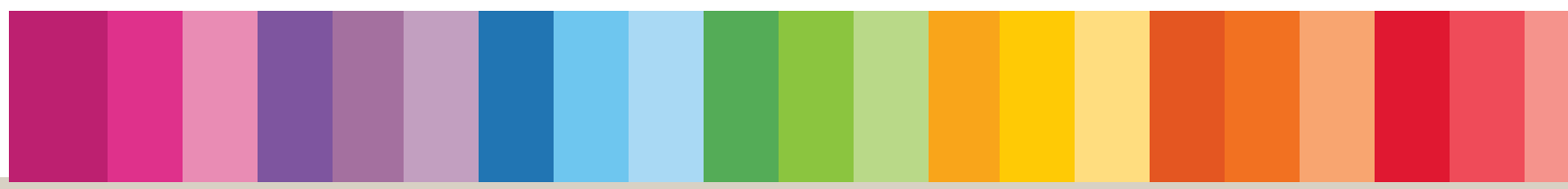




City of Ryde

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Gifts and Benefits Policy

Document Version Control

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Version	Issue Date	Author	Reason for Change
1.0	24 September 2013	Audit, Risk and Insurance	Initial approval of document by Council and publication (D13/64134)
2.0	23 June 2020	Corporate Governance	Update of policy to reflect 2018 Model Code of Conduct definitions and provisions and 2019 City of Ryde Code of Conduct provisions including applying policy to contractors, volunteers and members of wholly advisory committees. Update to reflect changes in position title (Director). Include more details on who does what. Changes to policy to reflect actual practice (D20/25408)
2.1	15 April 2021	Corporate Governance	Update of policy to reflect changes in the 2020 Model Code of Conduct while retaining Council's \$0 value for the definition of gifts as part of Council's "Thanks is Enough" Policy. Update to correct references to token value in Section 5. Style and formatting changes to align with current Council templates.

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1. Purpose

The objective of this policy is to:

- clearly define the behaviour required of Council officials in relation to gifts and benefits, and
- provide a transparent and accountable process with regard to gifts and benefits that promotes public confidence in the City of Ryde.

Any gift or benefit offered or accepted shall be subject to the provisions of this policy.

The policy is intended to complement the Council's Code of Conduct – Standards of Conduct and should be read in conjunction with Part 6 of the Code dealing with Personal Benefit.

2. Scope

The document applies to:

- Councillors
- members of staff of Council
- administrators
- Council committee members
- conduct reviewers
- delegates of Council
- members of wholly advisory committees of council
- contractors, and
- volunteers

3. Principles

The Council has taken a strong position in its Code of Conduct that in normal circumstances all gifts and benefits offered should be politely refused, recorded in writing and entered in the Gifts Register. In September 2013 the Council adopted the position that no gifts should be accepted and established the message that "Thanks is Enough" in relation to the acceptance of gifts and benefits.

All offers of gifts or benefits are to be declared, whether accepted or refused, using the Gifts and Benefits Declaration Form (see Attachment 1). Council Officials must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.

Council Officials must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Key considerations for Council Officials in respect of this Policy are:

1. If a Council official is offered a bribe, the incident must immediately be reported to the General Manager, NSW ICAC and where relevant, the police.

