	BALRANALD SHIRE COUNCIL
POLICY TITLE:	**GIFTS AND BENEFITS POLICY**
EXPIRY DATE:	Ongoing

Controller:	Approved By:	Review Date
General Manager		

BACKGROUND

From time to time Council officials will be approached with offers of gifts and/or benefits that can be perceived as inducements to behave in a certain way or to engage a particular supplier as opposed to another. In determining whether to accept a gift Council officials need to consider not only whether there is an actual conflict with their duty to act honestly, openly and transparently and in the best interests of their employer and the community they serve, but also whether accepting such an offer can be perceived as conflicting with this duty.

The Code of Conduct defines Council officials as "Councillors, members of staff of Council, Administrators, Council Committee members, Conduct Reviewers and delegates of council. A delegate of Council is a person (other than a Councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the Council is delegated.

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 provisions of the relevant election funding legislation.

POLICY OBJECTIVE

The purpose of this policy is to:

- Establish a framework for Council officials on the appropriate behaviours when approached with an offer of a gift or benefit

- Define what could constitute a gift of benefit for the purposes of this policy.

SCOPE

This policy applies to all Council employees, contractors, and Councillors when undertaking official duties on behalf of Council. Council officials, and their immediate family should avoid accepting gifts and/or benefits where this could be perceived as inappropriate when considered in relation to their official duties.

POLICY

As a general rule Council officials should not accept an offer of a gift or benefit which is connected with the performance of their official duties.

However, Council recognises that there will be instances where officials may be offered a gift or benefit of a minor value in recognition of a job well done or as a thank you and to refuse may not be possible or would appear churlish.

To assist in these situations Council officials should firstly establish what they believe is the purpose of the offer.

Where there is a belief that the offer is intended to induce a particular behavior or give advantage to one group or individual over another, for example a bribe, the official should immediately refuse the offer and advise their supervisor as soon as practicable.

Where the official believes it would be churlish to refuse the gift or the official is not able to refuse the gift, eg gift received by mail, the official should immediately make an assessment of the value of the gift and provide details of receipt of this gift to the General Manager's Executive Assistant.

Where the gift is considered to be token in value the General Manager may approve the Council official keeping the gift.

Generally speaking, token gifts and benefits include:-

(a) free or subsidised meals, beverages or refreshments provided in conjunction with:
    (i) The discussion of official business
    (ii) Council work related events such as training, education sessions, workshops
    (iii) conferences
    (iv) Council functions or events
    (v) Social functions organized by groups, such as Council committees and community organizations
(b) Invitations to and attendance at local social, cultural or sporting events
(c) 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)
(d) Ties, scarves, coasters, tie pins, diaries, chocolates or flowers

Where the gift is considered to be worth more than the token value the gift shall be surrendered and stored.

The General Manager's Executive Assistant is responsible for recording this information in Council's gift register.

The register will contain the following information;

- Date of the offer or receipt
- The name of the recipient
- Signature of the recipient
- The name of the person who offered the gift and their organisation
- Description of the gift or benefit
- Estimated value of the gift or benefit, where possible supported by evidence
- Description of the context in which the gift or benefit was offered and/or received

- Disclosure of any relationship - business or personal - between the giver and receiver
- The decision taken in relation to the gift - accept and retain; accept and dispose; refuse

The General Manager may approve on an annual basis the allocation of gifts worth more than the token value for distribution to Council officials as part of a staff social event, eg Christmas party.

The General Manager is responsible for reporting to Council on a six monthly basis all gifts received by Council officials.

DEFINITIONS

The following definitions apply:

Gifts and Benefits - any item, service, prize, hospitality or travel, provided by a customer, client, applicant, supplier, potential supplier or external organisation, which has an intrinsic value and/or a value to the recipient, a member of their family, relation, friend or associate *(NSW Public Service Commission)*

Bribe - a gift or benefit offered to or received by any person in public office to influence that person's behaviour in that office, and to incline that person to act contrary to accepted rules of honesty and integrity *(NSW Judicial Commission)*

Corrupt Conduct - the conduct of any person (whether or not a public official) that impairs, or could impair public confidence in administration and which could involve any of the following matters:- collusive tendering; fraud in relation to applications for licences, permits or other authorities under legislation designed to protect health and safety or the environment or designed to facilitate the management and commercial exploitation of resources; dishonesty obtaining or assisting in obtaining, or dishonestly benefiting from, the payment or application of public funds for private advantage or the disposition of public assets for private advantage; defrauding the public revenue; or fraudulently obtaining or retaining employment or appointment as a public official *(NSW ICAC)*

Gift Register - an official record that details gifts and benefits received by Council officials and how they are managed.

Token In Value - refers to the amount set by Council to guide Council officials in terms of what would be considered a minor amount, currently $50.00.

Balranald
SHIRE COUNCIL

GIFT/BENEFIT REGISTER DISCLOSURE

DATE OF OFFER OR RECEIPT OF GIFT .....

NAME OF RECIPIENT: .....

SIGNATURE OF THE RECIPIENT.....

NAME AND ORGANISATION OF GIVER .....

DESCRIPTION OF GIFT: .....

ESTIMATED VALUE OF GIFT:.....

CONTEXT IN WHICH GIFT OFFERED

RELATIONSHIP TO GIVER (Business/Personal/None)

DECISION TAKEN IN RELATION TO GIFT

Accept and retain .....

Accept and surrender to Council .....

Refuse.....

REASONS FOR THE DECISION .....

APPROVAL OF GENERAL MANAGER/NOMINEE

Name.....

Signature.....

Date.....