

Gifts and Benefits Policy- Members

MC06-CP (Superseding CP103 Acceptance of Gifts & Benefits Policy)



Hard copies of documents are uncontrolled and may not be current - please refer to the electronic version.

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* (the Act) and related regulations, general instructions, guidelines and any reporting to the NT Independent Commissioner Against Corruption (NTICAC).

2. Scope

This policy applies to elected members (Councillors), the principal member and deputy principal member (the President and Deputy President), appointed members (Local Authority members and Committee Members).

3. Objectives

- 3.1. To ensure that MRC upholds its values of accountability by ensuring that members and their decisions are transparent and accountable to the constituents of the MacDonnell Regional Council.
- 3.2. To maintain the public confidence in the Council and its operations.
- 3.3. That all members, identified in the scope of this policy:
 - a. 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 Independent Commissioner Against Corruption Act 2017 (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. 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, per section 112 of the Act:
 - 5.2.1. A Council must by resolution, adopt a policy in relation to relevant gifts or benefits received by council members.
- 5.3. This policy supports and should be read in conjunction with the MC04-CP Members Code of Conduct Policy.
- 5.4. **Gifts and Benefits**

A member 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 member influencing another person or business to gain a personal benefit or when an external party provides a benefit or favour for preferential treatment by the member on behalf of MRC.
- 5.5. **Relevant Gifts and Benefits**
 - 5.5.1. The nominal value set by the Council for gifts and benefits is \$50.
 - 5.5.2. A relevant gift or benefit is a gift or benefit that exceeds the nominal value and includes:
 - a. gift or benefit received for the Council and accepted by a member; or
 - b. a gift or benefit received and accepted by a member for that member.
- 5.6. **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 council member by the Council;
 - b. a protocol gift given to a council 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 council member or council 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 council 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).

If a member is unsure of their obligation when receiving gifts and benefits, they are advised to speak to the President or the CEO.
- 5.7. **Rejecting gifts and benefits**
 - 5.7.1. If any gift or benefit is offered that is or is perceived to improperly influence any member 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.
- 5.8. **Relevant gifts and benefits**
 - 5.8.1. 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.

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5.9. Accepting a relevant gift

- 5.9.1. If a relevant gift or benefit has been received, the recipient must inform the CEO as soon as practicable after receipt and provide the following information in writing:
- name of the individual that received the relevant gift or benefit;
 - name of the donor (person or organisation) giving the gift or benefit;
 - date the gift or benefit was received;
 - description of the gift or benefit;
 - whether the gift or benefit is for the Council, the recipient or another MRC individual council member or another person (including the full name and relationship of the person to the council member, if applicable);
 - value (or estimated value) of the gift or benefit;
 - reason for the gift or benefit;
 - any other relevant details.
- 5.9.2. The CEO will record the details in the MC06-R1 Declared Gifts and Benefits Register- members.

6. Policy Details

Replaces Policy No: (if applicable)	CP103 - Acceptance of Gifts and Benefits Policy
Responsible Directorate/Department:	Corporate Services - Governance and Compliance
Approval Date:	28 May 2021
Minutes Reference and Resolution number:	Item # 15.2 Resolution OCM2021-075
Review Cycle:	May 2025 – Review every four (4) years or after changes to relevant legislation.

7. Legislation and References

Related Legislation:	<i>Local Government Act 2019, s113</i>
Related Policies:	
Associated Documents:	MC06-R1 Declared Gifts and Benefits Register- members.

8. Version Control

Version No.	Approval Date	Policy No.	Minutes reference and Resolution number
1.	24 February 2017	CP103	OCM Item #13.1 – OCM2017-009
2.	28 May 2021	MC06-CP	SCM Item # 15.2 – OCM2021-075