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2. Soliciting personal gifts or benefits is prohibited under all circumstances. If a Council Official becomes aware of another Council Official soliciting gifts or benefits they should report it immediately to the relevant Director, General Manager and/or the Mayor.
3. Where it is suspected that a gift has been offered for the purposes of influencing the behaviour of a Council Official in their official capacity, the gift must be declined and it should be reported immediately to the relevant Director, the General Manager and/or the Mayor.
4. Accepting gifts of money is prohibited ('Money' includes any form of credit or cashlike gift such as, but not limited to, cash, cheques, money orders, bank deposits, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts, regardless of the amount or value). This situation includes offers of money to cover expenses for trips to view samples of work, or to expedite the work of Council.
5. If a Council official is offered a gift of 'money', it is to be refused and the incident reported immediately to the relevant Director, the General Manager and/or the Mayor. It must be declared in accordance with this policy. Any such gift that is received without the recipient's knowledge, for example in the mail, must immediately be reported and declared, and every effort made to return it.
6. In normal circumstances, all gifts and/or benefits offered to a Council official of the City of Ryde are to be declined. No gift or benefit should be personally retained by a Council official. Any offer of a gift of money is to be refused and reported to the relevant Director and the General Manager and/ or the Mayor in writing.
7. Notwithstanding the above, there are provisions for special circumstances:
 - a. situations that relate to protocol, cultural aspects, sister-city relationships, international delegations and the like,
 - b. hospitality associated with events and functions hosted by community based (not-for-profit) organisations, attendance at which is consistent with the Council official's role – in particular the statutory role of a Councillor, and
 - c. - insignificant gifts/benefits associated with hospitality, promotional materials and other situations described in this policy.
8. Should a Council Official receive a gift or prize as the result of entering a competition while engaging in official duties, the gift or prize will become the property of the City of Ryde.
9. Any gifts or benefits received as a result of a purchase incentive scheme will become the property of the City of Ryde. For example, if purchases from a specific supplier reach a certain value which results in a gift being rewarded, this gift will become the property of the City of Ryde.
10. Council officials should not personally benefit from reward points programs when purchasing on behalf of the council including: [Code of Conduct], [Policy on Expenses and Facilities for the Mayor and Councillors]
 - a. Booking corporate travel and receiving personal frequent flyer points

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- b. Making purchases on a corporate card and receiving shopping points, rewards, docketts, discount petrol or school vouchers.

11. All gifts offered are to be formally declared and entered into Council's Gifts and Benefits Register.

The following information provides details of officers' responsibilities and the steps to be taken including the registering of gifts or benefits and reporting any alleged breaches of the Policy.

4. Responsibilities

The **General Manager** is responsible for:

- ensuring that Council has a framework for registering gifts or benefits and appropriate procedure to manage this process.
- reporting allegations of bribery or corruption to ICAC and the NSW Police, as appropriate.

The relevant **Director, General Manager** (for Councillors and Directors, and the Mayor) **and / or Manager, Corporate Governance** (for the General Manager) are responsible for determining the action to be taken in respect of each completed Gifts and Benefit Declaration of a gift or benefit that requires determination under this Policy.

The **Manager, Corporate Governance** is responsible for:

- The implementation and monitoring of this policy;
- Maintenance of the Gifts and Benefits Register;
- Managing the determination of declarations of gifts and benefits.

All managers of staff are responsible for ensuring that their staff are aware of this policy, its intent and be available to give advice on its interpretation. If in doubt, refer to the Manager Corporate Governance.

All **Councillors, Council officials and Staff** are to be aware of this policy and to be available for appropriate training.

5. What is a gift?

A gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.

In a business context, gifts and benefits are frequently given to facilitate an ongoing working relationship and to establish patterns of loyalty to the giver.

The sense of obligation that business gifts instil is the main difference between private gifts and business gifts.

Some common examples of gifts that may be offered in the course of work include:

- alcohol
- clothes

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- products
- tickets
- gift vouchers
- office or business accessories

A gift is not:

- A political donation for the purposes of the Electoral Funding Act 2018;
- A gift provided to the Council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual Council official or someone personally associated with them;
- a benefit or facility provided by the council to an employee or councillor
- Attendance by a Council official at a work-related event or function of token value for the purposes of performing their official duties, or
- Free or subsidised meals, beverages or refreshments provided to Council officials in conjunction with the performance of their official duties such as, but not limited to:
 - The discussion of official business;
 - Work-related events such as Council-sponsored or community events, training, education sessions or workshops;
 - Conferences;
 - Council functions or events;
 - Social functions organised by groups, such as Council committees and community organisations

6. What is a benefit?

Benefits are different to gifts in that they are generally non-tangible. Benefits may still have financial value however, particularly to their recipients. In terms of managing them, gifts and benefits should be considered interchangeable.

