



Molemole Municipality

GIFT POLICY 2022/23

MOLEMOLE LOCAL MUNICIPALITY GIFT POLICY 2022/23

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1. Introduction

The policy seeks to ensure guidance and proper control and accounting treatment of gifts by and to Molemole Local Municipality Officials.

2. Purpose of this policy

The policy is established to provide a procedure framework within which gifts are managed and accounted for in Molemole Local Municipality to ensure they occur in a well-controlled environment for the ultimate benefit of the Municipality.

3. Objectives

The objectives of this Policy are as follows:

- a) To ensure compliance to legislation in terms of disclosure of gifts of officials and all stakeholders
- b) To provide procedure which outlines the process for disclosure of gifts
- c) To outline measures to be taken if compliance to the procedures not adhered to.

4. Legislative framework

4.1. Schedule 2 of the Local Government Municipal Systems Act 32/2000- code of conduct for municipal staff members, In terms of this schedule, a staff member of a municipality may not request, solicit or accept any gift for:

- a. Persuading the council of the municipality, or any structure or functionary of the council, with regard to the exercise of any power or the performance of any duty,
- b. Making a representation to the council, or any structure or functionary of the council,
- c. Disclosing any privileged or confidential information
- d. Doing or not doing anything within that staff member's powers or duties.

A staff member must without delay report to a superior official any offer which, if accepted by the staff member, would constitute a breach of Code of Conduct for Officials

4.2. Regulation 47 of the Municipal Supply Chain Management policy provides as follows:

No person who is a provider or prospective provider of goods or services to a municipality or municipal entity, or a recipient or prospective recipient of goods disposed or to be disposed of by a municipality or municipal entity, may either directly or through a representative or intermediary promise, offer or grant-

1. Any inducement or reward to the municipality or municipal entity for or in connection with the award of a contract, or
 - i. Any reward, gift, favour or hospitality to-
 - ii. Any official of the municipality or municipal entity, or
 - iii. Any other role-player involved in the implementation of the supply chain management procedure of the municipality or municipal entity

2. The Municipal Manager of a municipality or municipal entity must promptly report any alleged contravention of sub-regulation (1) to the National Treasury for considering whether the offending person, and any representative or intermediary through which such person is alleged to have acted, should be listed in the National Treasury's database of persons prohibited from doing business with public sector.
3. Sub-regulation (1) does not apply to gifts less than **R350** in value.

5. Onus of disclosure of gifts rests with individual

- a) All officials are obliged to familiarise themselves with contents of Schedules 2 of the Local Government Municipal Systems Act 32/2000 as well as this Policy for purposes of making a disclosure of gifts where applicable.
- b) For purposes of this Policy it will be accepted that the onus to make a declaration of gifts as legally rests with the individual official and ignorance as a defence for non-compliance with this Policy shall not be accepted.
- c) Making of a declaration for purposes of this Policy shall include a declaration of gifts received/given by officials.

6. Procedure for disclosure of gifts

Gifts are unsolicited and meant to convey a feeling of goodwill on behalf of the giver and where there is no expectation of favours or repayment. Some examples of these types of gifts could include cash, shopping vouchers, clothes, promotional products, tickets etc.

If the gift is worth a value greater than **R350**, the following procedure applies and declaration has to be done within **14 days** from receipt/giving of the said gift.

- a) In dealing with Section 4 of this Procedure, the stipulations of Schedule 2 Section 8 of the Municipal Systems Act 32/2000 shall be applicable. Therefore, the gifts not exceeding a value of R350 will be construed to be gifts given in gratitude to an individual on personal level and not a gift to sway an official in any way to abuse his/her position within the Council or Municipality in favour of the person/organisation presenting the gift.
- b) Gifts to the value of R350 and more received by/given by an official must be declared on the approved form and submitted to the Risk Management Unit for capturing in the register established for this purpose. All Contents in the gift register must be noted by the Municipal Manager

- c) An official should not cut/divide their gifts into smaller amounts which are less than R350 with the intention of not declaring the gift.
- d) An official who received a gift worth less than R350 but on a continuous basis and from the same individual/institution should declare the gift.

Disciplinary action will be taken against any official if compliance to the policy is not adhered to

7. Communication of gift policy

The Municipal Manager, through the Risk Management Unit will ensure that the policy and is communicated to all Officials and Councillors through Risk Assessments and Anti-Fraud and Corruption awareness campaigns.

8. Approval and review of the policy

- a) This policy shall be reviewed annually for purposes factoring new developments and legislation relating to the declaration of gifts.
- b) The policy shall be approved by Council on an annual basis.

RECOMMENDED BY:


K. Mathibela

Chairperson Risk Management Committee

23/05/2022
Date

APPROVED BY:


EM Rana
Mayor

27/05/2022
Date