

ELECTED MEMBERS GIFTS AND BENEFITS

Policy No. 028

1 Purpose

The purpose of this policy is to guide Elected Members in relation to offers of and the provision of gifts or benefits; to ensure that in dealing with the offer of gifts or benefits or the provision of gifts or benefits, Elected Members are not influenced in the performance of their duties and that there is no perception of undue influence.

2 Scope

The objectives of this policy are to:

- Provide guidance to Elected Members in relation to offers of and the provision of gifts or benefits.
- Complement the provisions of the Local Government Act (the Act).

3 Policy Statement

This policy applies to the Elected Members of City of Darwin. It operates in addition to all other obligations under the Act and any other legislation or relevant codes and policies.

An Elected Member must not:

- solicit or encourage gifts or private benefits from any person who may have an interest in obtaining a benefit from City of Darwin
- seek or accept a bribe or other improper inducement
- by virtue of his or her position, acquire a gift or benefit which has a monetary value, other than one of a nominal or token value

An Elected Member must not seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence an Elected Member to:

- act in a particular way (including making a particular decision)
- fail to act in a particular way
- otherwise deviate from the proper exercise of his or her statutory duties

An Elected Member may accept gifts or benefits of a nominal or token value that:

- do not create a sense of obligation on his or her part; and
- that would not be reasonably perceived by an impartial observer to be intended to or likely to influence him or her in carrying out their statutory duty.

An Elected Member must never accept an offer of money, regardless of the amount.

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3	22\0456	27/02/2018		27/02/2022



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Where a protocol gift is given to an Elected Member:

- as a personal gift, the Elected Member has the right to retain the gift if he or she so wishes, or
- as a gift to the Council and/or City, the gift shall be retained by Council and exhibited in a suitable place for a period of time determined by the Chief Executive Officer.

Elected Members' Gifts and Benefits Register

A compulsory Gifts and Benefits Register has been established pursuant to this policy.

Elected Members are required to make entries on the Register by completing the Elected Members Gifts and Benefits Disclosure Form (**Attachment A**) and forwarding the completed Form to the Executive Manager, who is responsible for maintaining the Register.

Declarations by Elected Members should be made immediately, or as soon after receipt of a gift as is practicable.

The Register will contain the following:

- Name of Elected Member receiving the gift or benefit
- Details of person/organisation giving the gift or benefit
- Description of the gift or benefit
- Estimated value, if unknown
- Reason for presentation of the gift or benefit
- Comments in relation to disclosure
- Date that the gift or benefit was received by the Elected Member
- Gift accepted or declined.
- Signature of the recipient
- Date the Disclosure is made

The Elected Members' Gifts and Benefits Register is available for public inspection upon request.

A separate Register is in place for Protocol Gifts which are received by the Lord Mayor.

4 Definitions

A gift or benefit is of **nominal value** when it has not significant or lasting value. Examples include, but are not limited to:

- Marketing trinkets;
- Corporate mementos;

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- Inexpensive pens and pencils;
- Notepads; or
- Key rings.

A gift or benefit with a value less than \$50 is considered of nominal value.

Gift/Benefit Register – register kept 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.

Token Gifts – offered in business situations, usually mass produced (ie pens, calendars, or items with company logo on them).

Benefit – an intangible 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 jumping, access to confidential information, hospitality.

For the purposes of this policy, common hospitality and entertainment (such as coffee, biscuits or light refreshments associated with work meetings) does not fall within the definition of a gifts and benefits. Similarly, group invitations to Christmas parties, attending a cocktail party, dinner or lunch that is included as part of fees for a conference or seminar, office openings or product launches are considered not to fall within the scope of this policy.

Nominal Value - \$50.00 (i.e. total value of the gift or benefit received).

5 Legislative References

Part 7.4 of the *Local Government Act* requires Council to have a Code of Conduct. City of Darwin adopts Schedule 2 of the Act as its Code of Conduct.

Clause 8 of Schedule 2 contains the following requirement:

A member must not solicit or encourage gifts or private benefits from any person who might have an interest in obtaining a benefit from the council.

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6 Procedures / Related Documents

City of Darwin Policy No 014 - Code of Conduct - Elected Members
 City of Darwin Policy No 015 - Deputy Lord Mayor
 City of Darwin Policy No 017 - Elected Member Allowances
 City of Darwin Policy No 018 - Lord Mayor

7 Responsibility / Application

The Chief Executive Officer is responsible for the implementation of this policy.

This policy should be reviewed during the term of each Council or more often as required.

8 Document Control

Council Policy			Responsible Officer: Chief Executive Officer	
Version	Decision Number	Adoption Date	History	Next Review Date
1	20\2501	23/02/10	Adopted	
2	21\3500	14/07/15	Revision Adopted	14/07/2019
3	22\0456	27/02/2018	Revision adopted - administrative amendments, inclusion of definitions, compulsory Gifts & Benefits Register introduced.	27/02/2022

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ATTACHMENT A

ELECTED MEMBERS GIFTS AND BENEFITS DISCLOSURE FORM

This form is for use by Elected Members of City of Darwin pursuant to Council's Elected Members Gifts & Benefits Policy.

Name of Elected Member (Recipient)	
Received from (Provider)	Name: Organisation:
Description of Gift(s) and/or Benefit(s)	
Actual or Estimated Value	
Reason for Presentation of Gift(s) or Benefit(s)	
Comments	
Date Gift(s) or Benefit(s) Received	
Signature of Recipient	
Date of Disclosure	

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