

POLICY: GIFTS & BENEFITS

DATE ADOPTED: Director Corporate Services & Finance Report #8.1.1
Policy Meeting 6 November 2024
Resolution No. POL2024-30

Director Corporate Services & Finance’s Report #8.2.9.1
Council 2 February 2022
Resolution No ORD2022-43
Council 16 February 2022
Resolution No ORD2022-55

Director Corporate Services & Finance’s Report #8.3.5
Council 22 September 2021
Resolution No ORD2021-330
Council 20 October 2021
Resolution No ORD2021-349

ORIGINAL ADOPTION: Director Corporate Service & Finance’s Report #1
Policy 6 September 2006,
Council 20 September 2006
Minute Book No. 9950

FILE REFERENCE: 18.00013

OBJECTIVE: To clearly define the parameters relating to the acceptance of gifts and benefits by Councillors and staff of Bathurst Regional Council.

Summary

This Policy supports Council’s Code of Conduct and provides procedures and guidance to Councillors and Staff for managing gifts and benefits. Councillors and staff of Council must comply at all times with this policy.

Policy

Councillors and staff must not:

- Seek or accept a bribe or other improper inducement and/or
- By virtue of your position acquire a personal profit or advantage which has a monetary value.

Councillors and staff must not seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence you to:

- Act in a particular way (including making a particular decision)
- Fail to act in a particular circumstance; and
- Otherwise deviate from the proper exercise of your official duties.

Gifts and benefits of value:

Councillors and staff must:

- never accept an offer of money, regardless of the amount
- not accept gifts and benefits that have more than a nominal or token value (more than \$100 from the same person or organisation over a 12-month period)
- take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that could appear to an impartial observer to be an attempt to influence or secure a favour. Immediate family members include parents, spouses, children and siblings.

Provided at Appendix 1 are some examples of gifts or benefits of value.

In circumstances where a gift of value cannot reasonably be refused or returned, Councillors and staff may accept the gift but disclose it immediately to the General Manager or his delegate, or the Mayor, who will then record it in the Council's Gifts Register. Disclosure will be by completion of the Record of Gifts and Benefits Form provided as Appendix 2.

Examples of circumstances where a gift cannot reasonably be refused or returned include anonymous gifts received through the mail or left for the Council official without a return address, gifts accepted for cultural, protocol or other reasons, where returning it would be inappropriate or a gift received in a public forum where attempts to refuse or return the gift would cause significant embarrassment.

Gifts and benefits of nominal value

You may accept gifts or benefits of a nominal or token value¹ that do not create a sense of obligation on your part.

Provided at Appendix 1 are some examples of gifts or benefits of nominal or token value.

Procurement

Individuals who have any role in the procurement process e.g., raising of orders, authorisation of orders and approval of payments to suppliers, must **NOT** accept any gifts of **ANY** value that emanate from this procurement role.

Should a gift be received or offered this should be reported immediately to your supervisor and the corporate governance section.

Gifts Register

The General Manager will establish and maintain the Council's Gifts Register that will as a minimum contain the following information:

- Gift recipient
- Nature of gift
- Estimated value (if available)
- Person giving gift
- Reason for gift

Returns of interest

Councillors and staff who are designated persons must by law disclose any gift(s) received in the period up to 30 June in each year. This must be disclosed in the disclosure of interests returns required under Clause 4.21 of Council's adopted Code of Conduct.

Appendix 1

Gifts and benefits of value

- These include tickets to major sporting events, corporate hospitality at a corporate facility at a sporting venue, free or discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel and free training sessions, and/or
- Situations in which the appearance may be created that any person or body, through the provision of hospitality or benefits of any kind, is securing or attempting to influence or secure a favour from you or the council.
- See also Clauses 6.9 and 6.10 of Council's adopted Code of Conduct.

Gifts and benefits of nominal value

Generally speaking, these include:

- Gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture / training session / address);
- Free or subsidised meals of a modest nature, and/or beverages provided infrequently (and/or reciprocally) that have been arranged primarily for, or in connection with, the discussion of official business;
- Refreshments of a modest nature, provided at conferences where you are a speaker;
- Ties, scarves, coasters, tie pins, diaries, chocolates or flowers; and
- Invitations to appropriate out of hours "cocktail parties" or social functions organised by groups, such as council committees and community organisations.
- See also Clause 6.8 of Council's adopted code of Conduct.

**Appendix 2
Record of Gifts and Benefits Form**

Date: ____/____/____

Name of Recipient of Gift:

Department:

Description of Gift Received:

Estimated Value (if known):

Person providing Gift and Organisation to which they belong

Name:

Organisation:

Reason for Gift (if known):

Noted by General Manager: _____
(Signature)

Date Noted: _____

<p><u>OFFICE USE ONLY</u></p> <p>Page No: _____</p>
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