

GIFTS AND BENEFITS RECEIVED BY COUNCIL MEMBERS POLICY

Type:	Council – Elected Members		
Owner:	Council		
Responsible Officer:	Chief Executive Officer		
Approval Date:	27/06/2023	Next Review:	1/11/2025
Records Number:	179564	Council/CEO Decision:	Council OCM-052-2023
Legislation Reference:	Section 112 of the <i>Local Government Act 2019</i>		

1 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.

2 SCOPE

This policy applies to elected members with Katherine Town Council.

3 DEFINITIONS

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

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 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*.

4 DETAILS

4.1 Principals

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.

Note: 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).

4.2 Relevant gifts or benefits

A relevant gift or benefit is a gift or benefit (or multiple gifts or benefits) received and accepted by a council member that exceed 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.

4.3 Rejecting gifts or benefits

If a council member has received any gift or benefit that breaches the principles at clause 4.1 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.

4.4 Disclosure of relevant gifts or benefits

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.

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

4.5 Exemptions from disclosure

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

- (i) a gift or benefit given to the council member by the Council;
- (j) a protocol gift given to a council member for the Council;
- (k) 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;
- (l) 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;
- (m) a donation disclosed (or to be disclosed) by the council member in a campaign donation return;
- (n) private and personal gift (such as a birthday present from a family member).

Note: The principles under clause 4.1 still apply to gifts or benefits that are exempted from disclosure.

5 ASSOCIATED POLICIES/DOCUMENTS

Elected Members Code of Conduct

6 REFERENCES AND RELATED LEGISLATION

Local Government Act 2019

Revision History

Version	Approval date	Details of change	Responsible officer
1	27/01/2021	Created and adopted	Policy Review Committee
2	20/06/2023	Reviewed – changed to new template and minor administrative amendments.	Governance and Executive Officer
3			