











## DVA PEOPLE POLICY – ACCEPTANCE OF GIFTS BENEFITS AND SPONSORSHIPS

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**Version Control**

Date of Change	Summary of changes	Reason	Approved by
26/11/2015	Updated Contents page to be consistent with other People Policies, Corrected hyperlink edited terminology	Review	Karen 
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## Introduction

All Department of Veterans' Affairs (DVA) employees are required to uphold and adhere to the Australian Public Service (APS) Values and Employment Principles and the Code of Conduct (the Code) as set out in sections 10 and 13 of the Public Service Act 1999 (the PS Act), and to behave ethically.

This policy describes the standards expected of all DVA employees regarding potential conflicts of interest and how to deal with offers of gifts, benefits and sponsorship in a way that upholds the reputation of DVA and the APS.

## Commitment

DVA will provide policy advice to ensure employees are aware of the values by which DVA and the APS operate, the behaviour expected and responsibilities if offered a gift, benefit or sponsorship.

## Aims

This policy seeks to ensure DVA employees understand:

- The standards of personal behaviour expected
- How to deal with the offer of a gift, benefit or sponsorship in an ethical way
- How to identify and respond to perceived or actual conflicts of interest and the implications of behaviour which may not comply with this policy.

## Principles

DVA employees are expected to exhibit high standards of integrity and professionalism and to act ethically at all times.

Any gift, benefit or sponsorship offered to a DVA employee must be disclosed to an Executive Leadership Group (ELG) member and, if accepted, entered in the Gifts Register CM9 container 1009758 or the sponsorship Register CM9 container 1401235.

## Coverage

This policy applies to:

- All APS employees, including ongoing and non-ongoing employees
- The Secretary
- Statutory office holders employed under an Act and with supervisory responsibilities for APS employees or in another capacity, a day-to-day working relationship with APS employees.

## Legal and other Authorities

- *Public Service Act 1999*



- *Public Governance, Performance and Accountability Act 2013*
- *Criminal Code Act 1995*
- *Public Governance, Performance and Accountability Rule 2014.*

## Roles and Responsibilities

### DVA Responsibilities

Provide clear expectations to all DVA employees when accepting Gifts, Benefits and Sponsorships which may be in the form of:

- Sponsorships
- Acceptance of fees
- Hospitality
- Sponsored travel
- Entertainment, and,

provide clear procedures for all DVA employees when a gift is offered or received.

### Manager responsibilities

- Uphold and demonstrate the APS Values and Code of Conduct
- Promote the requirements of this Policy in their areas of responsibility
- Provide advice to their teams to ensure compliance with this policy.

### Employee responsibilities

- Uphold and demonstrate the APS Values and Code of Conduct
- Ensure that they comply with this Policy.

### Responsibilities of People Services Branch (PSB)

- Provide Managers and employees with advice and interpretation regarding the application of this Policy
- Monitor and review this Policy and supporting material.

## Key Features of the Policy, Practices and Processes

### Gifts and Benefits

The issue of whether a DVA employee should accept a gift, benefit or sponsorship is not always straightforward.

At times, particularly for senior employees, acceptance of offers of entertainment or hospitality can provide valuable opportunities for networking with stakeholders. However, for DVA to carry out its functions fairly, impartially and professionally, and for the public to be confident that it will do so, DVA employees must be able to demonstrate they cannot be improperly influenced in the performance of their duties by offers of gifts or other inducements.

When an employee receives an offer of a gift or benefit, it is important to consider the ethical issues involved and ensure there is an open and transparent discussion within DVA at the appropriate level (i.e. relevant Executive Leadership Group member) about the merits of the offer, taking into account the relationship with the person or organisation making the offer.

The main risk of accepting a gift or benefit is that it may result in an actual or perceived conflict of interest. At the extreme, it could be perceived as a bribe, which is a possible offence under the Criminal Code and a possible breach of the APS Code of Conduct.

When deciding whether to accept a gift or benefit, the reputation of the APS is paramount. A useful test is for employees to consider how they might answer questions about the gift from a parliamentary committee. If it would be embarrassing to raise questions about the appropriateness of behaviour, it would be prudent to decline the offer. In all cases where an employee is uncertain about whether they should accept a gift or benefit, they should discuss the matter with a senior Manager (ELG member) as indicated above.

It is not possible to establish very rigid rules about accepting gifts or benefits, as each situation is contingent on its own circumstances. In some instances, accepting even a minor gift or benefit may be construed as undermining public confidence e.g. when a tender process is under way, or when DVA employees are administering legislation directly affecting the individuals or organisations concerned.

