

s 22(1)(a)(ii)

From: s 22(1)(a)(ii)

Sent: Thursday, 16 March 2023 12:21 PM

To: Colin Thomas <s 47F @qantas.com.au>

Subject: RE: Chairmans Lounge Application - James Chisholm [SEC=OFFICIAL]

OFFICIAL

Many thanks Colin

Kind Regards,

s 22(1)(a)(ii) Executive Assistant to

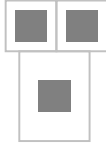
James Chisholm | Deputy Secretary | Net Zero Economy Taskforce

Department of the Prime Minister and Cabinet

s 22(1)(a)(ii)

Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. [s 22\(1\)\(a\)\(ii\)@pmc.gov.au](mailto:s 22(1)(a)(ii)@pmc.gov.au) w. pmc.gov.au



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: Colin Thomas <s 47F@qantas.com.au>

Sent: Thursday, 16 March 2023 10:36 AM

To: [s 22\(1\)\(a\)\(ii\)@pmc.gov.au](mailto:s 22(1)(a)(ii)@pmc.gov.au) <[s 22\(1\)\(a\)\(ii\)@pmc.gov.au](mailto:s 22(1)(a)(ii)@pmc.gov.au)>

Subject: RE: Chairmans Lounge Application - James Chisholm [SEC=OFFICIAL]

Thanks [s 22\(1\)\(a\)\(ii\)@pmc.gov.au](mailto:s 22(1)(a)(ii)@pmc.gov.au) I will start the process today, once I receive James's new Chairmans Lounge card and kit I will make an appointment to hand deliver it to him.

Kind regards Colin

Colin Thomas

Regional Manager ACT

Qantas Airways Limited

Level 1/ 9 Brindabella Circuit

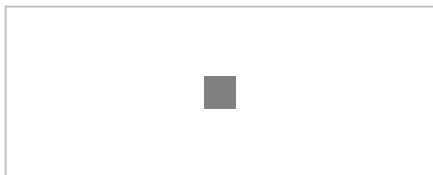
Brindabella Business Park

Canberra International Airport ACT 2609

P. [s 47F](tel:s 47F) ext. [s 47F](tel:s 47F)

M. [s 47F](tel:s 47F)

E. s 47F@qantas.com.au



From: [s 22\(1\)\(a\)\(ii\)@pmc.gov.au](mailto:s 22(1)(a)(ii)@pmc.gov.au) <[s 22\(1\)\(a\)\(ii\)@pmc.gov.au](mailto:s 22(1)(a)(ii)@pmc.gov.au)>

Sent: Wednesday, 15 March 2023 9:15 AM

To: s 47F@qantas.com.au <s 47F@qantas.com.au>

Subject: RE: Chairmans Lounge Application - James Chisholm [SEC=OFFICIAL]

OFFICIAL

Good morning Colin

Many thanks for your email in regards to Mr Chisholm's Chairman's Lounge access – this is greatly appreciated.

I have only just joined James' office, so please excuse the delay in getting this information to you.

Please find attached James' application.

In addition, would it be possible to please be provided the direct phone number for each of the

Chairman's lounges/VIP line?

I have some of the numbers saved from previous Ministerial offices, but would like to ensure James' and I have the most up to date information saved.

Kind Regards,

s 22(1)(a)(ii) Executive Assistant to

James Chisholm | Deputy Secretary | Net Zero Economy Taskforce
Department of the Prime Minister and Cabinet

p. s 22(1)(a)(ii)

Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. s 22(1)(a)(ii) [@pmc.gov.au](mailto:s 22(1)(a)(ii)@pmc.gov.au) w. pmc.gov.au



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From: Colin Thomas <s 47F [@qantas.com.au](mailto:s 47F@qantas.com.au)>

Sent: Monday, 20 February 2023 3:15 PM

To: s 22(1)(a)(ii) s 22(1)(a)(ii) [@pmc.gov.au](mailto:s 22(1)(a)(ii)@pmc.gov.au)>

Subject: FW: Chairmans Lounge Application - James Chisholm

Hi s 22(1)(a)(ii)

Qantas is wishing to provide new Deputy Secretary James Chisholm with access to Qantas Chairmans Lounge are you able to complete and return the attached application form please.

Kind regards Colin

Colin Thomas

Regional Manager ACT

Qantas Airways Limited

Level 1/ 9 Brindabella Circuit

Brindabella Business Park

Canberra International Airport ACT 2609

P. s 47F ext. s 47F

M. s 47F

E. s 47F [@qantas.com.au](mailto:s 47F@qantas.com.au)



s 22(1)(a)(ii)

