Australian Government
Australian Public Service Commission

Gifts and Benefits

Discussion Toolkit and Case Studies

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Introduction

This discussion toolkit is designed to support managers and teams in the APS with a practical discussion framework and helpful scenarios that illustrate the risks that can arise when they are offered a gift or benefit in the context of their duties by an external entity or individual, and how to best manage such offers.

It's important that all APS employees and senior officials understand that the acceptance of a gift or benefit can give rise to a real or apparent conflict of interest, or more serious integrity and corruption risks such as bribery, abuse of office or breach of public trust.

A conflict of interest exists when a public official or other person has a personal interest, or another duty, that could affect or be affected by how the public official or person performs their public or official functions or duties.

Conflict of interest risks arising from handling gifts and benefits must be avoided where possible, and where they cannot be avoided, they must be effectively managed. All individuals in the APS are bound by legal and ethical obligations through the APS Values and Code of Conduct and other relevant legislative frameworks. Agencies are expected to support staff with clear policies and processes based on robust enterprise risk assessments.

This toolkit should be read in conjunction with your agency gifts and benefits policy, which must have regard to the APSC Gifts and Benefits Guidance.

Key Points to Note

The **APSC's Gifts and Benefits Guidance (Part B)** contains information on risk factors individuals should consider when they have been offered a gift or benefit:

- Prohibited Items
- Conflict of Interest
- Public Benefit vs Personal Gain
- Value
- Seniority

Role of managers

APS managers have an additional responsibility to ensure staff understand their legal and ethical obligations, can access support and advice when they need it, and are held accountable for their decisions and actions which don't meet expectations. When making ethical decisions you are expected to use your own professional judgement and, as a manager, foster ethical decision-making capability in others.

Start with yourself: Being familiar with your own agency's internal gifts and benefits policy, the APSC Gifts and Benefits Guidance, the risk factors to be aware of as an individual and how to assess them, understanding enterprise risk, modelling ethical behaviours and decision-making, and knowing where you can access further advice and support, enables you to perform your role as a manager to foster a pro-integrity culture.

Talk to your team: Start with an initial conversation, then make it a habit. Set clear and consistent expectations at the team and individual levels. Ensuring your team has a shared understanding of what is required or expected in accordance with your agency policy and demonstrating what good ethical practice looks like, gives them confidence to appropriately and professionally handle offers that are made to them, and promotes transparency and accountability.

Regular discussions at the team level can include:

- identifying external entities or individuals the team regularly engages with in connection with its functions – e.g. stakeholders and suppliers – who may offer gifts and benefits
- identifying common types of gifts and benefits that may be offered
- recognizing the common circumstances in which gift and benefit offers may be made
- understanding the context of the offer and why it is being made – there may be multiple reasons
- drawing the connection between an offer and the team's functions or an individual's role
- assessing the conflict of interest risks that may arise and the risk factors to consider
- building individual confidence and setting team expectations to avoid and decline offers professionally while maintaining a stakeholder relationship – i.e. 'this is the way we ethically engage with our stakeholders'
- knowing how to manage accepted gifts and benefits in accordance with agency policy - including how to comply with any approval, declaration, public reporting and recordkeeping requirements in your agency's policy.

Make a record: Teams should document and regularly review procedures for handling common types of offers – especially if they occur outside the workplace or outside business hours – and store them in a central, accessible recordkeeping system.

What to discuss in your team

Identify – Employees should be able to identify types of gift and benefit offers made by stakeholders and suppliers, the circumstances in which they are made, and what the agency policy requires.

Discussion questions with individuals and teams may include:

- What does the agency's policy say about gifts and benefit offers that:
    - must not be accepted in any circumstances?
    - must be declined to avoid a conflict of interest or corruption risk?
    - should be paid for by the agency instead of being accepted by individuals as a gift or benefit?
    - should be accepted for official purposes to avoid adverse relational consequences with a stakeholder?
    - may be accepted but only where there is a clear public interest?

Assess Risk– Employees should be able to assess integrity risk in the moment when they are offered a gift or benefit.

