

Council Policy

Gifts and Benefits

Policy Statement

To provide direction to council officials on gifts and benefits offered in relation to Council's functions and/or an individual's role and responsibilities with Council.

Principles

1. Zero gift and benefit position.
2. All offers must be recorded in Council's Gift and Benefits Register.
3. Exceptions to the policy must be approved by the Chief Executive Officer.
4. This policy is in addition to the provisions in the Model Code of Conduct, Part 5 Personal Benefit.

Zero Gift and Benefit Position

In the course of their duties, council officials may encounter situations in which they are offered gifts or benefits for a variety of reasons. The intent behind a gift can either be considered as a gift of influence, or a gift of gratitude.

Regardless of the intent, public perception is a key consideration in determining Council's position regarding gifts and benefits offered to council officials and delegates.

A zero gift and benefit position establishes an unambiguous position and consistency of approach as it applies to council officials, which can be communicated clearly to ratepayers, residents, customers and suppliers.

How are offers of gifts and benefits to be dealt with?

All offers of gifts and benefits should be refused, regardless of value, and the offer immediately reported to your supervisor (for staff) or the Chief Executive Officer (for councillors) using the Gifts and Benefits Disclosure Form. All offers will be recorded in Council's Gift and Benefits Register.

Unable to refuse/return a gift or benefit

Where a gift or benefit, cannot be refused or returned easily the gift must be surrendered to Council. Examples of this are:

- Anonymous gifts (received through the mail or left without a return address)
- A gift received in a public forum where attempts to refuse or return it would cause embarrassment or offence to the donor.

In instances such as this, the supervisor (staff) or Chief Executive Officer (councillors) will determine how to deal with the gift which may include donation to an appropriate charity.

Exceptions

Exceptions to this policy are entirely at the Chief Executive Officer's discretion and will be determined in writing with reasons given for any specific exceptions. In determining an exception, the Chief Executive Officer will also determine whether the gift in question may be retained by a Council official or an alternative for how the gift may be retained.

Examples of the circumstances where exceptions may be approved by the Chief Executive Officer, include:

- a) Staff of Council's child care centres or pre-school locations - for gifts of token value and only when the gifts are offered by children attending the centre/preschool as a Christmas gift or gift of thanks associated with their role.
- b) Program staff of Council's two aquatic centres (Frenchs Forest and Manly) for gifts of token value and only when the gifts are offered by attendees of swim or other program classes at the aquatic centres as a Christmas gift or gift of thanks associated with their role.

Token value in relation to gifts considered under the Chief Executive Office exception process is set at \$20. Any gifts with an estimated value of more than \$20 are not considered 'token' and should be refused and returned. Where the value of a gift cannot be established, the refusal process should be adopted.

Scope and application

This policy applies to all employees, agents, officers, councillors and committee members of Northern Beaches Council.

References and related documents

- Model Code of Conduct 2015
- Draft Model Code of Conduct 2018
- Local Government Act 1993
- Electoral Funding Act 2018

Definitions

Council officials: includes councillors, members of staff of a council, administrators, council committee members and delegates of council.

Councillors: all councillors including those holding the office of Mayor and Deputy Mayor.

Gift or a benefit: something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.

Not a gift or benefit:

- a) a political donation for the purposes of the Electoral Funding Act 2018
- b) a gift provided to the council as part of a cultural exchange, diplomatic tie or civic relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
- c) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
- d) free or subsidised meals, beverages or refreshments provided to council officials 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

- v) social functions organised by groups, such as council committees and community organisations.

Associates:

- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
- b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

Responsible Officer

Executive Manager Governance and Risk

Review Date

October 2022

Revision History

Revision	Date	Change	TRIM Ref
1	16 Oct 2018	First draft Northern Beaches Council Policy.	2018/631469
2	27 Nov 2018	Council adopted policy as exhibited with addition of "councillor" definition.	2018/631469
3	30 Nov 2018	Minor wording/edit "of token value" deleted in definition section regarding work related hospitality.	2018/631469