



Policy Title: **GIFT POLICY**

Policy Type: **ADMINISTRATIVE**
(Statutory, Financial, Administrative, Human Resources)

Policy Number: **A018**

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Implementation Department		Officer Position	
Corporate Services		Human Resources Manager	
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1. Purpose

To provide guidance to Councillors, employees and contractors who are offered gifts, rewards or sponsored hospitality benefits in connection with their duties while representing Council by providing principles to consider in determining the appropriateness of accepting a gift; and the process to be followed where acceptance is appropriate.

2. Scope

This policy applies to all Councillors, employees and contractors of Aurukun Shire Council when being offered or receiving gifts, rewards or sponsored hospitality benefits in connection with their duties and/or while representing Council.

The policy:

- supports Council's commitment to open and transparent governance; and
- will minimise the risk of Councillors, employees and contractors being involved in a conflict of interest situation.

This policy does not apply to electoral gifts to Councillors as defined in the Queensland Local Government Act 2009.

3. References

- Queensland Local Government Act 2009
- Public Sector Ethics Act 1994
- Aurukun Shire Council Code of Conduct for Employees
- Public Service Commission Directives
- Crime and Corruption Commission

4. Definitions

To assist in interpretation, the following definitions shall apply:

- *Benefits* means intangible items that have no enduring value (e.g. hospitality and/or entertainment, use of vehicles or housing).
- *Gifts* means tangible items that have a lasting value.
- *Cash* means money or anything that can easily be converted into cash.

5. Background

To be able to adequately discharge responsibilities as an Aurukun Shire Council Councillor, employee or contractor, trust from the public is required. This means that duties must be carried out impartially and with integrity.

Consequently, it is not appropriate for Councillors, employees or contractors to accept gifts and/or benefits that affect or may be seen to affect the performance of their official duties, or influence, or be seen to influence their decision-making.

This policy will minimise the risk of Councillors, employees and contractors of potentially being involved in a conflict of interest situation.

6. Policy Statement

There are risks associated with Councillors and employees being offered and accepting gifts in the course of their work, particularly as gifts may be given with the intention of influencing or may be perceived by others as being intended to influence decision-making.

Councillors and employees must be mindful at all times of their obligation to maintain public confidence in the integrity of Council administration and must be aware that acceptance of any gifts or benefits from an external party may, or may be seen to affect the performance of their official duties, or influence, or be seen to influence their decision-making or behaviour.

This policy sets out the principles that apply to the offer and acceptance of gifts and benefits.

6.1 Soliciting Gifts and/or Benefits

Soliciting personal gifts or benefits is strictly prohibited under all circumstances.

If a Councillor or employee becomes aware of a situation of soliciting gifts or benefits, he/she should report it to the Mayor or Chief Executive Officer immediately.

The Chief Executive Officer is required to notify the Crime and Corruption Commission of any soliciting of gifts or benefits by Councillors or employees.

6.2 Bribery

Acceptance of money or any other gifts perceived as bribery is prohibited in all cases and the offer must be reported by the Councillor/employee/contractor to the Mayor or Chief Executive Officer immediately.

The Chief Executive Officer is required to notify the Crime and Corruption Commission of any offer of money.

6.3 Principles for acceptance of gifts/benefits

Each type of gift or benefit carries a level of risk that should be considered when deciding whether it should be accepted or declined.

In determining whether acceptance of a gift or benefit is appropriate, the two major considerations are:

- the intent in which the gift is given; and
- the public perception of acceptance of the gift

As gifts and benefits can create obligations and expectations, if it can be considered in any way that the gift is given with the intention of influencing a decision or action of the recipient, it must be declined.

Acceptance of a gift or benefit may be considered only if it complies with the following principles:

- It does not influence, or have the potential or perceived potential to influence, in any way to compromise, or appear to compromise, the integrity and impartiality, or to create a conflict of interest, or perception of conflict of interest.

- It is not related to advice or decisions about (but not limited to):
 - granting licences
 - inspecting and regulating businesses
 - giving approvals
 - letting of contracts; and
- It does not incur any cost to Council.

6.4 Principles for non-acceptance of gifts/benefits

A gift or benefit must not be accepted if any of the following principles apply:

- It is considered as a gift of influence - that it is seen or may be seen to affect the performance of the recipient's official duties, or influence, or be seen to influence the decision-making or behaviour of the recipient.
- The gift giver or any reasonable observer would apprehend that the recipient may be under obligation to the gift giver.
- It is not offered openly.
- It is an offer of money or anything readily convertible to money - for example, shares.

6.5 Gifts Register

When gifts or benefits are offered and/or received, it is important that they are dealt with in a consistent and appropriate manner.

For transparency, the offer and receipt of gifts and benefits must be recorded in Council's Gifts Register subject to the following monetary limits:

Type	Value	Recipient Action	Register
Gift or Benefit	Up to \$150 in any year	Check principles for acceptance or decline. If	Not entered
Gift or Benefit	Between \$150 and \$350 in any year	May be retained by the recipient with the approval of the CEO.	Entered
Gift	Over \$350 in a year	CEO approval required prior to acceptance. Either rejected or retained by	Entered
Benefit	Over \$350 in a year	CEO approval required prior to acceptance.	Entered
Gift or Benefit of Cultural Significance	Any value	Retained by Council.	Entered
Cash	Any value	Must be rejected.	Not entered

The Gifts Register will be maintained by the Chief Executive Officer and will include the following information:

- date of the offer
- details of the person and/or organisation offering the gift
- the name of the recipient
- description of the gift
- estimated value of the gift
- decision regarding whether the gift should be retained by the recipient

- name of the person who made the decision

All gifts and benefits must be reported within 30 days of receipt.

7. Review of Policy

This policy is to be reviewed at intervals of no more than two years.

8. Breach of this Policy

If an employee fails to comply with this policy, they may be subject to disciplinary action. In serious cases of wilful and deliberate action against this policy may mean termination of employment. Agents and contractors (including temporary contractors) who are found to have breached this Policy may have their contracts with the Council terminated.

9. Related Documentation

Employee code of Conduct

Council Fraud Prevention Policy