

POLICY

TITLE:	GIFTS AND BENEFITS POLICY (COUNCIL MEMBERS)		
DIVISION:	COUNCIL		
ADOPTED BY:	COUNCIL		
DATE OF ADOPTION:	JULY 2021	DATE OF REVIEW:	JULY 2026
MOTION NUMBER:	OC 56/21 - 29 April 2021		
POLICY NUMBER:	CP71		
LEGISLATIVE REF:	Section 109(2) of the Local Government Act 2019		

PURPOSE:

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

1. DEFINITIONS

For the purposes of this policy:

Associate, see section 8 of the Local Government Act 2019.

Campaign donation return, see section 148 of the Local Government Act 2019.

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

Protocol gift means a gift or benefit given to a council member for diplomatic, ceremonial or symbolic purposes that will not be sold or transferred (unless in diplomatic, ceremonial or symbolic circumstances).

Register of declared gifts and benefits, see section 113 of the Local Government Act 2019.

2. PRINCIPLES

A council member must discharge the council member's duties, responsibilities and obligations impartially and with integrity including in relation to receiving, accepting and disclosing gifts or benefits.

A council member must not accept a gift or benefit of any value that may be perceived by a reasonable person to improperly influence the performance or decisions of the council member or the Council.

Council members must also adhere to clauses 9.1 and 9.2 of the Code of Conduct relating to gifts (see Schedule 1 of the Local Government Act 2019).

3. APPLICATION OF POLICY

3.1 Relevant gifts or benefits

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

- (a) gift or benefit received for the Council and accepted by a council member; or
- (b) gift or benefit received and accepted by a council member for the council member or another person.

3.2 Rejecting gifts or benefits

If a council member has received any gift or benefit that breaches the principles at clause 2 above, the council member must reject the gift or benefit by returning it to the donor and respectfully explaining to the donor that acceptance of the gift or benefit would breach this policy.

3.3 Council members must not

- a) Solicit or accept gifts and or benefits above the nominal value of \$50.00
- b) Accept any offer of a gift or benefit from an organisation involved in a tendering or procurement process, either recent or ongoing;
- c) Solicit or accept cash or cash like gifts/benefits regardless of the amount; or
- d) Seek or accept a bribe or other improper inducement;
- e) All gifts must be declared on the gifts and benefits register;

For the purpose of this policy a “cash-like gift” includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.

3.4 Council members must

- a) Avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you, as a result of your role with Council;
- b) Take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment in your role with Council. Immediate family members are defined in Part 3 of the NT Local Government Act.

3.5 Disclosure of relevant gifts or benefits

If has received a relevant gift or benefit, the council member must inform the CEO as soon as practicable after receipt and provide the following information in writing:

- (a) name of the council member that received the relevant gift or benefit;
- (b) name of the donor (person or organisation) giving the gift or benefit;
- (c) date the gift or benefit was received;

- (d) description of the gift or benefit;
- (e) whether the gift or benefit is for the Council, the council member or another person (including the full name and relationship of the person to the council member, if applicable);
- (f) value (or estimated value) of the gift or benefit;
- (g) reason for the gift or benefit;
- (h) any other relevant details.

The CEO will record the details in the register of declared gifts and benefits.

3.5 Exemptions from disclosure

The principles in clause 2 still apply to gifts or benefits that are exempted from disclosure in the list below.

The following gifts or benefits are exempted from disclosure under this policy:

- (a) a gift or benefit given to the council member by the Council;
- (b) a protocol gift given to a council member for the Council;
- (c) a gift or benefit given to the Council in relation to its status as a body corporate where no individual council member or council members are considered to have accepted the gift or benefit;
- (d) food, accommodation, hospitality or entertainment included in the attendance of meetings, conferences, training courses, functions or other events that have been organised through the Council or that are required in accordance with performance of the council member's official duties;
- (e) a donation disclosed (or to be disclosed) by the council member in a campaign donation return;
- (f) a private and personal gift (such as a birthday present from a family member).

4. RELEVANT LEGISLATION, STANDARDS, POLICIES AND FORMS

Local Government Act NT (2019)

Barkly Regional Council Register of declared gifts and benefits