

## Scope

This policy applies to all Councillors and employees and delegates of the City of Ryde.

The term Council Official is used within this policy and guidelines, and is defined in accordance with the Code of Conduct as “councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council”.

This policy is to be applied in conjunction with provisions in Council’s Code of Conduct.

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## 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 offered or accepted shall be subject to the provisions of this policy.

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## General

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, the ICAC and where relevant, the police.
- 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 Group Manager, 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 Group Manager, the General Manager and/or the Mayor.

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- 4 Accepting gifts of money is prohibited. 'Money' includes any form of credit or cash-like 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 Group Manager, 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.
- 7 Notwithstanding the above, there are provisions for special circumstances:
  - situations that relate to protocol, cultural aspects, sister-city relationships, international delegations and the like,
  - 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
  - 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 All gifts offered are to be formally declared and entered into Council's Gifts and Benefits Register.

The related Guidelines give details of the steps to be taken to implement this policy, including the registering of gifts and breaches of this policy.

## References - Legislation

This policy does not remove any other obligations under the *Local Government Act, 1993*, any other legislation, or relevant codes and policies regarding the disclosure of any interests.

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This Gifts and Benefits Policy is based upon the Managing Gifts and Benefits in the Public Sector Toolkit issued by the Independent Commission Against Corruption (ICAC) in 2006. It also considers the recommendations made in the Audit Office of NSW Performance Audit: Managing gifts and benefits, March 2013.

This policy should be read in conjunction with the following:

- Local Government Act 1993 (in particular Part 2 Duties of disclosure – s449)
- Local Government (General) regulation 2005 (in particular Part 8 Honesty and disclosure of interests, Clause 184 Gifts, and Schedule 3 Form of return – disclosure of interest)
- Council’s Code of Conduct
- Council’s Policy on the Provision of Facilities and Payment of Expenses for the Mayor and Other Councillors
- Council’s Public Interest Disclosures Internal Reporting Procedure

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## Review Process and Endorsement

This policy may be varied by resolution of the Council. This policy should be reviewed as required but at least every four years following the conduct of the Local Government elections.

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## Related Documents

<i>Number</i>	<i>Title</i>
1.	Guidelines

<b>Gifts and Benefits - Policy</b>		
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## Related Policy

This Guideline relates to Council’s Gifts and Benefits Policy and Council’s Code of Conduct.

## Introduction

In the course of their duties, Council officials may encounter situations in which they are offered gifts or benefits for a variety of reasons.

Council officials must ensure:

- that they are not influenced by gifts or benefits in the performance of their duties, and
- that there can be no public perception of undue influence due to gifts and benefits

This applies whether gifts and benefits are offered and refused, offered and accepted, or there is the possibility that gifts or benefits may be offered.

Ratepayers and residents of the City of Ryde have a right to expect the business of the Council is conducted with efficiency, fairness, impartiality and integrity. Council officials have an obligation to carry out their duties conscientiously, honestly and objectively.

The purpose of these guidelines is to provide Council officials with both general information and specific processes to follow, in relation to this important issue.

## Key Points

- **Never accept gifts of money**
- **Never solicit gifts and benefits**
- **Don’t accept gifts and/or benefits – A THANK YOU IS ENOUGH**
- **Declare all offers**

## Definitions

*Gift:*

In a private context, gifts are usually unsolicited, and meant to convey a feeling on behalf of the giver, for example to express congratulations or gratitude. There may be a custom of reciprocity for gifts given at birthdays and other times, but they are not generally given to create a sense of obligation in the recipient.

In a business context, however, gifts 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.

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In between these two are the more complicated scenarios in which gifts may be offered as a genuine expression of appreciation or as a gesture of our goodwill, such as those given on special occasions, but in a business context.

The important issue to consider is whether the acceptance of the gift could compromise the recipient's ability to act objectively and impartially towards the giver. This is not an area with simple solutions, particularly where not just actual, but the perception of, compromise may be damaging.

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

- alcohol
- clothes
- products
- tickets
- office or business accessories

*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

**Gifts and benefits that are exchanged within the business context can be categorised as one of the following types:**

*Gift of influence:* A gift that is intended to generally ingratiate the giver with the recipient for favourable treatment in the future.

