



LOWER EYRE
COUNCIL

Gifts, Benefits & Hospitality



“Working with our Rural & Coastal Communities”



GOV-POL-01 – GIFTS, BENEFITS & HOSPITALITY

Version No: 1.3

Issued: May 2023

Next Review: March 2026

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| Responsible Department: | Corporate Services |
| Policy Adopted: | 17 May 2023 |
| Minutes Reference: | 18.1 OCM/23/045 |
| Related Policies/Procedures/Codes: | Code of Conduct – Elected Members Code of Conduct – Employees |
| Review Frequency: | Policy – Following Council Election Register - Annually |

1. OBJECTIVES

To provide clear guidelines for elected members and staff on the acceptance of gifts, benefits or hospitalities from individuals or other entities external to the District Council of Lower Eyre Peninsula.

The District Council of Lower Eyre Peninsula's objectives of this policy are to:

1. Protect its assets, its integrity and reputation
2. Protect its elected members and staff from allegations of impropriety

2. SCOPE

This policy applies to the Lower Eyre Council Elected Members and Council staff.

3. POLICY

The Lower Eyre Council (the Council) supports the principle that elected members and staff must be, and be seen to be ethical, fair and scrupulous in the conduct of official duties.

Staff are fully accountable and responsible for their actions and are to ensure that the methods and procedures they use to arrive at decisions are beyond reproach and can withstand audit processes and public scrutiny.

Elected members, staff and their relatives should avoid circumstances where accepting a gift, benefit or hospitality could give the appearance of a past, present or future conflict of interest with official Council duty, or where the offer of a gift, benefit or hospitality could be interpreted as having been made with the objective of securing, or in return for favour or preference.

Any gift or benefit offered to a relative or an associate of an elected member or employee will be deemed to be offered to the elected member or employee.



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3.1 GENERAL PRINCIPLES

Elected Members and staff must:

- a. Avoid the intent or appearance of unethical or compromising practice in relationships, actions and communications.
- b. Demonstrate loyalty to the Council by diligently following the lawful instructions and policies of the Council, using reasonable care and only the authority granted.
- c. Refrain from any private business or professional activity that would create a conflict between personal interests and the interests of the Council.
- d. Refrain from soliciting or accepting money, loans, credits or prejudicial discounts, and the acceptance of gifts, entertainment, favours or services from current or potential suppliers, contractors, persons, companies or organisations that might influence or appear to influence Council decisions.
- e. Not use their position with the Council to obtain gratuities or discounts on any goods or services for their personal use from any person, company or organisation with whom the Council does or could do business, where such gratuity or discount would not be available to any member of the general public. Gratuities or discounts obtained due to memberships of union, professional bodies or the like are acceptable.
- f. Ensure that persons, companies or organisations that are or could be doing business with the Council do not feel they have any obligation to offer gifts or hospitality to employees or members of the Council to secure or retain Council business. In this context, if the elected member or employee considers that the other person may feel compelled or obliged to offer a gift or hospitality, it is better to indicate to that person, prior to the commencement of any business relationship that they do not expect or encourage such offers.
- g. Elected members are encouraged to register details of any gifts they receive in their capacity as an elected member. An official register (file) for this purpose will be maintained as part of Council’s records.
- h. Act according to the law in avoiding corruption as defined at Item 4 in this policy.

3.2 ACCEPTANCE OF BENEFITS

- 3.2.1 An elected member or employee must not accept any benefit from any individual or entity if there may be a real or potential risk of compromise or conflict of interest, or if the acceptance of a benefit makes an employee or elected member feel indebted to the person or body offering the benefit.

