



## Gifts and Benefits Policy

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### Scope

This policy applies to all Councillors, staff and contractors in Parramatta Council. It includes temporary staff, private contractors, consultants and volunteers having employee functions or acting in an employee capacity on behalf of Parramatta Council. This Policy does not apply to dealings with contractors, consultants or volunteers outside of their dealings with Council.

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### Purpose

This policy outlines the minimal ethical considerations involved in the giving and receiving of gifts and benefits including procedures for disclosure. It should be noted that some units have more stringent guidelines.

The important question is not whether a gift or benefit was given in an attempt to influence you, but what a reasonable “impartial observer” would think. Creating a perception that Council can be influenced by the giving of gifts or benefits is just as damaging to our reputation as actually being influenced in this way. It is therefore important to have a clear policy to guide staff in relation to these situations.

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### Definitions

**Benefit:** is of value to the recipient, but less tangible. For example meals, seats at sporting events, access to corporate boxes at sporting venues, upgrades on flights, new job or promotion, preferential treatment, or access to confidential information.

**Bribe:** a gift or benefit offered to or solicited by a public official to influence that person to act in a particular way and to induce the public official to act in a way that is contrary to the known rules of honesty and integrity.

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Owner: Service Manager Governance Corporate Quality and Performance	Area: Corporate Services	POL No: 334
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**Family member:** Immediate family includes parents, spouses, children and siblings.

**Gift:** an item of value for example - a gift voucher, entertainment, hospitality, travel, commodity, property etc which one person or organisation presents to another. Gifts may be offered as an expression of gratitude with no obligation to repay in kind, or given to create a feeling of obligation. In the business context, gifts can have different meanings and purposes. The purpose of the gift, to a certain extent, affects how it should be managed. For the purposes of this policy, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation

**Gifts and Benefits Register:** an official Council record that details gifts and benefits received by staff and Councillors and how they were managed

**Nominal Value:** the monetary limit of acceptable gifts. By accepting the gift, there would be no obligation, perception or expectation for reciprocation or providing preferential treatment. For Council this is \$50 or less

**Official duties:** The work done by staff or Councillors as defined by relevant or governing legislation (and regulations), the official's position description or lawful directions given by a supervisor.

**Cash-like Gift:** includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.

**Gift of Gratitude:** a gift that is offered in appreciation of performing specific tasks or for exemplary performance of duties. Gifts to staff or Councillors who speak at official functions would be considered gifts of gratitude.

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

**Ceremonial Gift:** an official gift from one organisation to another organisation. 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 organisation, not a particular individual.

**Cumulative gifts:** also referred to as serial gift giving, it is a series of gifts or benefits given to staff by an organisation over a 12 month period.

**Token Gift:** a gift that is offered in business situations to an agency or public official representing an agency. Such gifts are in the nature of small office or business accessories that contain the company logo. These items are not given as a personal gift for use outside the business context and a reasonable person would not perceive a token gift as items designed to influence or win favours. A token gift has no significant or lasting value and could include a pen, cap, stationery, coffee mug, stress ball, mouse pad, memory stick or a showbag given to all participants at seminars, conferences, trade and business events.

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## Policy

### 1. Acceptance of any gift or benefit intended to influence your duties is prohibited.

We should never expect to get anything extra for doing what we are paid to do. We must not seek or accept any payment, gift or benefit intended or likely to influence, or that could reasonably be perceived by an impartial observer as intended or likely to influence us:

- To act in a particular way (including making a particular decision)
- To fail to act in a particular circumstance
- To otherwise deviate from the proper exercise of our official duties.
- To influence others from the proper exercise of official duties

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**2. Any officer who is offered a bribe must refuse to accept the offer and immediately report the incident.**

You must refuse to accept any gift or benefit that you believe is being offered as a bribe to offer an inducement to you to act in a particular way. Staff must report any such incident immediately to the CEO and the CEO to report any incidents to the Lord Mayor. In some circumstances, it may be deemed appropriate to report the matter to police. The CEO has a legislative responsibility to report any possible corrupt conduct to ICAC under ICAC Act 1988 Section 11.

If you become aware of another staff member soliciting gifts or benefits or accepting bribes, you must report the fact or suspicion to the CEO.

**3. Accepting gifts of money is strictly prohibited in all circumstances**

Accepting offers of money or cash like gifts is never acceptable regardless of the circumstances. Such a gift would almost definitely be perceived as an attempt at bribery

**4. All gifts and benefits must be declared**

All gifts and benefits, apart from minor hospitality that is associated with the work of the Council, need to be declared and recorded in the Gifts and Benefits Register. This includes gifts and benefits offered to you which you have refused. Any gift or benefit offered to a family member that arises in connection with your official duties should also be declared. This remains the case even if the gift might only be *perceived* to be connected to your official duties.

