC-CP-414



Directorate	Executive Services	
TRIM Ref	13/5793	
Status	Current	Effective from: 14 July 2017
Adopted	13/06/2017	Minute No: 17/134

Policy Scope

The Gifts and Benefits Policy supports Council's Code of Conduct and provides procedures and direction of managing Gifts and Benefits.

This policy is applicable to the Mayor and Councillors, staff of Griffith City Council (permanent, temporary and casual employees), volunteers, work experience persons, delegates of Council, members of Council committees and contractors.

For the purposes of this policy, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provision of the relevant election funding legislation.

Policy Objective

The purpose of this policy is to:

- Ensure individuals covered by this policy are made aware of their obligations and responsibilities concerning the management of offers of gifts or benefits; and
- Provide guidance in identifying, assessing and managing offers of gifts or benefits to ensure that they do not constitute, or may be perceived to constitute, corrupt conduct.
- Provide a transparent and accountable process for gifts acceptance that promotes public confidence in Griffith City Council.

Policy Statement

This policy supports Council's Code of Conduct in regard to managing offers of gifts or benefits and is designed to appropriately guide whether an offer of a gift or benefit should be refused or accepted and if accepted how to manage that acceptance.

Fundamental to this policy is the "Gifts and Benefits Declaration Form" and the "Gifts and Benefits Register" for the declaration and recording of the management of offers of gifts or benefits.

As a general principle, individuals covered by this policy should not accept any gifts or benefits that give rise to a real or perceived influence in relation to their decision making role. The acceptance or refusal of gifts or benefits must be properly managed to ensure that they are not provided as a "gift of influence" where there is an intention by the donor to receive favourable treatment. Equally important is how gifts or benefits are perceived, regardless of the type or value.

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Gifts or benefits may be offered for a variety of reasons including:

- (a) Gifts of influence (inappropriate offers)
- (b) Gifts of gratitude (appreciation / gratitude)
- (c) Token gifts
- (d) Ceremonial gifts

Policy Guidelines

1. Inappropriate offers (bribes)

- 1.1.1 Individuals covered by this policy must avoid situations giving rise to the appearance that a person or body, through the provision of gifts or benefits (including hospitality) of any kind, is attempting to secure favourable treatment from Council or the individual acting on Council's behalf.

Individuals covered by this policy must not:

- (a) seek or accept a bribe or other improper inducement;
- (b) seek gifts or benefits of any kind;
- (c) accept any gift or benefit that may create a sense of obligation or may be perceived to be intended or likely to influence the carrying out of your public duty;
- (d) accept any gift or benefit of more than token value;
- (e) accept an offer of cash or a cash-like gift, regardless of the amount.

- 1.1.2 Individuals covered by this policy must take all reasonable steps to ensure that immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

- 1.1.3 Individuals covered by this policy must not use their position to influence other Council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A Councillor will not be in breach of this clause where they seek to influence other Council officials through the appropriate exercise of their representative functions.

- 1.1.4 Individuals covered by this policy must not take advantage (or seek to take advantage) of status or position with, or functions performed for Council in order to obtain a private benefit.

- 1.1.5 Individuals covered by this policy must never accept any offer of a gift or benefit which could be considered to be intended to influence behaviour or show favour (or not show favour) to any person in relation to official duties.

- 1.1.6 If offered a bribe, the incident must be immediately reported to the General Manager and/or Manager of Executive Services, and where appropriate, the direct Manager. The Independent Commission Against Corruption (ICAC) and, where relevant, the police, must be informed immediately by the General Manager.

- 1.1.7 Soliciting personal gifts or benefits is strictly prohibited. Any individual covered by this policy who becomes aware that another individual covered by this policy is soliciting gifts or benefits, must report the matter to the General Manager and/or Manager of

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Executive Services who will take appropriate steps to investigate the matter and will notify the ICAC.

1.2 Gifts of appreciation/gratitude

1.2.1 Token gifts (nominal value)

- (a) Gifts of gratitude where the value is less than \$50 may be accepted or declined. The acceptance or refusal of token gifts must be declared and recorded in the Gifts and Benefits Register.
- (b) A gift may be offered to an individual in appreciation of a specific task or for exemplary performance of duties. Gifts offered for speaking at official functions would be considered gifts of gratitude. These are generally of a token nature.
- (c) Council's *Code of Conduct* – Part 5 - Personal Benefit, point 5.3 defines “token gifts and benefits” as:
 - (i) Free or subsidised meals, beverages or refreshments provided in conjunction with:
 - the discussion of official business;
 - council work-related events such as training, education sessions, workshops;
 - conferences;
 - council functions or events; or
 - social functions organised by groups, such as Council committees and community organisations.
 - (ii) Invitations to and attendance at local social, cultural or sporting events;
 - (iii) Gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address);
 - (iv) Ties, scarves, coasters, tie pins, diaries, chocolates or flowers;
 - (v) Prizes of token value.

