

## Policy Details

<b>Directorate:</b>	Organisational Services
<b>Branch:</b>	Corporate Governance
<b>Responsible Manager:</b>	Corporate Governance Manager
<b>Date adopted:</b>	19/02/2020 (minute number 9/2020)
<b>Date for review:</b>	2 years from the date of adoption or date of last review
<b>Legislative basis:</b>	<i>Local Government Act 2009</i> <i>Local Government Regulation 2009</i> <i>Public Sector Ethics Act 1994</i>
<b>Related Documents - forms and procedures</b>	Code of Conduct for Staff (DM: 13269084) Code of Conduct for Councillors in Queensland Gifts, Benefits and Hospitality Procedure (DM: 13315283)

## 1. Policy Purpose

The purpose of this policy is to set out Council's position in relation to Councillors and Council employees responding to offers of gifts, benefits and hospitality while representing Council or as a result of a Council activity.

This policy is intended to support Councillors and Council employees to maintain high levels of integrity and public trust, and to display behaviours which are consistent with the Code of Conduct for Staff, the Code of Conduct for Councillors in Queensland and the Local Government Act principles of:

- transparent and effective processes, and decision-making in the public interest;
- good governance of, and by, local government; and
- ethical and legal behaviour of Councillors and local government employees.

## 2. Scope

This policy applies to all Councillors, employees and contractors working for Council regardless of whether they are permanent, temporary, full-time, part-time or casual. For the purposes of this policy, the term contractor includes on-hired temporary labour services (agency staff) and sub-contractors.

This policy applies to all gifts, benefits or hospitality offered to, or received by, Councillors and Council employees from external sources.

This policy does not apply to:

- electoral gifts to Councillors as defined in the *Local Government Electoral Act 2011*.
- gifts, benefits and hospitality offered to Council employees or Councillors as a result of Council policies or management directives, such as recognition of service awards.
- discounts that are commonly available to any individual who meets the general requirements and are received by Council employees or Councillors but do not specifically relate to Council business or related activities. Examples may include corporate discounts offered for leisure centres or health fund membership, discounts available to local ratepayers or residents, bulk purchase discounts etc.

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### 3. Policy Statement

#### Principles

Councillors and Council employees hold positions of public trust and must carry out their duties impartially and with integrity. The provision of gifts and benefits to Councillors and Council employees can create perceptions of a conflict of interest.

Council is committed to and will uphold the following principles applying to gifts, benefits and hospitality:

Impartiality	Councillors and Council employees have a duty to place the public interest above their private interests when carrying out their official functions. They must not accept gifts, benefits or hospitality that could raise a reasonable perception of bias or preferential treatment.  Councillors and Council employees must not accept gifts, benefits or hospitality from external sources about whom they are likely to make business decisions.
Accountability and transparency	Councillors and Council employees are accountable for: <ul style="list-style-type: none"><li>• Declaring all non-token offers of gifts, benefits and hospitality including those offers that were subsequently declined</li><li>• Declining non-token offers of gifts, benefits and hospitality that do not relate to a legitimate business benefit.</li></ul> Council employees with direct reports are accountable for overseeing management of their direct reports' acceptance or refusal of non-token gifts, benefits and hospitality; and are expected to model good practice.
Integrity	Councillors and Council employees strive to earn and sustain public trust through providing or responding to offers of gifts, benefits and hospitality in a manner that is consistent with community expectations. Individuals must refuse any offer that may lead to an actual, perceived or potential conflict of interest.
Risk Management	Council - through its policies and processes - will ensure gifts, benefits and hospitality risks are appropriately assessed and managed. Council employees with direct reports will ensure they are aware of the risks inherent in their team's work and functions and monitor the risks to which their staff are exposed.

#### Management of all offers of gifts, benefits and hospitality

All offers of gifts, benefits or hospitality to Councillors and Council employees must be managed in accordance with the Gifts, Benefits and Hospitality Procedure (DM: 13315283)

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### 4. Reporting

Councillors and Council employees must declare all non-token offers of gifts, benefits or hospitality and may need to declare token offers in some circumstances, as outlined in the Gifts, Benefits and Hospitality Procedure.