A gift or benefit may include:

- Offers of cash or shares
- Gifts, such as bottles of wine, manufacturer's samples, personal items or lottery tickets
- Promotional materials, including clothing, books or compact discs
- Sponsored travel
- Benefits under loyalty schemes, such as frequent flyer schemes
- Airline competitions prizes
- Meals or other hospitality
- Accommodations and hire care discounts
- Entertainment, such as meals, seats at sporting or theatre events or golf days
- Discounts on commercial items
- Free or discounted places on training and development courses (other than contra-deals associated with the presentation of papers).



Acceptance of gifts or benefits will not usually be appropriate from a person or company if they are:

- Involved in a tender process with DVA either for the procurement of goods and services or sale of assets
- The subject of a decision within the discretionary power of substantial influence of the DVA employee concerned.

Particular care should also be taken if:

- The person or organisation is in a contractual or regulatory relationship with either DVA or the Commonwealth
- The primary purpose of the organisation is to lobby Ministers, Members of Parliament or other agencies.

If a gift or benefit is accepted, even items of sentimental significance without significant value, it is prudent to disclose or register its approximate value. In any event, all gifts or benefits of \$50 or more must be registered in the Gift Register (TRIM container 1009758).

It should not be assumed that gifts of minor value are automatically acceptable. In some circumstances, even token gifts carrying a company's logo can create a perceived conflict of interest. For example, an employee wearing clothing bearing the logo of a particular supplier could send a very inappropriate message to competing organisations.

## Sponsorship

Sponsorship is a form of benefit. Accepting sponsorship for DVA activities should be carefully considered and discussed with an ELG member. The same considerations outlined under Gifts and Benefits must be applied.

Sponsorship below the value of \$50 does not require approval from the relevant ELG member, but is required to be reported by the employee in the Sponsorship Register CM9 container 1401235.

When DVA receives sponsorship in excess of \$50, but below \$500 in value, including relating to the Staff Social Clubs, it is to be subject to approval by the relevant ELG member and is to be reported in the sponsorship Register. Sponsorship over \$500 is subject to the approval of the ELG and must also be reported by the receiving employee in the Sponsorship Register.

Some examples of where sponsorship may occur include: Legacy Golf Day and Social Club activities such as raffles, the Spring Ball and trivia Nights.

## Accepting Fees

Generally, it is expected that DVA employees will not accept outside payment for activities considered part of their normal duties. If an employee is offered a fee to speak at a work-related conference, it may be accepted, providing DVA receives the benefit, not the employee concerned.

## Hospitality

Accepting hospitality is a form of benefit and should also be carefully considered. The same considerations outlined under Gifts and Benefits must be applied.



The *Secretary's Instruction – Official Hospitality* describes the arrangements for providing official hospitality for DVA, identifies circumstances where official hospitality may be justified and lists examples of acceptable expenditure.

## Sponsored Travel

As a general rule, DVA pays for its employees to travel, if necessary, for their official duties.

DVA employees should not accept offers of travel provided or sponsored by private organisations or groups. The acceptance of such travel may lead to the perception that DVA or the employee is favouring the organisation concerned or using their position to gain a benefit.

The following principles regarding sponsored travel should be observed:

- DVA should generally meet the expenses for work undertaken by employees on its behalf
- DVA employees should avoid conflicts of interest or the appearance of such conflicts.

Any offer of sponsored travel or entertainment should be referred to the Secretary for consideration.

If the Secretary considers the acceptance of sponsored travel is in DVA's interest or if there are no practical alternative means of travel or attendance at official expense, DVA may offer to contribute to the costs involved.

The important criterion for consideration is whether DVA or the APS as a whole gains or is seen to gain a benefit by attending the event or opportunity. Careful consideration is essential to avoid giving rise to any perception of a conflict of interest.

Offers of sponsorship by bodies such as inter-governmental or international agencies, another Government or educational institution, not for profit or recognised humanitarian organisation may be acceptable.

Official travel and associated arrangements (accommodation, car rental etc.) should not be used to accumulate bonus points for Frequent Flyer benefits for private purposes. It is Government policy that where an employee has accumulated points which would entitle the obtaining of a benefit, any benefit should not be accepted.

When travelling on official business, employees should not enter competitions or lottery style promotions or other offers by airline companies e.g. by placing boarding passes or business cards in competition containers.

This also applies to the family of an employee if there is a clear link to the employee's official duties.

## Entertainment

Offers of entertainment are often used in private business in relation to business contacts and to improve business relationships. In some instances, accepting an offer of entertainment may improve stakeholder relationships. Attendance at significant events can provide DVA employees with opportunities to make important business connections. There may also be an important representational role for senior employees at such events. However, any offers must be assessed to ensure that accepting the offer would not create an actual or perceived conflict of interest.