Discussion questions with individuals and teams may include:

- Are there certain types of gifts and benefits which would *always* or *usually* create a corruption, conflict of interest or other integrity risk given team members' roles or duties, or the team's or agency's functions and responsibilities?
- Are there certain stakeholders or suppliers (or cohorts or sectors) whose offers would *always or usually* create a corruption, conflict of interest or other integrity risk for the team?
- Is your agency responsible for regulation or integrity oversight of an entity, cohort or sector of stakeholders, the selection or management of a contract with suppliers or grant recipients, or decision-making about members of the public?
- Does the team undertake [high-conflict risk activities]() as a core function or on a regular basis? Are there high-risk time periods?
- Are members of the team potentially exposed to being offered a corrupting benefit or even an illegal bribe because of the nature of their work or who they interact with?
- What is the level of seniority, or decision-making authority of the members of the team? Are there generally higher risks for some team members because of their position or because they hold a financial delegation or decision-making responsibility?
- Why might an entity/individual offer gifts and benefits to your team? Is the timing relevant? Are they attempting to influence your team's decisions and actions? What would a reasonable observer think?

- Would accepting the offer make you or your team feel obligated to show or increase favour towards the entity/individual in the future? Would the entity/individual have increased expectations in the future if the gift or benefit is accepted?
- Is this type of gift/benefit commonly accepted by employees of a certain classification or role? Is it accepted for defensible reasons? (Take care when looking to the behaviour of others – they may not always be acting ethically or managing risk effectively).
- Is this type of gift/benefit reported on your agency's public register by others who have accepted it (regardless of classification or role)?
- If you accept the gift/benefit are you comfortable with it being reported on your agency's website (including, potentially, your name and position title)?
- How would a reasonable member of the public view a decision to accept the gift or benefit?

Decline or Accept – Employees should understand the circumstances when declining a gift or benefit is required, expected or preferred by your agency, and how to do so. Employees should also know when they *may* be required or permitted to accept an offer for official or public interest reasons. Any decision to accept a gift or benefit should be made in consideration of whether it is in the public interest (including clear benefits to your agency), not the exclusive interest of the individual.

Discussion questions with individuals and teams may include:

- Can the gift or benefit be practically declined or returned?
- If it can, how should it be declined or returned professionally and respectfully as routine practice?
- Is the gift or benefit only relevant to the individual in their personal capacity?
- Should the offer be accepted for public interest reasons? (i.e. as an official gift to the agency, or for a reasonable business purpose permitted by agency policy)
  - What are the potential public interest benefits, if any, of accepting the gift or benefit? Are they robust and defensible?
- What does the agency policy say about handling accepted gifts and benefits?
  - Does the accepted gift or benefit automatically become Commonwealth property?
  - Can it be used, kept or consumed by an individual?
  - If it cannot or should not be personally used, kept or consumed:
    - How must it be displayed or stored?
    - Can it be shared, distributed or re-purposed for the benefit of the agency?

    - Can it be donated, sold, or raffled off to benefit a charity on behalf of the agency?
    - Can it be otherwise disposed of legally and ethically?
- When should employees seek ethical advice and support from you, an alternative manager in your reporting line, the relevant corporate team in your agency or the Ethics Advisory Service?

Declare, Report, and Record – Employees should understand your agency's requirements to declare any accepted gift or benefit to their manager and keep a record. There may also be public reporting requirements, depending on your agency's policy.

Discussion questions with individuals and teams may include:

- Does your agency require all accepted gifts and benefits to be declared internally or is there a declaration value threshold? Is value the only risk factor for declaration? If not, what are some others? Are there higher risks for your team?
- Does the agency policy say team members need a manger or delegate approval *before* accepting a gift and benefit? If it does, who must approve and what is the process?
- Does the agency policy require offers that are not accepted to be declared? If so, do you and the team understand why?
- Declarations should be in writing and kept in central recordkeeping systems – do team members understand these expectations, and the recordkeeping process?
- Your Agency Head, Statutory Office Holders and all SES have mandatory public reporting obligations, but your agency policy may also extend this to all staff – are you and your team aware of your public reporting requirements? Are you familiar with your agency's public register and what is currently on it?
- Offers of bribes and illegal corrupting benefits must be reported immediately to your agency's corporate team – do you and the team understand that reporting process?

