



**ORANGE CITY COUNCIL  
ORDINARY COUNCIL MEETING**

**ATTACHMENTS**

**CCL ITEM 5.5**

**STRATEGIC POLICY REVIEWS – FOR  
EXHIBITION**

**20 DECEMBER 2022**

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# Strategic Policy ST09

## Gifts & Benefits

FOR EXHIBITION



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All policies can be reviewed or revoked by a resolution of Council, at any time.

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FOR EXHIBITION



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## 1 OVERVIEW

### Purpose

The Purpose of this policy is to:

- 1.1 Ensure Council's requirements and outline the conduct expected of all Councillors, employees, contractors, volunteers, Committee members (referred to as Council Officers) in relation to gifts and benefits.
- 1.2 Ensure that all Council Officers are not compromised or perceived to be compromised in the performance of their duties through innocently or in good faith accepting gifts or benefits.
- 1.3 Ensure that contractors and suppliers of goods and services to Council are made aware that Council's preferred position is gifts and benefits not be offered to Council Officers.
- 1.4 Outline the management of political donations and gifts.

### Applicability.

- 1.5 This policy applies to Councillors, employees, contractors, volunteers, Committee members and other delegates (referred to in this policy and procedure as Council Officers). The policy applies to the offer of gifts to individual Council Officers and to Council services.
- 1.6 This policy does not apply to the private giving of gifts between staff.
- 1.7 Political Donations and Gifts apply to relevant planning applications as outlined in part 6.

## 2 INTRODUCTION

### Summary of Provisions

- 2.1 All offers of gifts and benefits must be declared, whether or not they are accepted.
- 2.2 Approval must be obtained in order to keep any gift or benefit.
- 2.3 Acceptance of any gift or benefit intended to influence the duty of a Council Officer is prohibited.
- 2.4 Any Council Officer who is offered a bribe must refuse to accept the offer and

immediately report the incident in accordance with the procedure.

- 2.5 **Accepting gifts of money or gift cards is strictly prohibited in all circumstances.**
- 2.6 The collection of private reward points or benefits arising from a Council related transaction is strictly prohibited (eg using a rewards card while paying with a corporate card or petty cash).
- 2.7 Acceptance of gifts of gratitude or gifts of appreciation of nominal value are generally permitted.
- 2.8 Non-compliance with this policy may result in disciplinary action for Council Officers.
- 2.9 Contractors or suppliers deliberately acting outside of this Policy will not be used by Orange City Council.
- 2.10 Council will manage political donations in accordance with the Environmental Planning and Assessment Act 1978, in accordance with part 6.

## 3 GENERAL

- 3.1 Councillors, employees, contractors, volunteers, committee members and other delegates (commonly referred to in this policy as Council Officers) shall not seek or accept (directly or indirectly) from any person or body, any immediate or future gift, reward or benefit (of other than of nominal value, or moderate acts of hospitality) for themselves or for any other person or body, relating to their status with Council.
- 3.2 **Offers of money or gift cards must never be accepted.**
- 3.3 If any gift, reward or benefit is offered (whether it is accepted or not) this must be disclosed using the Gifts and Benefits Declaration or Council's on-line Gifts & Benefits declaration. This applies to a gift that is offered to an individual Council Officer, group of Council Officers or a Council service.
- 3.4 Council Officers must not solicit gifts/benefits, nor accept gifts/benefits of more than nominal value.



