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# Gifts and Benefits **Policy**

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## Purpose

1. This Policy provides guidance to all Council Officials in dealing with gifts and benefits offered in the course of their duties, and/or an individual's role and responsibility with Central Coast Council (Council).
2. The purpose of this Policy is to:
  - a) provide clear guidelines for all Council Officials to enable them to deal appropriately with any offer of a gift or benefit;
  - b) protect Council Officials from being compromised and to avoid the public perception of bias;
  - c) demonstrate to suppliers, the public and other agencies that Council will deal with all matters in an impartial, open and accountable manner.

## Scope

3. This Policy covers:
  - a) all Council Officials as defined in Council's [Code of Conduct](#);
  - b) any person or organisation contracted to or acting on behalf of Council;
  - c) any person or organisation employed to work on Council premises or facilities,
  - d) any company or other body of which the Council Official, or their nominee, relative, partner or employer, is a shareholder or a member.
  - e) someone personally associated as stated in clause 6.1 Council's [Code of Conduct](#) with a person covered under 3 a), b), c) and d).
4. For the avoidance of doubt, Council will treat gifts and benefits offered or received to a relative(s) of a person covered under this Policy as if being offered or received by the Council Official if there is a reasonable link to Council Business or Council Operations.
5. This Policy should be read in conjunction with Council's [Code of Conduct](#) and Council's *Gift and Benefit Policy Procedures*.

## Background

6. This Policy has been produced to guide those covered under this Policy who may be offered gifts and benefits during the course of their official duties.
7. In carrying out their roles within Council, those covered under this Policy may from time to time be offered gifts to establish a business relationship, to display appreciation or demonstrate good faith in an emerging or ongoing business or other relationship.
8. The acceptance of gifts and/or other benefits has the potential to compromise those covered under this Policy position by creating a sense of obligation in the receiver and could compromise the recipient's ability to act objectively and impartially.

9. The public has a right to expect that those covered under this Policy will carry out their duties with honesty and integrity.

## General

10. For the purposes of this Policy, a gift or a benefit is something offered to or received by a person covered under this Policy for their personal use and enjoyment.
11. All people covered under this Policy must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from Council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
12. In accordance with clause 6.2 of Council's [Code of Conduct](#), a gift or benefit under this Policy is not:
  - a) an item 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 Council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual covered under this Policy;
  - d) a benefit or facility provided by Council to an employee or Councillor;
  - e) attendance by a person covered under this Policy to 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 a person covered under this Policy 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; and
    - v) social functions organised by groups, such as council committees and community organisations.
13. It is the personal responsibility of all people covered under this Policy to have knowledge of, and to ensure compliance with this Policy and Council's [Code of Conduct](#).
14. All people covered under this Policy should never solicit personal gifts or accept any payment, gift or benefit, bribe or other improper inducement intended or likely to influence them to stray from their official duties.
15. All people covered under this Policy must not take advantage of their official position to improperly influence other Council Officials or members of the public in the performance of

their public or professional duties for the purpose of securing a private benefit for themselves or for others.

16. Accepting money or offers of money, or cash-like gifts or benefits, regardless of the amount is strictly prohibited in all circumstances and must be declined and declared.
17. Cash-like gifts or benefits include, in accordance with clause 6.13 of Council's [Code of Conduct](#), but are not limited to:
  - a) gift vouchers;
  - b) credit cards;
  - c) debit cards with credit on them;
  - d) prepayments such as phone or internet credit;
  - e) lottery tickets;
  - f) memberships;
  - g) or entitlements to discounts that are not available:
    - i) to the general public; or
    - ii) a broad class of persons;
18. Accepting money or offers of money, or cash-like gifts or benefits in any form is a breach of Council's Code of Conduct, may be seen as an attempt at bribery and is a crime which may be reportable to the Independent Commission against Corruption (ICAC).
19. Any gift or benefit received because of a purchase incentive scheme will become the property of Council. For example if purchases from a specific supplier reach a certain value which results in a gift being rewarded, this gift will become the property of the Council.
20. Council's supplier discounts offered to those covered under this Policy for their personal purchase of goods and services is prohibited.
21. All people covered under this Policy who are making purchasing decisions or involved in evaluating contracts, expressions of interest, tenders or other proposals for or on behalf of Council, must not accept any form of gift, benefit or hospitality from the supplier/consultant/contractor.
22. All people covered under this Policy must not participate in competitions for prizes where eligibility is based on Council being in or entering into a customer-supplier relationship with the competition organiser.
23. All people covered under this Policy must not personally benefit from reward points programs when purchasing for or on behalf of Council.

24. Council business cards or people covered under this Policy's details are not to be submitted for the purposes of participating in prize draws, such as at conferences or seminars or events or the like.

## Acceptance of gifts or benefits

25. All people covered under this Policy must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment through the provision of gifts, benefits or hospitality of any kind. In normal circumstances, gifts and benefits offered to a person covered under this Policy whilst undertaking Council duties should, if possible, be declined.
26. All people covered under this Policy must not 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.
27. It is acknowledged that there may be rare occasions when to refuse a gift or benefit is not practicable. In these circumstances a person covered under this Policy may accept gifts and benefits of a token value.
28. Where a person covered under this Policy receives a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to Council, as set out under clause 38, unless the nature of the gift or benefit makes this impractical.
29. In accordance with clause 6.8 of Council's [Code of Conduct](#), gifts and benefits of token value are 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 \$100. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100;
  - b) gifts of alcohol that do not exceed a value of \$100;
  - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like;
  - d) prizes or awards that do not exceed \$100 in value.
30. In accordance with clause 6.11 of Council's [Code of Conduct](#), where a gift or benefit of token value has been accepted from a person or organisation, a further gift or benefit from the same person or organisation or another person associated with that person or organisation, must not be accepted within a single 12 month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12 month period would exceed \$100 in value.

