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RELEVANT DOCUMENTS:	<p>Legislation: Public Administration Act 2004 Fringe Benefits Tax Assessment Act 1986</p> <p>Documents: PPP135 Gifts, Benefits & Hospitality Guidelines VPS Gifts, Benefits and Hospitality Policy Guide PPP083 Staff Code of Conduct PPP040 Sponsorship Guideline PPP034 Procurement Policy PPP049 Disposal of Assets Guideline SWTAFE Reportable Gifts Register FIN018 Gifts Declaration Form PPP161 Risk Management Framework 'Thanks is Enough' FAQs</p>

1. Introduction

In the course of their work, South West TAFE (SWTAFE or “the Organisation”) employees may be offered gifts, benefits or hospitality. There may also be occasions where SWTAFE staff members wish to offer gifts or hospitality to others to show appreciation or gratitude for a professional relationship.

The purpose of this policy is to define the circumstances under which this is appropriate and meets acceptable standards of integrity, probity and transparency.

This policy is in accordance with the requirements under the Victorian Public Sector Commission’s Gifts, Benefits and Hospitality Guide.

2. Scope

This policy is applicable to all SWTAFE employees whilst they are engaged in an official capacity of representing the organisation or a private activity where others are seeking to influence their decision unfairly.

3. Minimum requirements and accountabilities

This policy reinforces the Victorian Public Sector values of impartiality and integrity. The Gifts, Benefits and Hospitality Policy of every public sector organisation must reflect the minimum requirements shown in *Table 1* for receiving gifts and *Table 2* for providing gifts, benefits and hospitality. The heads of public sector organisations must adopt the minimum set of accountabilities shown in *Table 3*.

TABLE 1: Minimum Requirements for all Public Officials Offered Gifts, Benefits & Hospitality:

1. Do not, for themselves or others, seek or solicit gifts, benefits and hospitality.
2. Refuse all offers of gifts, benefits and hospitality that:
 - are money, items used in a similar way to money, or items easily converted to money;
 - give rise to an actual, potential or perceived conflict of interest;
 - may adversely affect their standing as a public official or which may bring their public sector employer or the public sector into disrepute; or
 - are non-token offers without a legitimate business benefit.
3. Declare all non-token offers (valued at \$50 or more) of gifts, benefits and hospitality (whether accepted or declined) on their organisation’s register, and seek written approval from their manager or organisational delegate to accept any non-token offer.
4. Refuse bribes or inducements and report inducements and bribery attempts to the head of the public sector organisation or their delegate (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-Corruption Commission).

TABLE 2: Minimum Accountabilities for Public Officials Providing Gifts, Benefits & Hospitality:

1. Ensure that any gift, benefit and hospitality is provided for a business purpose in that it furthers the conduct of official business or other legitimate organisational goals, or promotes and supports government policy objectives and priorities.
2. Ensure that any costs are proportionate to the benefits obtained for the State, and would be considered reasonable in terms of community expectations.
3. Ensure that when hospitality is provided, individuals demonstrate professionalism in their conduct, and uphold their obligation to extend a duty of care to other participants.

TABLE 3: Minimum Accountabilities for Heads of Public Sector Organisations

Heads of public sector organisations:

1. Establish, implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality that comprehensively address these minimum accountabilities.
2. Establish and maintain a register for gifts, benefits and hospitality offered to public officials that, at a minimum, records sufficient information to effectively monitor, assess and report on these minimum accountabilities.
3. Communicate and make clear within the organisation that a breach of the gifts, benefits and hospitality policies or processes may constitute a breach of binding codes of conduct and may constitute criminal or corrupt conduct, and may result in disciplinary action.
4. Establish and communicate a clear policy position to business associates on the offering of gifts, benefits and hospitality to employees, including possible consequences for a business associate acting contrary to the organisation's policy position. This must take into consideration any whole of Victorian Government supplier codes of conduct.
5. Report at least annually to the organisation's audit committee on the administration and quality control of its gifts, benefits and hospitality policy, processes and register. This report must include analysis of the organisation's gifts, benefits and hospitality risks (including repeat offers from the same source and offers from business associates), risk mitigation measures and any proposed improvements.
6. Publish the organisation's gifts, benefits and hospitality policy and register on the organisation's public website (applies only to organisations with an established website). The published register should cover the current and the previous financial year.

