



# Gifts, Benefits and Hospitality Policy

## 1. Purpose

To ensure that the policy and processes of Sunraysia Institute of TAFE, in relation to gifts, benefits and hospitality, are consistent with the minimum requirements for all public officials.

## 2. Scope

This policy applies to all Institute employees, Board directors, co-opted Committee members, consultants, contractors, sub-contractors and any individuals or groups undertaking activity for or on behalf of the Institute.

This Policy applied to any and all offers of gifts, benefits and hospitality received both locally and internationally.

## 3. Definitions

Acronym/Term	Definition
<b>Benefits</b>	Preferential treatment, privileged access, favours or any other advantages offered.
<b>Bribes</b>	Bribes are money or other inducements given or promised to employees to corrupt or influence the performance of their role. Bribery of a public servant is punishable by law applicable at the time.
<b>Business Associate</b>	An external individual or entity which the organisation has, or plans to establish, some form of business relationship or who may seek commercial or other advantage by offering gifts, benefits or hospitality. This also refers to contractors and consultants.
<b>CEO</b>	Chief Executive Officer
<b>Ceremonial Gift</b>	Official gifts provided as part of the culture and practices of communities and Government, within Australia or internationally.
<b>Conflict of Interest</b>	A conflict of interest exists if you have a private interest that could influence, or reasonably be seen to influence, how you perform your public duties. The conflict can be actual, potential or perceived;  <b>Actual:</b> Where there is a real conflict between an employee’s public duties and private interests  <b>Potential:</b> where an employee has private interests that could conflict with their public duties. This refers to circumstances where it is foreseeable that a conflict may arise in further and steps should be taken to mitigate that future risk

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Acronym/Term	Definition
	<b>Perceived:</b> the public or a third party could reasonably form the view that an employee's private interests could improperly influence their decision or actions, now or in the future
<b>Gifts</b>	Items or services that are free, discounted, or would general be seen by the public as a gift, intangible benefits or hospitality exceeding common courtesy that are offered to employees in association with their work.  The monetary value of a gift is the estimate value of the item if it were not being provided either free or discounted.  Gift cards and vouchers are to be treated the same as money under the Minimum Accountabilities
<b>Hospitality</b>	The friendly reception and treatment of guests, ranging from offers of light refreshment at a business meeting, to restaurant meals and sponsored travel and accommodation
<b>Legitimate Business Reason</b>	Furtheres the conduct of official business or other legitimate goals of our organisation, the public sector or the State
<b>Non-Token Offer</b>	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 \$50 or more are non-token offers
<b>The Board of Directors</b>	The Board of Sunraysia Institute of Technical and Further Education established under the Constitution of the Sunraysia Institute of Technical and Further Education Order 2016, and is an incorporated body that is authorised by the Minister to oversee and govern a TAFE Institute.
<b>The Institute</b>	Sunraysia Institute of TAFE
<b>Token Offer</b>	Any offer of a gift, benefit or hospitality that is offered as a courtesy and is of inconsequential or trivial value to both the person making the offer and the individual, valued at less than \$50 (including cumulative offers from the same source over a 12-month period).
<b>VPSC</b>	Victorian Public Sector Commission

## 4. Policy

### 4.1. Introduction

- 4.1.1. When working for the Institute, no matter what the work it, you must act with integrity and impartiality consistent with the Code of Conduct for Victorian Public Sector Employees.

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- 4.1.2. The VPSC issues minimum accountabilities for the management of gifts, benefits and hospitality. These minimum accountabilities are binding on the Institute
- 4.1.3. A gift, benefit or hospitality must not be accepted or given by a public sector organisation or employee if the offer does not comply with the minimum accountabilities.
- 4.1.4. The minimum accountabilities are binding under the Instructions supporting the Standing Directions of the Minister for Finance 2018
- 4.1.5. The Institute encourages all employees to assist in developing a culture of 'thanks is enough'

