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| <b>RELATED DOCUMENTS:</b>   | <b>Legislation:</b> <a href="#">Public Administration Act 2004</a><br><a href="#">Fringe Benefits Tax Assessment Act 1986</a>   |
|                             | <b>Documents:</b> PPP026 Gifts, Benefits and Hospitality Policy<br>PPP083 Staff Code of Conduct<br>PPP040 Sponsorship Guideline<br>PPP034 Procurement Policy A<br>PPP049 Disposal of Assets Guideline<br>Reportable Gifts Register<br>FIN018 Gifts, Benefits & Hospitality Form |

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## Introduction

In the course of their work, South West TAFE (SWTAFE or the 'Organisation') staff 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 procedure is to define the circumstances under which this is appropriate and meets acceptable standards of integrity, probity and transparency.

This procedure is in accordance with the requirements under the Victorian Public Sector Commission's Gifts, Benefits and Hospitality Policy Framework.

## Scope

This procedure is applicable to all staff, contractors and consultants of the organisation whilst they are engaged in an official capacity of representing the organisation or private activity where others are seeking to influence their decision unfairly.

## Staff Code of Conduct

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

## Minimum Accountabilities

The Victorian Public Sector Commission (VPSC) issues minimum accountabilities for the management of gifts, benefits and hospitality. SWTAFE's policy and guidelines are based on the minimum accountabilities and are binding for our organisation.

Please refer to PPP026 Gifts, Benefits and Hospitality Policy for further information on the minimum accountabilities or the VPSC Minimum Accountabilities page [here](#)

## Conflicts of Interest

Managing conflicts of interest appropriately is fundamental to ensuring high levels of integrity in SWTAFE.

Considering any actual, potential or perceived Conflict of Interest is central to determining how to respond to an offer of a gift, benefit or hospitality.

Any offer of gifts, benefits and hospitality which represents an actual, potential or perceived Conflict of Interest must be refused.

A Conflict of Interest arises in circumstances where a staff member's private interests can influence or be seen to influence a public duty. It can affect employees at all levels of seniority and in every area of work in SWTAFE. Conflicts of interest are an inevitable fact of organisational life, and can arise without anyone being at fault. However, where an actual, potential or perceived Conflict of Interest exists, it creates serious risks for the individual, the Organisation, and must be identified and managed appropriately.

Guidance on the management of Conflict of Interest can be found in SWTAFE's **PPP181 Declaration of Interest Policy**.

## Offers of Gifts, Benefits and Hospitality

### Types of Offers

**A token offer** is an offer of a gift, benefit or hospitality that is of inconsequential or trivial value, \$50 or less 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 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').

**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.

**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 \$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. The gift cannot be money, items used in a similar way to money, or items easily converted to money;

For further information see Gifts of Appreciation below.

## Accepting Gifts, Benefits & Hospitality

### Token Offers

Main determining factor of token offer is that it would not be reasonably perceived within or outside the organisation as influencing an individual thereby creating an actual, potential or perceived conflict of interest, it also cannot be worth more than \$50. If token offers are made often by the same person or organisation, the cumulative value of the offers, or the perception that they may influence the recipient, may result in the offers becoming non-token.

Team members may accept token offers of gifts, benefits and hospitality without approval or declaring the offer on the organisation's gift register.

Team members are to refuse all offers (excluding token hospitality, such as sandwiches over a lunchtime meeting):

- made by a current or prospective supplier;
- made during a procurement or tender process by a person or organisation involved in the process

### Gifts of Appreciation

Gifts of Appreciation may be provided by an individual or group of students, parents or carers. It is the total value of the offer rather than the individual contribution by each donor that determines if the offer is Non-Token.

Gifts or benefits offered to a member of a Teaching Department by other members of the community apart from students, parents or carers (e.g. community groups, businesses) are not Gifts of Appreciation and are subject to the standard Token offer threshold of \$100.

Gifts received by a member of the Teaching Service that are valued above \$100 are Non-Token gifts. The gift cannot be money, items used in a similar way to money, or items easily converted to money. Staff must declare and seek approval to retain Non-Token gifts in accordance with approval process identified below.

## NON-TOKEN OFFERS

Individuals should consider the GIFT test at **Table 4** and the requirements below to help respond to a non-token offer.