CHAIRMANS LOUNGE

MEMBERSHIP APPLICANT DETAILS

1	NOMINEE'S PERSONAL INFORMATION
Nominee's Frequent Flyer Number:	s 47F
Nominee's Given Names:	James
Nominee's Family Name: CAPITAL LETTERS:	CHISHOLM
Title: <input checked="" type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Dr <input type="checkbox"/> Other:	Mr
Date of Birth:	s 47F
Mother's Maiden Name:	s 47F
Address (Home):	Address - s 47F For Mailing - s 47F
Address (Business):	1 National Circuit, Barton ACT 2600
E-mail Address:	James.Chisholm@pmc.gov.au
Phone (Hm):	s 47F
Phone (Mob):	s 47F
Phone (Bus):	N/a
Position in Company / Organisation:	Deputy Secretary
Company / Organisation:	The Department of the Prime Minister and Cabinet
INTERESTS: (AFL-specify club, Theatre, Rugby, Arts)	
2	SALUTATIONS (Mandatory)
Title:	Mr
Salutation:	N/a
Post Nominals:	N/a
Name to be shown on Card:	James Chisholm
3	NOMINEE'S PERSONAL ASSISTANT
Personal Assistant's Given & Family Name:	s 22(1)(a)(ii)
Title: <input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Dr <input type="checkbox"/> Other:	Miss
E-mail Address:	s 22(1)(a)(ii) @pmc.gov.au
Telephone (Business):	s 22(1)(a)(ii)
4	DETAILS OF PREVIOUS/OUTGOING INCUMBENT OF ABOVE CHAIRMANS LOUNGE POSITION
Title: <input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> Dr <input type="checkbox"/> Other:	Nil applicable
Chairmans Lounge Number	
New Department/Organisation	
New Position	
E-mail Address:	
Telephone (Business):	

From: [Chisholm, James](#)
To: [Colin Thomas](#)
Subject: 4:00PM MEETING | Colin Thomas - Qantas & James Chisholm [SEC=OFFICIAL]
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image005.png](#)

The Department of the Prime Minister and Cabinet looks forward to meeting with you on Tuesday, 4 April 2023 at 4:00PM.

PM&C is located on Level 2, 10 National Circuit, Barton, ACT - please note this is not the main PM&C Building. Upon arrival at 10 National Circuit, please proceed up the lift to Level 2, I will meet you in the foyer and sign you in as a visitor.

Please do not hesitate to reach out to discuss.

Kind Regards,

s 22(1)(a) Executive Assistant to

James Chisholm | Deputy Secretary | Net Zero Economy Taskforce

Department of the Prime Minister and Cabinet

p. **s 22(1)(a)** | m. +**s 22(1)(a)**

Ngannawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

e. **s 22(1)(a)** @pmc.gov.au <mailto:**s 22(1)(a)**@pmc.gov.au> w. pmc.gov.au <https://www.pmc.gov.au/>

<https://twitter.com/pmc_gov_au> <https://www.linkedin.com/company/department-of-the-prime-minister-and-cabinet>

The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: [Colin Thomas](#)
To: [Chisholm, James](#)
Subject: Accepted: 4:00PM MEETING | Colin Thomas - Qantas & James Chisholm [SEC=OFFICIAL]

***** PLEASE CONSIDER OUR ENVIRONMENT BEFORE PRINTING *****
***** Confidentiality and Privilege Notice *****

This e-mail is intended only to be read or used by the addressee. It is confidential and may contain legally privileged information. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone, and you should destroy this message and kindly notify the sender by reply e-mail. Confidentiality and legal privilege are not waived or lost by reason of mistaken delivery to you.

Qantas Airways Limited
ABN 16 009 661 901
Visit Qantas online at <http://qantas.com>

From: [Help - Financial Governance](#)
To: [s 22\(1\)\(a\)\(ii\)](#) [s 22\(1\)](#) ; [SES Unit](#)
Cc: [Help - Financial Governance](#); [s 22\(1\)](#) [Cooper, Karyn](#)
Subject: Actioned SES3 (James Chisholm). Chairman Lounge Declaration of gifts [SEC=OFFICIAL]
Date: Wednesday, 24 May 2023 4:03:27 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.png](#)
[image005.jpg](#)
[image007.jpg](#)
[image008.png](#)

OFFICIAL OFFICIAL

Hello all,

In general terms, all gifts received by officials of PM&C need to be declared and approved. If they are valued at over \$100 they need to be reported and approved through an [FMCS](#) application. Gifts valued at over \$100 (or more) are also reported on our external web on a quarterly basis and 'giftors' need to be made aware of such. If a gift is valued at under \$100 an officials manager needs to be advised of the gift and this can be outside an FMCS application. The PM&C gift [policy](#) provides guidance in this regard.

More broadly, in relation to accepting gifts, officials must uphold and promote the APS Values and Employment Principles and abide by the Code. In doing so, the acceptance and declaration of gifts and benefits must be considered in the context of:

- impartiality;
- accountability;
- ethical conduct;
- behaving honestly and with integrity;
- avoiding any conflict of interest; and
- not improperly using the officials duties, status, power or authority to gain, or seek to gain, a benefit or an advantage.

In relation to the Chairman's Lounge membership, we realise there isn't a value we can readily assign to the membership offer but a senior PM&C official is receiving a benefit. As we understand it, the membership offer to the lounge is by invitation only and only select individuals are likely to receive such offers. Accordingly, given the nature of the gift from Qantas we highly recommend from an integrity perspective, that the lounge membership gift (if to be accepted), be approved/recorded through an FMCS application. This would ensure transparency/accountability with a supporting record declared on our official register (FMCS).

Please note that approval from a delegate should precede acceptance of a gift. The policy at para 12 states:

The online Gifts and Benefits Form should be used to seek authorisation for all consequential gifts or benefits (above \$100). Two approvals are required:

- 1) Authorisation for the gift or benefit to be accepted (becomes Commonwealth property upon acceptance); and
- 2) Authorisation for the gift or benefit to be retained by the person offered the gift, should they wish.

