

Kyogle Council

Gifts & Benefits Policy



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1. **Validity**

This policy derives validity from Councils Resolution 170907/24.

2. **Policy Objectives**

The objective of this policy is to:

- regulate and monitor behaviour for the acceptance of gifts by Councillors and employees
- provide a transparent and accountable process for gift acceptance that promotes public confidence in the Council.

3. **Background**

In carrying out their role as a Councillor, staff members and delegates of a local government body, individuals and /or groups will, from time to time, be offered gifts to establish an amicable initial business relationship, to display appreciation or demonstrate good faith in an ongoing business relationship.

The acceptance of gifts and other benefits has the potential to compromise a Councillor's and Council employee's position by creating a sense of obligation in the receiver and so undermining his/her impartiality. It can also affect the public's perception of the integrity and independence of the Council and its employees.

To ensure propriety in all such dealings, it is essential that Council adopt a policy and procedures on the acceptance of gifts and benefits, and that all gifts and benefits (other than token or nominal gifts and benefits) are declared and recorded in a Gifts and Benefits Register.

This policy has been produced to guide Councillors, staff members and delegates who may be offered gifts and benefits during the course of their official duties. The acceptance of gifts and benefits is a problem for many public officials. Deciding where to draw the line between the proper and improper acceptance of gifts and benefits can be difficult.

4. **Policy**

A Councillor, member of staff or delegate must:-

- (a) not seek or accept a bribe, or other improper inducement;
- (b) not take advantage of his or her official position to improperly influence other councillors, members of staff or delegates in the performance of their public or professional duties for the purpose of securing a private benefit for himself or herself or for some other person;

- (c) generally, not by virtue of his or her official position, accept or acquire a personal profit or advantage of a pecuniary value; however, they may:-
- (i) accept a token or nominal value (low value) gift or benefit.
 - (ii) accept a more than token nominal value (high value) gift or benefit in special circumstances, eg an item left to you in someone's will, with the approval of Council. You would need to contact your supervisor to arrange a formal report to Council.

As a general rule, representatives of Council should not accept gifts and benefits of more than nominal or token value, and gifts and benefits are not to be solicited under any circumstances.

Gifts and benefits of token or nominal value are classified as those that are inconsequential or trivial and not offered on a regular basis. All gifts or benefits of more than token or nominal value must become the property of Council, and will be dispersed equitably.

You must never accept any gift or benefit:-

- If the person offering it, or a fair person, would expect you to be influenced in the way you do your job or carry out your duties;
- If you would feel a sense of obligation or debt to the person offering the gift or benefit; or
- If you or the Council are likely to be compromised.

You must never accept an offer of money, regardless of the amount.

5. Gifts Register

The details of all gifts received shall be entered into the Gifts Register by completion of a Gift Disclosure form.

The Gifts Register shall be available for public inspection.

The General Manager shall review all entries made by employees in the Gifts Register and determine any action that may be considered appropriate in relation to any such entry. Such action may include the giving of advice or counselling, removal of the employee from a decision making, regulatory or purchasing role or a direction that the gift be returned.

A Councillor may refer any entry in the Gifts Register to a Council Meeting for review by the Council.

6. Gifts, Benefits and Bribes

Gifts

For the purpose of this policy, “gifts” made to individuals in the course of a business relationship are usually given for commercial purposes, such as to create a feeling of obligation in the receiver.

Some examples of gifts include:-

- (a) Money
- (b) Alcohol
- (c) Clothes
- (d) Products
- (e) Tickets

Benefits

For the purpose of this policy, the term “benefit” is used to refer to something which is believed to be of value to the receiver, such as a service. Some examples include:-

- (a) Tickets to major sporting events or other entertainment
- (b) Corporate hospitality at a corporate facility or sporting venue
- (c) A new job or promotion
- (d) Preferential treatment, such as queue jumping
- (e) Access to confidential or sensitive information
- (f) Discounted products for personal use
- (g) Frequent use of facilities such as a gymnasium or holiday home
- (h) Free or discounted travel, Frequent Flyer points and free training sessions
- (i) Free or subsidised lavish meals or hospitality, etc.

Bribes

“Bribery” is defined as inducement by offering any undue reward by, or to, any person in public office in order to influence his or her behaviour in that office, and to incline that person to act contrary to the known rules of honesty and integrity.

Councillors, members of staff and delegates must not offer or seek a bribe. Receiving or offering a bribe is an offence under both the common law and NSW legislation.

A person offered a bribe should refuse it and report the incident as soon as possible to their Director, or the General Manager. Council will take steps to report the matter to ICAC and the police immediately.

Token/Nominal Value

Token gifts and benefits of a nominal value usually do not create a sense of obligation in the receiver that will influence, or appear to influence, the exercise of his or her official duties.

Examples of token gifts and benefits that could be regarded as having a nominal value include:-

- (a) Gifts of single bottles of reasonably priced alcohol to individuals at end of year functions, public occasions or in recognition of work done;

- (b) Free or subsidised meals, of a modest nature, and/or beverages provided infrequently (and/or reciprocally) that have been arranged primarily for, or in connection with, the discussion of official business;
- (c) Free or subsidised meals, of a modest nature, and/or beverages provided to Council officials who formally represent their Council at work related events such as training, education sessions, workshops etc, or provided at conferences where they are a speaker;
- (d) Cheap marketing trinkets or corporate mementos (such as key rings, notepads, inexpensive pens and pencils) and ties, scarves, coasters, tie pins, diaries, chocolates, flowers and small amounts of beverage;
- (e) Invitations to appropriate "cocktail/Christmas parties" or social functions organised by groups, such as Council committees and community organisations.

7. Breaches of this Policy

The obligation to comply with this policy rests with each Councillor and employee.

Sanctions may be applied if this policy is breached.

Any person may report an alleged breach of this policy by a Councillor or an employee (other than the General Manager) to the General Manager in writing.

Any person may report an alleged breach of this policy by a Councillor or the General Manager to the Mayor in writing.

The General Manager or Mayor as appropriate shall investigate any report received and take such action as is considered necessary.

If this policy has been breached, such action may include counselling, censure motions, disciplinary action (including termination of employment), the laying of charges and the taking of civil action.

**KYOGLE COUNCIL
GIFT & BENEFIT DISCLOSURE FORM**

This form is for use by Councillors and employees in conjunction with the Gifts & Benefits Policy. The form is to be completed within seven (7) days of receiving a gift and delivered to the General Manager.

Name and Position	
Gift(s) and/or Benefit(s) received	Description: Date received: Estimated Value:
Received by	<input type="checkbox"/> Myself <input type="checkbox"/> My relative/associate (specify details below) Name Address Relationship
Received from	Name Address Organisation
Comments in relation to this disclosure	
Signature	
Date	