



# AFP National Guideline on receiving gifts and benefits

## 1. Disclosure and compliance

This document is classified **UNCLASSIFIED** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on the disclosure of information](#).

### Compliance

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on Professional Standards \(CO2\)](#) outlines the expectations for appointees to adhere to the requirements of the framework. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth).

## 2. Acronyms

|            |                           |
|------------|---------------------------|
| <b>AFP</b> | Australian Federal Police |
| <b>GST</b> | Goods and services tax    |

## 3. Definitions

**AFP official** – means, for the purposes of this guideline, an appointee as defined in the [Australian Federal Police Act 1979](#) (Cth).

**Delegate** – means, for the purposes of this guideline, the official's direct Manager at SES Band 1 or above.

**Gifts and/or benefits** – for the purposes of this guideline, means something bestowed voluntarily and without compensation, including:

- cash or any form of negotiable instrument (e.g. cheques, shares, cash vouchers etc.)
- goods or services
- discounts
- entry to sporting and entertainment events.

**High value gifts** – gifts or benefits valued at \$1000 or more (inclusive of GST)

## 4. Guideline authority

This guideline was issued by the Chief Financial Officer using power under s. 37(1) of the [Australian Federal Police Act 1979](#) (Cth) as delegated by the Commissioner under s. 69C of the Act.

## 5. Introduction

This guideline outlines the circumstances in which AFP officials may accept gifts or benefits, the process for determining appropriateness and recording receipt.

## 6. Policy

The receipt of gifts or benefits by individual officers should be avoided where possible. Only in limited circumstances can gifts be accepted by officers without obtaining prior approval (gifts valued at \$100 or less inclusive of GST). For gifts with a value exceeding \$100 inclusive of GST officials must seek formal approval from the delegate.

## 7. Guiding principles

AFP officials may accept gifts or benefits when:

- no conflict of interest could reasonably be inferred
- better business/cultural relationships are fostered
- refusal of the hospitality could cause offence to a degree that jeopardises the AFP's vocational, business or program interests

All gifts and benefits received which are valued at over \$100 (including GST) must be recorded on a [Record of Gift/Benefit Offered to an AFP Official](#) form (AFP Forms) and approved by an appropriate delegate.

Any gifts or benefits which may undermine, or be seen to undermine, the impartiality or independence of an AFP official must not be accepted under any circumstances. Officials should refer to the [AFP Practical Guide on dealing with conflicts of interest](#) for further information.

If an AFP official is uncertain about whether they should accept a gift or benefit due to a possible conflict of interest they must advise their supervisor in writing of the facts. The latter must advise them in writing of the action to be taken, taking into account the specific situation and the principles outlined in this guideline.

## 8. Retaining and disposing of gifts and benefits

Delegates should apply a test of 'reasonableness' when approving gifts and benefits valued at more than \$100 (including GST). This includes considering how the acceptance of a certain gift or benefit by an AFP official would appear to an uninvolved, reasonable and prudent person.

Gifts or benefits which fall outside the conditions for automatic acceptance (see s. 10 below) may only be retained by the official concerned subject to the written approval of the delegate who must determine if either the gift should be:

- retained by the recipient
- returned to the donor
- retained by the AFP (e.g. for display within AFP offices or the AFP Museum -subject to the Museum's acceptance of the gift)
- disposed of in another manner (e.g. sold or regifted).

The suggested method of disposal must be recorded by the delegate in part B of the form 'Record of Gift/Benefit Offered to an AFP Official', together with its ultimate disposal details as approved by the delegate.

## 9. Valuing gifts and benefits

Gifts or benefits valued at more than \$100 (including GST) must be valued at the comparable Australian current retail market price (including GST) whether they are from within Australia or overseas.

A professional valuation should be obtained for any 'high value' gifts (i.e. valued at \$1,000 or more including GST) and be paid for by the business area concerned. Details of this valuation should be entered on the '[Record of Gift/Benefit Offered to an AFP Official](#)' form prior to the delegate's decision. Where there is doubt that the gift or benefit is in the 'high value' category, the relevant delegate may opt to request a formal valuation.

