



GIFTS AND BENEFITS POLICY

Document Owner: Council
Responsible Department: Executive
Responsible Section: Governance and Integrity
Responsible Officer: Manager Governance and Integrity
Effective Date:

Policy Statement

The Gifts and Benefits Policy (the Policy) establishes a framework for managing the receipt of gifts and benefits by Walgett Shire Council (Council) Councillors and staff, ensuring compliance with Council's *Code of Conduct* and applicable legislative requirements. The Policy supports Council's commitment to upholding the highest standards of ethics and transparency, promoting integrity in all interactions, and maintaining the trust and confidence of the community.

The Policy outlines principles and procedures for identifying, declaring, and managing gifts and benefits to prevent conflicts of interest, mitigate risks of maladministration and corrupt conduct, and uphold public accountability. Council recognises the inherent risks associated with accepting gifts and benefits, and the Policy serves to guide Councillors and staff in making decisions that align with ethical standards and legislative obligations.

The Policy reinforces Council's dedication to transparent and accountable governance, ensuring all actions remain community-focused and free from undue influence. Council's approach prioritises ethical integrity and compliance, safeguarding against any practice that might undermine the community's trust in Council's operations.

Definitions

Term	Meaning
Benefit	This includes, but is not limited to, hospitality, preferential treatment, access to confidential information, free access to services normally charged at a fee, or access to a private spectator box at a sporting or entertainment event.
Code of Conduct	Means the Code of Conduct adopted by Council.
Council function or event	A function or event where the Council officer has a formal role at the function or event to represent Council.
Council Officer	Includes Councillors, the General Manager, Council staff, contractors, volunteers, or any other person acting under the authority of the Council.
Councillor	Elected Council representatives, including the Mayor

Family member	Parents, spouses, children and siblings.
Gift	Includes, but is not limited to, items such as cash or cash-like gifts, alcohol, clothes, products or tickets to a sporting or entertainment event.
Hospitality	The provision of meals, refreshments or other forms of entertainment.
Monetary gifts	Any form of cash or cash equivalent provided as a gift, regardless of currency or means. This includes, but is not limited to, cash in any currency, electronic transfers, cheques, gift cards, pre-paid credit or debit cards, cryptocurrency, and vouchers redeemable for monetary value.
Register	Gifts and Benefits register.
Token Value	The monetary limit of the value of gifts or benefits that may be accepted and do not require declaration in the Gifts and Benefits Register as outlined in the Code of Conduct. This value at the time of adoption is \$100 and therefore any gift or benefit valued at less than \$100 is considered to be of Token Value in accordance with this policy.

1. Introduction

- 1.1. Council is committed to maintaining high standards of ethics, transparency, and accountability in managing gifts and benefits received by Council officers.
- 1.2. The Policy provides clear guidance to ensure gifts and benefits are managed responsibly and in alignment with Council's obligations under the *Local Government Act 1993 (NSW)*, *Local Government Regulation 2021 (NSW)*, and ICAC guidelines.
- 1.3. The Policy works in conjunction with Council's *Code of Conduct*, supporting Council officers in managing potential conflicts of interest and ensuring decisions remain transparent and in the community's best interests.
- 1.4. Council recognises that gifts and benefits are often offered in appreciation of Council's work, with no intention to influence decisions. The Policy is not intended to discourage genuine gestures of goodwill from the community or other organisations but to clarify what is and is not acceptable in a way that respects both the giver and the recipient.
- 1.5. By implementing the Policy, Council upholds its commitment to ethical governance and fosters public trust and confidence in its operations.

2. Application

- 2.1. The Policy applies to all Councillors and Council staff or contractors undertaking Council decision-making functions, collectively known as Council officers.
- 2.2. The Policy specifically addresses gifts and benefits received in connection with an individual's role within Council. It does not extend to personal gifts and benefits unrelated to Council duties, unless there is a direct conflict with a Council officer's role or responsibilities at Council.