### **Accepting**

The retention by Recipients of Non-Token offers is not prohibited under this procedure. An offer that has a legitimate business benefit can be accepted. However, all staff 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.

Factors to consider when you receive an offer:

- While the offering of gifts, benefit and hospitality, such as hampers, football tickets or invitations to corporate functions, is often a gesture of goodwill, it may give businesses and suppliers a commercial edge by encouraging Personnel to think of them first next time.
- Accepting offers can give rise to a Conflict of Interest; lead to the perception of bias among colleagues and communities; and call our objectivity and integrity into doubt.

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.

Gifts of Appreciation to members of the Teaching Service are able to be retained by Recipients, subject to the approval of Authorised Delegates.

All accepted non-token offers **must** be approved in writing by the individual's manager or relevant Executive Manager

All accepted non-token offers **must** be approved in writing by the individual's manager or relevant Executive Manager recorded in the gifts register and be consistent with the following requirements:

- it does not raise an actual, potential or perceived conflict of interest or have the potential to bring the individual, the organisation or the public sector into disrepute and
- there is a legitimate business reason for acceptance. It is offered in the course of the individual's official duties, relates to the individual's responsibilities and has a benefit to the organisation public sector or the State.

### **Refusing**

Individuals are to refuse non-token offers:

- likely to influence them, or be perceived to influence them, in the course of their duties or raise an actual, potential or perceived conflict of interest;
- could compromise the public's trust that you'll perform your job in an impartial manner or the public's trust in the impartiality of SWTAFE or the public sector.
- by a person or organisation about which they will likely make a decision (also applies to processes involving grants, sponsorship, regulation, enforcement or licensing);
  - made by a current or prospective supplier;
  - made during a procurement or tender process by a person or organisation involved in the process;
- likely to be a bribe or inducement to make a decision or act in a particular way;
- that extend to their relatives or friends;

- with no legitimate business benefit;
- it is not consistent with community expectations;
- of money, or used in a similar way to money, or something easily converted to money;
- where, in relation to hospitality and events, the organisation will already be sufficiently represented to meet its business needs
- where acceptance could be perceived as endorsement of a product or service, or acceptance would unfairly advantage the sponsor in future procurement decisions;
- made by a person or organisation with a primary purpose to lobby Ministers, Members of Parliament or public sector agencies; and
- made in secret.

If an individual considers they have been offered a bribe or inducement, the offer must be reported to their relevant manager and the organisation’s Executive Manager, Corporate Services and/or CEO (who should report any criminal or corrupt conduct to Victoria Police or the Independent Broad-based Anti-corruption Commission).

## DECLARING OFFERS

All non-token offers, whether accepted or declined, must be declared utilising *FIN018 Gifts, Benefits and Hospitality Form* and recorded in the organisation’s gifts register. The reason for accepting the non-token offer must be recorded in the register and provide sufficient detail to link the acceptance to the organisation’s work functions and benefit to the organisation, public sector or State.

Token and Non-token offers deemed to have a retail value in excess of \$150 will be referred to the relevant Executive Management for subsequent action.

Where a token or non-token offer has been received by the CEO that exceeds \$50 it will be referred to the Board Chair for authorisation.

Some non-token offers may incur FBT and this will be applied in accordance with the Fringe Benefits Tax Assessment Act 1986.

## Gift Test

The GIFT test is a good reminder of what to think about when deciding whether to accept or decline a non-token gift, benefit or hospitality. Take the GIFT test and when in doubt, ask your manager.

**Table 4. GIFT Test**

|          |                  |   |
|----------|------------------|---|
| <b>G</b> | <b>Giver</b>     | <p><b>Who is providing the gift, benefit or hospitality and what is their relationship to me?</b></p> <p>Does my role require me to select suppliers, award grants, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make?</p>                          |
| <b>I</b> | <b>Influence</b> | <p><b>Are they seeking to gain an advantage or influence my decisions or actions?</b></p> <p>Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy or a token of appreciation or a valuable non-token offer? Does its timing coincide with a decision I am about to make?</p> |
| <b>F</b> | <b>Favour</b>    | <p><b>Are they seeking a favour in return for the gift, benefit or hospitality?</b></p> <p>Has the gift, benefit or hospitality been offered honestly?</p> <p>Has the person or organisation made several offers over the last 12 months?</p> <p>Would accepting it create an obligation to return a favour?</p>        |
| <b>T</b> | <b>Trust</b>     | <p><b>Would accepting the gift, benefit or hospitality diminish public trust?</b></p> <p>How would I feel if the gift, benefit or hospitality became public knowledge?</p>  |

What would my colleagues, family, friends or associates think?

