



Burwood ^{Inc.1874}

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

GIFTS AND BENEFITS POLICY

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Ownership: Governance

1. Purpose

Provide clear guidance to council officials on what to do if they are offered a gift or benefit and thus protect themselves from being compromised, or giving rise to the perception of being compromised, in the course of their duties.

2. Scope

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

3. Definitions

Bribe - Money or favour given or promised in order to influence the judgment or conduct of a council official.

Ceremonial gifts - Gifts that are offered by one agency to another, generally when conducting official business with delegates from another organisation.

Council officials - Councillors, employees, volunteers, consultants and contractors.

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 not 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 - One or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$30. They 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 \$30
- b) gifts of alcohol that do not exceed a value of \$30

- c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d) prizes or awards that do not exceed \$30 in value.

Gifts and benefits of more than token value - These include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$30, corporate hospitality at a corporate facility at major sporting events, 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, the use of holiday homes, artworks, **and** free or discounted travel.

4. Gifts and Benefits

All gifts or benefits that are offered must be recorded in Council's Gift Register. Details of the gift or benefit must be provided on the Gifts and Benefits Registration Form (Appendix 1), lodged in Council's document management system and actioned to Governance for inclusion in the Gifts Register. The Gifts and Benefits Registration Form must be completed and lodged within two weeks of being offered the gift or benefit.

4.1 Where a gift or benefit is offered to a council official

- a) Consider whether the gift or benefit is of less than token value (i.e. \$30 or less) and 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 you in the course of your duties - if is then it must be refused.
- 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 then it must be refused
- 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 then it must be refused.
- e) Consider whether you are **involved in the determination of development applications** - if you are you **must refuse all offers** of gifts or benefits.
- f) After consideration of all of the issues above you may determine to decline the gift, accept and keep the gift or accept and surrender the gift to Governance.
- g) **In all cases you must complete the Gifts and Benefits Registration Form** at Appendix 1, lodge it in Council's records management system and action it to Governance for inclusion in the Gifts Register.

4.2 Where a bribe is offered to a Council Official

- a) If you have been offered a bribe, or think that you have been offered a bribe, you must advise the General Manager and Internal Ombudsman immediately.
- b) 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.
- c) The General Manager will advise the Independent Commission Against Corruption.

4.3 Ceremonial Gifts

- a) 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.
- b) Ceremonial gifts may have a value that exceeds token value (\$30) and may be accepted but must be surrendered to Governance with a completed Gifts and Benefits Registration Form (Appendix 1). The Manager Governance, in conjunction with the

General Manager, will determine what to do with any ceremonial gift.

4.4 Work-related functions

- a) 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 including interviews, business meetings and conferences and seminars where hospitality is provided to all participants.
- b) 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 the Gifts and Benefits Registration Form (Appendix 1), lodging it in Council's document management system and actioning it to Governance for inclusion in the Gifts Register.
- c) Any offer of free or subsidised travel and accommodation to attend a meeting or conference either as a participant or presenter should be declared and approved by the General Manager.

4.5 Prizes

- a) 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 the Gifts and Benefits Registration Form (Appendix 1), lodging it in Council's document management system and actioning it to Governance for inclusion in the Gifts Register.
- b) 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 declined.
- c) If the prize is of more than token value (i.e. greater than \$30) then it must be declined.

4.6 Competitions

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

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. If the gifts or benefits offered are of more than token value (i.e. greater than \$30) they must be refused in accordance with the requirements of the Burwood Council Code of Conduct.

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.

6. Disposal of Gifts and Benefits

Gifts which have been handed in to Governance by a council official other than a councillor will be disposed of by the Manager Governance by one of the following means and details recorded accordingly:

- returned to the giver;
- donated to a charity operating within the Burwood local government area;
- shared amongst staff; or
- retained and used as part of Council's operations.

7. Gifts Register

Governance is responsible for maintaining a Gifts Register as a record of all gifts and benefits offered to council officials and any gift disposal arrangements. An up-to-date version of the Gifts Register is to be proactively released to the public via publication on the Council website.

8. Related Information / Glossary

- Burwood Council Code of Conduct

9. Review

Within the first 12 months of the term of each incoming Council.

10. Contact

Manager Governance – Approval of gifts, policy advice and gift register - call 9911 9910

Internal Ombudsman – Reporting of a bribe or inducement – call 9911 9808

Appendix 1



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GIFTS AND BENEFITS REGISTRATION FORM

NAME _____

DATE _____

POSITION _____

Date Gift Received	Giver (Individual/Organisation)	Relationship to Council/Council Official	Description of gift/benefit	Estimated Value (\$)	Recipient's Signature	Manager's Signature

ACTION *(circle one)*

Declined

Accepted and Surrendered

Accepted and Kept