### 4.2. Offers of Gifts, Benefits and/or Hospitality

- 4.2.1. Institute staff and the Board of Directors must not solicit (seek) and gift, benefit or hospitality, for yourself or others.
- 4.2.2. Institute staff and the Board of Directors must refuse all offers of gifts, benefits or hospitality that could be reasonably perceived as undermining the integrity and impartiality of the Institute, or themselves.
- 4.2.3. Institute staff and the Board of Directors must refuse all gifts, benefits or hospitality from people or organisations about whom they are likely to make decisions including:
- Tender processes;
  - Procurement;
  - Enforcement;
  - Licensing or regulation.
- 4.2.4. Institute staff and the Board of Directors must:
- 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 such as shares;
    - If accepted may give rise to an actual, potential or perceived conflict of interest;
    - May adversely compromise the public's trust or 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;
    - Is not consistent with community expectations
    - If accepting it could reasonably be seen as endorsing a product or service
    - Could be seen as advantaging a supplier of sponsor in a future procurement

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- For hospitality events, will already be sufficiently represented to meet the Institutes needs
  - Refuse all bribes and report bribery attempts to the Institute CEO or their manager and to the Fraud and Corruption Response Group, who will determine the reporting requirement in accordance with the Fraud & Corruption Response Procedure.
  - If unsure of how to respond to an offer of a gift, benefit or hospitality, seek advice from their manager or, in the case of a Board Director, from the Board Chair.
  - Only accept development opportunities from suppliers where there is a legitimate business reason, attendance meets community expectations and any risk of conflict of interest can be appropriately managed
    - To ensure employees have development opportunities that do not raise conflicts of interest, the Institute will try to build training a development offerings into out contracts as deliverable, wherever appropriate
- 4.2.5. Any repeated offers, i.e., multiple offers from the same person, group or organisation that could reasonably be seen as adding up to a conflict of interest, must be refused

### 4.3. Accepting offers of Gifts, Benefits and / or Hospitality

- 4.3.1. Institute staff and the Board of Directors must, when accepting gifts deemed appropriate:
- Ensure that any costs are proportionate to the benefits obtained for the Institute and would be considered reasonable in terms of community expectations;
  - Declare all non-token offers (valued at \$50 or more) of gifts, benefits and hospitality (whether accepted or declined) and seek written approval from their relevant manager to accept any non-token offer;
  - Ensure that all gifts received are recorded in the Gifts, Benefits and Hospitality Register, administered by the Compliance & Risk Unit, with an approximate value noted.
- 4.3.2. Institute staff and the Board of Directors must ensure:
- When receiving hospitality, to take care to not be influenced, or perceived to be influenced, in a manner which would compromise impartiality or create a conflict of interest.
  - Any hospitality received should be appropriate to the occasion and in accordance with the normal business practices of the host organisation. This includes hospitality outside of work-related hours but which arises as a result of Institute business.
- 4.3.3. For work purposes, modest hospitality such as finger food and other light refreshment provided at meetings or events such as conferences or seminars is acceptable without being reported. More substantial meals and refreshment

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provided at annual or periodic formal functions when attending as an official Institute representative is acceptable but must be reported.

4.3.4. Hospitality provided on a regular basis, particularly from the same individual or organisation, either internal or external to the Institute, should only be accepted for valid business purposes and the hospitality and reasons must be reported.

4.3.5. When representing the Institute at an event Board Directors and staff must conduct themselves in a responsible, professional and courteous manner.

#### 4.4. Declining offers of Gifts, Benefits and / or Hospitality;

4.4.1. In most cases where the offer should or must be refused, employees should decline it at the time the offer is made, however this at times can be difficult. In the case of gifts, employees shall declare the offer as per Institute process, and advise their immediate manager or appropriate delegate that they were unable to decline the offer in the moment, but note the offer has not been accepted.

4.4.2. The employee or Institute will dispose of the gift and an explanation and rejection sent to the offeror where appropriate

4.4.3. Employees should refer to appendix B – *Helpful guide on whether to accept or refuse* to help assess whether to accept or refuse a particular gift, benefit or hospitality.

