



2.02 – GIFTS AND BENEFITS POLICY

1. INTRODUCTION

Council Officers will act with integrity at all times; the acceptance of gifts and/or benefits has real and perceived opportunities for undermining integrity.

This policy sets out the way in which the Norfolk Island Regional Council will manage offers of gifts or benefits in accordance with the obligations set out in Norfolk Island Regional Council's Model Code of Conduct (part 5).

2. POLICY OBJECTIVE

This Policy has been developed to ensure that transparency, good governance, and accountability, are practised by Council Officers when receiving gifts and benefits in the course of their duties.

3. POLICY SCOPE

This policy applies to councillors, delegates, employees, contractors, volunteers, committee members (referred to in this policy as Council Officers). In addition, Council Officers must take all reasonable steps to ensure that their 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, children and siblings.

This policy does not apply to the private giving of gifts between staff.

4. DEFINITIONS

Benefit	something which is believed to be of value to the receiver, this may include, but is not limited to, hospitality, preferential treatment, access to confidential information, free access to services which are normally charged at a fee.
Bribes	are gifts or benefits given specifically for the purpose of winning favours or to influence the decision or behaviour of a Council Officer to benefit someone or something.
Cash-like	may include a gift voucher or gift card, a credit card or debit card (with credit on it), prepayment such as phone or internet credit, memberships or entitlements to discounted or free services.
Council Officers	councillors, delegates, employees, contractors, volunteers, committee members (referred to in this policy as Council Officers).
Donor	may be an individual or an organisation.
Gift	an item or token of appreciation that is not deemed to be of a nominal value. Gifts may include, but are not limited to, items such as cash or cash-like gifts, food, alcohol, clothes, products or tickets to an event.

Nominal value	items are those with a face or estimated value of less than \$50.
Sponsorship	items that are identified as part of a formal written sponsorship agreement between the Norfolk Island Regional Council and a third party.
Token Gift	the gift does not have significant monetary value (less than \$50) and are infrequently received. These gifts may include low-cost promotional items, souvenirs or gifts such as pens, mugs, single bottles of reasonably priced alcohol, chocolates, flowers, free or subsidised meals, invitations to corporate or other functions which are organised by community groups. Refer to 'Token Gift' section of this policy for further information.
Token Value	the monetary limit of the value of gifts or benefits that may be accepted and do not require declaration in the Gifts and Benefits Register is \$50. Any gift or benefit valued at less than \$50 is considered to be of token value in accordance with this policy. The intent of the donor must also be considered when deciding whether to accept a token value gift or benefit.
Value	the face value or estimated retail value.

5. LEGAL AND POLICY FRAMEWORK

Norfolk Island Regional Council Model Code of Conduct, part 5.

6. IMPLEMENTATION

6.1. Communication

Council will publish this policy on its website.

6.2. Associated Documents

Gifts and Benefits Declaration Form.

7. POLICY

7.1. Gifts and Benefits

7.1.1. Gifts should not be accepted where possible.

7.1.2. Individuals should not solicit, demand or request gifts, including raffle tickets at events.

7.1.3. Individuals should not receive any personal benefit by virtue of their position that could influence, or be perceived to influence a person in the performance of his or her public or professional duties. To avoid a conflict of interest, acceptance of any gifts, benefits or hospitality in these situations must be declined.

7.1.4. Any gift or benefit over the token value which could not reasonably be refused or returned is to be regarded as the property of the Council and must be disclosed promptly to a supervisor, the Mayor or General Manager. The gift or benefit must be surrendered to Council, unless the nature of the gift or benefit makes this impractical.

7.1.5. If the organisation declines to pay for Council staff to attend an event or a function, the staff member can still attend provided they personally pay the full amount as well as obtain approval from the General Manager.

7.1.6. If Council Officers attend events or functions that have been personally paid for by them, then it should be clearly stated that they are there as an individual and not as a representative of Council.

7.1.7. Council Officers are to ensure that attendance at any private functions does not have potential implications for Council's reputation or image, and does not cause a conflict of interest.

7.1.8. In all cases, Council Officers must record the details of gifts and benefits over \$50 in the Gift Register maintained by the General Manager's Office, with the first point of contact being the Media Executive Assistant.

7.2. Token Gifts

7.2.1. Gifts that are considered to have a token value may be accepted by Council Officers provided the gift does not create a real or perceived sense of obligation that may lead to a perception of preferential service as a result of the gift.

7.2.2. Gifts of this nature may be accepted only when the following have been considered:

- the gift is offered in an open or public forum and refusal would be discourteous
- acceptance would not cause any potential, perceived or actual compromise or conflict of interest
- the gift does not have a significant monetary value (less than \$50)
- the gift is not offered on a regular basis.

