

POLICY

TITLE:	Gifts and Benefits Policy (Elected Members)		
DIRECTORATE:	Finance		
ADOPTED BY:	Council Resolution: OMC-24/355		
DATE OF ADOPTION:	29 November 2024	DATE OF REVIEW:	29 November 2026
POLICY NUMBER:	112		
LEGISLATIVE REF:	<i>Local Government Act 2019; Section 112-113; Schedule 1</i>		

1. INTRODUCTION

1.1. Purpose

The purpose of this Policy is to set out the requirements for elected members receiving gifts or benefits and disclosing relevant gifts and benefits. The Policy differentiates between what is given to an elected member for the Council and what is given to the member as a relevant gift or benefit.

1.2. Scope

This policy applies to all Elected Members of Council.

1.3. Definitions

Elected Member refers to an elected member of the Council.

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

- A gift of benefit received for the Council and accepted by an Elected Member; or
- A gift or benefit received and accepted by an Elected Member for the Elected Member or another person.

Register of Declared Gifts and Benefits is a Register required to be kept by the CEO.

Campaign Donation Return Disclosure to the Electoral Commission as per the requirements of section 148 of the Act.

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).

1.4. Responsibilities

It is the responsibility of every individual elected member to act in accordance with this Policy and the Code of Conduct (Elected Members) in relation to gifts and benefits offered or received.

The Chief Finance Officer (CFO) is responsible for the oversight of this Policy.

It is the responsibility of the Chief Executive Officer (CEO) (or authorised delegate) to maintain a Register of Declared Gifts and Benefits for Elected Members and for this to be published on the BRC website.

1.5. Policy Objectives

- 1) An elected member must discharge the elected member's duties, responsibilities and obligations impartially and with integrity including in relation to receiving, accepting and disclosing gifts or benefits.
- 2) 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.

2. POLICY STATEMENT

3.1 Rejecting gifts or 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.

3.2 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;
- (c) date the gift or benefit was received;
- (d) description of the gift or benefit;
- (e) whether the gift or benefit is for the Council, 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***.

3.3 Exemptions from Disclosure

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

- (a) a gift or benefit given to the elected member by the Council;
- (b) a ***protocol gift*** given to an elected member for the Council;
- (c) a gift or benefit given to the Council in relation to its status as a body corporate where no individual elected member or elected 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 Council 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 elected member in a ***campaign donation return***;
- (f) a private and personal gift (such as a birthday present from a family member).

3. RELEVANT POLICIES

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

- 1) Register of Declared Gifts and Benefits (Elected Members)
- 2) Code of Conduct (Members & Local Authority)
- 3) Conflict of Interest Policy

4. IMPLEMENTATION AND REVIEW

4.1. Implementation

Relevant personnel will be made aware of this Policy. The Policy and 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.

6. APPROVAL

This policy is approved.

Chris Kelly
Chief Executive Officer


Signature

29 Nov 2024
Dated

END