It may be difficult to determine the true value of a gift or benefit and whether it is above or below the token value of \$50. Individuals covered by this policy must adopt the approach “*complete the Gifts and Benefits Declaration Form.*”

1.2.2 Non-token gifts (gifts and benefits of value)

- (a) Gifts of gratitude where the value exceeds \$50 **SHOULD NOT** be accepted. Refer to 1.7 for possible exceptions
- (b) Council's *Code of Conduct* – Part 5 - Personal Benefit, point 5.4 defines gifts and benefits of value as having more than a token value to include, but not being limited to:
 - Tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes [including the NRL, AFL, FFA, NBL]);
 - Corporate hospitality as a corporate facility at major sporting events);
 - Discounted products for personal use;
 - The frequent use of facilities such as gyms, use of holiday homes;
 - Free or discounted travel.

These types of gifts **ARE TO BE REFUSED**

- 1.2.3 Gifts of money and cash-like gifts (e.g. Gift Vouchers) (regardless of the amount) **MUST NEVER** be accepted.

- 1.2.4 All offers (refused or accepted) of non-token gifts or benefits **MUST BE** disclosed by completing the Gifts and Benefits Declaration Form and recorded in the Gifts and Benefits Register.

1.3 Cumulative gifts

- 1.3.1 A series of small gifts, which individually fall under the nominal value of \$50, may have an aggregate which exceeds the nominal value in any six month period. Such gifts, while seemingly modest, may pose a risk or apparent compromise, in the same vein as accepting one gift or benefit which alone exceeds the nominal value.
- 1.3.2 Where a series of gifts is received as described in Section 1.2.1, in any six month period, the gifts must be declared. Where the gift giving continues, gifts must be declined. Such gifts should be declared and the matter raised with your Manager/Director and the Manager Executive Services and in the case of Councillors or other Council officials, with the General Manager.

1.4 Hospitality and work-related functions

- 1.4.1 Hospitality often forms part of a work-related function, such as morning/afternoon tea at a meeting, a modest lunch offered to a working group, a networking function, etc. Such hospitality is acceptable. A useful guide of what would be acceptable hospitality is the type of hospitality which Council would provide to its business associates. Refer to Section 1.2.1 (c)(i).
- 1.4.2 Hospitality that extends beyond that described in Section 1.2.1(c)(i) needs to be given careful consideration before accepting. The following should be considered:
- (a) Is it likely that, by accepting the hospitality, the Council official may be perceived to show favouritism to the host in some way in the future (e.g. procurement process, development application)?
 - (b) Is there a business rationale for attending the function/accepting the hospitality?
 - (c) Is the value of the hospitality at a reasonable level?
 - (d) Will there be a number of other clients/representatives from other councils attending the function?
 - (e) Is the hospitality being offered by a service provider where the tender is due for renewal in the next six months or during the tender process?

1.5 Hospitality should only be accepted where

- 1.5.1 There is a strong business reason for attending the function/accepting the hospitality.
- 1.5.2 The estimated value of the hospitality is at a reasonable level, i.e. not at a “silver service” restaurant or similar.
- 1.5.3 Other clients will be attending the function, e.g. an end of year event hosted by a contractor for a range of clients.

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- 1.5.4 Where there is a business reason for accepting hospitality that is considered more than a token value, then Council should pay the expenses rather than have the event organisers cover the expense.

1.6 Prizes

- 1.6.1 A Council official may receive a prize through the completion of a survey or a purchase incentive scheme. As the Council official is working in their official capacity in these circumstances, the receipt of such gifts or prizes also falls within this policy.
- 1.6.2 Prizes that are won as a result of a purchase incentive scheme or the completion of a survey will become the property of Council.
- 1.6.3 The gift/prize should be declared using the Gifts and Benefits Declaration Form and the item handed to the General Manager or Manager Executive Services to become the property of Council.

