	Guideline	Version:	5
	Gifts and Benefits	Date Adopted:	25 Jan 2024
		Next Review Due:	25 Jan 2028

This guideline relates to the Corporate Standards for Employees, Behavioural Standards for Council Members, and the Code of Conduct for Volunteers.

1. STATEMENT

This guideline provides information about appropriate conduct in relation to offers of gifts, benefits and hospitality. It also sets out protocols for giving gifts and benefits. The guideline is intended to assist Councillors and Council employees avoid conflicts of interest and maintain high levels of integrity, transparency and public trust.

2. SCOPE

This guideline applies to all:

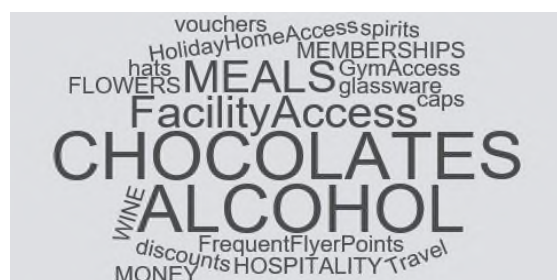
1. Elected Members when performing official functions in all situations
2. Council employees (including contractors, Council Committee members and volunteers) when performing official functions and duties in all situations, including those outside of normal business hours.

3. GIFTS AND BENEFITS

A gift is something of value given without payment or something given in return.

A benefit may be something which is believed to be of value to the receiver, such as a service.

Examples include access to sporting or social events, preferential treatment, accommodation or holidays.







Examples of gifts and benefits

4. OFFERS OF GIFTS OR BENEFITS

No one may seek a gift or benefit; however, it is recognised that circumstances do arise where offers are made that have not been sought. All persons should be aware that accepting gifts or benefits may be appropriate in some situations, but may be corrupt conduct, or perceived to be corrupt conduct, in other situations. Each situation must be assessed on its own merits.


In any of the following circumstances, an offer must be declined:

-  Any offer of money;
-  Any offer where the donor attempts to conceal the gift or benefit;
-  Any offer that appears to be a bribe;
-  Any offer that may or may reasonably be seen to influence decision making.

If offered a gift or benefit, before deciding to accept it, you must consider:

- the Corporate Standards for Employees or the Council Members Behavioural Standards or the Code of Conduct for Volunteers (whichever is applicable to you);
- who is making the offer to you;
- why the offer is being made;
- whether the offer is intended to, or could be seen as influencing your decision making;

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- how the offer could be perceived by a member of the public;
- the degree of openness of the occasion (e.g. the offer is visible to others, is not concealed or done in secret);
- the gift or benefit being offered; and
- whether the donor has been making repeated offers to you.

If unsure or in any doubt, it is recommended you decline an offer.

If a person related to you receives a gift or benefit, you are considered to have received it. This includes a spouse, domestic partner, child or stepchild, family company or family trust.

Note - There needs to be a connection with the receipt of a gift or benefit and the Councillor's or Council employee's work at Council; e.g. a birthday gift received by an employee or their spouse or child should not be declared, unless the gift being given is as a consequence of, or in connection with, the person's work at Council.

5. ACTION TO BE TAKEN FOLLOWING OFFERS OF GIFTS OR BENEFITS

The below table summarises the actions to be taken when offered a gift or benefit:

Table 1: Actions on receipt of gift & benefit

TYPE of GIFT or BENEFIT	REQUIRED ACTION for ELECTED MEMBERS, EMPLOYEES & VOLUNTEERS
Cash of any value	Must not be accepted
Accepted Gift or Benefit <ul style="list-style-type: none"> • Includes multiple gifts or benefits from same donor within a financial year, which will be considered as 1 gift or benefit • Includes gifts & benefits given to a person related to you 	If valued at \$50 or greater must be declared to CEO

5.1 Declaring Gifts or Benefits

Gifts and benefits received must be declared to the CEO when above the value determined by the Minister for Local Government, which is set at **\$50** for Elected Members and employees (including committee members, volunteers and contractors).¹

Declarations can be made in one of the following ways:

- Online via Council's SharePoint Gifts and Benefits Register; or
- Completing the hard copy form entitled "*Gifts and Benefits Declaration Form*" available on Council's Intranet site or the Elected Member Extranet portal. Elected Members and Volunteers should use this option.


All declarations need to be acknowledged by the CEO.

All declared gifts and benefits will be recorded in Council's Gifts and Benefits Register. The register is available for inspection by the public and is published on Council's website.

Council's Governance Officers are responsible for maintaining the Gifts and Benefits Register.

¹ Refer to [SA Government Gazette No. 79, 17 November 2022](#)

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A procedure outlining the process for staff to declare online via Council's SharePoint Register is available on the staff Intranet.

Multiple gifts and benefits received from the same donor within a financial year will be combined and considered as a single gift or benefit.