Case Studies

This toolkit identifies common gifts and benefit types and circumstances that APS employees can encounter in connection with their work.

The following hypothetical scenarios are provided to give examples of how gifts and benefits offers should be handled (in line with agency policies, which must meet the APSC's minimum requirements) and the range of handling strategies that can be put in place.

Scenario 1 – Hospitality offers from contractors

Bek is an EL2 Director in an agency in the Skills, Jobs, and Mobility Agency working on a project with a contractor, Matt. She often attends meetings with Matt during coffee breaks or lunchtime, and he offers to 'shout' her the occasional coffee or meal as a courtesy. She notes that the offers are all below the agency's declaration value threshold of $100. While she has declined all the offers so far, Matt hasn't 'taken the hint' and stopped offering. She's concerned this might be an integrity risk she now has to manage – although she feels uncomfortable every time he offers, the contract relationship with Matt has months left to run and she doesn't want to seem rude.

Gift or Benefit Offer:

Regular offers of hospitality (meals or beverages) under the agency's declaration threshold from the same entity or individual.

Assess risk

- *Is it reasonably apparent that Matt may expect something in return from Bek or the agency (e.g. a favour or preferable outcome, etc. – for his employer or himself), either now or in the future?*
- *Would accepting the offer occasionally or regularly make Bek feel obligated to show favour towards Matt or his organisation about this project or any future project opportunity?*
- *What would a reasonable member of the public think if Bek began to accept the offer as a one-off, or more regularly?*
- *Is the gift or benefit only relevant to Bek in her personal capacity? If she brought a colleague would the offer be extended to them?*
- *Is continuing to decline the offer likely to harm the contractual relationship?*

What does Bek's agency policy say?

Bek consults her agency's policy and notes that while it specifies that gifts over A$100.00 (GST exclusive) that are accepted must be declared and publicly reported, it does not contain any information on what to do about frequent 'low value' offers from the same entity or individual, or whether contracted personnel should be actively discouraged from making such offers as a matter of good integrity practice.

Seek advice

Bek decides to consult her manager Farouk about Matt’s frequent offers of meals and beverages. Farouk shares Bek’s concern that even though the agency policy might imply acceptance of a low value gift is ‘permitted’, his regular offers of hospitality when it has been consistently declined may impact public perceptions of the project and raise questions about the integrity of the agency’s suppliers.

Decline or accept?

Bek and Farouk decide that she should continue to decline further offers of meals or other hospitality from Matt, but she should now make him aware of his own obligations to act ethically in the performance of his contracted role. The hospitality offers have no benefit to the public or the agency, only to Bek herself. The agency has a contractual relationship with Matt’s employer – regular offers of hospitality, regardless of value, could reasonably be seen as an attempt by Matt (on his employer’s behalf or for his own personal advantage) to cultivate an unbalanced relationship or influence Bek in her role as project lead.

Bek and Farouk also discuss potential strategies to avoid the situation from reoccurring in the future, such as not meeting with the stakeholder during lunch, moving all meetings to the agency’s premises or online, inviting others in the team to always attend, and making it clear to Matt – in a professional and respectful manner—that all APS employees have obligations to avoid the perception of conflict of interest, and he also has obligations under the Supplier Code of Conduct to act ethically in the delivery of services to the Commonwealth.

Transparency and handling actions

Farouk notes that while these offers are not required to be declared in each instance, it is good practice for Bek to report them to him if they continue to occur and he will consider engagement with Matt’s employing entity and further reporting to the agency’s Finance team. Frequent gifting from supplier individuals or entities is something to monitor as it may suggest improper practices elsewhere in the contract relationship. Farouk also suggests the agency’s Finance team strengthen the gifts and benefits policy to add further risk controls covering declaration and handling of multiple ‘low value’ gift offers from the same donor and provide further guidance about interacting with contracted supplier personnel to manage corruption risk.

Scenario 2 – Official Travel

Sophie is an EL1 at the Department of Land, Forests and Seas. Her role requires frequent travel to different parts of the country to work with various groups in remote communities.

