



AFP National Guideline on offering 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

AFP	Australian Federal Police
FBT	fringe benefits tax
FMA	Financial Management and Accountability
GST	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).

Gift and/or benefit – for the purposes of this guideline, means something bestowed voluntarily and without compensation to a previously identified individual or organisation with a value exceeding \$100 (GST inclusive), including:

- cash or any form of negotiable instrument (e.g. cheques, shares, cash vouchers etc.)
- goods or services, including flowers and chocolates
- AFP memorabilia
- entry into sporting, entertainment or cultural events.

General promotional material (e.g. show bags) is not regarded as a gift as recipients are not individually identified at the time the item was purchased.

Immediate family – means

- a spouse, de facto partner (irrespective of gender), child, parent, grandparent
- grandchild or sibling of the official
- a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of the official
- a member of the Employee's household.

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 provides advice to AFP officials in relation to offering gifts and/or benefits, excluding memorabilia.

The [Financial Management and Accountability Act 1997](#) (Cth) (ss. 43 and 44(1)) outlines how public funds may be used when purchasing gifts or benefits.

6. Gifting process

In addition to obtaining normal approval from an Financial Management and Accountability (FMA) Regulation 9 approving delegate for the purchase of goods or services to be used as gifts it is also necessary to seek approval from a delegate with authority to approve the gifting of public property under s.43 of the FMA Act.

These delegates are listed in the Commissioner's Financial Instructions Annexure B – Schedules of Delegations.

When purchasing items specifically for gifting, officials must:

- complete a business case in Minute format addressed to the relevant gifting delegate, including the intended recipient and reason for gifting
- obtain s. 43 delegate approval by completing an AFP gifting form
- seek FMA Regulation 9 pre-purchase approval.

The above process is also strongly recommended where AFP members are proposing to bulk purchase items where the individual value of each item is less than \$100 but the total purchase will exceed \$100. This ensures that the gifting delegate is comfortable in exercising their delegation before the AFP expends public money.

To gift existing AFP property officials must first complete:

- an electronic board of inspection form (other than for radios)
- a business case in Minute format addressed to the delegate, including the intended recipient and reason for gifting.

The above forms must then be submitted to the National Assets Team to calculate the appropriate value. The National Assets Team will return all completed forms to the relevant delegate to obtain gifting and disposal approval.

When considering a gift of property the relevant delegate must:

- adhere to the Commonwealth's general policy for the disposal of Commonwealth property (the Assets Team will be able to provide advice on the strict criteria set by the Minister for Finance and Deregulation relating to the gifting of pre-existing assets).
- consider whether approval may create an onerous or undesirable precedent.

Gifts of any form of information technology equipment must also comply with the AFP National Guideline on Information Technology (IT) Security.

7. Registering gifts

For domestic gifting, the approved gifts must be added to the business area gift register. Additionally, all gifts valued at \$1000 (including GST) or more are considered of high value and must be reported to Finance Governance for inclusion in their Gifts register.

If considering gifting to foreign nationals, organisations or governments, officials must forward a completed gifting approval form to Finance Governance (governancefinance@afp.gov.au) for registration prior to gifting.

8. Acceptable or unacceptable gifts and benefits

AFP officials must not use public money for purchases such as staff farewell gifts, Christmas lunches or office decorations. Personal funds or a collection from staff should be used in these situations.

Delegates should apply a test of 'reasonableness' when approving gifts and benefits valued at more than \$100 (inclusive of GST).

The test includes considering:

- how the offer of a certain gift or benefit would appear to an uninvolved, reasonable and prudent person
- the context of offering the gift
- the circumstances of the occasion and
- the status of the visitor.

When specifically authorised by the Commissioner or a Deputy Commissioner, gifts or benefits may be made in special circumstances to:

- AFP members or their families involved in overseas deployments or other situations identified as meriting special recognition
- members of other police services identified as meriting special recognition.

When offering non-commemorative gifts to support overseas police forces through direct financial support, officials must consider the amount and nature of the gifts in the context of the overall program objectives.

Charities

Officials must not donate AFP funds to charities. Donations to charities collected from out-of-hours activities are supported, provided that the proceeds are not first deposited into an AFP official bank account (with the exception of the Official AFP Social Club funds).

Flowers

Flowers may be purchased:

- as a gift for an external presenter or lecturer at an official AFP function
- upon the death of an AFP official or a member of their immediate family.

For the purposes of this guideline, wreaths are not considered gifts and are not subject to the provisions of this Guideline.

Unacceptable gifts

Alcohol must not be purchased using public money and is not an appropriate gift.

Any form of military firearms must not be gifted and is specifically prohibited under Division 2 of the [Finance Minister's Delegation](#).

9. Fringe benefits tax

All gifts or benefits valued at more than \$300 (GST inclusive) which are provided on a regular basis to an employee are subject to fringe benefits tax (FBT). Delegates approving these types of gifts and benefits need to be aware that the approval needs to include both the gift and the estimated FBT liability amount. Officials should contact the Tax team via email to tax@afp.gov.au for assistance.

10. Further advice

Queries about the content of this guideline should be referred to:

- General: Finance Governance team - governancefinance@afp.gov.au
- FBT-related: National Tax team - tax@afp.gov.au

11. References

Legislation

- [Australian Federal Police Act 1979](#)(Cth)
- [Financial Management and Accountability Act 1997](#)
- [Financial Management and Accountability Regulations 1997](#)
- Financial Management and Accountability (Finance Minister to Chief Executives) Delegation 2007 and subsequent updates

AFP governance

- [AFP National Guideline on Information Technology \(IT\) Security](#)

