

APPENDIX C FREQUENTLY ASKED QUESTIONS

A. Acceptance of Gifts or Conferences/Presentations Funded by Commercial Organisations

1. When does privately funded air travel constitute a gift?

Occasionally, employees may receive invitations from organisations and individuals to attend meetings, conferences, holiday trips or events, which may involve travelling to another city or country. The travel, whether partly or fully funded by the giver, may or may not be deemed a gift.

For the purpose of the Acceptance and Provision of Gifts policy, the following rules apply to all privately funded air travel:

Air Travel Funded by	Gift Status	Approval Requirements
Commercial organisations including: <ul style="list-style-type: none"> • Non Government Organisations (NGOs); and • Government related trading entities (e.g. Australian Post and Western Power). 	<ul style="list-style-type: none"> • Not a gift - if given to Department/school for official business or educational purposes. • A gift - if given personally to an employee usually for personal/recreational purposes. <p>See examples below.</p>	<p><u>If a gift:</u></p> <ul style="list-style-type: none"> • Complete the Gift Declaration and Registration Form. • if approval is given to accept the gift, complete the Travel Application Form in accordance with the Official Air Travel policy. <p><u>If not a gift:</u></p> <ul style="list-style-type: none"> • Not required to complete the Gift Declaration and Registration Form. • It is reportable. Complete the Conferences/Presentations Funded by Commercial Organisations Form. • Complete the Travel Application Form in accordance with the Official Air Travel policy
Non-commercial organisations E.g. Professional association, trade union and P & C Association.	All travel is considered not a gift regardless of the purpose of travel.	<ul style="list-style-type: none"> • Not required to complete the Gift Declaration and Registration Form. • Must complete the Travel Application Form in accordance with the Official Air Travel policy.
Government departments and government related agencies (excluding government trading entities) E.g. School Sport Western Australia and Australian Curriculum, Assessment and Reporting Authority (ACARA).	All travel is considered not a gift regardless of the purpose of travel.	<ul style="list-style-type: none"> • Not required to complete the Gift Declaration and Registration Form. • Must complete the Travel Application Form in accordance with the Official Air Travel policy.

<p>individuals or a group of individuals</p> <p>E.g. students and parents</p>	<ul style="list-style-type: none"> • Not a gift - if given to Department/school for official business or educational purposes. • A gift - if given personally to an employee usually for recreational purposes. <p>See examples below.</p>	<p>See examples below.</p>
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Examples for travel funded by a commercial organisation:

Where some types of travel are the same in substance, whether funded by a commercial organisation or a non-commercial organisation, they should be treated in the same manner.

- (a) A central office staff member is invited by a private sector organisation to travel to Sydney to talk at an ICT conference for schools, offered an economy class return ticket and accommodation. It ties back to educational outcomes or the ICT division's services.

The travel is not a personal gift, as it is given to the ICT staff member for a business related activity. The ICT staff member nominated to travel is determined by the Divisional Director. However it is reportable for public transparency purposes. It is required to be approved by as per Appendix A and registered as a Conferences/Presentations Funded by Commercial Organisations (Refer Appendix D).

The ICT staff member is required to apply for approval to travel in accordance with the Official Air Travel policy.

- (b) A teacher is given a holiday trip as a token of appreciation from a local commercial organisation.

It is a gift from the commercial organisation. The teacher must:

- complete the Gift Declaration and Registration form; and
- if approval is given to accept the gift, the teacher is **not** required to apply for approval to travel in accordance with the Official Air Travel policy as it is a personal, private trip.

Examples for travel funded by an individual or a group of individuals:

- (c) A school receives a bequest from a benefactor. Under the terms of the bequest, the school is to use some of the money to fund a teacher every year to undertake an overseas professional development course.

The travel is not a personal gift, as it is given to the school for a business related activity. The teacher nominated to travel is determined by a merit selection process.

The teacher is required to apply for approval to travel in accordance with the Official Air Travel policy.

- (d) A teacher is given a holiday trip as a farewell gift from a group of graduating students.

It is a gift from the students. The teacher must:

- complete the Gift Declaration and Registration form; and
 - if approval is given to accept the gift, the teacher is **not** required to apply for approval to travel in accordance with the Official Air Travel policy as it is a personal, private trip.
- (e) A school organises an overseas music tour for their music students. The costs of travel for the teachers are funded by the charges collected from the parents.

It is not a gift, as it is a curriculum related activity and the teachers are required to accompany the students.

The teachers are required to apply for approval to travel in accordance with the Official Air Travel policy.

