



## Gift and Benefits Policy

<b>Number:</b>	<b>Stat. 15</b>
<b>Responsible Manager:</b>	<b>Chief Executive Officer</b>
<b>Head Policy:</b>	<b>N/A</b>
<b>Legislation:</b>	<b>Local Government Regulation 2012</b>

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### **1. Purpose**

Councillors and Council employees hold positions of public trust and must carry out their duties impartially and with integrity. The provision of gifts and benefits to Councillors and employees can create perceptions of a conflict of interest and potentially compromise decision making.

This policy aims to minimise the risk of Councillors and employees being exposed to an actual or perceived conflict of interest associated with benefits or gifts offered in the course of their official duties.

This policy is to be read in conjunction with the requirements as set out in the Code of Conduct section 1.2.5 "Accepting gifts and benefits".

### **2. Scope**

Applies to all employees (including Executive and CEO) and Councillors.

### **3. Application**

It is not appropriate for Councillors or employees to be offered or to accept gift or benefits that affect, may be likely to affect or could reasonably be perceived to affect, the independent and impartial performance of their official duties. Councillors and employees must not ask for or encourage the giving of any form of gift or benefit in connection with the performance of official duties.

Pursuant to s199 of the Local Government Act 2009, a local government employee must not ask for, or accept, a fee or other benefit for doing something as a local government employee.



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

- It is considered as a gift of influence – i.e. that it is seen, or may be seen, to affect the performance of the recipient’s official duties, or otherwise influence, or be seen to influence, the decision-making or behaviour of the recipient;
- 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; or
- It is an offer of money.

If unsure, Councillors and employees should decline offers of gifts or benefits courteously by explaining that acceptance would be against Council policy.

### **Circumstances where it may be appropriate to accept a gift**

Acceptance of a gift or benefit may be considered appropriate if it does not influence, or have the potential or perceived potential to influence, in any way so as to compromise, or appear to compromise, the integrity and impartiality of the recipient, or to create a conflict of interest, or perception of a conflict of interest

The following gifts are considered low risk and can generally be accepted:

- Gifts of insignificant value (under \$100) made in gratitude for specific tasks or performance e.g. a small personal gift to an employee or Councillor for speaking at an official function
- Low value corporate gifts made as a marketing/sponsor initiative e.g. mass produced mementoes at a professional development conference;
- Ceremonial/symbolic gifts from visiting organisations provided to Council as an organisation (as opposed to an individual employee or Councillor) to be retained by the organisation e.g. plaque of appreciation or memento from place of origin.

Offers of gifts should be reported to the Chief Executive Officer. The Chief Executive Officer or Executive Manager Governance will provide a decision on whether the gift can be accepted and, if accepted, how council or the individual will use the gift, for example donating the gift to a community organisation.

Gifts made to Council will remain the property of council and not individual Councillors or employees.



## **Declaring and Reporting of Gifts and Benefits on Council's Gift Register**

The Office of the Chief Executive Officer maintains the gifts and benefits register. The Personal Assistant is responsible for maintaining the register and ensuring that all reported gifts and benefits are added to the register. The register contains the following:

- The date the gift was offered
- The date the notification was made
- The recipient and donor
- Estimated fair market value
- Determination on how the gift was dealt with - e.g. disposal by donation to charity, use by the organisation, retention of the gift for personal use by the individual recipient, or nonacceptance, and who authorised that decision.

### **Recording threshold for employees and the organisation**

Any appropriate gift or benefit received by employees or the organisation that has an estimated value of \$100 or more must be recorded on Council's Gifts and Benefits Register.

In addition to the above, the CEO and Executive Employees have obligations to disclose gifts received exceeding \$500 on their Register of Interests under Part 5, Chapter 8 of the Local Government Regulation 2012.

### **Recording threshold for Councillors**

Any gift received by a Councillor that is required to be recorded on a Councillor's individual Register of Interests pursuant to section 291 of the Local Government Regulation 2012 (gifts totalling more than \$500), must also be noted on Council's Gifts and Benefits Register. Upon updating their Register of Interests, Councillors are requested to notify the Governance Team so that the Council's Gifts and Benefits Register can be updated.

## **4. Review**

This policy is to remain in force until otherwise determined by Council.



**KOWANYAMA**  
ABORIGINAL SHIRE COUNCIL  
*Place of many waters*

## **Approval**

This policy was duly authorised by Council as the Kowanyama Aboriginal Shire Council's Gifts and Benefits Policy 22 August 2018 and shall hereby supersede any previous policies of the same intent.

Chief Executive Officer, Fabian Williams

A handwritten signature in black ink is written over a solid horizontal line. The signature is stylized and appears to be 'Fabian Williams'.

**Date 22 August 2018**