## APPROVAL

### Authorised Delegates

Under this procedure, nominated Personnel fulfil the responsibilities of Authorised Delegates.

Authorised Delegates are responsible for considering and approving or declining Recipient's acceptance decisions.

In approving a Recipient's proposed acceptance decision, the Authorised Delegate is confirming that the offer:

- will provide a Legitimate Business Benefit to SWTAFE
- does not raise a Conflict of Interest
- will not bring the Recipient, SWTAFE, or the Public Sector into disrepute
- complies with this procedure and policy.

**Table 5: Authorised Delegates**

| Offer Recipient   | Authorised Delegate |                            |
|-------------------|---------------------|----------------------------|
| SWTAFE Employee   | \$50 > \$150        | Relevant Manager           |
|                   | > \$150             | Relevant Executive Manager |
| Manager           | > \$50              | Relevant Executive Manager |
| Executive Manager | > \$50              | CEO                        |
| CEO               | > \$50              | Board Chair                |
| Board Member      | > \$50              | Board Chair                |

Authorised Delegates must review all declared Non-Token offers, and make an approval decision within 10 Days for Non-Token offers proposed to be accepted, and where possible prior to acceptance.

Where there is less than 10 days before an offer event date, Authorised Delegates must make reasonable efforts to provide an approval decision prior to the event date.

### Repeat offers

Receiving multiple offers (token or non-token) from the same person or organisation can generate a stronger perception that the person or organisation could influence you. Individuals should refuse repeat offers from the same source if they create a conflict of interest or may lead to reputational damage.

## PROVIDING GIFTS AND HOSPITALITY

The giving of gifts or floral tributes is appropriate:

- for public relations or as a goodwill presentation to significant visitors
- as a substitute for payment for guest speakers, donors, etc
- on special occasions for staff (these are: retirement or resignation, weddings, death of a partner or child, serious illness)
- as sponsorship for events supported by the organisation
- In exceptional circumstances, floral tributes may also be requested for occasions or accidents outside of this procedure.

When deciding whether to provide gifts, benefits or hospitality or the type of gift, benefit or hospitality to provide, individuals must ensure:

- any gift, benefit or hospitality is provided for a business reason in that it furthers the conduct of official business or other legitimate organisational goals, or promotes and supports government policy objectives and priorities;
- that any costs are proportionate to the benefits obtained for the State, and would be considered reasonable in terms of community expectations (the 'HOST' test at **Table 5** is a good reminder of what to think about in making this assessment); and
- it does not raise an actual, potential or perceived conflict of interest.
- If the cost is non-token then you must declare it where recorded in the Gift Register maintained by Corporate Services.

**Table 6. HOST Test**

|          |                    |   |
|----------|--------------------|---|
| <b>H</b> | <b>Hospitality</b> | <p><b>To whom is the gift or hospitality being provided?</b></p> <p>Will recipients be external business partners, or individuals of the host organisation?</p>   |
| <b>O</b> | <b>Objectives</b>  | <p><b>For what purpose will hospitality be provided?</b></p> <p>Is the hospitality being provided to further the conduct of official business? Will it promote and support government policy objectives and priorities? Will it contribute to staff wellbeing and workplace satisfaction?</p>   |
| <b>S</b> | <b>Spend</b>       | <p><b>Will public funds be spent?</b></p> <p>What type of hospitality will be provided? Will it be modest or expensive, and will alcohol be provided as a courtesy or an indulgence? Will the costs incurred be proportionate to the benefits obtained?</p>   |
| <b>T</b> | <b>Trust</b>       | <p><b>Will public trust be enhanced or diminished?</b></p> <p>Could you publicly explain the rationale for providing the gift or hospitality? Will the event be conducted in a manner which upholds the reputation of the public sector? Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures?</p> |

The Marketing Department maintains a range of designated organisation gifts which can be made available to departments for use as above. The cost will be charged to the department concerned.

