


Organisational policy

Gifts and Benefits Policy

- Gifts
- Sponsored Hospitality Benefits (Travel and Accommodation)
- Sponsor Benefits (Event Hospitality and Ticketing)

Corporate Plan reference	An Outstanding Organisation	
Endorsed by Chief Executive Officer		August 2018
Manager responsible for policy	Branch Manager, Corporate Governance, Office of CEO	

Policy purpose

This policy has been developed in accordance with the principles of the *Local Government Act 2009* (the Act), the *Local Government Regulation 2012* (the Regulation) and the *Public Sector Ethics Act 1994* (the PSE Act) to ensure transparency and the principles of good governance and accountability are practised by employees if offered gifts and benefits in the course of their duties.

The purpose of this policy is to set out the requirements for the disclosure of giving and receiving gifts, sponsored hospitality benefits and sponsor benefits.

Policy outcome

This policy outlines Sunshine Coast Council's (Council's) position regarding gifts and benefits and aims to:

- ensure that all Council employees carry out their official duties to the highest ethical standard in the public interest
- maintain appropriate records of all gifts and benefits
- ensure that public confidence in Council is maintained
- compliance with the Act and the PSE Act, and
- compliance with Council's [Employee Code of Conduct](#)

Policy scope

This policy applies to all Council employees and relates to the disclosure of information about receiving gifts, sponsored hospitality benefits, and sponsor benefits.

Policy statement

Council is committed to:

- maintaining the integrity of Council decisions and provision of services
- open and transparent decision making and operations
- managing potential conflicts of interest, and
- great governance.

Application of this policy will enable all Council employees to achieve the highest standard in open, transparent and accountable administration.

Guiding principles

Disclosures of gifts and benefits are guided by the following principles:

- Gifts and sponsored hospitality benefits are not an entitlement, or a right, and **should not** generally be accepted.
- Monetary gifts, including cash, vouchers or gift cards, of any value **must never** be accepted.
- Any gifts, sponsored hospitality benefits or sponsor benefits received - no matter the value - **must** be declared.
- Employees must not solicit, demand or request gifts or any personal benefit for themselves or another person by virtue of their position.
- No gift may be accepted that could influence, or be perceived to influence an employee in the performance of their public or professional duties currently or in the future.
- Disclosures of conflicts of interests, gifts, sponsored hospitality benefits, sponsor benefits and other personal interests by employees is required.
- Applying disclosure requirements that enhance transparency, and good decision making and public trust, is fundamental to great governance.

Guidance

Requirement to disclose - employees

All gifts and benefits must be declared. A gift or benefit is not an entitlement and all employees must make disclosures about gifts, sponsored hospitality benefits and sponsor benefits offered to them during the course of their employment with Council. The regular receipt of gifts of nominal or minimal value from the same individual or organisation **must** also be declared. This can include items such as coffee or lunch.

Reporting gifts

Disclosures about gifts must be made within 7 days of receipt, or within 7 days of returning to the Sunshine Coast if the gift was accepted outside the region. Gifts of tickets for attendance at events **must** be approved by a Group Executive or Board of Management (BoM) member **prior to use or attendance at the event**. No retrospective approval will be given and as such, any gift used without prior approval will need to be paid for. Failure to do so will constitute a breach of this policy.

Disclosures must be made by using the *Gifts & Sponsored Hospitality Benefits Declaration Form*.

Acceptance of gifts

If a gift is accepted, the recipient must provide justification for accepting the gift. Once accepted, the gift becomes property of Council and the recipient is provided the opportunity to purchase the gift at the recommended retail value. Gifts that are not purchased by the recipient may be displayed at Council or disposed. The CEO or delegate¹ may determine that a gift should be displayed, particularly if it has historical or protocol value.

Displaying gifts

It is important that residents of the Sunshine Coast region are able to view gifts received by Council, particularly where they have a historic, cultural or protocol value. Gifts of this nature should be displayed in an area accessible by the general public during business hours. If a gift is not being displayed, reasonable storage and/or disposal arrangements should be made. Some gifts may not warrant public display, yet may be displayed in local work areas.

The CEO or delegate shall determine where and when gifts are to be displayed, as well as reasonable storage and disposal arrangements. Location of gifts will be recorded and if necessary, added to the relevant Valuable Asset Register or Register of Valuable Portable Items.

Disposal of gifts

If the gift is not to be displayed, or purchased by the recipient, the CEO or delegate may authorise disposal of the item in the following manner:

- return to sender
- disposal by resolution of Council or in accordance with Council policy
- transfer to another public agency
- transfer as a gift to a recognised charitable or not-for-profit organisation
- provide to the Queensland Museum or State Library for archival purposes, or
- reduce to scrap or destroy.

Giving gifts

Any gift or benefit given on behalf of Council must be for official purposes. Officers must be able to identify the benefit for Council and the public in giving the gift.

Gifts may be presented to visiting delegations of a political, cultural, commercial, educational, sporting or social nature; to other Councils; to organisations or to individuals at the discretion of the CEO or delegate, and in accordance with Council's [Entertainment and Hospitality Policy](#).

Any gift or benefit that is offered to a Council employee on behalf of Council or from another Council employee should be in accordance with any approved Council reward and recognition arrangements.

Sponsored Hospitality Benefits (Private travel and accommodation only)

Sponsored hospitality benefit is a term defined by the Regulation as travel and accommodation offered to certain employees or their related persons for private use. The contribution for cost of travel or accommodation does not constitute as sponsored hospitality benefit if made by the employee's spouse, family member or friend, or where it could not be perceived as a conflict of

¹ For the purposes of this policy, a delegate is a Group Executive, Board of Management member or officer within the Office of the CEO.

interest, financial or otherwise. It does not mean food, drink or other 'hospitality' consumables – these are 'gifts' (see above). As a general rule **sponsored hospitality benefits should not be accepted**.

