

Gifts and Benefits Policy

Written Direction No. WDCSG21201

Approved by: GM, Governance Legal & Risk

Approval Date: 4 December 2020

Effective From: 11 January 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, and public officials as defined in section 3 of the *Independent Commission Against Corruption Act (1988)* [hereafter the 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 department 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, 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. Roles and holders of roles that are high profile or involved in areas such as providing a qualification, investigation/compliance, procurement, 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.

5. Responsibilities

Position	Responsibility
Chief Audit Executive	The Chief Audit Executive is the Approver for this Policy
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
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.

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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.
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.
Token Gifts and Benefits	Generally, gifts 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 a cake or chocolates given by a grateful student, or a pen or coffee mug provided at a conference.
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 offered to employees who speak at official functions as part of their duties would also be considered gifts of gratitude.
Public Official	Defined in section 3 of the ICAC Act as an individual having public official functions or acting in a public official capacity.
Corrupt Conduct	The Independent Commission Against Corruption (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.
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.
Senior Manager	Persons holding positions as per the TAFE NSW Organisational Leadership Chart- as updated https://staff.tafensw.edu.au/documents/2020/04/organisational-chart-leadership-structure.pdf/
Nominated Declarer	Any person holding a position specifically identified by a senior manager as being high-risk or attracting greater public scrutiny.

7. Related documents

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

- a. Gifts and Benefits Procedure
- b. TAFE NSW Values
- c. Statement of Business Ethics

8. Contacts

Accountable Officer Chief Audit Executive
 Written Direction Officer 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: 4 DECEMBER 2023

Approval History

No	Effective	Approved by	Amendment
1	4 December 2020	GM, Governance Legal & Risk	Comprehensive revision to simplify employees 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.