**All floral tributes being sent on behalf of the organisation, and funded by the organisation, must be arranged through the Office of the Chief Executive Officer.**

### **Staff Entertainment Expenditure**

The provision of meals or other hospitality is appropriate when entertaining visitors or conducting organisation business including structured staff development activities. Other staff gatherings or social functions should not be funded by the organisation or department funds unless officially authorised in advance by the relevant Executive Manager

The costs of entertainment will be carried by the host department and will be subject to Fringe Benefits Tax (approximately 50% of costs). The staff component of entertainment may be subject to Fringe Benefits Tax in accordance with the Fringe Benefits Tax Assessment Act 1986.

### **Organisation Branding of Social Events**

The use of the organisation's name or logo at a social or entertainment activity (such as marquees at the Races or fundraising events) must be arranged through the Manager, Brand & Strategic Marketing and in accordance with the organisation's various marketing and sponsorship guidelines.

### **Donations and Sponsorships**

The CEO can authorise the donation of organisation funds to another individual or organisation.

Sponsorship of an event or activity must be arranged through the Manager, Student Services and in accordance with the organisation's Sponsorship Policy.

## **BREACH OF GUIDELINE**

If you may have breached this policy notify your manager in writing immediately. This enables us to assess how best to mitigate the risk – for example, we may arrange to return the gift.

SWTAFE will respond to alleged breaches of this guideline consistent with the Act, the code, this guideline and any other obligations that apply.

We will take a graduated approach. Our response will be fair, reasonable and proportionate. In some instances, no action will be taken. In others, we will deal with the matter:

- on an informal basis, for example, through education or counselling
- through a performance management process or similar, or
- if other methods are not appropriate, through a misconduct process.

A finding of misconduct may amount to a breach of the code of conduct. Serious misconduct can result in termination of employment.

Contractors may be subject to contract renegotiation or termination.

If a criminal offence may have occurred, the Victorian or Federal Police may investigate and prosecute.

## **Speak Up**

We encourage you to speak up if you believe a breach of this policy:

- has happened
- is happening
- might be about to happen.

You can do so by notifying your manager, relevant Executive Manager or Executive Manager, Corporate Services or utilizing SWTAFE's Speak Up Service.

Alternatively, if you believe corrupt or improper conduct is occurring, you can make a complaint directly to the Independent Broad-based Anti-corruption Commission (IBAC) or the Victorian Ombudsman.

Sometimes this can occur on a whistle-blower basis as a public interest disclosure

## **REPORTING**

### **Audit, Risk & Compliance Committee**

The Organisation is required to prepare an annual report to the Audit, Risk & Compliance Committee on the administration and quality control of this procedure and policy, processes and register. These reports include an analysis of risks, repeat offers from the same source and offers from business associates and risk mitigation strategies.

### **Public Reporting**

In accordance with the requirements of the Victorian Public Sector Commission's Gifts, Benefits and Hospitality Policy Framework, a gifts, benefits and hospitality register report must be published annually on the Organisation's public website, following the end of the financial year. The published register report covers the current and the previous financial year.

## **MONITORING AND COMPLIANCE**

### **Risk Management Framework**

Responsibility for the policy and procedure compliance and monitoring is based on the Organisation's Risk Management Framework in conjunction with the Organisation's Fraud & Corruption Control Plan. This framework outlines the overarching ownership, accountabilities, and governance for management responsibilities within SWTAFE.

## Audit, Risk and Compliance Committee

In accordance with its Terms of Reference, the Organisation's Audit, Risk and Compliance Committee is responsible for the policy and procedure compliance monitoring and oversight across the Organisation.

## Compliance Attestation

Instruction 3.4 to the *Minister for Finance's Standing Directions 2018* sets out the obligations for the Secretary's annual compliance attestation, which includes adherence to Victorian Public Sector Commission's Gifts, Benefits and Hospitality Policy Framework.

## Speak-Up

SWTAFE employees can raise concerns about non-compliance by using the 'Raising Concerns by Speaking Up' suite of documents located on the staff intranet. They can seek resolution by raising concerns with their manager or manager's manager, seek advice about unprofessional conduct from People & Culture or report to SWTAFE's external Speak Up service.

- Hotline service: 1800 291 017
- Web: [www.talkintegrity.com/swtafe/](http://www.talkintegrity.com/swtafe/)

Non-compliance with this procedure may constitute a breach of:

- *Public Administration Act 2004* in relation to misconduct
- Directors' Code of Conduct under the *Public Administration Act 2004*
- Victorian Public Sector Code of Conduct

In the event of identified non-compliance, managers may proceed with actions in accordance with the Organisation's

The People & Culture Department will report instances of potential non-compliance to Authorised Delegates, to allow them to take actions under the Unacceptable Behaviour guidelines.