She is due to fly home from Brisbane to Hobart and is about to board her flight when she is told that her seat has been upgraded to Business Class. She tells the airline desk that can't accept the upgrade because she's a public servant. The attendant advises that they are overbooked in Economy, and if she declines the upgrade, they will have to put her on the next flight, which is not until the following morning.

Gift or Benefit Offer:

Flight upgrade to a business class seat on a domestic flight for the airline's operational reasons.

Assess risk

- *Is declining the gift or benefit possible or practical in the circumstances?*
- *Is the gift or benefit only relevant to Sophie in her personal capacity or would accepting it be in the public or agency interest?*

What does Sophie's agency policy say?

Sophie is at the airport and is unable to consult her agency's policy. She cannot recall whether there are any specific rules about accepting flight upgrades but remembers that there are restrictions on upgrades in the Commonwealth Travel Policy.

Seek advice

Sophie attempts to ring her manager, but they are currently unavailable and she only has limited time to decide before the flight departs. In these circumstances, Sophie will need to make a judgement call herself.

Decline or accept?

Sophie decides to accept the flight upgrade after considering the impact that declining the upgrade would have on both her and her agency. Waiting until the next flight will possibly incur extra costs to the agency as she may need to arrange emergency accommodation and transport. She also understands that the airline is not making the offer because she is a public servant but for its own operational reasons.

Transparency and handling actions

Once Sophie gets back to the office, she explains the circumstances to her manager, Lex. She also consults the Commonwealth Travel Policy, which indicates flight upgrades must be declined unless that "would adversely affect official business operations, such as being involuntarily removed from a flight". Lex confirms that acceptance was appropriate in these circumstances.

In accordance with her agency's Gifts and Benefits policy, Sophie declares the upgrade in writing to her manager and the Finance team. Under the policy she is not required to publicly report the upgrade on the agency's website as she is not a senior official.

Sophie's experience is a good reminder for everyone in her team to read and understand the agency's Gifts and Benefits Policy and Travel Policy, which contain information about gifts and benefits arising from official travel, including flight upgrades. Employees can be offered gifts and benefits in a variety of circumstances when they are outside the office in connection with their official duties. In the future, Sophie makes sure she familiarises herself with the policy before travel.

Scenario 3 – Official Gifts

Xavier is currently acting as an SESB1 branch manager in the Global Partnerships Agency and is required to attend a Mid-Autumn Festival event at a foreign consulate promoting a program his branch administers. While the branch manager normally attends external engagements having been fully briefed, Xavier is representing the agency last minute. During the event, consular officials present Xavier with a wrapped batch of moon cakes enclosed in a lacquered wooden box.

Xavier is confident he can accept the gift on behalf of his agency as an Official Gift, but he's not sure whether he needs to publicly report it, as the value is uncertain and he is not a substantive SES. He's also not sure how to handle the gift as it is a mix of consumable and non-consumable goods.

Gift or Benefit Offer:

A diplomatic gift of uncertain total value.

Assess risk

- *Would refusal of the gift or benefit cause offense or damage the relationship between the two parties?*
- *Can the gift or benefit be shared, distributed or re-purposed for the benefit of the agency?*
- *Can it be donated, sold or raffled off to benefit a charity on behalf of the agency?*

What does Xavier's agency policy say?

Xavier understands that all accepted gifts must be declared internally in his agency regardless of value. He also understands 'Official Gifts' include diplomatic gifts from international government officials, and they usually have cultural meaning or significance. The policy has rules about Official Gifts remaining on agency premises, on display or appropriately stored, but it does not provide information about handling consumable/perishable goods received as Official Gifts, whether the individual who accepted the gift must publicly report it, or how it should be valued.

Decline or accept?

Xavier accepts the gift as refusal could cause offence or damage intergovernmental relations. Xavier's acceptance of the gift in these circumstances is required practice in the agency. He knows moon cakes are a typical cultural gift and suspects the box has cultural and possibly monetary value.