Some common examples of benefits are:

- access to private spectator boxes at events
- a new job or promotion
- preferential treatment (such as queue jumping)
- access to confidential information
- a relationship with a Council contractor that provides a discount for private work.

7. Procedure

The flowcharts (Attachments 2, 3, and 4) show what to do if you receive an offer of gift or benefit.

If a Council official receives an offer of a gift and /or a benefit, even if refused, they must complete a Gifts and Benefits Declaration Form (see attachment 1).

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This includes gifts of a token nature. The details of all gifts received shall be entered into the Gifts Register by the immediate completion of a Gifts and Benefits Disclosure form by the employee or Councillor.

All forms from staff are referred to the Director for determination of appropriate action and signing.

All forms from Councillors or Directors are forwarded to the General Manager for determination of appropriate action and signing.

All forms from the General Manager are to be forwarded to the Manager Corporate Governance or the Mayor for determination of appropriate action and signing.

Completed and signed forms must be forwarded to the Corporate Governance Team who will enter the details in the Gifts and Benefits Register and advise the employee / Councillor of the outcome.

The Governance Coordinator shall provide a report to the General Manager and the Corporate Governance Manager at the end of each financial year, setting out the number of completed Gift and Benefit Declaration Forms, the types of offers of gifts and benefits declared by Council officials, and any significant trends associated with offers of gifts and benefits. This shall be presented at the next Audit, Risk and Improvement Committee).

A Councillor may refer any entry in the Gifts and Benefits Register to a Council Meeting for review by the Council.

8. Perceptions of accepting a gift and/or benefit

Perceptions are very important in relation to gifts and benefits. There is often a perception that the offer of a gift could influence the intended recipient's performance of his or her functions, despite the fact that such perceptions alone may not indicate an actual inappropriate influence.

Perceptions can be affected by a variety of factors including:-

- The relationship between the giver and the Council official;
- The transparency and openness of how the gift was offered; and
- The value of the gift, i.e. an expensive gift is more likely to be perceived as gifts to win favours.

9. Purchase Incentive Schemes

You must not personally benefit from reward points programs when purchasing on behalf of the council (purchase incentive scheme). If you are offered a free item for your personal use for purchasing a certain quantity of product, you must refuse the gift/benefit and complete a Gifts and Benefits Declaration Form. Incentives include additional points for frequent travel.

10. Hospitality and work-related functions

A Council Official may be offered a range of hospitality including:

- External meetings – refreshments such as tea, coffee and a modest lunch are acceptable;

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- Conferences, seminars etc. – it is appropriate to accept modest hospitality, subject to the attendance being at the event being previously approved by the Council official's Supervisor. It is not appropriate to accept hospitality where the City of Ryde is the only invited guest. Council officials should be mindful of public perception where an event is being held out of business hours.

11. Gifts or benefits to immediate family members

Council officials must take all reasonable steps to ensure that business colleagues and family members do not receive gifts and / or benefits that could give rise to the appearance of being an attempt to secure favourable treatment. Attempts by suppliers to provide gifts to family members should be reported by a Council official to their relevant Director by completing a Gift and Benefits Declaration Form.

12. Gifts associated with sister city activities

Sister city gifts for the Council (normally presented to the Mayor or General Manager) are quite often non token/ ceremonial gifts such as a plaque, work of art or craft or other items of significance that relate to a specific occasion. They may be of a reasonable monetary value and given with the intention to express welcome or gratitude to the receiving organisation as a whole, rather than to an individual.

All gifts associated with sister city activities are to be declared and acted on accordingly. The determination by the General Manager (or Mayor if it is received by the General Manager) will often include a stipulation that such gifts be displayed in an appropriate location within Council.

