



Acceptance of gifts and benefits policy

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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 e.g. for reasons of cultural exchange or diplomacy. 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

- Generally, officials should not accept gifts and benefits in the course of their work.
- Officials must not ask for or encourage the giving of gifts or benefits.
- 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 or benefit must not give rise to an actual or perceived conflict of interest.
- Officials must take particular care not to accept gifts or benefits from an organisation if that organisation is involved in a procurement process with the Museum.

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
- free or reduced cost attendance at training and development courses, conferences and events
- sponsored or discounted travel and accommodation
- personal items
- promotional materials, including clothing, books and digital resources
- gifts, or discounts on the purchase, of items including flowers, food, wine and clothing
- benefits under loyalty schemes, such as frequent flyer points, bonus status credits, flight upgrades or lounge memberships, and
- any benefits afforded as a result of the staff member's position.

Material received as part of the Museum's normal business arrangements are not considered gifts and benefits under this policy. Examples include stock samples for the Museum Shop or discounts offered on Museum supplier rates. Similarly, expenses incurred by third parties on behalf of the Museum under normal contractual arrangements are not considered gifts and benefits, e.g. travel expenses paid to Museum staff members performing obligations under a touring exhibition 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
- **hospitality and entertainment:** may only be accepted where there is a clear benefit to the Museum; there is a genuine business need to accept; and doing so is considered part of performing the official's duties (e.g. attending openings, lunches or dinners, 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 Values and their obligations under the APS Code of Conduct, taking into account the acceptance principles in paragraph 4.2.1. Hospitality that has been (or is intended to be) accepted and that *may give rise to a real or apparent conflict of interest* must be approved and recorded in the register in accordance with this policy.
- **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

4.2.1 Consideration of acceptance

In considering the appropriateness of accepting a gift or benefit, the following questions should be considered:

(a) **Giver:** Who is providing the gift, benefit or hospitality and what is their relationship to me? Does my role require me to undertake procurement and select suppliers, make recruitment decisions or provide historical material on loan etc.? Could the person or organisation benefit from a decision I make?

(b) **Influence:** Is the entity making the offer seeking to gain an advantage or influence my decisions or actions? Has the gift or benefit been offered to me publicly or privately? Is it a courtesy or a token of appreciation or a valuable non-token offer? Does its timing coincide with a decision I am about to make?

(c) **Favour:** Is the entity seeking a favour in return for the gift or benefit? Has the gift or benefit been offered honestly? Has the person or organisation made several offers over the last 12 months? Would accepting it create an expectation or obligation to return a favour?

(d) **Trust:** Would accepting the gift or benefit diminish public trust? How would the public view acceptance of this gift or benefit? How would acceptance be considered by my colleagues or associates?

(e) **Integrity:** Could acceptance of this gift or benefit be seen to impugn the integrity of the Museum or of the person accepting the gift?

4.2.2 Approval process

Officials must receive approval to accept gifts and benefits, based on the thresholds and principles established in this policy. Approval must only be provided in a manner that is consistent with this policy, and where such approval does not give rise to a real conflict of interest and endeavours to avoid a perceived conflict. The approval must outline the basis for acceptance or non-acceptance of the gift or benefit.

Where possible, approval should be received prior to, rather than after, accepting the gift or benefit.

Officials must seek approval from the relevant approver as soon as practicable, as per the table below. Declined gifts must also be declared and recorded (see ‘4.2.7 Declining gifts and benefits’).

| Estimated value | Approver | Requirements |
|---|---|--|
| > \$100 (including GST): | Director Deputy Director Associate Director | Approval in writing Details of gift sent to Governance for recording on the register within 5 business days of accepting or declining the gift or benefit |
| Between \$20 and \$100 (including GST): | Director Deputy Director Associate Director | Approval in writing Details of gift sent to Governance for recording on the register within 5 business |

| | | days of accepting or declining the gift or benefit |
|-----------------------|--|--|
| <\$20 (including GST) | Approval from supervisor where official considers a real or perceived conflict of interest may arise | Approval in writing |

The approval must include:

- a description of the gift/benefit
- the gift/benefit’s estimated current market value (see 4.2.3)
- details of who presented the gift/benefit, and to whom
- when the gift/benefit was presented and the circumstances
- the basis on which the gift/benefit was accepted or not accepted
- identification of any risks associated with accepting a gift/benefit e.g. perception of a conflict of interests
- the name of the approver and
- what will be done with the gift/benefit e.g. donated to social club or a charity and when that action occurred.

