Secretary’s Australian Civilian Corps Directions 2011

as amended

made under sections 13 and 16 of the

*Australian Civilian Corps Act 2011*

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**Includes amendments up to:** Act No. 140, 2013

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About this compilation

This compilation

This is a compilation of the Secretary’s Australian Civilian Corps Directions 2011 as in force on 13 December 2013. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 19 December 2013.

The notes at the end of this compilation (the endnotes) include information about amending laws and the amendment history of each amended provision.

Uncommenced amendments

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

Provisions ceasing to have effect

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.
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Part 1—Preliminary

1.1A Name of Directions

These Directions are the Secretary’s Australian Civilian Corps Directions 2011.

1.1 Purpose

The purpose of these Directions is to determine the scope and application of particular provisions of the ACC Values and the ACC Code of Conduct.

1.2 Commencement

These Directions commence on the day after they are registered.

1.3 Interpretation

(1) In these Directions:

ACC means the Australian Civilian Corps established by the Act.

ACC Code of Conduct means the Australian Civilian Corps Code of Conduct prescribed by regulations made under section 15 of the Act.

ACC employee means an Australian Civilian Corps employee engaged under section 19 of the Act.

ACC Values means the Australian Civilian Corps Values prescribed by regulations made under section 12 of the Act.

Act means the Australian Civilian Corps Act 2011.

deployment means the deployment of a person to perform duties as an ACC employee.

Ethics Director means the person holding or performing the duties of the Director position in the section of the Department that has responsibility for the ACC Values and ACC Code of Conduct.

host country, in respect of an ACC employee, means the country to which the employee is, or is to be, deployed to perform duties as an ACC employee.

host organisation, in respect of an ACC employee, means the organisation which requested or gave consent to the deployment of the ACC employee to the host country.

HR AS means the person holding or performing the duties of the Senior Executive Band 1 position in the branch of the Department that has responsibility for personnel and employment matters.

senior representative of the Australian Government, in respect of an ACC employee, means:
Part 1  Preliminary

Clause 1.4

(a) where there is an Australian Head of Mission in the host country—the Head of Mission;
(b) where there is no Australian Head of Mission in the host country—the person identified by the Department as the senior representative of the Australian Government for the purposes of the ACC employee’s deployment.

(2) Where a provision of these Directions requires an ACC employee to communicate with the senior representative of the Australian Government in relation to a matter, the requirement is met if the employee:
(a) communicates directly with the senior representative; or
(b) communicates with a relevant officer in the Department and asks the officer to communicate with the senior representative on the employee’s behalf in relation to the matter.

1.4 General rules for the application of the ACC Values and Code of Conduct

(1) In determining the extent to which a provision of the ACC Values or ACC Code of Conduct applies to an ACC employee in a particular case, regard must be had to the employee’s duties and responsibilities as an ACC employee at the relevant time.

(2) Where:
(a) a provision of the ACC Values or the ACC Code of Conduct conflicts with another requirement that also applies to an ACC employee; or
(b) a provision of the ACC Values or the ACC Code of Conduct requires an ACC employee to comply with conflicting requirements,
the employee must seek advice from the senior representative of the Australian Government in relation to the application of the provision to the employee in the circumstances.

(3) To the extent that an ACC employee’s conduct is consistent with advice given by the senior representative of the Australian Government to the employee under subclause (2) having regard to the employee’s circumstances, the employee is not in breach of the ACC Code of Conduct even if the employee’s conduct is inconsistent with a provision of the ACC Values or the ACC Code of Conduct.
Part 2—Directions on ACC Values

2.1 Australian Civilian Corps employees are apolitical and perform their functions in an impartial and professional manner

In upholding paragraph 1 of the ACC Values, an ACC employee must perform his or her functions as directed by the Secretary, independently from any political influence, irrespective of which political party is in power and irrespective of the employee’s political beliefs.

2.2 Inclusion on the ACC Register is merit-based, with all eligible members of the community having a reasonable opportunity to apply to join the Register

(1) In upholding and promoting paragraph 4 of the ACC Values, the Secretary will ensure that:
   (a) the opportunity to apply for inclusion on the ACC Register is open to all eligible members of the community; and
   (b) any decision to include a person on the ACC Register is based on an assessment of the relationship between the work-related qualities and personal attributes of the person and the qualities and attributes that are likely to be required for possible deployments.

