Gifts, Benefits, and Entertainment Policy

Section 1 - Purpose

(1) This Policy establishes when it is acceptable and not acceptable for University Staff to accept Gifts, Benefits, or Entertainment from external bodies and individuals.

Background

(2) As a public entity, the University must ensure that high standards of integrity and accountability are maintained.

(3) As an employer, and a public entity, the University must comply with relevant legislation.

(4) Members of the University may on occasion be offered Gifts, Benefits or Entertainment from external bodies or individuals.

(5) A key question when contemplating accepting a Gift, Benefit or Entertainment is whether a reasonable person would think that the Gift, Benefit or Entertainment is intended to, or could be seen to, influence the recipient to act in the interest of the giver or their organisation at the time of the offer or in the future (i.e. a Gift of Influence).

Scope

(6) This Policy applies to all individuals who are:

a. employees of the University; or
b. otherwise engaged in the service of the University. This includes individuals such as:
    i. consultants and independent contractors (and their employees) who are in the service of the University;
    ii. employees of corporations engaged by the University under a contract to provide services to the University;
    iii. volunteers in the service of the University; and
    iv. students acting in connection with their official University function or duty.

(7) In this Policy, these individuals are referred to as Staff.

Section 2 - Policy

Part A - Prohibited Gifts, Benefits, and Entertainment

(8) University Staff must not solicit or accept any Gift, Benefit or Entertainment in connection with their official University functions or duties in circumstances where:

a. the Gift, Benefit or Entertainment could be perceived by a reasonable person to be a Gift of Influence, create a conflict of interest or might reasonably be seen to compromise the recipient's integrity;
b. there is a current or potential future commercial relationship between the University and an external organisation, and the Gift, Benefit or Entertainment might provide or be perceived as providing an incentive for

Staff to seek the services of a particular organisation;

c. there is a procurement event, such as a Request for Quote or Tender, from any person or organisation that may be involved in the procurement event;
d. it is offered as a Monetary Gift, including an offer of shares;
e. it is provided from a foreign entity, or its representatives, that may seek access to or influence over university activities. Such access or influence may occur via funding arrangements or other inducements targeted at individual staff members and may create a foreign interference risk; or
f. it is from a government body, political party, or union.

(9) If a member of the University is offered a Gift, Benefit or Entertainment that could be reasonably perceived as a bribe or attempt to influence the way they work, they must adhere to the Gifts, Benefits and Entertainment Reporting Procedure.

(10) Under section 11 of the Independent Commission Against Corruption Act 1988, the Vice-Chancellor as the head of the agency concerned must inform the Independent Commission Against Corruption (ICAC) about any matter that they suspect on reasonable grounds may concern corrupt conduct.

Part B - Permitted Gifts, Benefits or Entertainment

(11) In accordance with accepted social and cultural practices, Staff may accept an occasional Gift, Benefit or Entertainment providing it has a value less than or equal to A$250 and does not fall within any of the categories listed in Part A – Prohibited Gifts, Benefits and Entertainment of this Policy. Examples of permitted Gifts, Benefits or Entertainment include:

a. Token Gifts, such as raffle gifts, door prizes, promotional merchandise, and other similar business orientated small incentives;
b. Gifts of Gratitude (e.g., for speaking at an official function), or Ceremonial Gifts (e.g. a gift from a host institution provided to the University at a ceremonial event). Refer to the Executive Gift Exchange Guidelines for requirements relating to official gift exchanges undertaken on behalf of the University;
c. hospitality provided as part of a conference, round table, seminar, or similar event where invitees from other organisations are present; and
d. occasional working lunches, where the hospitality is incidental and of low value.

(12) Gifts between staff, and staff and students, with a value less than or equal to A$250 and which are not considered to be a Gift of Influence are acceptable under this Policy. See Conflict of Interest Policy for further information.

(13) Staff involved in official gift exchanges undertaken on behalf of the University, including exchanges with international institutions, government agencies, and visiting delegations, must comply with the Executive Gift Exchange Guidelines.

Reportable gifts, benefits, or entertainment

(14) Staff who receive or are offered a Gift, Benefit or Entertainment with an individual or aggregate value equal to or over $250 must report this, regardless of whether the Gift, Benefit or Entertainment is intended for the receiving member of the University or for distribution to other members. This applies whether the Gift, Benefit or Entertainment is accepted or declined (refer to Section 3 – Procedures).

