

GOV06	Gifts, Benefits and Hospitality (Elected Member) Policy
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Policy Type:	Governance
Policy Custodian:	Chief People and Strategy Officer
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Purpose

The purpose of this policy is to clearly define the conduct that is required of Elected Members of West Daly Regional Council, in relation to offers of gifts, benefits, and hospitality.

The policy is intended to support Elected Members to avoid conflicts of interest and to maintain high levels of integrity, accountability, transparency, and public trust.

Scope

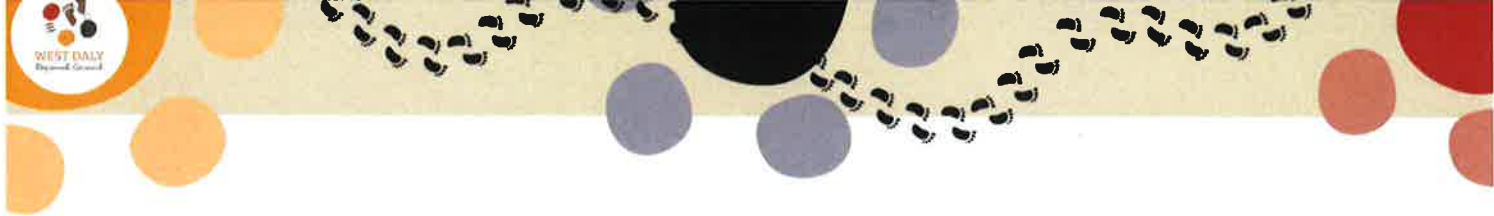
This policy applies to all Elected Members of the West Daly Regional Council, and to any gift, benefit or hospitality that is offered to, or accepted by, an Elected Member.

This policy should be read in conjunction with the *Code of Conduct Policy (Elected Member, Local Authority and Council Committee)*, and the *Conflict of Interest Policy (Elected Member, Local Authority and Council Committee)*.

Policy Statement

1. Policy Principles

- 1.1. Council is committed to having transparent and accountable procedures and processes for managing gifts, benefits and hospitality offered to our Elected Members.
- 1.2. All Elected Members must, at all times, discharge their duties, responsibilities, and obligations impartially and with integrity, including in relation to receiving, accepting and disclosing gifts, benefits and offers of hospitality.
- 1.3. 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 Member or the Council.
- 1.4. In all circumstances, an Elected Member must not accept offers of money, bribes, or other offers prohibited through this policy or by legislation.
- 1.5. Elected Members must also adhere to clauses 9.1 and 9.2 of the Code of Conduct relating to gifts (see Schedule 1 of the *Local Government Act 2019*).




2. Relevant Gifts, Benefits and Offers of Hospitality

- 2.1. The provisions of this policy are to be applied to all relevant gifts, benefits and offers of hospitality.
- 2.2. A relevant gift, benefit or offer of hospitality, is an offer that exceeds the *nominal value* and includes:
 - a) A gift or benefit received for the Council and accepted by an Elected Member; or
 - b) A gift or benefit received and accepted by an Elected Member for the Elected Member or another person.
- 2.3. Offers below the nominal value are gifts, benefits or hospitality that is of inconsequential or trivial value to both the person making the offer and the Elected Member.
- 2.4. Examples include promotional items such as a pen, note pad, or key ring, and modest hospitality that would be considered a basic courtesy, such as light refreshments during a meeting.
- 2.5. Elected Members may generally accept offers below the nominal value without having to apply the provisions of this policy, as long as the offer does not create a conflict of interest or lead to reputational damage (e.g., where there have been repeated, regular offers).
- 2.6. All offers of relevant gifts or benefits are to be declared, whether accepted or refused.

3. Rejecting Gifts, Benefits, or Offers of Hospitality

- 3.1. When deciding whether to accept an offer of a gift, benefit or hospitality, Elected Members should first consider if the offer could be perceived as influencing them in performing their duties or lead to reputational damage for Council.
- 3.2. The more valuable the offer, the more likely that a conflict of interest or reputational risk will be created. Similarly, regular offers of smaller gifts can also be perceived as creating conflicts or reputational risk.
- 3.3. If an Elected Member has received, or is offered, any gift, benefit or offer of hospitality that breaches the policy principles (listed at subclause 1.2 – 1.5), the Member must reject the gift or benefit by returning it to the donor and respectfully explaining to the donor that acceptance of the gift, benefit or offer of hospitality would breach this policy.
- 3.4. It is important that the offer is declined in a way that does not cause offence to the donor or damage relationships. This can be achieved by explaining Council's policy and ensuring the donor understands that the offer is appreciated.
- 3.5. In some cases, it would be inappropriate to refuse an offer – for example an official or protocol gift from government or international delegates. In this case the gift should be accepted on behalf of Council and passed over to the Chief Executive Officer (CEO).
- 3.6. Elected Members are to refuse offers:
 - a) Likely to influence them, or be perceived to influence them, in the course of their duties, or that raise an actual, potential, or perceived conflict of interest.
 - b) That could bring them, or Council, into disrepute.

