

# Gifts and Benefits Policy

## Background Information

(1) Australian Catholic University Limited (ACU) is a public company limited by guarantee regulated by the [Corporations Act 2001 \(Cth\)](#) and the [Australian Charities and Not-for-profits Commission Act 2012 \(Cth\)](#). As a public university, Government is a major provider of funding, a key employer of graduates and the principal source of regulation for the University. As such, the public expects those employed by ACU to perform their duties impartially and in a transparent manner.

(2) ACU acknowledges that it is not uncommon for individuals to give or receive gifts during the course of their business activities. However, the offering and acceptance of gifts and benefits in the wrong circumstances and for the wrong reasons can be viewed as a form of corruption and this presents a considerable risk to the University's reputation and that of its staff.

## Section 1 - Purpose

(3) The primary goal of managing the receiving of gifts and benefits is to protect ACU's reputation and to promote public and government confidence in its stewardship. This Policy has been developed in accordance with State and Federal Government expectations.

(4) This Policy establishes a framework of principles and procedures that must be followed when ACU staff and affiliates are offered (or give) gifts or benefits from (or to) a donor. The [Fraud and Corruption Control Framework \(FCCF\)](#) and the [Code of Conduct for Staff](#) underpin the principles associated with this Policy.

(5) A key aim of managing the receipt of gifts and benefits is to ensure that decisions are made which are appropriate for the circumstances and protect ACU's integrity and its staff from accusations of corruption. To achieve this, all staff and affiliates must conduct themselves in a manner that promotes honesty; all decisions must be made with accountability and transparency.

(6) To ensure that staff and affiliates are aware of their obligations in relation to gifts and benefits, this Policy sets out to:

- a. provide staff with guiding principles as to when a gift or benefit can be accepted;
- b. establish a mechanism for staff to disclose a gift or benefit received;
- c. develop sound practices for ACU to appropriately manage the receipt of a gift or benefit.

## Section 2 - Application of Policy

(7) This Policy applies to all Staff and Affiliates. For the purpose of this Policy, it includes:

- a. all employees of the University, on all domestic and offshore locations, including student residences, and while engaged in all work-related activities such as conferences and work-sponsored social occasions;
- b. all contractors, suppliers, consultants and agents engaged by ACU (including a person who has a contract for the supply of services or goods to ACU, whether paid or unpaid) and their employees;

- c. Senate and its sub-committees;
- d. any volunteer in the workplace and study environment.

(8) This Policy does not apply in circumstances where:

- a. the benefit forms part of a staff member's approved terms of employment (or terms of engagement or participation of Staff);
- b. travel or conference attendance which is consistent with the terms of a research grant and for which funding is provided from a recognised Government funding body;
- c. travel or accommodation which is paid for by another University (or similar institution) for work falling within the normal teaching or research duties of an academic staff member (e.g. thesis examination/marking);
- d. travel or conference attendance which is awarded as a prize for an academic achievement;
- e. the staff member is presenting at the conference of a learned society, or other professional association within their area of academic endeavour, with an independent organising committee and travel or conference attendance is funded by the learned society or other professional association and is approved by ACU;
- f. a staff member attends a work-related function, where that function is conducted or hosted by an organisation that has a connection with ACU that is not commercial in nature, for example another university or affiliated institution;
- g. University prizes awarded via an approved ACU program;
- h. gifts and benefits made by individuals, corporations, foundations or other entities received by ACU in accordance with the [Acceptance and Treatment of Donations Policy](#) or in relation to the treatment of philanthropic funds received by ACU as per the [Endowment Management and Spending Policy](#).
- i. Gifts or benefits given or received in accordance with the provisions of the [Hospitality Policy](#).

## Section 3 - Gifts and Benefits

### Definition of a Gift and Benefit

(9) A gift or benefit can be either a tangible and non-tangible item of value. For the purposes of this Policy, to be considered a gift it must meet the following criteria:

- a. the transfer of the gift has been made voluntarily,
- b. the donor does not expect to receive anything in return for the gift, and
- c. the donor will not materially benefit from the transfer of the gift.

(10) According to the NSW [Independent Commission Against Corruption \(ICAC\)](#), 'a gift or benefit is anything of value'. It may be considered any item, service, prize, hospitality or travel offered by a person or other entity that has an intrinsic value and/or a value to the recipient, a member of their family, relation, friend or associate. It includes gifts or benefits from, for example, contractors, customers, clients, applicants, suppliers, potential suppliers or external organisations.

(11) For the purposes of readability of this Policy, any further reference to Gifts also includes Benefits. For more information, please refer to [Annexure A - Gifts and Benefits Policy](#).

