



GIFTS POLICY

1. Intent of Policy

To ensure elected Council representatives, Council employees and all representatives of Council understand the definition of a Gift and what their rights responsibilities and obligations are in the event they are offered a gift.

2. Scope of Policy

This policy applies to all Councillors and employees of the Oberon Council. It does not apply to the acceptance of gifts by a Councillor or an employee where the gift becomes the property of the Oberon Council.

Other relevant Council Policies:
Code of Conduct.

3. Definition of 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 at a discounted charge or free of any other consideration as a consequence of the Councillor or employee's service with the local government authority known as Oberon Council. An offer of money can never be accepted as a gift, regardless of the amount.

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 may be, (but is not limited to):

- A present received in appreciation of service to a customer.
- A lunch or other meal provided by a supplier.
- Use of holiday homes.
- Free training excursions.
- An invitation to a Christmas Party being held by a property developer or supplier.
- 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 gift that has a retail value of \$50.00 or less.
- Any multiple gifts received from the same donor (a person or a number of persons from the same company or organisation) in any one financial year where the gifts have a total retail value of \$50.00 or less.
- 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.
- Any gift, benefit or hospitality received by a relative or associate of a Councillor or employee if the Councillor or employee did not know about it.

4. Receipt of Gifts

No Councillor or employee shall seek any gift.

Any offer of a gift should be declined if:

- The gift appears to be more than of a token nature in the circumstances.
- There would be a sense of obligation to the person offering the gift.
- A reasonable person could consider that there may be influence applied as a consequence of acceptance of the gift.
- The gift is in the form of non-packaged food of uncertain origin.

Where a gift offered appears to have a retail value of more than \$50.00, acceptance should be discussed with the Mayor or General Manager. In these circumstances the gift may have to be declined or returned.

In determining whether to accept a gift, consideration may be given to whether refusal of the gift could cause offence to the person offering the gift.

Any gift accepted shall be subject to the provisions of this policy.

5. Gifts Register

The details of all gifts received shall be entered into the Gifts Register by completion of a Gift Disclosure form.

The Gifts Register shall be available for public inspection.

The General Manager shall review all entries made by 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.

6. Bribes

The Code of Conduct states that a bribe or other improper inducement must not be sought or accepted. Any offer of a bribe must be reported in writing to the General Manager for appropriate action.

7. 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 General Manager) to the General Manager in writing.

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

The General Manager or Mayor as appropriate shall investigate any report received and take any action considered necessary.

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

8. 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.



This form is for use by the Mayor, Councillors, employees, volunteers, and other representatives of Council in conjunction with the Gifts Policy and Council's Code of Conduct Policy.

This form is to be completed within seven (7) days of receiving a gift. The gift is to be approved by the Director (in the case of an employee) and the General Manager.. Under Government Information (Public Access) Act 2009, Council's Gifts Register is able to be viewed upon request.

To the General Manager, Oberon Council

_____, _____ wish to disclose the
(name) (position or association with Council)

following gift in accordance with Council's Gifts Policy:

(description of gift received)

Received by:

The gift was received by (tick appropriate)

myself

my relative/associate
(specify details below)

Name of relative/associate: _____

Address of relative/associate: _____

Relationship: _____

Received from The gift was received from (name and address of donor and, where applicable, the donor's company/organisation name):

Details of Gift Description of gift received: _____

Date(s) received: _____

Estimated retail value of gift: \$ _____

Comments I wish to make the following comments in relation to this disclosure:

Signature I declare the above to be true and correct:

_____ Date: _____

Director of _____

Name: _____

(Please tick)

Approved :

Not Approved:

Signature: _____ Date: _____

General Manager:

Name: _____ Date: _____

Approved

Not Approved - Gift confiscated and returned to donor Yes No

Signature: _____ Date: _____

Approving Authority	Oberon Council
Contact	Director Corporate Services
Approval	8 July 2008: Item B15, Minute 41
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