

Gifts and benefits policy

Policy No. 0014.100.E.R

1 Purpose

The purpose of this policy is to set out the requirements for Elected Members, the Chief Executive Officer (CEO) and workplace participants receiving and disclosing relevant gifts or benefits including entertainment and hospitality.

2 Scope

This policy applies to receiving, refusing, and disclosing relevant gifts and benefits.

3 Policy statement

Elected Members, the CEO and workplace participants must, at all times, conduct their official duties impartially and with integrity. In line with the *Local Government Act 2019* (NT) and City of Darwin Code of Conduct, anyone employed by or representing City of Darwin must not:

- ask for or encourage gifts or benefits
- accept a gift or benefit that may influence them in performing their duties
- accept a gift or benefit that could be perceived to influence them in performing their duties.

3.1 Relevant gifts or benefits

A relevant gift or benefit is a gift or benefit that exceeds the nominal value and includes:

- a gift or benefit received on behalf of City of Darwin by an Elected Member, the CEO or workplace participant
- a gift or benefit received by an Elected Member for the Elected Member or another person
- a gift or benefit received by the CEO or workplace participant for the CEO, workplace participant or another person

3.2 Refusing gifts or benefits

If an Elected Member, the CEO or workplace participant receives a gift or benefit that may compromise, or be seen to compromise, their impartiality or integrity, they must refuse the gift or benefit by returning it to the donor and respectfully explaining that acceptance would breach this policy.

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While it is not required, details of a gift or benefit refused may be declared in writing to the relevant party and recorded in the appropriate register.

3.3 Disclosure of relevant gifts or benefits

All gifts and benefits received must be declared in writing as soon as practicable to the relevant party:

- Elected Members notify the CEO
- the CEO notifies the Lord Mayor
- workplace participants notify the CEO or delegate.

The following details must be included in the written declaration:

- name of the Elected Member / workplace participant who received the relevant gift or benefit
- name of the donor, person or organisation, who gave, the gift or benefit
- date the gift or benefit was received
- description of the gift or benefit
- whether the gift or benefit is for the City of Darwin, the Elected Member, the CEO, workplace participant or another person, including the full name and relationship of the person to the recipient, if applicable
- value or estimated value of the gift or benefit
- reason for the gift or benefit
- any other relevant details.

Details of declared gifts or benefits will be recorded in the appropriate register by the CEO or delegate.

Details in the register will be made available as follows:

- the Register of Declared Gifts and Benefits (Council Members) will be published on the City of Darwin website
- the Register of Declared Gifts and Benefits (Chief Executive Officer) and the Register of Declared Gifts and Benefits (Staff) will be maintained internally by the delegate.

3.4 Exemptions from disclosure

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

- a gift or benefit given to an Elected Member, the CEO or workplace participant by City of Darwin
- a protocol gift given to an Elected Member, the CEO or workplace participant for the City of Darwin
- a gift or benefit given to City of Darwin as a body corporate, where no individual is considered to have accepted the gift or benefit

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- food, accommodation, hospitality or entertainment included in the attendance of meetings, conferences, training courses, functions or other events that have been organised through City of Darwin in accordance with Elected Members, the CEO or workplace participants' official duties
- a donation disclosed or to be disclosed by an Elected Member in a campaign donation return a gift or benefit given in a private capacity for personal use, unless the gift or benefit may be perceived by a reasonable person to improperly influence the performance of official duties.

4 Definitions

Associate in accordance with Section 8 of the *Local Government Act 2019 (NT)*, a person is an associate of another person if:

- they are in a close family relationship; or
- they are in partnership; or
- one is a company and the other is a director or manager of the company; or
- they are related companies; or
- one is a private company and the other is a shareholder in the company; or
- a chain of relationships can be traced between them under one or more of the above paragraphs.

Campaign donation return Disclosure to the Electoral Commission as per the requirements of Section 148 of the *Local Government Act 2019 (NT)*.

Elected Member for the purposes of this policy means an elected member of the Council and/or any other Council committees.

Nominal value means a single gift or benefit worth less than \$30 from the same donor or an associate of the donor in a financial year.

Protocol gift means a gift or benefit given 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 (Chief Executive Officer) is a register required to be kept by City of Darwin. This register is to be made available to Elected Members at all times.

Register of Declared Gifts and Benefits (Council Members) is a register required to be kept by the CEO in accordance with section 113 of the *Local Government Act 2019 (NT)*. This register will be publicly available.

Register of Declared Gifts and Benefits (Staff) is a register required to be kept by the CEO.

Workplace participants means City of Darwin employees, volunteers, work experience placements, contractors, consultants, and labour-hire staff.

5 Legislative references

Local Government Act 2019 (NT)

Local Government (General) Regulations 2021 (NT)

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6 Procedures / related documents

Register of Declared Gifts and Benefits (Council Members)

Register of Declared Gifts and Benefits (Chief Executive Officer)

Register of Declared Gifts and Benefits (Staff)

Schedule 1 Code of Conduct

City of Darwin Code of Conduct

7 Responsibility / application

Elected Members and the CEO are accountable for the overall establishment and periodic review of this policy.

Elected Members, the CEO and workplace participants are responsible for complying with this policy.

This policy will be reviewed every four years, or as required.

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