



Gifts and Benefits Policy

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Chief Financial Officer Division

Contents

Approval	3
Principles	3
Gifts and Benefits	3
Accepting or declining Gifts and Benefits.....	4
Recording gifts and benefits.....	5
Approval of Gifts and Benefits.....	5
Privacy and your information.....	6
Provision of gifts to an external party	6
Considerations.....	7

Approval

This policy applies to all officials of Services Australia (the agency) including:

- all persons employed under the *Public Service Act 1999* by Services Australia
- any of the following persons whose services are made available to the agency in connection with the performance of any of the agency's functions:
 - an official of another Commonwealth entity (e.g. APS employees of other APS agencies seconded to the agency)
 - an employee of a Commonwealth company
 - an officer or employee of a State or Territory
 - an officer or employee of an authority of a State or Territory
- contractors and consultants engaged to provide services that require them to exercise powers or functions under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) or a rule made under it.

As per the Australian Public Service Commission's [Guidance for Agency Heads](#), declaration and reporting obligations contained in this policy also extend to the immediate families and dependents of the Chief Executive Officer (CEO), but only in relation to or consequential to the official duties of agency heads.

This policy details the rules that you must follow when you are offered gifts and benefits from, or are providing gifts and benefits to, an external party. Adherence with this policy will assist you in meeting your obligations under the PGPA Act and the agency's [Accountable Authority Instructions \(AAIs\)](#).

Principles

You must comply with the Code of Conduct and behave in a way that upholds the APS Values, and the integrity and good reputation of Services Australia and the APS at all times.

You must record all accepted gifts or benefits within **14 days**.

You must **never** accept money or a financial gift.

You must not seek a gift or benefit during the course of your duties.

In the course of your work, you may be offered a gift out of gratitude or a sign of goodwill for a job well done. However, such offers may also be intended to secure preferential treatment or may reasonably be perceived as attempts to obtain an advantage or benefit.

As an official you must carry out your role impartially and avoid any real or perceived conflict of interest. Generally, you should **not** accept gifts offered in connection with your official duties. However, in some limited circumstances, it may be acceptable if refusal would cause cultural offence or where the gift is token and provided widely at a public event.

You must carefully consider the appropriateness of a gift or benefit before accepting or rejecting.

Managers must ensure employees are aware of, understand and comply with their obligations in relation to gifts and benefits. Managers also need to approve the acceptance of gifts or benefits.

You must report all known instances of non-compliance with this policy as soon as practicable in [Lighthouse](#).

Gifts and Benefits

A gift or benefit includes any item or service offered to an official by a vendor, customer or other associate in the course of official duties.

Gifts and benefits have a monetary value or any other advantage and are generally offered as a result of an actual or prospective business relationship. This includes gifts and benefits from foreign, national and local government officials and delegations.

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

- a monetary payment (including cash or cash equivalents, such as gift cards and gift vouchers)
- dinner at a restaurant, catering provided at another venue or drinks at a bar.
- tickets to attend a sporting or cultural event
- tickets to attend a conference or seminar, including the provision of meals at the event
- a Christmas gift
- flowers
- chocolates
- airline tickets, including flight upgrades
- airline lounge memberships
- a stay in a hotel
- providing free or discounted services.

Accepting or declining Gifts and Benefits

Accepting gifts may result in an actual or perceived conflict of interest.

You must assess each situation carefully and, on a case-by-case basis. You must exercise judgement and common-sense. If you return a gift, do so in a way that will not offend the giver.

Your manager needs to approve the acceptance of any gifts or benefits, other than token, low value gifts.

In extreme circumstances, a gift may be viewed as a bribe. Accepting a bribe may be an offence under the Criminal Code Act 1995 and/or a breach of the APS Code of Conduct.

Money or financial benefits

You must not accept offers of cash, gift cards, lottery tickets (including instant lottery 'scratch and win' tickets) or other monetary benefits in any circumstances. Such offers could be, or appear to be, payment for agency services or bribes for favours or advantage.

Token gifts

There are some very limited situations where it may be appropriate to accept token gifts or hospitality. For example, where accepting the gift does not influence, or could not be seen to influence, your impartiality in undertaking your duties. These situations may include, but are not limited to:

- a one-off nominal gift, where the gifts are being distributed widely, such as a pen, notebook, drink bottle, reusable coffee cup or tote bag
- reasonable hospitality for normal social conventions, such as light refreshments provided as part of a seminar or workshop
- small gifts from representatives of other nations (where refusal would cause cultural offence).

If you can share a token gift, you should. Gifts from customers should generally not be accepted. They are never considered token in nature and must be recorded in Lighthouse.

Token gifts are assessed on case-by-case basis. As a guideline, token gifts may be \$20 or under. Gifts over \$100 in value are never token and are required to be reported externally on Services Australia's Register of Gifts and Benefits.

At times, even minor gifts or benefits could compromise or be perceived to compromise impartiality and undermine public confidence. For example, if:

- a tender is underway
- the giver is a current vendor
- the giver is lobbying Ministers or government, or
- you have discretionary power or influence over a particular decision.

Travel

Read the [Travel Policy](#) to learn about sponsored travel or gifts while on official business.