#### 4.5. Official gifts

4.5.1. At times, the Institute may receive offers of official gifts or items, including items of cultural, ceremonial, religious, historic or other significance

4.5.2. Official gifts and official items are the exception to the Institutes usual 'thanks but no thanks' approach.

4.5.3. Official gifts and official items are the property of the organisation, irrespective of value, and should be accepted by the individual on behalf of the Institute. All ceremonial gifts should be reported on the Gifts, Benefits and Hospitality Register.

4.5.4. An employee may retain ownership of an official item provided that;

- It was gifted to an employee specifically in recognition of their work or contribution
- It is the express wish of the giver
- It benefits the Institutes relationship with the giver
- It is appropriate given the significant and value of the items
- It would be consistent with community expectations, and it unlikely to bring the employee or Institute into disrepute
- The Executive Leadership Team provides written approval

#### 4.6. Declaring an offer

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- 4.6.1. To declare a non-token offer, Employees are required to submit a completed Gifts, Benefits and Hospitality Declaration Form to their manager for review.
- 4.6.2. Completed forms shall then be submitted to the General Manager, Corporate Services for approval and inclusion within the Institutes Gifts, Benefits and Hospitality Register

### 4.7. Giving – Gifts, Benefits and/or Hospitality

- 4.7.1. Employees must ensure that any gift, benefit or hospitality (token or non-token) provided on behalf of the Institute is provided solely for business purposes, in that it furthers the conduct of official business or other legitimate organisational goals, or promotes government policy objectives and priorities.
- 4.7.2. The cost of any gift, benefit or hospitality provided by the Institute must be proportionate to the benefits obtained, and be considered reasonable in terms of community expectations.
- 4.7.3. When providing any gift, benefit or hospitality, Institute staff and the Board of Directors must ensure that the provision would not give rise to an actual, potential or perceived conflict of interest.
- 4.7.4. When hospitality is provided, individuals must demonstrate professionalism in their conduct and uphold their obligation to extend duty of care to other participants.
- 4.7.5. Employees should refer to appendix C – *Helpful guide on whether or not to provide gifts, benefits or hospitality to others* to assess or refuse a particular gift, benefit or hospitality.

### 4.8. Monitoring and Reporting

- 4.8.1. The Institute must maintain a register of all declarable gifts, benefits and hospitality offered to the Board of Directors and employees.
- 4.8.2. For transparency, and to comply with the minimum accountabilities, a subset of information outlined in the Gifts, Benefits and Hospitality Register must be recorded on the Institute’s website. This public register must include the most recent and the previous financial year.
- 4.8.3. The Institute must report quarterly to the Audit Committee on the administration and quality control of its gifts benefits and hospitality policy, processes and register. This must include analysis of the organisation’s gifts, benefits and hospitality risks, risk mitigation measures and any proposed improvements.
- 4.8.4. Breaches of this policy or associated processes may constitute a breach of binding codes of conduct and may constitute criminal or corrupt conduct, and may result in disciplinary action. Any breach of this policy and associated procedures by a staff member or Board Director will incur a requirement for the individual to undergo additional training in Gifts, Benefits and Hospitality obligations.

## 5. Legislative Context

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- Code of Conduct for Victorian Public Sector Employees (Vic)
- Freedom of Information Act 1982 (Cth)
- Gifts, Benefits and Hospitality Policy Guide Victorian Public Sector
- Public Administration Act 2004 (Vic)
- Standing Directions of the Minister for Finance (Vic)

### 6. Associated documents

#### 6.1. Associated Policies

- Appropriate Workplace Behaviour Policy
- Conflict of Interest Policy.
- Fraud and Corruption Policy;
- Sponsorship Policy;

#### 6.2. Associated Procedures

- Nil.

#### 6.3. Associated Forms

- Gifts Benefits and Hospitality Declaration Form.

#### 6.4. Other associated documents

- SuniTAFE Gifts, Benefits and Hospitality Register.

### 7. Responsibility

The General Manager, Corporate Services is responsible for ensuring compliance with this policy, and its associated procedures and systems.

