



Gifts and Benefits - Council Policy

1. PURPOSE

The purpose of this policy is to:

- Provide Councillors and employees instruction on appropriate ways to deal with offers of gifts and/or benefits in connection with their duties whilst representing Council.
- Provide Councillor's and employees with principles and processes when gifts or benefits are accepted.
- Support Council's commitment to open and transparent governance.
- Minimise risks of Councillors' and employee's exposure to an actual or perceived Conflict of Interest or damage to reputation.

2. SCOPE & AUTHORITY

This policy governs the treatment of gifts and benefits offered to and/or received by Councillors and employees in the execution of their duties. It applies to all Councillors and Council employees, including permanent, casual and temporary employees, contractors, volunteers, apprentices, trainees and work experience students.

This is a discretionary policy, resolved by Council under its powers in accordance with the Queensland Local Government Act (2009) Chapter 2, Section 9 which states:

9 Powers of local governments generally

(1) A local government has the power to do anything that is necessary or convenient for the good rule and local government of its local government area.

This policy does not apply to electoral gifts to Councillors as defined in the Electoral Act 1992 or Local Government Electoral Act 2011.

3. POLICY STATEMENT

3.1 General Council position on gifts and benefits

Council acknowledges the following principles:

- The Community expects Councillors and employees to discharge their responsibilities impartially and with integrity
- Accordingly, the acceptance of gifts and/or benefits outside of a controlled and transparent process can result in negative perceptions and damage to Council's reputation
- Major considerations in determining whether acceptance of a gift/ benefit is reasonable include:
 - The intent in which the gift/benefits were given
 - The public perception of acceptance of the gift/benefit
- It is not appropriate for Councillors or employees to be offered or to accept a gift or benefit if that gift or benefit was intended to be in exchange for a benefit from Council to the giver of the gift or benefit
- There can be circumstances where the offering or acceptance of a gift or benefit is reasonable, and a transparent process for consideration and disclosure in a Register is outlined in the following subsections

3.1 Acceptance of gifts and benefits

If a Councillor or employee is offered a gift, they must consider why the gift is being given and whether acceptance is appropriate. Each type of gift carries with it different risks that must be considered when deciding whether or not acceptance is appropriate.

The following must be considered:



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- Relevant legislation
- Why the offer or gift was made
- The value and type of the gift/benefit
- The likely public perception of acceptance
- Whether a tender or quotation or contract negotiations are pending or underway

3.2 Circumstances where the acceptance of a gift or benefit is not appropriate

Councillors and employees must not accept a gift and /or benefit irrespective of value, if any of the following apply:

- It is considered as a gift of influence – that is, it is seen or maybe seen to affect the performance of an individual's duties or could be seen as to influence a decision making process.
- The donor or any reasonable observer would interpret that the recipient may be under an obligation to the donor as a result of receiving the gift.
- It is not offered openly
- It is an offer of money

Any gifts or benefits offered in this manner must be reported immediately to the relevant Director / Manger or CEO (for employees) or to the Mayor (for Councillors and CEO). If unsure Councillors and employees should decline offers.

3.3 Circumstances where it may be appropriate to accept a gift

Acceptance of a gift/benefit may be appropriate if it complies with the following:

- It does not influence, or has the potential or perceived potential to influence, to compromise the integrity of the recipient, or create a conflict of interest.
- It is not related to advice or decisions about for example: granting licences, inspecting and regulating businesses, granting of approvals, letting of contracts, procuring goods/services, the provision of Council services, or the provision of a Council grant.

The following gifts are considered low risk and can be generally by accepted without addition to the Gifts Benefits Register:

- Gifts under a nominal value of \$50 made in gratitude for carrying out a specific task e.g. a small personal gift to a Councillor or employee for speaking at a function
- Low value corporate gifts made as a marketing initiative, e.g. mass produced as mementos at a conference or course
- Ceremonial or symbolic gifts from visiting organisations provided to Council eg. plaque of appreciation or memento.

Gifts made to the Council remain the property of the Council and not the individual.

3.4 Declaring and reporting of Gifts and Benefits on Council's Gift Register

When gifts and benefits are received over the nominal value of \$50, it is important that they are dealt with in a consistent and appropriate manner. All gifts received must be recorded in Council's gift register.

An employee who receives a gift and/or benefit is required to fill out the appropriate form (refer to Attachment A) and forward the completed form to the CEO within five business days of receipt of the gift and /or benefit.

Should the CEO or Councillor accept a gift or benefit he/she is required to submit the form (refer to Attachment A) to the Mayor. In the case of the Mayor receiving gift and/or benefit, this must be reported to the Deputy Mayor.

The Gift Register must include:-

- The date the gift was offered
- The date the notification was made
- The recipient and donor



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- Estimated fair market value
- Determination on how the gift was dealt with

The CEO/Mayor may determine that the gift be retained by the individual; or returned; or retained by Council and distributed for example as a prize at the Council's Christmas Party. Councillors and Employees are encouraged to donate gifts for this purpose in order to share the benefits and increase openness and transparency.

