

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 staff, the Board and its Directors, contractors, consultants and any individuals or groups undertaking activity for or on behalf of the Institute; and all gifts, benefits and hospitality both locally and internationally.

3. Policy

3.1. Receipt of Gifts, Benefits and/or Hospitality

- 3.1.1. Directors of the Institute Board and Institute staff shall not solicit gifts, benefits or hospitality.
- 3.1.2. The Board, individual Directors of the Board and staff shall refuse all offers of gifts, benefits or hospitality that could be reasonably perceived as undermining the integrity and impartiality of the Institute, or themselves
- 3.1.3. The Board, individual Directors of the Board and Institute staff shall 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
- 3.1.4. The Board, individual Directors of the Board and Institute staff shall:
 - 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 affect their standing as a public official or which may bring their public sector employer or the public sector into disrepute; or
 - Be perceived as an inducement
 - Are non-token offers without a legitimate business benefit

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- Refuse all bribes and report bribery attempts to the Institute CEO or their manager and to Victoria Police or the Independent Broad-based Anti-corruption Commission;
 - Refuse non-token offers without a legitimate business benefit; and
 - 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
- 3.1.5. The Board, individual Directors of the Board and Institute staff shall, 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 \$20 or more) of gifts, benefits and hospitality (whether accepted or declined) on the Institute's Gifts, Benefits and Hospitality Register, 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 Quality Services Unit, with an approximate value noted.
- 3.1.6. The Board, individual Directors of the Board and Institute staff shall 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.
- 3.1.7. 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 provided at annual or periodic formal functions when attending as an official Institute representative is acceptable but must be reported.
- 3.1.8. 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.
- 3.1.9. When representing the Institute at an event Board Directors and staff must conduct themselves in a responsible, professional and courteous manner.

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3.1.10. Ceremonial gifts

Ceremonial gifts 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

3.2. Giving – Gifts, Benefits and/or Hospitality

- 3.2.1. Any gift, benefit or hospitality provided by the Institute, a Board Member or Staff must be 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
- 3.2.2. 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
- 3.2.3. When providing any gift, benefit or hospitality, the Board, individual Directors of the Board or staff member shall ensure that the provision would not give rise to an actual, potential or perceived conflict of interest
- 3.2.4. When hospitality is provided, individuals must demonstrate professionalism in their conduct and uphold their obligation to extend duty of care to other participants.

3.3. Accountability of CEO

- 3.3.1. The CEO shall adhere to the six minimum accountabilities listed in Minimum Accountabilities for the management of gifts benefits and hospitality under the title of – Heads of public sector organisations
 - Implement and review organisational policies and processes for the effective management of gifts, benefits and hospitality.
 - Maintain a register for gifts, benefits and hospitality offered to public officials.
 - Communicate and make clear within the organisation that a breach of the gifts, benefits and hospitality policy or processes may constitute a breach of binding codes of conduct and may constitute criminal or corrupt conduct, and may result in disciplinary action.
 - Establish and communicate a clear policy position to business associates on offering of gifts, benefits and hospitality to employees, including possible consequences for a business associate acting contrary to the organisations policy position.
 - Report annually 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.
 - Publish the Gifts, Benefits and Hospitality Policy and Register on the Institute’s website. The published register will cover the current and previous financial year.

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3.4. Monitoring and Reporting

- 3.4.1. The Institute must maintain a register of all declarable gifts, benefits and hospitality offered to the Board, individuals of the Board and Employees
- 3.4.2. For transparency, and to comply with the minimum accountabilities, a subset of information outlines 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
- 3.4.3. The Institute must report at a minimum annually to the Audit Committee on the administration and quality control of its Gifts, Benefits and Hospitality Policy, processes and register.

4. Definitions

Acronym/Term	Definition
Benefits	Preferential treatment, privileged access, favours or any other advantages offered.
Bribes	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 up to ten years imprisonment.
Business Associate	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.
CEO	Chief Executive Officer
Ceremonial Gift	Official gifts provided as part of the culture and practices of communities and Government, within Australia or internationally.
Conflict of Interest	Conflicts may be; Actual: Where there is a real conflict between an employee’s public duties and private interests Potential: 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 Perceived: 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
Gifts	Free or heavily discounted items, intangible benefits or hospitality exceeding common courtesy that are offered to employees in association with their work.

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Hospitality	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
Non-Token Offer	Is an offer or 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 \$20 or more are non-token offers and must be recorded on a gifts benefits and hospitality register.
The Board	The Board of Sunraysia Institute of TAFE.
The Institute	Sunraysia Institute of TAFE
Token Offer	<p>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.</p> <p>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 \$20 (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.</p>

5. Legislative Context

- Code of Conduct for Victorian Public Sector Employees (Vic).
- Department of Education and Training Gifts, Benefits and Hospitality Policy – Revised November 2018 (Vic)
- Freedom of Information Act 1982 (Cth)
- Gifts, Benefits and Hospitality Policy Guide Victorian Public Sector - Revised June 2018 (Vic)
- Minimum Accountabilities for Management of Gifts, Benefits and Hospitality 2016 (Vic)
- Public Administration Act 2004 (Vic)
- Standing Directions of the Minister for Finance (Vic)

6. Associated documents

6.1. Associated Policies

- Fraud and Corruption Policy
- Sponsorship Policy
- Staff Code of Conduct Policy

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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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