



STRATEGIC POLICY
MOUNT ISA CITY COUNCIL
Employee Gifts and Benefits Policy

RESOLUTION NO. **OM11.04.2018** VERSION **V1**

APPLIES TO STRATEGIC POLICIES ONLY

This an official copy of the **Employee Gifts and Benefits Policy**, made in accordance with the provisions of *Local Government Act 2009, Local Government Regulation 2012, Public Sector Ethics Act 1994, Crime and Corruption Act 2001 and current Council Policies.*

Strategic policies are adopted by Council due to its desire to influence the direction of an issue or assist in the delegated decision making of Council officers. Strategic policies should follow the jurisdiction provided to Council through its Corporate Plan; the **Employee Gifts and Benefits Policy** is approved by the Mount Isa City Council for the operations and procedures of Council.

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 Sharon Ibardolaza
Chief Executive Officer

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1. PURPOSE

The purpose of the Employee Gifts and Benefits Policy is to clearly outline the obligations of Mount Isa City Council ("Council") employees in relation to gifts or benefits in connection with their duties while representing Council. This policy supports Council's commitment to the ethics principles outlined in the *Public Sector Ethics Act 1994* which are declared to be fundamental to good public administration. The ethics principles are;

- Integrity and impartiality;
- Promoting the public good;
- Commitment to the system of government; and
- Accountability and transparency.

2. COMMENCEMENT

This Policy will commence on and from 18 April 2018. It replaces all other policies or arrangements governing gifts and benefits for employees (whether written or not).

3. APPLICATION

This Policy applies to all employees and contractors of Council. This policy does not apply to Councillors.

4. RESPONSIBILITIES

- 4.1 Pursuant to s199 of the *Local Government Act 2009*; a local government employee must not ask for, or accept, a fee or other benefit for doing something as a local government employee.
- 4.2 Employees must be mindful of their obligation to maintain public confidence in Council and must be aware that acceptance of any gifts or benefits from an external party, may, or may be seen to affect the performance of their official duties, or influence, or to be seen to influence, their decision-making or behaviour.

5. DISCLOSURE AND RECORDING REQUIREMENTS

- 5.1 Any gift or benefit offered or received by a Council employee that has an estimated value of \$150 (GST inclusive) or more must be declared to the Chief Executive Officer ("CEO") through the completion of a Gift and Benefit Declaration form within 10 days of offer/acceptance.
- 5.2 Additionally, any gift or benefit received by the CEO, senior executive employee or a relation of the CEO or executive employee, whether retained by the individual or by Council and which exceeds \$500 must be recorded on their Register of Interests.
- 5.3 All declarations should be submitted to the Governance team to be recorded in the Gifts and Benefits Register.
- 5.4 Gifts and benefits not required to be reported include, but is not limited to;
 - i. Items received under an approved employee health and well-being program or an appropriately approved rewards and recognition program;
 - ii. Items that can be regarded as mementos such as pens, stationary, promotional items;
 - iii. Items where the value does not exceed \$150 (GST inclusive);
 - iv. Items received by family or personal friends offered purely in a personal capacity.

6. MULTIPLE GIFTS/BENEFITS AND CUMULATIVE VALUE

- 6.1 Where multiple gifts or benefits are accepted from the same provider or on behalf of the same organisation and the cumulative value is more than \$150 in a financial year, then each gift or benefit must be reported to the Governance team and recorded on the Gifts and Benefits Register once the relevant threshold is reached or is considered likely to be reached in the future.

7. GIFTS AND BENEFITS REGISTER

- 7.1 The Gifts and Benefits Register is maintained by Council's Governance team and will record the following information;
- i. Details of the gift/ benefit;
 - ii. Date gifted/provided;
 - iii. Fair market value of the gift;
 - iv. Name of individual and/or organisation that offered the gift /benefit;
 - v. Name and position of gift recipient;
 - vi. Details of how the gift or benefit was dealt with (eg use by the organisation, retained by an individual employee or group of employees, or non-acceptance); and
 - vii. Reason for gift.

