



BOULIA SHIRE COUNCIL

GIFTS POLICY

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Summary:	The purpose of these guidelines on Gifts is to protect staff and Councillors from real or perceived undue influence and possible criticism. The guidelines apply to all staff and Councillors.
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Related documents:	Policy 101 Purchasing and Acquisition Policy 105 Entertainment and Hospitality Policy 120 Community Engagement Policy 128 Public Interest Disclosure Policy and Procedure Policy 129 Councillor Code of Conduct Policy 133 Fraud and Corruption Control Policy 140 Statement of Business Ethics Policy 146 Code of Conduct Form 13 Gift & Hospitality Disclosure Form
Responsible Section:	Executive
Responsible Officer:	Chief Executive Officer
Legislation:	

OBJECTIVE

In the course of their work, staff and Councillors may be offered gifts, benefits or hospitality.

The purpose of these guidelines on *Gifts* is to protect staff and Councillors from real or perceived undue influence and possible criticism. The guidelines apply to all staff and Councillors.

SCOPE

This policy shall apply to all Councillors and employees of Boulia Shire Council, however does not apply to the acceptance of gifts by a Councillor or an employee where the gift becomes the property of the Boulia Shire Council.

POLICY

POLICY OBJECTIVES

The objective of this policy is to:

- Regulate and monitor the acceptance of gifts by Councillors and employees;
- Provide a transparent and accountable process for the acceptance of gifts, which promotes public confidence in the Boulia Shire Council.

DEFINITIONS OF A GIFT

In this policy, GIFT means the voluntary transfer of property or the giving of a benefit (including hospitality), to a Councillor or an employee at no charge, or free of any other consideration as a consequence of the Councillor or employee's service with the Boulia Shire Council.

A GIFT also includes the above, if received by a relative or someone else with whom the Councillor or employee has a direct association.

For example, a GIFT is, (but not limited to):

- A present received in appreciation of service to a customer;
- An invitation to a football match in a private room by a contractor who does, or has worked for the Boulia Shire Council;
- A product or service received at a price that is less than that generally charged to the public, from someone connected with the organisation;
- A free interstate trip to view a potential supplier's product;
- A political donation.

But does not include:

- Any gift that is offered but not accepted;
- Any discounted product or service if the discount is reasonable and generally available or capable of being negotiated by others not connected with the organisation;

- Any meal or other hospitality received at a function related to the role of the Councillor or employee, a function where the Councillor or employee is officially representing the organisation, or where the appropriate fee for the function has been paid;
- Any prize received in a raffle, competition or other game of chance or skill;
- Any gift, benefit or hospitality received in relation to membership of any industrial or professional organisation, club or other association or body;

RECEIPTS OF GIFTS

No Councillor or employee shall seek any gift.

From time to time, Councillors and employees may be given gifts, which are not in breach of this policy. Examples include:

- Minor items such as desk calendars and inexpensive pens or similar articles, which would otherwise be supplied by Council at no cost to the employee, if these gifts were used at work for the purpose of work.

Consideration should be given to declining any offer of a gift if:

- the gift appears to be more than of a token nature in the circumstances, or
- there would be a sense of obligation to the person offering the gift, or
- a reasonable person could consider that there may be influence applied as a consequence of acceptance of the gift.

In such instances, the gift must be delivered to the Council Office and recorded in the Gift Register, which is maintained by the Executive Assistant. All gifts will then be distributed as determined by the Chief Executive Officer (e.g. to staff through a raffle system each Christmas).

GIFT REGISTER

The details of all gifts received shall be entered into the Gifts Register by completing the Gift Disclosure Form.

The Gifts Register shall be available for public inspection.

The Chief Executive Officer shall review all entries made by Councillors and employees in the Gifts Register and determine any action that may be considered appropriate in relation to any such entry.

Such action may include the giving of advice or counselling, removal of the employee from a decision making, regulatory or purchasing role or a direction that the gift be returned.

A Councillor may refer any entry in the Gifts Register to a Council Meeting for review by the Council.

BRIBES

Any offer of a bribe must be reported in writing to the Chief Executive Officer for consideration of appropriate action.

BREACHES OF THIS POLICY

The obligation to comply with this policy rests with each Councillor and employee. Sanctions may be applied if this policy is breached.

Any person may report an alleged breach of this policy by a Councillor or an employee (other than the Chief Executive Officer) to the Chief Executive Officer in writing.

Any person may report an alleged breach of this policy by a Councillor or the Chief Executive Officer to the Mayor in writing.

The Chief Executive Officer or Mayor as appropriate shall investigate any report received and take such action as is considered necessary.

If this policy has been breached, such action may include counselling, censure motions, disciplinary action (including termination of employment), the laying of charges and the taking of civil action.

DISCLOSURES

This policy does not remove any other obligations under the Local Government Act, any other legislation, or relevant codes and policies regarding the disclosure of any interests.

Example Gifts Register Format to be held with Other registers. H/Gov/Registers

GIFTS REGISTER (Annual)					
Date	Item	Received from	Presented to	Accepted / Declined	Referred to Council
Eg: 1/1/2015	Coffee Set	Civica	CEO	Decline	n/a