



POLICY No: CCC108

POLICY FOR MANAGEMENT OF GIFTS AND BENEFITS



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CERTIFIED A TRUE COPY OF POLICY ADOPTED BY COUNCIL

AUTHOR SIGNATURE	
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A. POLICY SUMMARY

This policy provides guidance to Councillors and staff in dealing with gifts and benefits offered in the course of their duties.

B. POLICY PURPOSE

To provide clear guidelines for Councillors, Staff and delegates to enable them to deal appropriately with any offer of a gift or benefit.

To protect Councillors, staff and delegates from being compromised and to avoid the public perception of bias.

C. POLICY BACKGROUND

In carrying out their roles within Council, staff, delegates and Councillors will 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.

The acceptance of gifts and/or other benefits has the potential to compromise a person's position by creating a sense of obligation in the receiver and could compromise the recipient's ability to act objectively and impartially.

The Public has a right to expect that Council officials will carry out their duties with honesty and integrity.

This policy has been produced to guide Council officials who may be offered gifts and benefits during the course of their official duties.

D. DEFINITIONS

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

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

Cash-like Gift/ Benefit means 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.

Council means the elected representatives (Councillors) who form the governing body of Central Coast Council, and the organisation responsible for the administration of Council affairs and operations and the implementation of Council policy and strategies.

Council Official includes all Councillors, staff, volunteers and delegates of Council.

Family member means immediate family members and ordinarily includes parents, spouses, children and siblings.

Gift Register means 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.

Gifts are tangible items of value and include the following types:

- Gift of Influence – intended to generally ingratiate the giver with the recipient for favourable treatment in the future
- Promotional gift – mass produced item containing company or agency logo
- Ceremonial gift – an official gift from one agency/organisation to another
- Bribe – intentional offer of gift in return for favourable outcome
- Modest gift of gratitude – small token of appreciation often handmade and of nominal value
- Discretionary gift - usually received at sponsored events under Benefits at C1

Examples of gifts include, but are not limited to, the following:

- Money
- Alcohol
- Clothing items
- Products
- Tickets
- Lottery tickets/scratchies
- Chocolates
- Gift cards (includes credit cards, debit cards with credit, phone prepayment cards, memberships or discount entitlements)
- Winning a competition
- Frequent flyer points
- Flowers

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

Modest Hospitality means food and beverages that extend beyond courtesy (being a value >\$50)

E. POLICY STATEMENTS

Jurisdiction

This Policy covers all Council Officials.

General

This policy should be read in conjunction with the Council Code of Conduct and Gift and Benefit Policy Procedures.

It is the personal responsibility of all Council Officials to have knowledge of, and to ensure compliance with this policy and Council's Code of Conduct.

Councillors, staff or delegates must not seek gifts or benefits of any kind, nor accept a bribe or other improper inducement.

In normal circumstances, all gifts and benefits offered to a Council Official while undertaking Council duties are to be declined and declared. No gift or benefit is to be

personally retained by a Council Official unless authorised by the Gifts and Benefits Coordinator. Refer this to the Gifts and Benefits Co-ordinator in the first instance.

All gifts and benefits must be declared and recorded in the Gifts and Benefits Register, regardless of whether they are declined, returned, surrendered or retained.

Accepting offers of money, regardless of the amount, or vouchers that can be exchanged for money is strictly prohibited in all circumstances. Offers of money may be viewed as bribes and must be treated as such.

Cash-like gifts or benefits must be refused and declared. Accepting money in any form will breach the Code of Conduct and may be seen as an attempt at bribery. Council officials not in a position to refuse such a gift must immediately inform their supervisor or the Gifts and Benefits Coordinator.

Accepting bribes or other inducements is a crime and is reportable to the Independent Commission against Corruption (ICAC).

Council Officials who have financial delegations must not accept any gift, benefit or hospitality.

Council officials who are making purchasing decisions or involved in evaluating contracts, expressions of interest, tenders or other proposals must not accept any form of gift, benefit or hospitality from the supplier/consultant/contractor.

Council Officials shall not accept any gift or benefit of any kind from persons or organisations seeking the exercise of Council's decision-making discretion or who have sought the exercise of the Council's decision-making discretion.

Council supplier discounts to Council Officials for the personal purchase of goods and services is prohibited from such suppliers and must be declined and declared.

Any gift or benefit that is won as a result of engaging in official duties, eg lucky door prizes at seminars, must be surrendered and declared.

Gifts offered for speaking at events in an official capacity must be declined.

Purchase incentive schemes or competitions must not be entered into by Council Officials during the course of their duties. If a supplier does so without the official's knowledge and a gift or benefit is won, it must be declared and surrendered.

Council Business cards are not to be submitted for the purposes of participating in prize draws, eg at conferences.

Council will treat gifts and benefits given to family members and business colleagues of Council Officials in the same way as those to Council Officials themselves.

Council Officials must not take advantage of their official position to improperly influence other councillors, members of staff, delegates 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.

The inclusion of an entry in the Gifts and Benefits Register does not relieve Councillors and designated persons from their obligations to make disclosures in association with Disclosure of Interest Returns (that is, annual pecuniary interest returns) required under Section 449(3) of the Local Government Act.

Notwithstanding the "no-gift" requirement, provisions for special circumstances have been made as follows:

- Gifts that relate to protocol, cultural aspects, sister city relationships, international delegations and similar
- Modest hospitality, for example offered at functions when performing in an official role
- Anonymous gifts received through the mail or left for the Official without a return address
- A gift received in a public forum where attempts to refuse or return it would cause significant embarrassment or offence

In such circumstances, the gift becomes the property of Council and must be declared and surrendered (modest hospitality excluded).

Failure to report reasonably 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.

This policy will be reviewed every two years.

Associated legislation, policies and guidelines:

- Central Coast Council Code of Conduct
- Central Coast Council Gift and Benefit Policy Procedures
- Central Coast Council Procurement Policy
- Crimes Act 1900 (NSW) ss.249B & 249H
- Independent Commission Against Corruption Act 1988
- Public Interest Disclosures Act 1994
- Fact Sheet No 7 – Gifts and Benefits – NSW Ombudsman’s Office for Public Sector Agencies, March 2004 – www.ombo.nsw.gov.au
- DLG – circular to Councils No 10-12, 4 June 2010
- ICAC and Public Sector Organisations – Guidelines
- Local Government Act NSW 1993