



## G001 – ACCEPTING GIFTS AND BENEFITS POLICY

### 1 HEAD OF POWER

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- Local Government Act 2009 (Qld)
- Local Government Regulation 2012 (Qld)
- Public Sector Ethics Act 1994 (Qld)

### 2 POLICY PURPOSE

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This policy aims to uphold the integrity and transparency of the Pormpuraaw Aboriginal Shire Council (Council) by establishing clear guidelines for the acceptance, refusal, and reporting of gifts and benefits. It seeks to prevent conflicts of interest and ensure that all Council decisions are made impartially and without undue influence, thereby maintaining public confidence in Council governance.

### 3 POLICY OBJECTIVE

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This policy provides a framework for managing and regulating the acceptance of gifts and benefits that could influence, or be perceived to influence, the actions and decisions of Council members and employees. It will mitigate risks associated with the acceptance of gifts and foster an ethical culture that aligns with public sector values.

### 4 POLICY SCOPE

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This policy applies to all elected members, council officers, contractors, and special committee members of Council. It covers all forms of gifts and benefits, including tangible and intangible items, offered in connection with the duties of Council members, employees, contractors, and special committee members.

Gifts excluded from this policy are pens, lanyards, stationery items, drink bottles, and conference apparel.

### 5 POLICY STATEMENT

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There are inherent risks when individuals covered by this policy receive gifts during their official duties. Such gifts might be intended to sway, or could be perceived as attempts to influence, their decision-making processes.

Individuals within the scope of this policy must consistently uphold public trust in the integrity of Council's administration. They should be aware that accepting any gifts or benefits from external parties could impact, or appear to impact, their ability to perform their duties impartially or could influence, or be perceived to influence, their decision-making and conduct. Principles:

This policy sets out the principles that apply to the offer and acceptance of gifts and benefits, including hospitality.

## 5.1 PROHIBITION OF SOLICITATION

Solicitation of any personal gifts or benefits by Council members or employees is strictly prohibited. Any such actions are to be reported immediately to the CEO and will be subject to disciplinary measures and potential notification to the Crime and Corruption Commission.

## 5.2 PROHIBITION OF BRIBERY

Acceptance of money or any other gifts perceived as bribery is strictly prohibited in all cases and the offer must be reported by the employee to the CEO or appropriate manager immediately.

The CEO is required to notify the Crime and Corruption Commission of any offer of money or attempted bribery.

## 5.3 ACCEPTANCE OF GIFTS AND BENEFITS

Gifts and benefits may only be accepted under circumstances that do not compromise, or appear to compromise, the integrity and impartiality of Council operations. This includes ensuring that gifts:

- Do not influence the recipient's official duties or decision-making;
- Are not given with the intent of influencing the recipient's actions; and
- Are openly offered without expectation of reciprocity.

## 5.4 NOT ACCEPTING OF GIFTS AND BENEFITS

A gift or benefit must not be accepted if any of the following principles apply:

- it is considered as a gift of influence - that is, it is seen, or may be seen to affect the performance of the recipient's official duties, or influence, or be seen to influence the decision-making or behaviour of the recipient;
- the gift giver or any reasonable observer would apprehend that the recipient may be under obligation to the gift giver;
- it is not offered openly; or
- it is an offer of money or anything readily convertible to money - for example, gift vouchers.

## 5.5 GIFT VALUE LIMITS AND REPORTING

Gifts or benefits valued under \$100 may be accepted without registration.

Gifts or benefits valued between \$100 and \$350 must be reported in writing and registered with the CEO or Mayor (for Gifts provided to the CEO), who will decide whether they can be retained.

Gifts or benefits valued over \$350 are considered Council property and are to be used for the public benefit or retained under exceptional circumstances only.

The value of a gift can accumulate over time. For instance, if an initial gift valued at \$60 is given, and a second gift follows two months later valued at \$60, the total value of the gifts should be considered cumulatively, therefore \$120.

## 5.6 GIFT VALUE DETERMINATION

The value of a gift or benefit is the estimated retail value at the time it is received. When multiple gifts are received from the same individual or organisation, their value is considered cumulative.

### 5.6.1 Gifts from Suppliers

Suppliers are encouraged to supply donations to Council and Community events instead of providing gifts to individual staff.

## 5.7 GIFTS REGISTER

A detailed register of all accepted gifts and benefits valued over \$100 must be maintained. The register will include:

- the date of receipt
- details of the donor
- description
- value of the gift
- the decision regarding its retention, disposal, or refusal.

Gifts Register is to be maintained by the CEO and can be made available upon an appropriate request.

## 5.8 PRESCRIBED CONFLICTS OF INTEREST

Receiving gifts creates a prescribed conflict of interest for Councillors and Executives under the Local Government Act 2009 (QLD) because it can compromise, or be perceived to compromise, their ability to make impartial decisions in the public interest. Accepting gifts, particularly those intended to influence decision-making, may lead to a breach of public trust, as it suggests a risk of favouritism or undue influence.

## 5.9 DECISION-MAKING FRAMEWORK GUIDANCE (PROVE IT MODEL):

When deciding whether to accept a gift or benefit, Council members and employees should use the PROVE IT model:

**Purpose:** What is the purpose of the gift?

**Rules:** What are the Council's rules regarding gifts?

**Openness:** How openly is the gift offered?

**Value:** What is the value of the gift?

**Ethics:** Does accepting the gift align with Council's values?

**Identity:** Who is giving the gift and why?

**Timing:** What is the timing of the gift relative to any Council decisions?

## 5.10 ENFORCEMENT AND COMPLIANCE

Non-compliance with this policy will be treated seriously and may result in disciplinary action, including termination of employment or contracts and notification to relevant authorities.

## 6 HUMAN RIGHTS COMPATIBILITY STATEMENT

This policy has been assessed as compatible with Human Rights protected under *the Human Rights Act 2019*.

## 7 DEFINITIONS

Term	Definition
Council	Pormpuraaw Aboriginal Shire Council
CEO	A person who holds an appointment as chief executive officer under section 194 of the <i>Local Government Act 2009 (QLD)</i> .
Employee	A person appointed an employee under section 196 of the <i>Local Government Act 2009 (QLD)</i> or “Council Advisor” per section 197A.
Gift and Benefit	Refers to any item, service, or benefit received by an individual without payment in return. Gifts may include but are not limited to, tangible items such as goods, meals, and tickets to events, as well as intangible benefits like services and discounts
Soliciting	Is the act of requesting or encouraging the offer of gifts, benefits, or favours from external parties for personal gain.
Suppliers	Businesses that supplier goods to Council

## 8 RELATED DOCUMENTS

### Policies:

- Employee Code of Conduct (PASC)
- Councillor Code of Conduct (PASC).

### Documents:

- Gifts Register

## 9 MONITORING AND REVIEW

Notwithstanding the above, this policy is to be reviewed every four (4) years for relevance and to ensure that its effectiveness is maintained.

## 10 RESPONSIBILITY

This Policy is to be implemented by the CEO; and reviewed and amended in accordance with the by the Executive Manager Corporate Services.

## 11 VERSION CONTROL

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Version	Adoption ( <i>Council Resolution Number</i> )	Date
V1	July 2021 (2021/07/12)	28/07/2021
V2	March 2025	26/03/2025