- (f) A teacher organises a non curriculum related ski trip to New Zealand for a group of students during a term break. The costs of travel are fully funded by the parents.

The trip is recreational in nature and is considered a gift regardless of whether it is sanctioned by the principal or not. The teacher must:

- complete the Gift Declaration and Registration form; and
- if approval is given to accept the gift, the teacher must also apply for approval to travel in accordance with the Official Air Travel policy.

2. A teacher receives a scholarship from a commercial organisation. The scholarship includes an amount for overseas professional development. Is the travel a reportable gift?

No. Even though it is funded by a commercial organisation, it is not a gift because scholarships, grants and other awards are excluded from the Acceptance and Provision of Gifts policy. However, the teacher must complete the Application for Travel form in accordance with the Official Air Travel policy.

3. Is a business lunch hosted by a supplier a gift/benefit?

It will depend on the purpose and what is being provided. If it is a working lunch in which official business is conducted and only light lunch (not lavish) is provided for sustenance, it would not be considered as a benefit.

If the underlying purpose of the business lunch is to provide hospitality and entertainment, which would not normally be provided in a working meal, it would be considered as a benefit, which may have to be declared and registered if the value exceeds \$100.

Following are some examples:

Purpose	What is being provided	Comments
Meeting to discuss some official matters with a contractor.	Light lunch is provided.	This would be considered as a working meal and not a gift.

Invited to attend a two hour workshop by a supplier.	A three course meal is provided and follows by a round of golf after the meal.	Both the meal and a game of golf are considered as a gift. You must declare and register if the value is over \$100.
Invited by a supplier to attend a Christmas lunch or dinner.	A three course meal is provided in a function centre. Also attended by other guests.	The lunch is a benefit. You have to declare and register if the meal is over \$100.
Invited to attend a one day conference by an organisation.	Light lunch is provided. Guests are also invited to an evening dinner and dance after the conference.	The lunch is not a gift but the dinner and dance is considered a reportable benefit if the value exceeds \$100.
Attend the annual WAECSSA conference.	Lunch is provided and a dinner and dance is also held for the attendees. The costs are paid by the school.	As the costs are paid by the school, both meals are not considered as a gift but the dinner and dance may be subject to FBT.
A school ball/graduation dinner attended by teachers.	The costs of the dinner and dance are paid by the students.	Not a gift. Teachers are required to attend to provide a duty of care.

4. An employee wins a prize while attending a conference paid by the Department/school. Is the prize a reportable gift?

Yes, it is a reportable gift if the prize is from a free lucky draw and it has a value of more than \$100. However, if the prize is drawn from a raffle ticket purchased and paid by the employee, it would not be a reportable gift.

If the prize is a trip involving air travel, the rules stipulated in Appendix A of the Acceptance and Provision of Gifts policy for air travel (see question 1 above) would apply.

5. A teacher wins a prize in a science competition. Is the prize a reportable gift?

If the teacher had entered the competition as an employee of the school, the prize would be a reportable gift.

If a competition is open to the general public and an employee had entered the competition privately (i.e. not as an employee of the Department/school), the prize won by the employee would not be a reportable gift.

6. A supplier treats me to a meal occasionally. Is this appropriate?

No, it is not appropriate to accept such invitation nor it is appropriate to accept invitations or gifts given regularly by a supplier.

If it is considered appropriate to accept the first invitation (refer to Appendix B of the Acceptance and Provision of Gifts policy for guidance), any subsequent invitation from the same supplier must be declined if they are given over a short period of time. Multiple gifts given over a period of time from a supplier may indicate a trend and an emerging misconduct risk.

Unless it is a working lunch, receiving two or more invitations from a supplier within a twelve month period would be considered inappropriate.

7. Am I allowed to accept a small gift such as a drinking mug from a supplier?

The important consideration when accepting a gift is the circumstances in which the gift is given and not the value of the gift. It would not be appropriate to accept any gift, regardless of the value, if it gives rise to a potential, perceived or actual conflict of interest (refer to Appendix B of the Acceptance and Provision of Gifts policy for guidance).

8. A software supplier has a service agreement with the Department. A few employees (of different levels) are invited by the supplier to a Christmas lunch in appreciation of the work done by the employees. The employees do not have any discretionary authority in terms of procuring the service. Is it appropriate to accept the invitation?

Employees should be aware that hospitality, entertainment and other gifts from commercial organisations are generally given with the intent to influence a current or future business decision. If an employee has a discretionary authority to procure goods and services, the general rule is the employee must not accept any gifts from businesses or individuals that sell or intend to sell goods and services to the Department/school.

