Burwood

Inc.1874

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

GIFTS AND BENEFITS POLICY

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1. Purpose

1.1 The purpose of this policy is to provide clear guidance to council officials on what to do if they are offered a gift or benefit to protect themselves from being compromised, or giving rise to the perception of being compromised, in the course of their duties.

1.2 This policy is a subordinate policy to the *Burwood Council Codes of Conduct*.

2. Scope

2.1 This policy applies to all **council officials** as defined in this document.

3. Definitions

bribe	means money or favour given or promised in order to influence the judgment or conduct of a council official
ceremonial gifts	are gifts that are offered by one agency to another, generally when conducting official business with delegates from another organisation
council officials	includes councillors, employees, volunteers, delegates, consultants, contractors and members of any council committee
gifts and benefits	are things or various forms of goodwill offered to or received by a council official, or someone personally associated with them, for their personal use and enjoyment For the purposes of this policy they do <u>not</u> include: a) items with a value of $10 or less b) a political donation for the purposes of the *Electoral Funding Act 2018* c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them d) a benefit or facility provided by the council to an employee or councillor e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or f) free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to: i) the discussion of official business ii) work-related events such as council-sponsored or community events, training, education sessions or workshops iii) conferences iv) council functions or events v) social functions organised by groups, such as council committees and community organisations.
gifts and benefits of token value	means one or more gifts or benefits offered by or received from a person or organisation over a 12-month period that, when aggregated, do <u>not</u> exceed a value of $100 for councillors, or $30 for all other council officials.

Examples include, but are not limited to:

a) invitations to and attendance at social, cultural or sporting events (including charity fundraisers) with a ticket value that does not exceed $100 (for councillors) or $30 (for all other council officials)

b) gifts of alcohol that do not exceed a value of $100 (for councillors) or $30 (for all other council officials)

c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like

d) prizes or awards that do not exceed a value of $100 (for councillors) or $30 (for all other council officials).

gifts and benefits of more than token value means a gift offered by or received from a person or organisation that exceeds a value of $100 (for councillors) or $30 (for all other council officials), or a series of gifts received from that person or organisation within a 12-month period that, when aggregated, exceed a value of $100 (for councillors) or $30 (for all other council officials).

Examples include, but are not limited to:

a) tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds $100 (for councillors) or $30 (for all other council officials)

b) corporate hospitality at a corporate facility at major sporting events

c) free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons

d) the use of holiday homes

e) artworks

f) free or discounted travel.

supervisor means either the designated people manager of the person, or the manager who is the key council contact for the person (in the case of a contractor, consultant, delegate, volunteer or committee member)

4. Offers of gifts or benefits

What should a council official do when offered a gift or benefit?

4.1 Where possible, all gifts and benefits should be politely refused, with gratitude, at the time of offering to avoid the perception of undue influence.

4.2 Council officials should consider the following when presented with the offer of a gift or benefit:

a) Consider whether the gift or benefit is of less than token value ($100 for councillors, $30 for all other council officials) — if it is of more than token value, it must be refused

b) Consider whether the gift or benefit is being offered in order to influence them in the course of their duties — if it is, it must be refused, regardless of the value

c) Consider whether the gift or benefit is cash or a cash-like gift (such as a gift voucher or lottery tickets) — if it is, it must be refused, regardless of the value

d) Consider whether the gift or benefit is being offered by a supplier or a company that is in the process of becoming a supplier to Council — if it is, it must be refused, regardless of the value

e) Consider whether they are involved in proposals or approvals under planning, health or environment legislation, or regulatory enforcement activities of any kind — if they are, the official must refuse all offers of gifts or benefits, regardless of the value.

4.3 After considering all the issues above the council official may determine to:

a) decline the gift

b) accept and keep the gift, or

c) accept the gift and surrender it to Governance & Risk, or

d) in the instance where the gift has been sent to or left for the intended recipient without their knowledge, attempt to return the gift to the giver or donated to a charity nominated by the giver

4.4 If the return or donation of the gift under clause 4.3 is not possible, for example because the gift is easily perishable, the gift must be surrendered to Governance & Risk for appropriate action, unless Governance & Risk provide instruction on alternative disposal methods. See Part 7 for disposal options.

4.5 In all cases, a Gifts and Benefits Registration Form referred to in part 6 must be completed and promptly lodged.

What should a council official do when offered a bribe?

4.6 If you have been offered a bribe, or think that you have been offered a bribe, you must advise the General Manager and Manager Governance & Risk immediately.

4.7 If you are a member of the staff of Council, to avoid a perception of influence, you must refer all future contact with the person offering or suspected of offering you the bribe to your supervisor.

4.8 The General Manager will advise the Independent Commission Against Corruption.

Ceremonial Gifts

4.9 Ceremonial gifts are generally provided to a host agency when conducting official business with delegates from another organisation and are considered to be for the agency and not for the personal benefit of any particular individual.