In some circumstances it may be more appropriate for a gift or benefit to be placed into Council property or shared by the organisation. For example, a person accepts a wrapped gift that the recipient does not open in the presence of the donor or an anonymous gift is received through the mail without a return address.

In such circumstances, if the item can provide benefit to the public, then it can be entered into Council property. For example, a gift of equipment that is useful in providing Council services, such as a whipper snipper to maintain Council land.

Other potential options for the management of gifts and benefits include:

- Sharing the gift amongst all staff (for example a computer printer that could be networked);
- Donating the gift to an appropriate charity;
- Holding an auction with the proceeds going to a charity.

Gifts from visiting delegations or personalised gifts, such as plaques with Council's name engraved, are to be kept within Council.

Any such action should be noted in the declaration to the CEO.

Some example scenarios have been provided in Appendix 1 to help show how to consider different circumstances that may arise.

5.2 Specific Action for Allegations of Bribery

Bribery is when a person receives or offers undue reward in order to influence a person's behaviour, and as an inducement to act dishonestly.

Any person propositioned with a bribe should advise the person offering it that it is a serious offence and such behaviour is not tolerated by Council.


The *Public Interest Disclosure Act 2018* (PID Act) requires that public officers, which includes Council employees, **must** report reasonable suspicions of corruption in public administration (including **bribery**) to the Office for Public Integrity (OPI).²

There are protections from liability for public officers under the PID Act for appropriate disclosures of public administration information to a relevant authority. Relevant authorities include the Office for Public Integrity (OPI), and Council's Responsible Officers.

For more information on the reporting obligations and protections that apply to public officers, refer to the ***Fraud and Corruption Prevention Policy*** and ***Public Interest Disclosure Policy***, or contact Council's Responsible Officers, who are specified in the ***Public Interest Disclosure Policy***.

² Refer to OPI Directions and Guidelines.

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6. IMPROVING COMPLIANCE WITH CODE OF CONDUCT OR BEHAVIOURAL STANDARDS

This document is provided as a guide only, to assist persons to comply with the legislative requirements and relevant Code of Conduct, Corporate Standards or Behavioural Standards relating to gifts and benefits.

Complaints will be handled in accordance with Council's ***Compliments and Complaint Handling Policy***.

Actions that may be taken to address issues relating to the acceptance and handling of gifts and benefits may include:

- training;
- disciplinary action;
- dismissal; and/or
- criminal prosecution.

7. GIVING GIFTS AND BENEFITS

There may be occasions where it is appropriate for Council officials to give gifts and benefits to individuals from other Councils, Government departments, private agencies or the general public. Where the proposed recipient has a continuing business relationship with Council consideration needs to be given to how the offer of the gift may be perceived by the general public.

For example, it may be appropriate for Council to offer modest lunch to a delegation visiting a Council workplace as part of the work-related activities, or to give a token of appreciation to an individual who has given a presentation to Council staff.

8. GENERAL AWARENESS

There are penalties, including imprisonment, for improperly giving, seeking or receiving benefits in return for an action, omission or exercise of power or influence in a person's position. Refer to relevant legislation listed in the references and further reading section below.

9. REVIEW

This guideline will be reviewed by ELT every four years.

10. AVAILABILITY


This guideline is available without charge on the Wattle Range Council website: www.wattlerange.sa.gov.au.

A copy of the guideline may also be purchased from the Principal Council Office, Civic Centre, George Street, Millicent upon payment of a prescribed fee in accordance with Council's Schedule of Fees and Charges.

11. REFERENCES & FURTHER READING

References	South Australian Government Gazette No. 79, 17 November 2022
Relevant Legislation:	<ul style="list-style-type: none"> • <i>Local Government Act 1999</i> (including sections 72A and 119A); • <i>Local Government (General) Regulations 2013</i> (including r7); • <i>Criminal Law Consolidation Act 1935</i> – (including s249) • <i>Public Interest Disclosure Act 2018</i>

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Relevant Policies / Procedures / Guidelines	This Policy should be read in conjunction with: <ul style="list-style-type: none"> • Behavioural Standards for Council Members; • Corporate Standards for Council Employees; • Fraud and Corruption Prevention Policy; • Declaring Gift and Benefits Procedure • OPI Directions and Guidelines
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12. ADOPTION & AMENDMENT HISTORY

The table below sets out the adoption, review and amendment history of the policy.

Version No:	Issue Date:	Authorised by:	Description of Change:	Minutes Reference:
1	17 July 2010	Council	Adopted	Folio 4405; Item 10.1
2	15 February 2011	Council	Reviewed	Folio 4519; Item 11.1.9
3	11 September 2018	Council revoked policy and ELT endorsed Guideline	New format, Changed from Policy to Guideline, changes to Code of Conduct for Employees	Folio 7861; Item 13.1.3
4	31 October 2022	ELT	Reviewed and adopted	Item 6.1
5	25 January 2024	ELT	Updated minimum value determined by the Minister to \$50; removed requirement to disclose value of \$750 or greater on primary or ordinary returns; added process for declaring gifts and benefits to staff Intranet; changed section relating to allegations of bribery; legislative and policy reference updates.	Item 11.6

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Appendix 1: General scenarios assessing offers of gift or benefits

These are examples only and you should always make a self-assessment in accordance with the guidelines and your circumstances before accepting any gift or benefit.