4. Code of conduct

This policy shall be read in conjunction with **PPP083 Staff Code of Conduct**, which sets general standards for SWTAFE employees concerning professional behaviour requirements, including the acceptance of gifts or favours.

5. Offers of gifts, benefits and hospitality

5.1 Types of offers

A **token offer** is an offer of a gift, benefit or hospitality that is of inconsequential or trivial value to both the person making the offer and the individual. It may include promotional items such as pens and note pads, and modest hospitality which would be considered a basic courtesy.

A **non-token offer** is an offer of a gift, benefit or hospitality that is, or may be perceived to be by the recipient, the person making the offer or by the wider community, of more than inconsequential value. All offers worth more than \$50 are non-token offers and must be recorded on SWTAFE's Reportable Gifts Register (except for specific offers received by a person employed in a Victorian Government school, as defined under 'token offer').

A **Ceremonial Gift** is an official gift from one organisation to another organisation. Ceremonial gifts are provided as part of the culture and practices of communities and government, within Australia or internationally. Ceremonial gifts are the property of SWTAFE, irrespective of value, and are to be accepted by personnel on behalf of and transferred SWTAFE. The receipt of Ceremonial Gifts must be declared on the Organisation's Reportable Gifts Register.

A **Gift of Appreciation** is an offer from or on behalf of a parent, carer or student(s) made to members of the Teaching Service (only), intended to express appreciation of the teacher's contribution to the education of a student or students. Where the estimated value is \$50 or less, the Gift of Appreciation is considered Token and does not need to be declared. A gift with an estimated or actual value above \$50 is considered Non-Token and must be declared. For further information please see the *PPP135 Gifts, Benefits & Hospitality Guidelines*.

6. Thanks is enough campaign

The retention by Recipients of Non-Token offers is not prohibited; an offer that has a legitimate business benefit can be accepted. However, all Personnel are encouraged to adopt a 'Thanks is Enough' approach when responding to offers of gifts, benefits or hospitality.

'Thanks is Enough' is a desired standard for all SWTAFE employees when responding to offers of gifts, benefits and hospitality; ensuring impartiality in decision making with business or suppliers.

The approach means that a simple thank you is all employees need from businesses or suppliers to show their appreciation.

To find out more about how using 'Thanks is Enough' can support the management of gifts, benefits and hospitality offers, including information to support local businesses and suppliers, see: 'Thanks is Enough' FAQs.

For more information on the accepting and refusing of gifts, benefits and hospitality please see *PPP135 Gifts, Benefits & Hospitality Guidelines*