Transparency and handling actions

Xavier seeks further advice about the box from the agency's Finance Team, who advise that the lacquered box may be quite valuable as well as being culturally significant – apparently it could sell for up to $250 on eBay. They suggest the box be kept on display in a cabinet on the executive level floor and recorded as property of the agency.

Given the mooncakes are perishable food, Xavier decides to share them with his team at an impromptu Mid-Autumn Festival themed morning tea at the office the next day.

Xavier also decides that while the 2 parts of the gift have been handled separately, they should be declared in writing as a single gift item and reported on the public register, with his name and acting SES position listed as the official receiver and a total estimated value of 'approximately A$250.00'(GST exclusive). He suggests that the Finance team amend the agency's policy to be clearer about public reporting of accepted gifts, including Official Gifts, for transparency purposes.

Scenario 4 – Industry Event

Cristiano is an SES B2 in the Department of Planes, Trains and Automobiles. He is frequently asked to attend industry events related to his team's functions delivering public transport initiatives.

One of these events is a live lunch time discussion at the National Press Club organised by Transport 360, a peak body representing the transport industry. Cristiano is invited to be a panel member at the discussion, which is not being televised. As part of the invitation, he has been given one complementary ticket (valued at A$400.00) as well as a further two tickets (discounted at 50%) for other Department staff.

Cristiano is unsure whether to accept this offer, given he may need briefing support, and it will also be worthwhile for at least one other official to attend to strengthen the team's industry networks and understand their priorities and concerns.

Gift or Benefit Offer:

Three tickets (gifted and discounted – A$1200.00 (GST exclusive) total full value) to attend an industry conference.

Assess risk

- *Does your agency make decisions that could affect the entity providing the gift/benefit?*
- *Why is the entity/individual making the offer? Are they attempting to influence your decisions or the decisions of your agency? Could they be perceived by a reasonable observer to be doing so?*
- *Would accepting the offer make you feel obligated to show favour towards the organisation in the future?*
- *How would a reasonable member of the public view your decision to accept the gift or benefit?*

What does Cristiano's agency policy say?

Cristiano notes the total value of the offer is well above the A$100.00 (GST exclusive) declaration threshold and as he is an SES employee he must publicly report all accepted gifts, regardless of value. The Department's policy also makes clear that:

- gifts over the declaration value threshold should be declined as a matter of routine practice
- staff must consider whether accepting a gift or benefit (regardless of value) could give rise to a real or apparent conflict of interest
- where an offer from an industry stakeholder has a potential public interest or agency benefit (instead of benefiting an individual exclusively) such as attending events to foster official networks or better understand industry, staff should first explore whether the Department can pay at cost instead of accepting the offer.

Seek advice

Cristiano consults his Deputy Secretary, Marisa for her views. They agree that a full departmental contingent at this event is a good opportunity to talk about Departmental initiatives with so many key stakeholders in the room. However, the risk of any perceived conflict of interest must be managed appropriately and SES positions have a higher risk profile. They agree in this instance that given Cristiano is a speaker it would be a reasonable business purpose for him to accept complementary hospitality in exchange for his time and expertise, but the Department should always pay for its other officials to attend these sorts of events where there is budget to do so.

Decline or accept?

Cristiano decides to accept the complementary attendance for himself and decline the offer of the 2 additional discounted tickets, and instead pay for them at full price, so that he and two other officials can attend. To maximise the public interest benefit to the agency of their attendance, Cristiano also requests if the Department can provide an information stall in the foyer of the event to promote its program initiatives and professionally network with attendees.

Transparency and handling actions

Cristiano declares and publicly reports his gifted ticket on the agency public register. The *offer* of all 3 tickets are internally declared to the Department's Finance team, centrally recorded and publicly reported with a note that the other officials' attendance tickets were paid for instead. Cristiano's decision to pay for the other tickets at cost is recorded in the usual way as an expenditure decision under his financial delegation.

Scenario 5 – Sports Tickets

Callum is an EL1 in a small agency within the Community and Lifelong Care portfolio. He is responsible for his organisation's marketing and promotions team, including administering sponsorship funding for local events. As part of a recent health initiative, the agency partnered with an advertising firm to promote awareness about health risks associated with vaping. This involved an event at one of the home matches of a major football team, some joint promotional materials and advertising campaign.

