

Gifts and Benefits Policy

1 Purpose

Council officials at some stage in their career may be offered a gift or benefit in the course of their work. The gift or benefit could be offered innocently, or in good faith, or could be offered in an attempt to influence the Council official.

If Council officials accept a gift or benefit, this can give rise to feelings of obligation on their part towards the giver. It can also create perceptions that they are or will be influenced because of the gift or benefit. It is therefore important that there is a policy to guide and assist Council officials in dealing with gifts and benefits and to support the provisions in the model code of conduct regulating gifts and benefits

This policy is to provide direction to councillors, members of staff and delegates on the acceptance of gifts and benefits offered in relation to Council's functions and/or an individual's role and responsibility with Council.

2 Policy

Coffs Harbour City Council (CHCC) is committed to working to ensure that interaction with the community we serve is conducted with impartiality and fairness, honesty and trust, courtesy and respect.

2.1 This means that CHCC will:

- a) Enhance public confidence in the integrity of local government by demonstrating that Council will deal with all matters in an impartial, open and accountable manner.
- b) Ensure that Council officials are made aware of their obligations and responsibilities concerning the management of offers of gifts or benefits
- c) Provide guidance to Council officials in identifying, assessing and managing offers of gifts or benefits to ensure that they do not constitute, or may be perceived to constitute, corrupt conduct.
- d) Provide a safe working environment by removing situations which can cause undue stress and anxiety.

2.2 This policy should be read in conjunction with the latest adopted versions of the CHCC Code of Conduct Policy and CHCC Gifts and Benefits Procedure.

The key principles of the code of conduct which relate to this policy are:

- a) Integrity - not placing yourself under any financial or other obligation to any individual or organisation that might be thought to influence you in the performance of your duties.
- b) Leadership - leading by example to maintain and strengthen the public's trust and confidence in the integrity of the Council.
- c) Selflessness - making decisions in the public interest and not in order to obtain financial or other benefit for yourself, your family, friends or business interests.

- 2.3 The Code provides that Council officials must not:
- Seek or accept a bribe or other improper inducement.
 - Seek gifts or benefits of any kind.
 - Accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty.
 - Accept any gift or benefit of more than token value.
 - accept an offer of cash or a cash-like gift, regardless of the amount.

You must consider the cumulative value of gifts or benefits when determining if they could be accepted.

You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses (including de facto spouses), children and siblings.

- 2.4 Any gift or benefit that is accepted which is not of token value must be approved and recorded in the Gifts and Benefits register, in accordance with the adopted Gifts and Benefits Procedure.

3 Definitions

Benefit: A non-tangible item of value (example, a new job or promotion, preferential treatment or access to confidential information etc.) that one person or organisation confers on another.

Bribe: A gift or benefit offered to or solicited by a public official to influence that person to act in a particular way.

Cash-like gift: includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.

Council official: Includes councillors, members of staff of Council, administrators appointed under section 256 of the Act, members of Council committees, conduct reviewers and delegates of Council.

Cumulative value: A series of gifts or benefits, each of which is of token value, which as a whole exceeds token value.

Gift: An item of value (example, gift voucher, entertainment, hospitality, travel, commodity, property etc.) which one person or organisation presents to another.

Token Value Gift: A gift with a value of less than \$50. This amount is a guide only and includes:

- Free or subsidised meals, beverages or refreshments provided in conjunction with:
 - Discussion of official business
 - Council work related events such as training education sessions and workshops
 - Conferences
 - Council functions or events
 - Social functions organized by groups, such as Council committees and community organisations.
- Invitations to and attendance at local social, cultural or sporting events.
- 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).
- Ties, scarves, coasters, tie pins, diaries, chocolates or flowers.

4 Key Responsibilities

| Position | Directorate | Responsibility |
|------------------------|------------------|---|
| Mayor | Council | To lead councillors in their understanding of, and compliance with, this policy and guidelines. |
| General Manager | Executive | To lead staff (either directly or through delegated authority) in their understanding of, and compliance with, this policy and guidelines. To approve resources to develop, implement and review this policy and guidelines. |
| Directors | All Directorates | To communicate, implement and comply with this policy and related guidelines. |
| Executive and Managers | All Directorates | To implement this policy, guidelines and related procedures |
| All Council officials | Council | To comply with this policy, guidelines and related procedures. |

5 References

- Coffs Harbour City Council Code of Conduct - adopted 2008
- Gifts and Benefits Procedure - adopted December 2009
- Managing Gifts and Benefits in the Public Sector Toolkit - Independent Commission Against Corruption (ICAC) - June 2006.

6 Details of Approval and revision

- **Approval date: 23/03/2017**
- **Responsible Section: N/A**
- **Superseded policies/procedures: N/A**
- **Next review date: 23/03/2021**

Table of amendments

| Amendment | Authoriser | Approval ref | Date |
|--|------------|--------------|------------|
| Minor wording change to the definition of Cash-like gift to align with Council's Code of Conduct | Council | 2017/48 | 23/03/2017 |