



STRATEGIC POLICY
MOUNT ISA CITY COUNCIL
Councillor Gifts and Benefits Policy

RESOLUTION NO. **OM20/10/20** VERSION **V2**

APPLIES TO STRATEGIC POLICIES ONLY

This an official copy of the **Councillor Gifts and Benefits Policy**, made in accordance with the provisions of *Local Government Act 2009*, *Local Government Regulation 2012*, *Crime and Corruption Act 2001*, and current Council Policies.

Strategic policies are adopted by Council due to its desire to influence the direction of an issue or assist in the delegated decision making of Council officers. Strategic policies should follow the jurisdiction provided to Council through its Corporate Plan; the **Councillor Gifts and Benefits Policy** is approved by the Mount Isa City Council for the operations and procedures of Council.

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 Sharon Ibardolaza
Chief Executive Officer

DOCUMENT VERSION CONTROL			
Governance/Policies/Strategic Doc ID# 3580		POLICY TYPE	Strategic (Council)
VERSION	DATE	RESOLUTION NO.	DETAILS
V1	18.04.2017	OM11/04/18	Responsible Officer – Chief Executive Officer
V2	14.10.2020	OM20/10/20	Responsible Officer – Chief Executive Officer
		REVIEW DUE	04.2022

DISTRIBUTION AND DISSEMINATION			
Internal email to all employees	X	Section meetings / Toolbox talks	
Internal email to all councillors	X	Included in employee inductions	
Employee noticeboards		Uploaded to Council website	X
Internal training to be provided		External training to be provided	
Registered in magiQ	X		



1. PURPOSE

The purpose of the Councillors Gifts and Benefits Policy is to clearly outline the obligations of Mount Isa City Council's ("Council") councillors when offered gifts or benefits in connection with their duties while representing Council. This policy supports Council's commitment to the ethics principles outlined in the *Public Sector Ethics Act 1994* which are declared to be fundamental to good public administration. The ethics principles are:

- Integrity and impartiality
- Promoting the public good
- Commitment to the system of government
- Accountability and transparency

This policy does not apply to electoral gifts.

2. COMMENCEMENT

This policy will commence on and from 14 October 2020. It replaces all other policies or arrangements governing gifts and benefits (whether written or not).

3. APPLICATION

This Policy applies to all councillors, including the mayor of Mount Isa City Council.

4. RESPONSIBILITIES

- 4.1 Councillors must be mindful of their obligation to maintain public confidence in Council and must be aware that acceptance of any gifts or benefits from an external party, may, or may be seen, to affect the performance of official duties, or influence, or to be seen to influence, their decision-making or conduct.
- 4.2 Councillors must not ask for, or encourage, the giving of any form of gift or benefit in connection with the performance of their official duties with Council.
- 4.3 Any gift or benefit received by a councillor must be declared to the Chief Executive Officer ("CEO") by the completing of a Gifts and Benefits Declaration form.
- 4.4 All gifts and benefits should be declared at meetings where the matters concerning the donor are under discussion.

5. RECORDING THRESHOLDS

- 5.1 Any gift or benefit received by a councillor that has an estimated value of \$150 (GST inclusive) or more must be declared and recorded on Council's Gifts and Benefits Register by the completion of a Gifts and Benefits Declaration form submitted to the Governance section within 10 days of acceptance.
- 5.2 Additionally, any gift or benefit received by a councillor, whether retained by the councillor or Council and totalling more than \$500 in the term, must be recorded in the councillor's Register of Interests.

6. MULTIPLE GIFTS/BENEFITS AND CUMULATIVE VALUE

- 6.1 Where multiple gifts or benefits are accepted from the same provider or on behalf of the same organisation and the cumulative value is more than \$150 (GST inclusive) in a

financial year, then each gift or benefit must be reported on the Gifts and Benefits Register once the relevant threshold is reached or is considered likely to be reached in the future.

