

	Gifts & Benefits Policy – Council Members & CEO	
	CATEGORY:	GOVERNANCE
	LG ACT 2019 REF:	Part 7.2 sections 112-113 Regulation 6(1)(g) Local Government (General) Regulations
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

1. PURPOSE:

This policy establishes the requirements for council members, committee members and the Chief Executive Officer (CEO) receiving gifts or benefits and disclosing relevant gifts or benefits.

2. SCOPE:

This policy applies to all elected members, committee members and the CEO.

3. DEFINITIONS:

Associate	As defined by section 8 of the Local Government Act (2019)
Campaign donation return	As defined by Part 8.6, section 148 of the Local Government Act (2019)
Gift	A thing given willingly to someone without payment; a present.
Nominal value	Means gifts or benefits totalling less than \$50 from the same donor or an associate of the donor in a single financial year
Protocol gift	Means a gift or benefit given to a council member for diplomatic, ceremonial or symbolic purposes that will not be sold or transferred (unless in diplomatic, ceremonial or symbolic circumstances).

4. POLICY:

4.1. Policy Principles

4.1.1. Council members, committee members and CEO must discharge their duties, responsibilities, and obligations impartially and with integrity including in relation to receiving, accepting and disclosing gifts or benefits.

4.1.2. Council members, committee members and CEO must not accept a gift or benefit of any value that may be perceived by a reasonable person to improperly influence the performance or decisions of the elected members and/or committee members or the council.

4.2. Relevant gifts or benefits

4.2.1. A relevant gift or benefit is a gift or benefit that exceeds the nominal value of \$50 and includes:

- a) a gift or benefit received and accepted by the CEO and/or council member and/or committee member; or
- b) a gift or benefit received and accepted by the CEO and/or council member and/or committee member for the CEO and/or council member and/or committee member or another person.

4.3. Rejecting gifts or benefits

4.3.1. If the CEO or council member or committee member has received any gift or benefit that breaches the principles at clause 4.1 above, the CEO or council member or committee member must reject the gift or benefit by returning it to the donor and respectfully explaining to the donor that acceptance of the gift or benefit would breach this policy.

4.4. Disclosure of relevant gifts or benefits

4.4.1. If a council member/committee member has received a relevant gift or benefit, the council member/committee member must inform the CEO as soon as practicable after receipt and provide the following information in writing:

- (a) name of the council member/committee member that received the relevant gift or benefit;
- (b) name of the donor (person or organisation) giving the gift or benefit;
- (c) date the gift or benefit was received;
- (d) description of the gift or benefit;
- (e) whether the gift or benefit is for the council, the council member/committee member or another person (including the full name and relationship of the person to the council member/committee member, if applicable);
- (f) value (or estimated value) of the gift or benefit;
- (g) reason for the gift or benefit;
- (h) any other relevant details.

4.4.2. If the CEO has received a relevant gift or benefit, the CEO must inform the President as soon as practicable after receipt and provide the following information in writing:

- (a) name of the donor (person or organisation) giving the gift or benefit;
- (b) date the gift or benefit was received;
- (c) description of the gift or benefit;
- (d) whether the gift or benefit is for the council, the council member/committee member or another person (including the full name and relationship of the person to the council member/committee member, if applicable);
- (e) value (or estimated value) of the gift or benefit;
- (f) reason for the gift or benefit;
- (g) any other relevant details.

4.4.3. The CEO is responsible for recording the details in the register of declared gifts and benefits.

4.5. Exemptions from disclosure

4.5.1. The principles in 4.1 still apply to gifts or benefits that are exempted from disclosure in the list below. The following gifts or benefits are exempted from disclosure under this policy:

- (a) a gift or benefit given to the CEO or council member/committee member by the council

- (b) a protocol gift given to the CEO or council member/committee member for the council
- (c) a gift or benefit given to the council in relation to its status as a body corporate where no individual council member/committee member or the CEO are considered to have accepted the gift or benefit;
- (d) food, accommodation, hospitality or entertainment included in the attendance of meetings, conferences, training courses, functions or other events that have been organised through the council or that are required in accordance with performance of the CEO or council member/committee member’s official duties;
- (e) a donation disclosed (or to be disclosed) by the council member/committee member in a campaign donation return;
- (f) a private and personal gift (such as a birthday present from a family member).

5. ASSOCIATED DOCUMENTS

GOV Code of Conduct – Council Members
 FIN CEO Allowances & Other Benefits
 HR Code of Conduct - Workplace Participants

6. REFERENCES AND LEGISLATION

Local Government Act 2019 Part 7.2
 Local Government (General) Regulations 2021

7. REVIEW HISTORY

Date Approved: 19/09/2023	Approved By: Moved: Cr Peter Clee Seconded: Cr Sarah Smith Vote: AIF	Resolution No: 2023/147	Date for review: Next council election
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