

## Gifts and Benefits Policy

Approved by: Chief People Officer

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Next review due date: 14 August 2028

## Acknowledgement of Country

In the spirit of reconciliation, TAFE NSW acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Custodians of Country throughout Australia and their connections to land, sea, and community. We pay our respect to Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples today.

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## Section 1. Purpose

As a public education provider TAFE NSW must ensure that high standards of integrity, accountability, transparency and professionalism are maintained. This helps to maintain the public's trust in our organisation and prevent corruption.

All TAFE NSW employees are NSW public officials. In the course of their official duties, TAFE NSW staff (or in some cases, their families, relations, friends or associates) may be offered gifts or benefits by other persons or organisations, such as customers, students, applicants, suppliers or TAFE NSW partners. This policy provides guidance to staff on how to deal ethically with the offer of gifts and benefits and the process to declare these.

## Section 2. Scope

This policy applies to all staff in relation to the offer of gifts and benefits in the course of their official duties or received in connection with their employment with TAFE NSW. This policy also covers gifts and benefits received by a family member, relation, friend or associate of a staff member, which can be reasonably attributed to the staff member's official duties or association with TAFE NSW.

This policy does not apply to:

- a. staff receiving gifts or benefits from TAFE NSW relating to their employment as part of an official reward and recognition scheme or wellbeing program
- b. travel or accommodation which is paid for by another educational institution for work that is part of normal teaching duties or is the subject of a commercial arrangement with TAFE NSW, or
- c. donations or philanthropic gifts and benefits received by TAFE NSW for the purpose of advancing the provision of technical and further education by TAFE NSW.

## Section 3. Policy requirements

### 3.1 Managing offers of gifts or benefits

Regardless of why gifts and benefits are given, accepting a gift or benefit may create a sense of obligation or conflict of interest that could compromise impartial and honest decision making. Acceptance of any gifts and benefits may also impact the public perception of the integrity and independence of TAFE NSW and its staff. As such, any offer of a gift or benefit must be managed appropriately so you can demonstrate that you are not actually, or perceived to be, influenced in the performance of your duties by the offer of the gift or benefit.

Before accepting a gift or benefit, you must exercise caution and consider the circumstances of the offer of the gift or benefit, including the value and purpose of the gift or benefit being offered.

You must consider the range of perceptions that might apply to a situation regarding the acceptance of a gift or benefit. In particular, offers of gifts or benefits to staff who, because of the nature of their work, are expected to develop strong relationships with external parties, should take particular care to ensure those relationships do not result in preferential treatment or a perception of preferential treatment. For

example, staff working in procurement or other activities that require the purchase of goods / services are the most at risk of corruption allegations regarding the acceptance of gifts and benefits.

### 3.2 Prohibited gifts and benefits

There are certain circumstances where it is never appropriate to accept a gift or benefit given the risk of corrupt or unethical conduct.

You must not do any of the following:

- a. seek or solicit any gift or benefit from anyone
- b. accept any gift or benefit where the giver is involved in a procurement process with TAFE NSW
- c. accept any cash or equivalent such as money orders, gift vouchers, credit / debit cards, prepaid cards, shares, sponsored travel, memberships, loyalty points (e.g., frequent flyer points), use of facilities or discounts on commercial items, regardless of the amount.
- d. accept any gift or benefit offered to you that is intended, or likely, to cause you to act in a certain way, including influencing a decision
- e. accept any gift or benefit that may be perceived as presenting a conflict of interest or compromising TAFE NSW's or your own integrity and impartiality
- f. accept any gift or benefit where there could be a perception that it has been offered as an inducement or incentive to act in a certain way
- g. accept any gift or benefit for a family member, relation, friend or associate that is intended as, or could reasonably be perceived to be, an inducement or incentive to act in a certain way
- h. accept any gift or benefit where you currently, or may in the future, exercise discretion in the making of a decision affecting the giver (such as a decision to purchase products and services, hire persons or confer academic assessments, credits or awards).

If you consider that you have been offered a bribe, or a gift or benefit that is actually or perceived to be unlawful or unethical, the circumstances of the offer must be reported in accordance with the [Public Interest Disclosure \(PID\) Internal Reporting Policy](#).

### 3.3 Conflicts of interest

A conflict of interest exists when a reasonable person might perceive that your personal interests could be favoured over your public duties.

Where an actual or perceived conflict of interest exists in relation to an offer of a gift or benefit, the gift or benefit must be declined and declared in the [Gifts and Benefits Register](#).

### 3.4 Permitted gifts and benefits

As a general rule, and wherever practical, you should not accept any gifts or benefits to avoid compromising situations that may be perceived as corrupt or unethical. However, TAFE NSW recognises that in some instances it may be appropriate to accept a gift or benefit provided it is not a prohibited gift or benefit as outlined in [section 3.2 above](#) and is declared and managed in accordance with [section 3.5 below](#).