Instances of non-compliance may also be reported to SWTAFE's Audit, Risk and Compliance Committee.

## CLARIFICATION OF THIS GUIDELINE

Any staff member who is in doubt about the application of this procedure should seek clarification from the Executive Manager, Corporate Services.

## DEFINITION OF TERMS

|   |   |
|---|---|
| <b>Asset register</b>                         | is 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 the public sector organisation or the State of Victoria should be recorded on the asset register.   |
| <b>Audit, Risk &amp; Compliance Committee</b> | responsibilities usually include assuring the adequacy of the organisation's risk management framework, operational performance of business units, and integrity of management reporting.   |
| <b>Benefits</b>                               | These items include preferential treatment, privileged access, favours or other advantage offered to an individual. They 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. |



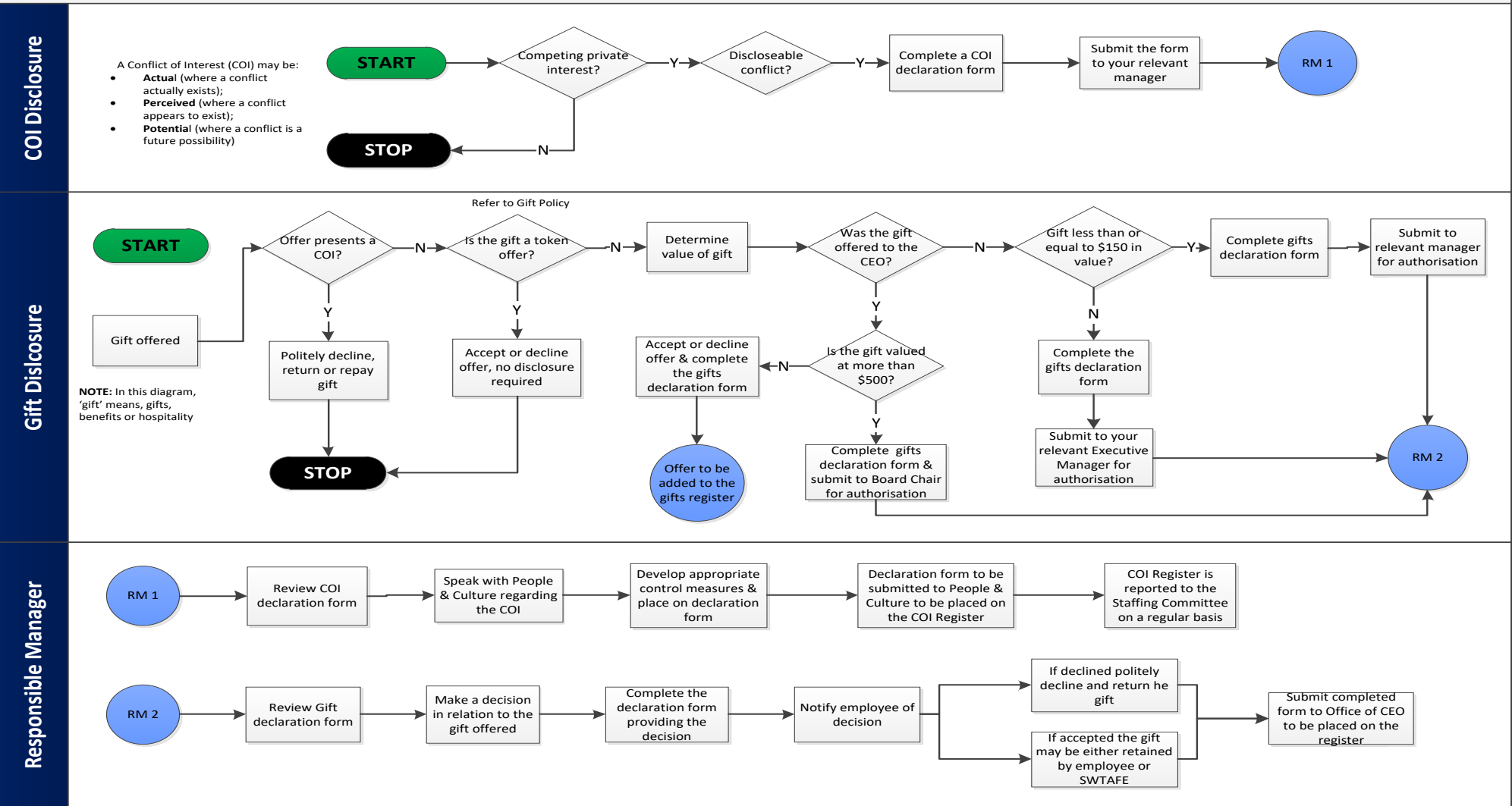
|                                       |  |
|---------------------------------------|--|
| <b>Bribes</b>                         | are money or other inducements given or promised to employees to corruptly influence the performance of their role. Bribery of a public official is an offence punishable by a maximum of ten years imprisonment.  |
| <b>Business Associate</b>             | An individual, group or organisation that our organisation has, or plans to have, a business relationship with or who may seek commercial or other advantage   |
| <b>Ceremonial Gifts</b>               | <p>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.</p> <p>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 Framework. The receipt of ceremonial gifts should be declared in the Register, irrespective of value, but do not need to be published.</p> |
| <b>Conflicts of Interest</b>          | There is a <u>real conflict</u> between an employee's public duties and private interests.   |
| <i>Actual conflict of interest</i>    |  |
| <i>Potential conflict of interest</i> | an employee has private interests that <u>could conflict</u> 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.  |
| <i>Perceived conflict of interest</i> | 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.   |
| <b>Declaration</b>                    | 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.   |
| <b>Employees</b>                      | are the directors, chief executive and all other employees of a public sector organisation.  |
| <b>Gifts</b>                          | <p>Items or services that are free, discounted, or would generally be seen by the public as a gift.</p> <p>The monetary value of a gift is the estimated monetary value of the item if it were not being provided either free or discounted.</p>   |
| <b>Gift of Appreciation</b>           | 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.  |
| <b>Benefits</b>                       | are the preferential treatment, privileged access, favours or other advantage offered to an employee. They 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.   |
| <b>Hospitality</b>                 | is the friendly reception and treatment of guests. It is hospitable to offer light refreshments in the course of a business meeting or as part of a conference program. Hospitality can range from offers of light refreshment at a business meeting to restaurant meals and sponsored travel and accommodation.  |
| <b>Legitimate business benefit</b> | 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.  |
| <b>Public Official</b>             | has the same meaning as under section 4 of the <i>Public Administration Act 2004</i> . This includes: <ul style="list-style-type: none"> <li>• public sector employees;</li> <li>• statutory office holders; and</li> <li>• directors of public entities.</li> </ul>  |
| <b>Register</b>                    | The Organisation-wide record of all declarable gifts, benefits and hospitality.   |
| <b>Token offer</b>                 | is 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.<br><br>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. |
| <b>Non-token offer</b>             | 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 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').  |