David Williamson will approve the gift for the SES3 in question (via FMCS).

Please let me know if you need any further guidance or advice.

Kin regards,

s 22(1)(a)(ii)

Financial Governance Team

Financial Governance | Finance Branch

Department of the Prime Minister & Cabinet

Phone s 22(1)(a)

Help-FinancialGovernance@pmc.gov.au

cid:image001.jpg@01D30607.7B671FD0



From: SES Unit <SESUnit@pmc.gov.au>

Sent: Monday, 22 May 2023 1:35 PM

To: s 22(1)(a)(ii) <s 22(1)(a)(ii)@pmc.gov.au>; Help - Financial Governance <Help-FinancialGovernance@pmc.gov.au>

Cc: s 22(1)(a) <s 22(1)(a)@pmc.gov.au>; SES Unit <SESUnit@pmc.gov.au>

Subject: RE: Declaration of gifts [SEC=OFFICIAL]

OFFICIAL

Good afternoon s 22(1)(ii)

There is some information on the intranet about [gifts and benefits](#), however I note it doesn't cover airline lounge memberships.

Financial Governance team – are you able to provide some guidance on this?

Regards,

s 22(1)(a)(ii)

Assistant Director

SES Unit | People Branch

Department of the Prime Minister and Cabinet

p. s 22(1)(a)(ii) | m. s 22(1)(a)(ii)

**** I work Monday to Thursday**



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

From: s 22(1)(a)(ii) <s 22(1)(a)(ii)@pmc.gov.au>

Sent: Monday, 22 May 2023 9:22 AM
To: SES Unit <SESUnit@pmc.gov.au>
Cc: s 22(1)(a)(ii) <s 22(1)(a) @pmc.gov.au>
Subject: Declaration of gifts [SEC=OFFICIAL]

OFFICIAL

Hi team

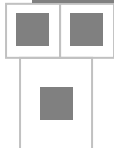
Seeking advice on declaration of gifts please?

For context, James was gifted Qantas Chairman's lounge membership.

Any advice is appreciated.

Kind Regards,

s 22(1)(a)(ii) Executive Assistant to
James Chisholm | Deputy Secretary | Net Zero Economy Taskforce
Department of the Prime Minister and Cabinet
p. s 22(1)(a)(ii) | m. s 22(1)(a)(ii)
Ngunnawal Country, One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600
e. s 22(1)(a)(ii) @pmc.gov.au w. pmc.gov.au



The Department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

Disclosure of Gifts/Benefits offered by External Parties

Please note as per the PM&C Gifts Policy;

"All gifts and benefits valued at \$100 or more will be recorded in the PM&C Gifts and Benefits Register, including those that have been accepted but not retained. Gifts and benefits that have been declined before receipt do not have to be recorded."

You are required to declare all occasions when you are offered a gift or benefit that you are awaiting for the 'approval' from the delegate or receive a gift or a benefit in the course of your work for the Commonwealth, except when the gift/benefit may be considered inconsequential if its value is less than \$100.

In accordance with the [APSC Gifts and Benefits Guidance](#) October 2019;

- this form (register) must be submitted and finalised within 28 days of receiving a gift or benefit. The only exception is if the gift/benefit is considered inconsequential;
- the register will start to be published on the department's website by 31 January 2020.
- the register will be updated quarterly; and
- **you must advise the 'giver' of the gift or benefit that their information may be published on the register. You will need to upload a copy of this advice with this form. This is to ensure compliance with the Privacy Act 1988. The only exception is if the gift/benefit is considered inconsequential.**

A monetary limit of \$100 may not be the sole determinant, in all cases, as to whether a gift is trivial or inconsequential. Before accepting the gift you should also consider:

- the particular circumstances surrounding the acceptance of the gift;
- whether the gift is received regularly;
- whether the monetary value is disputable; or
- whether inexpensive gifts carrying a name or logo of a supplier could give the appearance of a conflict of interest.

Please complete all the relevant fields in this disclosure, select your approver, and then click on the "Submit" button to lodge your declaration.

For assistance in helping you make a decision about your gift please refer to; ['The Receiving Gifts and Benefits Decision Workflow'](#) 'The Receiving Gifts and Benefits Decision Workflow'

Fringe Benefit Tax (FBT)

Please note that there may be FBT implications if you accept a gift and or benefit for further advice in relation to FBT please contact [s 47E\(d\)](#) [@pmc.gov.au](#)

Approval of Accepting and or Retaining a Gift or Benefit or Sponsorship

Please refer to the Quick Reference Guide: [Receiving Gifts and Benefits](#)

* The Delegate needs to advise if a co-payment is required for gifts equal to and or greater than \$500. Co-payment amount is the gap between \$500 and the value of the gift.

Identifier 184

Outcome: Accept – Used for official purpose

COMPLETE

Application Type (required)

- ☒ Gift/Benefit offered/received from an External Party
- ☐ Gift/Benefit given on behalf of Department of the Prime Minister & Cabinet
- ☐ Gift/Benefit given on behalf of Australia


Additional Contacts

Add people here who have an interest in this application but who are not directly linked to the application. People listed here will also be able to access this application and receive notifications.

 No contacts.

