

# Staff Gifts and Benefits - Operational Policy

## 1. Purpose of policy

1.1 This policy provides a framework for staff on the ethical considerations and procedures involved in the giving and receiving of gifts and benefits in the course of their official duties.

1.2 It is essential that all staff not place themselves in situations which could lead to, or be seen to give rise to, a conflict of interest.

1.3 All members of the University must be aware of the provisions of the USC Staff Code of Conduct - Governing Policy which provides guidance for staff in the ethical conduct of their duties. To assist staff to ensure that their duties are carried out impartially and with integrity, this policy has been developed to provide guidance in instances where gifts or benefits are to be given or received.

## 2. Policy scope and application

2.1 This policy applies to all staff and should be read in conjunction with the principles relating to the giving and receipt of gifts and benefits outlined in the *Public Sector Ethics Act 1994* (Qld) and the USC Staff Code of Conduct – Governing Policy.

- This policy does not apply where:

(a) gifts or benefits are given or received under an appropriately approved employee health and well-being program or an appropriately approved rewards and recognition program; or

(b) benefits are negotiated when the University sponsors a service, product or activity on its own or with another University or government agency.

2.3 This policy also does not apply to philanthropic gifts and benefits made by individuals, corporations, foundations or other entities received by the University in accordance with the Donation Acceptance – Operational Policy. Further, approvals for the giving of hospitality or entertainment will be managed in accordance with the Hospitality – Operational Policy.

## 3. Definitions

Please refer to the University's Glossary of Terms for policies and procedures. Terms and definitions identified below are specific to this policy and are critical to its effectiveness:

Gifts and benefits means:

- the transfer of property or other benefit;
  - without recompense; or
  - for a consideration substantially less than full consideration; or
- a loan of property made on a permanent, or an indefinite, basis; received or given by a staff member when they are acting in their official capacity.

For the purposes of this policy, gifts and/or benefits include tangible items of lasting value and intangible items of no lasting value (including hospitality). Where a series of gifts and/or benefits are given to the same recipient in a financial year, the series of gifts or benefits must be treated as if they were a single item of the cumulative value.

Intangible gift or benefit is one which has no lasting value and which cannot be dealt with as property of the University. Examples include but are not limited to:

- entertainment and hospitality

APPROVAL AUTHORITY

Vice-Chancellor and President

RESPONSIBLE EXECUTIVE MEMBER

Vice-Chancellor and President

DESIGNATED OFFICER

Director, Governance and Risk Management

FIRST APPROVED

13 April 2004

LAST AMENDED

13 June 2023

REVIEW DATE

21 November 2024

STATUS

Active

- tickets to theatre, cultural or sporting events
- corporate offers or transportation, accommodation, meals and functions
- conference transportation, accommodation and fees

An intangible gift or benefit can be nominal or reportable and must be dealt with in accordance with this policy.

Tangible gift or benefit is one having a significant or lasting real value. Examples include but are not limited to:

- ornaments, furniture, works of art or jewellery
- computers or mobile phones or tablets

Nominal gift means any gift or benefit with a value of less than \$150 (or equivalent in any foreign currency).

Reportable gift means any gift or benefit with a value of \$150 or over (or equivalent in any foreign currency); or a series of such gifts received from a single donor or made to a single recipient within a calendar year, where the total value is \$150 or over (or equivalent in any foreign currency).

Cash item or cash equivalence means money, or any items easily converted to or a substitute for cash (e.g. loan, voucher, "scratchies", shares or lottery ticket), regardless of value.

Fair market value means the reasonable retail value of the gift or benefit at the time the gift was given or received. If this is difficult to establish then the fair value as determined by the Director, Governance and Risk Management in consultation with the Chief Financial Officer. If there is difficulty in assessing the value, a valuation must be obtained from an appropriately experienced person or body.

Public perception means the perception of a fair-minded person in possession of the facts.

## 4. Policy statement

### 4.1 Staff shall not:

- ask for or encourage the giving of any form of gift or benefit in connection with the performance of their official duties;
- accept any gift or money or benefit by way of loans and the like for any duties performed or not performed. This includes items which are readily converted into cash such as lottery tickets or shares; or
- accept any gift or benefit which could create a conflict of interest or be perceived to create such a conflict. Examples of such personal benefits creating conflict of interest situations are, but not limited to:
  - a staff member responsible for purchasing consumables receives a gift from a sales representative of a supplier company; or
  - an academic manager is asked to audit the performance of a research project in which they have been an investigator or participant.

### 4.2 Receipt of Gifts

4.2.1 All reportable gifts and benefits received by the University or a staff member will be recorded in the gifts and benefits register.