However, in this instance, where the employees do not have any discretionary authority, acceptance of the invitation is unlikely to result in any conflict of interest or give an appearance of impropriety. In addition, it is a common business practice to invite their clients to Christmas lunches.

9. If an employee is invited to attend a conference free of charge in exchange for presenting a paper at a conference, does the employee need to report this as a gift or benefit?

No. The attendance of the conference itself would not be considered as a gift, particularly if the conference is related to his/her employment with the Department/school and there are no other benefits being given.

10. Is it appropriate to accept multiple small gifts from a supplier over a period of time?

Refer to the answer to question 6.

11. A casual light lunch by a supplier turns out to be over \$150.00 each, should this be reported as a gift?

It would depend on the purpose of the lunch (see examples in question 3).

12. Is it acceptable for a staff member to accept a dinner at a community meeting?

Yes, if the staff member is attending the meeting as a representative of the Department/school. Whether it should be declared as a gift or not would depend if other entertainment and benefits are also being provided.

13. If an employee receives a gift with a number of items of different values, do you only declare those items with a value of \$100 or over?

If a gift comprises of a number of items, the combined value of all the items must be included as a single gift.

14. Employees must not accept gifts in the form of money, is it allowable to accept a gift in the form of a gift voucher?

A gift in the form of a voucher such as a store gift voucher is allowable provided it is not readily exchanged for money. Gifts in the form of shares or unit trusts are not allowable, as they can be easily converted to money.

15. If an employee receives free attendance at an IT training seminar, or free software, hardware, accessories and services should these be reported as gifts especially when the value of the item is not known. For example, software promotion events often have free give-aways or complementary items. Is it acceptable to take these items and if yes should they be reported as gifts?

Attendance of the event itself is not a gift if it is related to the employee's work (or professional development). However, if the event also includes hospitality, entertainment, other benefits and give-aways, these would be considered as gifts and they should be declared and registered if the combined value exceeds \$100. If unknown, the value of each item should be based on the actual or estimated market value of the like or similar item.

16. Is it acceptable for employees to pick up free samples from suppliers at a trade fair or an event such as the WAECSSA convention for personal use or school use?

Yes, employees can pick up free samples from suppliers for personal or school use. The free samples would be considered as gifts and must be declared and registered if the total value of the free samples from each supplier exceeds \$100 whether it is for personal or business use.

The free samples are given away by suppliers to promote their products in an open and transparent environment. In such circumstances, an employee is unlikely to be influenced or induced by a supplier or perceived to have acted inappropriately by picking up the free samples.

If the employee has a discretionary authority to make purchases (e.g. a purchasing card holder), the employee may pick up the free samples for testing and that their future purchasing decisions are based on the quality of the products and value for money consideration.

17. If the department hosts a conference which sometimes includes a conference dinner, do staff attending such a function need to report this?

No, this is not a gift. However, the dinner may be subject to FBT.

Note: A gift given to an employee by the Department/school is not required to be declared and registered. Prior approval is required to give gifts to employees.

B. Provision of Gifts

1. The guideline states that giving of gifts to employees for occasions that are deemed to be of a private nature is inappropriate, under what circumstances can we (i.e. cost centres/schools) give gifts to employees?

The policy does not prohibit the giving of gifts to employees. It is a general guideline that gifts should not be given to employees that are deemed to be of a private nature such as a birthday or a Christmas gift. Subject to prior approval and if it is justifiable (i.e. it can stand up to public scrutiny), giving of gifts to employees under certain circumstances is allowable.

2. Is it acceptable for a school to give mugs or pens purchased from school funds to staff members as a farewell gift?

See the answer to question 1 above.

3. Is it acceptable for employees to buy flowers for the family of a sick student from the school fund?

Buying of gifts to students is allowable subject to prior approval. However, buying of gifts for non-employees who have no direct business connection/relationship with the Department/school is not appropriate.

Note: When giving a gift to a non-employee, it must be given in the name of the Department/school.

4. Is it acceptable for the school to buy mugs labelled with the staff members' name for use in the school and for the staff members to take when they leave?

Schools may provide mugs/cups/glasses to staff for their use. However, depending on the costs, providing personalised mugs might seem excessive. The principal would have to determine if it is justifiable to provide personalised mugs and allowed staff to take them when they leave; bearing in mind the mugs are public property.

5. Is it appropriate to give gifts to volunteers for helping the school?

Yes, it is allowable for principals to give gifts to volunteers generally. However, consideration must be given as to the value and amount of voluntary work being performed by the volunteers to justify the giving of gifts. In addition, the value of the gifts must not be excessive.