3. Gifts and benefits

- 3.1. As a general rule, the most prudent and appropriate response is the refusal of any gifts or other benefits. However, circumstances may arise where refusal may be difficult or inappropriate.

- 3.2. The details of gifts and benefits accepted or refused which are above Token Value or otherwise prohibited in the Policy must be entered into the Gifts and Benefits Register by the completion of a Gift and Benefit Declaration as soon as practical.
- 3.3. A token gift or benefit, as defined in Council's Code of Conduct, is one with a value of \$100 or less. When token gifts or benefits do not create any sense of obligation, they may be accepted without needing to be recorded in the Register except where otherwise provided for in the Policy.
- 3.4. If multiple token gifts or benefits from the same person or organisation to the same Council officer exceed a combined total of \$100 within a six-month period, they must be treated as exceeding the Token Value and recorded in the Register.
- 3.5. Council officers involved in procurement, tendering, or sales activities for the Council must not accept any gift or benefit from potential or current suppliers.
- 3.6. Council officers that have discretionary roles in regulatory and approval functions must not accept any gift or benefit from individuals or companies seeking the exercise of Council's decision-making discretion or where an individual or company has sought the exercise of Council's decision-making discretion in the previous 12 months.
- 3.7. Council officers must:
 - a. Not solicit gifts or benefits in any form;
 - b. Refuse any monetary gifts, or money like gifts (such as gift cards, pre-paid credit cards or cryptocurrency) under all circumstances; and
 - c. Evaluate the value, intent, and appropriateness of any offered gift or benefit in light of this Policy and the *Code of Conduct* prior to acceptance.
- 3.8. Council officers who become aware of another Council officer soliciting gifts or benefits or accepting money must report this immediately to the General Manager or, in the case of the General Manager, the Mayor, in accordance with the *Code of Conduct* or as a Public Interest Disclosure.
- 3.9. Any Council officer who receives a money offer must decline it and report it immediately to the General Manager or, in the case of the General Manager, the Mayor.
- 3.10. When considering the acceptance of any gift, Council officers must assess:
 - a. The motivation behind the gift;
 - b. The potential influence or perception of influence on their duties;
 - c. The financial value of the gift; and
 - d. Any other relevant factors that may affect their role or duties.

4. Gifts and Benefits Register

- 4.1. All offers of gifts or benefits exceeding \$100, or a cumulative value of \$100 in a six-month period from one person or organisation to the same Council officer, must be recorded in the Register via the completion of a Gift and Benefit Declaration.
- 4.2. Gifts or benefits that appear to be associated with a Council officer's role at Council and are offered to a family member of the officer are also subject to this Policy and must be recorded in the Register via the completion of a Gift and Benefit Declaration.
- 4.3. The Register records gifts and other benefits accepted or refused by Council officials and demonstrates the Council's open and transparent approach to dealing with them. Examples of gifts and benefits include:
 - a. tickets to major sporting events;

- b. corporate hospitality at a corporate facility or at a sporting venue;
 - c. discounted products for personal use;
 - d. use of holiday homes or free or discounted travel;
 - e. a prize as a result of entering a competition, raffle or lucky door while engaged in official duties (e.g. whilst at a conference); and
 - f. a prize that was promoted as an incentive associated with the Council official's role (e.g. procurement sales incentive).
- 4.4. Registering the acceptance of a gift on the Gift Register does not necessarily mean that it is ethical or appropriate to accept the gift in the first place. Anyone who is concerned about the offer of any gift or benefit should not be accepting the gift at all.
- 4.5. The Register will be available for public inspection.
- 4.6. The Gifts and Benefits Declaration form is available from Council administration and is attached to the Policy as Attachment 1.