Recipient Details

Recipient (required)

James CHISHOLM [s 47F](#) [james.chisholm@pmc.gov.au](#) 

Level (required)

SESB3

Organisation Unit 3) ...Economy, Industry and Resilience Group / Net Zero taskforce (inactive)

Gift/Benefit Provider Details

Entity type (required) ☒ Organisation ☐ Individual

Organisation name (required) QANTAS AIRWAYS LIMITED

ABN Leave blank if not known 16009661901

Contact name (required) Colin Thomas

Phone number Leave blank if not known

s 47F

Email address Leave blank if not known s 47F @qantas.com.au

Country (required) Australia

Relationship to recipient (required) ☐ Current Supplier ☐ Mentor or Mentoring ☐ Prospective Supplier ☒ Other ☐ Customer

Other details 3) Customer relations manager

Gift/Benefit Details

Offer status (required) ☐ Offer declined by recipient. ☐ Offered only, gift/benefit has not been received. Decision pending outcome of this application. ☒ Gift/Benefit has been received. Decision pending outcome of this application.

Provider Advice Document The provider must be advised their information may be published on the register of gifts and benefits. Upload document advising the provider. (required)  James Chisholm - New Chairmans Lounge Application.docx

Offered/Received date (required) 4/04/2023

Gift/Benefit type (required)

- ☐ Benefits under loyalty schemes
- ☐ Bottles of wine
- ☐ Christmas function invitations
- ☐ Discounts on commercial items
- ☐ Electronic device e.g Fit bit . These should not be accepted. Contact the Security Team
- ☐ Flowers
- ☐ Gift cards
- ☐ Hire car discounts
- ☐ Hospitality e.g. Meals; Dinner etc.
- ☐ Money
- ☐ Promotional materials, including manufacturers samples, clothing or books

Other gift/benefit type
(required)

Chairmans Lounge Membership

Description
(required)

Upon becoming Deputy Secretary, James was offered a QANTAS Chairmans Lounge membership.
Upon becoming Deputy Secretary, James was offered a QANTAS Chairmans Lounge membership.

Gift/Benefit value
(required)

\$0.00

Gift/Benefit value confirmed or estimated?
(required)

☐ Confirmed ☒ Estimated

Valuation method
(required)

The value of a Chairmans lounge cannot be estimated, as the membership is only offered to members, you cannot apply for membership.

The value of a Chairmans lounge cannot be estimated, as the membership is only offered to members, you cannot apply for membership.

Occasion

Enter the circumstances of the gift/benefit offer
(required)

Promotion of James Chisholm to Deputy Secretary.

Promotion of James Chisholm to Deputy Secretary.

Does the recipient have a possible conflict of interest?
1)

☐ Yes ☒ No

Additional Attachments

 RE Chairmans Lounge Application - James Chisholm SEC OFFICIAL .msg [remove](#)

 Actioned SES3 James Chisholm Chairman Lounge Declaration of gifts SEC OFFICIAL .msg [remove](#)

Submission

Proposed Action
(required)

Accept – Used for official purpose

Co-Payment
(required)

Not Required

Justification

We realise there isn't a value we can readily assign to the membership offer but a senior PM&C official is receiving a benefit. As we understand it, the membership offer to the lounge is by invitation only and only select individuals are likely to receive such offers. Accordingly, given the nature of the gift from Qantas we highly recommend from an integrity perspective, that the lounge membership gift (if to be accepted), be approved/recorded through an FMCS application. This would ensure transparency/accountability with a supporting record declared on our official register (FMCS).

Submitted by

s 22(1)(a)(ii)

@pmc.gov.au



Submitter's Declaration

I declare that:

- I have disclosed all facts relating to the acceptance of the specified gift(s)/benefit(s)
- I have read [PM&C Conflict of Interest Policy](#) and reported any actual or perceived conflicts of interest of which I am aware.
- I understand that if the gift(s)/benefit(s) are equal to or over \$500 in value

Declared by: [s 22\(1\)\(a\)\(ii\)](#) on 24 May 2023 16:31

Approval

Gifts/benefits up to \$100 are considered inconsequential. You must formally advise your SESB1 via email of the gift/benefit offer, regardless if you accept the gift/benefit.

Approver
(required)

David WILLIAMSON [s 47F](#) david.williamson@pmc.gov.au

Approved Action
(required)

Accept – Used for official purpose

Co-Payment
(required)

Not Required

Justification

We realise there isn't a value we can readily assign to the membership offer but a senior PM&C official is receiving a benefit. As we understand it, the membership offer to the lounge is by invitation only and only select individuals are likely to receive such offers. Accordingly, given the nature of the gift from Qantas we highly recommend from an integrity perspective, that the lounge membership gift (if to be accepted), be approved/recorded through an FMCS application. This would ensure transparency/accountability with a supporting record declared on our official register (FMCS).

Submitted

30 May 2023 08:45

Approver's Declaration

I confirm that I have the authority to approve this action, I have read [PM&C Conflict of Interest](#) and the action I have approved is in the best interests of the Department and takes into account any possible actual or perceived conflicts of interest of which I am aware.