Examples of work-related qualities that may be taken into account in making an assessment:

1. Skills and abilities
2. Qualifications, training and competencies
3. Standard of work performance
4. Capacity to produce outcomes from effective performance at the level required
5. Relevant personal qualities
6. Demonstrated potential for further development
7. Ability to contribute to team performance.

(2) The requirement under paragraph (1)(a) is taken to be met if the opportunity to join the ACC Register and the means of applying are made available to any member of the general public via the Department’s website.

(3) Paragraph (1)(a) does not preclude the Secretary inviting, from time to time, targeted sectors of the community to submit expressions of interest in joining the ACC Register.

2.3 Australian Civilian Corps employees are Australian Government officials recruited from the ACC Register on the basis of merit

(1) In upholding and promoting paragraph 5 of the ACC Values, the Secretary will ensure that:
   (a) any decision to engage a person as an ACC employee for a deployment is based on an assessment of the relative suitability of potential candidates for the deployment; and
Clause 2.4

(b) the assessment is based on the relationship between the work-related qualities and personal attributes of the candidates and the qualities and attributes genuinely required for the deployment; and
(c) the assessment focuses on the relative capacity of the candidates to achieve the Australian Government’s objectives in respect of the deployment; and
(d) the assessment is the primary consideration in making the decision:

Examples of work-related qualities that may be taken into account in making an assessment:

1. Skills and abilities
2. Qualifications, training and competencies
3. Standard of work performance
4. Capacity to produce outcomes from effective performance at the level required
5. Relevant personal qualities
6. Demonstrated potential for further development
7. Ability to contribute to team performance.

(2) Paragraph 5 of the ACC Values does not preclude the Secretary engaging an ACC employee:

(a) subject to conditions dealing with citizenship, security and character clearances, or health clearances, or any other conditions as permitted by subsection 19(4) of the Act; or

(b) taking into account any specific requirements or preferences of the host organisation in relation to the gender, religion, ethnic background or any other characteristics of personnel for the relevant deployment, provided that subclause (1) is complied with.

2.4 The Secretary provides, to the extent possible, a workplace that is free from discrimination and recognises and utilises the diversity of the Australian community

(1) Paragraph 6 of the ACC Values does not preclude the Secretary:

(a) engaging an ACC employee subject to conditions dealing with citizenship, security and character clearances, or health clearances, or any other conditions as permitted by subsection 19(4) of the Act; or

(b) doing anything to address specific requirements or preferences of the host organisation in relation to the gender, religion, ethnic background or any other characteristics of personnel for the relevant deployment, provided that doing so would not involve any breach of a Commonwealth anti-discrimination law.


(2) Subject to any applicable Commonwealth anti-discrimination law being complied with, paragraph 6 of the ACC Values does not require the Secretary to do anything that is not reasonably practicable in the circumstances, having regard to the constraints on what may be achieved by the Secretary in a workplace.
outside Australia that is provided or managed by parties other than the Australian Government.

2.5 The Secretary provides, to the extent possible, a fair, flexible, safe and rewarding workplace for Australian Civilian Corps employees

(1) Subject to any applicable Commonwealth occupational, health and safety legislation being complied with, paragraph 8 of the ACC Values does not require the Secretary to do anything that is not reasonably practicable in relation to an ACC employee, having regard to the constraints on what may be achieved by the Secretary in a workplace outside Australia that is provided or managed by parties other than the Australian Government, and having regard to:
   (a) the inherent requirements of the functions that the employee is deployed to perform; and
   (b) the inherent risks in the environments in which the employee is to perform those functions.

2.6 Australian Civilian Corps employees’ leadership is of the highest quality

Notwithstanding paragraph 12 of the ACC Values, an ACC employee may be required to report to, or work under the supervision of, a person who is not an Australian Government employee or official, where the Australian Government has no control over the quality of the person’s leadership.

2.7 Australian Civilian Corps employees respect local ownership of the recovery process, including ownership by the host government as appropriate, and encourage broad community participation in that process

(1) In upholding and promoting paragraph 15 of the ACC Values, the Secretary and ACC employees will ensure that ACC assistance is provided in a way that enables local people in the host country to drive, manage and implement the recovery process to the extent appropriate in the circumstances.

