



## POLICY DOCUMENT

12.63.15

<b>Policy Name</b>	<b>Employee Gifts &amp; Benefits</b>
<b>Policy No.</b>	12.63.15
<b>Version:</b>	1
<b>Strategic Reference:</b>	Goal 3 – Governance and Leadership
<b>Responsible Department:</b>	Corporate & Community Services
<b>Policy Adopted:</b>	19 February 2024
<b>Last revised date:</b>	New Policy
<b>Minute reference:</b>	CO 24/013
<b>Next review date:</b>	This policy shall be reviewed every 4 years or on significant change to legislation or aspects included in this policy.
<b>Applicable Legislation:</b>	Section 119A of the Local Government Act 1999
<b>Related Policies:</b>	Employee Conduct Policy
<b>Related Documents:</b>	Employee Gifts and Benefits Register

### 1. INTRODUCTION

Pursuant to section 119A of the *Local Government Act 1999* (the **Act**), an employee of the Council who receives a gift or benefit of an amount greater than the amount determined by the Minister, published by Notice in the Gazette, must provide details of the gift or benefit to the Chief Executive Officer of the Council.

The purpose of this *Gifts & Benefits Policy* (the **Policy**) is to provide guidance to the Council's employees in relation to gifts / benefits, and the obligations of the Council's employees to disclose gifts and/or benefits.

### 2. SCOPE & RESPONSIBILITIES

This Policy applies to all Council employees.

The CEO has a duty and is responsible for:

1. maintaining the Council's Employees Gifts & Benefits Register under section 119A of the Act;
2. ensuring a copy of this Policy is made available to all Council employee's; and
3. ensuring copies of this Policy are made available on the Council's webpage.

### 3. **DEFINITIONS**

**CEO** means the Chief Executive Officer of the City of Port Lincoln.

**Council** means the City of Port Lincoln.

**Famils** is a local tourism experience offered by a tourism operator to the Council, for use, or attendance by, an employee engaged to work at the Visitor Information Centre. Employees at the Visitor Information Centre, have a mandatory requirement to attend industry specific and digital training, including famils (experiences), per year.

**Gift or Benefit** means an item, product or experience of value and includes money or entitlements, services, gifts of goods, supply of goods, provisions of meals or entertainment, prizes won, and any other form of direct or indirect benefit which is not made freely available to members of the public.

**Minister** means the Minister for Local Government in the State of South Australia.

**Policy** means this Gifts & Benefits Policy.

### 4. **POLICY STATEMENT**

The Council is committed to detecting and preventing corruption, misconduct and maladministration within the organisation, and dedicated to preserving its reputation as an accountable, transparent and responsible public authority.

This requires the Council takes measures to ensure its integrity is not compromised or otherwise affected by the acceptance of a gift and/or benefit by employees, in contravention of section 119A of the Act.

All Council employees must act reasonably and appropriately in carrying out their official duties and functions, and be accountable for their actions at all times whilst in the performance of their role.

In giving effect to these roles, employees may be offered gifts and/or benefits by external businesses, persons and/or entities throughout the course of their employment.

This Policy affirms employee(s) in the performance or discharge of their official duties and functions must not seek out or receive a gift or benefit that is, or could reasonably be taken to be, intended or likely to create a sense of obligation or influence the employee in the performance or discharge of his/her functions or duties.

However, the Council acknowledges in some instances the acceptance of a gift and/or benefit may be appropriate. This is provided it is not offered, or accepted, in circumstances contrary to the Act, and the acceptance does not have a detrimental impact on the integrity of the employee, and by extension, the Council.

### 5. **REGISTER OF GIFTS AND BENEFITS**

If an employee receives a gift or benefit of an amount greater than the amount determined by the Minister, as published by notice in the Gazette, the employee must provide details of the gift or benefit to the CEO.

However, Council's agreed best practice is that employees are strongly encouraged to declare all gifts or benefits, to be recorded in Councils' Employee Gift and Benefits Register, even if the value of the gift or benefit is less than the required amount determined by the Minister (currently \$50.00).

Pursuant to section 119A of the Act, the CEO must maintain a register of gifts and/or benefits received

by employees of the Council, and ensure that the details of each gift and/or benefit received and accepted are included in the Employee Gifts & Benefits Register.

For the purposes of the Employee Gifts & Benefits Register:

1. a gift or benefit received by a designated person or entity in relation to an employee, will be treated as a gift or benefit received by the employee;
2. two (2) or more separate gifts / benefits received by an employee (or a designated person) during a financial year are to be treated as one (1) gift / benefit (as the case requires); and
3. two (2) or more separate transactions to which an employee (or a designated person) is a party with the same person during a financial year under which the employee has had the use of property of the other person (whether or not being the same property) are to be treated as one (1) transaction.

A designated person for the purposes of the Act, and this Policy means –

- a member of the employee's family; or
- a family company of the employee; or
- a trustee of a family trust of the employee.

Family member means a spouse or domestic partner and/or child or stepchild of the employee.

## **6. SEEKING AND ACCEPTING GIFTS & BENEFITS**

The Act requires that any gift or benefit must be refused if:

- it is given in an attempt to influence, or
- if receiving it would, in the mind of a reasonable person, be perceived to prevent the receiver's ability to act impartially.

In which case, an employee of the Council must not seek out or receive a gift or benefit that is, or could reasonably be taken to be, intended or likely to create, a sense of obligation on the part of the employee, or influence the employee, in the performance or discharge of the employee's functions or duties.

## **7. WHEN GIFTS & BENEFITS CAN BE ACCEPTED**

Upon receiving an offer of a gift and/or benefit, an employee must use his/her own judgment to determine whether to accept such gift and/or benefit, taking into account section 119A of the Act, and the provisions of this Policy.

In providing guidance and clarity, the following is a list of non-exclusive examples, where it may be appropriate for an employee(s) to accept a gift and/or benefit:

- food, meals, drinks or refreshments offered during an event in which the employee(s) attendance is in connection with their official duties and functions;
- invitations to industry, social or cultural events in connection with official duties and functions; and
- free or subsidised training courses, education sessions and workshops approved by the CEO

and which are reasonably necessary for the employee to maintain or attain further qualifications relevant to their official duties and responsibilities.

Any gift or benefit received by an employee with a value exceeding the amount determined by the Minister (**must be entered** in the Council's Employee Gifts & Benefits Register).

## **8. VISITOR INFORMATION CENTRE**

Employees engaged to work at the Visitor Information Centre have a mandatory requirement to attend industry specific and digital training, including famils (experiences), per year.

This requirement arises under the South Australian Accredited Visitor Information Centre Network and is part of the Council's accreditation as a Visitor Information Centre.

In which case, such experiences may also be an appropriate gift/benefit to accept.

However, in that instance, the 'gift' or 'benefit' is being provided to the Council and an employee will not receive, or be offered, the gift or benefit for their own personal, private use.

The type of experiences Visitor Information Centre employees' may attend will be decided by a risk based approach. The determination as to which employees will attend the experiences offered will be at the absolute discretion of the Manager Economic & Tourism Growth, taking into account the experience of the employees (including where further experience may be required), any approved training and development plan, other training requirements as evidenced and documented through a performance review process, availability of employees and organisational requirements.

For the avoidance of doubt, any experience offered to the Council, through the Visitor Information Centre, will be required to be entered into the Employee Gifts & Benefits Register by the employee attending at, or participating in, the experience.

## **9. RELEVANT DELEGATED POWERS AND DUTIES**

Any actions or decisions made regarding this policy, will be enacted upon as per Council's current Delegations Register.