

POLICY

TITLE:	Gifts and Benefits Policy (CEO)		
DIRECTORATE:	Council		
ADOPTED BY:	Council Resolution: OMC-24/355		
DATE OF ADOPTION:	29 November 2024	DATE OF REVIEW:	29 November 2026
POLICY NUMBER:	120		
LEGISLATIVE REF:	<i>Local Government Act 2019; Regulation 6</i>		

1. INTRODUCTION

1.1. Purpose

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

1.2. Scope

This Policy applies to the CEO of Barkly Regional Council (BRC).

1.3. Definitions

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.

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

- Gift of benefit offered to the CEO for Council; or
- Gift or benefit offered to the CEO for the CEO or another person.

Nominal value means gifts or benefits totalling less than **\$50** from the same donor or an associate of the donor in a financial year.

Protocol Gift means a gift or benefit given to an elected 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.

1.4. Responsibilities

It is the responsibility of the CEO to act in accordance with this Policy and the Code of Conduct (CEO) in relation to gifts and benefits offered or received.

It is the responsibility of the CEO to maintain a Register of Declared Gifts and Benefits for the CEO, and for this to be published on the BRC website.

1.5. Policy Objectives

- 1) The CEO must discharge the official duties, responsibilities and obligations impartially and with integrity including in relation to receiving, accepting and disclosing gifts or benefits.
- 2) The CEO 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 CEO, Elected Members or the Council.
- 3) A benefit includes entertainment or hospitality.
- 4) The CEO must also notify the Mayor if the CEO is offered any gifts or benefits that are not exempt from disclosure, including in circumstances where the CEO rejects the gift or benefit.

2. POLICY STATEMENT

3.1 Rejecting Gifts or Benefits

If the CEO is offered a gift or benefit that is not exempt from disclosure, the CEO should reject the gift or benefit by returning it to the donor or refusing it and respectfully explaining to the donor that acceptance of the gift or benefit would breach Council Policy.

If it is not possible (or highly impractical) to return or refuse the gift or benefit, the CEO can seek the Council's resolution to appropriately deal with the gift or benefit.

Another option where it is not possible (or highly impractical) to return the gift or benefit, the CEO may consider redirecting the gift. For example, if the CEO received a gift basket containing food that would spoil, the CEO may redirect the gift basket to a local charity.

3.2 Exemptions from Disclosure

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

- a) a gift or benefit given to the CEO in a private capacity for personal use by the CEO 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;
- b) a gift or benefit given to the CEO by Council;
- c) a protocol gift (gift or benefit that is primarily for diplomatic, ceremonial or symbolic purposes and not to sold or otherwise transferred unless in diplomatic, ceremonial or symbolic circumstances) given to the CEO for Council;
- d) a gift or benefit given to the CEO for the Council in relation to its status as a body corporate where no individual Council Member or Members are considered to have accepted the gift or benefit; or
- e) food, hospitality or accommodation included in attending of meetings, conferences, training courses, functions or other events that have been paid for by the Council and are directly relevant to the performance of the CEO's official duties, responsibilities or obligations.

3.3 Notification

- 1) All gifts and benefits, accepted, refused or redirected must be lodged in the Register of Declared Gifts and Benefits (CEO).
- 2) Following any entry to the Register, the Register is to be present for noting in the next ordinary Council meeting.
- 3) The CEO is to notify the Mayor as soon as reasonably practicable if the CEO is offered any gifts or benefits, with the following details:
 - a) the name of the donor (person and/ or organisation) offering the gift or benefit;
 - b) the date the gift or benefit was offered;

- c) a description of the gift or benefit;
- d) the value (or estimated value) of the gift or benefit;
- e) whether the gift or benefit is for the CEO or another person (including the full name and relationship of the person to the CEO, if applicable);
- f) the reason for the gift or benefit;
- g) whether the CEO accepted or rejected the gift or benefit; and
- h) any other relevant details.

3. RELEVANT POLICIES

Policies and procedures to be read in conjunction with this policy are:

- 1) Register of Declared Gifts and Benefits (CEO)
- 2) Code of Conduct (CEO)
- 3) Conflict of Interest Policy
- 4) Declaration of Gifts & Benefits Form

4. IMPLEMENTATION AND REVIEW

4.1. Implementation

Relevant personnel will be made aware of this policy and it and the Register will be published on the Barkly Regional Council website.

4.2. Review

This policy will be reviewed on or before 29 November 2026.

5. VARIATIONS, REVOCATIONS AND/OR CHANGES

Barkly Regional Council reserves the right to revoke and/or amend this policy from time to time as is considered necessary to better manage its business and/or to comply with any legislative requirements. Employees will be given sufficient notice of any such revocations, amendments, or changes.

6. APPROVAL

This policy is approved.

Chris Kelly
Chief Executive Officer



Signature

29 Nov 2024

Dated

END