As the campaign is coming to an end, the advertising firm offers Callum two box seats to another football match as a 'thank you' for the business. Callum is unsure whether the tickets can be accepted, given his agency still has a contract with the firm.

Callum is worried about public perception if he accepts but notes it's a big match for his favourite football team and tickets are usually too expensive for his household budget.

Gift or Benefit Offer:

Two box seat tickets (valued over A$100.00 each (GST exclusive)) to an upcoming football match.

Assess risk

- *Does the timing of the gift/benefit coincide with any decisions or outcomes under current or future consideration by you or your agency?*
- *Why is the entity making the offer? Are they attempting to influence your decisions or the decisions of your agency? Could they be perceived by a reasonable observer to be doing so?*
- *Would accepting the offer make you feel obligated to show favour towards the organisation in the future?*
- *Would your acceptance of the gift or benefit have the potential to raise questions about your integrity or that of your agency, or diminish public trust in your agency or the APS as a whole?*

What does Callum's agency policy say?

Callum examines his agency policy and notes that as a general principle, staff should not accept gifts from external organisations if they do not align with their official duties. He also notes that while he is not in a senior position, his policy discourages acceptance of gifts by staff in ‘high risk positions’ such as those who engage with suppliers on a regular basis. Callum thinks his role may have a higher risk profile, as he heads up the marketing team and engages with a wide range of external advertising firms as prospective suppliers.

Seek advice

Callum consults his EL2 about the offer and they both confirm that the offer is unrelated to his duties regarding the actual sponsorship contract currently in place. The offer appears to be outside of these arrangements and Callum is not required to be present in his official role. He and his team attended the relevant match at which the agency’ s promotional campaign was launched – attending this match would only be of personal benefit to him as an individual.

Decline or accept?

Callum makes the decision to politely **decline** the sports tickets. Callum documents that acceptance would not be appropriate given attendance at the game is in no way related to his official duties.

Callum considers acceptance could create a perception that the donor is trying to influence him or the Agency and any future decisions about sponsorships or contracts. Given there is a current agreement in place, the advertising agency is a supplier to the Agency and acceptance may constitute a conflict of interest.

Transparency and handling actions

Callum reports the offer and his decision to decline to the relevant area within the Agency. They advise the offer and the fact it was declined will be included on their public register to provide transparency and discourage future offers of this kind.

Scenario 6 – Consumer Goods Discount

Beth is an APS-5 Policy Officer at Wellbeing Australia, a large service delivery agency. She’s at home on the weekend shopping online and looking for a new laptop for personal use. She looks at the website for a well-known electronic goods company and notes that they offer a 10% discount on all goods for ‘government employees’. All she needs to do to obtain the discount is verify her employment by providing her work email address.

Beth is unsure about two things – whether it’s ok to take advantage of what seems like a general discount, and whether she should submit her work email for a private transaction, noting it could lead to receiving spam emails or more serious cyber security risks for her agency.

Gift or Benefit Offer:

A 10% storewide discount on electronic goods based on Beth’s government employment.

What does Beth's agency policy say?

Beth gets to work on Monday and examines her agency policy but notes there is nothing specific about these kinds of commercial discounts. All she can locate is a broad statement about staff not accepting gifts and benefits that have been offered "because of their APS position and official duties".

Seek advice

Beth consults her manager, Javad, who is sceptical that the offer contravenes the agency's policy but is also alarmed by the security risk. He also agrees the policy is unclear.

Assess risk

- *Why is the entity making the offer? Are they attempting to influence your decisions or the decisions of your agency? Could they be perceived by a reasonable observer to be doing so?*
- *Is the gift or benefit only relevant to me in my personal capacity?*
- *What are the potential benefits, if any, to my agency if I accept the gift or benefit?*
- *If accepting the gift/benefit is low-risk, does your agency policy indicate how it should be handled?*

Decline or accept?