### 8. Review Frequency

This policy is to be reviewed annually, and remains in force as amended from time to time, until rescinded.

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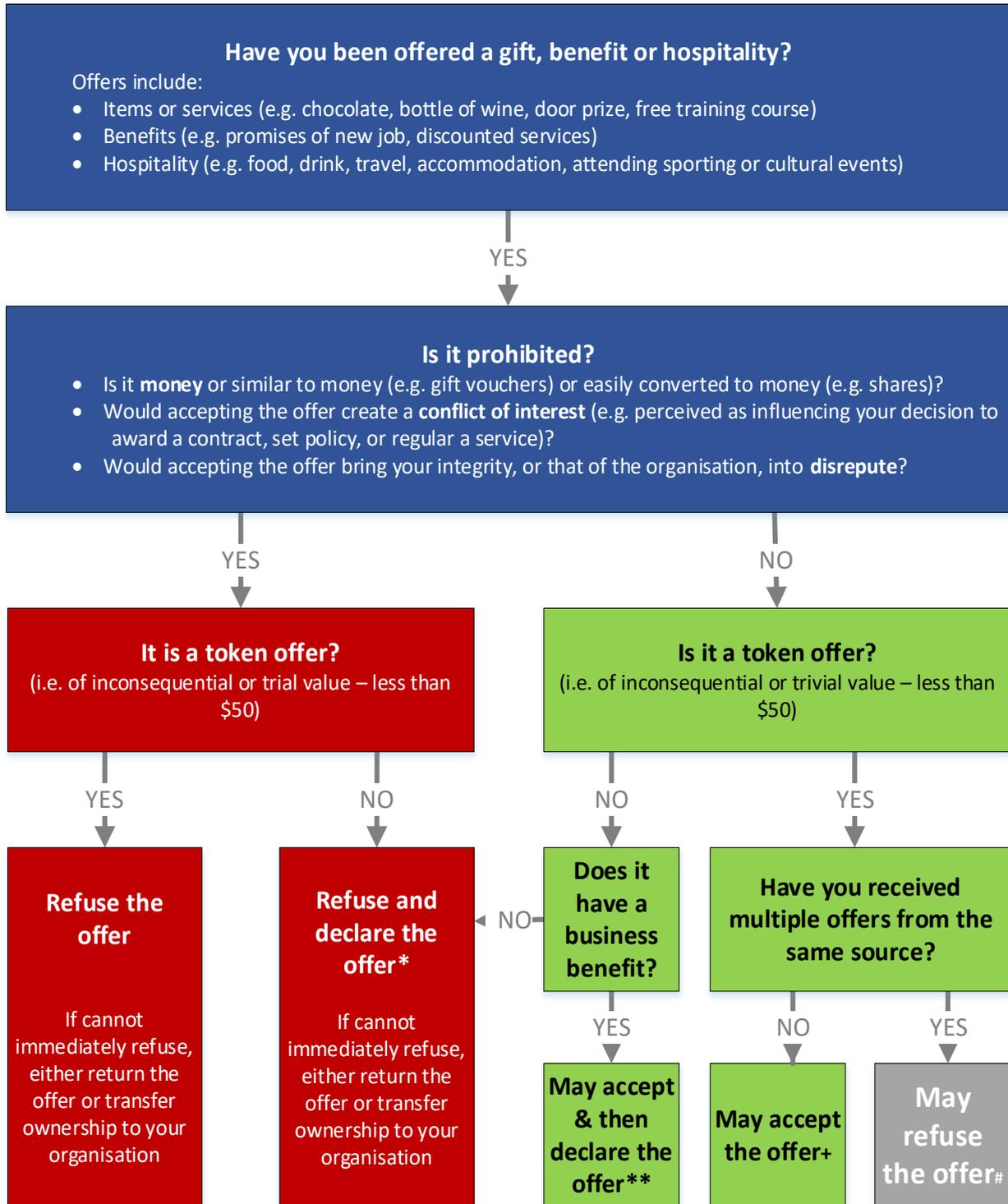
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**9. Appendix A – Responding to Gifts, Benefits and Hospitality**



