



Name	EM07 CEO and Council Member Gifts, Benefits and Hospitality
Policy Type	Council
Responsible Officer	Policy & Governance Program Leader
Approval Date	19/05/2021
Effective Date	01/07/2021
Review Date	19/05/2025

### 1. Purpose

The purpose of this policy is to set out the requirements for the Chief Executive Officer (CEO) and Council Members receiving gifts or benefits and disclosing relevant gifts or benefits. This policy is in accordance with the Local Government Act.

### 2. Scope

This policy applies to the CEO, Council Members and Committee Members.

### 3. Definitions

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

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).
Campaign donation return	Section 148 of the <i>Local Government Act 2019</i> (1) Each candidate in a periodic general election or by-election must give a campaign donation return for the disclosure period to the Electoral Commission within 40 days after the expiry of the disclosure period. (2) The return must be in the form approved by the Electoral Commission.
Council Member	Council Member includes Committee Members.
Nominal value	means gifts or benefits totalling less than \$50 from the same donor or an <b>associate</b> of the donor in a financial year.
Gift	A thing given willingly to someone without payment; a present.

## 4. Policy Statement

### 4.1. Policy Principles

- 4.1.1 The CEO and Council Members must discharge their duties, responsibilities, and obligations impartially and with integrity including in relation to receiving, accepting, and disclosing gifts or benefits.
- 4.1.2 The CEO and Council Members 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/Committee Member or the Council.

### 4.2. Relevant gifts or benefits

- 4.2.1 A relevant gift or benefit is a gift or benefit that exceeds the *nominal value* of \$50 and includes:
  - (a) gift or benefit received for the Council and accepted by the CEO and/or Council Member; or
  - (b) gift or benefit received and accepted by the CEO and/or Council Member for the CEO and/or Council Member or another person.

### 4.3. Rejecting gifts or benefits

- 4.3.1 If the CEO or Council Member has received any gift or benefit that breaches the principles at clause 4.1 above, the CEO or 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.

### 4.4. Disclosure of relevant gifts or benefits

- 4.4.1 If a Council Member 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.

4.4.2 If the CEO has received a relevant gift or benefit, the CEO must inform the Mayor 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.

4.4.3 The CEO is responsible for recording the details in the ***register of declared gifts and benefits***.

#### **4.5. Exemptions from disclosure**

4.5.1 The principles in 4.1 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 CEO or Council Member by the Council;
- (b) a ***protocol gift*** given to the CEO or 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 the CEO 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 CEO or 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).

**5. Associated Documents**

EM01 Elected Member Code of Conduct

**6. References and Legislation**

Northern Territory Local Government Act 2019

**7. Review History**

Date Reviewed	Description of changes (Inc Decision No. if applicable)
11/10/2012	PA12/CAM/043 – approved as LC30
15/11/2017	Renamed to EM07, updated reference to protocol gifts and formatted to updated policy template (1718/099)
19/05/2021	Adjustment in accordance with the new Local Government Act