On occasions employees are asked to accompany the Minister or a Member of Parliament to a social or entertainment event. The more prominent the event, the more important it is to



be mindful of perceptions. It is very important for employees to uphold the APS Values and particularly at public events. It may be necessary for the employee to pay for the event.

While it may be in DVA or the government's interests for employees to accept invitations to some events, it is not appropriate to accept offers of paid travel or accommodation in relation to their attendance.

If any offers of paid or sponsored travel or accommodation are made, the situation must be referred to the Secretary for consideration. If the Secretary approves the offer, it must be recorded in the Gifts or Sponsorship Register.

For SES employees, the offer should also be recorded and declared in the SES employee's statement of interest as well as the appropriate Register.

## **Procedure to be Followed When a Gift is Offered or Received**

Where an employee is offered a gift or benefit or knows that a gift or benefit will be offered by a person or organisation, the employee should disclose all the facts and circumstances to the relevant ELG member.

The ELG member will consider and decide whether the gift should be accepted or declined by the employee or DVA, taking into account the following:

- The type and significance of the gift or benefit
- The value of the gift and the circumstances under which it is offered
- Whether it gives rise to a conflict of interest or the appearance of a conflict of interest
- The relationship DVA has with the person or organisation offering the gift

Where a gift has already been received, the relevant ELG member will determine whether the gift is to be accepted, declined or returned on behalf of DVA.

## **Register of Gifts**

Where a gift or benefit has been accepted by DVA and has been assessed by the decision-maker to be significant (with a value of \$50 or greater) the circumstances in which the gift was given and its approximate value is to be recorded in the Gifts Register by the recipient. Responsibility for the central DVA register rests with People Services Branch Executive and can be found at CM9 Container 1009758.

Please email [PSB.Exec.Mailbox@dva.gov.au](mailto:PSB.Exec.Mailbox@dva.gov.au) if you have any queries regarding the acceptances of gifts or benefits.

Following the APSC's guidance of 18 October 2019, regarding transparency and consistency, the Department will publish a register of gifts and benefits accepted by the Secretary, Executive, or Statutory Officers, that exceed \$100 (excluding GST) on the Department's website at the end of every financial quarter. This will commence from 31 January 2020 and thereafter be published at the end of March, June, September and December.

Gifts or benefits accepted by the Secretary, Executive, and Statutory officers that meet the criteria should be recorded on the register within 28 days of receipt.



## Disposal of gifts or benefits

Where the relevant decision-maker has determined a gift or benefit can be accepted, the decision-maker can agree that the gift or benefit can be retained by the employee to whom it was given.

Where a gift is determined by the decision-maker to be significant, and is not to be retained by the employee who received the gift, the decision-maker will determine what happens to the gift. The decision-maker may wish to seek advice from the First Assistant Secretary, Business Support. The options for disposal include:

- The gift remains the property of DVA (for display etc)
- Donation of the gift to the Social Club for a raffle or social function
- Donation of the gift to a public or private organisation
- Disposal of the gift in an alternative way that would not offend the giver.

## Bribery and Related Offences

Accepting or offering a benefit which may be defined as a 'bribe' may breach the APS Code of Conduct and could also be a breach of the Criminal Code.

Subsection 141.1(3) (receiving a bribe) of the Criminal Code Act 1995 makes it an offence for a Commonwealth public official to:

- Dishonestly ask for, receive or obtain a benefit or agree to receive or obtain, a benefit for himself, herself or another person with the intention of influencing the duties of the public official or engendering a belief that the duties will be influenced.

Such an offence has a maximum penalty of ten years imprisonment.

In addition, subsection 142.1(3) (receiving a corrupting benefit) of the *Criminal Code Act 1995* makes it an offence for a Commonwealth public official to dishonestly ask for, receive or obtain, or agree to receive or obtain, a benefit for himself, herself or another person where the receipt or expectation of the receipt of that benefit would tend to influence the official or another official in the exercise of the official's duties.

Such an offence has a maximum penalty of five years imprisonment.

Where a DVA employee becomes aware of information which they suspect relates to the bribery of a foreign public official by another employee, the matter should be reported to either an authorised officer, a member of the SES, the Assistant Secretary or any Director in PSB.

If the information relates to a person who is not an APS employee, the matter should be discussed with a senior Manager to determine the most appropriate course of action, including reporting the matter to the Australian Federal Police.

## Related Policies and Processes

- DVA People Policy – Conduct
- DVA People Policy – Declaring Interests and Avoiding and Managing Conflict of Interest
- SI – Official Hospitality

## Evaluation/Review

This policy will be reviewed in July 2021.

## Resources

The following resources are available to assist DVA Managers and employees:

- APS Values and Code of Conduct in practice: [A guide to official conduct for APS employees and agency heads](#)