### Types of Gifts and Benefits

(12) The decision-making process of managing gifts can be improved through understanding the types of gifts and reasons they may be offered. These fall into one of the four types:

- a. Gifts of appreciation
- b. Token gifts
- c. Ceremonial gifts
- d. Gifts of influence

(13) Unless specified in the Policy to be otherwise, staff can receive (or give) gifts of appreciation, token gifts and ceremonial gifts in the right circumstances. However, Gifts of influence are not to be accepted under any circumstances.

(14) Please refer to [Annexure A - Gifts and Benefits Policy](#) for a description of what these types of gifts are.

## **Reportable Gifts**

(15) For the purposes of this Policy, a Reportable Gift:

- a. includes any item or benefit with a retail value that exceeds \$100, or
- b. a series of gifts given by a single donor that exceeds the retail value of \$100 over a 12-month financial period,  
or
- c. any gift that has been rejected, regardless of its retail value.

(16) All Reportable gifts must be disclosed and registered in the Gifts and Benefits Register (Gifts Register) and approved by the appropriate Member of the Executive/Senior Executive. Any gift under a retail value of \$100 does not need to be reported and can be kept by the staff member if it does not contravene any provisions of this Policy.

# **Section 4 - Obligations and Considerations**

## **All staff and affiliates**

(17) Staff and affiliates must not:

- a. solicit gifts;
- b. accept gifts where there is an incentive to act in a certain way;
- c. accept gifts where there could be a perception that it has been offered as an inducement to act in a certain way;
- d. accept cash, cheques, money orders, vouchers or any other item which can be easily converted to cash;
- e. accept gifts where they currently, or may in the future, be required to make a decision affecting the giver; or
- f. accept a gift if they are unsure whether they should.

(18) Staff and affiliates are required to:

- a. read, understand and comply with this Policy;
- b. politely decline gifts that are not allowed;
- c. obtain approval from management to accept an allowable gift;
- d. record all gifts in the Register, including those received and rejected; and
- e. report the offer of all gifts defined above in (d) to their supervisor, who will consider whether or not the matter should be investigated further.

(19) In acknowledgement that there can be some grey areas in deciding whether to accept or decline a gift, the [Independent Commission Against Corruption \(ICAC\)](#) has put together some guiding principles to assist with the

decision-making process. Please refer to [Annexure A - Gifts and Benefits Policy](#) for these Guiding Principles and additional considerations.

## **Conflicts of Interest**

(20) A conflict of interest involves a conflict between the private (personal) interests of a staff member or affiliate (or their duties to another person) and their functions, duties and responsibilities as an ACU staff member or affiliate.

(21) If an actual or perceived conflict of interest exists in relation to an offer or acceptance of a gift or benefit, this must be declared by the staff member or affiliate and appropriately managed in accordance with the [Declaration of Interest Policy - Staff and Affiliates](#) and [Declaration of Interest Procedure - Staff and Affiliates](#).

## **Procurement**

(22) Staff working in procurement or other activities that require purchasing of items/services are the most at risk of corruption allegations regarding the acceptance of gifts. When any gift is offered to a staff member who has financial delegations to purchase products and services, there will be a perception of undue influence if the gift is accepted. This can compromise the appearance of impartial decision making.

(23) Staff with financial delegations are prohibited from receiving personal gifts from suppliers they directly interact with. If it is not possible to reject the gift, then the gift becomes the property of ACU.

(24) Please refer to Section 1.5 'Dealing with Suppliers' of [Annexure A - Gifts and Benefits Policy](#) for more information.

## **Extenuating Circumstances**

(25) There will be occasions where it may be inappropriate to refuse a gift. This could occur in circumstances where:

- a. It may cause cultural offence to decline.
- b. It has come from a highly respected or influential member of society who insists it is taken.
- c. The giver is overly insistent.
- d. The gift was given publicly (for example to a guest speaker at a conference) and to refuse it might cause embarrassment.
- e. It is unclear that a gift is being offered (for example in the form of light hospitality or refreshments) or it is an intangible benefit.
- f. The gift has not been personally delivered (for example it came through the mail).

(26) In these circumstances the gift can be accepted but it must be registered and managed in accordance with this Policy.

(27) Gifts or benefits received in the above mentioned circumstances must be forfeited and they become the property of ACU until a decision is made otherwise.

## **Business Expenses, Entertainment Expenses and Credit Cards**

(28) Any expenditure for the purposes of entertaining external parties or expenditure on internal entertainment expenses must be approved by a nominated supervisor and be conducted in accordance with the [Hospitality Policy](#).

(29) Similarly, any expense incurred in giving a gift for internal ACU staff, must also be in accordance with the [Hospitality Policy](#). Where applicable, staff must also adhere to the requirements described in the [Purchase Card Policy](#) and the [Procurement Policy](#).

# Section 5 - Disclosing, Registering and Approval

## Disclosing and Registering Gifts

(30) The Gifts Register is a central information repository for the University to record information on gifts and benefits received by staff and affiliates. The Gifts Register is managed by the Chief Financial Officer who is responsible for monitoring compliance with this Policy.