8. ACCEPTANCE OF GIFTS OR BENEFITS

- 8.1 Employees who are offered gifts or personal benefits in relation to the conduct of Council business must decide whether it is appropriate to accept the gift or personal benefit by considering;
- i. Why was the offer made;
 - ii. Do they have concerns that the acceptance of the gift or benefit may have created an obligation on their part; and
 - iii. The public perception of acceptance of the gift or benefit.
- 8.2 If in doubt, employees should seek clarification from their supervisor.

9. NON-ACCEPTANCE OF GIFTS OR BENEFITS

- 9.1 Employees must not accept gifts or benefits, irrespective of its value, where;
- i. It is considered a gift of influence, where it may be seen to affect the performance of the employees official duties;
 - ii. The donor may interpret that the employee may be or be perceived to be under obligation to the donor as a result of accepting the gift or benefit;
 - iii. The gift is cash. Where cash is offered to an employee, they must report this to the CEO.

10. RETENTION OF GIFTS OR BENEFITS

- 10.1 Where an employee decides it is appropriate to accept the gift or benefit, over the value of \$150 (GST inclusive), it becomes property of Council and must remain at Council.
- 10.2 Where a gift or benefit is accepted as an appreciation for a task or service carried out by more than one employee, the gift or benefit should be shared with the group where possible.
- 10.3 Where the employee believes the gift or benefit may only be utilised by an individual, or would like to retain for personal use, the employee may apply to the CEO, in writing, for approval.

11. CORPORATE HOSPITALITY

- 11.1 In order to establish effective working relationships, exchange information to enhance effectiveness of the Council, Councillor participation in modest forms of hospitality is permitted where;
- a) It is in the normal course of business;
 - b) It is normal hospitality associated with greeting and meeting eg tea and coffee;
 - c) It relates to official duties which has a public benefit and is disclosed in accordance with this policy.

12. SPONSORED HOSPITALITY BENEFIT

12.1 Employees are required to declare to Council, each sponsored hospitality benefit received by themselves or a relative valued at more than \$150 (GST inclusive), other than in an official capacity where;

- a) Travel has been undertaken; or
- b) Accommodation has been used; and
- c) A contribution, whether financial or non-financial, for the cost of the travel or accommodation is made by another person.

12.2 Council does not consider a person has received a sponsored hospitality benefit if;

- a) The contribution was made by the person's spouse, other family member or friend; and
- b) there could not be a perception of a conflict of interest, financial or otherwise, relating to the contribution.

12.3 Additionally, any sponsored hospitality benefit received by the CEO, senior executive employee or a person related to the CEO or senior executive employee, must be recorded in the employees Register of Interests as prescribed in the *Local Government Regulation 2012*, Schedule 5 (13).

13. PRIZES

13.1 On occasion, employees may win a prize while representing Council on official business, for example a lucky door prize or business card prizes draw at a conference. If winning such a prize does not influence or compromise the integrity and impartiality of the employee, create a conflict of interest or compromises Council in any way, the prize may be retained by the employee. If the prize is valued at more than \$150 (GST inclusive), the employee is still required to make a declaration to Council.

14. VARIATIONS

14.1 Council reserves the right to vary, replace or terminate this policy from time to time.

15. BREACH OF POLICY

15.1 Where an employee is found to have breached this policy they may be subject to formal action including disciplinary action in accordance with the Performance and Misconduct Policy.

16. DEFINITIONS

- a) **Gift and/or Benefit** – is defined as a present or gift offered to show favour toward, honour an occasion, or make a gesture of assistance or goodwill, which is offered outside of normal contractual arrangements. These may include, but are not limited to;
 - i. Cash or the transfer of money;
 - ii. Discounts;
 - iii. The provision of or use of property, equipment or services free of charge, at a reduced rate;
 - iv. A loan of money or equipment, including the provision of overdraft facilities or guarantor for a loan;
 - v. The sale of property or equipment with a sale price below proper valuations;
 - vi. Hospitality, including meals, drinks, entertainment and/or accommodation;
 - vii. Travel;
 - viii. Artwork, books, plaques, clocks etc;
 - ix. Tickets.



- *Local Government Act 2009*
- *Local Government Regulations 2012*
- *Public Sector Ethics Act 1994*
- *Crime and Corruption Act 2001*
- Code of Conduct for Employees
- Performance and Misconduct Policy