



Gifts and Benefits Procedure

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Purpose

1. The purpose of this procedure is to set out guidelines for Staff and Councillors regarding Council's *Gifts and Benefits Policy* (the Policy).

Scope

2. This procedure covers all people covered under clause 3 of the Policy.

Procedure

Roles and responsibilities for Staff

3. All offers of gifts or benefits offered and received must be declared by the recipient on Council's Gifts and Benefits Declaration Form (the Declaration Form) .
4. If the recipient is a person or entity in accordance with clause 4 of the Policy, the Declaration Form must be completed by the relevant person covered under the Policy.
5. To access the Declaration Form:
 - a) for staff please click on the linked [Declaration Form](#) to access - this form it is also available via the Intranet; and
 - b) for all other people covered under the policy (apart from Councillors – see below) and who are not covered in a) please contact Council's Governance Team.
6. Once completed, click SAVE at the top of the Declaration Form and it will be escalated to the recipient's supervisor.
7. The relevant supervisor is to review the Declaration Form, make any appropriate comments, click SAVE at the top of the Declaration Form and it will be escalated to Council's Gifts and Benefits Coordinator.
8. Council's Gifts and Benefits Coordinator will, within ten business days of receiving a completed Declaration Form:
 - a) review the Declaration Form to approve or decline;
 - b) make any appropriate comments;
 - c) communicate the determination back to the recipient and relevant Supervisor;
 - d) enter the details into Council's Gifts and Benefits Register; and
 - e) raise any relevant issues with the Chief Executive Officer.

9. If the Gifts and Benefits Coordinator is offered or receives a Gift or Benefit that is required to be declared, the Gifts and Benefits Coordinator will notify Council's Senior Internal Ombudsman who will carry out the requirement of Clause 8 above.

Roles and responsibilities for Councillors

10. All offers of gifts or benefits must be declared by Councillors on Council's Gifts and Benefits Declaration Form.
11. If the recipient is a person or entity in accordance with clause 10 of the Gifts and Benefits Policy, the Declaration Form must be completed by the Councillor.
12. Councillors can access the Declaration Form via the Councillor Hub or via contacting Councillor Support.
13. The completed Declaration Form is to be sent to Councillor Support who will register the completed Declaration Form in Content Manager.
14. Councillor Support will task the completed Declaration Form to the Chief Executive Officer in Content Manager.
15. The Chief Executive Officer is to review the Declaration Form, make any appropriate comments, and reassign a task in Content Manager to the Gifts and Benefits Coordinator.
16. Council's Gifts and Benefits Coordinator will, within ten business days of receiving a completed Declaration Form:
 - a) review the Declaration Form to approve or decline;
 - b) make any appropriate comments;
 - c) communicate the determination back to the Councillor and relevant Supervisor;
 - d) enter the details into Council's Gifts and Benefits Register; and
 - e) raise any relevant issues with the Chief Executive Officer.

General

17. Council's Gifts and Benefits Coordinator is Council's **Unit Manager Governance and Business Services**.
18. Council's Gifts and Benefits Register will record, as a minimum, the information provided in Clause 35 of the Policy, as well as the determination made in relation to the gift or benefit.
19. If the gift or benefit is of token value (please refer to the Gifts and Benefits Policy) the gift or benefit may be retained and shared amongst staff if possible.

20. If the gift or benefit is of more than token value, and cannot be reasonably refused or returned, it must be surrendered to the Gifts and Benefits Coordinator.
21. The Gifts and Benefits Coordinator will make every reasonable attempt to return the surrendered gift or benefit with an appropriately worded letter setting out the expectation in Council's Gifts and Benefits Policy.
22. If the surrendered gift or benefit cannot be returned, the Gifts and Benefits Coordinator is authorised under these Procedures to undertake any of the following, or a combination of the following:
 - a) retain the gift or benefit to be used for official Council's purposes, or
 - b) raffle the gift or benefit with the funds going to a local approved (by the Chief Executive Officer) charity; or
 - c) allocate the gift or benefit to a local approved (by the Chief Executive Officer) charity group; or
 - d) dispose of/destroy the gift or benefit.
23. If the gift or benefit is a gift or benefit that cannot be accepted by a Council Official, the matter will either be referred by the Gifts and Benefits Coordinator to the Chief Executive Officer (or their delegate) or the appropriate NSW authority to deal with.
24. If aggrieved about a determination that Council's Gifts and Benefits Coordinator has made, the recipient can seek a review from the Chief Executive Officer (or their Delegate).

Review

Compliance, monitoring and review

25. Non-compliance with the Gifts and Benefits Policy will be dealt with under Council's [Code of Conduct](#).

Records management

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

Definitions

27. In this procedure:

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.

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.

Related resources

28. **Legislation:**

- a) [Local Government Act 1993 \(NSW\)](#)

29. **Associated/Internal documents:**

- a) [Code of Conduct](#)
- b) [Gifts and Benefits Policy](#)

History of revisions

Amendment history	Details
Approval authority	Gary Murphy, Chief Executive Officer
	CM document number
	Creation of Procedures to align with Gifts and Benefits Policy.