

POLICY

TITLE:	GIFTS AND BENEFITS POLICY (CEO)		
DIVISON:	CHIEF EXECUTIVE OFFICER		
ADOPTED BY:	COUNCIL		
DATE OF ADOPTION:	JUNE 2021	DATE OF REVIEW:	JUNE 2026
MOTION NUMBER:	OC 98/21		
POLICY NUMBER:	CP14		
LEGISLATIVE REF:	Regulation 6(1)(g) of the Local Government (General) Regulations 2021		

PURPOSE:

The purpose of this policy is to set out the requirements for council staff members receiving gifts or benefits and disclosing relevant gifts or benefits.

1. DEFINITIONS

Nominal value means gifts or benefits totalling less than \$50 from the same donor or an associate of the donor in a financial year.

2. PRINCIPLES

1. The CEO must, at all times, discharge official duties, responsibilities and obligations impartially and with integrity in relation to receiving, accepting and disclosing gifts or benefits.
2. Council staff must not solicit or accept gifts and/or benefits above the nominal value of \$50.00
3. The CEO must not accept a gift or benefit from any person or organisation, which may be perceived by a reasonable person to influence the CEO's performance of official duties, responsibilities and obligations.
4. A benefit includes entertainment or hospitality.

3. APPLICATION

3.1 Relevant gifts or benefits

A relevant gift or benefit is a gift or benefit that exceeds the nominal value and includes:

- (a) a gift or benefit offered to the CEO for the Council; or
- (b) a gift or benefit offered to the CEO for the CEO or another person.

3.2 Exemptions from disclosure

The following gifts or benefits are exempted from a council's CEO gifts and benefits policy:

- (a) a gift or benefit given to the CEO in a private capacity for personal use by the CEO or another person – unless the gift or benefit may be perceived by a reasonable person to improperly influence the performance of official duties, responsibilities or obligations;
- (b) a gift or benefit given to the CEO by the Council;
- (c) a protocol gift (gift or benefit that is primarily for diplomatic, ceremonial or symbolic purposes and are not be sold or otherwise transferred, unless in diplomatic, ceremonial or symbolic circumstances) given to the CEO for the Council;
- (d) a gift or benefit given to the CEO for the Council in relation to its status as a body corporate where no single individual is considered to be the recipient of the gift or benefit; or
- (e) food, hospitality or accommodation included in the attendance of meetings, conferences, training courses, functions or other events that have been paid for by the Council, and are directly relevant to the performance of the CEO's official duties, responsibilities or obligations.

3.3 Rejecting gifts or benefits

- (a) a gift or benefit given to the CEO in a private capacity for personal use by the CEO or another person – unless the gift or benefit may be perceived by a reasonable person to improperly influence the performance of official duties, responsibilities or obligations;
- (b) a gift or benefit given to the CEO by the Council;
- (c) a protocol gift (gift or benefit that is primarily for diplomatic, ceremonial or symbolic purposes and are not be sold or otherwise transferred, unless in diplomatic, ceremonial or symbolic circumstances) given to the CEO for the Council;
- (d) a gift or benefit given to the CEO for the Council in relation to its status as a body corporate where no single individual is considered to be the recipient of the gift or benefit; or
- (e) food, hospitality or accommodation included in the attendance of meetings, conferences, training courses, functions or other events that have been paid for by the Council and are directly relevant to the performance of the CEO's official duties, responsibilities or obligations.

3.4 Disclosure of relevant gifts or benefits

- (a) The CEO must notify the Mayor if the CEO is offered any gift or benefit that is not exempt, including in circumstances where the CEO rejects the gift or benefit.
- (b) The CEO is to notify the Mayor of with the following details:
 - the name of the donor (person or organisation) offering the gift or benefit;

- the date the gift or benefit was offered;
 - a description of the gift or benefit;
 - the value (or estimated value) of the gift or benefit;
 - whether the gift or benefit is for the CEO or another person (including the full name and relationship of the person to the CEO, if applicable);
 - the reason for the gift or benefit;
 - whether the CEO rejected or proposes to accept the gift or benefit; and
 - any other relevant details.
- (c) Where the value of a gift or benefit is estimated, a description of the basis of the estimate should also be included (e.g. website search term or website link to the gift or a similar gift). If it is difficult to accurately estimate the value, this should also be mentioned.
- (d) After notifying the Mayor, the CEO is to record the information in a register for gifts and benefits, including specifying whether the gift was in fact rejected or accepted by the CEO. This register should only relate to gifts and benefits offered to the CEO and be accessible to council members at all times.
- (e) Council must be informed of gifts and benefits that have been offered to the CEO **annually**, with the Council to receive and note the information contained in the register.

4. RELEVANT LEGISLATION, STANDARDS, POLICIES AND FORMS

Local Government Act NT (2019)

Barkly Regional Council Register of declared gifts and benefits

Local Government (General) Regulations 2021

5. EVALUATION AND REVIEW

Within six (6) months of a new term of Council.

Acknowledgement

I, _____ (*Print full name*) have read and understood the Barkly Regional Council Gifts and Benefits Policy I agree to abide by this code which is outlined above.

Employee signature: _____ Date signed: _____