Gifts and Benefits Policy

Section 1 - Preamble

(1) Charles Darwin University ('the University', 'CDU') does not tolerate dishonest or fraudulent behaviour and is committed to preventing, detecting and responding to such behaviour in the performance of its operations.

(2) The University is committed to the highest ethical standards and conduct and discourages the giving and receiving of gifts and benefits. This is due to the potential to compromise and affect the impartiality and professional integrity of individuals and the University.

(3) A gift or benefit may be offered as a goodwill gesture for a job well done; it may also be offered as a subtle form of influence, which presents a corruption risk to the University. Accepting or soliciting gifts or benefits may constitute corrupt conduct under the Independent Commissioner Against Corruption Act 2017 (ICAC) and/or an offence under the Criminal Code Act 2021.

Section 2 - Purpose

(4) This policy outlines the principles and requirements regarding the offer or receipt of gifts or benefits to the University or University staff and community in order to reduce the risk of corruption or other misconduct.

Section 3 - Scope

(5) This policy applies to all University staff and members of the University community who receive any form of gift or benefit from an individual or organisation that may require listing in the University's Gifts and Benefits Register.

Section 4 - Policy

Gifts and benefits

(6) A benefit is 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.

(7) A gift is 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.

(8) A gift of influence is a gift intended to ingratiate the giver with the recipient for favourable treatment in the future.

(9) A gift of gratitude is a gift offered to an individual or the University in appreciation for performing specific tasks or for exemplary performance of duties. A gift received for speaking at an official function is considered a gift of gratitude.

(10) A ceremonial gift is an official gift from one institution to another institution. Such gifts are often provided to a host institution 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 and is considered to be for the University, not an individual.

(11) A token gift is a gift that is offered in business situations. They are usually mass-produced business accessories that contain the company logo such as pens and are not given as a personal gift.

(12) The giving and receiving of gifts and benefits is not permitted beyond ethical and legitimate business practices or for cultural reasons. Such gifts and benefits must be reasonable, modest and in line with local custom and cultural gift offering traditions.

(13) The giving and receiving of a gift or benefit is not acceptable if:

a. it is solicited or asked for in any circumstances;
b. it is offered to secure a material benefit for the party offering it;
c. it would constitute a probity breach where the gift or benefit is from a supplier trying to win or maintain business opportunities with the University;
d. it may cause staff members or contractors to act, or be perceived to have acted, in a preferential or biased manner;
e. doing so would compromise the University's reputation or impartiality;
f. it breaches the law or the recipient's own rules for receiving gifts or benefits; or
g. it may lead to an actual, potential or perceived conflict of interest.

(14) Under no circumstances are bribes or offers of cash to be given or accepted. Accepting money in any form is a breach of this and other policies and may be perceived as an attempt at bribery. The University is required to report to the Independent Commissioner Against Corruption in accordance with the Independent Commissioner Against Corruption Act 2017, offers of or solicitations of a bribe.

(15) In most situations, an offer of a gift or benefit should politely be declined by explaining that acceptance would be inconsistent with this Policy.

(16) Acceptable alternatives might include a letter of thanks or a thank you card as this is far less likely to result in a situation that compromises either participant. Where this is not possible, the receipt of any gift or benefit must be registered and managed according to the standards set out in this Policy.

(17) A gift for speaking services at a conference may be received as a gesture of thanks or in lieu of speaker fees. GST consequences may arise and therefore specific advice should be obtained from Finance.

(18) Where a staff member has accepted a gift or benefit, including hospitality, they must recuse themselves from any procurement, decision-making processes, or new or renewal contract negotiations/panels that involve the giver. This recusal must last for 12 months following the acceptance of that gift, benefit, or hospitality.

Gifts and benefits register

(19) The University will maintain a register of accepted gifts and benefits.

(20) Any decision to accept a gift or benefit must be approved by the relevant senior manager in line with this policy.

(21) Gifts or benefits valued at more than $150 are reportable and must be registered by completing the Gifts and Benefits Declaration eform in eCentre within 14 days of receipt (or the recipient's return to the University, if received overseas). This includes gifts or benefits by third parties, such as prospective or current suppliers, service providers, or University partners.

a. Where a series of gifts and/or benefits are given to the same recipient over a 12 month period, and the cumulative value of the series of gifts or benefits exceeds $150 value, then this must be declared.

(22) Gifts are considered the property of the University and may be disposed of in an alternative way that would not offend the giver. Gifts of cultural or historical value must remain the property of the University and cannot be purchased by a staff member.

(23) The gifts and benefits register is subject to regular internal and external review. The Vice-President Governance and University Secretary will submit a report of accepted gifts and benefits to each meeting of the University Council's Audit, Risk and Compliance Committee.

(24) Infrequent, low-value promotional materials such as items included in conference packages or small boxes of chocolates are excluded from this Policy.

Donations and Sponsorship

(25) The University does not make political donations.

(26) Any external party wishing to make a legitimate monetary donation to the University may do so in the form of a donation.

(27) The University may provide sponsorships to organisations or events. Sponsorship requests are determined against a set of strategic and marketing criteria and not for the purpose of obtaining or retaining an undue benefit or advantage for the University or staff member or related individuals.

(28) In some cases, the University may offer a gift for ceremonial or official purposes. The appropriateness of gift-giving must be considered, and appropriate approval must be obtained and recorded on the gifts and benefits register.

(29) University gift-giving to individuals or organisations may include:

a. presentation to sponsors of events;
b. presentation to artists in appreciation of their work;
c. presentation to overseas dignitaries or delegations visiting the University;
d. presentation by staff when travelling overseas on official University business; or
e. gifts given to resigning or retiring staff.

Financial and tax implications

(30) The University will comply with all taxation obligations. Gifts and benefits may be subject to Fringe Benefits Tax (FBT).

Privacy

(31) In compliance with the Information Act 2002, the gift or benefit giver must be advised that their information will be included on the register if the value is more than $150.

Section 5 - Non-Compliance

(32) Non-compliance with Governance Documents is considered a breach of the Code of Conduct – Staff or the Code of Conduct – Students, as applicable, and is treated seriously by the University. Reports of concerns about non-compliance will be managed in accordance with the applicable disciplinary procedures outlined in the Charles Darwin

University and Union Enterprise Agreement 2022 and the Code of Conduct – Students.

(33) Complaints may be raised in accordance with the Code of Conduct – Staff and Code of Conduct - Students.

(34) All staff members have an individual responsibility to raise any suspicion, allegation or report of fraud or corruption in accordance with the Fraud and Corruption Control Policy and Whistleblower Reporting (Improper Conduct) Procedure.

Status and Details

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Approval Date	29th November 2022
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Responsible Executive	Brendon Douglas Vice-President Governance and University Secretary
Implementation Officer	Brendon Douglas Vice-President Governance and University Secretary
Enquiries Contact	Brendon Douglas Vice-President Governance and University Secretary

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