

Policy owner	Governance Coordinator
Department	People and Performance
Date endorsed	16 July 2024
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Policy statement/Objectives

Kiama Municipal Council is committed to following a Gifts and Benefits Policy which enhances public confidence in the integrity of local government and adheres to our core values.

The purpose of this Policy is to establish standards and provide direction to all Council officials on how to deal ethically with the offer of gifts and benefits in relation to Council’s functions and/or their individual roles and responsibilities with Council.

The objectives of this Policy is to:

- clearly define the behaviour required of Council officials in relation to gifts and benefits; and
- provide a transparent and accountable process with regard to gifts and benefits that promotes public confidence in Council.

Scope

This Policy applies to all council officials.

The term “council official” is used within this Policy and is defined in accordance with the relevant Codes of Conduct as “councillors, members of staff of council including contractors and volunteers, administrators, council committee members, conduct reviewers and delegates of council”.

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

Any gift or benefit offered or accepted over the value of \$10 shall be subject to the provisions of this Policy.

This Policy is to be applied in conjunction with provisions in Council’s relevant Codes of Conduct.

References

This Policy should be read in conjunction with the following:

- Council’s Code of Conduct for Council Staff, Contractors and Volunteers
- Council’s Code of Conduct for Councillors
- Basic Standards - Gifts and benefits - Independent Commission Against Corruption website

Consultations

- Executive Leadership Team
- Management Leadership Team

Definitions

Term	Definition
Council Official	Councillors, members of staff of council including contractors and volunteers, administrators, council committee members, conduct reviewers and delegates of council
Gift or benefit	any item, service, prize, hospitality or travel, provided by a customer, client, applicant, supplier, potential supplier or external organisation, which has an intrinsic value and/ or a value to the recipient, a member of their family, relation, friend or associate ¹

Variation and review

Council reserves the right to review, vary or revoke this Policy.

This Policy may be varied by resolution of the Council. This Policy should be reviewed as required but at least annually and/or following the conduct of the Local Government elections.

¹ Public Service Commissioner Direction No 1 of 2022 – Managing Gifts and Benefits: Minimum Standards

Review history

Date reviewed	Date adopted / endorsed	Brief detail of amendments
	16 July 2024	New Policy

POLICY

1. Key considerations

- 1.1. If a Council official is offered a bribe, the incident must immediately be reported to the Chief Executive Officer (CEO), Independent Commission Against Corruption (ICAC) and where relevant, NSW Police.
- 1.2. Council officials must not seek personal gifts or benefits. Any person aware of a Council official seeking gifts or benefits must immediately report the matter to either the CEO, Public Officer, Governance Coordinator and/or the relevant Manager.
- 1.3. If you believe a gift or benefit has been offered for the purpose of influencing the conduct of a Council official in their official capacity, the gift or benefit must be declined and a report must be made to either the CEO, Public Officer, Governance Coordinator and/or the relevant Manager.
- 1.4. Any offer of a gift in the form of money is to be refused. 'Money' includes any form of credit or cash like gift such as, but not limited to cash, cheques, money orders, bank deposits, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, memberships or entitlements to discounts, regardless of the amount or value. This situation includes offers of money to cover expenses for trips to view samples of work, or to expedite the work of Council.
- 1.5. Any offer of a gift of 'money' is to be reported immediately to the CEO, Public Officer, Governance Coordinator and/or the relevant Manager and must be declared in accordance with this Policy.
- 1.6. As a general rule, all gifts and benefits offered to a Council official are to be declined and declared to Council, unless otherwise permitted under the Code of Conduct or this Policy (ie items with a value of less than \$10 – "token value").
- 1.7. If you receive a gift or benefit of more than \$10 that cannot reasonably be refused or returned, the gift or benefit must be declared and surrendered to the Council's Public Officer, unless the nature of the gift or benefit makes this impractical.
- 1.8. Where you receive a gift or benefit of any value above \$10, you must disclose this promptly to your Manager, Director or the CEO in writing by the completion of a Gifts and Benefits Declaration Form to be recorded in Council's Gifts and Benefits Register. At a minimum, the following details are required:
 - (a) the nature of the gift or benefit;
 - (b) the estimated monetary value of the gift or benefit;
 - (c) the name of the person who provided the gift or benefit; and
 - (d) the date on which the gift or benefit was received.

- 1.9. Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single twelve (12) month period where the value of the gift, if added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same twelve (12) month period would exceed \$100 in value.
- 1.10. Any gift or benefit unable to be declined and/or exceeding \$100 in cumulative value, during the same twelve (12) month period, must be declared and surrendered to Council.
- 1.11. A gift or benefit is deemed to have been accepted by you, for the purposes of this Policy, where it is received by you or someone personally associated with you.
- 1.12. Gifts or benefits that exceed \$100 in value must not be accepted.
- 1.13. For the purposes of this Policy, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.
- 1.14. Any gift that is received without the recipient's prior knowledge, for example in the mail, must immediately be reported and declared, and every effort made to return it.
- 1.15. Should a Council official receive a gift, benefit or prize as a result of entering (or being included) in a competition during the course of their official duties, the gift, benefit or prize is to be surrendered to Council and will become the property of Kiama Council.
- 1.16. Any gift or benefit received when procuring products, services or other on behalf of Kiama Council are to be declared and surrendered and will become the property of Council.
- 1.17. Any gift or benefit received as a result of a purchase incentive scheme is to be declared and surrendered and will become the property of Kiama Council. For example, if purchases from a specific supplier reach a certain value which results in a gift being rewarded, this gift will become the property of Kiama Council.

Related forms/Documents

- Gifts and Benefits Declaration Form

Attachments

Nil	
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Authorisation

Name: Council resolution Council meeting | 24/228OC

Date: 16 July 2024