6.02.10 Registration of Gifts and Benefits

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<tr>
<th>Directorate</th>
<th>Business and Governance</th>
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<td>Responsible Officer</td>
<td>Executive Manager People and Governance</td>
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Executive Summary

Council’s Code of Conduct outlines Councillor and Staff responsibilities in regard to Gifts and Benefits. This procedure outlines the processes to be followed by Bega Valley Shire Councillors and Staff if a gift or benefit has been received or offered. Clause 6 of the Code of Conduct states:

**Part 6 Personal Benefit**

6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.

6.2 A reference to a gift or benefit in this Part does not include:

   a) a political donation for the purposes of the Electoral Funding Act 2018
   b) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them.
   c) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
   d) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
      i) the discussion of official business
      ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
      iii) conferences
      iv) council functions or events
      v) social functions organised by groups, such as council committees and community organisations.

**Gifts and benefits**

6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.

6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

**How are offers of gifts and benefits to be dealt with?**

6.5 You 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) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
g) personally benefit from reward points programs when purchasing on behalf of the council.

6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council’s gift register:
   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.

6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of $50. They include, but are not limited to:
   a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed $50
   b) gifts of alcohol that do not exceed a value of $50
   c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
   d) prizes or awards that do not exceed $50 in value.

Gifts and benefits of more than token value

6.9 Gifts or benefits that exceed $50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.

6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds $50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

6.11 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 12-month period where the value of the gift, 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 12-month period would exceed $50 in value.
6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

6.13 For the purposes of clause 6.5(e), “cash-like gifts” include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.

6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

Internal Process for declaration of Gifts

Gift Register

Council’s Gift Register is maintained by the Executive Assistant’s (EAGM&M) to the Mayor and General Manager and is located in Council’s electronic filing system HPE C9.

Bega Valley Shire Council encourages Councillors and staff to declare all gifts, including offers of gifts refused. In particular, any gifts or offers of gifts of alcohol, cash or cash like gifts should be declared. As outlined in the Code of Conduct this should be in writing to the relevant Manager or General Manager. This can be by a letter lodged with Council’s records staff or by email to your manager or to the EAGM&M execassist@begavalley.nsw.gov.au.

Managers who receive a declaration of gifts from a staff member should forward the advice to the EAGM&M.

Gifts that cannot be refused that are of more than token value should be handed to the EAGM&M who will hold them until the General Manager determines the action to be taken. The General Manager may determine that the gift:

- Be returned to the donor
- Be provided to Bega Valley Shire Council’s staff Goodwill Committee for fundraising purposes
- Be provided to a community organisation or charity as a donation
- That perishable goods may be shared by all staff within the gift recipient’s work department.

Gifts of token value can be declared and noted in the register even if kept by the Councillor or staff member. Examples of declared gifts of token value are outlined in the table below:
### Procedure 6.02.10 Registration of Gifts and Benefits

**Initially Adopted:** 23 July 2019  
**Version:** 1  
**Issued:** 23 July 2019  
**Next review:** November 2021

<table>
<thead>
<tr>
<th>Date Received</th>
<th>Description</th>
<th>Value</th>
<th>Donor</th>
<th>Recipient</th>
<th>Proceeds to which Charity or action taken</th>
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| 23/10/2018    | Flowers, Champagne and a T-shirt     | $50    | University of Wollongong - Bega Campus     | Bill Smith  
Customer Service Officer | Champagne - Good Will Committee.  
Flowers and T-shirt kept for personal use. |
| 27/11/2018    | Annual networking TAFE dinner        | $45    | TAFE NSW                                   | Jane Doe – Civic Centre Manager          | The dinner was attended as part of the Council roles |
| 30/11/2018    | Handmade Christmas decorations       | unknown| Tathra Public School Students              | The Mayor, Cr Kristy McBain and General Manager, Leanne Barnes | Kept for personal use |

### Public Access and Annual Reporting

The Gift Register is an open access document under the *Government Information Public Access (GIPA) Act 2009*. A copy of the register can be requested at any time as an informal GIPA request.

A report is presented to Council annually outlining the declarations in the Gift Register for the period 1 September to 31 August each year and those reports are published on Council’s Meeting and Agendas page within the Bega Valley Shire Council website.