



Forbes Shire Council Gifts & Benefits Policy

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FORBES SHIRE COUNCIL – GIFTS & BENEFITS POLICY

Revision History

Version	Date	Amended	Authorised by	Approved by	Revision Date
V1.0	13/12/2006				13/12/2008

Change History

Version	Change Details
V.1.0	Initial Policy

Related Documents

Document Title	Location
File reference:	
Code of Conduct	C53/001

1. INTRODUCTION:

Gifts and benefits are frequently offered in private contexts to mark special occasions and to express friendship and gratitude amongst family and friends. In the business environment, however gifts and benefits may be offered for different purposes. The purpose of this policy is to establish standards that will enable all Forbes Shire employees, contractors and councillors to identify when to accept or decline a gift or benefit as well as to have clearly articulated guidelines to manage the risks associated with the offer and receipt of gifts and benefits.

For public officials there are very real risks associated with being offered and accepting gifts and benefits in the course of their work. The gift may influence employees and other stakeholders behaviour inappropriately and may cause him or her to act partially in the interests of the person or agency who provided the gift, rather than impartially in accordance with public duty.

Employees who make decisions based on factors other than merit breach policies and procedures and may fail to achieve best value for money for people of Forbes Shire. Accepting or asking for gifts may also constitute an offence under the Crimes Act 1900 (NSW).

Whether or not a public official has actually been compromised by inappropriately accepting a gift or benefit is not the only concern. Even the perception of compromise can be damaging to the individual or Forbes Shire Council.

2. PERSONAL BENEFIT:

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

Gifts and Benefits:

You 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 any offer of money, regardless of the amount.

Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the General Manager. The recipient, supervisor, Mayor or General Manager must ensure that any gifts or benefits of more than token value that are received are recorded in the Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.

You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the Council.

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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, children and siblings.

You may accept gifts or benefits of a nominal or token value that do not create a sense of obligation on your part.

Token gifts and benefits:

Generally speaking, token gifts and benefits include:

- free or subsidised meals, beverages or refreshments provided in conjunction with:
- the discussion of official business
- council work related events such as training, education sessions, workshops
- conferences
- council functions or events
- social functions organised 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.

Gifts and Benefits of value:

In general, you must not accept gifts and benefits that have more than a nominal or token value. Gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes, including the NRL, AFL, FFA and NBL), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

Improper and undue influence:

You must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the appropriate exercise of their representative functions.

You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for council in order to obtain a private benefit for yourself or for any other person or body.

Forbes Shire Council employees should:

- Never accept gifts of money – any such gift that is received (for eg in the mail) must immediately be declared and every effort made to return it.
- Never ask for gifts or benefits – if an employee becomes aware of a staff member soliciting gifts or benefits he or she should report it immediately to the manager;
- Always consider the value and purpose of a gift or benefit before making any decisions about accepting it.

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Nominal value

The monetary limit of acceptable gifts that conform to industry/societal norms is set at \$50, the following gifts and benefits would fall within that range:

- Inexpensive pen or stationery (ie calendars or folders)
- Box of chocolates
- Flowers
- Modest bottle of wine

Cumulative gifts

A series of small gifts or benefits, each of which is of minimal value, may have an aggregate value that exceeds the agencies stipulated nominal value. Under such circumstances accepting these gifts may pose the same risks or apparent compromise as accepting one gift or benefit which alone exceeds the nominal value.

Prizes and gifts

On some occasions an employee of Forbes Shire Council may receive a gift or prize as a result of entering a competition while engaging in official duties. For example those attending a specific session at a conference may enter a draw for a prize by submitting their business cards or signing up for further information about the product. In such cases, since the official is representing his or her agency, any prize should be treated as such and reported and acted upon accordingly.

Christmas and other cultural or religious occasions do not represent exceptions to Forbes Shire Council's gifts and benefits policy.