1.7 Accepting Gifts

- 1.7.1 A gift or benefit offered that is more than of a token nature **SHOULD NOT** be accepted. These guidelines acknowledge that it is not always possible and set out points of consideration with regard to gifts and benefits.
- 1.7.2 Consideration should be given to not only the value of the gift but also the intent of the gift or benefit being offered.
- 1.7.3 Christmas, culture or tradition should never be used as an excuse to accept inappropriate gifts and benefits.
- 1.7.4 There may be circumstances where a gift that falls outside of what is acceptable under this policy, is accepted. Such circumstances may include:
- (a) A wrapped gift that the recipient does not open in the presence of the gift giver;
 - (b) Gifts accepted for cultural, protocol or other reasons, where returning it would be inappropriate;
 - (c) Anonymous gifts received through the mail or left without a return address;
 - (d) A gift received in a public forum where attempts to refuse or return it would cause significant embarrassment.

These gifts become the property of Griffith City Council and must be declared using the Gifts and Benefits Declaration Form and surrendered to the General Manager or Manager Executive Services.

- 1.7.5 Where possible, any frequent user points accrued as a result of Council purchases will remain the property of Council and will be used to reduce future costs to Council.

1.8 Disposal of gifts

- 1.8.1 When a gift is received which is above the token limit, the recipient must complete a Gifts and Benefits Declaration Form and present the item to the General Manager or Manager Executive Services who will determine the appropriate means of disposing of the gift. The disposal of gifts will be dictated by the nature of the gift.

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Some options include:

- (a) Gifts received from visiting delegations or gifts personalised to Griffith City Council will be kept at the Council office and displayed or stored appropriately.
- (b) Perishable gifts such as flowers can be displayed in public areas such as customer service front counter, in the Library etc.
- (c) Perishable food items may be shared amongst staff in the work location.
- (d) Gifts that can be used for work purposes may be shared amongst all staff or a group of staff to use in the workplace. Such items will become an asset for Council (e.g. a computer printer could be utilised for business purposes within the Council).
- (e) Gifts may be donated to an appropriate charity or community group determined by the General Manager;
- (f) The General Manager can auction or raffle the item with proceeds being donated to a charity nominated by the General Manager.
- (g) Gifts such as complimentary tickets to local events can be placed in a lucky draw of all staff, to be determined and conducted by the General Manager.

1.9 Giving of gifts

- 1.9.1 In circumstances where it is appropriate for Council officials to give a gift or benefit (for example when receiving overseas visitors), these gifts and benefits should be of token value in accordance with this policy.

2. Responsibility / Accountability

- 2.1.1 All Council officials are responsible for complying with this policy.
- 2.1.2 All Managers/Directors are responsible for providing advice to staff on the provisions of this policy.
- 2.1.3 Council's General Manager, Manager Executive Services and Directors are responsible for advising Council officials on the provisions of this policy.
- 2.1.3 Council's Corporate Information Coordinator is responsible for maintaining the Gifts and Benefits Register.
- 2.1.4 Council's Public Officer is responsible for facilitating public access to the Gifts and Benefits Register.

Definitions

The following definitions apply to this policy:

Council means Griffith City Council.

Gifts and Benefits in accordance with the Model Code of Conduct for Local Councils in NSW (March 2013) there are two types of gifts and benefits, these include:

- (a) Token Gifts and Benefits
- (b) Gifts and Benefits of value

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Benefit means a non-tangible item of value (eg. preferential treatment or access to confidential information) that one person or organisation confers on another.

Gift means an item of value (eg. hospitality, travel, commodity, property etc) which one person or organisation presents to another.

Cash-like gift includes but not limited to gift vouchers, credit cards, debit cards with credit on the, prepayments such as phone or internal credit, memberships or entitlements to discounts.

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

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

Staff means all persons employed by Council other than Councillors.

Token Value means the monetary limit of the value of gifts or benefits that may be accepted and does not require declaration in the Gifts and Benefits Register. This value is \$50 and therefore any gift or benefit valued at \$50 and less is considered to be of token value in accordance with this policy. The intent of the donor however, must also be considered when deciding whether to accept a token value gift or benefit.

Council official means Councillors, Council staff, volunteers or delegated persons as defined in the Local Government Act.

ICAC means Independent Commission Against Corruption.

Gifts and Benefits Register – a register that details the gifts and benefits received by Council officials, and how they were managed. This register is made available to the public.

Exceptions

For the purpose of this policy gifts and benefits do not include a political donation or contributions to an election fund that is subject to the provisions of the relevant funding legislation.

Legislation

Local Government Act 1993

Related Documents

GC-CP-404 Code of Conduct

GC-CP-411 Internal Reporting Policy (Protected Disclosures)

Managing Gifts and Benefits in the Public Section Toolkit (ICAC)

Crimes Act 1900

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Policy History

Revision Number	Date of Adoption/Amendment	Minute Number
1	09/06/15	15/161
2	13/06/17	17/134