



WARRNAMBOOL
CITY COUNCIL

Gifts & Benefits Policy

COUNCIL POLICY

APPROVAL DATE: 28 May 2012

REVIEW DATE: 27 April 2013

DOCUMENT CONTROL

Document Title:	<i>Gifts & Benefits Policy</i>
Policy Type:	<i>Council Policy</i>
Responsible Branch:	<i>Corporate Strategies</i>
Responsible Officer:	<i>Director Corporate Strategies</i>
Document Status:	<i>Approved</i>
Approved By:	<i>Council</i>
Adopted Date:	<i>28 May 2012</i>
Review Date:	<i>27 April 2013</i>

TO BE READ IN CONJUNCTION WITH THE GIFTS & BENEFITS PROCEDURE

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1. INTRODUCTION

1.1. Purpose

The Warrnambool City Council is committed to protecting its assets, its integrity and reputation and protecting Councillors and staff from allegations of impropriety. Councillors and staff must be, and be seen to be ethical, fair and scrupulous in the conduct of official duties. Councillors and staff are fully accountable and responsible for their actions and are to ensure that the methods and procedures they use to arrive at decisions are beyond reproach, do not create a conflict of interest and can withstand audit processes and public scrutiny.

The purpose of this policy is to provide clear guidance on the acceptance of gifts, benefits or hospitalities from individuals or other entities external to Council.

1.2. Scope

This policy applies to the Warrnambool City Councillors and Council staff.

This policy does not relate to monetary donations received by Council for specific purposes such as appeals. These will be recorded in the Council accounts and used for the purposes of the appeal.

1.3. Definitions

Term	Definition
Benefit	Is something which is believed to be of value to the receiver, including access to sporting, cultural or social event, preferential treatment (queue jumping) and access to discounts or loyalty programs. While their value may sometimes be difficult to quantify in dollars, they may be highly valued by the intended recipient and therefore used to influence their behaviour.
Client	A person receiving services provided by Council (e.g., Home Help, Home Maintenance, Meals On Wheels etc.).
Council employee	An officer or staff member Is a person employed by Warrnambool City Council, including the Chief Executive, Directors, Managers and any person engaged as a short term employee or a contractor undertaking duties on behalf of Council.
Conflict of Interest	A Conflict of Interest is defined under the Local Government Act. A Councillor or employee has a conflict of interest when they have a personal or private interest that might compromise their ability to act in the public interest in their role as a Councillor or Council employee. A conflict of interest can exist even if no improper actions result from it. Councillors and Council employees should be aware that any gift or hospitality accumulated to \$500 from one source, over a five year period will give rise to the Councillors or employee having a conflict of interest to declare in accordance with the Local Government Act.

Term	Definition
Gift	Is an item, travel, hospitality, entertainment or other token of appreciation that is not deemed to be of a modest value. Gifts are unsolicited and mean to convey a feeling of goodwill on behalf of the giver and where there is no expectation of favours or repayment.
Monetary Benefit	Are cash, cheques, money orders, travellers' cheques, direct deposits or item which can easily be converted to cash.
Official/ Ceremonial Gifts	A gift received by Councillors or council officers as representatives of the City or the Council. These gifts may be received from a Sister City, organisations or corporations that are bestowing a corporate gift (i.e. plaques, plates, vases, trophies, art work) or souvenir to the City, or as a token of appreciation for a contribution to a conference or industry event.
Token Gift/Benefit	Is a benefit with a face or estimated value of \$100 or less and is of such a nature and value that it could not reasonably be regarded as capable of influencing any actions or decisions of the relevant person in relation to the matter. The benefit also does not create a sense of obligation in the receiver that will influence, or appear to influence, the exercise of their official duties. In the event that a benefit might reasonably be perceived to influence, or appear to influence, the recipient, it cannot be defined as a token benefit.
Value	Is the face value or estimate retail value.

1.4. References

Acts	<ul style="list-style-type: none"> • Local Government Act 1889 • Crimes Act 1958 • Whistleblowers Protection Act 2001
Standards or Guidance Materials	<ul style="list-style-type: none"> • Conflict of Interest in Local Government – A Guide – 2010
Related Policies/Procedures	<ul style="list-style-type: none"> • Gifts and Benefits Procedure • Councillors Code of Conduct • Staff Code of Conduct • Fraud Prevention & Control Policy • Protected Disclosure Procedures

2. POLICY

2.1. Policy Statement

This policy details the general principles and guidelines to assist Councillors and Council employees on accepting gifts and benefits that may be offered to them.

