

# COUNCILLORS GIFTS AND BENEFITS PROCEDURE

## OBJECTIVE

To establish the procedure to follow when Councillors are offered gifts and benefits in connection with their duties while representing Council.

## DEFINITIONS

Benefit	A benefit includes travel, accommodation, meals, tickets, discounts or other like benefits. A sponsored hospitality benefit for the purposes of a Register of Interest includes travel and accommodation.
CEO	Chief Executive Officer of the Banana Shire Council.
Conflict of Interest	Any private or personal interest, which could prejudice, influence or be perceived to influence a person in their public or professional duties.
Council	Banana Shire Council.
Councillor	A person elected or appointed to the position of Councillor at Banana Shire Council, including the Mayor.
Councillor Gifts and Benefits Declaration Form	The Councillor Gifts and Benefits Declaration Form approved and issued by the Chief Executive Officer.
Gifts	A gift includes a transfer of money, property or benefit without consideration or for consideration that is less than the full value of the gifts. A loan of money or other property.
Related Person	<p>A Related Person has the meaning as defined in the <i>Local Government Regulation 2012</i> Section 289</p> <p>2) A person is <b>related</b> to a councillor, chief executive officer, councillor advisor or senior executive employee (the <b>primary party</b>) if—</p> <ol style="list-style-type: none"> <li>the person is the primary party's spouse; or</li> <li>the person is totally or substantially dependent on the primary party and— <ol style="list-style-type: none"> <li>the person is the primary party's child; or</li> <li>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</li> </ol> </li> </ol>

Council Related Sponsored  
Travel or Accommodation

A Councillor receives a **Council Related Sponsored Travel or Accommodation Benefit** if:

- (a) the Councillor in an official capacity,
  - (i) undertakes travel; or
  - (ii) uses accommodation; and
- (b) a contribution, whether financial or non-financial, for the cost of the travel or accommodation is made by another person other than Council.

## PROCEDURE

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Before accepting any gift or benefit, councillors should consider:

- the intent in which the gift and/or benefit is given; and
- the public perception of acceptance of the gift and/or benefit; and
- The councillor must be satisfied that there cannot be the perception of a conflict of interest, financial or otherwise, relating to the gift that could conflict with a duty the person has under the *Local Government Act 2009*.

### 1. Gifts or benefits valued under \$100 Dollars

- 1.1 When a councillor or a related person receives a gift or benefit valued under \$100, including multiple gifts or benefits of a lesser value, the councillor or related person is not required to advise Council.

### 2. Gifts or benefits valued \$100 or more up to \$500 (including gifts of a lesser value totalling more than \$100 up to \$500)

- 2.1 Within seven (7) days of receipt of a gift valued at \$100 or more up to \$500, including gifts of a lesser value totalling \$100 or more up to \$500, the Councillor or a related person who receives the gift must complete and submit a Councillor Gifts and Benefits Declaration Form for inclusion in Council's Register of Gifts and Benefits.

### 3. Gifts or benefits valued more than \$500 (including gifts of a lesser value totalling more than \$500)

- 3.1 Within seven (7) days of receipt of a gift or benefit valued at more than \$500, including gifts of a lesser value totalling more than \$500, a Councillor or a related person who receives the gift or benefit must complete and submit a Councillor Gifts and Benefits Declaration Form for inclusion in Council's Register of Gifts and Benefits.

### 4. Council Related Sponsored Travel and Accommodation Benefit (received in an official capacity)

- 4.1 Within seven (7) days, of receipt of the Council Related Sponsored Travel and Accommodation Benefit a Councillor or a related person who receives the benefit must complete and submit a Councillors Gifts and Benefits Declaration Form for inclusion in Council's Register of Gifts and Benefits.

## 5. Gifts made by Council

Gifts may be presented at the discretion of the Mayor or Chief Executive Officer to visiting delegations of political, cultural, commercial, educational, sporting or social nature.

Gifts may be presented to Councillors at the discretion of the Mayor. Gifts may be made to the Mayor at the discretion of the Deputy Mayor and Chief Executive Officer in consultation.

- 5.1 A Councillor or a related person who receives a gift made by Council up to a value of \$500 is not required to submit a Councillor Gifts and Benefits Declaration Form.
- 5.2 Within seven (7) days of receipt of a Gift made by Council valued at more than \$500, including gifts of a lesser value totalling more than \$500, a Councillor or a related person who receives the gift must complete and submit a Councillor Gifts and Benefit Declaration Form for inclusion in Council's Register of Gifts and Benefits.

## 6. Display & Recording of Gifts

- 6.1 Gifts received by Council, particularly where they have an historical, cultural or protocol value will be displayed in an area accessible by the general public during business hours.
- 6.2 Details of these gifts are to be recorded in Council's Register of Art Works.

## 7. Disposal of Gifts

From time to time a gift item may be received by Council which does not fall within the Display of Gifts category or is otherwise unsuitable for Council to retain.

### 7.1 Sale to Recipient

- 7.1.1 The Councillor receiving the gift, on behalf of Council may, at the discretion of the Chief Executive Officer, buy the gift from Council.
- 7.1.2 The purchase price will be determined as the manufacturer's wholesale value at the time of purchase less \$100.00, or in accordance with a valuation from an appropriately experienced person, less \$100.00.

### 7.2 Disposal other than by sale to Recipient

- 7.2.1 The Chief Executive Officer may dispose of gifts, having regard to the *Local Government Act 2009* and Council's Procurement Policy, in the following manner:
  - Transfer to other public agencies or authorities.
  - Transfer as a gift to a recognised charitable or non-profit organisation or for archival by the Queensland Museum or State Library.

## 8. Administration and record keeping

- 8.1 All Councillor Gifts and Benefits Declaration Forms are to be submitted to the CEO within seven (7) days of receipt of the gift or benefit.
- 8.2 For gifts and benefits valued over \$500, or any sponsored travel and hospitality benefit of ANY VALUE that is received other than in an official capacity, Councillors must submit a Local Government Department Register of Interests Form (Form 1 or Form 2) under Schedule 5 of the *Local Government Regulation 2012*.

8.3 The Executive Services Support Team will:

8.3.1 Register the completed Councillor Gifts and Benefits Form (and any Register of Interests Forms) in Council's Electronic Records Management System, MagiQ; and

8.3.2 Update Council's register of Gifts and Benefits.

## CERTIFICATION

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**CHIEF EXECUTIVE OFFICER**  
**BANANA SHIRE COUNCIL**

5/14/24  
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**DATE**