(2) For the purposes of subclause (1), local people in the host country may, but do not always need to, include the national government of the host country.

(3) Nothing in subclause (1) requires any particular local individual or group of local individuals (whether or not they are in government) to be involved in the ACC’s stabilisation or recovery efforts. In particular, paragraph 15 does not require an ACC employee to work with a local individual or a group of local individuals if doing so would:
   (a) have an adverse impact on the security and stability of the host country; or
   (b) damage the relationship between the Australian Government and the national government of the host country.

(4) Paragraph 15 of the ACC Values does not preclude ACC employees being deployed without the consent of the national government of the host country where there is an alternative legal basis for the deployment.

Note: Without the national government’s consent, an ACC employee may be deployed to the host country only if there is an alternative legal basis for the deployment, such as a United Nations Security Council resolution authorising deployment.
Clause 2.8

(5) In upholding the requirement under paragraph 15 of the ACC Values to encourage broad community participation in the recovery process, an ACC employee must recognise the important role that women have in the recovery process.

2.8 Australian Civilian Corps employees strive to minimise harm that may be inadvertently caused in providing assistance

(1) Without limiting the scope of paragraph 17 of the ACC Values, the Secretary will, in upholding and promoting paragraph 17, ensure that ACC assistance is not provided in ways that would be likely to hinder the long-term development or undermine the long-term stability of the host country.

(2) Without limiting the scope of paragraph 17 of the ACC Values, an ACC employee must, in upholding paragraph 17, help to ensure that ACC assistance is not provided in ways that would be likely to hinder the long-term development or undermine the long-term stability of the host country.
Part 3—Directions on ACC Code of Conduct

3.1 Upholding ACC Values and good reputation of the ACC and Australia

(1) Without limiting the scope of paragraphs 1 and 2 of the ACC Code of Conduct, compliance with those paragraphs includes compliance with the provisions of this clause.

Note 1: Paragraph 1 of the ACC Code of Conduct provides that an Australian Civilian Corps employee must act at all times in a way that upholds the Australian Civilian Corps Values and the integrity and good reputation of the Australian Civilian Corps.

Note 2: Paragraph 2 of the ACC Code of Conduct provides that an Australian Civilian Corps employee, while deployed overseas, must behave in a way that upholds the good reputation of Australia at all times.

(2) An ACC employee must pay particular attention to ensure his or her behaviour meets the standards expected in the host country. Where an ACC employee is in any doubt as to the application of this requirement, the employee must seek advice from a supervisor and, if necessary, the relevant Department officer.

(3) For the purposes of subclause (2), relevant Department officer means:
   (a) the Ethics Director; or
   (b) the HR AS.

(4) An ACC employee must not engage in behaviour at any time which is likely to adversely affect the employee’s ability to perform his or her duties, or the Australian Government’s ability to achieve the objectives of the deployment, or which is likely to bring the ACC or Australia into disrepute.

(5) An ACC employee must inform the senior representative of the Australian Government where the employee is engaged in any activity or relationship, whether official or private, which might have any of the adverse effects set out in subclause (4).

(6) An ACC employee must not use office facilities, staff or resources, which are provided for the purposes of his or her deployment, to arrange or facilitate access to sex workers by any person, including any official or private visitor.

(7) An ACC employee must make arrangements to clear all outstanding locally incurred financial debts prior to completing the employee’s deployment.

3.2 Acting honestly, ethically and with integrity

(1) Without limiting the scope of paragraph 3 of the ACC Code of Conduct, compliance with that paragraph includes compliance with the provisions of this clause.

Note: Paragraph 3 of the ACC Code of Conduct provides that an Australian Civilian Corps employee must behave honestly, ethically and with integrity in connection with Australian Civilian Corps employment.

(2) An ACC employee must report, to the senior representative of the Australian Government and the HR AS, any apparent or alleged breach of the ACC Code of Conduct.
Clause 3.3

Conduct, whether the breach relates to conduct of the employee or another ACC employee.

(3) An ACC employee must not make an allegation about breaches of the ACC Code of Conduct that is without substance and knowingly false, vexatious or malicious.

