

Gifts and Benefits Policy

NOTE: Council regularly reviews and updates its policies. The latest controlled version can be obtained from the Policy Register on Council's intranet or by contacting Council's Corporate Services Branch. A hard copy of this electronic document is considered uncontrolled when printed.

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1. POLICY STATEMENT

This policy provides guidelines for South Burnett Regional Council ('Council') to enable Council representatives to demonstrate appropriate conduct in the event of offering, or being offered, a gift or benefit in the course of their official duties, or whilst otherwise representing Council and outline the ethical considerations involved in the giving and receiving of gifts and benefits by Council representatives.

2. SCOPE

This policy applies to all Council representatives. The related persons of Council representatives may be required to consider gifts and benefits in view of this policy and the possible impact on Council

3. GENERAL INFORMATION

Offers of gifts and benefits have the potential to affect, or be perceived to affect, the impartiality, integrity and objectivity that is necessary for Council representatives to perform their official duties effectively. The acceptance of benefits by a Council representative may be considered to be fraudulent or constitute corrupt conduct. This policy specifies the ethical obligations of Council representatives and how they relate to offers of gifts and benefits.

The guiding ethical principles are stipulated by the *Local Government Act 2009* ('Act'), *Local Government Regulation 2012* ('Regulation') and the *Public Sector Ethics Act 1994* and are further outlined in the Code of Conduct for Councillors in Queensland, Council's Employee Code of Conduct Policy - Statutory011, Employee Conflict of Interest Policy – Statutory048 and the Fraud and Corruption Prevention Management Policy Statutory021.

Council representatives must comply with the Public Service Commission ('PSC') Directive No. 22/09 Gifts and Benefits and its associated Guideline (as amended or replaced by the PSC from time to time) in respect to the treatment of benefits, gifts and rewards offered in connection with their duties. In part, the ethical principles require Council representatives to perform their official duties with integrity, in a way that demonstrates a proper concern for the public interest and without requesting or accepting a fee or any other benefit for performing an official act. Where a Council representative accepts or offers a gift or benefit, they must ensure these ethical principles are not breached.

In accordance with the Regulation, Council will maintain a Gifts and Benefits Register to record gifts and benefits refused, accepted or offered by Council or Council representatives (except for

those made in a personal capacity).

Council will provide risk-based training and supply information and reminders regularly to Council representatives for awareness of this policy and its associated procedure.

Council will maintain Register of Interests to record Statements of Interests, including relevant gifts or benefits accepted by Council representatives as determined by Council in accordance with the Act.

It is not appropriate for Council representatives to be offered or to accept gifts or benefits that affect, may be likely to affect or could reasonably be perceived to affect the independent and impartial performance of their official duties.

Council representatives must not ask for or encourage the giving of any form of gift or benefit in connection with the performance of official duties.

Council representatives must not accept any of the following, irrespective of its value:

- a gift of influence that is seen, or may be seen, to affect the performance of official duties, or otherwise influence, or be seen to influence decision-making or behaviour;
- a gift seen by the donor, or any reasonable observer, to interpret the Council representative may be under an obligation to the donor as a result of receiving the gift; and
- a gift that is not offered openly.

4. DEFINITIONS

Conflict of Interest means an issue about a conflict between a Council representative's personal interest and the Council representative's official duties with Council.

Council representative means all Councillors and Council employees, including permanent, casual and temporary employees, contractors, volunteers, apprentices, trainees and work experience students.

Gift/Benefit means items given and received in the course of official duties and include tangible (of lasting value for accounting purposes) and intangible (of no lasting value for accounting purposes) items. It does not include any gifts or benefits given or received under an appropriately approved employee health and well-being program or an appropriately approved rewards and recognition program.

Schedule 5 of the Regulation defines a gift as:

- (a) the transfer of money, the property or other benefit:
 - (i) without consideration; or
 - (ii) for a consideration substantially less than full consideration; or
- (b) a loan of money or other property made on a permanent or indefinite basis, other than an overdraft facility.

Related Persons means relevant to the Registers of Interest, a related person is defined by the Regulation as:

A person is related to a Councillor, Chief Executive Officer, Councillor Advisor or Senior Executive employee (the primary party) if:

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

5. LEGISLATIVE REFERENCE

Code of Conduct for Councillors in Queensland

Local Government Act 2009 (Qld)

Local Government Electoral Act 2011 (Qld)
Local Government Regulation 2012 (Qld)
Public Interest Disclosure Act 2010 (Qld)
Public Sector Ethics Act 1994 (Qld)
 Public Service Commission Directive No. 22/09 Gifts and Benefits
Right to Information Act 2009 (Qld)

6. RELATED DOCUMENTS

South Burnett Regional Council Declaration of Gifts and Benefits Form
 South Burnett Regional Council Employee Code of Conduct – Statutory011
 South Burnett Regional Council Employee Conflict of Interest Policy – Statutory048
 South Burnett Regional Council Fraud and Corruption Prevention Management Policy – Statutory021
 South Burnett Regional Council Gifts and Benefits Procedure – Procedure003
 Public Service Commission Directive 22/09 - Gifts and Benefits

7. NEXT REVIEW

As prescribed by legislation or August 2028

8. VERSION CONTROL

Version	Revision Description	Adopted Date	ECM Reference
1	New Policy	9 December 2009	817542
2	Legislation Review	9 December 2015	1542131
3	Scheduled Review	21 February 2018	2815146
4	Internal audit recommendations and legislative review	15 July 2020	2699935
5	Administrative change replacing Social & Corporate Performance Branch with Corporate Services Branch as per Council Resolution 2021/296	24 March 2021	2699935
6	Administrative amendment – organisational structure review – resolution 2022/432	27 April 2022	2699935
7	Review of policy	19 July 2023	2699935
8	Review of policy	20 August 2025	2699935


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