*Gift of gratitude:* A gift offered to an individual or agency in appreciation of performing specific tasks or for exemplary performance of duties. Gifts to staff who speak at official functions would be considered gifts of gratitude.

*Token gift or benefit:* A Gift that is offered in business situations to an agency or public official representing an agency. Such gifts are often small office or business accessories that contain the company logo. They are usually products that are mass-produced and not given as a personal gift.

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Council's Code of Conduct considers a token gift as one of the following:

- a) *free or subsidised meals, beverages or refreshments provided in conjunction with: the discussion of official business, council work related events such as training, education sessions, workshops, conferences, council functions or events, social functions organised by groups, such as council committees and community organisations.*
- b) *invitations to and attendance at local social, cultural or sporting events*
- c) *gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)*
- d) *ties, scarves, coasters, tie pins, diaries, chocolates or flowers.*

The receipt of token gifts is not permitted in normal circumstance under this policy.

**Ceremonial gift:** An official gift from one agency to another agency. Such gifts are often provided to a host agency when conducting official business with delegates from another organisation. Although these gifts may sometimes be offered to express gratitude, the gratitude usually extends to the work of several people in the agency, and therefore the gift is considered to be for the agency, not a particular individual.

**Non-Gifts:** The following are not defined as a gift for the purpose of this policy:

- any discounted product or service if the discount is reasonable and generally available or capable of being negotiated by others not connected with the organisation,
- any gift, benefit or hospitality received in relation to personal membership of any industrial or professional organisation, club or other association or body,
- any gift, benefit or hospitality received by a relative or associate of a Council official if the Council official did not know about it.

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## Perceptions

Perceptions are very important in relation to gifts and benefits. Often the intended recipient may not know the intentions of the gift giver or the intentions may be different from the public perception of the situation.

It is often the case that the perception of the gift-giving relationship is that the gift could influence the intended recipient's performance of his or her official functions, despite the fact that such perceptions alone may not indicate an actual inappropriate influence.

Perceptions can be affected by various factors:

- Relationship between the gift giver and the Council official. If the Council official is, for example, a regulator of the person offering the gift or benefit, or is about to make a decision which could affect the interests of the person offering the gift or benefit, it is more likely that the gift would be perceived as inappropriate.
- Transparency and openness. If a gift is offered to a Council official in a public forum it is less likely to be perceived as a gift of influence than if it were offered in a private context.
- Value of the gift. Expensive gifts are more likely to be perceived as gifts to win favours. In determining the value of the gift or benefit, any previous gifts given by an individual or agency to the Council official (or to colleagues performing the same functions) should be considered, when calculating their cumulative value. While the perception that one gift may not be considered sufficient to cause an employee to act outside his or her official duty, the sum of multiple gifts may be considered sufficient to do so.

## Consequences

If gifts and benefits are not managed appropriately there can be a range of negative consequences for both the individual and Council.

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

The consequences for Council may be:

- embarrassment for the organisation
- loss of public trust
- being the subject of an external inquiry
- legal action

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## Bribes

Offering or accepting a bribe is a special case in relation to gifts and benefits that has particularly serious consequences.

If a Council official is offered a gift of money or other gift or benefits, which he or she believes is meant to be a bribe, the official must immediately notify his or her supervisor. The General Manager and Mayor have an obligation under the ICAC Act to inform the Commission about any matter that he or she suspects on reasonable grounds concerns or may concern corrupt conduct, including bribery.

A gift or benefit offered or sought in order to influence a Council official's behaviour is a bribe and such persons may be guilty of an offence under section 249B of the Crimes Act 1900 and subject to a goal term.

**Remember: Don't accept gifts and/or benefits – a thank you is enough**

## Typical 'gift and benefit' situations

To assist Council officials in properly identifying the extent of gifts and benefits under this policy, and the typical situations in which they may be offered, the following guidance is provided:

### *Token Value*

Previous policies defined 'token gifts' as those whose estimated value was below a certain amount. This policy does not distinguish types of gifts by value. All gifts are to be declined under normal circumstances.