Corporate Governance will receive and assess all gift declarations and will maintain the Gifts, Benefits and Hospitality Register.

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### 5. Definitions

The following definitions apply to this Policy and to the Gifts, Benefits and Hospitality Procedure.

TERM	DEFINITION
Benefit	Benefits include preferential treatment, privileged access, favours or other advantage offered to an individual. They may include invitations to sporting, cultural or social events, access to discounts as a result of a person's employment or position, loyalty programs and promises of a new job. The value of benefits may be difficult to define in dollars, but as they have value to an individual, they may be used to influence the individual's behaviour.

<b>TERM</b>	<b>DEFINITION</b>
Bribe	To give money or some other form of consideration to a public official so as to persuade the official not to exercise his or her common law or statutory powers or to bestow some privilege or favour.
Councillor	all elected representatives including the Mayor
Ceremonial gifts	Ceremonial gifts are official gifts provided as part of the culture and practices of communities and government, within Australia or internationally. Ceremonial gifts are usually provided when conducting business with official delegates or representatives from another organisation, community or foreign government. Ceremonial gifts are the property of Council, irrespective of value, and should be accepted by individuals on behalf of Council. The receipt of ceremonial gifts should be recorded on the register.
Conflict of interest	A Councillor or Council employee has a conflict of interest when they have a personal or private interest that might compromise their ability to act in the public interest as set out in the <i>Local Government Act 2009</i> . A conflict of interest can exist even if no improper action results from it. Conflicts may be actual, potential or perceived: Actual – there is a real conflict between an individual’s public duties and private interests Potential – an individual has private interests that could conflict with their public duties, This refers to circumstances where it is foreseeable that a conflict may arise in future and steps should be taken now to mitigate that future risk. Perceived - The public or a third party could reasonably form the view that an employee’s private interests could improperly influence their decisions or actions, now or in the future
Employee	Any person employed directly by Logan City Council regardless of their employment status, and contractors undertaking duties on behalf of Council.
Gift	Free or discounted items or services and any item or service that would generally be seen by the public as a gift. These include items of high value (e.g. artwork, jewellery or expensive pens), low value (e.g. a small bunch of flowers), consumables (e.g. chocolates) and services (e.g. painting and repairs).
Gifts, Benefits and Hospitality Register	A register of all declarable gifts, benefits and hospitality, including those declined.
Hospitality	The friendly reception and entertainment of guests. Hospitality may range from light refreshments at a business meeting to expensive restaurant meals or sponsored travel and accommodation.
Legitimate business benefit	A gift, benefit or hospitality may have a legitimate business benefit if it furthers the conduct of official business or other legitimate goals of Council.
Money	Includes cash, cheques, money orders, travellers’ cheques, direct deposits, shares, vouchers or items which can be easily converted to cash. This includes gift vouchers and credit notes.
Official gifts	Are gifts presented to the Council or the City of Logan and include gifts received from a sister city, organisation or corporation that is bestowing a corporate gift (e.g. plaques, plates, vases trophies, and artwork) or souvenir.
Reasonable hospitality	A meal or service provided by a not-for-profit organisation to a Mayor, Councillor or Council employee who attends a function or event in an official capacity.
Nominal gift, benefit or hospitality	A gift, benefit or hospitality that is of inconsequential or trivial value to both the person making the offer and the recipient (such as basic courtesy). Nominal offers are those that are worth \$100 or less.

<b>TERM</b>	<b>DEFINITION</b>
Gift, benefit or hospitality of value	A gift, benefit or hospitality that is, or may be perceived to be by the recipient, the person making the offer or by the wider community, of more than inconsequential value. All gifts, benefits or hospitality worth more than \$100 are of value and must be declared and recorded in the Gifts, Benefits and Hospitality Register.
Value	Is the face value or current estimated retail value.

Document Control

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<b>Amendment History</b>			
<b>Version Number</b>	<b>Description of Change</b>	<b>Author / Branch</b>	<b>Date</b>
1.0	Original version	Corporate Governance	19 February 2020
2.0	Updated doc Id for Code of Conduct for Staff	Corporate Governance	10 June 2020
3.0	Amended	Corporate Governance	28 October 2020