7.3. Official Gifts

7.3.1. Official gifts presented to the Council include gifts received from a 'sister' city, as well as organisations or corporations that are bestowing a corporate gift (plaques, plates, vases, trophies, and artwork) or souvenir.

7.3.2. Individuals may be involved in social, cultural or community events where official gifts are presented or exchanged. In these circumstances, where it would appear impolite or inappropriate to decline the offer, it is reasonable for official representatives of Council to accept official gifts on behalf of Council.

7.3.3. All official gifts received are to be reported to the Mayor (Councillors) and the General Manager, as well as recorded in the Gifts and Benefits Register.

7.3.4. The gift will be considered the property of Council, and where suitable, the gift will be displayed in an appropriate and secure location for the public to view.

7.3.5. Details of all official gifts are to be placed in Council's Gifts and Benefits Register.

7.4. Gifts of Appreciation

7.4.1. Gifts of appreciation are presented to an individual as a way of saying thank you, such as flowers, chocolates or alcohol. These gifts are generally a one-off occurrence.

7.4.2. Individuals must not seek a gift or benefit in appreciation of services rendered. Acceptable alternatives might include a letter or thank-you card, as these are less likely to result in a situation that compromises either party.

7.4.3. Where an individual accepts a gift of appreciation it should not exceed the nominal value of a token gift (\$50). Gifts of appreciation that would generally be considered of nominal value might include a box of chocolates or a bottle of wine.

7.5. Monetary Gifts

7.5.1. Monetary gifts are defined as cash, cheques, money orders, travellers' cheques, direct deposits, items which can be easily converted to cash or cash-like gifts.

7.5.2. No monetary gifts (of any amount) are to be accepted.

7.6. Ownership

7.6.1. All gifts and benefits greater than the nominal value of \$50 (that are not considered token gifts), are owned by the Norfolk Island Regional Council.

7.7. Disposal of Gifts

7.7.1. The General Manager may dispose of gifts by any of the following methods:

- disposal by a resolution of Council
- transfer to other public agencies or authorities
- transfer as a gift to a recognised charity or non-profit organisation
- destruction.

7.8. Gifts of Hospitality

7.8.1. Gifts of hospitality refers to the provision of a meal or service that has a value greater than \$50 and is not viewed as being connected to official Council business or part of a meal accepted at a conference or seminar.

7.8.2. Council Officers, in an official capacity, may, from time to time, receive invitations to attend functions and events. Where these invitations provide an opportunity to network, or undertake business of a common purpose, it may be appropriate to accept such invitations.

Reasonable hospitality received by Council Officers at an event or function where the person attended in an official capacity is not considered a conflict of interest under the Council's Code of Conduct (section 5). If the hospitality is greater than the specified nominal value, then this should still be recorded in Council's Gifts and Benefits Register. *Reasonable hospitality* in this section refers to – a meal or service provided by a non-profit organisation to a Council Officer who attends a function or event in an official capacity.

7.8.3. Invitations for the Mayor or a Councillor to attend an event or function in an official capacity should be sent in the name of Mayor, or Councillor, and the invitation sent to the Council address or via the Councillors official email.

7.8.4. In some circumstances a Council Officer may attend an event if Council commits to fully reimburse the organisation for the full cost of the hospitality, or if the Council Officer personally pays for their own attendance.

7.8.5. If acceptance of the hospitality is likely to create the impression that an attempt is being made to bribe or compromise the impartiality of the Council Officer, or could be perceived as a conflict of interest, the offer of hospitality must be declined.

7.9. Sponsorship Gifts

7.9.1. Gifts that are received as part of a sponsorship arrangement are deemed to be gifts under this policy.

7.10 Refusing a Gift

7.10.1 In instances where a Council Officer refuses a gift or benefit on the basis that they believe the gift or benefit was a deliberate attempt to receive preferential treatment, the General Manager must be advised immediately, and a Gifts and Benefits Declaration Form completed.

7.11. Gifts and Benefits Register

7.11.1. The Gifts and Benefits Register is maintained by the Office of the General Manager.

7.11.2. Details of gifts and benefits received shall be entered into the Gifts and Benefits Register by Office of the General Manager by the Media and Executive Assistant. The information included in the register is sourced from the completed Gifts and Benefits Declaration Form. The Council Officer who received or refused the gift is to complete the form.

8. REVIEW AND VERSION CONTROL

Policy Number	2.02		Responsible Officer	Media and Executive Assistant
Effective Date			Next Review Date	2022
Version Number	Version	Resolution No.	Effective Date	Version description
	V1	93/16	19 October 2016	Developed and Adopted
	V2	2019/62	17 April 2019	Reviewed and Adopted