Disposal of gifts

When a gift is received that is above the agency's stipulated nominal value or that for some other reason cannot be retained by the individual, the agency must dispose of it in some way. Some options could include:

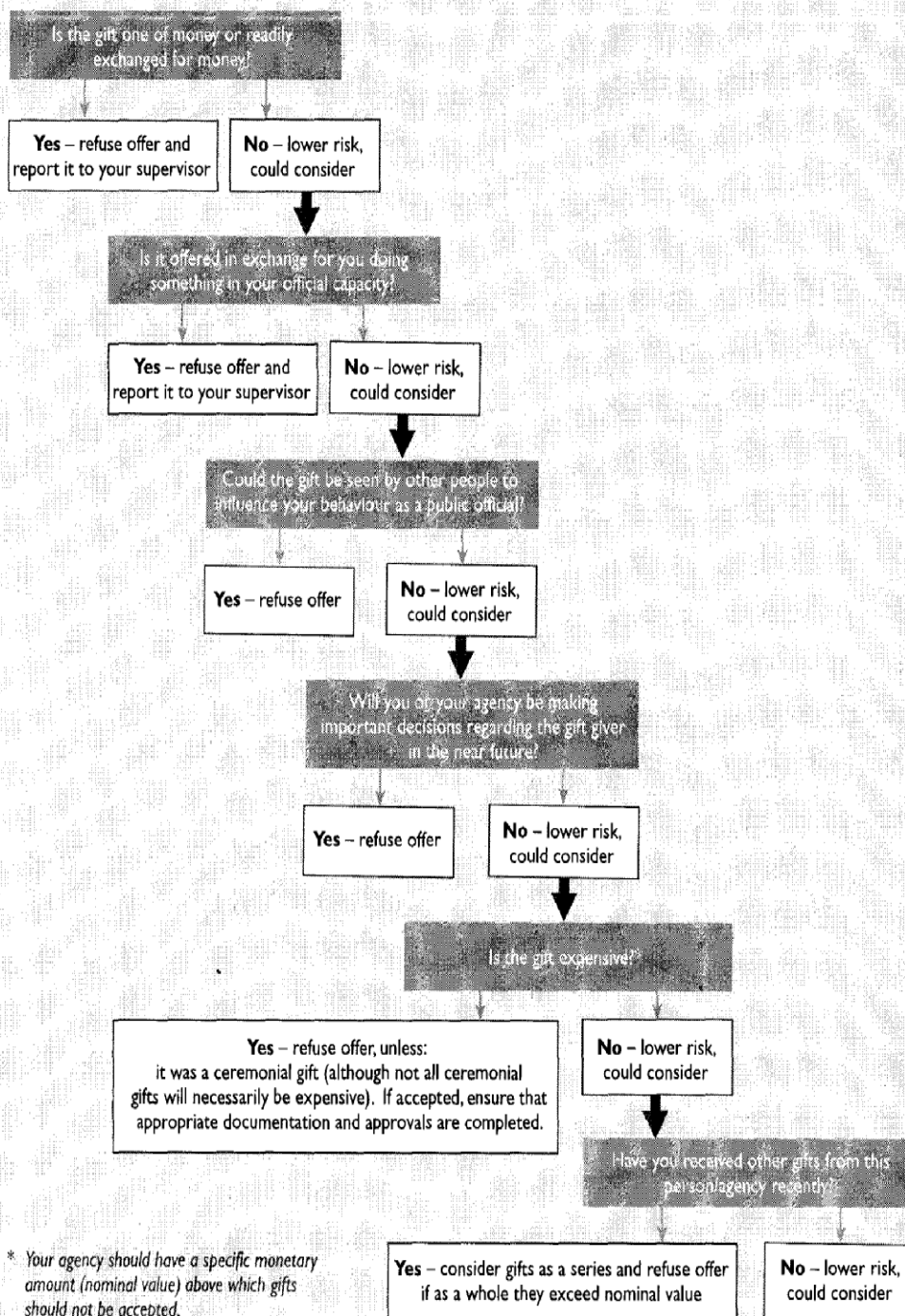
- Some accepted gifts might be shared with the whole agency ie. white goods
- Holding a fundraiser with the gifts as the prizes
- Donating the gift to an appropriate charity
- Holding an auction with the proceeds going to a charity

Where gifts are accepted in these limited circumstances a Gifts and Benefits Register has been established for all gifts of more than the specified nominal value to be declared and noted on the register against the name of the recipient.

Overall if in doubt please ask your Manager/Director or the General Manager on the application of the Code of Conduct and this Gifts and Benefits Procedure. Any suspected wrongdoings by staff and/or stakeholders may also be reported in confidence to these officers.

Decision-making guide²¹

*Always check and comply with your agency's gifts and benefits policy.
In addition, it may be useful to consider the following general issues:*



²¹ Once a decision has been made about whether or not it might be appropriate to accept a gift, consult your supervisor as to the next steps regarding approvals and documentation.