Declared by: David WILLIAMSON [s 47F](#) on 30 May 2023 08:45



OFFICIAL

GIFTS AND BENEFITS

EFFECTIVE DATE: SEPTEMBER 2023

DEPARTMENTAL POLICY



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GIFTS AND BENEFITS POLICY

EFFECTIVE DATE: SEPTEMBER 2023

1. APPROVALS

Document Owner: Finance Branch

Authorisation: Chief Operating Officer (COO)

2. DOCUMENT HISTORY

VERSION	NAME	APPROVAL	DATE
1.0	Chief Financial Officer	Chief Operating Officer	September 2023

3. INTRODUCTION

The nature of work in PM&C and the relationship of PM&C officials with external clients and stakeholders in business, other jurisdictions, non-government organisations and international governments has changed considerably in recent years. In many of these sectors, offers of gifts and benefits are commonplace. The guidance below provides advice to Officials that recognises the context in which PM&C operates whilst ensuring the integrity of PM&C is upheld.

4. RECEIVING GIFTS AND BENEFITS

Officials are to apply high standards of probity and ethical behaviour when accepting gifts or benefits.

Gifts or benefits should not be accepted by an official or a member of their immediate family if acceptance could, in any way, be construed as an attempt to influence administrative, regulatory or contractual decisions, or create an appearance of a conflict of interest.

5. WHAT COULD BE CONSIDERED A GIFT OR BENEFIT

Gifts and benefits include physical and intangible items of value, or perceived value, including but not limited to the items listed below, which are consistent with the Australian Public Service Commission Gifts and Benefits Guidance and Department of Finance Model Accountable Authority Instructions;

- 1) Prizes, including lucky door prizes/raffles, airline competition prizes, participating in a competition using an official's business card;
- 2) Winning prizes whilst on official business, at an event where attendance is paid for by PM&C, or where a supplier is sponsoring the event, is considered equivalent to receiving a gift or benefit;
- 3) Awards (including money) from external party for best paper, initiative, innovation;
- 4) Promotional materials, including caps, clothing, books, CDs, cups, manufacturers' samples;

- 5) Entertainment such as tickets to sporting or theatre events (including meals);
- 6) Equipment or facilities, including laptops, cameras, iPads;
- 7) Bottles of wine or personal items;
- 8) Meals or other hospitality (including an invitation to attend an external stakeholder awards dinner or end of year dinner);
- 9) Cultural items including indigenous artwork, tokens from overseas visitors or delegations;
- 10) Fees to individuals for presentations or facilitation;
- 11) Discounts on commercial items or gift card/voucher including gift cards after booking a venue or purchasing an item for PM&C or accommodation and hire car discounts;
- 12) Free or discounted places on training and development courses (other than contra-deals associated with the presentation of papers etc.);
- 13) Offers of cash including donations of monetary contributions from external stakeholders; and
- 14) Sponsored travel.

The following types of incidental benefits received by PM&C officials, in the course of official duties and work-related meetings would generally not be considered a gift or benefit:

- 1) Incidental food and beverages consumed during the course of working lunches and dinners, including such items as tea, coffee, juices, pastries, sandwiches and pizzas;
- 2) Shared taxi fares;
- 3) Use of incidental work items such as use of equipment and room facilities;
- 4) Social Club prizes; and
- 5) Benefits of a similar incidental nature.

6. WHAT TO CONSIDER WHEN OFFERED A GIFT AND BENEFIT

When an official of PM&C is offered a gift (or other benefit, including hospitality) the following should be considered (consistent with the Australian Public Service Commission Gifts and Benefits Guidance and Department of Finance Model Accountable Authority Instructions);

- 1) The general duties as officials (individuals) under the Public Governance, Performance and Accountability Act 2013 (PGPA Act), these include a duty:
 - a) of care and diligence;
 - b) to act honestly, in good faith and for a proper purpose;
 - c) in relation to use of position;
 - d) in relation to use of information; and
 - e) to disclose interests.
- 2) The APS Code of Conduct;
- 3) Whether accepting the gift or benefit would give rise to, or would give the appearance of, a conflict of interest (refer to the disclosure of interest policy);
- 4) The type of relationship PM&C or the Commonwealth has with the person, company or other body offering the benefit, for example, whether:
 - a) the person, company or body is in a contractual relationship with the Commonwealth;
 - b) there is a discretionary relationship between the official and the person, company or body receiving Commonwealth assistance; and
 - c) the person, company or body's primary purpose is to lobby Ministers, Members of Parliament or Departments.

- 5) The possible adverse consequences (perceived or otherwise) to the Commonwealth's interests which may flow from the non-acceptance of a gift or benefit, including whether it is normal in the donor's culture and rejection of the gift or benefit could cause cultural offence;
- 6) Whether the benefit is being accepted as part of a formal exchange of benefits between official representatives of the Commonwealth and an overseas government;
- 7) The value of the gift or benefit being offered;
- 8) The likelihood of further or repeated contact with potential providers; and
- 9) The type of gift or benefit being provided.

7. OVERSEAS VISITS AND GIFTS AND BENEFITS

The acceptance of gifts or benefits while travelling on official overseas business is the same in all respects as the acceptance of gifts or benefits in Australia. However, there are some additional criteria that must be considered.

The official should have particular regard to local customs and practices relating to the acceptance of gifts and benefits, ensuring not to offend or damage the relationship.

Officials who receive gifts in the course of official duty overseas must declare them to Australian Customs at the point of entry if the gift falls outside the normal duty-free passenger concession, or if the gift is subject to quarantine inspection.

