

Title: Acceptance Of Gifts And Benefits
Policy No: 2
Responsibility: Chief Executive Officer

Version	Decision Number	Decision Date	Description of Change
1	18\4036	24/09/02	Adopted
2	19\4604	12/06/07	Reviewed
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OBJECTIVE

This policy outlines the minimum standard of behaviour expected of Council employees in relation to the acceptance of gifts and benefits.

CONTEXT

Section 145 (3) of the Northern Territory Local Government Act

“An officer or employee shall not make improper use of information acquired by virtue of his or her position as an officer or employee or *make improper use of that position which might lead to gaining, directly or indirectly, an advantage for himself, herself or for another person or cause detriment to the Council.*”

Darwin City Councils Code of Ethical Standards and behaviour relating to acceptance of gifts and benefits states:

“The acceptance of gifts or benefits by employees is an issue that requires sound judgement. Benefits include offers of cash, gifts, free travel, substantial hospitality and / or entertainment. Essentially if the receiving of the gift or benefit could or could be perceived as compromising your professional responsibilities, it should not be accepted! If circumstances exist where it is believed appropriate to receive a gift or benefit which is of a substantial nature the specific approval of the Chief Executive Officer must be obtained.”

DEFINITION

- Gift/Benefit Register** register kept by Chief Executive Officer’s office outlining date gift or benefit was acquired, type of gift or benefit, value of gift or benefit, who gave the gift or benefit, who received the gift or benefit.
- Gift** a tangible item of value given to staff by an existing or potential supplier/customer. Some examples are money, alcohol, clothes, products, tickets.
- Benefit** something which is believed to be of value to the receiver. Some examples are: access to a private spectator box at sporting venue, preferential treatment, such as queue

Nominal Value jumping, access to confidential information, hospitality.
\$30.00 (i.e. total value of gift or benefit received)

General Principles

The local community has a right to expect the business of the Council to be conducted with efficiency, fairness, impartiality and integrity.

Generally, it is acceptable for staff to receive small gifts/token benefit of a personal nature and below the nominal value stated in this report. However if an employee receives a number of gifts / benefits that are below the nominal value individually but in total are above it the matter should be discussed with the relevant Director or CEO.

It is not acceptable for a staff member to give or receive a gift or benefit that may:

- compromise or influence his or her judgement in their official capacity with the Council;
- create a conflict of interest;
- damage relationships with others; or
- indicate any favouritism or prejudice towards a person or group of people that is intended to, or is likely to, cause them to act in a partial manner in the course of their duties.

As a general rule, a line can be drawn in situations where a gift could be seen by others as an inducement which could place an employee under an obligation. Gifts of nominal value generally used for promotional purposes by the donor or moderate acts of hospitality may be accepted subject to these guidelines.

POLICY

Approval of the acceptance of gifts or benefits over the nominal value is to be through the Director, or if the gift is for the Director through the CEO provided that there is no possibility that the recipient might be, or might appear to be, compromised in the process.

Employees dealing with, or having access, to sensitive investigations or commercially sensitive information, should be particularly alert to inappropriate attempts to influence them. Staff should not accept any gifts or hospitality during sensitive negotiations involving, for example, contracts agreements, licences, permits etc .

When accepting or refusing gifts, staff should be careful to consider the cultural context in which the gift is offered and endeavour to avoid giving offence.

Acceptance of gifts/benefits over the nominal value (see definition) should be either politely declined, "surrendered" to Council or accepted by an employee only after discussion with the Director or CEO. All gifts/benefits above the nominal value

should be registered. If hospitality is received from business contacts, this is also to be recorded in the gifts and benefits register to ensure that it is transparently recorded. By recording gifts or hospitality, everybody is aware that both management and auditors can trace any influence that is brought to bear.

PENALTY FOR BREACHES

Failure to comply with this policy will be considered as misconduct in accordance with Award Conditions.