### *Gifts to family members and colleagues*

As with gifts offered directly to the Council official, gifts given to family members and business colleagues may be viewed as affecting the official.

Council officials must take all reasonable steps to ensure that business colleagues and family members do not receive gifts and benefits that give rise to the appearance of being an attempt to secure favourable treatment. Family members ordinarily include close family connections, including those by marriage.

Council will treat gifts and benefits to family members and business colleagues in the same ways as those to the Council officials themselves.

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## Prizes and Gifts

On some occasions a Council official may receive a ‘prize’ as a result of entering a competition while engaging in official duties. For example, an individual may win a raffle or lucky door prize drawn at a meeting or win a prize that was promoted as an incentive to complete a survey.

Another example might be, those attending a specific session at a conference may enter a draw for a prize by submitting their business cards or signing up for further information about the product or service.

In such cases, since the official is representing Council, any prize should be treated as a gift or benefit and respectfully declined and declared accordingly.

In exceptional circumstances where it is inappropriate to decline the prize, the determination by the General Manager (or Mayor if the prize winner is the General Manager) of the appropriate action that follows the declaration is to consider case-by-case issues such as:

- the nature of the Council’s relationship with the prize giver;
- whether Council has business dealings with the organisation that provided the prize;
- whether Council has discretionary power that could be exercised in the prize giver’s favour; and whether accepting the prize may lead to perceptions of improper influence.

A determination to accept a particular prize, should ordinarily include a stipulation that it becomes the property of the Council, not the individual. This approach better manages potential negative perceptions since the prize can ultimately be of benefit to the public.

## Purchase incentive schemes

Gifts and benefits may be obtained through a purchase incentive scheme. For example, a company may offer a free computer to clients after they have purchased a certain quantity of product. It is important to ensure that Council does not compromise any duty of impartiality in order to obtain such bonuses. Nor should the bonus computer bring private benefit to any one individual in Council.

As with others, these gifts or benefits should be declared and acted on accordingly. In determining the appropriate action Council may still obtain the benefit while ensuring impartiality. For the above example, a determination may include the following actions:

- Obtain a refund
- Dispose of the computer at a public auction
- Retain the computer but ensure it is only used for official purposes and its use is not restricted to the officer responsible for making the purchases.

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- Another example of a purchase incentive scheme is the accumulation of “frequent flyer” points offered by airlines and other companies. Council officials are not to seek or accept frequent flyer points from airlines or other companies in respect of official transport or other products/services purchased, to ensure that choice of airline or other company is not influenced by the availability of frequent flyer points.

Council supplier discounts to Councillors, employees and other Council officials for the personal purchase of goods and services from such suppliers must also be declined.

## Hospitality and work-related functions

In the course of their duties, Council officials may attend work related functions in a representative capacity. The appropriate response to the offer of hospitality in various situations is outlined below:

### *External meetings*

Often hospitality such as tea and coffee or a modest luncheon will be offered during meetings, functions and similar events hosted by other organisations – these offers are normally considered a courtesy rather than a gift or benefit. Such refreshments are normally the ‘standard’ type of hospitality offered to business partners when conducting official duties for reasons of sustenance and is acceptable hospitality.

### *Conferences seminars and launches*

It is appropriate to accept modest hospitality at industry conferences, seminars, product launches and the like, at which large numbers of people from other similar organisations are also attending, subject to attendance at the event having been previously approved. It is not appropriate to accept hospitality from such hosts/organisers in circumstances such as where City of Ryde officials are the only invited guests and/or where the event is held out of business hours.

Consideration must always be given to the potential public perception and whether or not attendance at the event is relevant and of benefit to Council.

### *Presentations*

Sometimes a Council official may be invited to give a presentation to a conference/seminar or address a meeting of industry colleagues. Subject to attendance at the event having been approved as a appropriate use of resources, it would be appropriate to accept modest hospitality and for Council to receive travel expenses to help cover the cost of attending.

In such cases, it is important the request or offer is made to the Council and not the individual Council official and it is Council that decides which official should attend. This approach reduces the possibility of individuals being compromised by accepting hospitality.