If the gift does not qualify for duty free entry under normal passenger concessions, customs duty and sales tax is payable at the appropriate rates by the official who has received the gift. In the absence of actual valuation documents, the value for customs purposes would normally be determined by reference to the value of similar goods in the country of origin.

8. RETAINING GIFTS AND BENEFITS

APS regulations provide that officials must not take advantage of their position to obtain a benefit either for themselves, their family or for some other person.

For gifts or benefits up to \$100 the recipient must formally advise their Supervisor and Assistant Secretary (if applicable) of the gift or benefit offer and/or acceptance.

Gifts and benefits greater than \$100 must be registered on the PM&C Gifts and Benefits Register and approval sought for accepting, retaining and/or disposing the gift or benefit.

For more information on acquiring, disposing or receiving a gift of relevant property, refer to Schedule 2 which outlines the decision workflow for gifts, benefits and relevant property.

For more information on disposing a gift of relevant property, refer to Schedule 2 which outlines the decision workflow for gifts, benefits and relevant property.

9. ELECTRONIC GIFTS AND BENEFITS

Electronic gifts must not be accepted as they may compromise the security of PM&C. Examples of electronic gifts include mobile phones, tablets and fit bits.

If the gift has already been accepted it should be handed to PM&C Cyber Security. For further advice contact PM&C Cyber Security.

10. INCONSEQUENTIAL GIFTS AND BENEFITS

As a general rule, a gift or benefit may be considered inconsequential if its value is less than \$100. A monetary limit of \$100 may not be the sole determinant, in all cases, as to whether a gift or benefit is trivial or inconsequential. Before accepting the gift or benefit, you should also consider:

- 1) The particular circumstances surrounding the acceptance of the gift or benefit;
- 2) Whether the gift or benefit is received regularly;
- 3) Whether the monetary value is disputable; or

Whether inexpensive gifts carrying a name or logo of a supplier could give the appearance of a conflict of interest.

The offer of small gifts or benefits (e.g. diaries and calendar), is a generally accepted commercial practice. The offer is usually made in good faith with no attempt to undermine impartiality or independence. Therefore, care and sensitivity must be exercised when refusing gifts or benefits so as not to offend or damage relationships.

11. VALUING GIFTS AND BENEFITS

Officials should make reasonable enquiries to determine the value of the gift or benefit received. Depending on the gift or benefit received, it may be appropriate to seek a formal valuation.

For gifts and benefits received overseas, the value should be assessed based on the price in the country of origin. For gifts and benefits received from Australian sources, the value should be assessed based on the Australian price.

12. APPROVAL

Approval is not generally required to accept an inconsequential gift or benefit. Officials must report to their supervisor and Branch Head all offers and/or acceptances of gifts or benefits. The Gifts and Benefits form does not require completion for inconsequential gifts or benefits, as approval is not required. However, where there is a requirement for Divisions to capture information on inconsequential gifts or benefits (for example as a measure of interaction with clients), the Gifts and Benefits form can be used for this purpose.

The online Gifts and Benefits Form should be used to seek authorisation for all consequential gifts or benefits (above \$100). Two approvals are required:

- 1) Authorisation for the gift or benefit to be accepted (becomes Commonwealth property upon acceptance); and
- 2) Authorisation for the gift or benefit to be retained by the person offered the gift, should they wish.

Where it is not deemed appropriate to accept a gift or benefit, the gift or benefit must be declined or (if it has already been accepted) returned on the advice that it is generally against PM&C guidelines to accept gifts and benefits.

Officials are to report immediately to the relevant Branch Head, any attempts by suppliers or other people or bodies to undermine the honesty of any official by the offer of gifts, benefits or other forms of inducement.

The Branch Head may arrange for the matter to be investigated to determine if any action is appropriate (e.g. exclusion from a tendering process, if the supplier is tendering for business).

For a summary of the requirements for accepting and retaining gifts and benefits, please refer to Schedule 1 - Quick Reference Guide - Approvals.

13. CONTRIBUTIONS BY OFFICIALS

PM&C officials approving a request to retain a gift or benefit with a value in excess of \$500 are to determine if a contribution amount is required.

The contribution amount from the recipient should be the extent to which the estimated value for certain gifts or benefit exceeds \$500. This should apply to high value tangible items which are readily available commercially and which PM&C could exchange for cash. The approving official may however decide that due to exceptional circumstances (e.g. the gift could not be sold and would be disposed by PM&C if not retained by recipient) a reduced or nil contribution is more appropriate.

An approving official may also decide that, even though an item is not classified as high value and tangible, a contribution is required due to the circumstances in which the gift or benefit was given. The extent to which the value of the item exceeds \$500 should act as a guide to the level of contribution required.

The assessed contribution amount is reflected on the Gifts and Benefits form and, should the recipient wish to retain the gift or benefit on that basis, an invoice will be issued by the relevant Finance Manager.

14. GIFTS NOT RETAINED BY PM&C OFFICIALS

Gifts accepted but not retained by PM&C officials must be surrendered to the relevant Assistant Secretary, who will determine appropriate use, storage or disposal of the gift. Before disposing of a gift, the Property and Security Sections must first be consulted.

