



FOR PUBLIC EXHIBITION

Submissions are to be addressed to the General Manager

Reference U12/70

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Exhibition period closes COB on 21 January 2021.

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**Policy:**

**Gifts and Benefits**

**2020**

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## INFORMATION ABOUT THIS DOCUMENT

<b>Date Adopted by Council</b>		<b>Resolution No.</b>	
<b>Document Owner</b>	<i>Executive Manager Corporate Services</i>		
<b>Document Development Officer</b>	<i>Coordinator Governance and Risk</i>		
<b>Review Timeframe</b>	<i>4 Years</i>		
<b>Last Review Date:</b>	2020	<b>Next Scheduled Review Date</b>	2024

### **Document History**

<b>Doc No.</b>	<b>Date Amended</b>	<b>Details/Comments eg Resolution No.</b>
1	23 July 2019	Adopted for Public Exhibition
2	December 2020	Amended following Office of Local Governments amendments to the Model Code of Conduct

### **Further Document Information and Relationships**

List here the related strategies, procedures, references, policy or other documents that have a bearing on this Policy and that may be useful reference material for users of this Policy.

<b>Related Legislation*</b>	Local Government Act 1993 Local Government (General) Regulations 2005 Independent Commission Against Corruption Act 1988
<b>Related Policies</b>	Code of Conduct 2020
<b>Related Procedures/ Protocols, Statements, documents</b>	Independent Commission Against Corruption “Managing Gifts and Benefits in the Public Sector – Toolkit: Procedures for the Administration of the Code of Conduct 2020 Gifts and Benefits Procedure

Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.

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DRAFT

**1. OBJECTIVES**

To provide guidance to Council officials in regard to the acceptance or refusal of gifts and benefits, as contained in Council's Code of Conduct.

To meet Council's legal obligations and comply with guidelines issued by regulatory authorities.

**2. SCOPE**

This policy applies to all Council officers and provides direction on the acceptance of gifts and benefits offered in relation to Council's functions and/or an individual's role and responsibility with Council.

**3. STATEMENT**

Council officials at some stage in their career may be offered a gift or benefit in the course of their work. The gift or benefit could be offered innocently, or in good faith, or could be offered in an attempt to influence the Council official.

If Council officials accept a gift or benefit, this can give rise to feelings of obligation on their part towards the giver. It can also create perceptions that they are or will be influenced because of the gift or benefit. This policy assists Council officials in dealing with gifts and benefits and to support the provisions in the model code of conduct regulating gifts and benefits

Council will:

- (a) Make Council officials aware of their obligations and responsibilities concerning the management of offers of gifts or benefits.
- (b) Provide guidance to Council officials in identifying, assessing and managing offers of gifts or benefits so that they do not constitute, or may be perceived to constitute, corrupt conduct.

This policy should be read in conjunction with the latest adopted versions of the Code of Conduct Policy and Gifts and Benefits Procedure.

The Code provides that Council officials must not:

- (a) Seek or accept a bribe or other improper inducement.
- (b) Seek gifts or benefits of any kind.
- (c) Accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty.
- (d) Accept any gift or benefit of more than token value.
- (e) Accept an offer of cash or a cash-like gift, regardless of the amount.

Council officials must consider the cumulative value of gifts or benefits when determining if they could be accepted. Council officials must take all reasonable steps so that their immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses (including de facto spouses), children and siblings.

Any gift or benefit that is accepted must be approved and recorded in the Gifts and Benefits Register.

Council has elected the stricter amount of \$50 as the token value, which is a lower value than recommended in the Model Code of Conduct.

**4. RISK**

Application of this policy is a strategy to mitigate the risk of fraud, maladministration, conflict of interests and corruption.