

1 PURPOSE

The purpose of this policy is to set out the requirements for Elected Members receiving gifts or benefits and disclosing relevant gifts or benefits.

2 SCOPE

This policy applies to Elected Members. Separate policy guidance is provided for City of Darwin staff.

An Elected Member must discharge their duties, responsibilities and obligations impartially and with integrity including in relation to receiving, accepting and disclosing gifts or benefits.

An Elected 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 Elected Member or the Council.

Elected 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*).

3 POLICY STATEMENT

3.1 RELEVANT GIFTS OF BENEFITS

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

- (a) gift or benefit received for the Council and accepted by an Elected Member; or
- (b) gift or benefit received and accepted by an Elected Member for the Elected Member or another person.

3.2 REJECTING GIFTS AND BENEFITS

If an Elected Member has received any gift or benefit that breaches the principles at clause 2 above, the Elected 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.

3.3 DISCLOSURE OF RELEVANT GIFTS OR BENEFITS

If an Elected Member has received a relevant gift or benefit, the Elected Member must inform the CEO as soon as practicable after receipt and provide the following information in writing:

- (a) name of the Elected Member that received the relevant gift or benefit;
- (b) name of the donor (person or organisation) giving the gift or benefit;

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- (c) date the gift or benefit was received;
- (d) description of the gift or benefit;
- (e) whether the gift or benefit is for the City of Darwin, the Elected Member or another person (including the full name and relationship of the person to the Elected 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**.

Where lawful and practical, Council may give customers the option of not identifying themselves when supplying information or entering into transactions with Council and will provide advice of any consequences of remaining anonymous.

3.4 EXEMPTIONS FROM DISCLOSURE

The principles in clause 2 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 Elected Member by the City of Darwin;
- (b) a **protocol gift** given to an Elected Member for the City of Darwin;
- (c) a gift or benefit given to the City of Darwin in relation to its status as a body corporate where no individual Elected Member or Members 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 City of Darwin or that are required in accordance with performance of the Elected 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).

4 DEFINITIONS

Associate as per Section 8 of the Act, a person is an associate of another person if:

- (a) they are in a close family relationship; or
- (b) they are in partnership; or
- (c) one is a company and the other is a director or manager of the company; or
- (d) they are related companies; or
- (e) one is a private company and the other is a shareholder in the company; or
- (f) 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 Act.

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Elected Member for the purposes of this policy means an elected member of the Council, members of the Risk Management and Audit Committee and 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 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 is a register required to be kept by the CEO in accordance with section 113 of the Act. This register will be publicly available.

5 LEGISLATIVE REFERENCES

Local Government Act 2019 (NT)

6 PROCEDURES / RELATED DOCUMENTS

Nil

7 RESPONSIBILITY / APPLICATION

The Chief Executive Officer is accountable for the overall establishment and periodic review of this policy.

This Policy is subject to review every two (2) years, or as deemed appropriate, thereafter.

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