



## **GIFTS AND BENEFITS POLICY – CEO AND STAFF**

Type:	Corporate Policy		
Owner:	Chief Executive Officer		
Responsible Officer:	Governance Officer		
Approval Date:		Next Review:	April 2025
Records Number:		Council/CEO Decision:	CEO
Legislation Reference:	Section 6(1)(g) and (h) of the Local Government (General) Regulations 2021		

### **1 PURPOSE**

The purpose of this policy is to set out the requirements for the Chief Executive Officer (CEO) and council staff members receiving gifts or benefits and disclosing relevant gifts or benefits.

The CEO and employees should not solicit, demand or request gifts or any other personal benefit by virtue of their position. Any offer of gifts must be assessed as to whether its nature is that of a normal business courtesy as distinct from an inducement.

### **2 SCOPE**

This policy applies to the CEO and all staff of Katherine Town Council, regardless of the capacity in which they are employed.

### **3 DEFINITIONS**

**Gifts and benefits** mean any item or service accepted from clients or customers (including potential clients or customers) or other associates, in the course of official duties and may include, but are not limited to:

- offers of cash or shares including lottery tickets
- gift cards and gift baskets
- bottles of alcohol, manufacturer's samples or personal items
- promotional materials, including clothes, books, USBs or DVDs
- sponsored travel
- free or discounted travel or accommodation
- free or discounted places at training courses, conferences or seminars (excluding early-bird)
- airline competition prizes or upgrades
- accommodation and hire car discounts
- plants or flowers
- entertainment, such as meals, seats at sporting or theatre events
- discounts or other preferential treatment
- meals or other hospitality
- lucky door prizes or other prizes offered by, for example, conference sponsors.

**Relevant gift or benefit** means gifts or benefits exceeding \$50 from the same donor or an associate of the donor in a financial year.

The CEO and staff must, at all times, discharge official duties, responsibilities and obligations impartially and with integrity in relation to receiving, accepting and disclosing gifts or benefits.

The CEO and staff **must not** accept gifts and benefits that may be perceived as representing a conflict of interest or which might reasonably be seen to compromise an individual's integrity in the performance of official duties, responsibilities and obligations.

### RECEIVING OR REJECTING GIFTS AND BENEFITS

The first consideration must always be whether a gift or benefit is appropriate to accept. There are two major considerations – why was the offer made and the public perception of acceptance.

There are occasions when a gift or benefit can be accepted. These are referred to as 'relevant gifts and benefits'. If you are offered a gift or benefit, and you are in doubt as to whether it can be accepted, discuss the matter with your manager (or the Mayor for the CEO).

Any offer of cash, or any items which are readily converted into cash (e.g. lottery ticket, 'scratchie', shares), must be refused. Accepting money in any form may breach several Council policies and legislative requirements, as offers of cash may be seen as an attempt at bribery. If you are not in a position to refuse the acceptance of such a gift, you should immediately pass it on to your supervisor, manager.

If the gift or benefit is rejected, CEO or staff member must return it to the donor and respectfully explaining to the donor that acceptance of the gift or benefit would breach this policy.

### DISCLOSING GIFTS AND BENEFITS THAT HAVE BEEN ACCEPTED

If a gift or benefit is accepted by the CEO or staff member, they must complete a Declaration of Receipt of Gift and forward to Council's Records Officer who is responsible for maintaining the register. Depending on the nature of the gift or benefit, it may become the property of Council, given to a charitable organisation or retained by the individual.

The declaration includes information such as the name of the recipient, the nature of the gift or benefit, its estimated value, and the date it was accepted.

The CEO must also inform the Mayor as soon as practicable after accepting any gift or benefit.

### EXEMPTIONS FROM DISCLOSURE

There are circumstances in which gifts and benefits are accepted, but they would not be 'relevant gifts and benefits' that require disclosure. These include:

- a gift or benefit less than \$50 that would reasonably be seen **NOT** to compromise an individual's integrity in the performance of official duties, responsibilities and obligations
- a protocol gift given to the CEO or staff member for the Council
- a gift or benefit given to the Council in relation to its status as a body corporate where no individual staff member or the CEO are considered to have accepted the gift or benefit
- 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 staff member's official duties, and
- a private and personal gift (such as a birthday or wedding present from a colleague, or flowers for the funeral of a colleague's family member).

## 5 ASSOCIATED POLICIES/DOCUMENTS

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Code of Conduct for CEO

Code of Conduct for Employees

Declaration of Receipt of Gift (form)

Register of declared gifts and benefits

## 6 REFERENCES AND RELATED LEGISLATION

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*Local Government Act 2019*

Local Government (General) Regulations 2021

### Revision History

Version	Approval date	Details of change	Responsible officer
1	April 2022	Created	CEO