



Australian Government

Comcare

Tabled Doc #: 5

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## GIFTS AND BENEFITS POLICY

### Scope

1. This policy applies to all Comcare employees, including contractors and sets out the arrangements that apply when a Comcare employee is offered or receives a gift or benefit during their employment, or wishes to present a gift paid for by Comcare.

### Definition

2. 'Gifts and benefits' means the transfer of property received and offered.

### General Principles

3. To ensure ethical standards are adhered to, and to avoid actual or perceived conflict of interest, Comcare employees should **not, wherever possible accept a gift or benefit**. Conflict of interest may be perceived as a bribe, which is an offence under the Criminal Code and a breach of the APS Code of Conduct.
4. Comcare employees **must not** ask for, or encourage, the offer or receipt of any form of gift or benefit in the performance of their official duties. They also **must not** accept gifts or hospitality:
  - in the form of money, gift cards, sponsored travel or accommodation
  - from a person or organisation involved in a tender process with Comcare, either for the procurement of goods and services or sale of assets, and
  - from a person or organisation that is the subject of a decision within the discretionary power or substantial influence on the personnel involved.
5. Only in very exceptional circumstances may it be appropriate to accept a gift or benefit, such as when refusal could cause cultural offence.
6. A gift or benefit should never be accepted from an organisation that's in a contractual or regulatory relationship with the Australian Government (AG) or is in receipt of AG assistance, and if the organisation's primary purpose is to lobby Ministers, Members of Parliament or agencies.

### Receipt and value of gifts and benefits

7. The value of a gift or benefit is to be taken to be the price which would be payable by the public for equivalent goods or services (where this can be determined) or based on a common-sense view of the value.
8. Gifts and benefits valued under \$20 can only be accepted by employees in accordance with the principles of this policy.

9. Accepting a gift valued over \$20 must be approved by the General Manager, preferably prior to acceptance, or as soon as practicable after receipt. General Managers must seek approval from the Chief Executive Officer to accept a gift they are offered.
10. Employees **must** seek approval to accept, use or dispose of the gift or benefit through completing a Gifts and Benefits Record, at **Attachment A**, and provide the form to their General Manager for consideration.
11. If an employee is offered a gift or benefit with the potential intention of influencing the performance of a person's duties, they **must** immediately refer the matter to their General Manager and the Fraud Prevention Officer in the Finance and Assurance section for advice.

## Giving gifts or benefits

12. Comcare employees are required under the APS Code of Conduct to use AG resources in a proper manner.
13. It is acceptable in some circumstances to give gifts or benefits for a person employed under the *Public Service Act 1999* for an authorised purpose, for example a departmental representative offering a gift for delivering a presentation.
14. Provision of a gift or benefit requires approval from a General Manager to ensure the offering is an appropriate use of AG resources.

## Approval, use and disposal of gifts or benefits

15. In approving a proposal to accept a gift or benefit, General Managers must consider:
  - the nature, value and circumstances of the gift or benefit in conjunction with the contents of this policy and determine the most appropriate disposal action.
16. Gifts or benefits accepted either by Comcare, or on behalf of Comcare must be used or disposed of in a manner consistent with the terms documented in the General Manager's approval.

## Further Information

17. Related policies include:
  - Official hospitality
  - Conflict of interest
  - Outside employment and
  - Travel
- Further guidance on the government's policy towards the receipt of gifts is available from the [Australian Public Service Commission website](#).

# ATTACHMENT A

## GIFT AND BENEFITS RECORD

Gift received or offered by Comcare employee	<input type="checkbox"/> Received <input type="checkbox"/> Offered
Name of recipient	
Name of offerer	
Relationship between recipient and offerer (if any)	
Description of gift	
Reason for gift	
Value (estimated)	
Date gift received	
If received: Disposal or use of gift by General Manager's discretion to the <i>Social Club, Charity or for Team/Section distribution.</i>	
General Manager Approval (Please print name)	
Signature	
Date	

