

1 PURPOSE

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

2 SCOPE

This policy applies to the CEO and City of Darwin staff (collectively referred to as 'staff'). Separate policy guidance is provided for City of Darwin Elected Members.

All 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. Staff must not solicit or accept gifts and/or benefits. Staff must not accept a gift or benefit from any person or organisation, which may be perceived by a reasonable person to influence their performance of official duties, responsibilities and obligations. A benefit includes entertainment or hospitality.

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 the staff member, or
- (b) gift or benefit received and accepted by a staff member for the staff member or another person.

3.2 REJECTING GIFTS AND BENEFITS

If staff have received any gift or benefit that breaches the principles at clause 2 above, staff 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 the CEO has received a relevant gift or benefit, the CEO must inform the Lord Mayor as soon as practicable after receipt and provide the following information in writing:

- (a) name of the donor (person or organisation) giving the gift or benefit
- (b) date the gift or benefit was received
- (c) description of the gift or benefit
- (d) whether the gift is for the CEO or another person (including the full name and relationship of the person to the CEO, if applicable)
- (e) value (or estimated value) of the gift or benefit



- (f) reason for the gift or benefit
- (g) any other relevant details.

After notifying the Lord Mayor, the CEO will record the details in the **CEO register of declared gifts and benefits**. This register is available to Elected Members at all times. A report on the contents of the **CEO register of declared gifts and benefits** will be presented to Council on an annual basis.

If a staff member other than the CEO has received a gift or benefit, they must also complete a register with the same details as above. This register is to be kept by the CEO.

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 staff by the City of Darwin
- (b) a **protocol gift** given to staff 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 is 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 staff official duties
- (e) a gift or benefit given to staff in a private capacity for personal use by staff or another person – unless the gift or benefit may be perceived by a reasonable person to improperly influence the performance of official duties, responsibilities or obligations.

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.

CEO Register of Declared Gifts and Benefits is a register required to be kept by City of Darwin of gifts and benefits received by the CEO. This register is to be made available to Elected Members at all times and be presented at least once a year to Council.

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).

Staff Gifts and Benefits Policy 0016.100.E.R		Page 2 of 3
Version: 1	Decision Number: ORD241/22	Adoption Date: 17/05/2022
Responsible Officer: Chief Executive Officer		Next Review Date: 17/05/2024



5 LEGISLATIVE REFERENCES

Local Government Act 2019 (NT)

6 PROCEDURES / RELATED DOCUMENTS

CEO register of declared gifts and benefits

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.

Staff Gifts and Benefits Policy 0016.100.E.R		Page 3 of 3
Version: 1	Decision Number: ORD241/22	Adoption Date: 17/05/2022
Responsible Officer: Chief Executive Officer		Next Review Date: 17/05/2024