## 10. Acceptable and unacceptable gifts and benefits

Any form of gift or benefit offered to an AFP official whilst obtaining bids, evaluating offers or negotiating contracts must be refused, returned or gifted to another party.

### Gifts or benefits valued at \$100 or less

Whilst title in gifts vests initially in the Commonwealth, the Commissioner's implied approval is granted for the transfer of ownership in the gift to the recipient provided it is valued at \$100 or less. Typical gifts in this category include:

- gifts with a nominal value (e.g. tiepins, police badges, caps, plaques etc.)
- small gifts received from overseas visitors or received in an exchange of gifts between the Australian Government and an overseas Government
- gifts or benefits resulting from participation in sponsored sporting/social events (e.g. golf days) or attendance at trade fairs when such events are attended by the public.

### Gifts or benefits valued at more than \$100

Officials receiving a gift or benefit valued at more than \$100 (GST inclusive) must complete part A of the '[Record of Gift/Benefit Offered to an AFP official](#)' form (AFP Forms) within 10 days and forward the form to the delegate who will decide whether to accept or dispose of the gift and complete part B of the form. The form must be maintained as an official record after a copy is returned to the gift/benefit recipient. The recipient must then take action as directed by the delegate.

### Cash

Cash or negotiable instruments must never be accepted as gifts. If an AFP official is offered or

wins cash or a negotiable instrument as a result of performing their official duties, it should be refused or returned, accompanied by a letter of explanation (a 'sample letter' is available in the '[Record of Gift/Benefit Offered to an AFP Official](#)' form (AFP Forms)).

If an honorarium is offered to AFP officials for professional services which are not legally or traditionally paid (e.g. a guest speaker or lecturer), it should be treated as a cash payment and must be refused. To avoid causing offense, the official should explain the AFP policy to the giver. In some overseas locations refusal may not be an option. In these situations the official's immediate supervisor must be informed and the money subsequently donated to a police charity as soon as practicable.

### **Prizes, rewards and giveaways**

AFP officials must not enter competitions offering prizes, rewards, giveaways or any other benefit arising as part of their role as an AFP employee, or as a result of their official duties. Additionally, they must not actively seek out opportunities or use AFP resources for the purpose of entering such competitions or reward programs.

If an AFP official is entered into a competition or contest and obtains a prize, reward, giveaway or other gift or benefit, they must follow the guidance in s. 8 above.

Typical business situations in which this may occur include:

- attending a conference, seminar or workshop at AFP expense, where an individual may either:
  - be registered for a lucky door prize
  - answer a question or questionnaire for which a gift is given
  - receive a gift or special offer due to providing their business card or details
- automatic entry into a contest as the result of official travel or related activities on behalf of the AFP from an airline, associated travel provider or accommodation provider for:
  - free travel
  - a holiday
  - flight upgrade
  - subscription
  - other gift
- automatic entry into a competition arising from expenditure using an AFP credit card
- entry into, or award of, a prize for accessing web-based services such as Google etc.
- entry into a competition resulting from a supplier's provision of goods or services to the AFP.

### **Exempt gifts and benefits**

The following categories of gifts and benefits may be retained without approval:

- bona fide gifts from colleagues to mark a birthday or celebratory event
- Returned Services League care packages for AFP personnel serving overseas
- items with local cultural significance but of negligible commercial value in Australia
- any goods or services obtained as a result of the use of an official's personal funds.

Gifts, benefits, bursaries or other awards resulting from personal academic achievements arising from studies undertaken with the AFP's support, or as a result of business or professional memberships, actively sought or not, by an AFP official, are excluded from the provisions of this guideline.

## 12. Further advice

Queries about the content of this guideline should be referred to Finance Governance: [governancefinance@afp.gov.au](mailto:governancefinance@afp.gov.au)

## 13. References

- [Australian Federal Police Act 1979](#)(Cth)
- [AFP Practical Guide on dealing with conflicts of interest](#)
- [Record of Gift/Benefit Offered to an AFP Official](#) form (AFP Forms)

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