

Members' Guide to Accepting Gifts During the 2010 Olympic Games

December, 2009

As the Olympics approach, Members may be offered gifts and invitations related to the Games. This Guide is designed to assist Members to comply with s. 7 of the *Members' Conflict of Interest Act* and to respond to such offers appropriately. Keep in mind that these are guidelines only. You should contact our office if you are in doubt about accepting a gift that has been offered to you or your family. In this Guide "gift" includes a "personal benefit".

Can I accept the gift?

The Act prohibits you from directly or indirectly accepting a gift in connection with the performance of your duties as an elected official. However the Act makes an exception for gifts received as an "incident of protocol or social obligations". In most cases, this means complimentary hospitality or a token expression of appreciation in the context of some official interaction. It is also important to consider the donor's current and potential interests, their relationship to you and their dealings with the government.

You should not accept a gift which would or would appear to place you under an obligation.

Consider whether the donor

- ➔ has, has had or may have official dealings with government
- ➔ is or may be affected by government programs or policies
- ➔ is or may be regulated by government

A gift is likely prohibited if it is being offered by someone whose interests could be affected by a decision you may be called upon to make or participate in making.

Do I need to disclose the gift?

Under s. 7(3) of the Act, gifts valued at over \$250 must be disclosed. This applies to single gifts worth over \$250, or when the cumulative value of multiple gifts from the same donor exceeds \$250 in a 12 month period. The disclosure forms are readily available from our office and should be returned to us within 30 days of the gift being accepted, or used in the case of hospitality.

Can I accept free invitations to Olympic events?

The 2010 Olympics Winter Games is a unique and prestigious high-profile international event. The Province of British Columbia is one of the host sponsors of the Games. Informed citizens expect their elected MLAs will be involved in the success of the Games and participate in the promotional benefits to the Province. In my view, it is entirely fitting that all Members of the Legislature should have an opportunity to participate in the ceremonial and/or promotional aspects of the Games “as an incident of protocol or social obligations”.

Generally:

- If you have an official role at an event (such as promotional activity, making a presentation, giving a speech, meeting foreign dignitaries) and your expenses would normally be paid for by the government, the provision of tickets, hospitality etc is a gift to the Province and does not have to be disclosed.
- If you are invited to an event as a representative of the Province but do not have an official function, the gift may be accepted but must be disclosed.
- If you are invited to an event on a purely private basis (for example by a close personal friend or family member) the gift does not have to be disclosed as it is not connected with your official duties.

Your spouse and/or children may attend with you if included in the invitation, subject to the same disclosure requirements outlined above.

Can I accept Olympic promotional items?

In most cases you may accept and keep items that promote the Olympics, particularly if the gift is of nominal value and has a personal aspect, such as clothing.

Gifts that are more valuable and not of a personal nature such as artwork may also be accepted, but in most cases it would be appropriate to donate the gift to a community organization.

If the item is predominantly advertising the company itself rather than the Olympics, it is advisable to decline the gift as there may be an appearance that you are endorsing that company or brand.

If you donate a gift worth over \$250, it must still be disclosed. You cannot claim a personal tax deduction for the donation.

QUESTIONS? Contact us at (250) 356-9283 or ConflictofInterest@gov.bc.ca