Gifts or benefits received in recognition of an individual’s presentation at a conference or seminar should be respectfully declined. If it is not appropriate to decline, the gift must be declared and is to become the property of Council.

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## *Disproportionate hospitality*

Hospitality that extends beyond courtesy, where there is not a real benefit to Council as a whole, or is disproportionate to the occasion and clearly offered in an attempt to influence a Council official's decisions, such as in relation to a procurement process or development approvals, are to be declined. Examples of such hospitality include invitations to participate in golf days, professional sporting events in a 'corporate box' and luncheons/dinners with developers outside of Council offices and/or outside of normal business hours.

## **Promotional material**

At some functions and events, other organisations (including potential suppliers) distribute promotional material, which may include factual product/service information and other items such as inexpensive pens and stationery. It would be appropriate to receive such promotional material on the basis that it is of benefit to Council to remain abreast of industry developments and that the material is also being distributed to other individuals of similar organisations.

It would not be appropriate to also receive such items as:

- Tickets to sporting events or other entertainment
- Discounted products for personal use
- Free/discounted passes for the use of leisure facilities
- Vouchers and the like to purchase goods/services

## **Providing services**

Some parts of Council provide services directly to the public. Such areas include, but are not limited to the library, RALC and customer service. People who have received services from such areas may show their appreciation to Council officials who have assisted them by giving gifts at the end of a year or at other times. In these circumstances, officials are to respectfully decline the gift and declare the offer.

In exceptional circumstances, if for some reason the gift cannot be returned, the appropriate determination may include the gift becoming the property of Council or disposed of in an appropriate manner (as described elsewhere) rather than being kept by the individual. In declining these gifts of gratitude, officials may suggest to potential givers that a letter of appreciation for exceptional service written to the official or Council would be more appropriate than a gift.

## **Procurement and disposal**

A contract to supply goods or the opportunity to buy Council assets can be highly profitable to the supplier or buyer. Suppliers and tenderers may attempt to influence procurement processes by offering gifts and benefits to the Council official responsible for making the decisions. These risks can apply not only to staff responsible for procurement and disposal but also to those who have contact with suppliers or buyers as part of their jobs.

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An example of such a benefit would be a relationship between a Council official and a Council contractor who is carrying out work on an official’s property and offers a discount for the work due to this relationship. In order to manage the public perception of such situations, either the contractor and/or the official should declare the circumstance in accordance with this policy, whether a discount is being offered or not.

Ideally, the roles in client relationship and tendering functions within agencies should as far as possible be segregated. However, due to the size of Council, these responsibilities will often overlap. It is therefore important that Council officials in a position to make procurement or disposal decisions need to exercise greater care when faced with offers of gifts and benefits from suppliers or buyers – all offers of such gifts and benefits are to be declined and declared.

### Cultural considerations

City of Ryde residents encompass a wide range of linguistic, religious and cultural backgrounds. Some individual residents and business people may be unfamiliar with acceptable gift-giving etiquette in the context of relationships with Council officials.

The giving or exchange of gifts and hospitality plays an important role in business and professional life in many societies and may be part of established business protocols elsewhere. For example, business and government delegations from a number of countries including Japan, Korea and China customarily offer gifts to Council officials from other countries.

Conversely, in some situations gift giving traditions may be abused and lead to widespread bribery of government officials. Culture or tradition (including religious festivals) is not to be used as an excuse to accept inappropriate gifts and benefits. Dealing appropriately with offers of gifts and benefits across cultures therefore requires special care.

In normal circumstances, all gifts and benefits to individual Council officials should be respectfully declined and declared.

In exceptional circumstances, the General Manager (or Mayor) may endorse ceremonial gifts being received by Council from official delegations and the like (and similarly reciprocal giving of ceremonial gifts) and determine that such gifts be retained and/or disposed of in an appropriate manner as described elsewhere.

Refer also to “gifts associated with sister city activities” below.

### Gifts associated with sister city activities

Sister city gifts for the Council (normally presented to the Mayor or head of a sister city delegation) 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.

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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.