Circumstances where it may be appropriate to accept a gift or benefit and which are considered 'low risk', include:

- a. where it may cause cultural offence to decline
- b. the gift was given publicly (e.g. to a guest speaker at a conference or ceremonial event) and to refuse it may cause embarrassment
- c. attending industry events that are part of TAFE NSW's ordinary course of business or your official duties within TAFE NSW
- d. attending educational seminars, conferences and events as part of your professional skills development or official duties within TAFE NSW
- e. token gifts, benefits or hospitality, such as a coffee or a modest meal during a meeting, seminar or working group, or chocolates given by a grateful student.

Circumstances where it may not be appropriate to accept a gift or benefit and which are considered 'high risk', include:

- a. expensive gifts, benefits or hospitality, such as expensive restaurant meals, fine wines or spirits
- b. invitations to corporate boxes or marquees
- c. invitations to lunches, dinners or other events to 'seal the deal' or to celebrate signing of a contract
- d. invitations to functions held in private homes.

### 3.5 Reporting and declaring gifts and benefits

All gifts or benefits with an actual or reasonably estimated value **above \$50** (excluding GST), must be discussed with your direct line manager (or higher-up manager) in the first instance as to whether it is appropriate to be accepted or declined.

Any offer of a prohibited gift or benefit, or any gift or benefit (whether accepted or declined) with an actual or reasonably estimated value **above \$100** (excluding GST), must be discussed with direct line manager or higher-up manager and then declared via the Gifts and Benefits Register within seven days to record the details. This will then be assessed and approved/ rejected by your direct line manager or higher-up manager within 5 business days. Gifts or benefits offered to the Managing Director require notification to and approval by the General Counsel.

As a general rule, all prohibited gifts or benefits must be declined, and any gifts and benefits with an actual or reasonably estimated value above \$100 (excluding GST) should be declined unless there is a compelling and appropriate reason to support acceptance, as determined by the relevant Chief or Executive Director in your reporting line once the declaration of the gift or benefit has been considered.

Where the gift or benefit involves an event with an actual or reasonably estimated value above \$100 (excluding GST), you must declare the offer and receive approval before accepting and attending the event. If an event invitation is last minute, you must still seek approval from your direct line manager (or higher up manager) via email before attending. This must then be declared and recorded in the [Gifts and Benefits Register](#) the following business day.

The table below summarises the action you need to take when you are offered a gift or benefit:

Actual / Estimated Value (excluding GST)	Action
\$50 or less	A gift or benefit can be accepted without being declared and recorded in the Gifts and Benefits Register, unless it is a prohibited gift or benefit outlined in section 3.2 above. Discussion with your direct line manager (or higher up manager) and declaring acceptance is encouraged where practical.
\$50 to \$100	A gift or benefit can be accepted without being declared and recorded in the Gifts and Benefits Register, unless it is a prohibited gift or benefit outlined in section 3.2. Discussion with your direct line manager (or higher up manager) is required and declaring acceptance is encouraged where practical.
Above \$100	All gifts or benefits must be declared and approved by your manager and recorded in the Gifts and Benefits Register. Even if you decline the offer of a gift or benefit, it must be declared and recorded in the <a href="#">Gifts and Benefits Register</a> .

Any received gifts or benefits which are declared and subsequently declined will need to be returned to the giver or surrendered to the Integrity Unit, People Group, where they will become the property of TAFE NSW and subsequently donated to charity or otherwise disposed of.

In considering the value of a gift or benefit, it is the higher of:

- the cost to the giver
- the retail or replacement cost of the gift or benefit
- the value of the gift or benefit to the recipient.

You should also be mindful of the cumulative value of gifts and benefits where there is a series of gifts or benefits offered by a single giver, especially in relation to hospitality. Where there is a series of gifts or benefits offered by a single giver within a 12-month period and the cumulative value is **above \$100** (excluding GST), these must also be declared and recorded in the [Gifts and Benefits Register](#).

### 3.6 Giving of gifts or benefits by TAFE NSW staff

On occasion, TAFE NSW may host an event and/or present a token gift to delegates or dignitaries. Declarations of such gifts or benefits are not required for the purpose of this policy; however, you should ensure all the below:

- a. it is provided for a legitimate business purpose
- b. it can stand up to public scrutiny
- c. the cost of such gift or benefit is reasonable in terms of community expectations and is within your financial delegation and approval limits.

### 3.7 Breach of this policy

A breach of this policy is inconsistent with TAFE NSW's Code of Ethics and Conduct and may result in disciplinary action, which may include termination of employment. Serious breaches such as soliciting or accepting a gift or benefit to influence you in a professional capacity may be considered corrupt conduct under the [Independent Commission Against Corruption Act 1988](#) (NSW) and may also lead to criminal prosecution.

You must report any reasonably suspected breaches of this policy to your direct line manager or higher up manager, People Business Partner or the Integrity Unit via [fraudandcorruptionhotline@tafensw.edu.au](mailto:fraudandcorruptionhotline@tafensw.edu.au), whichever is more appropriate in the circumstances.