7. Definition of terms

Asset register	the register of assets held or managed by a department or public body under the <i>Financial Management Act 1994</i> . Significant gifts accepted on behalf of a public sector organisation or the State of Victoria should be recorded on the asset register.
Audit, Risk & Compliance Committee	responsibilities include assuring the adequacy of the organisation's <i>PPP161 Risk Management Framework</i> , operational performance of business units, and integrity of management reporting.
Benefits	includes preferential treatment, privileged access, favours or other advantage offered to an individual. Benefits may include invitations to sporting, cultural or social events, access to discounts and loyalty programs, and promises of a new job. The value of benefits may not have definitive monetary value, but as they are valued by the individual, they may be used to influence the individual's behaviour.
Bribes	money or other inducements given or promised to employees to corruptly influence the performance of their role. Bribery of a public official is an offence punishable by a maximum of ten years imprisonment.
Business Associate	an external individual or organisation with which SWTAFE has, or plans to, establish some form of business relationship, or who may seek commercial or other advantage by offering gifts, benefits or hospitality.
Ceremonial Gifts	An official gift from one organisation to another organisation. Ceremonial gifts are provided as part of the culture and practices of communities and government, within Australia or internationally. Ceremonial gifts are usually provided when conducting official business with delegates from another organisation or representatives of foreign governments. Ceremonial gifts are the property of the organisation, irrespective of value, and are to be accepted by Personnel on behalf of and Transferred to SWTAFE, as required by the Victorian Public Sector Commission's Gifts, Benefits and Hospitality Policy Guide. The receipt of ceremonial gifts should be declared on the Reportable Gifts Register, irrespective of value, but do not need to be published.
Conflicts of Interest	
<u>Actual conflict of interest</u>	when there is a <u>real conflict</u> between an employee's public duties and private interests.
<u>Potential conflict of interest</u>	when an employee has private interests that <u>could</u> conflict with their public duties. This refers to circumstances where it is foreseeable that a conflict may arise in future and steps should be taken now to mitigate that future risk.
<u>Perceived conflict of interest</u>	where the public or a third party could <u>form the view</u> that an employee's private interests could improperly influence their decisions or actions, now or in the future.
Declaration	the documented disclosure of an offer and the recipient's decision, which includes all pertinent details to enable the Authorised Delegate to assess the Recipient's decision.
Employees	the directors, chief executive and all other employees of a public sector organisation.
Gifts	free or heavily discounted items, intangible benefits or hospitality exceeding common courtesy that are offered to employees in association with their work. They may be enduring such as a work of art or consumables such as a box of chocolates. They range in value from nominal to significant and may be offered for different reasons.

OFFICIAL

Gift of Appreciation	an offer from or on behalf of a parent, carer or student(s) made to a member(s) of the Teaching Department, intended to express appreciation of the teacher's contribution to the education of a student or students. Where the estimated value is \$100 or less, the Gift of Appreciation is considered Token and does not need to be declared. A gift with an estimated or actual value above \$100 is considered Non-Token and must be declared.
Benefits	the preferential treatment, privileged access, favours or other advantage offered to an employee. Benefits include invitations to sporting, cultural or social events, access to discounts and loyalty programs, and promises of a new job. While their value may sometimes be difficult to quantify in dollars, they may be highly valued by the intended recipient and therefore used to influence their behaviour.
Hospitality	the friendly reception and treatment of guests. Hospitality can range from offers of light refreshment at a business meeting to restaurant meals and sponsored travel and accommodation.
Legitimate business benefit	gifts, benefits and hospitality accepted or provided for a business purpose, in that it furthers the conduct of official business or other legitimate goals of the organisation, public sector or State.
Public Official	has the same meaning as under section 4 of the <i>Public Administration Act 2004</i> . This includes: <ul style="list-style-type: none"> • public sector employees; • statutory office holders; and • directors of public entities.
Register	The organisation wide record of all declarable gifts, benefits and hospitality.
Token offer	an offer of a gift, benefit or hospitality that is offered as a courtesy or is of inconsequential or trivial value to both the person making the offer and the individual. Whilst the primary determinant of a token offer is that it would not be reasonably perceived within or outside the organisation as influencing an individual or raising an actual, potential or perceived conflict of interest, it cannot be worth more than \$50 (including cumulative offers from the same source over a 12 month period). This does not apply to a person employed under the <i>Education and Training Reform Act 2006</i> in a Victorian Government school, who receives an offer from or on behalf of a parent, guardian, carer or student intended to express appreciation of the person's contribution to the education of a student or students, in which case it cannot be worth more than \$100.
Non-token offer	an offer of a gift, benefit or hospitality that is, or may be perceived to be by the recipient, the person making the offer or by the wider community, of more than inconsequential value. All offers worth more than \$50 are non-token offers and must be recorded on a gift, benefit and hospitality register (except for specific offers received by a person employed in a Victorian Government school, as defined under 'token offer').

8. Access and Equity

SWTAFE is committed to adhering to access and equity in the implementation for this Policy. For more information please visit: [South West TAFE's Diversity, Equity and Inclusion Initiatives](#).