1. SCOPE
This policy applies to the Mayors, Councillors, Council staff (including staff engaged through an employment agency), Council Committee members, volunteers and contractors.

2. PURPOSE
2.1 Gifts and benefits may be offered to individuals in the course of business relationships, often for commercial purposes, to create a feeling of obligation in the receiver.
2.2 Council officials at all times must be seen to be fair, impartial and unbiased and should actively discourage offers of gifts and benefits and avoid situations that suggest that a person or organisation is attempting to secure favourable treatment from Council.
2.3 People doing business with the Council should be encouraged to understand that they do not need to give gifts or benefits to Council officials to get high quality service.
2.4 This policy defines the obligations and responsibilities of Council’s officials when dealing with offers of gifts or benefits.

3. POLICY STATEMENT
3.1 Accepting gifts of money is prohibited.
3.2 Council officials must not offer or seek a bribe. A person offered a bribe should refuse it and report the incident as soon as possible to their supervisor, General Manager or the Mayor (in the case of Councillors).
3.3 Gifts or benefits of a token nature at or below agreed nominal value “(as defined in the guidelines) may generally be accepted by Council officials without disclosing details to a supervisor, General Manager or Mayor.
3.4 Council officials who receive a multiple number of token gifts, from the same person or organisation, in a twelve month period, that cumulatively exceed the nominal value must disclose that fact in a Gifts and Benefits Declaration Form.
3.5 Council officials should generally not accept gifts or benefits that appear to be non-token in nature and exceed the nominal value.
3.6 If a non-token gift or benefit is offered and cannot reasonably be refused (as this action may cause embarrassment), the offer and receipt of the gift or benefit must be declared in a Gifts and Benefits Declaration Form.
3.7 If a Council official refuses a gift or benefit because they, or a reasonable person, may believe that the gift was a deliberate attempt to receive ‘special treatment’, that instance is to be reported to a supervisor, the General Manager or Mayor.
3.8 At times a gift of a non token nature may be given by one authority to another. Such gifts are often provided to a host authority. These gifts may be given as an expression of gratitude without obligation on the receiver to respond. The gratitude usually extends to the work of several people in the authority and therefore the gift is considered to be for the authority, not a particular individual.
3.9 All gifts and benefits disclosed are to be included in a Council Gifts and Benefits Register, which will be monitored by the General Manager and available for public inspection.

Legislative Requirements - Local Government Act 1993- Section 339A

Related Procedures/Guidelines - Gifts and Benefits Guidelines, Policy Version Control, Gifts and Benefits Register and Gifts and Benefits Declaration Form.
1. **PURPOSE**
The purpose of this guideline is to assist Council officials to make appropriate judgements in relation to gifts and benefits and therefore avoid being placed in a situation where they may become vulnerable to undue influence or threaten community confidence in the fairness, impartiality and integrity of the Council.

2. **DEFINITIONS**
- **Benefit** – a non-tangible item which is believed to be of value to the receiver (i.e. preferential treatment such as queue jumping, access to confidential information and hospitality);
- **Bribe** – a gift or benefit given specifically for the purpose of winning favours or to influence the decision or behaviour of a Council official to benefit someone or something;
- **Cash** – money or vouchers which are readily convertible;
- **Conflict of interest** – any situation in which an individual or corporation (either private or government) is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit;
- **Council official** – Mayor, Councillors, Council staff (including staff engaged through an employment agency), Council Committee members, volunteers and contractors;
- **Cumulative gift** – a series of gifts, individually below the nominal value, from the same person or organisation, over a specified period of time that have an aggregate value that exceeds the nominal value;
- **Gift** – is usually a tangible item provided at no charge. Gifts may include, but are not limited to items such as cash, property (real or otherwise), goods and services made available at heavily discounted prices, alcohol, clothes, products, invitations to social functions and tickets to sporting, theatrical or music events;
- **Gift of gratitude** – a gift offered to an individual or department in appreciation of performing specific tasks. Gifts to staff who speak at official functions may be considered an example of gifts of gratitude;
- **Gift of influence** – a gift that is intended to generally ingratiate the giver with the recipient for favourable treatment in the future;
- **Gifts and Benefits Declaration Form** – a form to be completed when an individual receives a gift or benefit of a non-token nature above the nominal limit or receives a series of token gifts or benefits in a specified time that exceeds the nominal value (Cumulative Gift);
- **Gifts and Benefits Register** – a register maintained by Council of all declared gifts and benefits;
- **Hospitality** – the provision of accommodation, meals, refreshments or other forms of entertainment;
- **Nominal value** – is the monetary limit of the value of gifts or benefits that may be accepted (i.e. total value of gift or benefit received). A gift or benefit is of nominal value when it has no significant or lasting value;
**Non token** – items that are of a more individual nature, with a value above the nominal value limit. Items may include, free or discounted travel; use of holiday homes; corporate hospitality at major sporting events; free training excursions; tickets to major events and access to confidential information;

**Public perception** – the perception of a fair-minded person in possession of the facts;

**Significant value** – a gift or benefit that has a value above the nominal value limit; and

**Token** - often mass produced (i.e. pens, calendars, ties or items with a company logo on them), offered in business situations to individuals. Usually have a value under the nominal value limit.

3. **SCOPE**
The policy applies to all gifts and benefits offered to or received by all Council officials in their role as officers of the Council.

