

Gifts for Elected Members Policy



Gifts for Elected Members Policy			
Category	Council	Business Unit	Strategy, Policy & Governance
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1. Purpose

- 1.1 Section 10 of Kaipara District Council's Code of Conduct (COC) outlines the ethical behaviour expected of Elected Members, including the offer and acceptance of gifts. The laws around bribes and inappropriate gifts or rewards are covered in the Secret Commissions Act 1910 and the Crimes Act 1961, and these are listed in the COC.
- 1.2 This Policy provides an additional framework regarding gifts, including the information to be provided to the Chief Executive for inclusion in the publicly available register of interests. If in doubt as to whether and how the COC, the Act and Policy applies, Elected Members should seek further advice from the Mayor or Chief Executive before accepting an offer.

2. Definitions

- 2.1 The following definitions apply to this Policy:

Gift

- a. *Includes* hospitality (e.g. meals, corporate box) and donations in cash or kind other than donations made to cover expenses in an electoral campaign.
- b. *Excludes* gifts received from family members (that is, any of the following: the member's spouse or domestic or any parent, child, step-child, foster-child or grandchild of the member).

3. Policy

- 3.1 Elected members may receive gifts in their political or personal capacity, but need to be mindful of the perception that accepting a gift can bring. They must declare every gift received of more than NZ\$50 (in accordance with the Code of Conduct), excluding gifts from family members.
- 3.2 To protect against conflicts of interest, elected members must not accept any gifts (including hospitality and entertainment) from parties to any regulatory process that the Council is making decisions on, where the elected member is directly involved or interested in the governance or administration of the regulatory process itself. This requirement does not apply to regulatory decisions which concern the public generally, for example, decisions relating to the adoption or review of a Bylaw.
- 3.3 Key principles for elected members to consider before accepting a gift include:
- 3.3.a their declaration on taking office to act in the best interests of the Kaipara District
 - 3.3.b possible public perception that receiving the gift might affect their ability to approach decisions fairly and without a conflict of interest
 - 3.3.c that Kaipara District Council needs to "conduct its business in an open, transparent, and democratically accountable manner".
- 3.4 Public confidence in elected members' ability to carry out their duties impartially will be enhanced if information on gifts, fees, endorsements and outside activities received or undertaken by elected members is readily available. This is generally provided through:
- 3.4.a an elected member declaring an interest in a particular agenda item at a business meeting, withdrawing from the debating table and taking no part in the discussion or voting on an item
 - 3.4.b the annual declaration of interests.
- 3.5 The perception of a conflict of interest is as important as the reality when it comes to gifts, fees, endorsements and outside activities. A perceived conflict of interest undermines the public's confidence in elected members and their ability to make decisions lawfully and fairly.

4. Reporting

4.1 For all accepted offers of gifts or hospitality with a value of \$50 or more (including GST) that are advised to the Chief Executive in accordance with Section 10 of the COC, the following details must be provided:

- name of Elected Member
- description of gift or hospitality
- date of offer
- name of donor of gift (if known or reasonably ascertainable by the member).
- estimated or actual value.