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- c) Made by a person or organisation about which they will likely make or influence a decision (this also applies to processes involving grants, sponsorship, regulation, enforcement, or licensing).
 - d) Likely to be a bribe or inducement to make a decision or to act in a particular way.
 - e) That extend to their relatives or friends.
 - f) Of money, or used in a similar way to money, or something easily converted to money.
 - g) Where acceptance could be perceived as endorsement of a product or service, or acceptance would unfairly advantage the sponsor in future procurement decisions.
 - h) Made by a person or organisation with a primary purpose to lobby Council, Members, or staff.
 - i) Made in secret.

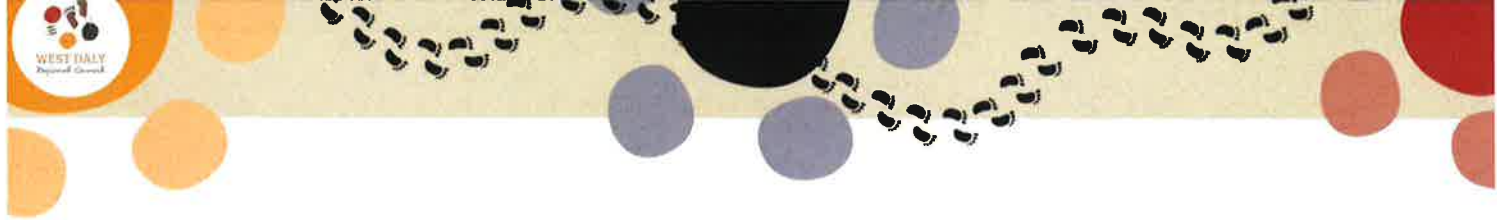
3.7. If a Member considers they have been offered a bribe or inducement, the offer must be reported to the CEO who will report any suspected criminal or corrupt conduct to the appropriate authorities.

4. Disclosure of Relevant Gifts, Benefits or Hospitality

- 4.1. All offers of relevant gifts or benefits are to be declared, regardless of whether the Elected Member accepts or refuses that gift or benefit.
- 4.2. If an Elected Member has been offered a relevant gift or benefit, the Member must inform the CEO as soon as practicable after receipt and complete the *Gifts, Benefits and Hospitality Declaration Form*.
- 4.3. The CEO will record the details in the *Register of Declared Gifts and Benefits*.
- 4.4. A copy of the register will be made available on the Council's website.
- 4.5. In compliance with the *Local Government Act*, individual entries in the register will be retained for three years after the conclusion of the general election after the entry was made.

5. Exemptions from Disclosure

- 5.1. The policy principles outlined at clauses 1.2 – 1.5, still apply to gifts or benefits that are exempted from disclosure at clause 5.2 below.
- 5.2. The following gifts or benefits are exempted from disclosure under this policy:
 - a) A gift or benefit given to the Member by the Council.
 - b) A protocol gift given to a 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 Member or 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 Member's official duties.

- e) A donation disclosed (or to be disclosed) by the Council Member in a campaign donation return.
- f) A private and personal gift (such as a birthday present from a family member).

6. Monitoring of Council's Gifts, Benefits and Hospitality Policy, Procedures and Processes

- 6.1. Depending on the value, Council will receive a report on the administration and quality control of the gifts, benefits and hospitality policies, procedures, processes, and register/s for their decision or action.
- 6.2. The report will include analysis of Council's gifts, benefits, and hospitality risks (including multiple offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.

7. Breach of Policy

- 7.1. Elected Members who are found to be in breach of this policy may also be in breach of the *Code of Conduct (Elected Member, Local Authority and Council Committee)*. This includes where an individual fails to avoid where possible or identify, declare, and manage a conflict of interest related to gifts, benefits, and hospitality.
- 7.2. Any alleged breaches will be handled in accordance with the provisions outlined in the *Code of Conduct (Elected Member, Local Authority and Council Committee)*.

