

1. Heads of Power

Local Government Act 2009 (Qld)
Public Sector Ethics Act 1994 (Qld)
Crime and Corruption Act 2001 (Qld)
Public Service Commission Directive 22/09: Gifts and Benefits
Independent Assessor Regulation 2018 (Qld)

2. Intent

To provide clear guidelines for Councillors, employees, and contractors of Aurukun Shire Council (**Council**) regarding the appropriate management of gifts and benefits, ensuring integrity, transparency, and compliance with relevant legislation.

3. Scope

This policy applies to all Councillors, employees, and contractors of Council when offered or receiving gifts or benefits in connection with their official duties and/or while representing the Council.

4. Definitions

Gift: Any item of value (tangible or intangible) received without payment or for a reduced price, including but not limited to money, goods, services, hospitality, or entertainment.

Benefit: Any non-tangible item that provides a personal advantage or gain to the recipient, such as hospitality, discounts, or access to events.

Token Gift: A gift of nominal value that is offered as a courtesy or is of inconsequential value (e.g., pens, calendars).

Non-Token Gift: A gift of significant value that may influence or be perceived to influence the impartiality of the recipient.

Office of the Independent Assessor (OIA): An independent statutory body responsible for receiving and assessing complaints about the conduct of councillors under the *Local Government Act 2009 (Qld)*.

5. Policy Statement

Council is committed to maintaining public trust by ensuring that all actions are conducted with integrity and transparency. The acceptance of gifts or benefits has the potential to compromise or appear to compromise the impartiality of Council representatives. Therefore, strict guidelines are necessary to manage such situations appropriately.

6. Policy Provisions

6.1. Prohibition on Soliciting Gifts or Benefits

Councillors, employees, and contractors must not solicit or encourage the offering of gifts or benefits in connection with their official duties.

6.2. Acceptance of Gifts or Benefits

Token Gifts: May be accepted without approval but must be declared if the cumulative value from a single donor exceeds \$150 within a financial year.

Non-Token Gifts: Must be declined unless refusal would cause cultural offense or embarrassment. In such cases, the gift must be declared and surrendered to the Council for appropriate disposition.

6.3. Reporting and Declaring Gifts or Benefits

- All gifts or benefits valued at \$150 or more must be declared using the "Gifts and Benefits Declaration Form" within seven days of receipt.
- The Chief Executive Officer (CEO) will maintain a "Gifts and Benefits Register" to record all declared gifts and benefits.
- The register will be reviewed quarterly by the CEO and made available for public inspection to ensure transparency.

6.4. Bribery and Corruption

Any offer of a gift or benefit that is intended or perceived to influence decision-making must be reported immediately to the CEO. The CEO is obligated to notify the Crime and Corruption Commission in accordance with the *Crime and Corruption Act 2001* (Qld).

6.5. Cultural Considerations

In situations where refusing a gift may cause cultural offense, the recipient should accept the gift on behalf of the Council and report it in accordance with this policy.

6.6. Disposal of Gifts

Gifts accepted on behalf of the Council may be:

- Retained for Council use
- Donated to charity
- Disposed of as deemed appropriate by the CEO

7. Councillor Compliance and Referral

Councillors are required to comply with legislative and policy obligations regarding the declaration and management of gifts and benefits. Failure to comply may constitute inappropriate conduct or misconduct. Allegations regarding councillor conduct in this regard will be referred to the Office of the Independent Assessor (OIA) for assessment and possible investigation.

8. Responsibilities

- **Councillors, Employees, and Contractors:** Must comply with this policy and report any breaches or concerns.
- **Supervisors and Managers:** Ensure that their teams are aware of and adhere to this policy.
- **Chief Executive Officer:** Maintain the Gifts and Benefits Register, oversee policy implementation, and report any corrupt conduct to the appropriate authorities.

9. Breaches of Policy

Non-compliance with this policy may result in disciplinary action, including termination of employment or contract. Councillors may face actions in accordance with the *Local Government Act 2009* (Qld).

10. Related Documents

- Employee Code of Conduct
- Conflict of Interest Policy
- Fraud and Corruption Control Policy
- Gifts and Benefits Declaration Form
- Gifts and Benefits Register

11. Document Control

Council will review this policy every two years or as required by changes in law or best practice.

12. Policy Owner

Legal and Governance.