5. Token gifts and benefits - value not exceeding \$100

- 5.1. For the purposes of the Policy, a token gift and benefit are defined as not exceeding a value of \$100. Gifts and benefits of token value that do not create a sense of obligation may be accepted and are therefore not required to be recorded in the Register.
- 5.2. Examples of token gifts and benefits include:
- a. free or subsidised meals, beverages or refreshments provided infrequently in conjunction with:
 - i. the discussion of official Council business;
 - ii. Council work-related events such as training, education sessions, workshops and conferences;
 - iii. Council functions or events; or
 - iv. social functions organised by groups, such as Council committees and community organisations
 - b. invitations to and attendance at local social, cultural or sporting events;
 - c. gifts of single bottles of reasonably priced alcohol;
 - d. ties, scarves, coasters, tie pins, diaries, chocolates or flowers; or
 - e. prizes of token value.

6. Ceremonial Gifts

- 6.1. A ceremonial gift is an official gift from one agency to another when conducting official business between the two agencies. Although a ceremonial gift may be of a reasonable monetary value, they are usually given with the intention to express welcome or gratitude to the agency as a whole, rather than an individual. Examples of ceremonial gifts include:
- a. Plaques;
 - b. Works of art;
 - c. Craft;
 - d. Other items of significance that relate to a specific occasion or locality.
- 6.2. Ceremonial gifts received are to be recorded in the Gift and Benefit Register. The General Manager will determine the appropriate location within Council to house the gift.

7. Gifts that are Unable to be Refused or Returned

- 7.1. If a Council officer receives a gift or benefit of more than Token Value and the circumstances are such that it cannot reasonably be refused or returned, the gift should be accepted, promptly disclosed to the General Manager or in the case of the General Manager the Mayor and recorded in the Register.
- 7.2. Where a gift or benefit of more than the Token Value cannot be reasonably refused or returned, the General Manager or Mayor, in the case of a gift given to the General Manager, must decide how the gift is disposed of, having regard to the nature of the gift and the circumstance in which it was received.
- 7.3. Options for disposing of gifts and benefits include but are not limited to:
 - a. Displayed in Council offices (plagues, artwork, craftwork, flowers etc):
 - b. Used in Council operations (technical resources, plant and machinery):
 - c. Shared amongst Council officers (perishable food items);
 - d. Awarded to staff through a staff recognition process;
 - e. Donated to a suitable charity; or
 - f. Conduct a raffle/auction with the proceeds donated to charity.
- 7.4. The method of disposal and the reasons for the decision should be documented in the Register.

8. Breaches of the Policy

- 8.1. Each Council officer is obliged to comply with the Policy. Sanctions or disciplinary action may be applied if the Policy is breached.
- 8.2. Any person may report an alleged breach of the Policy by a Council officer to the General Manager or, in the case of an alleged breach by the General Manager, to the Mayor.
- 8.3. Council officers may also report an alleged breach of the Policy by a Council officer by the mechanisms outlined in the *Public Interest Disclosure Policy*.
- 8.4. The General Manager or Mayor, as appropriate, shall investigate any report received and take such action as is considered necessary, including counselling, Code of Conduct referral, disciplinary action, the laying of charges and the taking of civil action.

9. Related Policy/Procedure

- 9.1. Code of Conduct
- 9.2. Business Ethics Policy
- 9.3. Sustainable Procurement and Disposal Policy
- 9.4. *Local Government Act 1993*
- 9.5. *Local Government (General) Regulation 2021*

History

Minute Number	Meeting Date	Description of Change
R-12-11-2024	26 November 2024	Placed on Public Exhibition

Attachment 1:

**Walgett Shire Council
Record of Gifts and Benefits Form**

Council Officer Disclosure

Council officer name:	
Department (if Council employee):	
Date gift or benefit offered/received:	
Description of gift or benefit:	
Value gift or benefit	
Who offered/gave the gift or benefit? (the donor)	
What organisation did the donor represent?	
Where was the gift offered?	
How does the recipient know the donor?	
Date form completed:	Signature or recipient:

As General Manager, or Mayor in the case of the General Manager, of Walgett Shire Council, I have determined:

The gift or benefit is of token value and may be retained by the Council officer.	
The Council officer refused the gift or benefit and will be recorded in the register.	
The Council officer accepted the gift or benefit, and it will be recorded in the register and disposed of by way of:	

Date details recorded in the register:

Registration reference number: