COO Committee

Meeting Paper

APS Gifts and Benefits Guidance Review

Co-Leads: Marcus Markovic, Deputy Secretary Corporate and Enabling Services Group, Department of Education; Jo Talbot, Acting Deputy Commissioner, Workplace Relations, Integrity and Enabling Services, Australian Public Service Commission

Action required

- Committee to **note** outcomes of the Review of the APS Gifts and Benefits Guidance, including consultation conducted, key strategic issues, and expected release and implementation timeframes.
- Committee to **endorse** draft Guidance at (**Attachment A**) in principle and provide any redline comments by **20 May 2025**.

Purpose of Discussion and Key issues

The purpose of this paper is to advise the Committee of the outcomes of the review of gifts and benefits guidance to APS agencies, employees, agency heads and statutory office holders.

Background

The APSC has reviewed its Gifts and Benefits Guidance in partnership with a Department of Education-led sub-group of the Chief Operating Officers' Committee, and in consultation with a broad range of APS stakeholders.

The review considered the fitness-for-purpose of the policy settings of the current guidance, consulted and developed a new Guidance product and supporting resources for agencies, employees and senior officials regarding the handling of gifts and benefits (including hospitality) offered by external entities to APS individuals in connection with their roles and duties.

As an educative resource, Guidance seeks to communicate to the APS, its stakeholders and the Australian community clear integrity obligations, corruption prevention principles and practical risk-based advice which public servants must consider when handling gifts and benefits offers, to effectively maintain trust and confidence in the integrity of the APS.

Importantly APSC Guidance will now apply to all APS employees, as well as agency heads and statutory office holders in APS agencies. It aims to assist them to meet their ethical and legislative obligations to avoid, disclose and manage conflicts of interest in their roles, not use their status or position to improperly gain a personal benefit, and effectively identify and report potential corrupt conduct from external parties.

In a 2-part structure, the Guidance outlines:

- minimum requirements and better practice expectations for agency policies to ensure effective, transparent and accountable systems and processes are in place to support staff,
    - including a public register template (**Attachment B**) which is strongly recommended for agency use to increase consistency in public reporting and
- risk management principles, behavioural expectations and high-level advice for employees and senior officials.

Recognising the interconnectedness of obligations under both the *Public Service Act 1999* and *Public Governance, Performance and Accountability Act 2013* frameworks, the Guidance provides better practice advice on ethical behaviour for all Commonwealth officials who are subject to duties in the management of public resources, and the corruption investigation and prevention jurisdiction of the National Anti-Corruption Commission.

The Guidance will be accompanied by a non-mandatory Model Policy applying the minimum requirements and providing further drafting advice for agency customisation (**Attachment C**). The Model Policy aims to support agencies to integrate gifts and benefits risk management into broader APS Conflict of Interest Framework implementation and strengthen their integrity maturity according to their functions, responsibilities, operating environment and enterprise risk profile.

Additional information resources will also be published on the APSC website to support the release of the Guidance, including a discussion toolkit for managers and teams, illustrative scenarios and a decision-making flowchart.

Insights and lessons drawn from parliamentary inquiries and the Australian National Audit Office's performance audit reporting have informed the Guidance review and development of new resources. The review took account of community expectations, expected media interest, and other agencies' related projects: the Digital Transformation Agency's major ICT supplier gifts and benefits reporting pilot; the Department of Finance's Review of Australian Government Travel Policies; and the APS Conflict of Interest Management Framework Better Practice Model.

A communications strategy includes an APS-wide campaign through the APSC's channels, and outreach to suppliers and prospective suppliers through Department of Finance channels such as the 'Selling to Government' portal and procurement and contract management professional networks.

Consultation

The draft Guidance and resources were developed following extensive engagement across the APS, in addition to the COO sub-group (see consultation summary at **Attachment D**).

Strategic Issues

Alignment with the PGPA Act Framework and Commonwealth Travel Policy is critical for the success of the Guidance and has steered its development. Successful efforts to embed a cultural understanding of the minimum requirements and awareness of the underlying risk management principles will be dependent on visible championing and modelled behaviour by all senior officials in agencies, including Secretaries and Agency Heads. To this end, the APS Commissioner will directly share the draft Guidance and Model Policy with portfolio department Secretaries prior to the COO Committee meeting to enable any comments they may have to be shared with Committee members.

Timeframes

The APSC will publish and communicate the revised APS Gifts and Benefits Guidance simultaneously or in close sequence with Finance's release of the new Commonwealth Travel Policy, which is expected in late June/early July 2026.

Agencies will be provided with a 6-month implementation period from the publication date to support internal policy and systems uplifts to meet the minimum requirements of the Guidance from January 2027. Corporate reporting against the new requirements (i.e. the quarterly publication of updated agency registers) will be applicable from April 2027.

Cascade note

The Committee was updated on the review of the APS Gifts and Benefits Guidance, including the consultation process and key strategic issues which have informed revised resources. The Committee endorsed the new Guidance in principle, and noted publication will be aligned to the Department of Finance's new Commonwealth Travel Policy.

COO Committee

Official

Attachments

A. Draft APS Gifts and Benefits Guidance
B. Draft Public Register Template
C. Draft Model Policy
D. Consultation Summary

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Australian Government
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Gifts and Benefits Review

Consultation Feedback Summary (April 2026)

1. Purpose

This paper summarises feedback received during direct stakeholder consultations on the draft Gifts and Benefits Guidance and Model Policy. Consultation was conducted by the APSC iteratively in two stages, initially in September 2025 and then in January-March 2026, with a wide range of APS agencies, seeking their views on the policy settings, content and presentation structure of the new resources. Agencies were asked to indicate 'redline issues' and provide general comments.