## Gifts and benefits of more than token value

31. In accordance with clause 6.9 of Council's [Code of Conduct](#), gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value and they must not be accepted.
32. In accordance with clause 6.10 of Council's [Code of Conduct](#), gifts and benefits of more than token value 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 \$100, 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, free or discounted travel.
33. In accordance with clause 6.12 of Council's [Code of Conduct](#), the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

## Declarations and the Gifts and Benefits Register

34. When any gift or benefit of any value other than one referred to in clause 12 is offered (even if declined) or received, it must be declared in accordance with clause 35.
35. Declarations made under clause 34 must be completed in writing (via the [Gifts and Benefits Declaration Form](#) see the *Gifts and Benefits Procedures*) and must contain the following details as a minimum:
  - a) the name and details of the recipient;
  - b) the nature of the gift or benefit;
  - c) the estimated monetary value of the gift or benefit;
  - d) the name and agency or organisation of the person who provided the gift or benefit;
  - e) details of any previous gift offered by the individual, agency or organisation or related entity in the last 12 months;
  - f) the date on which the gift or benefit was received or declined;
  - g) details of when the gift or benefit was offered;
  - h) reason for the gift; and
  - i) action proposed to be taken with the Gift or benefit pending approval.
36. All gifts or benefits offered or received are subject to the approval process as set out in this Policy and Council's *Gift and Benefits Procedures*.
37. The Gifts and Benefits Coordinator is responsible for the Gifts and Benefits Register which will be located on Council's website and which will record, as a minimum, the information provided under clause 35.
38. A gift or benefit received of more than token value that cannot be reasonably refused or returned, must be surrendered/handed to Council's Gifts and Benefits Coordinator.

## Review

### Compliance, monitoring and review

39. Any breach of this Policy is a potential breach of Council's [Code of Conduct](#) and must be reported to the Chief Executive Officer for action in accordance with the [Code of Conduct](#).
40. Failure to report reasonable suspected corrupt conduct promptly could lead to a range of adverse outcomes. A wilful failure to report corruption could in itself constitute corrupt conduct and amount to a criminal offence.
41. This Policy will be reviewed as required or at least every four years.

### Records management

42. Staff must maintain all records relevant to administering this Policy in a recognised Council recordkeeping system.

## Definitions

43. In this policy:

**Benefits:** Non-tangible items of value and include, but are not limited to the following:

- a) invitation to sponsored events;
- b) hospitality, such as at a corporate facility or sporting venue (eg race meetings, football matches);
- c) free or discounted use of facilities such as a gymnasium or holiday home;
- d) free or discounted travel, frequent flyer points and free training sessions;
- e) accommodation and hire care discounts; and
- f) relationship with a contractor that provides a discount for private work.

**Cash-like gift/benefit:** A gift that may be used in a manner similar to cash, for example gift vouchers, gift cards, lottery tickets, scratchies, shares, credit cards, debit cards with credit on them, membership and prepayments such as phone or internal credit. Such gifts cannot be accepted in any circumstances.

**Council Official:** the same meaning it has in Council's [Code of Conduct](#).

**Gifts and Benefit Register:** the register maintained by Council containing all declared gifts and benefits. The register is a requirement of the Code of Conduct and enables Council to identify trends in the types of gifts and benefits being received and their sources. A copy of the Gift and Benefits Register will be placed on Council's website.

**Gifts, examples of:** Example of gifts include, but are not limited to, the following:

- a) Clothing items;
- b) Products;
- c) Tickets;
- d) Chocolates;
- e) Cakes;
- f) Flowers;
- g) Wrapped gift presented as a result of attending a seminar / course / conference; and
- h) Free or subsidised meals.

**Note:** A political donation is not a gift under this policy.

**Gifts and Benefits Coordinator:** as set out in Council's Gift and Benefit Procedures

## Related resources

44. Legislation:

- a) [Local Government Act 1993 \(NSW\)](#)
- b) [Local Government Amendment \(Governance and Planning\) Act 2016;](#)
- c) [Crimes Act 1900 \(NSW\)](#) (in particular ss.249B & 249H);
- d) [Independent Commission Against Corruption Act 1988;](#) and
- e) [Public Interest Disclosures Act 1994.](#)

45. Associated/Internal documents:

- a) Council's [Code of Conduct](#);
- b) Council's [Gifts and Benefits Procedures](#);
- c) Council's [Procurement Policy](#);
- d) Council's [Statement of Business Ethics](#);
- e) [Office of Local Government – Circular No 10-12, 4 June 2010;](#)
- f) [ICAC and Public Sector Organisations – Corruption Prevention Publications & Guidelines.](#)

## History of revisions

Amendment history	Details
Original approval authority details	Council meeting 9/3/2021 - Minute no 55/21
	D14226000
	Creation of Policy