

## Gifts and Benefits Policy

**Written Direction No. WDCSG21201**

Approved by: Chief Corporate Services Officer

Approval Date: 8 November 2021

Effective From: 8 November 2021

### 1. Introduction

Technical and Further Education Commission (TAFE NSW) employees make many decisions that affect individuals and organisations. The community has a right to expect that employees will make decisions that are fair, unbiased, and not affected by self-interest and personal gain.

### 2. Purpose

The aim of this policy is to provide guidelines for dealing with gifts and benefits and establish transparent processes so that the integrity and independence of the individual and TAFE NSW is not compromised.

### 3. Scope

This policy applies to all TAFE NSW employees; contractors; board and committee members; and public officials as defined in section 3 of the *Independent Commission Against Corruption Act (1988)* [hereafter the ICAC or the ICAC Act] as an individual having public official functions or acting in a public official capacity.

The policy does not apply to gifts and benefits provided by TAFE NSW to clients and others external to the Commission as part of a sponsorship and/or partnership agreement.

### 4. Policy

All TAFE NSW employees should engage in values-based behaviour when considering whether a gift or benefit should be accepted, fulfilling their obligations in three main ways:

- a. Seek to actively avoid conflicts of interest and corruption
- b. Refuse, decline and declare inappropriate gifts and benefits
- c. Use sound judgment and model TAFE NSW Values when accepting and declaring gifts and benefits.

#### 4.1 What are Gifts and Benefits?

Gifts and benefits are defined as “any item, service, prize, hospitality or travel, provided by a customer, client, applicant, supplier, potential supplier or external organisation, which has an intrinsic value and/or a value to the recipient, a member of their family, relation, friend or associate” (NSW Public Service Commission [Minimum Standards](#)).

Gifts and benefits can come in many forms including physical, digital, and intellectual, and be given under a variety of acceptable circumstances such as a show of gratitude, courteous hospitality, a token of appreciation, as part of a ceremony, or campaign to strengthen TAFE NSW’s community presence.

Gifts and benefits may however also be given under unacceptable circumstances that could undermine public trust such as to influence an employee or falsely build a relationship with TAFE NSW. These gifts can come in more subtle forms including shares, loans, hospitality, references and favours for family, friends or not for profit associations.

## 4.2 Avoiding Corruption

In assessing whether to accept a gift or benefit it is important for employees to consider the specific risks that relate to their work, as well as the nature and timing of the gift which is offered. Roles and holders of roles that are high profile or involved in areas such as providing a qualification, investigation/compliance, procurement, recruitment, contract management or similar functions may be at greater risk of influence and bribery; those employees may be identified by a senior manager as a '*nominated declarer*'.

## 4.3 Internal Gift Giving

Whilst not specifically covered by this policy, all employees should remain aware of their obligations around corrupt conduct when giving colleagues gifts or benefits and the influence or perceived influence on a public official that any gifts and benefits may infer. Employees are encouraged to observe TAFE NSW Values and consult with their manager where they are unsure of what is acceptable.

## 4.4 Reporting Gifts and Benefits

All TAFE NSW employees are expected to follow the Gifts and Benefits policy and procedure when determining whether a gift or benefit is acceptable and/or should be declared. Senior managers and nominated declarers are expected to model the public service value of integrity and declare *all* gifts and benefits offered, accepted, and declined irrespective of value.

## 4.5 Corporate Gifts of Gratitude

Gifts may be given from the Managing Director to employees, board, or committee members, but this is done sparingly, and only in recognition of significant events or at the conclusion of a board term. Such gifts will be a token of appreciation and used to commemorate the event or milestone and will not exceed a value of \$200. The nature and value of any gift is to be approved by the Managing Director given the specifics of the significant event. Such gifts are to be recorded in the TAFE NSW Gift and Benefits Register by the giver (Managing Director or delegate) at the time the gift is given.

# 5. Responsibilities

Position	Responsibility
All Employees of TAFE NSW	Employees of TAFE NSW are required to comply with the Code of Conduct and Ethical Practices and be professional, open, and transparent when accepting, refusing, declining, and declaring a gift or benefit in line with this policy.

## 6. Definitions

Term	Meaning
Benefit	Similar to a gift in that it is of value to the recipient, but less tangible e.g. meals, accommodation, discounts, free or discounted digital trials, services and subscriptions, seats, membership, access to corporate boxes and VIP areas at sporting or other events, upgrades on flights, new jobs or promotions, preferential treatment, or access to confidential information.
Board/Committee members	Includes all appointed persons to the TAFE NSW Commission Board and/or other committees of TAFE NSW.
Chief Audit Executive	The Chief Audit Executive oversees the management of the Gifts and Benefits Register and associated tasks; escalates any matters of concern to the Responsible and/or Accountable Officer as required.
Conflict of Interest	Real or perceived conflicts of interest exist when it is likely that a staff member could be influenced or could be perceived to be influenced by a personal interest when performing their official function. Conflicts of interest may lead to biased decision making, which may constitute corrupt conduct). A conflict of interest can arise from avoiding personal losses as well as gaining personal advantage – whether pecuniary or private.
Corporate Gift of Gratitude	A gift given from the Managing Director to an employee, board, or committee member in recognition of significant events, such as years of service milestones or at the conclusion of a board term.
Corrupt Conduct	The ICAC defines corrupt conduct as the conduct of any individual, whether public official or not, that adversely affects (or could adversely affect), either directly or indirectly, the honest or impartial exercise of public official functions.
Digital Gifts and Benefits	Include subscriptions and services that equate to a monetary or property exchange including hardware, peripherals, digital access, cloud services, support, training, free trials, software, apps, discounts, tokens, or digital currency.
Gift	Any item, where there is a transfer of money or property, this includes prizes, vouchers, and gift cards or other items that are exchangeable for money or property.
Gifts and Benefits of Gratitude	These are gifts offered to an individual employee or agency in appreciation of a specific task, or for exemplary performance of duties. Gifts or modest meals offered to employees who speak at official functions as part of their duties would also be considered gifts of gratitude.
Nominated Declarer	Any person holding a position specifically identified by a senior manager as being high-risk or attracting greater public scrutiny.
Public Official	Defined in section 3 of the ICAC Act as an individual having public official functions or acting in a public official capacity.
Senior Manager	Persons holding positions as per the TAFE NSW <a href="#">Organisational Leadership Chart</a>

Term	Meaning
Token Gifts and Benefits	Generally, gifts or benefits with a nominal value of \$50.00 or less are considered token and may be accepted on a case-by-case basis providing that it is offered as a one-off gesture of appreciation and not to secure favour or affect the employee's integrity. Token gifts could include flowers or food items such a cake or chocolates, given by a grateful student, or a pen, USB stick or coffee mug provided at a conference. Benefits could include modest and courteous hospitality such a cup of coffee or a light working meal.

## 7. Related documents

This policy should be read in conjunction with the following related documents:

- [Gifts and Benefits Procedure](#)
- TAFE NSW Values
- [Statement of Business Ethics](#)

## 8. Contacts

Accountable Officer	Chief Corporate Services Officer
Responsible Officer	General Manager, Governance, Legal & Risk
Support Person	Corruption Prevention Specialist

## 9. Document information and review

This policy document will be reviewed at least every three years.

Record No. PROJ21/203

Review Due: 8 DECEMBER 2023

### Approval 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 reflects 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 (Section 7, related documents)