**APPENDIX ONE: FLOWCHART**

**FLOWCHART – Conflicts of Interest / Gifts, Benefits and Hospitality Process**

February 2018



**PPP135 Gifts, Benefits and Hospitality Guidelines**

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Uncontrolled once printed. The most recent version of this document is located on SWTAFE's intranet

## APPENDIX TWO: GIFTS, BENEFITS & HOSPITALITY SCENARIOS

### Scenario One

A software provider requests the Organisation to be a referee for an upcoming tender process they are currently apart of with an organisation. The Organisation agrees to be a referring for the software provider. As a thank you XYT PTY Ltd send a \$100 Gift Voucher for the Organisation.

How should this Gift be handled?

#### GHB Process

Utilising the Flowchart above lets work through the steps of identifying whether to accept or decline the offer

**Step One: Does the gift present a Conflict of Interest?** the gift does present an actual conflict of interest, however lets continue working through the flowchart

**Step Two: is the offer a token offer?** No, the gift is a non-token offer as it is worth over \$50

**Step Three: what is the value of the gift?** \$100

**Step Four: Was the gift offered to the CEO?** No

**Step Five: Was the gift over \$150?** No

**Step Six:** As the gift is under \$150, you are required to complete a declaration form and submit to relevant Manager for consideration

**Step Seven:** The relevant Manager must determine whether to accept or decline the prize (gift). Taken into consideration the two key criteria when accepting a gift, the executive manager should decline the gift and return to XYT Pty Ltd. This being due to the following:

- There is no legitimate business reason for providing the gift
- Actual Conflict of Interest between the Organisation and XYT Pty Ltd as the Organisation agreed to be a referee.