(continued):



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3.2 ACCEPTANCE OF BENEFITS cont'd:

- 3.2.2 If it is decided that there is no conflict of interest, risk of compromise or feeling of indebtedness and the benefit is accepted, all benefits with a value in excess of \$50 must be declared. Any benefits in excess of \$50 in value may be accepted only when approved by the Chief Executive Officer. The person approving the benefit will determine if it should be retained by the Council, the employee or distributed in some other manner.
- 3.2.3 Under no circumstances are members or employees to accept or receive cash, gift vouchers, suppliers' goods or services at no cost or non-commercial discounts.
- 3.2.4 Benefits are not to be accepted under any circumstance by an elected member or employee who is aware that the benefit is being offered by a supplier who is in the process of tendering for the supply of goods and services to the Council.
- 3.2.5 Where the estimated value of the benefit exceeds \$50 and approval cannot be gained, the employee has the responsibility to politely refuse the gift. If refusal has the potential to damage Council's relationship with the person, company or organisation making the offer, then the gift may be accepted but must be reported at the first opportunity to the Chief Executive Officer. The CEO will make a decision as to whether the gift accepted will become Council property or arrangements made to donate it to a charitable institution in the name of the person, company or organisation that provided the gift. The Chief Executive Officer will advise the Mayor or Council of such action.
- 3.2.6 Elected members in a similar position should report the matter to the Mayor who may seek advice from the Chief Executive Officer on the appropriate action to take.

3.3 REPORTING

All gifts, benefits, or hospitality with a value in excess of \$50 offered to or received by members or employees are to be reported to the respective Manager, Chief Executive Officer.

A Register of Benefits will be maintained by the Chief Executive Officer in which will be recorded all benefits received by employees to the value in excess of \$50. Details to include:

- date received
- receiver of benefit
- benefit description
- approximate (or known) value
- provider of the benefit
- reason for accepting the benefit

Where an elected member or employee believes that an offer of a benefit is an attempt to influence the outcome of Council business, details are to be provided to the Chief Executive Officer as a matter of urgency.

4. DEFINITIONS

For the purpose of this policy:

| Key Term | Definition |
|--|--|
| “Benefit” includes, but is not limited to: | <ul style="list-style-type: none"> • hospitality, such as restaurant meals; • entertainment; • goods in the form of liquor, gift baskets, complimentary tickets, charters or other such benefits; • airfares and accommodation |
| “Conflict of Interest” | <ul style="list-style-type: none"> • Refers to when an employee or an Elected Member has a relationship with an outside body or entity that may deter, or may appear to deter the Member or Employee from acting in the best interest of the Council. |
| “Relative of a person” | <ul style="list-style-type: none"> • the spouse or domestic partner; or • a parent or remoter lineal ancestor; or • a son, daughter or remoter descendant; or • a brother or sister; |
| “Suppliers” | <ul style="list-style-type: none"> • Refers to any person or organisation that provides, or is likely to provide goods or services to the Council. |
| “Corruption” | <ul style="list-style-type: none"> • Conduct of a public official involving a breach of duty or abuse of office engaged in as a result of a bribe or threat or to gain any financial or other advantage or for any dishonest or improper purpose. • Conduct of a public official or any other person involving the soliciting, offering, taking or giving or a bribe or any financial or other advantage, or the making of any threat, to induce a breach or neglect of duty or abuse of office on the part of a public official. • Conduct of a public official or any other person involving a conspiracy or attempt to engage in conduct of a kind referred to previously where that conduct constitutes or involves, or might constitute or involve, a criminal offence |

5. REVIEW

This policy will be reviewed within 12 months after a general Local Government election. The gifts and benefits register will be reviewed annually by Council.

6. FURTHER INFORMATION

Members of the public may inspect this policy at the principal office of the Lower Eyre Council at 38 Railway Terrace, Cummins, SA OR email mail@dclep.sa.gov.au OR phone 8676 2106.

Any queries in relation to this policy should be directed to the Chief Executive Officer.

7. RELATED DOCUMENTS

Register of Benefits

| DOCUMENT HISTORY | | |
|------------------|-------------|-----------------------------------|
| Version: | Issue Date: | Description of Change: |
| 1.1 | 20/03/15 | Adopted. |
| 1.2 | 15/02/2019 | Adopted. |
| 1.3 | 17/05/2023 | Value changed from \$100 to \$50. |