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| TITLE: | Gifts and Benefits Policy | | |
| DIVISION: | | | |
| ADOPTED BY: | Council | | |
| DATE OF ADOPTION: | 17 July 2014 | DATE OF REVIEW: | July 2018 |
| MOTION NUMBER: | 131/14 | | |
| POLICY NUMBER: | CP000014 | | |
| AUTHORISED: | Chief Executive Officer | | |

THIS POLICY APPLIES TO:

This policy applies to Elected Members and all employees of the Council including those staff and associates engaged through an employment agency, contractors and volunteers who work/act or participate in projects on behalf of or with Barkly Regional Council.

PREAMBLE

The aim of all policy is for Councillors to provide strategic input into the effective operational framework of the organisation under S.11 of the Local Government Act

SUMMARY

This Policy deals with gifts and benefits which may be offered or received from time to time by Elected Members, employees and others covered by this Policy. It establishes rules governing the receipt and disclosure of gifts received and offers made.

OBJECTIVES

To promote public confidence in the governance of the Council by establishing clear rules for handling the offer or receipt of gifts and other benefits.

BACKGROUND

Barkly Regional Council supports the principles of transparency and accountability in all levels of Council's decision making. From time to time gifts may be given or offered to Elected Members, staff and others covered by this Policy. Such gifts may be offered with varying motives and can be tokens or items of significant value. Elected Members, staff and others covered by this policy have the obligation, at all times, to act honestly and with reasonable care, diligence and concern for the public interest. Transparency and accountability of decision making ensures that public scrutiny of decisions can be made, which, ultimately, promotes public confidence in the governance of the Council and in this policy the Council sets forth procedures and protocols to reinforce these principles.

POLICY STATEMENT

Elected Members, employees and others covered by this Policy must not:

- Solicit or accept gifts and or benefits to the nominal value of \$50.00

- Accept any offer of a gift or benefit from an organisation involved in a tendering or procurement process, either recent or ongoing;
- Solicit or accept cash or cash like gifts/benefits regardless of the amount; or
- Seek or accept a bribe or other improper inducement;
- All gifts must be declared on the gifts and benefits register;
- Where appropriate we reserve the right to negotiate to gift to a charity or service endorsement.

For the purpose of this policy a “cash-like gift” includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.

As an Elected Member, employee or other person covered by this Policy you must:

- Avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you, as a result of your role with Council;
- Take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment in your role with Council. *Immediate family members are defined in Part 3 of the NT Local Government Act.*
- Must immediately report to your supervisor or a Director or the CEO (or in the case of an Elected Member to the CEO or President) if you become aware of an Elected Member, employee or other person covered by this Policy soliciting or accepting gifts or benefits of any kind;
- Must, if offered a gift of cash (including offers of money to cover expenses for trips to view samples of work etc.) or cash-like gifts/benefits refuse the offer and immediately report it to your supervisor or a Director or the CEO (or in the case of an Elected Member to the CEO or President).

In circumstance where an offer of a gift is made which may constitute a bribe, or an attempt to bribe, it is not only appropriate that the offer be rejected, but it is also important that the fact that the offer was made be reported.

Other benefits which may be offered and must not be accepted under any circumstances include:

- Offers for alcoholic beverages when meeting with external service providers to Council - (Staff are to purchase their own drinks);
- Offers for meals (other than sandwiches) when meeting with external service providers to Council - (Staff are to purchase their own food);
- Benefits under loyalty schemes where the Council is able to obtain the benefit;
- Discounts on commercial items;
- Discounts from local suppliers;
- Offers for mouse pads, pens, cups and other paraphernalia where the Council has business dealings with the organisation may lead to perceptions of improper influence.

Exempted from this policy are:

- Gifts/gift bags received as part of attending a conferences, events or information sessions where the Council has paid for attendance including food and beverages provided at conferences, events or information sessions; and
- Cards, thank you notes, certificates, or other written forms of thanks and recognition.

Gifts can be given with varying motives and purposes:

- **Gift of influence** – a gift that is intended to generally ingratiate the giver with the recipient for favourable treatment in the future;
- **Gift of gratitude** – a gift offered to an individual or department in appreciation of performing specific tasks or for exemplary performance of duties. Gifts to staff who speak at official functions would be considered gifts of gratitude.
- **Token gift** – a gift that is offered in business situations to a department or an individual. Such gifts are often small office or business accessories (e.g. Pens, calendars, folders) that contain the company logo. They are usually products that are mass produced and not personalised.
- **Ceremonial gift** – an official gift from one authority to another authority: Such gifts are often provided to a host authority when conducting official business with delegates from another authority. Although these gifts may sometimes be offered to express gratitude, the gratitude usually extends to the work of several people in the authority, and therefore the gift is considered to be for the authority, not a particular individual.

A gift seeking to influence behaviour or which could be perceived as being given for that purpose must never be accepted.

Subject to this Policy:

- Tokens and tokenistic gifts of gratitude may be accepted;
- Ceremonial gifts to the President on behalf of the Council or to the Council itself (body corporate) may be accepted.

Council may approve by resolution that ceremonial gifts given personally to the President or another Elected Member may be retained by the President or Elected Member.

The following gifts and benefits with a notional value of less than \$50 would be considered tokens:

- *Inexpensive pens or stationery*
- *Chocolates or other like confectionery*
- *Flowers,*
- *Modest bottle of wine*
- *Caps, mugs or other promotional paraphernalia*

By contrast, the following gifts and benefits would be likely to have a notional value of more than \$50 and should never be accepted:

- *Tickets to sporting events*
- *Jewellery*
- *Works of art*
- *Discounted products for personal use*
- *Use of facilities such as gyms.*

Council may approve by resolution that ceremonial gifts given personally to the President or another Elected Member may be retained by the President or Elected Member.

Reporting Requirements

All offers of gifts and benefits other than tokens, and tokenistic gifts of gratitude and ceremonial gifts to the Council itself should be rejected and the offer should be reported verbally or in writing to a supervisor or Director (or in the case of an Elected Member to the CEO or President) immediately and recorded in the Council's *Gifts Register*.

Improper and Undue Influence

Elected members, employees or other persons covered by this Policy must not Influence other council officials in the performance of their public or professional duties to obtain a private benefit;

Gifts and Benefits Register

A Gifts and Benefits register has been established and is maintained by the CEO or CEO's delegate. The register will include gifts and benefits received by Elected Members, employees or other persons covered by this Policy when acting on behalf of Council. This register will be made publicly available and updated on the Council's website.

Failure to comply with this Policy could be considered a breach of the Code of Conduct and may lead to disciplinary action and/or other sanctions.

LEGISLATION, TERMINOLOGY AND REFERENCES

The *Code of Conduct* for Elected Members provides that:

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.

Section 59 of the NT Local Government Act requires that the CEO and other members of a council's staff maintain proper standards of integrity, diligence and concern for the public interest.

IMPLEMENTATION AND DELEGATION

The overall responsibility for the investigation of allegations that this Policy has been breached rests with the CEO. If the matter involves the CEO the investigation will be managed by the Council President.

EVALUATION AND REVIEW

This Policy should be evaluated on the basis that Elected Members, employees and others covered by this Policy are aware of its requirements and compliant with it.

This Policy is to be reviewed every four (4) years, and may be reviewed at other times at the discretion of Chief Executive Officer.