



WALCHA COUNCIL

ADMINISTRATION POLICY

Gifts and Benefits Policy

Applicability

All Council Staff

Publication Requirement

External

Assigned Responsible Officer

Office of the General Manager

Document Status

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1. POLICY OBJECTIVE

Walcha Council is committed to being open and transparent. This policy is established to maintain probity; to ensure a reputation of integrity and professionalism for all Councillors and Staff; and to inspire community confidence that Councillors and staff are not influenced by gifts, benefits or bribes in their decision-making or conduct of Council business.

2. POLICY SCOPE

This policy will apply to all Councillors and Council Staff. It does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

3. DEFINITIONS

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

4. POLICY STATEMENT

Gifts or Benefits

Councillors or Staff must not seek or accept a bribe, other improper inducement, any 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.

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

Gifts and Benefits Register

Council officials are required to record gifts and benefits (refer WINT/11/2444) received where it cannot reasonably be refused or returned, including token gifts or benefits except those specifically included under the clause 6.2 of the Code of Conduct, as follows:

- in annual disclosure of interest written returns within three months after 30 June in any year; and/or
- in the Gifts and Benefits Register established for the purpose.

Token gifts and benefits

Generally speaking, token gifts and benefits are of a value of less than \$100 and may include:

- Invitations to appropriate social, cultural and sporting events and functions with a ticket value that does not exceed \$100.00;
- Gifts of single bottles of reasonably priced alcohol to individual councillors or staff 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 that have been arranged primarily in connection with official business; and
- Ties, scarves, coasters, tip pins, diaries, chocolates, flowers and small amounts of beverages.

Gifts of Value

Councillors and Staff must never accept an offer of money, regardless of the amount. This includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.



In general, Councillors and staff 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 Councillors or Staff receives 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 a Gifts Register.

Councillors and Staff 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. Councillors and Staff 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 totaling a value exceeding \$500 made by the same person during a period of 12 months or less in the section 449 disclosure of interests returns.

Improper and undue influence

Councillors and Staff 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.

Councillors and Staff must not take advantage (or seek to take advantage) of their status or position with, or functions performed for, Council in order to obtain unauthorised or unfair benefit for themselves or for any other person or body.

5. POLICY COMMITMENT

Walcha Council is committed to being open and transparent, and operating in a manner:

- to maintain probity;
- to ensure a reputation of integrity and professionalism for all Councilors and Staff; and
- to inspire community confidence that Councilors and staff are not influenced by gifts, benefits or bribes in their decision-making or conduct of Council business.

6. RELATED LEGISLATION, POLICIES AND REVIEW

6.1. Related Legislation and Policies

The following are relative to this policy:

- Local Government Act 1993 NSW;
- NSW Local Government (State) Award 2020;
- Walcha Council Code of Conduct

6.2. Review

Council reserves the right to vary, replace or terminate this policy at any time. This policy will be reviewed every 2 years or earlier if there are relevant statutory or State Government policy changes.