

Treasurer's Direction – Gifting of property

Treasurer's Direction (mandatory)

Purpose	To define scope, conditions, approval and process requirements for gifting of property
Operative date	1 July 2021
References	<ul style="list-style-type: none">• Gifting flowcharts• Frequently asked questions – Gifting of property• Treasurer's Direction – A2.2 – Property, plant and equipment• Treasurer's Direction – A6.3 – General expenses• Treasurer's Direction – A6.4 – Grants and subsidies• Treasurer's Direction – R2.1 – Agency financial statements• Treasurer's Direction – R3.1 – GBD financial statements• Treasurer's instruments of delegations• <i>Financial Management Act 1995 (FMA)</i>

Overview

Scope

1. This Treasurer's Direction:
 - a. outlines the principles, management, accountability and approval processes for gifting of property
 - b. is applicable to all agencies including government business divisions (GBD).
2. The following items are excluded from the scope:
 - a. merchandise or other promotional products branded with an Northern Territory (NT) Government approved logo where the total cost of items being gifted to a recipient per occasion is **\$55 (GST inclusive) or less**
 - b. property gifted under legislation other than the FMA, including the transfer of:
 - i. a vehicle under the *Gaming Control Act 1993* through the Community Benefit Fund
 - ii. land under the *Crown Lands Act 1992* and the *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)*
 - iii. property under the *Housing Act 1982*
 - c. prizes or awards provided as part of an NT Government program, competition initiative, or sponsorship agreement in line with the strategic priorities and initiatives of the agency or the NT Government
 - d. prizes or awards funded by the Department of the Chief Minister and Cabinet (CMC) and provided to support the duties of the Administrator of the NT.

Definitions

3. **Gifting of property** is the voluntary transfer of ownership of property from an agency to a non NT Government agency or person, without receiving consideration or compensation, and where there is no constructive or legal obligation for the transfer.
4. **Property** refers to all NT Government or agency-owned assets, regardless of whether they have been capitalised or expensed.
5. A **retired animal** refers to an animal in the service of the NT Government that has retired from official duties.
6. A **corporate gift** is either:
 - a. merchandise or other promotional products branded with an NT Government approved logo where the total cost of items being gifted to a recipient per occasion is **more than \$55 (GST inclusive)**
 - b. or defined as an item of property that was purchased with the intention of transferring the ownership to the recipient as a gift and used as:
 - i. a way to promote or enhance the NT Government's image
 - ii. support government policy and objectives
 - iii. a way to further the conduct of official business
 - iv. an expression of goodwill or appreciation, including recognition of an NT public sector employee's years of service through the [recognition of services milestones program](#).
7. A **corporate gift on behalf of the Administrator of the NT** is an item of property that was purchased with the intention of transferring the ownership to the recipient as a gift, used to support the duties of the Administrator of the NT and funded by the CMC.
8. A **ministerial gift** is a corporate gift given to a recipient by an authorised person in accordance with the ministerial gifts policy administered by CMC.
9. **Other property** refers to all other property:
 - a. including ICT equipment
 - b. but excluding:
 - i. items listed in paragraph 2
 - ii. cash and cash equivalents
 - iii. retired animals
 - iv. corporate gifts
 - v. corporate gifts on behalf of the Administrator of the NT
 - vi. ministerial gifts.
10. **ICT equipment** refers to information and communications technology equipment including software applications, computer hardware and networks used to create and deliver computerised, electronic information systems and services.

Restrictions

11. Cash and cash equivalents (including prepaid cards) cannot be gifted, except for prepaid cards provided to an NT public sector employee to show recognition of years of service through the [recognition of services milestones program](#).

Approval process

12. Property gifted on behalf of the NT Government in accordance with section 35(2)(b) of the FMA can only be approved, by either:
 - a. The Treasurer
 - b. a delegate authorised by section 39(1) of the FMA.
13. Pursuant to paragraph 12.b, a delegate can approve gifting of property when all of the following criteria are satisfied:
 - a. gifting is considered the most appropriate course of action
 - b. there are no known potential, perceived or actual conflicts of interest
 - c. the risk of adverse public perception or scrutiny is considered low
 - d. conditions of gifting as per paragraphs 16 to 22, where applicable.
14. In circumstances where Treasurer's approval is required, any request to the Treasurer must have ministerial endorsement along with detailed reasons and justification as to why gifting is the most appropriate course of action.

