



WUJAL WUJAL ABORIGINAL SHIRE COUNCIL

Gifts and Benefits Policy

Document Control

Version History:	November 2024	File Reference	Magiq 36246
Reviewed and adopted	19.11.2024	Resolution Ref	2024.11.19-03
Next review due	2026		

1. Origin / Authority

Wujal Wujal Aboriginal Shire Council.

This is a discretionary policy, resolved by Council under its powers in accordance with the Queensland Local Government Act (2009) Chapter 2, Section 9 which states: *'Powers of local governments generally: (1) A local government has the power to do anything that is necessary or convenient for the good rule and local government of its local government area.'*

2. Definitions

CEO:	The Chief Executive Officer of the Wujal Wujal Aboriginal Shire Council appointed in accordance with the Local Government Act 2009.
Council:	Wujal Wujal Aboriginal Shire Council, its elected Councillors, its management, and its employees.
Council Employees:	All/any permanent, casual and temporary employees, contractors, volunteers, apprentices, trainees and work experience students.
Conflict of Interest:	A conflict between a person's personal interest and the persons official duties with council.
Donor:	The person or organisation making the offer of a gift/benefit to Council, a Councillor or employee.
Fair market value:	The reasonable retail value of an item.
Gift/Benefit:	A gift given voluntarily to show favour toward someone, honour or occasion, or make a gesture of assistance or goodwill which is good outside of normal open contractual arrangements.

3. Purpose

The purpose of this policy is to:

- Provide councillors and employees instruction on appropriate ways to deal with offers of gifts and/or benefits in connection with their duties whilst representing Council
- Provide councillor's and employees with principles and processes when gifts or benefits are accepted
- Support Council's commitment to open and transparent governance
- Minimise risks of councillors' and employee's exposure to an actual or perceived Conflict of Interest or damage to reputation

4. Scope

This policy governs the treatment of gifts and benefits offered to and/or received by Councillors and employees in the execution of their duties. It applies to all Councillors and Council employees, including permanent, casual and temporary employees, contractors, volunteers, apprentices, trainees and work experience students.

This policy **does not** apply to:

- Electoral gifts to councillors as defined in the Electoral Act 1992 or Local Government Electoral Act 2011
- The provisions of the Local Government Act 2009 with respect to when a councillor has a prescribed or declarable conflict of interest relating to gifts or loans

5. Policy Statement

Council acknowledges the following principles:

- The Community expects councillors and employees to discharge their responsibilities impartially and with integrity.
- Accordingly, the acceptance of gifts and/or benefits outside of a controlled and transparent process can result in negative perceptions and damage to Council's reputation.
- Major considerations in determining whether acceptance of a gift/ benefit is reasonable include:
 - The intent in which the gift or benefits were given.
 - The public perception of acceptance of the gift/benefit.
- It is not appropriate for councillors or employees to accept a gift or benefit, if the intention of the giver was to benefit from the exchange in any way.
- There can be circumstances where the offering or acceptance of a gift or benefit is reasonable, and the transparent process for consideration and disclosure is detailed in section 5 of this policy document.

6. Notification / Approval of Receipt of gift or Benefit

6.1 Acceptance of gifts and benefits

If a councillor or employee is offered a gift, they must consider why the gift is being given and whether acceptance is appropriate. Each type of gift carries with it different risks that must be considered when deciding whether or not acceptance is appropriate.

The following must be considered:

- Relevant legislation.
- Why the offer or gift was made.
- The value and type of the gift/benefit.
- The likely public perception of acceptance, whether there is a perceived or actual conflict of interest in accepting the gift or benefit.
- Whether there is a perceived or actual conflict of interest in accepting the gift or benefit.
- Whether a tender or quotation or contract negotiations are pending or underway.

6.2 Circumstances where the acceptance of a gift or benefit is not appropriate

Councillors and employees **must not** accept a gift and /or benefit irrespective of value, if any of the following apply:

- If it could be seen to affect the performance of an individual's duties.
- Could be seen to influence a decision-making process.
- The donor or any reasonable observer, could interpret that the recipient may be under an obligation to the donor because of receiving the gift.
- If the intention of the giver was to benefit from the exchange in any way.
- It is not offered openly.
- It is an offer of money.

Any gifts or benefits offered in this manner must be reported immediately to the relevant Manager or CEO (for employees) or to the Mayor (for Councillors and CEO). If unsure councillors and employees should decline offers.