Further to this if you refer to section 4.2 'refusing gifts' you will see the context of this gift could be perceived as one of the following:

- likely to influence them, or be perceived to influence them, in the course of their duties or raise an actual, potential or perceived conflict of interest;
- likely to be a bribe or inducement to make a decision or act in a particular way
- of money, or used in a similar way to money, or something easily converted to money

**Gift to be recorded on the Gifts, Benefits and Hospitality Register with the above outcomes**

## Scenario Two

A Manager sends an employee to a conference on the Organisation's behalf. At the conference, the employee put their business card in the competition barrel and won an Ipad, as a lucky door prize. The Ipad has a retail value of \$500

Should the employee declare the gift?

### Correct Action

Utilising the Flowchart above lets work through the steps of identifying whether to accept or decline the offer

**Step One: Does the gift present a Conflict of Interest?** No, at this point there is no identified conflict of interest

**Step Two: is the offer a token offer?** No, due to the prize being an Ipad (> \$50) the gift is considered a Non-token Offer

**Step Three: what is the value of the gift?** Retail value of \$500

**Step Four: Was the gift offered to the CEO?** No

**Step Five: Was the gift over \$150?** Yes

**Step Six:** as the gift is over \$150 a declaration form must be completed and submitted to the employees relevant Executive Manager for consideration

**Step Seven:** The relevant Executive Manager must determine whether to accept or decline the prize (gift). Taken into consideration the two key criteria when accepting a gift:

- **Is there a legitimate business reason for providing the gift?** No this gift is considered a prize
- **Is there a perceived, potential or actual conflict of interest?** Consideration needs to be given to the organisation donating the Ipad as the prize and whether the Organisation would have any COI with this organisation in the course of their operations.

If there is no perceived conflict of interest the Executive Manager can make the final decision for the Organisation to retain the Ipad, accept and allow the employee to retain the Ipad or refuse the prize and return to the organisation.

**Gift to be recorded on the Gifts, Benefits and Hospitality Register with the above outcomes**

## Scenario Three

The Organisation visits a partnering Chinese University for the Graduation Ceremony of those students who completed studies through SWTAFE in China. As a sign of appreciation for attending the ceremony the University present the attending employees a Vase.

Should the employee accept the gift?

### Correct Action

Before commencing the steps for identifying the accepting or declining of the above gift it is important to take into consideration the cultural impact of declining the gift from the Organisation's Chinese counterparts. In these circumstances it would be culturally insensitive to refuse the gift, however you are still required to complete the declaration form and submit to your relevant manager for approval.

The relevant manager will complete the declaration form and provide to the Audit, Risk & Compliance Manager for addition to the Gifts, Benefits and Hospitality Register.

It is also important to note that the value of the gift is irrelevant under these circumstances with all culturally accepted gifts to be registered.

**This gift could be seen to influence his/her actions in future. Whilst it may be culturally insensitive to refuse the gift, the gift should be declared on the gift register, irrespective of estimated value.**

## Scenario Four

A SWTAFE Employee presents a regional conference and as a thank you the organisers present the employee with a bottle of wine and box of chocolates as a thank you.

### Should the employee declare the gift?

#### Correct Action

Utilising the Flowchart above lets work through the steps of identifying whether to accept or decline the offer

**Step One: Does the gift present a Conflict of Interest?** No, at this point there is no identified conflict of interest

**Step Two: is the offer a token offer?** Yes, this would be consider a token/gift of appreciation

**Step Three: what is the value of the gift?** Retail value of \$30

**Step Four: Was the gift offered to the CEO?** No

**Step Five: Was the gift over \$150?** No

**Step Six:** as the gift is under \$150 a declaration form must be completed and submitted to the employees relevant Manager for consideration

**Step Seven:** The relevant Manager must determine whether to accept or decline the gift. Taken into consideration the two key criteria when accepting a gift, the gift may be accepted as it is a gift of appreciation to a staff member for presenting at a conference. There is a legitimate business reason and that is the presenting at the conference and no COI can be identified.

**Gift may be accepted no requirement to register gift.**