This policy applies at all times including Christmas and other cultural and religious occasions which involve the giving of gifts.

**5. Acceptance of gifts of gratitude or gifts of appreciation of nominal value are generally permitted**

It is generally permissible for staff to accept gifts or benefits of nominal value given in gratitude or appreciation so long as the business relationship between you and the gift giver is finalised and you are unlikely to make any decision in the future that involves that person or organisation. Any such gift must be declared on the Gifts and Benefits Register. If there is any doubt about the intention of the gift giver or the value of the gift, you should seek direction from your manager.

**6. Acceptance of Gifts of more than nominal value**

It may in very limited circumstances, be appropriate to accept gifts of more than nominal value but only in circumstance where it is clear that there is no conflict of interest. The acceptance of gifts above the nominal value must be approved by the CEO and Lord Mayor in consultation with the Service Manager Governance Quality and Corporate Performance or General Counsel. Any such gift must be declared in the Gifts and Benefits Register.

**7. Inadvertent acceptance of gifts of appreciation or gratitude above nominal value**

In circumstances where a gift or benefit with a value greater than the nominal value is inadvertently accepted by a staff member and cannot easily be returned, it must immediately be declared. These circumstances could arise, for example, if a wrapped gift was received and not opened in the presence of the giver; gifts accepted for cultural, protocol or other reasons where returning the gift would be inappropriate; anonymous gifts; and gifts given in a public forum where attempts to refuse or return the gift would cause significant embarrassment or offence.

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## **8. Restrictions on accepting cumulative gifts of nominal value**

If you are offered more than two gifts of appreciation or gratitude of nominal value within a six month period by the same person or organisation, they may be regarded as a cumulative gift that will need to be shared with other staff, donated or disposed of. In such circumstances, consideration should also be given to whether the cumulative gifts are being given in attempt to influence you.

## **9. Acceptance of prizes**

Any gift or benefit that is won as a result of entering a competition while engaging in official duties (e.g. lucky door prizes at seminars) must be declared. If the Council has a purchaser business relationship with the organisation that provided the prize or has, or is likely to, exercise any of its investigative or oversight powers in relation to that organisation, then acceptance of the prize may lead to a perception of improper influence. In such circumstances, the prize should be publicly declined. If refusal of acceptance is not possible or the circumstances are different to those outlined above, the prize becomes the property of the Council and a decision as to its disposal will be made by the CEO.

## **10. Accepting token gifts and hospitality at work related functions**

There is no requirement to declare receipt of token gifts and modest hospitality that are provided by another agency or individual as part of normal work related activities including interviews, business meetings, conferences and seminars where they are given to all participants. However, if the token gift is worth more than the nominal value or the hospitality is significantly more than the Council would offer in similar circumstances, or if there is any suggestion or possible perception that an attempt is being made to influence you in the course of your duties, it must be declared.

Any offer of free or subsidised travel and accommodation to attend a meeting or conference either as a participant or presenter should be declared and approved by your manager before being accepted.

## **11. Official and Ceremonial Gifts of Goodwill**

Organisations or individuals may offer official / ceremonial gifts of goodwill to the Council. In such circumstances it is reasonable for official representatives of the Council to accept official gifts on behalf of Council. Such gifts shall be considered the property of the Council and may be displayed in an appropriate and secure location for public viewing.

## **12. Provision of gifts and benefits to others**

It is acceptable practice for staff and Councillors to offer modest hospitality to individuals and representatives of other agencies who visit our office for work related activities. It is also acceptable to give tokens of appreciation to individuals who have given non-paid presentations to Council. Such gifts should be of no more than the nominal value and approved by a Manager. It is also acceptable to give ceremonial gifts to visiting delegations from overseas and other agencies. These should generally be of no more than the nominal value or must be approved by the CEO.

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### 13. Disposal of gifts

Gifts that have been handed to Staff or Councillors will be disposed of by Governance Quality and Performance and Service Audit Review in one of the following methods:-

- Donated to a charity within the LGA
- Shared amongst staff
- Auctioned off to Staff with the proceeds going to charity
- Retained and used as part of Council's operations
- Returned to the giver

### Associated documents

Owner	Governance and Quality Performance Unit
Policy Number	POL334
Date Approved	28/10/2013
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Amendment Dates	
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Related Documents	Gifts and Benefits Procedures Code of Conduct

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