3.4.1 Gifts exceeding a nominal value of \$500

Councillors are required to record any gift over \$500 or multiple gifts which together total more than \$500 on a Councillor's Individual register of Interests pursuant to *Section 291 of the Local Government Regulation, 2012*.

The CEO and Directors must disclose gifts over \$500 or multiple gifts which together total more than \$500 on their Register of Interests under *Part 5, Chapter 8 of the Local Government Regulation 2012*.

4. RESPONSIBILITIES

4.1 All Councillors and Council employees

- Must comply with this policy when considering the acceptance of gifts or benefits in the context of their official duties.

4.2 Managers and Directors

- Must implement controls within their area of responsibility to ensure compliance with this policy.

4.3 Director, Finance & Corporate Services

- Shall be the custodian of this policy
- Shall ensure the maintenance of a suitable Gifts and Benefits Register

4.4 Chief Executive Officer, Mayor & Deputy Mayor

- Shall make determinations upon receipt of Gift/Benefit Declaration Forms and make arrangements for those determinations to be entered into the Gifts and Benefits Register

5. RISK

This policy seeks to minimise the risk to Council, Councillors and employees of actual or perceived Conflict of Interest or damage to reputation through the acceptance of gifts or benefits during the course of their official duties. It provides instruction on appropriate ways to consider, deal with and transparently document offers of gifts and/or benefits in connection with their duties.

6. IMPACTS

Corporate Plan: Goal – 5. Governance; Program Areas – 5.4 High levels of accountability and compliance

Human Rights Compatibility Statement: This Policy has been assessed as compatible with the Human Rights protected under the Human Rights Act 2019; and

Engagement: This policy has been developed in consultation with the Senior Leadership Group and provides for an accessible Register of gifts and Benefits.



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7. RELATED LAWS

- Local Government Act 2009 (Qld)
- Local Government Regulation 2012 (Qld)
- Public Sector Ethics Act 1994 (Qld)

8. RELATED COUNCIL DOCUMENTS

[list any related policies or subordinate documents such as guidelines, procedures, forms]

- Employee Code of Conduct
- Councillor Code of Conduct
- Council's Gift Register

9. REVISION HISTORY

Revokes: Gifts and Benefits Policy (Document No. 72380 Version No. 2 adopted 18/04/2019)

Previous versions: Version 1.0

Suggested to review by: 19/08/2023

10. DEFINITIONS

CEO means the Chief Executive Officer of the Balonne Shire Council appointed in accordance with the Local Government Act 2009.

Council means Balonne Shire Council, its elected Councillors, its management and its employees.

Council Employees means all permanent, casual and temporary employees, contractors, volunteers, apprentices, trainees and work experience students.

Conflict of Interest – is an issue about a conflict between a person's personal interest and the persons official duties with council

Donor – refers to the person or organisation making the offer of a gift/benefit to Council, a Councillor or employee

Fair market value – the reasonable retail value of something

Gift/Benefit – shall mean gift given voluntarily to show favour toward someone, honour or occasion, or make a gesture of assistance or goodwill which is good outside of normal open contractual arrangements.

11. ATTACHMENTS

Attachment A: Notification / Approval of Receipt of gift or Benefit



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Attachment A

Notification /Approval of Receipt of Gift or Benefit

SECTION A- EMPLOYEES /COUNCILLOR DECLARATION

| | |
|---|--|
| Employee / Councillor's Name | |
| Employee Position Number (leave blank if a Councillor) | |
| Department/Program | |
| Date Gift/Benefit Offered | |
| Market Value of Gift /Benefit | |
| Name of Donor (Organisation or Person offering benefit/gift) | |
| Givers Association to Council | |
| Giver's Association to Employee/Councillor | |

Did you accept the Gift/ Benefit Received / Offered? Yes No

Section B : Employee's / Councillor's advise of all information relevant to this matter:

Additional Information or Identified

Conflict of Interest

Employee's / Councillor's Declaration

1. I have read and understood the Gift and Benefit Policy
2. The information submitted by me on this matter is complete and accurate
3. There is no bias for actual or perceived conflict of interest

Date Employee/Councillor Name Employee / Councillor

Signature



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SECTION C: CHIEF EXECUTIVE OFFICER'S / MAYORS / DEPUTY MAYOR'S DECISION

Approval Process

1. The Chief Executive officer approves the notification by an Employee who declares a gift/benefit over \$50
2. The Mayor / Deputy Mayor approves the notification by the Chief Executive Officer /Mayor a gift /benefit over \$50

Date CEO/ Mayor/Deputy Mayor's CEO/ Mayor/Deputy
Name Mayor's Signature

Approved – Retain Gift Yes No Retain for donation to the Prize Pool

Decisions/ Comments