4.10 Ceremonial gifts may have a value that exceeds token value (see Clause 4.2(a)) and may be accepted but must be surrendered to Governance & Risk with a completed Gifts and Benefits Registration Form. The Manager Governance, in conjunction with the General Manager, will determine what to do with any ceremonial gift.

Work-related functions

4.11 There is no requirement to declare the receipt of modest hospitality that is provided by another agency or individual as part of normal work-related activities. This includes activities such as interviews, business meetings and conferences and seminars where hospitality is provided to all participants.

4.12 However, if the hospitality is significantly more than what Council would offer in similar circumstances, or if there is any suggestion or perception that an attempt is being made to influence you in the course of your duties, it must be refused and declared by completing and lodging a Gifts and Benefits Registration Form.

4.13 Any offer of free or subsidised travel and accommodation to attend a meeting or conference, either as a participant or presenter, should be declared to and approved by the General Manager prior to acceptance.

Prizes

4.14 Any gift or benefit (such as lucky door prizes or raffles) that is won as a result of engaging in official duties at an external event must be declared by completing and lodging a Gifts and Benefits Registration Form.

4.15 If Council has a business relationship with the organisation that provided the prize, or has, or is likely to, exercise any of its regulatory powers in relation to that organisation, then the prize must be <u>declined</u>.

4.16 If the prize is of more than token value (see Clause 4.2(a)) then it must be <u>declined</u>.

Competitions

4.17 Council Officials are prohibited from entering any competitions run by suppliers where eligibility to participate is dependent on being a customer of the supplier.

5. Mayor and Other Councillors

5.1 The Mayor and other councillors may find themselves in situations where they are offered gifts and benefits by residents and other stakeholders or at community events.

5.2 If the gifts or benefits offered are of more than token value ($100 for councillors), they must be <u>refused</u> in accordance with the requirements of the *Burwood Council Code of Conduct for Councillors*.

5.3 If the gift has been sent to the Mayor or other councillor, it is to be:

a) returned with a letter of gratitude suggesting a list of charities to which the gift could be given instead, or

b) donated to a local charity or organisation from whom a receipt is requested, and then the notice of receipt is to be copied to the giver with a letter of gratitude.

5.4 In all cases a Gifts and Benefits Registration Form referred to in part 6 must be completed and promptly lodged.

6. Registration of gifts and benefits

6.1 All offers of gifts or benefits must be recorded in Council's Gift Register, regardless of whether they have been accepted, refused or surrendered.

6.2 Details of the gift or benefit must be provided on a Gifts and Benefits Registration Form. The General Manager may make alterations to the format and content of this form to support efficient administration of the gifts and benefits declaration and registration process.

6.3 Forms lodged by councillors will be notified to the General Manager for assessment and sign-off.

6.4 Forms to be lodged by council officials other than councillors must be discussed with and assessed by the council official's supervisor prior to lodgement. The supervisor has a role to play in ensuring offers of gifts and benefits are appropriately handled by the council officials under their supervision, including addressing any potential perceptions by the community about the integrity of council officials.

6.5 A Gifts and Benefits Registration Form must be completed and lodged within 5 working days of being offered the gift or benefit.

6.6 All forms must be lodged with Governance & Risk. Governance & Risk are responsible for conducting a probity review, maintaining the Gifts and Benefits Register and ensuring completed forms are kept in Council's document management system.

7. Disposal of Gifts and Benefits

7.1 Gifts that have been surrendered to Governance & Risk by a council official, other than a councillor, will be disposed of by the Manager Governance & Risk by one of the following means and details recorded accordingly:

a) returned to the giver

b) donated to a charity operating within the Burwood local government area, or

c) shared amongst staff in such a manner as to remove the nexus between the giving of the gift and the private benefit

d) retained and used as part of Council's operations

e) in the case of perishable gifts, guidance will be provided on disposal as an alternative to surrendering the gift to Governance & Risk.

8. Gifts Register

8.1 Governance & Risk is responsible for maintaining a Gifts and Benefits Register as a record of all gifts and benefits offered to council officials and any gift disposal arrangements.

8.2 An up-to-date version of the Gifts and Benefits Register is to be proactively released to the public via publication on the Council website.

9. Breaches of this policy

9.1 A breach of this policy is a breach of the *Codes of Conduct*.

9.2 Suspected breaches will be dealt with in accordance with the *Procedures for the Administration of the Codes of Conduct.*

10. Related Information / Glossary

- *Burwood Council Code of Conduct for Councillors*
- *Burwood Council Code of Conduct for Staff*
- *Burwood Council Code of Conduct for Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees*
- *Procedures for the Administration of the Codes of Conduct.*
- Gifts and Benefits Registration Form for councillors
- Gifts and Benefits Registration Form for council officers

11. Review

11.1 This policy is to be reviewed within the first 12 months of the term of each incoming Council.

12. Contact

Manager Governance & Risk — Telephone 9911 9908