Airport lounge memberships and flight upgrades

Gifts of airline lounge memberships, including those that are invitation only, such as the Chairman's lounge may be accepted, noting that the value of the gift is unable to be determined, as these are not available for sale. Receipt of an airline lounge membership should be recorded through a [Gifts and Benefits](#) form in Lighthouse. Airline lounge membership must also be confirmed on an annual basis through the [SES Conflict of Interest](#) process

Flight upgrades must be recorded as a gift or benefit, recording the difference in value between the original ticket and an estimate of the upgrade. You may only accept an upgrade if seating in your chosen class of travel is unavailable and not accepting the offer would mean you are unable to board the flight.

Conferences and Seminars

When offered tickets to a conference or seminar, you should, wherever possible, arrange for tickets to be purchased using agency funds. This avoids any actual, potential, or perceived favouritism, preferential treatment, or conflict of interest.

Lucky Door Prizes

When attending an event in an official capacity, you must not enter any lucky door prize draws. Where the entry is simply based on attendance at an event, and therefore you are not given the opportunity to decline the entry, any prize won must not be accepted. Where a prize is accepted, an instance of non-compliance must be recorded as soon as practicable. Any accepted prizes become relevant property of the agency.

Tax

The agency is responsible for the payment of the Fringe Benefits Tax (FBT) liability associated with gifts and benefits. If you keep a gift or benefit, your payment summary may include it as a fringe benefit. This will occur if the total of the fringe benefits received during the FBT year totals more than \$2,000.

Recording gifts and benefits

You must record any accepted gifts and benefits on the gift register within 14 days.

Gifts that are declined should be recorded in the [Lighthouse](#) where the gift:

- could be perceived to influence, your decision or action on a particular matter, or
- is from a current or prospective vendor at any stage during a procurement process.

The gift register is in [Lighthouse](#). You must disclose:

- the person or organisation who gave the gift
- the value of the gift
- whether the gift presents a potential or actual conflict of interest
- a description of the gift and the circumstances in which it was offered.

You do not need to record widely distributed, token gifts and benefits of low value in Lighthouse.

Approval of Gifts and Benefits

Lighthouse will workflow your application to the appropriate delegate based on market value.

Value (GST inclusive)	Who can approve acceptance of the gift?	How to record the gift or benefit	Externally Published (Yes/No)
Token	Not required	Advise your line manager in writing	No
\$100 or under	Your line manager	Record the offer in Lighthouse	No

Value (GST inclusive)	Who can approve acceptance of the gift?	How to record the gift or benefit	Externally Published (Yes/No)
Over \$100	Your SES manager	Record the offer in Lighthouse	Yes

Where it is determined that to refuse a gift or benefit would cause embarrassment or offence, the agency may deal with the gift in one of the following ways:

- the gift remaining on the property of the Commonwealth or agency (for example, on public display)
- sharing the gift more broadly among staff (for example, a box of chocolates)
- otherwise donate the gift to a public or private organisation, or
- dispose of the gift in an alternative way that would not offend the giver.

Privacy and your information

Your personal information is protected by law, including the Privacy Act 1988. Information you provide about gifts and benefits is collected by the agency in line with:

- section 27 of the Public Governance, Performance and Accountability Act 2013
- the Australian Public Service Commission Guidelines for Agency Heads: Gifts and Benefits (Guidelines).

If you disclose the acceptance of a gift or benefit with a value of over \$100 (GST inclusive), it will be published on the [agency's external website](#). The publicly disclosed information about the gift or benefit includes the:

- date received and/or date recorded
- giver of the gift/benefit
- title of the relevant SES official
- description
- occasion
- estimated value

Gifts and benefits valued at over \$100 (GST inclusive) received by the CEO's immediate family and dependents, that relate to the official duties of agency heads must also be reported.

If you have accepted the gift of an airline lounge membership, please note that your first and last name will be published on the agency's external website.

You should notify the giver of the gift or benefit that their name and gift will be publicly disclosed.

Your information may be used by the agency or given to other parties (such as the Australian Taxation Office and the Australian Public Service Commission) where you have agreed to that, or where it is required or authorised by law (including for the purpose of research or conducting investigations).

You can get more information, including our privacy policy, on the agency's [Privacy and Secrecy](#) intranet page.

Provision of gifts to an external party

Gifts may only be provided to local, state or territory governments, or foreign governments and their officials, and only be provided in limited circumstances. This may include reciprocating a gift to avoid cultural offence.

You must never provide a gift or a benefit to a vendor or organisation that currently holds or may hold a contract with the agency in the future.

All gifts provided to external parties must be approved by the relevant SES official and recorded in Lighthouse.

You must not provide the following as gifts to an external party:

- cash equivalent (gift cards, gift vouchers)
- movie tickets or tickets to any other form of entertainment
- alcohol
- lottery tickets (including instant lottery 'scratch and win' tickets) or any other form of gambling
- other items that may be reasonably considered inappropriate.

Considerations

When accepting or providing a gift, you must consider:

- if there is a real or perceived conflict of interest
- the relationship the agency has with the person or entity providing or receiving the gift
- the cumulative costs where the individual or entity has provided multiple gifts to, or received multiple gifts from, the agency over time
- whether the decision to accept or provide a gift or benefit is defensible and able to withstand public scrutiny
- whether refusing to accept the gift would cause cultural or diplomatic offence.

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