Consideration should be given to the nature of the gift, the position or status of the giver and the need to exercise care not to offend on either political or on cultural grounds.

Options include:

- 1) The gift remaining on the property of the Department; for example, on public display in offices or foyers;
- 2) Donate to:
 - a) the Social Club for a raffle or social function;
 - b) a public or private organisation; for example a non-profit organisation or charity, education or community organisation;
 - c) national archives or national collections in museums, galleries or libraries.
- 3) Hold in PM&C's 'gift store';
- 4) Dispose of the gift in an alternative way that would not offend the giver.

15. EXCLUSIVE INVITATION AIRLINE LOUNGE MEMBERSHIP

Airlines often will invite senior Public Servants membership to their exclusive lounges. There is no cost to the department however there is a benefit to the individual. The nature of these memberships is that they are ongoing, i.e. they are not renewed each year. In addition to this officers often retain their membership when they change roles/departments.

New Membership

If an officer is offered such a membership it is required to be recorded and approved in the Financial Management Compliance System (FMCS) and will be subsequently reported on the PM&C website in the departments Gifts and Benefits Register.

Ongoing Membership Annual update

As these memberships are ongoing, on an annual basis officers will be required to report the exclusive invitation airline lounge memberships they hold. The Gifts and Benefits Register on the PM&C website will be updated to reflect memberships are current on 1 July each year or when circumstances change.

On commencement staff who hold such a membership will be required to provide the appropriate details to be included on the website.

16. RECORDING A GIFT OR BENEFIT

All acceptances of gifts and benefits should be reported to the relevant Supervisor and Assistant Secretary where applicable.

Consequential gifts and benefits over \$100 that have been accepted are required to be registered on the PM&C Gifts and Benefits Register using the online Gifts and Benefits Form.

For approval to accept gifts valued at \$100 or more, an official must complete the online Gifts and Benefits form within the Financial Management Compliance System (FMCS); providing sufficient detail for the approver to base a decision.

The form will be provided to the appropriate approving official.

Upon approval the form will be passed to the Finance Branch which maintains the PM&C Gifts and Benefits Register.

All gifts and benefits valued at \$100 or more and exclusive membership to invitation only airline lounges will be recorded in the PM&C Gifts and Benefits Register, including those that have been accepted but not retained. Gifts and benefits that have been declined before receipt do not have to be recorded.

The PM&C Gifts and Benefits Register records:

- 1) A description of the gift or benefit;
- 2) The name of the requesting official;
- 3) The estimated value of gift or benefit;
- 4) The date approval was sought;
- 5) Whether the requesting official wished to retain the gift or benefit; and
- 6) The name and decision of the approving delegate.

In an instance where it is not deemed appropriate to accept a gift or benefit, the gift or benefit must be declined or (if it has already been accepted) returned on the advice that it is generally against departmental guidelines to accept gifts or benefits

17. GIFTS AND BENEFITS EXAMPLES AND APPROPRIATE TREATMENT

The following are examples of commonly offered gifts or benefits, and a general position on their acceptance.

Table 2: Common Gifts & Benefits

Type of Gift or Benefit	General Position
Cash or Shares	Offers of these types of gifts or benefits must be declined unless refusing a cash gift would cause cultural offence.
Promotional Material <i>Baseball caps, T-shirts, button badges, certificates, customary close of project "achievement awards" and "tombstones".</i>	A limit of one each of any item per official applies. Gifts of this kind should only be accepted during any relevant promotion or project. Such gifts should not be accepted during selection exercises if relating to a procurement.
Sponsored Travel, Accommodation or Events	Sponsored travel or sponsored events should generally not be accepted. This includes transport, accommodation and living expenses. Sponsored travel needs to be approved by the Secretary. Refer to the section on 'Sponsored Travel' for further detail.
Electronic Items <i>e.g. mobile phones, tablets, FitBits, apple watch.</i>	Must not be accepted as they could compromise the security of PM&C. For further advice, contact PM&C Cyber Security.
High Value Tangible Items <i>Gifts of tangible items of value including:</i> <ul style="list-style-type: none"> <i>briefcase, luggage, or other leather goods;</i> <i>watch or jewellery;</i> <i>expensive pens, paper-weights or other desk paraphernalia;</i> <i>art works, objects or paintings;</i> <i>electrical or computer equipment; or</i> <i>expensive wines.</i> 	Offers of these types of gifts or benefits should be declined. If refusing the gift or benefit would cause embarrassment or offense, the gift can be accepted on behalf of PM&C. Should the recipient wish to retain the gift, a contribution for any value in excess of \$500 may be required.