4. **APPLICATION**
   4.1 In a private context gifts and benefits are usually unsolicited and meant to convey a feeling on behalf of the giver such as gratitude. There is ordinarily no expectation of repayment. Gifts given in a private context are not the focus of Council’s policy or this guideline.
   4.2 Gifts and benefits may also be offered to individuals in the course of business relationships. Such gifts and benefits are often given for commercial purposes and serve to create a feeling of obligation in the receiver. Gifts and benefits given in the course of business relationships are the focus of Council’s policy and this guideline.
   4.3 The policy guideline is to be applied in conjunction with provisions in the Councils Codes of Conduct and other relevant Council policies and procedures.

5. **GUIDELINE STATEMENT**
   5.1 **Token gifts and benefits**
   5.1.1 Gifts or benefits of a token nature do not create the appearance of a conflict or interest and include:
   a) Items with a company logo on them, ties, scarves, coasters, diaries, chocolates, flowers;
   b) Books given to individuals at functions, public occasions or in recognition of exceptional work done;
   c) Gifts of single bottles of reasonably priced alcohol given to individuals at functions, public occasions or in recognition of exceptional work done;
   d) Free or subsidised meals of a modest nature and/or beverages provided infrequently (and or reciprocally) that have been arranged for or in connection with the discussion of official business;
e) Free meals of a modest nature and or beverages provided to Council officials who formally represent Council at work related events such as training, education sessions and workshops; and
f) Invitations to approved social functions organised by groups such as Council Committees and community organisations.

5.1.2 If a Council official has any doubt if a gift or benefit is token or of nominal value they should discuss it with a supervisor, General Manager or Mayor.

5.2 Nominal value
5.2.1 For the purpose of this guideline the current nominal value limit is S150.

5.3 Non token gifts and benefits
5.3.1 Gifts or benefits of a non token nature include:
   a) Free or discounted travel;
   b) Use of holiday homes;
   c) Tickets to major sporting events;
   d) Corporate hospitality at a corporate facility or sporting venue;
   e) Free training excursions;
   f) Access to confidential information;
   g) Discounted products for personal use; and
   h) Goods and services provided via a determination in a Will.

5.4 Actual or perceived effect of the gift or benefit
5.4.1 Accepting gifts where a reasonable person could consider that there may be influence applied as a result of accepting the gift or benefit is prohibited. (Gift of influence).

5.5 Bribes
5.5.1 Council officials must not offer or seek a bribe. A person offered a bribe should refuse it and report the incident as soon as possible to their supervisor, General Manager or the Mayor (in the case of Councillors). Council is to take steps to report the matter to Police immediately.
5.5.2 Receiving a bribe is an offence under both the common law and Tasmanian Legislation.

5.6 Family members
5.6.1 Council officials must take all reasonable steps to ensure that immediate family members do not receive gifts or benefits of a non-token nature or gifts or benefits above the nominal value. Immediate family members include parents, spouses, children and siblings.
5.7 Records – Gifts and Benefits Registers

5.7.1 Council officials, who receive a multiple number of token gifts or benefits from the same person or organisation (cumulative gift) over a twelve month period that exceeds the nominal value must disclose that fact on the Gifts and Benefits Declaration Form and Register (attachment 1 and 2).

5.7.2 Where more than one Council Official receives a token gift from the same person or organisation, within a twelve month period, then the cumulative value of those gifts must be disclosed on the Gifts and Benefits Declaration Form and Register, by the senior officer of those staff who received the token gifts.

5.7.3 If an official of the Council receives a non token gift or benefit in circumstances where it cannot reasonably be refused or returned, the receipt of the gift or benefit should be disclosed and the details recorded on a Gifts and Benefits Declaration Form and in the Gifts and Benefits Register.

5.7.4 Benefits inclusive of scholarships or payment of training by external sources should be disclosed and the details recorded on a Gifts and Benefits Declaration Form and in the Gifts and Benefits Register.

5.7.5 The Register will be available for public inspection.

5.7.6 The content of the Registers will be monitored by the General Manager on a monthly basis.

5.8 Disposal of gifts

5.8.1 A supervisor, General Manager or Mayor is to determine whether a gift or benefit of a non token nature should be disposed.

5.8.2 There are options for the disposal of gifts that have been accepted because they could not reasonably be refused, but they should not be retained by an individual. Examples of such circumstances where gifts or benefits may be received include:

a) Gifts accepted for protocol or other reasons, where returning it would be inappropriate;

b) Anonymous gifts (received through the mail or left without a return address);

c) A gift received in a public forum where attempts to refuse or return it would cause significant embarrassment; and

d) A gift or benefit of significant value provided to a Council official through a Will, where the relationship between the giver and recipient was essentially a council related business relationship.
5.8.3 Options for disposal include:
   a) Surrendering the gift to Council for retention;
   b) Distributing the gift or benefit amongst a selection of Council’s officials - where a reasonable person would agree that the allocation was appropriate, (public perception); and
   c) Donating the gift to an appropriate charity.

5.9 Breaches of Policy
5.9.1 All Council officials are obliged to comply with the Gifts and Benefits policy and sanctions may be applied if the policy is breached.
5.9.2 Any person may report an alleged breach of the policy by an official of the Council to the General Manager or Mayor as appropriate who is to investigate any report received and take such action as is considered necessary.
5.9.3 If this policy has been breached, such action may include counselling, censure motions, disciplinary action (including termination of employment), the laying of charges and the taking of civil action.

Amendment Schedule:

Amended 15 April 2016 – new clause 5.7.4