

Policy No. PP010

Gifts and Benefits Policy

1 INFORMATION ABOUT THIS POLICY

POLICY INFORMATION

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DOCUMENT HISTORY

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FURTHER DOCUMENT INFORMATION AND RELATIONSHIPS

Related Legislation	Goldenfields Water Enterprise Award 2014 Local Government Act 1993 Crimes Act 1900 (NSW) Independent Commission Against Corruption Act 1988 Public Interest Disclosures Act 1994
Related Policies	GWCC Code of Conduct Public Interest Disclosures Policy
Related Procedures, Protocols, Statements and Documents	GWCC Gifts and Benefits Log

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3 PURPOSE

To establish clear guidelines for dealing with gifts and benefits and to ensure fair, transparent and independent processes within Goldenfields Water County Council (GWCC).

4 SCOPE

This policy applies to all Council officials as defined within this policy.

5 DEFINITIONS

Benefit - A non-tangible item of value that one person or organisation confers on another.

Cash-like gifts - A gift that includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, memberships or entitlements to discounts.

Council Official - An individual who carries out public official functions or acts in the capacity of a public official for GWCC. These include Board Members, members of staff, members of Council committees, conduct reviewers and delegates of GWCC.

Delegate of Council - A person or body, and the individual members of that body, to whom a function of Council has been delegated.

Gift - A thing given to someone without payment.

Nominal value - A value that usually does not create a sense of obligation in the receiver that will influence, or appear to influence, the exercise of his or her official duties.

Official duties - The work done by a public official as defined by relevant or governing legislation (and regulations), the official's position description or lawful directions given by a supervisor.

Token gifts - Items of minimal value that are given in gratitude for services provided such as speaking at a conference or training seminar, end of year functions or local social or cultural events. (E.g. chocolates, bottle of wine, stationary).

Staff - All employees of GWCC (full-time, part-time, temporary or casual). It also includes, for the purposes of this policy only, all volunteers and contractors (who principally provide their labour).

6 GENERAL PROVISIONS

1.1 GWCC generally discourages the acceptance of gifts or benefits by all Council Officials unless such gifts are made to GWCC as a corporate body rather than to an individual.

1.2 Council Officials shall not:

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

1.3 No gifts of any value are to be accepted by Council Officials in any circumstances during the course of a tender period.

1.4 If a gift or benefit is received in the course of a Council Official's duties and relates to the work of GWCC, or has a public benefit, it may be accepted. All such gifts shall then become the property of GWCC and must be reported in line with Clause 6 of this Policy.

1.5 The value of a gift or benefit shall determine how it is dealt with. For the purpose of this Policy, nominal value shall be \$50. Examples of gifts and benefits of or less than nominal value would be:

- Inexpensive pen or stationery
- Box of chocolates
- Modestly priced bottle of wine

The following gifts and benefits would be likely to have more than the stated nominal value:

- Tickets to sporting events or other entertainment
- Works of art
- Jewellery
- Free or discounted travel
- Use of holiday homes

1.6 No gifts or benefits of more than nominal value may be accepted by Council Officials, except in the circumstances set in Clause 3.3 of this Policy.

1.7 Under no circumstances are offers of money, including items that can be redeemed for money such as gift vouchers/lotto/lottery/scratchie tickets, tickets to events, travel tickets, or cash-like gifts such as memberships, entitlements to discounts, goods and/or services, to be accepted.

1.8 Council Officials shall always consider the purpose, intent and value of the gift or benefit being offered before making a decision to accept such gift or benefit regardless of value or circumstance.

7 CORPORATE COMPLIMENTARY INVITATIONS

Notwithstanding the above, corporate complimentary invitations (complimentary invitations) may be accepted where;

- GWCC is a significant financial sponsor of an event;
- the terms of such sponsorship, provides for the provision of complimentary invitations;
- it is appropriate and would be expected that GWCC be represented in an official capacity;
or
- the acceptance of such complimentary invitation does not bind by virtue of creating a sense of obligation or commitment, or imply such binding of the organisation to an individual or body.

However, complimentary invitations cannot be accepted in any circumstances if there is a related matter before the Council for consideration and determination, or during a tender period. Discretion also needs to be exercised if it is known that a matter is or may be coming to Council in the near future for determination.

Acceptance of any complimentary invitation is at the discretion of the Chairperson, with advice from the General Manager, as far as they pertain to Board Members, at the Chairperson's sole discretion when they apply to the General Manager and at the General Manager's sole discretion where they pertain to staff.