## Giving gifts to others

There may be occasions when it is appropriate for Council to give gifts or benefits to individuals from other public or private agencies. For example, it may be appropriate for Council to offer a modest lunch to a delegation visiting its workplace as part of work related activities, or to give a token of appreciation to an individual who has given a presentation to Council.

The same guidelines apply for the giving of gifts as for their acceptance, including taking into account how the offer of the gift may be perceived. Council should exercise particular caution when the proposed recipient or organisation has a continuing business relationship with Council.

## Community organisations

Council officials may, in the course of their duties, be offered benefits by a community based (not for profit) organisation expressing gratitude or respect for the civic office of the official. Such benefits may include invitations to events and functions of such organisations, including complimentary attendance at performances of local community musical/drama/cultural groups, local community sporting games and the like.

In particular, Councillors, as elected representatives, may receive invitations from community organisations, which have an expectation that attendance is part of a Councillor's role. Under normal circumstances, it is appropriate for Councillors to accept such invitations as a representative of Council, particularly where the occasion provides an opportunity for Councillors to understand the interests of residents and ratepayers. It is recognised such events and functions may include incidental or modest hospitality.

It would be inappropriate for Council officials, including Councillors, to accept benefits:

- At a time when such community organisation are awaiting a Council decision on a grant application, seeking to commence/continue doing business with Council, seeking favourable use of Council facilities and/or having other similar interactions with Council
- Where the hospitality is complementary and disproportionate to the occasion.

In such circumstances it would be appropriate to either respectfully decline the invitation or seek endorsement to attend and pay for the 'ticket'. Council's 'Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors' outlines situations where Councillors can be reimbursed for the cost of attending certain non-Council functions.

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In order to manage public perception, Council officials are to be sensitive to the timing and the potential purpose of such benefits (including invitations) offered by community based (not for profit) organisations.

All offers and invitations accepted without purchase of a 'ticket' are to be declared.

### Gifts that cannot be returned

There may be exceptional circumstances where the acceptance of a gift that is unacceptable under Council's policy is inadvertently accepted by an employee or may not easily be returned. Examples include:

- A wrapped gift that the recipient does not open in the presence of the gift giver
- Gifts accepted for cultural, protocol or other reasons, where returning it would be inappropriate
- Anonymous gifts received through the mail or left for the official without a return address
- A gift received in a public forum where attempts to refuse or return it would cause significant embarrassment

In such circumstances, the gift, along with details of the incident, are to be declared. The determination of the action to be taken will normally include a stipulation that the gift becomes the property of the Council rather than be kept by the Council official.

### Declarations by Council officials

The subsequent actions in relation to all declared gifts and benefits are to be determined by the General Manager (or the Mayor, in the case of the potential recipient being the General Manager). Apart from the exceptional circumstance where a gift or benefit is being retained, options for determinations are included in the section 'disposal of gifts'.

The details of declarations of gifts and benefits that are to be entered in the Gifts and Benefits Register are set out in the Gifts and Benefits Declaration Form.

The inclusion of any entry in the Gifts and Benefits Register does not relieve Councillors and designated persons from their obligations to make disclosures in association with Disclosure of Interest Returns (that is annual pecuniary interest returns) required under Section 449 (3) of the Local Government Act. It is also noted that the Local Government (General) regulation 2005 states:

*A gift need not be included in a return if:*

- (a) It did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less or*
- (b) It was a political contribution disclosed, or required to be disclosed, under Part 6*
- (c) The donor was a relative of the donee.*

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## Responsibilities

The General Manager is responsible for determining the actions to be taken in respect of each declaration of a gift and benefit that requires determination under this policy.

The Service Unit Manager Customer Service and Governance is responsible for:

- The implementation of this policy including monitoring its effectiveness
- Maintenance of the Gifts and Benefits register
- Managing the determination of declarations of gifts and benefits

Group Managers, Service Unit Managers, Section Unit Managers, Team Managers, Team Leaders, Coordinators and others supervising staff are responsible to ensure that their staff are aware of this Policy, its intent and the associated procedures and to be available to give advice on its interpretation.

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

## Receipt of gifts

Councillors and staff 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.

