


SECTION 1 Service Management
 PART 4 Responsibilities of Council

	POLICY NO:	1.4.6(v3)
	POLICY TITLE:	Receiving Gifts / Benefits / Hospitality
	DATE ADOPTED:	20/06/2011
	RESOLUTION NO:	272/2011
	SUPERCEDES:	1.4.6(v2)
	PROPOSED REVIEW DATE:	20/06/2012

BACKGROUND

For public officials there are very real risks associated with being offered and accepting gifts and benefits in the course of their work. The gift may influence employees and other stakeholders to behave inappropriately and may cause him or her to act partially in the interests of the person or agency who provide the gift, rather than impartially in accordance with public duty.

POLICY

Councillors and Council Employees are to avoid any potential Conflict of Interest or breaches of the Local Government Act, in regards to the acceptance of Gifts / Benefits / Hospitality.

Bourke Shire Council is committed to being open and transparent in its operations and Councillors and Council Employees must:-

1. at all times be ethical, fair and honest in the conduct of official duties
2. be aware that fraudulently receiving a gift or benefit is an offence under both Common Law and the Local Government Act
3. be fully accountable and responsible for their actions and are to ensure that the methods and processes they use to arrive at decisions are beyond reproach and can withstand audit processes and proper scrutiny
4. not seek, solicit, or use their position with Council to obtain gifts or benefits from external organisations or individuals
5. ensure that a person, company or organisation is not placed in a position in which they feel obliged to offer gifts or hospitality to secure or retain Council business
6. report any incidences where a bribe/gift and/or cash is offered

The General Manager will be responsible for retaining a register of any gifts / benefits / hospitality received by either Councillors and/or Council Employees.

VERIFIED BY: VERIFIED BY:

Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor and General Manager must ensure that any gift or benefit of more than token value that are received are recorded in the Gifts Register. The gift or benefit must be surrendered to Council.

Definitions

Gifts:- unsolicited, and meant to convey a feeling of goodwill on behalf of the giver where there is no expectation of repayment. These could include:-

Beverages	Tickets	Food (e.g. chocolates, meals)
Clothes	Trinkets	Flowers
Products		

Benefits:- used to refer to something which is believed to be of value to the receiver, such as service for which there is no expectation of repayment. These could include: - Travel and Hospitality

Token value:- a gift (other than money) of a nominal value (i.e. less than \$50. Such a gift does not create a sense of obligation in the receiver that will influence, or appear to influence, the exercise of their official duties.

Bribe:- means money, reward or service offered to procure action, decision or preferential treatment in favour of the giver or another person.

Conflict of Interest:- means any private or personal interest, which could prejudicially influence, or be perceived to influence, a person in the performance of his or her public or professional duties. Such interest could relate to kinship, friendship, membership of an association, board, club or involvement in an activity.

BOURKE SHIRE COUNCIL GIFTS / BENEFITS / HOSPITALITY GUIDELINES

ACCEPTANCE OF GIFTS

Councillors and Council Employees must not solicit, or receive gifts or benefits of more than token value. Offers of money in any form are not to be accepted.

The following principles apply to Councillors and Council employees in relation to the acceptance of gifts / benefits / hospitality:-

- tokens that of an infrequent nature may be accepted (ie less than \$50.00 in value)
- other than tokens, gifts or benefits are to be declined

- if a gift or benefit cannot be declined or returned, or if refusal has the potential to damage Council’s relationship, then it may be received but must be reported immediately to the Supervisor, General Manager or Mayor. In such situations all items become the property of the Council and are to be recorded in the “Register of Gifts / Benefits / Hospitality”
- once recorded in the Register the General Manager and/or the Mayor will determine the most appropriate action
- gift vouchers are considered to be cash and are not to be accepted
- tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes, including the NRL, AFL,FFA and NBL) are not to be accepted

HOSPITALITY

Councillors and Council Employees in the normal course of their duties may from time to time receive invitations of hospitality to attend various functions and events.

Where such hospitality is only modest in nature and provides an opportunity to network or undertake business of a common purpose, it may be appropriate to accept such invitations.

If however, acceptance of the hospitality is likely to create the impression that an attempt is being made to compromise the impartiality of the Councillor or Council Employee, or could be perceived as a Conflict of Interest, then the offer of hospitality must be declined.

The Councillor or Council Employee should retain a record of all accepted invitations of hospitality that may be subject to audit.

Any hospitality estimated to be in excess of \$150 must be reported to the Supervisor, General Manager or Mayor.

BEQUESTS

Any bequests to Councillors or Council Employees as a direct result of their position with Council must not be accepted. Arrangements may be made to donate the bequest to a charitable organisation in the name of the person who made the bequest or returned to the immediate family.

CONFLICT OF INTEREST

A token or an offer of hospitality must not be accepted where it could lead to controversy or if there is an apparent or possible Conflict of Interest with past, present or future relationships between the recipient, Council and the donor.

NOMINAL VALUE

The monetary limit of acceptable gifts that conform to industry is set at \$50.00 the following gifts and benefits would fall within that range:

- inexpensive pen or stationary
- box of chocolates
- flowers
- modest bottle of wine

CUMULATIVE GIFTS

A series of small gifts or benefits, each of minimal value, may have an aggregate value that exceeds the agencies stipulated nominal value.

