


Gifts and Benefits Policy		 Longreach Regional Council
Policy Number:	4.2	
Policy Category:	Employment	
Authorised by:	Res-2020-10-270	
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Review Date:	15 October 2022	

PURPOSE

The purpose of the Gifts and Benefits Policy is to provide guidance to workplace participants who are offered gifts, rewards or benefits in connection with their duties while representing Council.

SCOPE

This Policy applies to all workplace participants when being offered or receiving gifts or benefits in connection with their duties and/or while representing Council.

LEGISLATION

Local Government Act 2009

Public Sector Ethics Act 1994

DEFINITIONS

Benefits – an advantage or profit gained from something in the course of official duties.

Chief Executive Officer (CEO) – Chief Executive Officer of Longreach Regional Council.

Executive Leadership Team – CEO and Directors.

Gifts – Refers to item or thing given and received without payment in the course of official duties.

Intangible Gifts and Benefits – is one which has no lasting value and which cannot be dealt with as property of Council. Examples include, but are not limited to: Entertainment and hospitality, tickets to the theatre, cultural events, sporting and other events; corporate offers of transportation, accommodation, tickets, meals and functions; conference transportation, accommodation and fees.

Nominal Gifts and Benefits – have a fair value less than \$50. Examples include, but are not limited to, entertainment, hospitality, a bottle of wine, bunch of flowers or a box of chocolates.

Reportable Gifts and Benefits – are construed as a single gift of property (including ornate and precision display items, clocks, furniture, figurines, works of art, jewellery, computers, palm pilots (or similar), equipment, or any benefit having significant or lasting real value), travel, entertainment or hospitality of a fair value greater than \$250.

Significant Gifts and Benefits – are construed as a single gift of property (including ornate and precision display items, clocks, furniture, figurines, works of art, jewellery, computers, palm pilots (or similar), equipment, or any benefit having significant or lasting real value), travel, entertainment or hospitality of a fair value between \$50 and \$250.

Workplace Participants – Councillors, employees, volunteers and contractors (including temporary contractors) of Council.

GUIDELINES

Gifts and Benefits Overview

Council is committed to open and transparent governance and recognises that workplace participants hold positions of public trust and must carry out their duties with integrity and impartiality.

Workplace participants must be mindful at all times of their obligation to maintain public confidence in Council administration and must be aware that acceptance of any gift or benefit from an external party may, or may be seen to, affect the performance of official duties, or influence, or be seen to influence, their decision-making or behaviour.

Workplace participants must not ask for or encourage the giving of any form of gift or benefit in connection with the performance of their official duties.

Any gift or benefit accepted, regardless of monetary value, implies, or may imply, a relationship which may interfere with objectivity and independence.

Any offers of gifts or benefits from a supplier or tenderer must be reported to the appropriate Director as well as the Chief Executive Officer (CEO).

Bribery and Solicitation of Gifts and Benefits

Acceptance of money or any other gifts perceived as bribery is strictly prohibited under all circumstances.

Soliciting gifts or benefits is strictly prohibited under all circumstances.

If a workplace participant becomes aware of a situation involving bribery or soliciting gifts or benefits they must report it to the appropriate Director as well as the CEO immediately. Where the Director and/or CEO are involved, the workplace participant should report the situation to Human Resources.

The CEO then has a responsibility to notify the Crime and Corruption Commission of any soliciting of gifts or benefits or offer of bribery occurs, by any workplace participants.

This responsibility extends to both if the workplace participant initiates, or is offered the gift or benefit.

Acceptance of Gifts or Benefits

Any gift or benefit accepted by a workplace participant when offered in connection with their duties and/or while representing Council is the property of the Longreach Regional Council. The CEO is the only person with authority to grant approval to workplace participants in relation to accepting and/or retaining gifts or benefits.

