

Acceptance of gifts and benefits policy

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Contents

1. Title	3
2. Introduction	3
3. Scope.....	3
4. Principles.....	3
5. Definition of terms.....	5
6. Definition of responsibilities.....	5
7. References	5
8. Implementation	5

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1. Title

Acceptance of gifts and benefits policy

2. Introduction

The National Museum of Australia (the Museum) is a major cultural institution charged with researching, collecting, preserving and exhibiting historical material of the Australian nation. The Museum focuses on the three interrelated areas of Aboriginal and Torres Strait Islander history and culture, Australia's history and society since European settlement in 1788 and the interaction of people with the environment.

3. Scope

3.1 Description

This policy establishes principles and requirements, including financial thresholds, that must be applied by officials when considering and/or accepting gifts and benefits.

3.2 Purpose

The purpose of this policy is to promote public confidence in the Museum by maintaining the integrity of officials and avoiding perceived or actual conflicts of interest associated with accepting gifts and benefits.

3.3 Rationale

Officials must uphold and promote the APS Values and abide by the APS Code of Conduct.

Acceptance of gifts and benefits by an official may:

- create an actual or perceived conflict of interest
- be contrary to the APS Values and breach the APS Code of Conduct, and/or
- constitute an offence under the Criminal Code (where the gift and benefit is a bribe).

However, it is not uncommon for the offer of minor gifts and benefits to occur in the normal course of conducting business. In some circumstances, refusal to accept such minor gifts and benefits can cause offence and reputational damage.

Establishing principles and rules will assist officials to reduce the likelihood of gifts and benefits being inappropriately accepted.

This policy has been developed to reflect the principles and guidelines established by the Guidance for Agency Heads – Gifts and Benefits, issued by the Australian Public Service Commission (APSC).

4. Principles

Officials should not accept gifts and benefits whenever possible. Where a gift and benefit is accepted by an official, it must be accepted in a manner that is consistent with this policy. Accepting a gift and benefit must not give rise to an actual or perceived conflict of interest.

4.1 What is a gift and benefit?

A gift and benefit is any good or service provided by a client, customer or other associates of the Museum (including past and potential clients, customers or associates) to an official, in the course of that official performing their duties. This includes goods or services provided to close family members of an official, where there is a clear link with the duties of that official.

Examples of gifts and benefits include, but are not limited to:

- cash, currency, shares, financial instrument, or similar financial products, including tips

- hospitality and entertainment, including meals, accommodation, travel and theatre or sporting event tickets
- gifts, or discounts on the purchase, of items including food, wine and clothing
- benefits under loyalty schemes, such as frequent flyer points or lounge memberships.

Expenses incurred by third parties on behalf of the Museum under normal contractual arrangements are not considered gifts and benefits, e.g., travel expenses which are required for an official to perform obligations under a contract.

4.1.1 Principles for specific gifts and benefits

- **Gifts of cash, shares, financial instruments, or similar financial products:** must not be accepted, except in cases where the cash/currency value is both nominal and incidental to the gift (i.e., commemorative coins or similar).
- **Payments from third parties for performing activities considered part of the official's duties (i.e., fee for service):** must not be accepted directly by an official; any such fees must be made payable to the Museum.
- **Official hospitality:** may only be accepted where there is a clear benefit to the Museum and doing so is considered part of performing the official's duties (e.g., attending openings, functions and other business events). Officials must still consider whether accepting any such hospitality, including the nature and value of the hospitality, is consistent with the APS Value and their obligations under the APS Code of Conduct.
- **Payments by third parties for travel for performing activities considered part of the official's duties (other than under normal contractual arrangements):** may only be accepted where there is a clear benefit to the Museum (e.g., representing the Museum by presenting at an academic conference). Where this could lead to a potential or actual conflict of interest (e.g. attending product familiarisation and trade shows, or to conduct negotiations with a potential customer or client), the Museum should meet those expenses. All travel must be approved in accordance with the Museum's Travel policy, including considering the need for the travel to occur.

4.2 Accepting gifts and benefits

Officials must receive permission to accept gifts and benefits, based on the thresholds established in this policy. Permission must only be provided in a manner that is consistent with this policy, and where such permission does not give rise to a real or perceived conflict of interest.

Where possible, permission should be received prior to, rather than after, accepting gifts and benefits.

- For the Director – value is greater than \$20 (excluding GST): must be approved in writing by the Chair of the Museum's Council.
- Value is greater than \$100 (excluding GST): must be approved by the Director, Deputy Director or relevant Assistant Director in writing, and recorded on the Gifts and benefits register.
- Value is between \$20 and \$100 (excluding GST): must be approved by the official's business unit manager, or a Senior Executive Service (SES) officer, in writing and the record of the approval maintained appropriately.
- Value is less than \$20 (excluding GST): officials should exercise judgement and seek approval from their direct supervisor where it is possible that a real or perceived conflict of interest may arise.

Unless otherwise impractical, all gifts and benefits received by officials during the course of performing their duties should become the property of the Museum and either used for the Museum's benefit or disposed of appropriately (e.g., donated to the Museum social club or a charity).

4.3 Gifts and benefits register

The Museum will maintain a gifts and benefits register, with details of all gifts and benefits accepted by all officials that are valued at over \$AUD100.00 (excluding GST). The register will be published on the Museum's website and made available to the Audit, Finance and Risk Committee on a quarterly basis.

The form of the register, and publication requirements, will be as set out in the Guidance for Agency Heads – Gifts and Benefits.

4.4 Definition of terms

Gifts and benefits — see section 4.1

Gifts and benefits register — see section 4.3

Conflict of interest – an interest that could improperly influence, or be seen to improperly influence, an official's decisions or actions in performing their duties

Official – an official of the Museum under Section 13 of the *Public Governance, Performance and Accountability Act 2013*, including all Museum employees, the Museum's Accountable Authority, and Museum volunteers

5. Definition of responsibilities

Audit, Finance and Risk Committee

- provide advice and recommendations on, and monitor compliance with, this policy

Executive Management Group

- approve, and monitor compliance with, this policy

Chief Finance Officer

- implement this policy, including policy review and update

Directorate

- maintain and publish the Gifts and benefits register

Officials

- comply with this policy

6. References

- *Public Service Act 1999*
- *Public Governance, Performance and Accountability Act 2013*
- Guidance for Agency Heads – Gifts and Benefits (APSC)
- APS Values and Code of Conduct (APSC)

7. Implementation

7.1 Coverage

This policy covers all officials of the Museum

7.2 Other related policies

- National Museum of Australia Code of Conduct guidelines and procedures
- Council Instructions
- Travel policy

7.3 Exclusions

- gifts and benefits made in a will, received outside of the course of an official's duties which do not give rise to an actual or perceived conflict of interest, or that form part of an approved assistance program (e.g., disaster recovery relief payments)
- independent contractors: conflict-of-interest principles are applied where appropriate, including in contractual arrangements
- commercial fee for service arrangements where third-party entities provide contractual entitlements, which might otherwise be defined as a gift and benefit, required for the performance of those services

7.4 Superseded policies

This policy supersedes Staff circular SC-007 acceptance of gifts and benefits.

7.5 Monitoring

By AFRC, the Executive Management Group and the Chief Finance Officer.

7.6 Review

This policy will be reviewed every three years, or when required by changes to relevant legislation, regulation or government policy/framework.

This policy is next due for review in October 2025.