Sometimes, gifts may also be presented to individual Council officials within Council's delegation. These gifts should be respectfully declined, unless the acceptance of such is otherwise determined because of exceptional circumstances.

13. How are offers of gifts and benefits to be dealt with?

Council officials must not:

- seek or accept a bribe or other improper inducement
- seek gifts or benefits of any kind
- accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
- accept an offer of cash or a cash-like gift regardless of the amount
- participate in competitions for prizes where eligibility is based on the council being in or entering into a customer– supplier relationship with the competition organiser
- personally benefit from reward points programs when purchasing on behalf
- of the council.

14. Gifts of token value

The 2020 Model Code of Conduct for Local Councils in NSW defines Gifts and benefits of token value as 'one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, have a value of \$100 or more'. The City of Ryde's Gifts and Benefits Policy takes a stronger position – that all gifts and benefits should be refused, where

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possible, with the exception of items listed at Clause 6.2 of the Council’s Code of Conduct – Standards of Conduct. All gifts and benefits, and all offers of gifts and benefits, even if refused, must be declared. Gifts must be surrendered to Council, unless this is impractical.

15. Breaches of this Policy

Each Councillor, member of staff of Council, contractor, volunteer, Council committee member, conduct reviewer and delegate of Council is obliged to comply with this policy. Sanctions may be applied if the policy is breached.

Any person may report an alleged breach of this policy by a Councillor or an employee (other than the General Manager) to the General Manager in writing.

Any person may report an alleged breach of this policy by a Councillor or the General Manager to the Mayor in writing.

The General Manager or Mayor, as appropriate, shall investigate any report received and take such action as is considered necessary.

If this policy has been breached, such action may include counselling, censure motions, disciplinary action (including termination of employment), the laying of charges and the taking of civil action.

16. Disposal of Gifts

The disposal of gifts will be dictated by the nature of the gift. The gift receiver can nominate or suggest a disposal method on the Gifts and Benefits Declaration Disclosure Form, however the Director, General Manager, Manager Corporate Governance or Mayor (as appropriate) will determine the action to be taken.

In determining this action the following will be considered:

- Gifts received from visiting delegations or gifts personalised to the City of Ryde will usually be kept at the City of Ryde for display or storage.
- Perishable gifts such as flowers may be displayed in public areas such as customer service counters, libraries etc.
- Perishable food items may be shared amongst staff in the work location.
- The General Manager may nominate a charity or charities to which surrendered gifts will be donated.
- Gifts that can be used for work purposes may be shared amongst staff to use in the workplace.
- Where practical, gifts should usually be returned.

The decision regarding disposal of a gift will be noted on the Gifts and Benefits Disclosure Form and Register.

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17. Related Policy

City of Ryde Code of Conduct – Standards of Conduct

18. Attachments

Document Title	CM Reference
A – Gift and Benefits Declaration form	D18/98271
B – Flowchart for Councillors	N/A
C – Flowchart for Staff and Contractors	N/A
D – Flowchart for other Council Officials	N/A
E – Frequently Asked Questions	N/A

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Attachment A – Gifts and Benefits Declaration Form

GIFTS AND BENEFITS DECLARATION FORM



If you are a Councillor, please send your completed form to Councillors' Helpdesk: helpdesk@ryde.nsw.gov.au
 If you are a staff member, contractor, volunteer or advisory committee member please send your completed form to the Corporate Governance team: governance@ryde.nsw.gov.au

1 Gift/benefit offered to

NAME POSITION

2 Details of the Gift, Benefit or Hospitality

Date offered / / Estimated Value \$

Description

Reason for Gift/Benefit: (Description of the context in which the gift was offered and/or received)

3 Gift/benefit offered by

NAME ORGANISATION

Relationship to Council

4 Was the gift accepted? Yes No (If no, go to Section 5)

If yes, please explain why you accepted it

Proposed action/use of the gift/benefit

5 Declaration made by

NAME POSITION

Signature Date / /

6 Authorising Signature
 Director or General Manager

Date / / TRIM Ref.