Where multiple gifts or benefits from the same party given at roughly the same time may fall below the threshold but together total a value of more than \$20 (including GST), consideration should be given to recording those gifts or benefits on the register, per the above table. The Chair of Council is responsible for approving all gifts received by the Director valued over \$20.

4.2.3 Valuing gifts and benefits

Values attributed to declared gifts, benefits or hospitality should reflect the costs that would have been expended if the Museum had acquired it directly. Where the actual cost is unknown, the use of a publicly available price of a comparable product is appropriate. According to APSC guidance, the value of an official gift is to be assessed on the basis of the:

- wholesale value in the country of origin of the donor of the gift and converted to Australian dollars at the current exchange rate; or
- current market value of the gift in Australia.

4.2.4 Council and Committee members

National Museum of Australia Council and Committee members (‘Members’) are statutory office-holders appointed under the *National Museum of Australia Act 1980*.

Members must:

- declare gifts and benefits received in the course of their Museum duties in accordance with this policy
- declare gifts and benefits received in other capacities that could be seen as giving rise to an actual or perceived conflict with their Museum obligations

- make their declarations as soon as practicable to the Council Secretariat and the Chair
- notify other Council members at the next Council meeting via the declarations of interest standing agenda items.

4.2.5 What should be done with accepted gifts?

All tangible gifts received by officials while performing their duties become the property of the Museum unless permission is given for an official to retain the gift in accordance with this policy. Gifts must be provided to the Director's Office within 5 business days of receiving the gift, or, if the recipient is not in Canberra, within 5 business days of returning to Canberra. Gifts must either be used for the Museum's benefit or disposed of appropriately (e.g., donated to the Museum social club or a charity). Gifts that are not approved for acceptance should be returned to the giver.

- Items considered appropriate to be donated to the social club or a charity are gifts or benefits that can be used
- Items considered appropriate to be retained by the Director's Office are gifts of a cultural significance and are more likely to be displayed, rather than used.

4.2.6 When may gifts be retained by an official after acceptance?

An approver may allow an official to retain or use a gift if it is impractical for the gift to be donated or exceptional circumstances apply. The approver must also be satisfied that there are no actual or perceived conflicts that could arise through retention of the gift. An example of where retention of a gift may be appropriate include gifts of perishables (e.g. food and flowers) or a gift presented to an official on their retirement.

4.2.7 Declining gifts and benefits Officials must notify the relevant approver as soon as practicable of any gifts and benefits that are offered but declined. These will be recorded in the gifts and benefits register, in accordance with the thresholds listed above.

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 \$AUD20.00 (including GST). The register will:

- include all information required by the APSC's Guidance for Agency Heads – Gifts and Benefits
- explain the basis for acceptance or non-acceptance as set out in section 4.2
- explain what has been done with any gifts accepted as set out in section 4.2
- be reviewed by the Museum's Executive team and the Audit, Finance and Risk Committee at least quarterly.

Details of gifts and benefits received that are valued over \$100 will be published on the Museum's website.

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 PGPA Act, including all Museum employees, the Museum’s Accountable Authority and Museum volunteers

5. Definition of responsibilities

Council

- approve and ensure compliance with this policy

Audit, Finance and Risk Committee

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

Executive Management Group

- monitor compliance with this policy

Governance

- implement this policy, including policy review and update
- maintain and publish the Gifts & 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
- NMA Official Hospitality and Business Catering policy

7.3 Exclusions

- gifts of cash or in-kind benefits donated to the Museum under its sponsorship or philanthropy program
- gifts donated to the Museum for inclusion in its collections
- 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 Council, AFRC, the Executive Management Group and the Head, Legal, Executive and Governance.

7.6 Review

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

This policy is next due for review in February 2027.