However, this policy extends to any employee offered a sponsored hospitality benefit where the offer does not form part of their official duties. Any employee who is offered a sponsored hospitality benefit **must** disclose same to the Group Executive or BoM member for approval prior to acceptance or use. Where an employee or related person is offered sponsored travel or accommodation as part of their official duties, the offer should form part of the submission for approval.

Sponsor Benefits

(Event hospitality and ticketing to Council sponsored events)

There may be opportunities where employees are offered event hospitality, event ticketing or other benefits where Council is sponsoring an event or as set out in contractual arrangements between event organisers and Council. Sponsor benefits may be offered to employees as reward or recognition, where an employee is acting in an official capacity on behalf of Council, or where Council requires representation within the community.

An employee must not accept travel or hospitality (including meals and accommodation) sponsored wholly or partly by any person, organisation or business, where the acceptance could imply an obligation on the recipient. However, reasonable hospitality may be accepted in circumstances where it is:

- approved by the relevant Group Executive or BoM member
- provided at rates that are openly available to people other than employees, and
- could not be construed as creating an obligation.

Approval from the relevant Group Executive or BoM member **must** be sought before attendance at the event. On approval by the Group Executive or BoM member, details of sponsor benefits must be sent via email to the Coordinator CEO Governance & Operations, Office of the CEO and include the following:

- date and description of the sponsor benefit
- recipient employee names and positions (including any spouse/family member recipients)
- estimated value of the benefit (including tickets, accommodation, hospitality etc), and
- evidence of approval.

The Office of the CEO will maintain a register of all sponsor benefits distributed across Council. Any additional benefits that are above and beyond those set out in any contractual agreement between Council and event organisers are a 'gift' and should be disclosed in accordance with the section on 'gifts'.

Roles and responsibilities

The **Chief Executive Officer** will:

- encourage a culture of disclosure
- keep a corporate gifts register and a sponsor benefits register
- make decisions and keep records of declarations about gifts, sponsored hospitality benefits and sponsor benefits in relation to Group Executives, BoM members and their related persons, and
- keep records of declarations about gifts, sponsored hospitality benefits and sponsor benefits in relation to all employees and their related persons.

BoM members, Group Executives and Managers will:

- encourage a culture of disclosure and regularly remind employees of the obligation to identify and declare any gifts, sponsored hospitality benefit or sponsor benefits, and
- make decisions and keep records of declarations of gifts, sponsored hospitality benefits and sponsor benefits, and
- ensure all declarations are forwarded to the Chief Executive Officer for inclusion in the corporate gift register or the sponsor benefits register.

The **Office of the Chief Executive Officer** will:

- maintain the records of disclosures about gifts, sponsored hospitality benefits and sponsor benefits of all employees and related persons, and
- manage the corporate gifts register and sponsor benefits register.

All employees have a responsibility to act in the public interest and to disclose all gifts, sponsored hospitality benefits and sponsor benefits. Information contained in the corporate gifts register may be made available to the public by request.

Policy breaches

It is unacceptable for any employee of Council to ask for or to encourage the offer of any gift or benefit in connection with the performance of their official duties. Asking for and/or accepting unauthorised money, goods or services in exchange for favourable treatment, is likely to constitute criminal conduct and may lead to severe penalties including large fines and loss of employment.

All instances of non-conformity with this policy will be elevated to the Office of the CEO and may be dealt with in accordance with Managing Disciplinary Action CEO procedure.

Measurement of success

The success of this policy will be measured by the extent to which:

- the CEO is receiving declarations of all gifts and benefits received
- the public has confidence in Council's decision making process
- matters are referred to the Crime and Corruption Commission as necessary
- penalties as relevant are applied.

Definitions

Delegate

For the purpose of this policy, a delegate is considered to be a Group Executive, Board of Management member, or an assigned officer within the Office of the CEO.

Disclosure

Making a declaration about a gift or benefit by completing and submitting an appropriate form.

Board of Management (BoM)

BoM is the senior executive management team for the Sunshine Coast Council and includes the Chief Executive Officer (CEO) and Group Executives.

Bribe

A corrupt inducement to reward.

Gift

Means an item or service (other than a sponsor benefit) offered to an employee or related person during the employee's engagement with the Sunshine Coast Council, where the item is offered:

- (a) free of charge, or
- (b) for a charge substantially less than full value.

Prohibited gift

Monetary gifts of any value including: cash, credit, gift cards, vouchers.

Related persons

As defined in the *Local Government Regulation 2012*, that is, a person is related to an employee if the person is:

- (a) the spouse of the employee; or
- (b) totally or substantially dependent on the employee and—
 - (i) the person is the employee’s child; or
 - (ii) the person’s affairs are so closely connected with the affairs of the employee that a benefit derived by the person, or a substantial part of it, could pass to the employee.

Senior contract employee

Means employees engaged by contract who report directly to the Chief Executive Officer.

Sponsored hospitality benefit

Means travel and accommodation (only) offered to an employee or related person for private use.

Sponsor benefits

Means event hospitality, event ticketing or other benefit intended for employee use that is set out in a contractual agreement between Council and an event organiser or where Council is sponsoring an event.

Related policies and legislation

- Local Government Act 2009*
- Local Government Regulation 2012*
- Public Sector Ethics Act 1994*
- Crime and Corruption Act 2001*
- SCC Employee Code of Conduct

Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
2.0	Review of Policy	Y	9/08/2018	August 2018

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