8. Responsibilities

- 8.1. All Elected Members are responsible for complying with the provisions of this policy.
- 8.2. The CEO (or delegate) is responsible for maintaining the *Register of Declared Gifts and Benefits* and making sure it is available on the Council website.
- 8.3. The CEO (or delegate) is responsible for providing the Council with a report on the administration and quality of the gifts, benefits and offers of hospitality policies, procedures, processes and register/s (as outlined at clause 6.2).

References

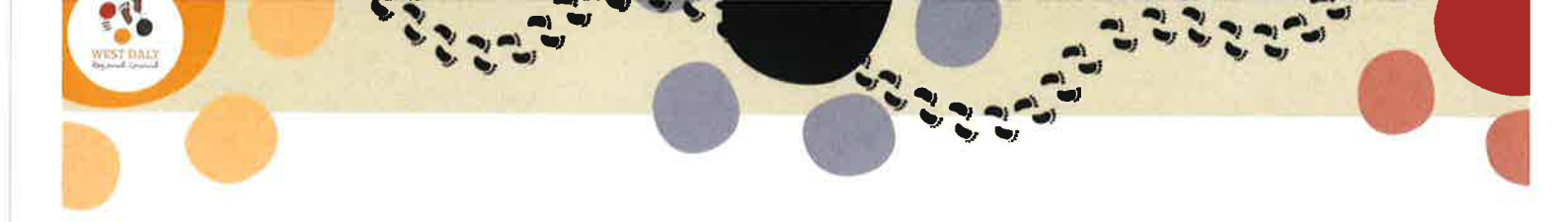
Local Government Act 2019 (NT) s.112; Schedule 1: Code of Conduct

Definitions

In the context of this policy the following definitions apply:

Benefit means preferential treatment, privileged access, favours or other advantages offered to an individual. Benefits may include invitations to sporting, cultural or social events, access to discounts as a result of a person's employment or position, loyalty programs, and promises of a new job.

Bribe means to give money or some other form of consideration to a public official so as to persuade the official not to exercise their common law or statutory powers or to bestow some privilege or favour.



Campaign donation return means the return required to be given by a candidate to the Electoral Commission under section 148 of the *Local Government Act 2019*.

Conflict of interest means a potential, perceived or actual conflict between a member's official duties and responsibilities in serving the public interest, and their own private interests. A conflict of interest can arise from avoiding personal losses, as well as gaining a personal advantage – whether financial or otherwise. This includes advantages to relatives, friends, and business associates.

A conflict of interest may be actual, perceived, or potential:

- An *actual conflict of interest* exists where the actions of a member, at the present time, could be influenced by the member's private interests.
- A *perceived conflict of interest* arises where it appears that decisions that a member makes in the course of undertaking their official duties may be influenced by the member's private interests, whether or not this is in fact the case.
- If a member is in a situation where their future decision making may be influenced by their private interests, the member has a *potential conflict of interest*.

Council refers to the West Daly Regional Council, a regional council that delivers essential local government services to remote communities and supports development opportunities in the region.

Gifts are free or discounted items or services and any item or service that would generally be seen by the public as a gift. These include items of high value (e.g. artwork, jewellery, or expensive pens), low value (e.g. a small bunch of flowers), consumables (e.g. chocolates), and services (e.g. painting and repairs).

Hospitality is the friendly reception and entertainment of guests. Hospitality may range from light refreshments at a business meeting to expensive restaurant meals and sponsored travel and accommodation. Reasonable hospitality is a meal or service provided by a not-for-profit organisation to a Mayor, Elected Member or Local Authority Member who attends a function or event in an official capacity.

Money includes cash, cheques, money orders, travellers' cheques, direct deposits, shares, vouchers or items which can be easily converted to cash. This includes vouchers and credit notes.

Nominal value means gifts or benefits totalling less than \$50 from the same donor or an *associate* (defined at section 8 of the *Local Government Act 2019*) of the donor in a financial year. A person is an associate if: they are in a close family relationship; or they are in a 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 previous descriptions.

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). Protocol gifts are the property of Council, irrespective of value, and should be accepted by individuals on behalf of Council.

Register of declared gifts and benefits means the register referred to at section 113 of the *Local Government Act 2019*.

Value is the face value or current estimated retail value.



Related Documents

- Code of Conduct (Elected Member, Local Authority and Council Committee)
- Code of Conduct (Elected Member, Local Authority and Council Committee) Policy
- Conflict of Interest (Elected Member, Local Authority and Council Committee) Policy
- Gifts, Benefits and Offers of Hospitality Declaration Form
- Register of Gifts, Benefits and Hospitality (Elected Members)

For more information, contact the Policy Custodian.

Signature of Endorsement:	
Position:	Chief Executive Officer