Nominal gifts and benefits received by the University or staff member must be recorded when:

- the gift is believed to be valued at \$150 or greater;
- when multiple gifts are received from the same donor in a financial year and the cumulative value is equivalent to \$150 or greater; or
- has been received from political parties or government related bodies regardless of value.

4.2.2 Any nominal gift or benefit received by a staff member may remain the property of the staff member provided acceptance is not likely to affect, or could reasonably be perceived to affect, the independent and impartial performance of the staff member's official duties. Staff member's will notify their Supervisor of any nominal gift received.

4.2.3 Any reportable gift or benefit received by a staff member between the value of \$150 - \$350 can be retained by the recipient if approved by their Supervisor.

4.2.4 Any reportable gift or benefit received by a staff member over the value of \$350 can be retained by the staff member if approved by the relevant member of Senior Staff. If the recipient of the gift is a member of Senior Staff, the relevant Executive Member who is the Supervisor will need to approve this. For Executive Members, the approval authority is the Vice-Chancellor and President, and for the Vice-Chancellor and President, the approval authority is the Chancellor.

4.2.5 Any gifts of cultural or historical significance must remain the property of the University, regardless of their value.

4.2.6 Staff must not accept any gifts involving cash items, regardless of value, other than as part of an appropriately approved rewards and recognition program approved by the University. Accepting money in any form will breach a number of legislative requirements. If

staff are not in a position to refuse the acceptance of such a gift, they should immediately notify and pass the gift onto the University's Chief Financial Officer.

4.2.7 If a gift or benefit is retained by the University, it must be used for public benefit and in an appropriate manner. If the University does not have an appropriate use for the gift or benefit it may be disposed of in accordance with these principles:

(a) disposal of gifts must be in the public interest and pay due respect to the wishes and expectations of the donor (if known). Disposal by donation to a charity, hospital, school, community or non-profit organisation or similar should be considered;

(b) disposal of gifts to individuals is not allowed;

(c) the disposal should be properly documented for audit purposes; and

(e) conflicts of interest should be avoided.

4.2.8 These provisions should not be construed as prohibiting the pursuit of financial assistance or benefit to the University where such pursuit is lawful.

#### 4.3 Provision of Gifts

4.3.1 All gifts given must be approved and appropriately declared prior to their provision, when:

a) the value is equivalent to \$150 or more or;

b) is to be provided to political parties or government related bodies regardless of value.

4.3.2 To obtain approval and to declare use the Declaration form. Details are recorded in the gifts and benefits register.

4.3.3 The appropriateness of gift giving will involve consideration of why the gift is being offered and the public perception of giving the gift or benefit.

4.3.4 All gifts given must be approved by the Organisational Unit Manager, and be endorsed by Government Relations where the gift would be provided to a political party or government related bodies, prior to their purchase.

4.3.5 The University does not gift cash items or cash equivalence.

### 5. Maintenance of records

5.1 The gifts and benefits register will be maintained by Governance and Risk Management and will be updated monthly.

### 6. Authorities/Responsibilities

| ACTIVITY  | UNIVERSITY OFFICER  |
|---|---|
| Overall responsibility for policy implementation  | Vice-Chancellor and President   |
| Determine if appropriate for staff to retain a reportable gift between the value of \$150 - \$350                 | Supervisor  |
| Determine if appropriate for staff to retain a reportable gift with a value of over \$350                         | Senior Staff member<br>Executive member for Senior Staff<br>Vice-Chancellor and President for Executive members<br>Chancellor for the Vice-Chancellor and President |
| Establish the fair market value of a gift or benefit, where difficult to establish                                | Director, Governance and Risk Management in consultation with Chief Financial Officer   |
| Maintenance of the gifts and benefits register  | Governance and Risk Management  |
| Approval of purchase of gifts and benefits on behalf of the University  | Organisational Unit Manager   |
| Endorsement prior to purchase of any gifts that would be provided to a political party or government related body | Government Relations  |
| Approvals for the giving of hospitality or entertainment  | As per the Hospitality – Operational Policy   |

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#### RELATED DOCUMENTS

- Conflict of Interest - Governing Policy
- Fraud and Corruption Control - Governing Policy
- Hospitality - Operational Policy
- Resolution of Complaints (Staff) - Guidelines
- Staff Code of Conduct - Governing Policy
- Staff Gifts and Benefits - Procedures

#### LINKED DOCUMENTS

- Staff Gifts and Benefits - Procedures

#### SUPERSEDED DOCUMENTS

- Giving and Receipt of Gifts and Benefits in relation to staff of the University - Managerial Policy

#### RELATED LEGISLATION / STANDARDS

- Financial Management Practices Manual
- Public Sector Act 1994
- Public Service Commission: Gifts and Benefits Directive No22/09
- Public Service Commission: Gifts and Benefits Guidelines