

Gifts and Benefits Policy- Employees

HR24-OP



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1. Purpose

This policy outlines how the MacDonnell Regional Council (MRC) will manage the acceptance of gifts and benefits as in line with *the Local Government Act 2019* and related regulations, general instructions, guidelines and any reporting to the NT Independent Commissioner Against Corruption (NTICAC).

2. Scope

This policy applies to all employees of MRC including directors, contractors and consultants interacting with council.

3. Objectives

- 3.1. To ensure that MRC upholds its values of accountability by ensuring that all employees and their decisions are transparent and accountable to the CEO, Council and its constituents of the MacDonnell Regional Council.
- 3.2. To maintain the public confidence in the Council and its operations.
- 3.3. That all employees act in the best interests of Council and do not seek or receive personal gain when performing their duties

4. Definitions

Benefits	Benefits refer to any goods or services that an individual would receive an advantage from. Some examples are seats in a private box at a sporting venue, access to confidential information, favours and hospitality.
Gifts	Gifts are goods or services are given freely or at a discounted rate. Some examples are money, alcohol, tickets to functions or events, clothes or vouchers.
Improper disclosure of information	Use of confidential Council information to gain an unfair advantage for yourself or others.
Independent Commissioner Against Corruption (ICAC)	MRC is classified as a public body in Section 16(1) of the <i>Independent Commissioner Against Corruption Act 2017</i> (the Act). Mandatory reporting of suspected improper conduct applies to all public bodies and associated public officers as defined in Section 16(2) of the Act.
Protocol gift	Means a gift or benefit given to an individual for diplomatic, ceremonial or symbolic purposes that will not be sold or transferred (unless in diplomatic, ceremonial or symbolic circumstances).
Use of Undue Influence	The use of a MRC position to improperly influence others for personal benefit

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5. Statement

- 5.1. MacDonnell Regional Council (MRC) supports an open, transparent and accountable public administration with a commitment to impartial decision making free from improper influence and bias. MRC acknowledges that for effective governance, that perception of improper influence do to the acceptance or benefits, must be effectively managed.
- 5.2. Additionally, as per the *Local Government (General) Regulations 2021* Part 2 Division 2, regulation 6(h) states:
 - a. a policy, made by the CEO, for gifts and benefits (including entertainment and hospitality) received by the council's staff.
- 5.3. This policy supports and should be read in conjunction with the relevant Employee Code of Conduct.

6. Gifts and benefits

An employee may be or may be perceived to be improperly influenced by accepting a gift or benefit. Improper use of influence can be directed in both ways, either by a MRC party influencing another person or business to gain a personal benefit or when an external party provides a benefit or favour for preferential treatment by MRC.

7. Rejecting gifts and benefits

- 7.1 If any gift or benefit is offered that is or is perceived to improperly influence the employee, they 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.
- 7.2. **Relevant gifts and benefits**
 - 7.2.1. The nominal value for gifts and benefits is \$50 as set by the CEO.
 - 7.2.2. A relevant gift or benefit is a gift or benefit that exceeds the nominal value and includes if a repeated single gift or benefit that are individually below the nominal value, but in total are above the nominal value.
- 7.3. **Exemptions from relevant gifts and benefits**

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

 - a. a gift or benefit given to the employee by the Council;
 - b. a protocol gift given to the employee for the Council;
 - c. a gift or benefit given to the employee in relation to its status as a body corporate where the it is accepted on behalf of the Council and the employee is not considered to have accepted the gift or benefit as an individual;
 - d. food, accommodation, hospitality or entertainment included in the attendance of meetings, conferences, training courses, functions or other events that the employee is participating in as part of their duties as an employee;
 - e. a private and personal gift (such as a birthday present from a family member).
- 7.4. **Accepting a relevant gift**
 - 7.4.1. If a relevant gift or benefit has been received, the employee must inform the CEO as soon as practicable after receipt and provide the following information in writing:
 - b. name of the individual that received the relevant gift or benefit;
 - c. name of the donor (person or organisation) giving the gift or benefit;
 - d. date the gift or benefit was received;
 - e. description of the gift or benefit;

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- f. whether the gift or benefit is for the Council, the recipient or another a council member, MRC employee or another person (including the full name and relationship of the person to the CEO, if applicable);
 - g. value (or estimated value) of the gift or benefit;
 - h. reason for the gift or benefit;
 - i. any other relevant details.
- 7.4.2. The CEO will then make a decision on how the gift or benefit may be distributed. Any action taken must be recorded in the details in the HR24-R1 Declared Gifts and Benefits Register-employees which is maintained by the records officer.
- 7.4.3. The executive leadership team (ELT) will review this register at the ELT governance meeting, only if new items arise. If an item on the register pertains to a director, they must be excluded from this discussion.

8. Procedure Details

Replaces Policy No: (if applicable)	N/A
Responsible Directorate/Department:	Corporate Services – Governance and Compliance
ELT Approval Date:	1 July 2021
ELT Minutes Reference:	Director Corporate Services Approval
Review Cycle:	July 2025 - Review every four (4) years or after changes to relevant legislation.

9. Legislation and References

Related Legislation:	<i>Local Government (General) Regulations 2021, reg 6(1)(d)(i)</i>
Related Policies:	HR21-OP Employee Code of Conduct Policy.
Associated Documents:	HR24-R1 Declared Gifts and Benefits Register- Employees

10. Version Control

Version No.	Approval Date	Policy No.	Minutes reference
1.	1 July 2021	HR24-OP	Director Approval