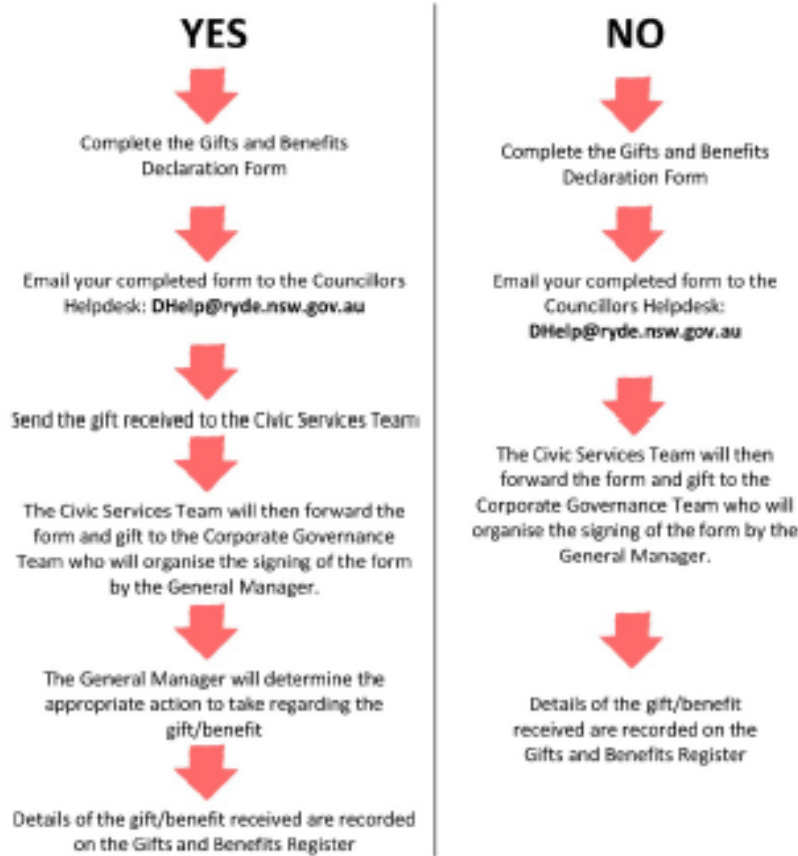
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Attachment B – Flowchart for Councillors



COUNCILLORS

Was the gift/benefit accepted?



Was there a gift/benefit totalling over \$500 from one entity/donor that were received/offered at any time during the return period?

If yes, include in an annual return (disclosure of pecuniary interests and other matters form).

If you have any questions contact the Corporate Governance Team
governance@ryde.nsw.gov.au



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Attachment C – Flowchart for Staff and Contractors



STAFF & CONTRACTORS

Was the gift/benefit accepted?



Was there a gift/benefit totalling over \$500 from one entity/donor that were received/offered at any time during the return period?

If yes, include in an annual return (disclosure of pecuniary interests and other matters form).

If you have any questions contact the Corporate Governance Team
governance@ryde.nsw.gov.au