Beth decides to avoid the risk of engaging with this offer. While she is not a senior official, the commercial discount is unrelated to her APS role and is arguably so broad that no reasonable person could perceive there is a conflict of interest risk in her accepting it, the security risk is unacceptable in this instance. Disclosing her work email address may result in spam emails from the company, or her address being passed on to a third party for phishing, malware, other malicious intentions.

Transparency and handling actions

Beth is not required to make any declarations, as this offer was not made specifically to her. She does report the offer to both the Finance Team and the Security Team to consider issuing some further guidance in both the gifts and benefits policy and the IT security policy.

Scenario 7 – Token of Appreciation

Vincent works as National Park Ranger for the Department of Flora and Fauna. His work is mostly out in the field, and he is rarely found in his office. His site visit activities include conducting guided tours and other regular engagement and education activities with park users and the wider community.

He is visiting a busy camping site one day on a maintenance round when one of the campers, Martha – who he later learns is a popular travel influencer on social media – strikes up a loud conversation with him about all the work he's done in helping maintain the area over the years, including enforcing the park's overnight/offtrack rules to keep out 'undesirables' with vehicles that might cause harm to the wildlife.

Martha offers him a gift of a wide-brimmed hat as “thanks for all the stuff you legends do”. The hat doesn’t have a logo on it, and he believes it would only be worth A$40.00 at most. But he also realises he’s being filmed by one of Martha’s friends.

Vincent is conscious whatever he does next will be in public view and he is unsure about exactly what to do in the moment.

Gift or Benefit Offer:

A hat valued over A$40.00 (GST exclusive).

What does Vincent’s agency policy say?

Vincent cannot consult his agency policy, as he’s out of the office and does not have access to the system. He remembers something about gifts over A$100.00 needing to be declared but is unsure if there’s anything about handling gifts below this value. He’s also aware that part of his role is to be the public face of this particular national park and he has had some media experience but is not confident interacting on camera in an unscripted way.

Seek advice

As Vincent is by himself, he is unable to consult his manager and can’t give him a quick call. He recalls a conversation in his team about how to handle similar situations while conducting guided tours – cash tips are often offered by foreign tourists which are easy to firmly decline. But this is a trickier situation to navigate. He is concerned that if he accepts this gift while being filmed, it will be posted to Martha’s public profile, and it may be shared more widely that Park Rangers accept gifts when they are on the job. This might also be perceived by Martha or others as a ‘payment’ for performing the permit enforcement aspects of his duties. But if he declines what might seem like a ‘token’ of genuine thanks the wrong way, he risks offending a member of the public who could also generate some negative publicity.

Assess risk

- *What is the relationship between your agency and role and the individual providing the gift?*
- *How would a reasonable member of the public view your decision to accept the gift?*
- *Would your acceptance of the gift or benefit have the potential to raise questions about your integrity or that of your agency, or diminish public trust in your agency or the APS as a whole?*
- *Is the gift or benefit only relevant to me in my personal capacity?*

Decline or accept?

Vincent decides to politely decline the hat, and he looks directly into the friend’s camera and says that he “does not accept gifts because he is a public servant”. He also says, “the best gift is your smiling faces enjoying our beautiful park”. Martha laughs and says “’No worries, Saint Vincent!”

He records this incident when he is back in his office and discusses it with his manager Lisa, who praises his quick thinking in dealing with a tricky public interaction. Lisa notes the agency Gifts and Benefits Policy, which states employees should not accept any gifts or benefits while on duty regardless of value, unless they could be described as cultural gifts offered as part of official engagements with First Nations community members. The policy has a detailed section on offering and accepting cultural gifts which Vincent makes a copy to keep on his phone for future reference, as next time he wants to be ready. Lisa also suggests all her direct reports refresh their understanding of the Social Media Policy and the Conflict of Interest Policy, and she considers developing a protocol about how to engage with social media influencers while on site.

Transparency and handling actions

Vincent's agency does not require centralised declarations of offers that are not accepted, but Vincent keeps a written record of the incident for the benefit of his colleagues.