6.3 Circumstances where it may be appropriate to accept a gift

Acceptance of a gift/benefit **may be** appropriate if it complies with the following:

- It does not influence, or has the potential or perceived potential to influence, to compromise the integrity of the recipient, or create a conflict of interest.
- It is not related to advice or decisions about for example: granting licences, inspecting and regulating businesses, granting of approvals, letting of contracts, procuring goods/services, the provision of Council services, or the provision of a Council grant.
- Where the gift is of cultural or historical significance. Any such gifts must be declared in the Register of Gifts and Benefits and these culturally/historically valuable gifts must be retained.
- Gifts of cash or items readily converted into cash **must be refused** regardless of the value.

The following gifts are considered low risk and can be generally by accepted without addition to the Gifts and Benefits Register:

- Gifts under a nominal value of \$50 made in gratitude for carrying out a specific task e.g. a small personal gift to a Councillor or employee for speaking at a function.
- Low value corporate gifts made as a marketing initiative, e.g. mass produced as mementos at a conference or course.
- Ceremonial or symbolic gifts from visiting organisations provided to Council e.g. plaque of appreciation or memento. Gifts made to the Council remain the property of the Council and not the individual.

6.4 Declaring and reporting of Gifts and Benefits on Council's Register of Gifts and Benefits

When gifts and benefits are received over the estimated nominal value of \$50, it is important that they are dealt with in a consistent and appropriate manner.

- All gifts received must be recorded in Council's Register of Gifts and Benefits.
- An employee who receives a gift and/or benefit is required to fill out the 'Notification /Approval of Receipt of Gift or Benefit Form' and forward the completed form to the CEO within five business days of receipt of the gift and /or benefit.
- The details of the gift or benefit will then be noted in the Register of Gifts and Benefits.

Should the Chief Executive Officer or Councillor accept a gift or benefit he/she is required to submit the 'Notification /Approval of Receipt of Gift or Benefit Form' to the Mayor. In the case of the Mayor receiving gift and/or benefit, this must be reported to the Deputy Mayor.

The Register of Gifts and Benefits must include:-

- The date the gift was offered.
- The date the notification was made.
- The recipient and donor.
- Estimated fair market value.
- Determination on how the gift was dealt with.

The Register of Gifts and Benefits forms part of Councils publication scheme and must be published online within 10 calendar days of the end of each quarter.

If the gift/benefit is retained by **Council**, it must be used for public benefit or in an appropriate manner. If there is no such use, then the gift/benefit may be disposed of in an appropriate and sensitive manner (e.g. donation to a charity, hospital, school or community organisation).

6.5 Gifts exceeding an estimated nominal value of \$500

Councillors are required to record any gift with an estimated value of over \$500 or multiple gifts which together total more than \$500 on a Councillor's Individual Register of Interests pursuant to *Section 291 of the Local Government Regulation, 2012*.

The CEO and Directors must disclose gifts over \$500 or multiple gifts which together total more than \$500 on their Register of Interests under Part 5, Chapter 8 of the *Local Government Regulation 2012*.

7. Responsibilities

7.1 All Councillors and Council Employees

Must comply with this policy when considering the acceptance of gifts or benefits in the context of their official duties.

7.2 Managers

Must implement controls within their area of responsibility to ensure compliance with this policy.

7.3 Corporate Services Manager

Is the custodian of this policy and will ensure the Register of Gifts and Benefits is maintained.

7.4 Chief Executive Officer, Mayor and Deputy Mayor

Will make determinations upon receipt of the Gift/Benefit Declaration Forms and make arrangements for those determinations to be entered into the Register of Gifts and Benefits.

8. Risk

This policy seeks to minimise the risk to Council, Councillors and employees of actual or perceived Conflict of Interest or damage to reputation through the acceptance of gifts or benefits during the course of their official duties. It provides instruction on appropriate ways to consider, deal with and transparently document offers of gifts and/or benefits in connection with their duties.

9. Relevant Legislation, Documents and Forms

- Local Government Act 2009 (Qld).
- Local Government Regulation 2012 (Qld).
- Public Sector Ethics Act 1994 (Qld).
- Code of Conduct for Employees.
- Code of Conduct for Councillors.
- Register of Gifts and Benefits (published quarterly).
- Notification / Approval of Receipt of Gift or Benefit Form.

10. Review

Council will formally review this policy every two years.



Kiley Hanslow

Chief Executive Officer

Wujal Wujal Aboriginal Shire Council