This paper:

- Outlines the consultation activities
- Provides a snapshot of common themes and key issues identified.

2. Consultation Activities

Stage 1 – September 2025

The APSC completed its first round of consultation in with a very early iteration of the draft Gifts and Benefits Guidance.

Agencies consulted directly in this stage included a sample of agencies not represented on the COO sub-group which had high guidance needs – extra-large agencies, delivery agencies, those with high volumes of engagement with business and individual stakeholders, and those with regular official gift handling requirements.

Feedback from these sessions, along with the views of the Chief Operating Officers' sub-group, was used to shape the 2-part structure of the Guidance (minimum requirements and better practice recommendations for agency polices in Part A and principles-based risk management advice for APS individuals in Part B) and supporting resources - a model policy, a model public register, a manager and team discussion toolkit, and illustrative case studies.

Stage 2 – January-March 2026

The second round of consultation focused on three key channels:

- Revisiting stage 1 stakeholders and gaining their views on substantive changes to content and structure from the previous draft
- Engaging with key integrity agencies to obtain their views on the suitability of the new Guidance and alignment with their statutory oversight functions and remit, and

- Consulting with cross-sector forums, governance bodies and specialist cohorts.

Over the course of this process, the APSC has effectively provided an opportunity for most APS agencies to contribute input or comment. This included reaching into key personnel in portfolio departments responsible for the management of Gifts and Benefits policies and with insights regarding their portfolio agencies, most notably Chief Finance Officers, HR, Risk and Audit teams.

Directly targeted agencies	Integrity Agencies	Committees and Forums
Department of Foreign Affairs and Trade (DFAT) Department of Prime Minister and Cabinet (PM&C) Department of Finance Department of Treasury Department of Defence Digital Transformation Agency Australian Taxation Office (ATO) National Indigenous Australians Agency (NIAA) AusTrade National Disability Insurance Agency (NDIA) Australian Criminal Intelligence Commission (ACIC) Office Of National Intelligence (ONI) Department of Infrastructure, Transport, Regional Development, Communications, Sports and the Arts Department of Home Affairs	Australian National Audit Office (ANAO) National Anti-Corruption Commission (NACC) Office of the Australian Information Commissioner (OAIC) Commonwealth Ombudsman	Chief Financial Officers' Forum Commonwealth Risk Committee APS Consultative Committee Heads of Small Agencies' Forum

3. Feedback Themes

Agencies broadly agree that the draft APSC Gifts and Benefits guidance represents a clear improvement on the existing framework. It is welcomed for its broader coverage of all APS employees and senior officials; its educative, risk-based approach; establishment of minimum systems requirements; and inclusion of a Model Policy to support smaller or less mature agencies.

No agencies have raised fundamental or "red-line" objections; feedback focused on refinement, clarity, and raising agency-specific implementation challenges for the APSC's awareness.

Clarity, Readability and Terminology - Agencies recommended improving readability and clarifying terminology and definitions, making risk assessment advice practical for all levels, and minimising duplicative material. Clarification was also sought on what does *not* constitute a gift or benefit (e.g. routine courtesy exchanges).

Strong Default Policy Position - Several agencies reflected that the guidance should clearly state that declining gifts and benefits is the default position, and that acceptance is not, by implication, permissible where risk factors are absent. Strong, explicit risk avoidance language was suggested for staff in high-risk roles such as procurement, grants, and contract management, recruitment, compliance, regulation, audit and investigation.

Alignment with Finance Frameworks Guidance - Agencies recommended explicit alignment with Resource Management Guidance, especially RMG 206 – Model Accountable Authority Instructions, which has a strong default discouragement of accepting gifts and benefits, and the provision that gifts accepted on behalf of the agency automatically become Commonwealth Property**.** Specific questions were raised about whether the APSC guidance would be equally or more prescriptive than the Model AAIs and if agencies would have discretion to add additional controls or permissions, including on personal retention.

Compliance, Oversight and Auditability - Agencies noted uncertainty about how compliance with minimum requirements will be monitored externally, if at all. ANAO emphasised the need to clearly differentiate mandatory ("must") requirements from better practice ("should"), and ensure the guidance is sufficiently functional for audit purposes. Suggestions also included additional records management advice for retention and access to public registers, improving alignment between internal declaration and public reporting requirements.

Implementation Timeframes - Agencies requested clarity on expected compliance timelines and suggested a reasonable transitional period for agencies to implement changes.

Privacy and Publishing Names – Some agencies questioned whether full public transparency is necessary for appropriate accountability at the senior official level.

Acceptance for 'Reasonable Business Purposes' – Some agencies viewed the term as potentially too broad and open to misuse. Agencies suggested providing further clarity of the definition and illustrative examples of its application and adopting a 'decline as routine practice' and 'over declare' principle to mitigate risk of abuse of the discretion and emphasise transparency and integrity.

Low value items and declaration thresholds - Agencies cautioned that dollar thresholds should not be the driver of organisational systems or individual behaviours. Many agencies indicated their policies already have lower than $100 (including zero dollar) declaration thresholds, and message that low value items can still pose COI risks. Better practice advice on risk assessment and handling of low value items should accompany the retention of any mandatory minimum declaration threshold.