

1. POLICY CERTIFICATION

Policy title:	Elected Member and Employee Gift Policy
Policy number:	CL003
Category:	Policy
Classification:	Council
Status:	Approved 27/02/2013

2. PURPOSE

The purpose of this policy is to provide guidance to Elected Members and Employees of Roper Gulf Regional Council (RGRC) in relation to offers of and the receipt of gifts or benefits. The policy provides the guidelines to ensure Elected Members and Employees of Roper Gulf Regional Council are not influenced in the performance of their duties and that there is no perception of undue influence.

The objectives of this policy are to:

- Provide guidance to Elected Members and Employees of Roper Gulf Regional Council in relation to offers of and the receipt of gifts or benefits.
- Complement the provisions of the *Local Government Act*.

3. ORGANISATIONAL SCOPE

From time to time, Elected Members or Employees may be offered gifts or benefits. This policy has been developed to provide guidelines for the appropriate, consistent and transparent treatment of offers of or receipt of gifts and benefits by Elected Members and Employees of Roper Gulf Regional Council.

4. POLICY STATEMENT

All RGRC Members (Elected, Committee, and Local Authority Members) and staff must carry out their duties and functions without fear or favour, affection or ill-will, according to law, whilst upholding the principles of integrity, honesty, and utmost concern for the public interest.

A member must not solicit or encourage gifts or private benefits from any person who might **have an interest in obtaining a benefit from the Council**. The circumstances in which a member may accept gifts are outlined in 6.4, 6.6, and 6.7 below. Under no circumstance is an elected member or an employee to seek or accept any payment, gift or benefit likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence the actions of an elected member and/or employee.

5. DEFINITIONS

Receipt	To receive
Disclosure	To announce, or otherwise make known, the details of the gift formally or through correct procedures.
Member	An elected member, appointed, or committee member of the Roper Gulf Regional Council
RGRC	Roper Gulf Regional Council

6. PRINCIPLES

- 6.1 This policy applies to the Elected Members and Employees of Roper Gulf Regional Council. It operates in addition to all other obligations under the *Local Government Act* (the Act) and any other legislation or relevant codes and policies.
- 6.2 An Elected Member and/or Employee must not:
- solicit or encourage gifts or private benefits from any person who might have an interest in obtaining a benefit from Roper Gulf Regional Council;
 - seek or accept a bribe or other improper inducement;
 - by virtue of his or her position, acquire a gift or benefit which has a monetary value, other than one of a nominal or token value.
- 6.3 An Elected Member and/or Employee must not seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence an Elected Member to:
- act in a particular way (including making a particular decision);
 - fail to act in a particular way;
 - otherwise deviate from the proper exercise of his or her statutory duties;
- 6.4 An Elected Member and/or Employee may accept gifts or benefits of a nominal or token value that:
- do not create a sense of obligation on his or her part and;
 - that would not be reasonably perceived by an impartial observer to be intended to or likely to influence him or her in carrying out their statutory duty.
- 6.5 An Elected Member and/or an Employee must never accept an offer of money, regardless of the amount.
- 6.6 Where a protocol gift is given to an Elected Member:
- as a personal gift, the Elected Member has the right to retain the gift if he or she so wishes;
 - as a gift to the Council or RGRC, the gift shall be retained by Council and exhibited in a suitable place for a period of time determined by the Chief Executive Officer.
- 6.7 The Elected Member and Employee Gift Register will contain the following information:
- Name of Elected Member and/or Employee receiving the gift or benefit.
 - Details of person/organisation giving the gift or benefit.
 - Description of the gift or benefit.
 - Estimated value.
 - Reason for presentation of the gift or benefit.
 - Comments in relation to disclosure.
 - Date of receiving.
 - Signature of the recipient.
 - Date of Disclosure

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6.8 The Elected Members Gifts Register is available for public inspection upon request.

6.9 A separate Register is in place for Protocol Gifts which are received by the Mayor.

7. REFERENCES

Acknowledgements (original author/source documents)	Darwin City Council Gift and Benefits Policy
Related Policies	CL001 - Members Code of Conduct HR001 - Employee and Contractors Code of Conduct
Related Publications	<i>Local Government Act</i> <i>Criminal Code Act</i> <i>Information Act.</i>

8. DOCUMENT CONTROL

Policy number	CL003
Policy Owner	Manager - Governance and Corporate Planning
Endorsed by	Council
Date approved	27/02/2013
Revisions	October 2017
Amendments	October 2017
Next revision due	June 2021

9. CONTACT PERSON

Position

Manager - Governance and Corporate Planning