

Guideline

Subject: **Gifts for Employees and Directors**
Approval Date: November 2013, April 2017, May 2021
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INTRODUCTION

In the course of doing business, sometimes gifts, benefits or hospitality may be offered as a business courtesy out of goodwill and/or gratitude for a job well done. However, gifts, benefits or hospitality can also be offered as a subtle form of influence to create a favourable impression or to gain preferential treatment. This in turn may give rise to a conflict of interest. Acceptance of a gift, benefit or hospitality can create a sense of obligation that may compromise impartial and honest decision making from a business perspective.

This Guideline seeks to remove uncertainty, and avoid any potential misunderstanding and embarrassment. The Fellowship expects high standards of integrity, impartiality and responsible use of resources from employees¹ and directors.

POLICY²

A gift, benefit or hospitality under this policy is something that has a monetary value or worth, or other advantage or privilege derived as a result of a business-related relationship outside of RCPA. Examples could include a dinner at a restaurant, tickets to attend a sporting or cultural event, a Christmas gift, a gift presented on reaching agreement with a supplier, etc.

It is emphasised that common sense is the key factor in any determinations regarding gifts. An employee or director may give or accept an occasional gift of nominal value which is offered in accordance with social or cultural practice.

Reportable gifts are those above a nominal value and must be given to the College. Such gifts should receive appropriate acknowledgement and be recorded in the gift register using the attached form.

For the purpose of this policy RCPA defines the value of a gift, benefit or hospitality as follows:

- A **nominal** gift, benefit or hospitality is under \$150 in value.
- A **reportable** gift, benefit or hospitality is \$150 or greater in value. This also includes any associated travel that may be provided.

Employees and directors should not seek or accept gifts, benefits or hospitality from people seeking to influence their decisions. When providing hospitality, employees and directors need to ensure prudent use of resources and not compromise the real or perceived integrity of

¹ For the purposes of this policy, 'employees' also includes contractors and consultants to the College.

² Handling of gifts directed to the RCPA Foundation are not included in this policy.

recipients. Employees or directors may not use their position to seek an undue advantage for themselves, family members or associates.

Gifts of money or items easily converted to money such as shares are not acceptable under any circumstances. Reportable gifts may be accepted on behalf of the organisation and should be recorded on the College Asset Register.

With regard to significant gifts offered personally to employees or directors, they:

1. Must not seek gifts, benefits or hospitality for themselves or associates.
2. Must not accept any gift, benefit or hospitality that may create, or be perceived to create a conflict of interest.
3. Must not accept offers of gifts, benefits or hospitality from people or organisations about whom it is likely the College will make decisions.
4. Must not accept money or items easily converted to money such as shares.
5. If unsure about how to respond to an offer of a gift, benefit or hospitality of more than nominal value, seek advice from an officer or counsel of the company.

This guideline takes into account the College's functions, the roles its employees and directors perform and likely contact with College stakeholders, external businesses and the public. The risk to impartiality and integrity may differ throughout the organisation.

This policy applies at all times including common occasions when gifts are given.

Roles and Responsibilities

Nominal Gifts or Benefits:

- generally gifts or benefits valued at under \$150 can be accepted, provided that they are not monetary/financial gifts, or gifts being offered on a regular basis.

Reportable Gifts or Benefits:

- you must inform RCPA by email of any gift, benefit or hospitality valued at \$150 or more that is being offered to you in connection in any way with your employment or engagement contract (for consultants/contractors). This email is to be sent to your RCPA Manager and must include the following fields:
 - Recipient of the benefit
 - Provider of the gift, benefit or hospitality (i.e. organisation name)
 - Date received/to be received
 - Brief description of gift, benefit or hospitality
 - Estimated value of the gift, benefit or hospitality
- if RCPA advised that the gift, benefit or hospitality is of an appropriate value and nature, you may keep the gift, benefit or hospitality
- if RCPA considers the gift to be excessive and/or to be inappropriate, you may be advised that you may still accept the gift, benefit or hospitality on the company's behalf if returning it would cause offence or embarrassment to the party offering the gift. In this situation, RCPA will decide the most appropriate use for the gift, benefit or hospitality

Directors, employees, contractors and consultants who accept a gift, benefit or hospitality are responsible for any taxation obligations including Fringe Benefits Tax.

TERMINOLOGY

Benefits are preferential treatment, privileged access, favours or other advantage offered.

Gifts are unsolicited free or discounted items, intangible benefits or hospitality that are offered to employees or directors in association with their work. They may range in value from nominal to significant and be given for different reasons.

Gift declaration is the form an employee or director uses to declare reportable gifts.

Reportable gifts are those gifts with a value above the nominal value which is set from time to time by the College. Such gifts must be advised via the gifts declaration form and could include any item with a nominal value of more than \$AUD150.

Gifts register is a register of reportable gifts maintained by the Chief Financial Officer of the College. It records the date a gift was offered, information about the donor and recipient, the nature of the gift and its estimated value.

Hospitality is the friendly reception and treatment of guests, ranging from offers of refreshments/restaurant meals to sponsored travel and accommodation. Hospitality covers that which is offered or accepted by an employee or director.

Official business is work consistent with College functions and objectives, and an employee's role. An employee may be asked on official business to attend an external event. Such activities do not have a private benefit and are not classified as reportable gifts.

Nominal value refers to the \$ value of a gift offer. The College will review the set nominal value from time to time depending on the perceived level of risk and the type of gifts that it considers may be accepted without compromise.

Value is the estimated or actual value of a gift in Australian dollars (at the time it was given). It is also the cumulative value of gifts offered by the same individual or organisation within a 12-month period.

Gifts, Benefits and Hospitality declaration by College Fellows and Staff

(form must be completed for all gifts valued or cumulative \$150 or more p.a. and forwarded to the College)

To be completed by the recipient of a reportable gift within 14 days of the offer		
Date offered:	Offered to:	
Name/Title:		
Capacity in which representing RCPA:		
Other representative capacity they hold at the time of offer:		
Offered by: Name/Title:		
Organisation:		
Reason gift was offered:		
Description of gift:		
Estimated value of Gift		
<input type="checkbox"/> First time offer or		
<input type="checkbox"/> Previous offer(s) within last 12 months by this individual/organisation		
Cumulative value of gifts offered by this individual/organisation with the last 12 months:		
Decision regarding gift:		
<input type="checkbox"/> Declined or <input type="checkbox"/> Retained or <input type="checkbox"/> may be purchased by recipient		
<input type="checkbox"/> Transferred to RCPA ownership <input type="checkbox"/> Transferred to other organisation		
Signature of recipient	Date	
Noted by authorised delegate -		
Signature		
Name	Title	Date
RCPA Gifts Register updated -		
Signature		
Name	Title	Date