(31) All staff and affiliates are responsible for initially deciding whether to accept or refuse a gift at the time it is offered. Any decision to accept a gift, regardless of its value, must be consistent with the requirements outlined in this Policy, including the process for registering and managing the gift.

(32) Where the value of the gift exceeds \$100, staff and affiliates are required to complete a [Gifts and Benefits Disclosure form](#) in [Service Central](#). All gifts are to be registered within 10 working days of receipt of the gift.

(33) In circumstances where a gift has been offered, and an assessment has been made that it is not appropriate to accept the gift or the gift should be returned, the staff member concerned is required to complete a [Gifts and Benefits Disclosure form](#) via [Service Central](#). The staff member must include in the [Gifts and Benefits Disclosure form](#) the reason why the gift was rejected or returned.

(34) Where there is a series of gifts either received from a single donor or made to a single recipient within a 12 month period and the cumulative value exceeds \$100, these too must be declared in accordance with this section of the Policy.

(35) Please refer to Section 1.6 'Making the Right Decision' of [Annexure A - Gifts and Benefits Policy](#) for a decision-making flow chart for the acceptance or rejection of gifts and benefits.

## Approval to Retain

(36) All gifts received over the value of \$100 must be approved by the appropriate Member of the Executive/Senior Executive for the area in which the staff member or affiliate works. If the gift is not approved, the staff member or affiliate who received the gift must hand it over to their supervisor and follow any instructions that have been provided by the Executive Member.

(37) In making their decision, the Executive Member should consider if:

- a. it is appropriate for the gift to be retained by the staff member to which it was given, or
- b. the gift can be retained for the use of ACU, or
- c. the gift needs to be returned to the donor, or
- d. the gift must be disposed of (e.g. destroyed or donated).

# Section 6 - Compliance with this Policy

(38) All staff and affiliates must adhere to this Policy. A failure to do so may result in an investigation into the circumstances of the matter and further action as determined by the delegated officer e.g. the Chief Operating Officer. Non-compliance may lead to:

- a. misconduct or other disciplinary proceedings against the staff member;
- b. referral to a government law enforcement agency or anti-corruption commission; and/or
- c. legal action against ACU or the individual concerned.

(39) If a staff member or affiliate suspects that another staff member or affiliate has failed to declare a gift exceeding \$100, they must inform their line manager and/or follow the process outlined in the [Staff Complaints Management Policy](#) or [Protected Disclosures Policy](#) and [Protected Disclosures Procedure](#), whichever is more appropriate in the circumstances.

(40) Staff and affiliates may also be directed to return any gift that has been accepted in breach of this Policy.

## Section 7 - Roles and Responsibilities

(41) Approval Authority: Vice-Chancellor and President

(42) Governing Authority: Chief Operating Officer

(43) Responsible Officer: Chief Financial Officer

(44) Other relevant stakeholders: Chief People Officer

## Section 8 - Review

(45) In line with the University's [Policy Development and Review Policy](#), this policy is scheduled for review every five years or more frequently if appropriate.

## Section 9 - Further Assistance

(46) Any staff member who requires assistance in understanding this policy should first consult their nominated supervisor. Should further information or advice be required, staff should visit [Service Central](#).

## Section 10 - Glossary of Terms

Term	Definition
Affiliate	means a contractor, supplier, consultant and agents engaged by ACU (including a person who has a contract for the supply of services or goods to ACU) and their employees.
Gift	includes any item or benefit of value. For the purpose of this Policy, 'Gifts' and 'Benefits' are both referred to as 'Gifts'.
Gifts Disclosure Form	means the form used to declare any gift or series of gifts over the value of \$100 per calendar year or any gift that has been rejected regardless of its value.
Gifts Register	refers to the Gifts and Benefits Register.
Policy	means Gifts and Benefits Policy
Staff or Staff Member	consistent with the <a href="#">Constitution</a> of Australian Catholic University Limited, the <a href="#">ACU Staff Enterprise Agreement 2022-2025</a> , and <a href="#">Statute 1.1 - General Provisions: Interpretation</a> , includes: 1. academic staff and professional staff members; 2. staff employed on a full-time, part-time, casual or honorary basis; 3. staff employed under the <a href="#">ACU Staff Enterprise Agreement 2022-2025</a> or pursuant to a senior staff, executive or any other form of employment contract.

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	19th December 2023
<b>Review Date</b>	13th January 2028
<b>Approval Authority</b>	Vice-Chancellor and President
<b>Approval Date</b>	19th December 2023
<b>Expiry Date</b>	Not Applicable
<b>Responsible Executive</b>	Scott Jenkins Chief Financial Officer
<b>Responsible Manager</b>	Scott Jenkins Chief Financial Officer
<b>Enquiries Contact</b>	Alsu Zaripova Executive Officer <hr/> Finance and Planning