\* Generic, bulk event invitations that are declined (e.g. spam email offers) do not need to be declared  
 \*\* Hospitality for Victorian Public sector organisations do not need to be declared  
 + Confirm responsibility with Management prior to accepting any offer  
 # More than one token offer may be accepted. However, care should be taken to ensure that multiple offers are not used as a device to avoid offers being recorded on the register. Confirm responsibility with Management

<https://vpsc.vic.gov.au/gifts-benefits-hospitality/>

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**10. Appendix B – Helpful guide on whether to accept or refuse**

You can use the following GIFT questions to help assess whether to accept or refuse a particular gift, benefit or hospitality.

*Useful questions to prompt your thinking*

<b>G - GIVER</b>	<ul style="list-style-type: none"><li>• Who is providing the gift, benefit or hospitality and what is their relationship to me?</li><li>• Does my role require me to select suppliers, award grants, regulate industries or determine government policies?</li><li>• Could the person, group or organisation benefit from a decision I make?</li></ul>
<b>I - INFLUENCE</b>	<ul style="list-style-type: none"><li>• Are they seeking to gain an advantage or influence my decisions or actions?</li><li>• Has the gift, benefit or hospitality been offered to me publicly or privately?</li><li>• Is it a basic courtesy or token of appreciation or is it a non-token offer?</li><li>• Does its timing coincide with a decision I'll be making in the foreseeable future?</li></ul>
<b>F - FAVOUR</b>	<ul style="list-style-type: none"><li>• Are they seeking a favour in return for the gift, benefit or hospitality?</li><li>• Has the gift, benefit or hospitality been offered honestly?</li><li>• Has the person, group or organisation made several offers over the last 12 months?</li><li>• Would accepting create an obligation, or feeling of obligation, to return a favour?</li></ul>
<b>T - TRUST</b>	<ul style="list-style-type: none"><li>• Would accepting the gift, benefit or hospitality diminish public trust?</li><li>• How would the public view acceptance of this gift, benefit or hospitality?</li><li>• What would my colleagues, family, friends or associates think?</li></ul>

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**11. Appendix C – Helpful guide on whether or not to provide gifts, benefits or hospitality to others**

You can use the following HOST questions to help you assess if providing a particular gift, benefit or hospitality would comply with the ‘Integrity Test – Providing’

*Useful questions to prompt your thinking*

<b>H – HOSPITALITY</b>	<ul style="list-style-type: none"> <li>• To whom is the gift or hospitality being provided?</li> <li>• Will recipients be external business associates, our employees, or a mixture of both?</li> </ul>
<b>O – OBJECTIVES</b>	<ul style="list-style-type: none"> <li>• What is the business reason for providing the hospitality?</li> <li>• Will it further the conduct of official business?</li> <li>• Will it promote and support government policy objectives and priorities?</li> <li>• Will it contribute to staff wellbeing and workplace satisfaction?</li> </ul>
<b>S – SPEND</b>	<ul style="list-style-type: none"> <li>• Will the cost be proportionate to the benefits obtained?</li> <li>• What type of hospitality will be provided?</li> <li>• Will the hospitality be modest or expensive?</li> <li>• If alcohol is to be provided, why? Would it be a courtesy or an indulgence?</li> <li>• Is an external venue necessary or can our organisation host the event?</li> <li>• Is the catering or hospitality proportionate to the number of attendees?</li> <li>• Does the size of the event and number of attendees align with the intended outcomes?</li> <li>• If a gift is to be given, is it symbolic rather than financial in value?</li> </ul>
<b>T – TRUST</b>	<ul style="list-style-type: none"> <li>• Will public trust be enhanced or diminished?</li> <li>• Will the gift, benefit or hospitality be proportionate to public expectations or seen as excessive?</li> <li>• Is there a conflict of interest?</li> <li>• Could you publicly explain that rationale for providing the gift, benefit or hospitality?</li> <li>• Will the event be conducted in a manner which upholds the reputation of the public sector?</li> <li>• Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures?</li> </ul>

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