

Gifts & Benefits Policies

Title	Gifts and benefits policy (Members/employees and CEO)
Policy No:	08
Adopted By:	Council
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Responsibility:	Council

1. PURPOSE

The purpose of this policy is to provide guidance for council members, employees of TIRC, including the CEO in relation to receiving gifts.

2. SCOPE

This policy applies to all elected members, council staff and the CEO. This policy has been developed to provide guidelines for the appropriate, consistent and transparent treatment when receiving, accepting and disclosing gifts and benefits.

3. POLICY STATEMENT

All members and employees including the CEO must discharge their duties, responsibilities and obligations impartially and with integrity including in relation to receiving, accepting and disclosing gifts or benefits.

A member/ employee/CEO must not solicit or encourage gifts or private benefits from any person who might have an interest in obtaining a benefit from the Council.

A member/employee or CEO 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/employee or CEO.

Members must adhere to clauses 9.1 and 9.2 of the Code of Conduct relating to gifts and benefits schedule 1 of the *Local Government Act 2019*.

4. DEFINITIONS

Nominal value	A gift or benefit totalling less than \$50 from the same donor or an associate of the donor in a financial year.
Protocol gift	A gift or benefit given to a council member for diplomatic, ceremonial or symbolic purposes that will not be sold or transferred (unless diplomatic, ceremonial or symbolic circumstances).
Register of declared gifts and benefits	A register kept by the CEO setting out the relevant gifts and benefits received by council members.
Member	An elected member of the Council, members of risk committees and Local Authority members.

5. PRINCIPLES

5.1 Relevant gifts or benefits

A relevant gift or benefit is a gift or benefit that exceeds the nominal value and includes:

- gift or benefit received for the Council and accepted by a member/employee or CEO; or
- gift or benefit received and accepted by a member for the council member or another person.
- A benefit includes entertainment or hospitality.

5.2 Disclosure of relevant gifts or benefits (Elected members and employees)

If a member/employee has received a relevant gift or benefit, the council member/employee must inform the CEO as soon as practicable after receipt and provide the following information in writing:

- Name of the member/employee 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 member/employee or another person (including the full name and relationship of the person to the member/employee, if applicable).
- Value or estimated value of the gift or benefit.
- Reason for the gift or the benefit.
- Any other relevant details.

The CEO will record the details in the register of declared gifts and benefits.

5.3 Disclosure of relevant gifts or benefits (CEO)

5.3.1 Generally, if the CEO is offered a gift or benefit that is not exempt, the CEO should reject the gift or benefit by returning it to the donor or refusing it and respectfully explaining to the donor that acceptance of the gift or benefit would breach council policy.

5.3.2 Any gift or benefit offered to the CEO should be notified to the mayor as soon as practicable.

5.3.3 If it is not possible (or highly impractical) to return or refuse a gift or benefit, the CEO can seek the mayor's direction in how to appropriately deal with the gift or benefit. If the acceptance of the gift raises matters of possible controversy, the mayor is to refer the matter to the Council for a decision instead of providing the CEO with a direction.

5.3.4 Another option where it is not possible (or highly impractical) to return or refuse a gift or benefit, the CEO may consider accepting and then immediately redirecting the gift. For example, if the CEO received a gift basket containing food that would spoil if not consumed soon, the CEO may redirect the gift basket to a local charity. Such redirection should also be documented.

5.3.5 If the CEO accepts/rejects/redirects any gifts or benefits, the gifts or benefits must be recorded in the register of gifts and benefits.

5.4 Rejecting gifts or benefits

If a member has been offered any gift or benefit that breaches this policy, the member must reject the gift or benefit by not accepting or returning it to the donor respectfully explaining that the acceptance of the gift or benefit would breach this policy.

5.5 Monetary gifts

A member/employee/CEO must not accept an offer of money, regardless of the amount.

5.6 Exemptions for disclosure

Subject to the principles in clause 5 of this policy, the following gifts or benefits are exempted from disclosure under this policy:

- A gift or benefit given to the member/employee by TIRC.
- A protocol gift given to a member/employee for TIRC.
- A gift or benefit given to TIRC in relation to its status as a body corporate where no individual member/members are considered to have accepted the gift or benefit.
- Food, accommodation, hospitality or entertainment included in the attendance of meetings, conferences, training courses, functions or other events that have been organised through TIRC or that are required in accordance with performance of the member's official duties.
- A donation disclosed (or to be disclosed) by the member in a campaign donation return.
- A private and personal gift (such as a birthday present from a family member).

5.7 LEGISLATION

This policy is made in accordance with:

- Section 112, s113 and ss 365(1)(b) of the Local Government Act 2019.
- Clauses 9.1 and 9.2 of the Code of Conduct, schedule 1 of the Local Government Act 2019.
- Sub-regulation 6(1)(g) and 6(1)(h) of the Local Government (General) Regulations 2021.

5.8 ASSOCIATED DOCUMENTS

- Code of Conduct for Elected Members and Committee Members.
- Register of Declared Gifts and benefits.

5.9 RESPONSIBILITY

The Chief Executive Officer is responsible for the overall establishment and periodic review of this policy.

This policy is subject to review every two (2) years.