

ATTACHMENT 7

POLICY

HEADING:

GIFT AND BENEFITS POLICY

MEETING ADOPTED

RESOLUTION NO.:

HISTORY OF DOCUMENT

PREVIOUSLY ADOPTED:

1. Statement of Intent

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

Council officials 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 Councils Model Code of Conduct (section 5).

2. Applicability

This policy applies to all Council officials, this includes Councillors and Council staff.

3. Definitions/Notes

The following definitions apply to this Policy:

3.1 **Act**, the NSW Local Government Act 1993.

3.2 **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.

3.3 **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.

3.4 **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, membership or entitlement to discounted or free services.

3.5 **Code of Conduct** refers to the Norfolk Island Regional Council Model Code of Conduct

Policy Statement No. Review Date:

Date of Effect:

Name of Policy: Gifts and Benefits Policy

Responsible Officer:

- 3.6 **Council Official** means Councillors, Council staff and Council Committee group members, volunteers or delegated persons as defined in the Local Government Act 1993.
- 3.7 **Donor** may be an individual or an organisation.
- 3.8 **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.
- 3.9 **Gifts of Appreciation**, gifts which 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.
- 3.10 **Gifts of Hospitality** refers to the provision of a meal or service which 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.
- 3.11 **Monetary Gifts** are defined as cash, cheques, money orders, travellers' cheques, direct deposits or items which can be easily converted to cash.
- 3.12 **Nominal Value** items are those with a face or estimated value of less than \$50.
- 3.13 **Non-Civic Function or Event** means a function or event where the Council official does not have any formal role at the function to represent Council and the Council official is invited to attend at no cost or at a discounted cost to Council. Examples include: Christmas parties, conferences or openings.
- 3.14 **Official Gifts**, gifts presented to the Council which 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.
- 3.15 **Reasonable**, a meal or service provided by a non-profit organisation to the Mayor, Councillor or a member of staff who attends a function or event in an official capacity.
- 3.16 **Register**, the Gifts and Benefits register
- 3.17 **Sponsorship**, items which are identified as part of a formal written sponsorship agreement between the Norfolk Island Regional Council and a third party.
- 3.18 **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. This value 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.
- 3.19 **Token Gift**, gifts of less than \$50 which are infrequently received. These gifts may include low cost promotional items, souvenirs or gifts such as pens, mugs, single bottles of alcohol, free or subsidised meals, invitations to corporate or other functions which are organised by community groups.
- 3.20 **Value**, the face value or estimated retail value.

4. Principles

Council staff must in the course of their employment:

- Act impartially
- Act with integrity in instances where real or apparent conflicts of interest exist
- Accept accountability
- Provide responsive service

5. Procedure

5.1 Gifts and Benefits

- Gifts should not be accepted where possible.
- Individuals should not solicit, demand or request gifts, including raffle tickets at events.
- Individuals should not receive any personal benefit by virtue of their position which 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.
- If Council 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.
- If Councillors and/or staff attend events or functions which 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.
- Councillors and staff 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.
- In all cases, Councillors and Council staff must record the details of gifts and benefits over \$50 in the Gift Register maintained by the Governance Department.

5.2 Token Gifts

Gifts which are considered to have a token value may be accepted by Councillors and 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.

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

5.3 Official Gifts

Individuals may be involved in social, cultural or community events where official gifts are presented or exchanged. In these circumstances, where it would appear not to be polite or appropriate to decline the offer, it is reasonable for official representatives of Council to accept official gifts on behalf of Council.

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

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.

Details of all official gifts are to be placed in Council's Gift and Asset Register.

5.4 Gifts of Appreciation

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

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

5.5 Monetary Gifts

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

5.6 Ownership

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.

5.7 Disposal of Gifts

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

5.8 Gifts of Hospitality

Councillors and 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 the Mayor, a Councillor or a member of Council staff 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 Gift Register.

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 Office or via the Councillors official e-mail.

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

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

Details of hospitality received above the nominal value are to be recorded in the Gift Register.

5.9 Sponsorship Gifts

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

5.10 General

In instances where a Councillor or Council employees refuse a gift on the basis that they believe the gift was a deliberate attempt to receive *preferential treatment*, the General Manager must be advised immediately.