Scenario 8 – Sponsored Travel

Raymond is currently an SES B1 in the Department of Lifelong Learning and Productivity, and has been asked to present at a 3-day international education conference in Vanuatu in 6 months' time. The conference gathers academics, government representatives and experts from the public and private sectors across the Pacific region. One of the sponsors of the conference is a recent supplier to the Department on a major research project that Raymond has managed. The supplier has offered to pay for all of Raymond's travel costs to attend the conference and deliver the keynote speech about the project.

Gift or Benefit Offer:

Flights, other transport, accommodation, and full conference attendance valued at approximately A$4,000.00 (GST Exclusive) in total.

What does Raymond's agency policy say?

The Department's policy indicates any gifts accepted by an SES employee over the value of A$100.00 (GST exclusive) must be declared internally and reported publicly on the agency's website. The policy does not indicate specifically that offers of sponsored travel must be declined, but it does indicate that 'high-value' offers from suppliers to government present an 'increased risk' of conflict of interest, should be avoided where possible and may need to be reported publicly even if they are not accepted.

Seek advice

Raymond discusses the offer to his manager, Jamila, and asks if he should accept it on the grounds that the Department has committed to promote its successful project outcomes to international government partners and share learnings with its wider network of education stakeholders. Raymond reasons that, since it would be in the Department's interests to send an official to deliver the speech anyway, accepting the offer from the supplier represents an efficient use of the Department's resources by saving the agency substantial travel costs. Jamila sees merit in Raymond attending the conference but something doesn't feel right about this offer. She recalls another division in the Department has recently released a tender for a new education services program and this supplier may be one of the applicants. Jamila says Raymond's decision must be made in line with Department policy. She asks Raymond to seek further information about the supplier's possible tender bid, consult the agency's gifts and benefits policy and obtain risk advice from the Department's Finance Team to make a robust and defensible decision.

Assess risk

- *What is the current relationship between the Department and the supplier?*
    - *Is Raymond's project contract completed or still underway?*
    - *Is the supplier a tenderer for the new program? Are they attempting to influence that procurement or other decisions of the Department? Could they be perceived by a reasonable observer to be doing so?*
- *Is Raymond the right person to attend and present? Does he have any personal conflict of interest?*
- *If the Department paid the full or partial value of the travel costs, would it mitigate the integrity risk? Would it be a proper use of public resources?*
- *What, if any, are the overall potential public interest benefits to the Department if it accepts the offer? What are the potential adverse consequences? Would accepting the offer withstand public scrutiny?*

Decline or accept?

Raymond **declines** the offer of sponsored travel but seeks official approval to present at the conference with all travel and attendance costs paid for by the Department.

The project work under the current contract with the supplier has already been finalised and all payments made. But as Jamila suspected, the supplier has submitted a tender bid for the new program. Even though Raymond is not involved in that tender process, and the supplier is not the conference organiser (only one of the sponsors), and the acceptance of the offer might save the Department significant resources to achieve important business objectives in the public interest, it could still give rise to a reasonable perception that the supplier is attempting to influence the Department's active procurement activity. The Finance Team indicate this is an apparent conflict of interest for the Department that should be avoided.

Jamila confirms in writing that Raymond's attendance at the conference is in line with the Department's broader priorities and the public interest. There are available resources to pay for Raymond's attendance, but to avoid the appearance that he also has a conflict of interest, Jamila will be the expenditure delegate a the SESB2 level. All conference attendance arrangements must be made without any further engagement with the supplier.

Transparency and handling actions

Raymond's declaration of the offer and decision to decline it are both documented in writing. Although the Department's policy does not require public reporting of all declined offers, in these circumstances the Finance team advises Raymond the supplier's offer should be publicly reported on the agency register to provide transparency.

Raymond also advises the manager of the procurement process for the new program about the supplier's offer. They will consider whether any appropriate probity actions are required regarding the supplier's tender bid, in accordance with the Commonwealth Procurement Rules.

Contracted service providers delivering goods and services under a Commonwealth contract either directly or indirectly are within the jurisdiction of the National Anti-Corruption Commission (Commission). Raymond, the Finance Team or anyone else is encouraged to report to the Commission anything they think might be a corruption issue. They may wish to consult the Commission's guide, Conflicts of interest and corrupt conduct: A guide for public officials, fact sheets and guidance on how to make a report.