

	POLICY# 2.13 Gifts, Benefits & Hospitality POLICY AREA Governance	Version No:	2
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Aims & Objectives

To provide clear guidelines for elected members and staff on the acceptance of gifts, benefits or hospitalities from individuals or other entities external to The District Council of Tumby Bay.

The District Council of Tumby Bay's objectives of this policy are to:

1. Protect its assets, its integrity and reputation
2. Protect its elected members and staff from allegations of impropriety

Policy Detail

The District Council of Tumby Bay (the council) supports the principle that elected members and staff must be, and be seen to be ethical, fair and scrupulous in the conduct of official duties.

Staff are fully accountable and responsible for their actions and are to ensure that the methods and procedures they use to arrive at decisions are beyond reproach and can withstand audit processes and public scrutiny.

Elected members, staff and their families should avoid circumstances where accepting a gift, benefit or hospitality could give the appearance of a past, present or future conflict of interest with official Council duty, or where the offer of a gift, benefit or hospitality could be interpreted as having been made with the objective of securing, or in return for favour or preference.

1. General Principles

Elected Members and staff should:

- 1.1 Avoid the intent or appearance of unethical or compromising practice in relationships, actions and communications.
- 1.2 Demonstrate loyalty to the Council by diligently following the lawful instructions and policies of the Council, using reasonable care and only the authority granted.
- 1.3 Refrain from any private business or professional activity that would create a conflict between personal interests and the interests of the Council.
- 1.4 Refrain from soliciting or accepting money, loans, credits or prejudicial discounts, and the acceptance of gifts, entertainment, favours or services from current or potential suppliers, contractors, persons, companies or organisations that might influence or appear to influence Council decisions.
- 1.5 Not use their position with the Council to obtain gratuities or discounts on any goods or services for their personal use from any person, company or organisation with whom the Council does or could do business, where such gratuity or discount would not be available to any member of the general public. Gratuities or discounts obtained due to memberships of union, professional bodies or the like are acceptable.

- 1.6 Ensure that persons, companies or organisations that are or could be doing business with the Council do not feel they have any obligation to offer gifts or hospitality to employees or members of the Council to secure or retain Council business. In this context, if the elected member or employee considers that the other person may feel compelled or obliged to offer a gift or hospitality, it is better to indicate to that person, prior to the commencement of any business relationship that they do not expect or encourage such offers.
- 1.7 Elected members are encouraged to register details of any gifts they receive in their capacity as an elected member. An official register (file) for this purpose will be maintained as part of Council's records.
- 1.8 Act according to the law in avoiding corruption defined by the Anti-Corruption Branch of the South Australian Police.

2. Definitions

For the purpose of this policy:

- 2.1 "Benefit" includes, but is not limited to:
 - hospitality, such as restaurant meals
 - entertainment
 - goods in the form of liquor, gift baskets, complimentary tickets or other such benefits
 - airfares and accommodation
- 2.2 Any benefit offered to a relative of an employee will be deemed to be offered to the employee.
- 2.3 "Relative" will be as defined in Section 4 of the Local Government Act 1999 (as amended).
- 2.4 "Suppliers" refers to any person or organisation that provides or is likely to provide goods or services to the Council.
- 2.5 "Corruption" being defined as
 - Conduct of a public official involving a breach of duty or abuse of office engaged in as a result of a bribe or threat or to gain any financial or other advantage or for any dishonest or improper purpose.
 - Conduct of a public official or any other person involving the soliciting, offering, taking or giving or a bribe or any financial or other advantage, or the making of any threat, to induce a breach or neglect of duty or abuse of office on the part of a public official.
 - Conduct of a public official or any other person involving a conspiracy or attempt to engage in conduct of a kind referred to previously where that conduct constitutes or involves, or might constitute or involve, a criminal offence

3. Acceptance Of Benefits

An elected member or employee must not accept any benefit from any individual or entity if there may be a real or potential risk of compromise or conflict of interest. Benefits with a value in excess of \$50 must be declared. Any benefits in excess of \$100 in value may be accepted only when approved by the Chief Executive Officer or the Deputy CEO. The person approving the

benefit will determine if it should be retained by the Council, the employee or distributed in some other manner.

Under no circumstances are members or employees to accept or receive cash, suppliers' goods or services at no cost or non-commercial discounts.

Benefits are not to be accepted under any circumstance by an employee who is aware that the benefit is being offered by a supplier who is in the process of tendering for the supply of goods and services to the Council.

Where the estimated value of the benefit exceeds \$100 and approval cannot be gained, the employee has the responsibility to politely refuse the gift. If refusal has the potential to damage Council's relationship with the person, company or organisation making the offer, then the gift may be accepted but must be reported at the first opportunity to the Chief Executive Officer or the Deputy CEO. They will make a decision as to whether the gift accepted will become Council property or arrangements made to donate it to a charitable institution in the name of the person, company or organisation that provided the gift. The Chief Executive Officer will advise the Mayor or Council of such action.

Elected members in a similar position should report the matter to the Mayor who may seek advice from the Chief Executive Officer on the appropriate action to take.

4. Reporting

All gifts, benefits, or hospitality with a value in excess of \$100 offered to or received by members or employees are to be reported to the respective Manager, Chief Executive Officer or Deputy CEO.

A Register of Benefits will be maintained by the Chief Executive Officer in which will be recorded all benefits received by employees to the value in excess of \$100. Details to include:

- date received
- receiver of benefit
- benefit description
- approximate (or known) value
- provider of the benefit
- reason for giving the benefit

This register will be reviewed by the Audit Committee on an annual basis.

Where an elected member or employee believes that an offer of a benefit is an attempt to influence the outcome of Council business, details are to be provided to the Chief Executive Officer as a matter of urgency.

REGISTER OF BENEFITS (POLICY 2.13)

Date Received	Receiver of Benefit	Benefit Description	Value \$	Provider of Benefit	Reason	Authorised by: (CEO)

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