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- 3.5 For the purposes of this procedure, a gift or benefit of nominal value is defined as one not exceeding a value of **\$50**.
- 3.6 Council Officers must not seek or accept a bribe or other improper inducement. A bribe is a gift or benefit offered to or solicited by a Council Officer to influence that officer to act (or fail to act) in a particular way. Council Officers must never solicit a gift or benefit under any circumstances.
- 3.7 Council will maintain a Gifts and Benefits Register of all gifts/benefits offered to all Council Officers or services whether or not the gift or benefit is accepted. This Register is available for public inspection.
- 3.8 Any Council Officer who is offered a bribe must refuse to accept the offer and immediately report the incident to their supervisor, or the Mayor in the case of Councillors.
- 3.9 Should a Council Officer become aware that another Council Officer is offered a gift of money or other gift or benefit, which he or she believes is meant to be a bribe, the person must immediately notify the Manager Corporate Governance, relevant Divisional Director or Chief Executive Officer, or the Mayor in the case of Councillors.
- 3.10 The collection of private loyalty program/frequent flyer or any rewards or benefits from a Council-related transaction is strictly prohibited. Staff should avoid using their own credit/debit cards for Council transactions.
- #### 4 PROCEDURE
- 4.1 It is Council's preferred position that gifts and benefits are not offered to Council Officers.
- 4.2 Council's Purchasing staff, and any positions as determined by the Chief Executive Officer, are prohibited from accepting any gift or benefit under any circumstances.
- 4.3 Gifts and benefits should be actively discouraged by Council Officers.
- 4.4 People doing business with Council should understand that they do not need to give gifts or benefits to Council Officers to get high quality service or be awarded work.
- 4.5 It is acknowledged that, in certain circumstances, Council Officers may offend a third party by not accepting a gift or benefit. In these circumstances, the following guidelines will apply:
- a) the common law offence of bribery is defined as receiving or offering any undue reward by, or to, any person in public office in order to influence his or her behaviour in that office, and to incline that person to act contrary to the rules of honesty and integrity.
  - b) any Council Officer offered a bribe should immediately report to their supervisor or the Mayor (in case of Councillors). Council must then refer the matter to the Independent Commission Against Corruption and the Police.
  - c) All offers of gifts or benefits (whether or not they are accepted) must be declared using the declaration and noted on a publicly available gifts register against the name of the person or the service to whom the offer was made.
  - d) Gifts of a nominal value (for the purposes of this policy, a nominal value is deemed to have a value of less than \$50) may be accepted on approval of Chief Executive Officer or Mayor (in the case of Councillors). The gift declaration at appendix 1 should be completed and forwarded to the Manager Corporate Governance (for employees and other Council Officers such as Volunteers) or the Mayor (for Councillors). Gifts may also be declared via the on-line form.
  - e) **No more than one nominal gift may be accepted from the same source in any 12 month period.**



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- g) An annual report will be prepared detailing all offers of gifts and benefits, presented to Council in relation to Councillors, and to the Chief Executive Officer in relation to employees.
- 4.6 Examples of items of nominal value include:
- inexpensive pens and pencils or notepads
  - key rings, diaries, mouse pads
  - inexpensive marketing trinkets or corporate mementos
  - gifts of single bottles or reasonably priced alcohol at end of year functions, public occasions or in recognition of work done
  - a gift of a reasonably priced box of chocolates or other confectionary
- 4.7 Examples of gifts of more than nominal value:
- clothes
  - tickets to sporting events or other entertainment
  - sports team sponsorship by a supplier
  - accepting hospitality at corporate sponsored sporting events such as golf days, even when Council is a sponsor of the event (this is separate to meals and refreshments provided in conjunctions with undertaking council official duties)
  - discounted products for personal use
  - use of facilities such as gyms and holiday homes
  - free or discounted travel
  - free "training excursions"
  - obtaining of 'flybuys' or other rewards points and frequent flyer points as a consequence of Council transactions
- 4.8 Examples of benefits of more than nominal value:
- access to a private spectator box at a sporting venue, even when Council is a sponsor of the event
  - a new job or a promotion
  - preferential treatment such as queue jumping, upgrades or increased volume of products
  - access to confidential information
  - meals or hospitality of other than "nominal" value etc
- 4.9 Lucky door prizes must be declared through the Gifts and Benefits Declaration and are generally acceptable on approval.
- 4.10 If refusal of a gift or benefit is ignored, or for other reasons a gift of more than nominal value cannot reasonably be returned, the gift is to be regarded as the property of the Council. Such gifts or benefits should be handed to the Manager Corporate Governance for recommendation to the Chief Executive Officer, and a Gifts and Benefits Declaration completed.
- 4.11 Gifts which have been handed in will be disposed of by the Manager Corporate Governance in one of the following methods:
- shared amongst Councillors or employees,
  - retained and used as part of Council's operations,
  - returned to the giver,
  - donated to a local charity (where possible this will occur as a bulk donation at the end of each 6 month period).
- 4.12 Many community groups invite the Mayor (or delegate) and partner to events held by the community organisation. Such events include annual changeover dinners and/or special events where the Mayor (or the Mayor's delegate) is called upon to act in an official capacity. It is considered that the Mayor (or delegate) is properly fulfilling a community expectation that the community's elected leader (and partner) should be in attendance at these functions. Participation in such events is not considered a gift and benefit.
- 4.13 Free or subsidised meals, beverages or refreshments provided to Council officials in conjunction with the performance of their official duties include, but are not limited to:
- the discussion of official business





















