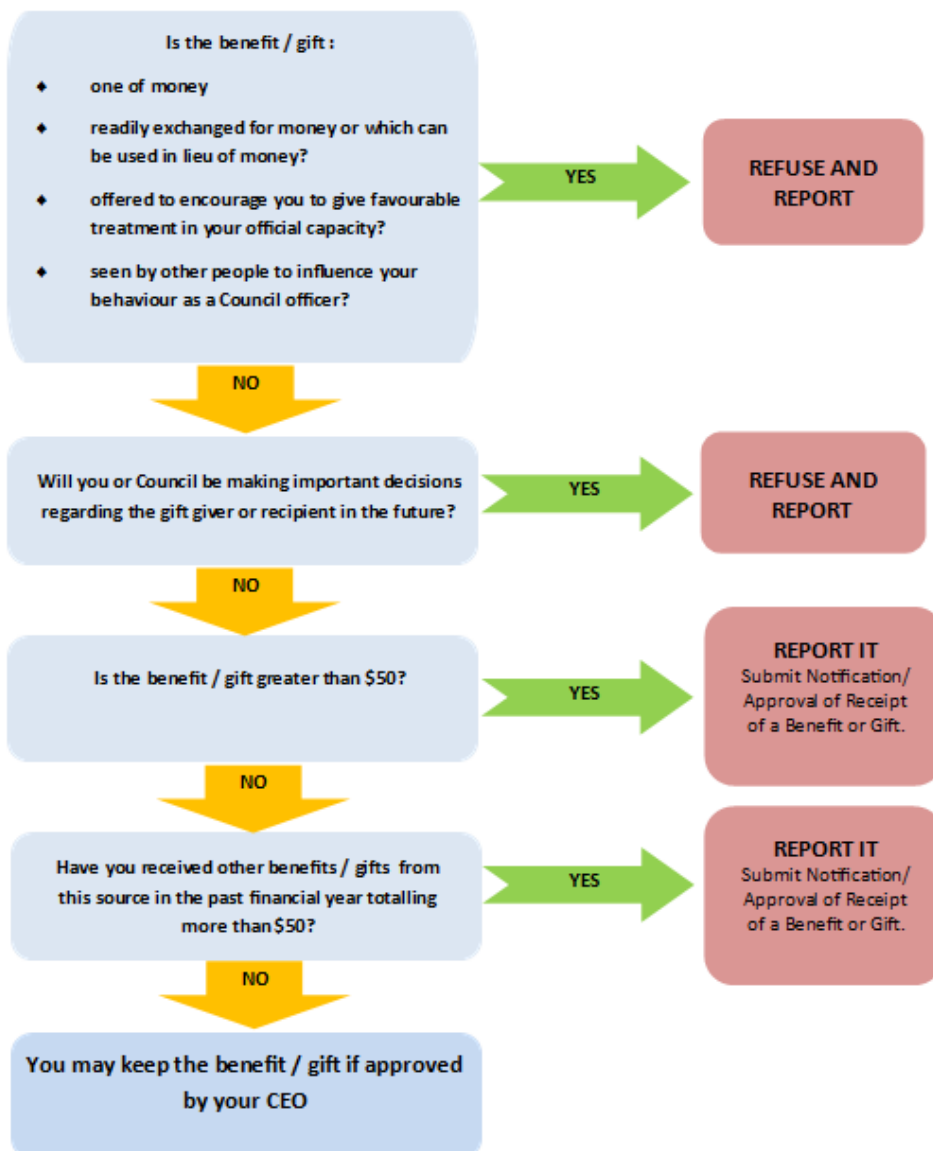
The acceptance of a gift or benefit may expose Council to a level of risk that should be considered when deciding whether the gift or benefit should be accepted or declined. In determining whether acceptance of a gift is appropriate, the three major considerations are:

- the intent in which the gift or benefit is given;
- the public perception of acceptance of the gift or benefit as well as the perception of obligations and expectations that may occur if it is accepted; and
- the value of the gift or benefit.

Further, acceptance of a gift or benefit may only be considered if it complies with the following principles:

- it does not influence, or have the potential or perceived potential, to influence, in any way so as to compromise, or appear to compromise, the integrity and impartiality of Council and/or the workplace participant, or to create a conflict of interest, or perception of conflict of interest; and
- it is not related to advice or decisions about Council business; and
- it does not incur any cost to Council.

This flowchart provides a guide on how a workplace participant may consider whether a gift or benefit may be accepted. Specific circumstances should be discussed with your Director or the CEO.



Non-Acceptance of Gifts or Benefits

A gift or benefit must not be accepted under any circumstances if any of the following principles apply:

- it is considered as a gift of influence;
- it affects, or could be perceived to affect, the performance of the recipient's official duties or influences, or could be seen to influence, the decision-making or behaviour of the recipient;
- the gift giver or any reasonable observer would conclude that the recipient may be under obligation to the gift giver;
- it is not offered openly; or
- it is an offer of money or anything readily convertible to money – for example, shares.

Gifts and Benefits Register

Any employee who receives, or is offered, a gift or benefit is required to provide written notice to the Chief Executive Officer within 2 business days. This notice is to be provided by Completing the "Significant Gift and Benefit Declaration" Form.

The Office of the CEO must keep a register of all gifts and benefits ("Gifts and Benefits Register"), and offers of gifts or benefits, received by workplace participants. This will be maintained by the Governance Executive Officer.

The Gifts and Benefits Register shall include the following information:

- date of the offer;
- details of the person and/or organisation offering the gift;
- the name and position of the recipient;
- description of the gift or benefit;
- estimated value of the gift or benefit; and
- decision regarding whether the gift should be retained by the recipient or otherwise.

The Gifts and Benefits Register may be reviewed by the Internal Audit and Risk Committee to identify any trends or patterns that may cause concern and need corrective or preventative action.

ACCOUNTABILITY, ROLES AND RESPONSIBILITIES

Workplace participants	If a workplace participant becomes aware of a situation involving bribery or soliciting gifts or benefits they must report it immediately.
	To have a thorough and comprehensive understanding of the risk that accompanies the offer and/or acceptance of a gift or benefit.
	Reporting any offer of a gift or benefit to ensure that it is recorded on the Gifts and Benefits Register.
Executive Leadership Team	Communicate and promote Council Policies and Management Directives and ensure their correct implementation.
	Provide advice to workplace participants on the acceptance or denial of offered gifts and/or benefits.
	Responsibility for reporting any offered gifts or benefits to the Governance Executive Officer to be recorded on the Gifts Register.
Executive Officer of Governance Executive and Special Projects	Maintenance of the Gifts and Benefits Register in line with legislative requirements and this Management Directive.

RELATED DOCUMENTS

Employment Policy No. 4.1

Code of Conduct for Employees Policy No. 4.5

Councillor Code of Conduct Policy No. 2.1

Gifts and Benefits Register

Gifts and Benefits Declaration Form

Version Control:

Version	Reason/Trigger	Change Y/N	Endorsed/Reviewed by:	Date
1	New		Council	16 August 2018
2	Review		Council	15 October 2020

Authorised by resolution as at 15 October 2020:



Mitchell Murphy
Chief Executive Officer