## Section 4. Where to get help

If you have any doubt or query regarding the acceptance of a gift or benefit you should contact your manager to discuss the specific situation of any gifts or benefits offered to you. In addition, you can contact the Integrity Unit via [fraudandcorruptionhotline@tafensw.edu.au](mailto:fraudandcorruptionhotline@tafensw.edu.au) for further advice and assistance in relation to this policy.

Additional resources and information include:

- the NSW Independent Commission Against Corruption's (ICAC) Basic Standards and instructional video [Corruption pitfalls: gifts, hospitality and bribes](#)
- the NSW Public Service Commission's [Gifts and Benefits and Hospitality Policy](#).

## Section 5. Responsibilities

Role	Responsibilities
Staff	As a staff member you must comply with this policy and declare all appropriate gifts and benefits.
Manager (and above in your reporting line)	When assessing and approving / declining a gift or benefit, managers must consider this policy, <a href="#">Conflict of Interest Policy</a> and <a href="#">TAFE NSW Code of Conduct</a> .
Chief People Officer	In administering this policy, the Chief People Officer or their delegate: <ul style="list-style-type: none"> <li>- maintains the <a href="#">Gifts and Benefits Register</a> and reviews it on a regular basis to ensure that accepted gifts or benefits meet the requirements of this policy.</li> <li>- provides guidance and assistance to staff, managers, and Senior Leaders on the application of this policy.</li> <li>- periodically analyses the declarations recorded in the <a href="#">Gifts and Benefits Register</a> to identify trends or anomalies in the offer and acceptance of gifts and benefits. This analysis is reported to the TAFE NSW Audit &amp; Risk Committee (ARC).</li> </ul>

Role	Responsibilities
Managing Director	The Managing Director of TAFE NSW has an obligation under the <a href="#">Independent Commission Against Corruption (ICAC) Act 1988</a> (NSW) to inform the ICAC of any matter which they suspect may concern corruption, including bribery.

## Section 6. Governance information

Governance	Details
Legislation, regulations and standards	To the extent applicable, this policy is governed by: <i>Crimes Act 1900</i> (NSW) <i>Government Sector Employment Act 2013</i> (NSW) <i>Government Sector Employment (General) Rules 2014</i> (NSW) <i>Independent Commission Against Corruption (ICAC) Act 1988</i> (NSW) Public Service Commissioner Direction No 1 of 2022 (NSW)
Related documents	<a href="#">TAFE NSW Code of Conduct</a> <a href="#">Public Interest Disclosure (PID) Internal Reporting Policy</a> <a href="#">Public Interest Disclosure (PID) Procedure</a>
Accountable Officer	Chief People Officer
Responsible Officer	Director Workplace Relations
Content Manager number	PROJ21/203
Next review due date	14 August 2028

## Section 7. Definitions

Word	Meaning
Benefit	Any non-tangible item or service of value which is offered to one person or organisation by another, such as but not limited to: <ul style="list-style-type: none"> <li>- entertainment and hospitality, such as restaurant meals or other events to 'celebrate' end of year or completion of a project</li> <li>- sponsored and corporate events such as attending sporting, social and cultural events, conferences, seminars and guest speaker engagements</li> <li>- discounts or free upgrades such as discounts on sporting equipment, free entry to events or shows, or upgrades on flights / accommodation</li> <li>- free or subsidised travel and associated costs.</li> </ul>

Word	Meaning
Gift	Any tangible item or service of value which is offered to one person or organisation by another, such as: <ul style="list-style-type: none"> <li>- cash, gift cards / vouchers or similar</li> <li>- gifts such as alcohol, gift baskets, flowers and other items for special occasions or celebrations</li> <li>- corporate merchandise and promotional products</li> <li>- souvenirs</li> <li>- lucky door prizes / raffles.</li> </ul>
Gifts and Benefits Register	The <a href="#">Gifts and Benefits Register declaration form</a> is used to declare and record gifts and benefits in accordance with this policy. It can be accessed in the TAFE NSW staff portal under HR Services > Compliance Forms.
Prohibited gift or benefit	A gift or benefit that must never be accepted as outlined in <a href="#">section 3.2</a> of this policy.
Staff (you)	All persons working with or on behalf of TAFE NSW or any of its affiliated organisations, including permanent full-time and part-time, temporary full-time and part-time and casual employees, contractors, consultants, volunteers and TAFE NSW board members.

## Section 8. Document history

No.	Effective	Approved by	Amendment
1	4 December 2020	GM Governance Legal & Risk	Comprehensive revision to simplify an employee's obligations and understanding in this important area. Changes remove excessive and low risk administrative burdens and reflect the principles of the established Code of Conduct and Ethical Practices and TAFE Values.
2	8 November 2021	Chief Corporate Services Officer	Minor clarification of categories of gifts and benefits, and to whom this policy applies.
3	25 October 2022	N/A	Updated hyperlink to Statement of Business Ethics (related documents).
4	14 August 2025	Chief People Officer	Comprehensive revision to combine Gifts and Benefits Policy and Gifts and Benefits Procedure (PROJ21/203) into one simplified document, making it easier for employees and people leaders to understand their obligations.