



Policy Name	Gifts and Benefits Policy (Council Members, Local Authority Members and Council Committee Members)	
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Categorisation:	Governance	
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Responsible Officer:	Governance Advisor, Office of the CEO	
Custodian:	Chief Executive Officer	
Version (Revision Number):	2.0	

1. Purpose

The purpose of this policy is to set out the requirements for council member, local authority member or council committee member (Member) receiving gifts or benefits and disclosing relevant gifts or benefits.

2. Definitions

allowable limit means gifts or benefits totalling more than \$50 but not exceeding the specified value of \$300 from government sources or \$300 from private/industry sources, received from the same donor or an associate of the donor in a single transaction or financial year.

associate, see section 8 of the *Local Government Act 2019*.

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

member, *Council Members*, *Local Authority Members* and *Council Committee Members*.

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, local authority member or council committee 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*.

valuation means the process of determining the value of a gift or benefit. In cases where there is doubt about the value of a gift or benefit, a valuation may be obtained directly from the donor or through a formal, independent valuation process.



3. Principles

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

A 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, local authority member, council committee member or the 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*).

4. Application of Policy

(a) 4.1 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 Member;
- (b) gift or benefit received and accepted by a Member for the Member or another person;
- (c) a gift or benefit given to the Member by the Council; or
- (d) a *protocol gift* given to a Member for the Council.

(b) 4.2 Rejecting gifts or benefits

If a Member has received any gift or benefit that breaches the principles at clause 3 above, the 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.

(c) 4.3 Disclosure of relevant gifts or benefits

If a Member has received a relevant gift or benefit, the Member must inform the CEO [*within 28 days of receipt or as soon as practicable*] after receipt and provide the following information in writing:

- (a) name of the 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 Member or another person (including the full name and relationship of the person to the Member, if applicable);
- (f) value (or estimated value) or *valuation* amount, of the gift or benefit;
- (g) reason for the gift or benefit;
- (h) any other relevant details.

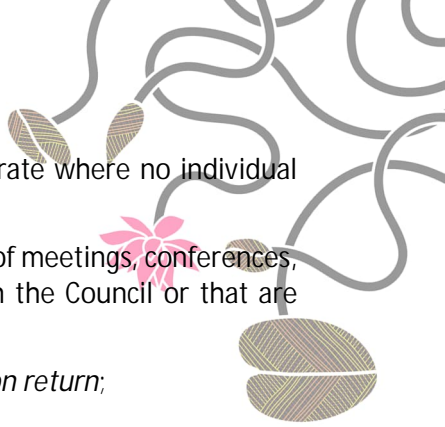
The CEO will record the details in the *register of declared gifts and benefits*.

(d) 4.4 Exemptions from disclosure

The principles in clause 3 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:



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- (e) a gift or benefit given to the Council in relation to its status as a body corporate where no individual Member are considered to have accepted the gift or benefit;
 - (f) 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 Member's official duties;
 - (g) a donation disclosed (or to be disclosed) by the Member in a *campaign donation return*;
 - (h) a private and personal gift (such as a birthday present from a family member).

5. Responsibilities

The Chief Executive Officer is the Policy Custodian for this policy and is responsible for reviewing the operation of the policy (every 3 years or more frequently as may be required), and for monitoring continuing relevance, effectiveness, and consistency with related documents and the Law.

Following approval of this policy document, the Chief Executive Officer (or a nominated delegate) is also responsible for ensuring that the implementation and communication plan is implemented and that all Council employees have access to the policy.

6. Related Documents

Legislation and References

Local Government Act 2019 (NT) Section 112

Policy documents

Code of Conduct (Elected, Local Authority and Council Committee Members)

Conflict of Interest (Elected, Local Authority and Council Committee Members)

Procedures

Nil

Instructions, tools, guidelines, forms and templates

Gifts, Benefits and Offers of Hospitality Declaration Form

Register of Declared Gifts and Benefits

