

Gifts and Benefits Policy v3

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1. Legislation

Council manages member interests in adherence to Part 7.2 of the Northern Territory's *Local Government Act 2019* (LG Act):

- The requirement that Council must maintain a policy in relation to relevant gifts or benefits (s112).
- The registration of all relevant gifts and benefits (s113).
- The publication of the register of declared gifts and benefits on Council's website (s117).

Regulation 6(1)(g) and 6(1)(h) of the Local Government (General) Regulations 2021 (NT), states that Council must maintain a policy in relation to relevant gifts or benefits received by the CEO and staff.

Under the *Independent Commissioner Against Corruption (ICAC) Act 2017* (NT), members, the CEO and staff are required to report suspected improper conduct to the Office of the ICAC. This obligation includes situations of actual or suspected corrupt conduct, misconduct, and unsatisfactory conduct. Accepting or soliciting gifts or benefits may constitute improper conduct and/or an offence under the *Criminal Code Act 1983* (NT).

2. Definitions

Council means the MacDonnell Regional Council's administration.

The Council means the Councillors, President and Deputy President.

CEO means the Chief Executive Officer.

Gifts and Benefits are anything of value that are offered from which an individual would receive an advantage. Some examples are access to confidential information, upgraded accommodation, tickets to an AFL match or a bottle of wine.

Member is any person sitting on *the Council* or a committee or local authority that it has established.

Nominal Value means a gift or benefit that exceeds \$50 as set by *the Council*.

Staff is any person who carries out work for Council including (but not limited to) employees, contractors, consultants or volunteers.

3. Statement

This policy provides the principles to:

- Ensure the requirements for offering, receiving, rejecting, recording and declaring gifts and benefits are upheld to maintain public confidence in Council operations.
- Provide guidance to prevent situations where personal or financial interests could improperly influence official decisions.

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4. Policy

4.1 Principles

4.1.1 Respect for the Role

Gifts and Benefits are identified, reported and managed in a way that allows Council to conduct its business with integrity, honesty and fairness.

4.1.2 Ensuring Legal Compliance

Promote transparency in Council business to ensure Council operates in a way that aligns with legislation, regulation and any relevant guidelines the Minister may make.

4.2 Relevant Gifts and Benefits

4.2.1 A relevant gift or benefit is a gift or benefit that exceeds the nominal value. Where a repeated single gift or benefit is individually below the nominal value, but in total is above the nominal value the combined value of these gifts is regarded as relevant gifts and benefits. For example, bottles of wine valued at \$20 each are gifted to an individual on three occasions. The total value equals \$60 and is therefore above the nominal value.

4.3 Rejecting Gifts and Benefits

4.3.1 If any gift or benefit is offered that is or is perceived to improperly influence the person, they must reject the gift or benefit by returning it to the provider/donor and respectfully explaining that acceptance of the gift or benefit would breach this policy.

4.4 Exemptions from Relevant Gifts and Benefits

- 4.4.1** The following gifts or benefits are exempted from disclosure under this policy:
- 4.4.1.1** A gift or benefit given to the CEO or member by *the Council*.
 - 4.4.1.2** A gift or benefit given to staff by Council, such as gift cards.
 - 4.4.1.3** A protocol gift given to the CEO or member from *the Council* for diplomatic, ceremonial or symbolic purposes that will not be sold or transferred (unless in diplomatic, ceremonial or symbolic circumstances).
 - 4.4.1.4** A gift or benefit given to the CEO or member in relation to its status as a body corporate where it is accepted on behalf of *the Council* and the CEO or member is not considered to have accepted the gift or benefit as an individual.
 - 4.4.1.5** Food, accommodation, hospitality or entertainment included in the attendance of meetings, conferences, training courses, functions or other events that have been organised through Council or that are required in accordance with performance of official duties.
 - 4.4.1.6** A donation disclosed (or to be disclosed) by the member in a campaign donation return.
 - 4.4.1.7** A private and personal gift (such as a birthday present from a family member).

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4.5 Disclosing Relevant Gifts and Benefits

- 4.5.1** If the CEO has been offered, received, accepted or rejected, a relevant gift or benefit, the CEO must inform the President as soon as practicable and provide the following information in writing:
- 4.5.1.1** Name of the person that received the relevant gift or benefit.
 - 4.5.1.2** Name of the donor (person or organisation) giving the gift or benefit.
 - 4.5.1.3** Date the gift or benefit was offered, received or rejected and whether the CEO proposes to accept the gift or benefit.
 - 4.5.1.4** Description of the gift or benefit.
 - 4.5.1.5** Whether the gift or benefit is for Council, the recipient or another person (including the full name and relationship of the person to them, if applicable).
 - 4.5.1.6** Value (or estimated value) of the gift or benefit. Where the value of a gift or benefit is estimated, a description of the basis of the estimate should also be included (e.g. website search term or website link to the gift or a similar gift). If it is difficult to accurately estimate the value, this should also be mentioned.
 - 4.5.1.7** Reason for the gift or benefit.
 - 4.5.1.8** Any other relevant details.
- 4.5.2** If a member has been offered, received, accepted or rejected a relevant gift or benefit, the member must inform the CEO as soon as practicable and provide the information outlined in **4.5.1.1** to **4.5.1.8**.
- 4.5.3** If staff have been offered, received, accepted or rejected a relevant gift or benefit, they must inform the CEO as soon as practicable and provide the information outlined in **4.5.1.1** to **4.5.1.8**.
- 4.5.4** The CEO will record the details in **4.5.2** on the Gifts and Benefits Register that must be published on Council's website.

5. Breaches and Consequences

Action or behaviour that does not comply with any element of this policy can be found to have breached the Code of Conduct. Such action or behaviour must be referred to as 'suspected misconduct' until a decision is made that the action or behaviour amounts to a breach of the Code of Conduct.

6. Authority

The Council, 17 April 2026

7. Owner

Office of the CEO, Governance and Strategy

8. Review Date

30 April 2029

9. Related Documents

Conflict of Interest Policy
Gifts and Benefits Register (Members)