Scenario	Assessment of Scenario		General Comments
Prize / Incentive - You are attending a conference as part of your role at council. You entered a lucky door prize competition and won a prize.	What	Gift basket or a donor's product. Is not money.	<p>Gifts received as prizes should be considered on a case-by-case basis, taking into account the nature of the Council's relationship with the prize giver.</p> <p>If the Council has business dealings with the organisation that provided the prize, or discretionary power that could be exercised in the prize giver's favour, accepting the prize may lead to perceptions of improper influence.</p>
	Who	Conference sponsor	
	Why	Door prize – not direct offer (i.e. receiving based on chance / luck)	
	Openness	Openly announced and given in front of crowd	
	Perception	Acceptable	
	Outcome	Accept and declare if value greater than \$50	
Nominal Value – You are meeting with a community member and you are offered a cup of coffee and a biscuit.	What	Coffee & biscuits	<p>Gifts and benefits of nominal value (inexpensive or low value) usually do not create a sense of obligation in the receiver that will influence, or appear to influence, the exercise of his or her official duties.</p> <p>Examples - Pen Pencil Notepad Key Rings Tea Coffee Cap Hat Magnet Trinket</p> <p>A three-course meal would not be of nominal value.</p>
	Who	Community Member	
	Why	Social norm to offer	
	Openness	In public	
	Perception	Acceptable	
	Outcome	Accept, value less than \$50, no declaration required	
Hospitality – You are visiting another council for a full day meeting or training session and lunch is provided.	What	Sandwiches / Finger food	<p>Work related functions attended as a Council representative (e.g. when giving presentations) may include offers of tea / coffee or modest lunch. These are considered courtesy and not a gift or benefit.</p> <p>Consideration of the type of hospitality Council would provide others in the same situation may be used as a measure of acceptance.</p> <p>Hospitality that extends beyond courtesy, such as invitations to participate in golf days or attend professional sporting events in a 'corporate box' are gifts.</p>
	Who	Neighbouring Council	
	Why	Hosting full day meeting / training	
	Openness	Multiple councils attending	
	Perception	Acceptable	
	Outcome	Accept, value less than \$50, no declaration required	
Cultural - You are attending a multi-cultural event and the host presents you with a memento (being something culturally significant to that culture).	What	Culturally significant item	<p>It may be inappropriate to refuse offers of cultural significance or societal appreciation, where attempts to refuse or return it would cause significant embarrassment or offence to the person.</p> <p>Cultural gifts are often given to the organisation rather than the person. It should be declared by the person and consideration should be given to placing the item into Council property.</p>
	Who	Host	
	Why	A cultural norm to offer	
	Openness	Presented as grand gesture	
	Perception	Acceptable	
	Outcome	Accept and declare if value greater than \$50	

Scenario	Assessment of Scenario	General Comments
Appreciation - You served a member of the public and later that day they return with a box of chocolates because they were impressed with the service.	What Chocolates	Offers of appreciation are usually offered after the fact. An offer presented before the outcome of a service is completed would not be appropriate to accept as it may be seen to influence the outcome.
	Who Member of public	
	Why Appreciative of service	
	Openness Openly at front counter	
	Perception Acceptable	
	Outcome Accept and declare if value greater than \$50	
Procurement – A person with authority to purchase on behalf of council or responsible for a tender outcome is offered a free product from a supplier.	What Free Product	A contract to supply goods or the opportunity to buy Council assets can be highly profitable to the supplier or buyer. Suppliers and tenderers may attempt to influence procurement processes by offering gifts and benefits to Council officials responsible for making the decisions.
	Who Potential supplier	
	Why Unknown reason	
	Openness In public area	
	Perception Not acceptable	
	Outcome Decline offer	
Event / Procurement – A company that does business with Council offers you tickets to attend the football in their corporate box.	What Corporate box tickets	Council may support events by way of sponsorship. Often Council will be provided with tickets to the event as a part of the sponsorship package. These may be accepted and declared.
	Who Current Supplier	
	Why Something they offer to all their big contracts	
	Openness Direct offer	
	Perception Not acceptable	
	Outcome Decline offer	
Family Member - You are attending a function in your official capacity with your spouse. Your spouse receives a gift from the function host.	What Item of significance	The gifts and benefits provisions say that a gift received by a designated person or entity in relation to you, is a gift received by you. This means that you need to declare a gift received by a family member.
	Who Industry organisation	
	Why Part of protocol	
	Openness All spouses received gift	
	Perception Acceptable	
	Outcome Spouse accepted; you declare if value greater than \$50	