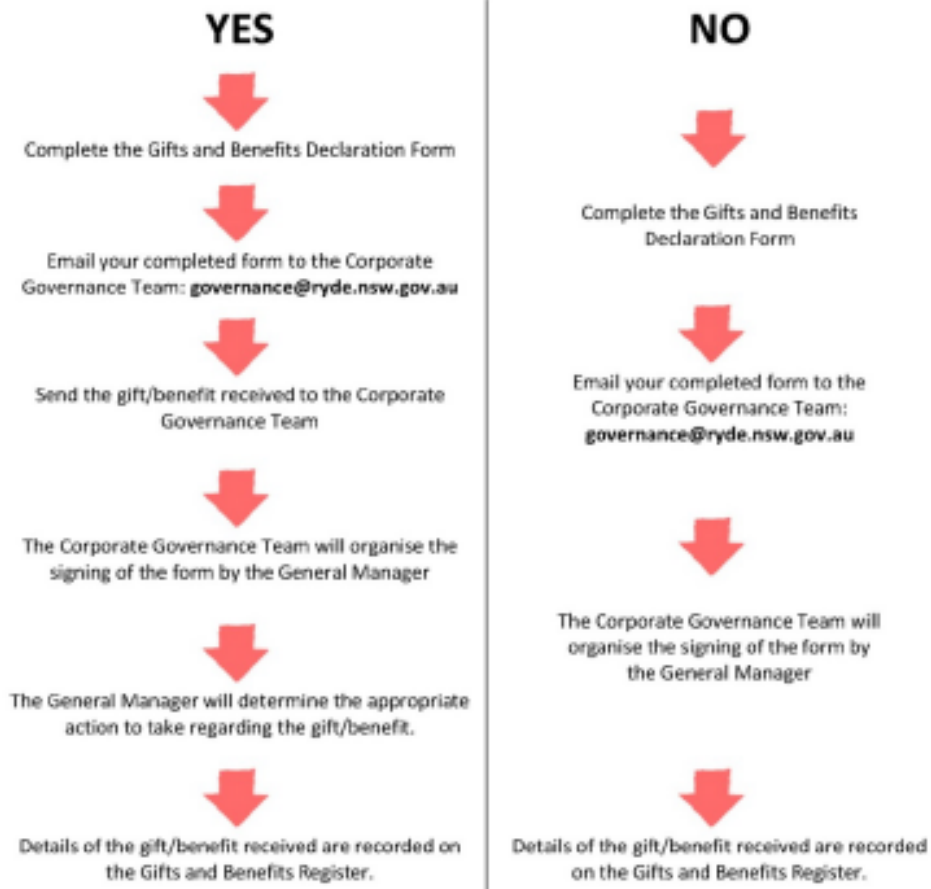
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Attachment D – Frequently Asked other Council Officials



OTHER COUNCIL OFFICIALS (e.g. Advisory Committee members, etc.)

Was the gift/benefit accepted?



Was there a gift/benefit totalling over \$500 from one entity/donor that were received/offered at any time during the return period?

If yes, include in an annual return (disclosure of pecuniary interests and other matters form).

If you have any questions contact the Corporate Governance Team
governance@ryde.nsw.gov.au



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Attachment E – Frequently Asked Questions

What do I do if I refuse a gift/benefit?

If you have been offered a gift/benefit which you refused, you still need to complete the Gifts and Benefits Declaration Form which is available on the Infonet and Content Manager (D18/98271).

What do I do if I accept a gift/benefit because it would be rude to refuse?

If you have been offered a gift/benefit and accepted it, you must complete the Gifts and Benefits Declaration Form (D18/98271). After completion, the form should be signed by the Director or General Manager (in the case of Directors and Councillors) who will review and determine the appropriate action to take regarding the gift/benefit. The completed and endorsed form and the gift received should be then sent to the Corporate Governance Team to be recorded on the Gifts and Benefits Register.

What is the limit for Gifts & Benefits at the City of Ryde?

Zero. Under the City of Ryde Gifts and Benefits Policy all gifts and benefits should be refused and declared, no matter what the value is.

What if a gift has been sent to me by post?

If a gift has been sent to you by post, you still need to complete the Gifts and Benefits Declaration Form (D18/98271).

Where do I find the Gifts and Benefits Declaration Form?

The Gifts and Benefits Declaration Form which is available on the Infonet and Content Manager (D18/98271).

What are the consequences for not managing gifts and benefits appropriately?

The consequences for an individual Council official may be:

- *embarrassment*
- *disciplinary action*
- *being the subject of an internal or external inquiry*
- *loss of employment*
- *criminal prosecution*

Who do I contact if I need some information?

Council's Corporate Governance Team: Governance@ryde.nsw.gov.au

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