



## **9. GOVERNANCE**

### Policy 9.4

Gifts and Benefits – Councillors and Staff

Version 3

## **9. GOVERNANCE**

### **9.4 GIFTS AND BENEFITS - COUNCILLORS AND STAFF**

#### **OBJECTIVE:**

To ensure the reputation for integrity and professionalism of Council officials (Councillors and Council Staff) is achieved and maintained through community confidence that Council officials are not influenced by gifts, benefits or bribes.

#### **POLICY:**

#### **THE OBLIGATION**

Council officials and staff should not accept or seek 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 the Council official:

- to act in a particular way (including making a particular decision),
- to fail to act in a particular circumstance, or
- to otherwise deviate from the proper exercise of their Council official duties.

#### **GIFTS AND BENEFITS**

Gifts or benefits include, but are not limited to, free (or less than market value) accommodation, entertainment (eg, tickets to major sporting events, concerts, etc), hospitality (eg, meals, alcohol at a major event or travel).

#### **GIFTS AND BENEFITS REGISTER**

Council officials are required to record gifts and benefits received where it cannot reasonably be refused or returned, excluding token gifts or benefits, as follows:

- In annual disclosure of interest written returns within three months after 30 June in any year pursuant to Section 9(3) of the Local Government Act 1993; and/or
- The Gifts and Benefits Register established for the purpose.

#### **GIFTS OR BENEFITS GUIDELINES**

##### Gifts or benefits

You must not:

- seek or accept a bribe or other improper inducement
- by virtue of your position acquire a personal profit or advantage which has a monetary value, other than one of a token value.

You 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
- otherwise deviate from the proper exercise of your official duties.

#### Token gifts and benefits

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

Generally speaking, token gifts and benefits may 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
- free meals, of a modest nature, and/or beverages provided to Council officials who formally represent their Council at work related events such as training, education sessions, workshops
- refreshments, of a modest nature, provided at conferences where you are a speaker
- ties, scarves, coasters, tie pins, diaries, chocolates, flowers and small amounts of beverages
- invitations to appropriate out of hours “cocktail parties” or social functions organised by groups, such as, Council committees and community organisations.

#### Gifts of value

You must never accept an offer of money, regardless of the amount.

In general, you must not accept gifts and benefits that have more than a nominal or token value. These include tickets to major sporting events, corporate hospitality at a corporate facility at a sporting venue, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel and free training excursions.

If you receive a gift of more than token value in circumstances where it cannot reasonably be refused or returned, you should accept the gift and disclose this promptly to your supervisor, the Mayor or the General Manager. The supervisor, Mayor or General Manager will ensure that any gifts received are recorded in the Lithgow City Council Gifts and Benefits Register.

You must avoid 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.

You must also 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 ordinarily include parents, spouses, children and siblings.

Councillors and designated persons must by law disclose a description of any gift or gifts totalling a value exceeding \$500 made by the same person during a period of 12 months or less. (Required to be included in the Disclosure of Interest's Returns).

Improper and undue influence

You must not take advantage of your position to improperly influence other Council officials in the performance of their public or professional duties to secure a private benefit for yourself or for somebody else.

You must not take advantage (or seek to take advantage) of your status or position with, or functions performed for, Council in order to obtain unauthorised or unfair benefit for yourself or for any other person or body.

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