

Name:	Gifts and Benefits for Elected Members		
Type:	Council Policy		
Owner:	Chief Executive Officer		
Responsible Officer:	Governance and Strategy Manager		
Adopted Date:	1/07/2021	Next Review Date:	1/07/2025
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## 1 PURPOSE

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

## 2 PRINCIPLES

Council is committed to maintaining the community's confidence in the integrity of Council by acting with honesty, transparency, and accountability.

An Elected Member must discharge their duties, responsibilities, and obligations impartially and with integrity in relation to receiving, accepting, and disclosing gifts or benefits.

An Elected 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 Elected Member or the Council.

Elected Members must be familiar with and comply with the requirements of the *Local Government Act* and other legislative requirements.

## 3 DEFINITIONS

For the purposes of this Policy, the following definitions apply:

Term	Definition
Nominal value	means a single gift or benefit less than \$50 in value (or multiple gifts or benefits totalling less than \$100 in value given by the same donor in a financial year).
Protocol gift	means a gift or benefit given to an Elected Member for diplomatic, ceremonial or symbolic purposes that will not be sold or transferred (unless diplomatic, ceremonial or symbolic circumstances).
Register of declared gifts and benefits	Refer to section 113 of the <i>Local Government Act 2019</i> .

## 4 POLICY STATEMENT

### 4.1 Relevant Gifts or Benefits

A relevant gift or benefit is a gift or benefit (or multiple gifts and benefits) received and accepted by an Elected Member that exceeds the nominal value and includes:

- (a) Gift or benefit received for the Council and accepted by an Elected Member; or
- (b) Gift or benefit received and accepted by an Elected Member for the Elected Member or another person.

## 4.2 Rejecting gifts or benefits

If an Elected Member has been offered any gift or benefit that breaches the policy's principles under section 2, the Elected Member must reject the gift or benefit by not accepting or returning it to the donor respectfully explaining the acceptance of the gift or benefit would breach this policy.

## 4.3 Disclosure of relevant gifts or benefits

4.3.1 If an Elected Member has received a relevant gift or benefit, the Elected Member must inform the Chief Executive Officer (CEO) as soon as practicable after receipt and provide the following information in writing:

- (a) Name of the Elected 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 Elected Member or another person (including full name and relationship of the person to the Elected Member, if applicable);
- (f) Value (or estimated value) of the gift or benefit;
- (g) Reason for the gift or benefit;
- (h) Intention for the gift (personal use, gifted to, donated to)
- (i) Any other relevant details.

4.3.2 The CEO will record the details in the Register of Declared Gifts and Benefits.

4.3.3 The Information Commissioner Against Corruption (ICAC) sets out the disclosure requirements for the offering and acceptance of gifts, and details corruption risks to Elected Members.

## 4.4 Exemptions for disclosure

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

- (a) A gift or benefit given to an Elected Member by the Council;
- (b) A protocol gift given to an Elected 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 Elected Member or Elected Members are considered to have accepted the gift or benefit; and
- (d) A donation disclosed (or to be disclosed) by the Elected Member in a campaign donation return.

*Note: The principles under section 2 still apply to gift or benefits that are exempted from disclosure.*

## 5 ASSOCIATED DOCUMENTS

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- 5.1 *Code of Conduct for Elected Members and Committee Members*
- 5.2 *Register of Declared Gifts and Benefits*

## 6 REFERENCES AND RELATED LEGISLATION

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- 6.1 *Local Government Act 2019*
- 6.2 Information Commissioner Against Corruption NT