Competition Prizes <i>Attending a sponsors' event and subsequently winning a lucky door/seat prize.</i> <i>Prizes won by lodging business cards at sponsored functions, or trade shows.</i> <i>Depositing boarding passes from business travel for prizes.</i>	<p>Where it is discretionary, an official should not participate in these competitions.</p> <p>Offers of these types of benefits must be declined unless refusing would cause offence.</p>
Entertainment: <i>Cultural events, Touring performances, Exhibitions</i>	<p>May be acceptable where the event is directly related to grant funding or is an important means of developing and maintaining relationships with key stakeholders.</p> <p>Refer under heading 'Entertainment' for further detail.</p>
Sporting Events	<p>Attendance at major sporting events should generally not be accepted unless it is clearly related to official business.</p> <p>Refer under heading 'Entertainment' for further detail.</p>
Entry into Casinos or Similar Venues	<p>Must not be accepted.</p> <p>Refer under heading 'Entertainment' for further detail.</p>
Theatre or Concerts	<p>Attendance at the theatre or a concert should generally not be accepted unless it is clearly for official business.</p> <p>Refer under heading 'Entertainment' for further detail.</p>
Discounts on, or free, Commercial Items <i>Free services or goods, e.g. free electrical, plumbing or car services.</i>	<p>Acceptance of these types of gifts or benefits must not be accepted. These gifts and benefits would usually be interpreted as inducements or abuse of an official's position, and could constitute a criminal offence (Crimes Act s. 73(2)).</p>
Minor Work Related Items <i>Diaries, calendars, inexpensive pens, paper weights, key rings, or drink coasters usually with logos.</i>	<p>Provided there are no 'designer label' items and no compromising circumstances or considerations, such gifts can be accepted.</p>

18. SPONSORED TRAVEL

Officials travelling on business or for purposes associated with their official duties should do so at PM&C's expense. PM&C should fund activities that provide benefit to achieving PM&C's outcome, and not rely on third party sponsorships.

This is in contrast to an official who, for example, presents at a conference and their airfares and/or accommodation is paid for by the conference organiser. In this case as the PM&C official is providing a service and are not relying on sponsorship, the employee's costs may be paid for by someone other than PM&C. Any gift or benefit received as part of providing the service however must be treated as a gift or benefit consistent with this Policy.

Sponsorship can imply support given in return for some form of recognition, thereby inferring conflict of interest or preferential relationships. Acceptance of sponsored travel must be approved by the Secretary.

Travel by PM&C officials in the performance of work for another organisation or body is not considered to be sponsored travel in the following circumstances:

- 1) The official is to provide a specific service for that body and cost recovery is appropriate; or
- 2) The official has been seconded to another body.

Sponsorship by an inter-governmental or international official agency, educational institution or non-profit organisation may be acceptable, particularly if offered on a general rather than a particular basis, such as industry familiarisation tours. In assessing such offers the source of the funding should be reputable and there should be no conflict of interest created by the acceptance of the offer.

The delegate when deciding whether or not to accept sponsorship must have regard to the [Sponsorship, Australian Government Department of Finance Information Sheet](#).

19. SPONSORED TRAVEL IN PRIVATE CAPACITY

Sponsored travel offered to officials in a 'private' capacity, but which could appear to be related to their official duties, is not acceptable. Sponsored travel unacceptable under these guidelines is not legitimised by an official taking leave.

Travel arising from bona fide prizes or scholarships awarded to an official in a private capacity, or under existing approved programs such as exchanges, study awards and traineeships, is not considered sponsored travel for the purposes of this operational guideline.

20. ENTERTAINMENT

Offers of entertainment (e.g. meals, seats at sporting or theatre events, golf days) are often used in private business to make relevant business contacts and improve business relationships.

Offers of entertainment from sources outside the Commonwealth have the potential to cause perceived or actual conflicts of interest. The more prominent the entertainment event, the more important it is to consider the impact of perceptions on the reputation of PM&C.

Offers of entertainment may be accepted if they genuinely assist PM&C to develop and maintain constructive relationships with stakeholders, in order to achieve the outcomes of PM&C. There must be a benefit to PM&C in accepting the offer, and officers should be able to articulate that benefit.

SCHEDULE 1 – QUICK REFERENCE GUIDE - APPROVALS

Gifts and benefits include physical and intangible items of value, or perceived value, for example, promotional material, entertainment, cultural items and sponsored travel.

Electronic gifts must not be accepted. Contact PM&C Security for further advice on electronic gifts.

Please note for gifts and benefits equal to or over \$500 a co-payment may be required and there may be FBT implications.

Value of Gift	Initial Recipient	Approval to Accept/Retain	Reporting
Up to \$100 (<i>inconsequential</i>)	Non-SES	Not required	<ul style="list-style-type: none"> Assess if gift or benefit is consequential by nature. Formally advise Assistant Secretary of gift or benefit offer (regardless of acceptance or otherwise) and acceptance via email.
	SES	Not required	
\$100 to \$500	Non-SES	SES B2	<ul style="list-style-type: none"> Consideration of whether to approve acceptance and/or retention by recipient of gift or benefit in accordance with guidelines. Report gift or benefit details using the online Gift and Benefits Form
	SESB1 SESB2	Supervisor	
	SESB3	SESB3 Governance	
	SESB3 Governance	Secretary	
	Secretary	SESB3 Governance	
Above \$500	Non-SES	SESB3	<ul style="list-style-type: none"> Consideration of whether to approve acceptance and/or retention by recipient of gift or benefit in accordance with guidelines. If gift or benefit is retained a contribution by the recipient may be required. Report gift or benefit details using the online Gift and Benefits Form
	SESB1 SESB2	SESB3	
	SESB3	SESB3 Governance	
	SESB3 Governance	Secretary	
	Secretary	SESB3 Governance	
Sponsored Travel	Any	Secretary	<ul style="list-style-type: none"> Refer to section on 'Sponsored Travel' for further detail.

SCHEDULE 2 – DECISION WORKFLOW