2.2. Policy Principles

Councillors and Council employees should:

- 2.2.1 Avoid circumstances where accepting any gift or benefit could give the appearance of a past, present or future conflict of interest with official Council duty in their role as a Councillor or Council employee, or where the offer of a gift or benefit could be interpreted as having been made with the objective of securing, or in return for favour or preference.
- 2.2.2 Refrain from soliciting or accepting money, loans, credits or prejudicial discounts, and the acceptance of gifts, entertainment, favours or services from current or potential suppliers, contractors, persons, companies or organisations that might influence or appear to influence Council decisions.
- 2.2.3 Not use their position with the Council to obtain gratuities or discounts on any goods or services for their personal use from any person, company or organisation with whom the Council does or could do business, where such gratuity or discount would not be available to any member of the general public. Gratuities or discounts obtained due to membership of unions, professional bodies or the like are acceptable.
- 2.2.4 Ensure that persons, companies or organisations that are or could be doing business with the Council do not feel they have any obligation to offer gifts to employees or members of the Council to secure or retain Council business. In this context, if the Councillor or Council employee considers that the other person may feel compelled or obliged to offer a gift, it is better to indicate to that person, prior to the commencement of any business relationship, that they do not expect or encourage such offers

2.3. Principles for Acceptance of Gifts & Benefits

- 2.3.1 A Councillor or Council employee in the performance of their public or professional duties with Council must not accept any gift or benefit from any individual or entity if there may be a real or potential risk of compromise or conflict of interest.
- 2.3.2 Under no circumstances are Councillors or employees to accept or receive a **monetary benefit**, supplier's goods or services at no cost or non-commercial discounts.
- 2.3.3 Council employees are **not to accept gifts from clients other than gifts with a value less than \$50.**
- 2.3.4 **Token benefits up to the value of \$100** may be accepted by Councillors and employees provided they do not create a real or perceived sense of obligation that may lead to a perception of preferential service.

- 2.3.5 **Benefits with a value in excess of \$100** must only be accepted by Councillors and employees where they have been authorised and formerly declared in accordance with Council's Gifts & Benefits Procedure.
- 2.3.6 Benefits are not to be accepted under any circumstance by a Councillor or employee who is aware that the benefit is being offered by a supplier who is in the process of tendering for the supply of goods and services to the Council.
- 2.3.9 Any **bequests** to Councillors and council employees as a direct result of their position with Council must not be accepted. Arrangements may be made to donate the bequest to a charitable institution in the name of the person or returned to their immediate family.
- 2.3.7 Organisations or individuals may offer **official/ceremonial gifts of goodwill** to the Council organisation. In such circumstances it is reasonable for official representatives of Council to accept official gifts on behalf of Council. Such gifts shall be considered the property of the Council and may be displayed in an appropriate and secure location for public viewing.

3. COMPLIANCE RESPONSIBILITIES

The Local Government Act 1989 (the Act) sets out legislative requirements in relation to conflict of interest and Councillors and Council employees are responsible to familiarise themselves with the provisions contained in the Act and the requirements of this Policy.

Nothing in this policy shall be construed to override the provisions of the Act. In the event of any apparent inconsistency, the provisions of the Act will prevail. Detailed procedures have been developed in support of this policy. This policy should be read in conjunction with the Gifts & Benefits Procedure.

The Audit & Risk Committee shall exercise an oversight function over the organisation's compliance with this policy taking into account the provisions of the Local Government Act.

Where a Councillor fails to comply with this policy, the issue shall be dealt with in the same manner as disputes arising under the Councillor Code of Conduct.

Where an employee fails to comply with this policy, the issue shall be dealt with in the same manner as disputes arising under the Staff Code of Conduct.

The contents of this policy will be included in councillor and staff induction programs and will be promoted on an annual basis through memos or newsletters.

4. GOVERNANCE

4.1. Owner

The Director Corporate Strategies shall be responsible for monitoring the currency and viability of this Policy.

Enquiries regarding the implementation of this policy should be initially directed to the relevant Branch Manager or Director. In the case of Councillors, enquires should be directed to the Director Corporate Strategies or the Chief Executive.

4.2. Review

The Director Corporate Strategies shall ensure this policy is reviewed in consultation with the Audit & Risk Committee no later than six months after a general election.

4.3. Charter of Human Rights Compliance

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights Act (2007).

Warrnambool City Council is committed to consultation and cooperation between management and employees. The Council will formally involve elected employee health and safety representatives in any workplace change that may affect the health and safety of any of its employees.