The offer of all such complimentary invitations (whether accepted or not) shall be reported in line with Clause 6 of this Policy.

If acceptance of a complimentary invitation is deemed to be inappropriate and the invitation or the contents thereof cannot be returned, then the provisions of Clause 3.3 of this Policy apply.

8 SPECIAL CIRCUMSTANCES

8.1 Gifts to relatives

Staff shall take all reasonable steps to ensure that their relatives are not the recipients of gifts and benefits that could be perceived to be an attempt to influence the behaviour of that Council Official.

8.2 Prizes and gifts

On occasions Council Officials where may receive a prize or gift as a result of entering a competition while engaging in official Council business, such gifts/prizes shall be deemed to be the property of GWCC, not the individual, and may be disposed of as per Clause 10 of this Policy.

8.3 Gifts that cannot be returned

There may be circumstances where a gift is inadvertently accepted by a Council Official or may not be easily returned (e.g. in some cultures where non-acceptance or returning a gift may cause offence, insult or embarrassment), such gifts shall be deemed to be the property of GWCC and disposed of appropriately as set out in Clause 10 of this Policy. Gifts that cannot be reasonably refused or returned shall be disclosed promptly to the General Manager, Chairperson or the relevant manager.

8.4 The offering of a gift or benefit during a Tender Period

Under no circumstances are gifts or benefits of any value (including nominal value) offered by a tenderer (or any related entity or individual) during the course of a tender period, to be accepted by a Council Official. If a gift or benefit is offered during a tender period the General Manager shall be notified immediately.

9 TOKEN GIFTS

Token gifts and moderate acts of hospitality include;

- free or subsidised meals and/or beverages provided infrequently (and/or reciprocally) by representatives of other public sector agencies or at corporate training or conferences; or
- free meals and/or beverages provided to public officials who formally represent GWCC at government-related functions or events.

If a Council Official attends any business meeting or meeting with community members at which food and/or beverages are purchased, any costs incurred for that Council Official shall be endured by that individual to avoid a perception of indebtedness.

10 THE GIVING OF GIFTS BY GWCC

There may be occasions where it is appropriate for GWCC to give gifts or benefits to individuals from other public or private agencies. Such gift or benefit is to be of a value appropriate to the circumstances and with endorsement from the General Manager. Appropriate caution shall be exercised when the proposed recipient or organisation has a continuing business relationship with GWCC.

11 REPORTING OF GIFTS OR BENEFITS

Upon receipt of a gift or benefit, Council Officials shall complete the Gifts and Benefits Form (Appendix A) as soon as practical. The gift or benefit or benefit is not to be used, consumed or disposed of prior to the General Manager's authorisation.

12 PRIVATE BENEFITS

A Council Official shall not:

- Use their position to influence other Council Officials in the performance of their public or professional duties to obtain a private benefit for themselves or somebody else.
- Take advantage (or seek to take advantage) of their status, position or functions they perform for GWCC in order to obtain a private benefit for themselves or for any other person or body.

13 BRIBES

If a Council Official is offered a bribe, corrupt inducement or reward, such matter shall be reported to the General Manager immediately. The offer must not be accepted in any circumstances.

Any Council Official who believes they have been offered a bribe must:

- Immediately reject the offer.
- Terminate the interaction with the person.
- Keep a record of the events.
- Inform their supervisor (or in the case of a Board Member, the General Manager).
- The supervisor must inform the General Manager immediately.
- The General Manager must inform ICAC and the Police.

The General Manager has a duty under section 11 of the Independent Commission Against Corruption Act 1988 to notify the Independent Commission Against Corruption of any possible corrupt conduct.

14 CONFLICTS OF INTERESTS

Consideration should also be given by Council Officials as to whether or not acceptance of a gift or benefit is, or could be perceived to be a conflict of interest. GWCC's Code of Conduct should be applied in these circumstances.

15 DISPOSAL OF GIFTS AND BENEFITS

The General Manager has the discretion to dispose of gifts or benefits, deemed to be those of the GWCC, in an appropriate manner. Such disposal may be by way of:

- Holding an auction with all proceeds going to a charity which provides services to the local community;
- Donating such goods to a charity that provides services to the local community;
- Sharing the gift or benefit amongst all staff for the purposes of performing GWCC operations (e.g. a computer printer that could be networked); or
- Holding a fundraiser with the gifts or benefits as prizes.