Conditions of gifting that apply in specific circumstances

15. Pursuant to paragraph 13.d, the following are the conditions of gifting that apply in specific circumstances.

Retired animals

16. An accountable officer of the agency can approve gifting of a retired animal when all of the following criteria are satisfied:
 - a. the recipient is either:
 - i. a not-for-profit organisation
 - ii. or an NT public sector employee
 - b. the retired animal:
 - i. is in reasonably good health
 - ii. is surplus to the agency's requirements
 - iii. was not purchased with the intention to gift.

Corporate gifts

17. An accountable officer of the agency can approve a corporate gift (excluding corporate gifts on behalf of the Administrator of the NT and ministerial gifts) when the total cost of items being gifted to a recipient, per occasion, is **\$550 (GST inclusive) or less**.

Corporate gifts on behalf of the Administrator of the NT

18. The Official Secretary to the Administrator of the NT can approve corporate gifts on behalf of the Administrator of the NT when the total cost of items being gifted to a recipient, per occasion, is **\$550 (GST inclusive) or less**.

Ministerial gifts

19. The accountable officer of CMC can approve a ministerial gift in accordance with the ministerial gifts policy administered by CMC.

Other property (including ICT equipment)

20. An accountable officer of the agency can approve gifting of other property when all of the following criteria are satisfied:

- a. the property is not ICT equipment managed by the Department of Corporate and Digital Development (DCDD)
- b. the property falls into one of the following categories:
 - i. office stationery and books
 - ii. office furniture and office equipment (including ICT equipment)
 - iii. low value property (expensed on acquisition)
- c. the recipient is a not-for-profit organisation
- d. the property:
 - i. is in good or serviceable condition
 - ii. is surplus to the agency's requirements
 - iii. was not purchased with the intention to gift.

21. An accountable officer of DCDD can approve gifting of ICT equipment managed by DCDD if:

- a. the recipient is a not-for-profit organisation
- b. the property:
 - i. is in good or serviceable condition
 - ii. is surplus to the agency's requirements
 - iii. was not purchased with the intention to gift.

22. The accountable officer of an agency must comply with relevant NT Government policies and procedures on disposal and destruction of stored information in NT Government ICT media, prior to gifting any ICT equipment.

Recordkeeping

23. An accountable officer is responsible for keeping records of property gifted by his or her agency and, at a minimum, must:

- a. maintain a register of gifted property pursuant to paragraph 25
- b. document approvals to gift property, including the basis on which the approvals were made and how the conditions of gifting were met
- c. update relevant agency records where applicable, such as financial records and the agency's register of assets, including documenting the method of disposal in accordance with the Treasurer's Direction on property, plant and equipment.

24. Pursuant to paragraph 23, an accountable officer must retain records for the specified minimum period, in accordance with the agency's records disposal schedule.

Register of gifted property

25. An accountable officer shall maintain a register of gifted property that, at a minimum, must include all of the following:
- a. name of gift recipient
 - b. description of gift
 - c. reason for gift
 - d. the gift's carrying value
 - e. date and by whom the gift was approved
 - f. date the gift was processed in the agency's accounting records
 - g. the asset identifier on the register of assets and confirmation the register has been updated to reflect the gifting (if applicable)
 - h. record details (for example, the agency's record identifier) to enable an authorised user to access records and documentation relating to each gifted property.
26. A register of gifted property is not required where an agency has never gifted property.

Disclosures

27. An accountable officer must disclose details of property gifted by his or her agency, in accordance with the Treasurer's Direction on agency (or government business division) financial statements.

Reporting

28. Upon request, an accountable officer must provide Department of Treasury and Finance a copy of the gifted property register and any other relevant information as necessary.

Change history

Version	Date	Author	Change details
1.0	27 June 2019	DTF Financial Policy	Initial version
1.1	1 July 2021	DTF Financial Policy	Changes in delegation related to approval corporate gifts on behalf of the Administrator and clarify the scope of the TD – refer to Treasury Circular L06-21.