(15) In all cases, staff must complete the Registering Gifts, Benefits and Entertainment Form and provide it to their supervisor/manager and their relevant Executive Group member within ten (10) business days of receipt/decline of the Reportable Gift (refer to Section 3 – Procedures).

Privacy

(16) In accordance with the Privacy Act 1988, the Gift, Benefit or Entertainment giver must be advised by the recipient that their information will be included on the Gift, Benefits, and Entertainment Register and will be made available if requested under the Government Information (Public Access) Act 2009 if the value is equal to or over $250.

Section 3 - Procedures

(17) An Executive Group member who receives a Registering Gifts, Benefits and Entertainment Form from a Staff member must forward the completed form and any other relevant information to the Chief Procurement Officer (chiefprocurementofficer@mq.edu.au) as soon as practicable, but no later than one month from when the Gift, Benefit or Entertainment was received or offered.

(18) An Executive Group member (other than the Vice-Chancellor) who completes the Registering Gifts, Benefits and Entertainment Form on their own behalf must forward the completed form to the Vice-Chancellor and provide a copy to the Chief Procurement Officer (chiefprocurementofficer@mq.edu.au) for inclusion on the University's Gifts, Benefits and Entertainment Register.

(19) When completing the Registering Gifts, Benefits and Entertainment Form on their own behalf, the Vice-Chancellor will send this to the Vice-President, Finance and Resources, with a copy provided to the Chief Procurement Officer for inclusion on the Register.

(20) The Chief Procurement Officer is responsible for maintaining the University's Gifts, Benefits and Entertainment Register.

Reporting Suspected Wrongdoing

(21) If an offer of a Gift, Benefit or Entertainment could be reasonably perceived as a bribe or attempt to influence the way a Staff member works, this should be immediately reported. Initial concerns should be raised with a Staff member's manager/supervisor. Any such concerns will be treated in confidence (subject to the requirements of procedural fairness) and investigated as appropriate.

(22) If a Staff member does not consider it appropriate to raise this with their manager/supervisor, they can make a disclosure in accordance with the Public Interest Disclosure Policy.

Section 4 - Guidelines

(23) Nil.

Section 5 - Definitions

(24) The following definitions apply for the purposes of this Policy:

a. Benefit means a non-tangible item of value (e.g., a new job or promotion, preferential treatment or access to confidential information) that one person or organisation confers on another.
b. Gift means an item of value (e.g., gift voucher, store card, entertainment, hospitality, travel, commodity, property) which one person or organisation offers or presents to another. In the business context, gifts can have different meanings and purposes - refer to Gift of Influence, Gift of Gratitude, Ceremonial Gift, Token Gift.
c. Gift of Influence means a gift that is intended to generally ingratiate the giver with the recipient for favourable treatment at the time or in the future.

d. Gift of Gratitude means a gift offered to an individual or the University in appreciation for performing specific tasks or for exemplary performance of duties. Gifts to staff who speak at official functions would be considered gifts of gratitude.
e. Ceremonial Gift means an official gift from one organisation to another organisation. Such gifts are often provided to a host organisation 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 University, and therefore the gift is considered to be for the University, not a particular individual.
f. Token Gift means a gift that is offered in business situations to the University or to staff representing the University. Such gifts are often small office or business accessories e.g., pens, calendars, mugs, folders, that contain a company logo. They are usually products that are mass-produced and not given as a personal gift.
g. Macquarie University Group or Group means Macquarie University and its Controlled Entities.
h. Monetary Gift means a gift such as cash, cheques, money orders, traveller's cheques, direct deposits, gift vouchers, store cards or shares.
i. Entertainment means the provision of food, drink, recreation (such as sightseeing, sport, theatre, concert tickets), and travel arrangements.
j. Gift Register means an official University record that details Reportable Gifts, Benefits or Entertainment received.
k. Reportable Gift, Benefit or Entertainment means an individual Gift, Benefit or Entertainment with a value equal to or over $250, or aggregated Gifts, Benefits or Entertainment over a calendar year with a value equal to or over $250.

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