Under each circumstances accepting these gifts may pose the same risks or apparent compromise as accepting one gift or benefit which alone exceeds the nominal value.

PRIZES AND GIFTS

On occasions an employee may receive a gift or prize as a result of entering a competition while engaging in official duties for example those attending a specific session at a conference may enter a draw for a prize by submitting their business cards or signing up for further information about the product. In such cases, since the official is representing his or her agency, any prize should be treated as such and reported and acted upon accordingly.

DISPOSAL OF GIFTS

When a gift is received and cannot be retained by the individual Council must dispose of it in some way. Some options could be.

- Share with the whole of Council
- Hold a fundraiser with the gifts as a charity
- Donate the gift to an appropriate charity
- Hold auction and proceeds going to charity

REPORTING

The Register of Gifts and Benefits will be maintained by the General Manager and reported to Council quarterly.

The Register will be made available for public inspection and contain the following information:-

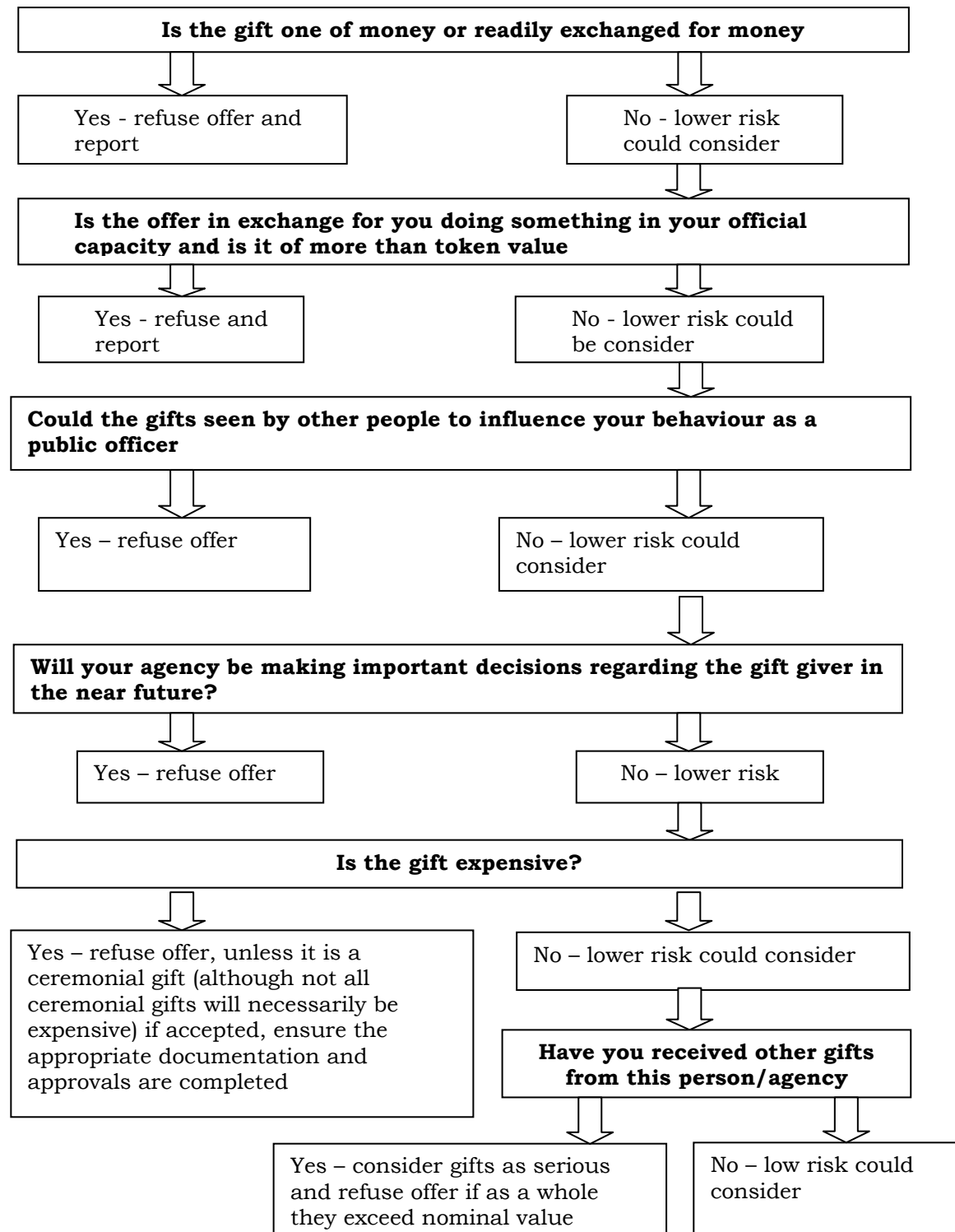
Date
Description of the Gift or Benefit
Provider Name
Provider Organisation, Agency or Company
Action Taken

The Register will be a book with sequential page numbering and will have the date, name and signature of person receiving gifts or benefits returned by Council.

RELATED POLICIES

DECISION - MAKING GUIDE

Always check and comply with Councils gift and benefits policy in addition it may be useful to consider the following general issues.



Once a decision has been made about whether or not it might be appropriate to accept a gift, consult your supervisor as to the next steps regarding approval and documentation.