Councillors and staff 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 employees and Councillors in respect of the Policy are:

1. Soliciting personal gifts or benefits is prohibited.
2. If a Councillor or employee becomes aware of another Councillor or employee soliciting gifts or benefits they should report it immediately to the General Manager and/or the Mayor.
3. Accepting gifts where a reasonable person could consider that there may be influence applied as a result of accepting the gift is prohibited.
4. Where it is suspected that a gift has been offered for the purposes of influencing a Councillor's or employee's behaviour in their official capacity, the gift must be declined and it should be reported immediately to the relevant Group Manager, the General Manager and/or the Mayor.
5. Accepting gifts of money is prohibited.

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6. Councillors and employees should not accept gifts that appear to be more than of a token nature or of more than a nominal value. This policy acknowledges that this is not always practicable and provides guidelines below. Gifts that are accepted and are of more than a token nature will become the property of the City of Ryde.
7. Councillors and employees should not accept more than two gifts in a six month period from the same person regardless of their value.
8. Should a Councillor or employee 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 be the property of the City of Ryde. For example, where purchasing over a certain amount from a supplier results in a gift, this gift will be the property of the City of Ryde.

## Accepting Gifts

It is best not to accept a gift or benefit offered that is more than of a token nature. These guidelines acknowledge that this is not always possible and set out points of consideration with regard to gifts and benefits for Councillors and employees.

1. When deciding whether to accept or decline a gift consideration should be given to not only the value of the gift but also the intent of the gift or benefit being offered.
2. Culture or tradition should never be used as an excuse to accept inappropriate gifts and benefits.
3. Christmas and other cultural or religious occasions do not represent exceptions to this policy.
4. On occasion an inappropriate gift may be accepted inadvertently. For example:
  - the gift is wrapped and not opened in the presence of the gift giver:
  - the gift is accepted for cultural, protocol or other reasons and returning it would be inappropriate.
  - anonymous gifts received through the mail or left without a return address.
  - the gift is received in a public forum and attempts to refuse or return it would cause significant embarrassment.

These gifts will become the property of the City of Ryde.

5. Where possible, any frequent flyer points accrued as a result of Council purchasing tickets will remain the property of City of Ryde and will be used to reduce future costs to Council.

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## 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 Disclosure Form, however the General Manager or Mayor (as appropriate) will determine the action to be taken.

In determining this action the following will be considered:

1. Gifts received from visiting delegations or gifts personalised to the City of Ryde will be kept at the City of Ryde and displayed or stored appropriately.
2. Perishable gifts such as flowers can be displayed in public areas such as customer service counters, libraries etc.
3. Perishable food items may be shared amongst staff in the work location.
4. The City of Ryde will nominate a charity or charities to which surrendered gifts will be donated.
5. Gifts that can be used for work purposes may be shared amongst staff to use in the workplace.
6. Where a reasonable person could consider that there may be influence applied as a result of accepting the gift it will be returned.

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

## Gift Register and forms

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. This includes gifts of a token nature.

The Gifts Register will be available for public inspection.

The General Manager shall review all entries made by employees in the Gifts Register and determine any action that may be considered appropriate in relation to any such entry. Such action may include the giving of advice or counselling, removal of the employee from a decision making, regulatory or purchasing role or a direction that the gift be returned.

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

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## Procedure

1. All Councillors or employees who have been offered, accepted, refused or returned a gift or benefit must complete a Gifts and Benefits Disclosure Form.
2. The form is then referred to the Group Manager for noting and signing in the case of employees. In the case of Councillors and Group Managers it is forwarded to the General Manager for noting and signing. In the case of the General Manager, the form is to be forwarded to the Manager, Risk and Audit or the Mayor for noting and signing.
3. The Group Manager, General Manager, Manager Risk and Audit or the Mayor (as set out above) is then to review and determine action.
4. The completed and endorsed form is then sent to the Governance Unit to be recorded and, where appropriate, to advise the employee or Councillor of the outcome.

## Breaches of this Policy

Each Councillor and employee of the City of Ryde is obliged to comply with this policy. Sanctions may be applied if this 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.

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