7. GIFTS AND BENEFITS REGISTER

7.1 The Gifts and Benefits Register is maintained by Council's Governance team and will record the following information:

- a) Details of gift/benefit
- b) Date it was gifted/provided
- c) Estimated fair market value of the gift/benefit
- d) Name of Individual and/or organisation who offered gift/benefit
- e) Name of gift/benefit recipient
- f) Whether the gift was retained by the recipient

8. ACCEPTANCE OF GIFTS OR BENEFITS

8.1 Councillors who are offered gifts or personal benefits in relation to the conduct of Council business must decide whether it is appropriate to accept the gift or personal benefit by considering:

- a) The nature of the gift
- b) Why was the offer made?
- c) Do they have concerns that the acceptance of the gift or benefit may have created an obligation on their part
- d) The public perception of acceptance of the gift or benefit

8.2 If in doubt, Councillors should seek clarification from the CEO.

9. NON-ACCEPTANCE OF GIFTS OR BENEFITS

9.1 Councillors must not accept gifts or benefits, irrespective of its value, where:

- a) It is considered a gift of influence, where it may be seen to affect the performance of the councillor's official duties
- b) The donor may interpret that the councillor may be or be perceived to be under obligation to the donor as a result of accepting the gift or benefit
- c) The gift is cash. Where cash is offered to a councillor, they must decline the offer and report it to the CEO

10. RETENTION OF GIFTS OR BENEFITS

10.1 Where a councillor decides it is appropriate to accept the gift or benefit, over the value of \$150 (GST inclusive), it becomes property of Council and must remain at Council.

10.2 Where the councillor believes the gift or benefit may only be utilised by the individual, or they would like to retain the gift or benefit for personal use, the Councillor may apply



to the CEO, in writing, for approval by completing Council's Gifts and Benefits Declaration Form

10.3 Where a gift of cultural or historical significance is donated, it shall at all times remain the property of Council.

11. CORPORATE HOSPITALITY

11.1 In order to establish effective working relationships, exchange information to enhance effectiveness of the Council, councillor participation in modest forms of hospitality is permitted where;

- a) it is in the normal course of business
- b) it is normal hospitality associated with greeting and meeting eg tea and coffee
- c) it relates to official duties which has a public benefit and is disclosed in accordance with this policy

12. SPONSORED HOSPITALITY BENEFIT

12.1 Councillors are required to declare to Council, each sponsored hospitality benefit received by themselves or a relative valued at more than \$150 (GST inclusive), other than in an official capacity where:

- a) travel has been undertaken or
- b) accommodation has been used and
- c) a contribution, whether financial or non-financial, for the cost of the travel or accommodation is made by another person

12.2 Council does not consider a person has received a sponsored hospitality benefit if:

- a) the contribution was made by the person's spouse, other family member or friend and
- b) there could not be a perception of a conflict of interest, financial or otherwise, relating to the contribution

12.3 Additionally, any sponsored hospitality benefit received by a councillor or a person related to a councillor, must be recorded in the Councillor's Register of Interests as prescribed in the *Local Government Regulation 2012*, Schedule 5 (13).

13. VARIATIONS

13.1 Council reserves the right to vary, replace or terminate this policy from time to time.

14. BREACH OF POLICY

14.1 Any actual or suspected breach of this policy will be managed by Council in accordance with its legislative obligations.

15. COMMUNICATION AND DISTRIBUTION

15.1 Council will make available to the public the Councillors Gifts and Benefits Policy, on our website at www.mountisa.qld.gov.au



DEFINITIONS

- a) **Gift and/or Benefit** – is defined as a present or gift offered to show favour toward, honour an occasion, or make a gesture of assistance or goodwill, which is offered outside of normal contractual arrangements. These may include, but are not limited to:
- a) Cash or the transfer of money
 - b) Discounts
 - c) The provision of or use of property, equipment or services free of charge, at a reduced rate
 - d) A loan of money or equipment, including the provision of overdraft facilities or guarantor for a loan
 - e) The sale of property or equipment with a sale price below proper valuations
 - f) Hospitality, including meals, drinks, entertainment and/or accommodation
 - g) Travel
 - i. Artwork

ASSOCIATED LEGISLATION AND POLICIES

- *Local Government Act 2009*
- *Local Government Regulations 2012*
- *Crime and Corruption Act 2001*
- Code of Conduct for Councillors