(4) An ACC employee must act with integrity in relation to any privilege he or she may have, such as exemption from the payment of taxes or duties under international law or the laws of the host country.

(5) Goods obtained by an ACC employee without the payment of duty under privilege are for personal use by the employee only, and must not be sold or used as payment of any kind to persons who do not have the relevant privilege.

(6) An ACC employee must not use any privileges in a manner that would undermine the integrity of those privileges.

3.3 Treating people with respect

(1) Without limiting the scope of paragraph 5 of the ACC Code of Conduct, compliance with that paragraph includes compliance with the provisions of this clause.

Note: Paragraph 5 of the ACC Code of Conduct provides that an Australian Civilian Corps employee must, when acting in connection with Australian Civilian Corps employment, treat everyone with respect, courtesy and dignity, and without harassment.

(2) An ACC employee:

(a) must respect the cultural background of colleagues in the workplace, clients, counterparts and domestic staff;

(b) must not discriminate against, or harass, such persons or any other people because of their sex, marital status, ethnicity, age, sexual orientation, disability or religious beliefs, or upon any similar ground; and

(c) must respect the privacy of individuals when dealing with personal information.

3.4 Cultural sensitivity

(1) In paragraph 6 of the ACC Code of Conduct, the reference to any other country in which an ACC employee is travelling means any country other than Australia and the host country, in which the employee is present during the term of his or her deployment, including when the employee is not on official duty or when the employee is on leave.

Note: Paragraph 6 of the ACC Code of Conduct provides that an Australian Civilian Corps employee must, at all times, be culturally sensitive in the host country, or any other country in which he or she is travelling.

(2) Without limiting the scope of paragraph 6 of the ACC Code of Conduct, compliance with that paragraph includes compliance with the provisions of this clause.

(3) An ACC employee:
Clause 3.5

(a) must seek, develop and display an appropriate understanding of local customs, including those relating to personal behaviour;
(b) must respect laws and customs which are protective of local cultural property; and
(c) must not purchase or export, or make arrangements in respect of the purchase or export of, any item of cultural property other than in accordance with local regulations, and with the knowledge and consent of relevant authorities of the host country where such knowledge and consent are required.

(4) For the purposes of paragraphs (3)(b) and (c), the term cultural property includes any antiquity, artefact, document, work of art or other chattel which is of national, historical, scientific, literary or artistic importance, and also includes any property the sale or export of which is, or may be, subject to local regulation.

3.5 Compliance with applicable laws

(1) Without limiting the scope of paragraph 7 of the ACC Code of Conduct, compliance with that paragraph includes compliance with the provisions of this clause.

Note: Paragraph 7 of the ACC Code of Conduct provides that an Australian Civilian Corps employee must, at all times while deployed overseas, comply with all applicable laws of Australia, the host country and any other country in which he or she is travelling.

(2) In paragraph 7 of the ACC Code of Conduct, the reference to any other country in which an ACC employee is travelling means any country other than Australia and the host country, in which the employee is present during the term of his or her deployment, including when the employee is not on official duty or when the employee is on leave.

(3) An ACC employee must take into account any guidance issued by the Department or the senior representative of the Australian Government concerning the application of any law, including a law of the host country, to the employee.

Note 1: An ACC employee is subject to the local laws of the host country unless privileges and immunities have been agreed between the Australian Government and the government of the host country.

Note 2: Clause 1.4 of these Directions sets out the procedure to be followed where adherence to paragraph 7 of the ACC Code of Conduct would otherwise require an ACC employee to comply with a law of the host country which conflicted with an Australian law that applied to the ACC employee in that host country.

(4) An ACC employee must give particular attention to laws concerning bank accounts, currency dealings, purchase and disposal of motor vehicles and traffic infringements.

3.6 Compliance with lawful and reasonable directions

(1) This clause relates to paragraph 8 of the ACC Code of Conduct.

Note: Paragraph 8 of the ACC Code of Conduct provides that an Australian Civilian Corps employee must comply with any lawful and reasonable direction given by:
(a) a senior officer of the Department who has authority to give the direction; and
Clause 3.7

(b) while overseas—the Australian Head of Mission or, when there is no Australian Head of Mission in the host country, the senior representative of the Australian Government to the host country.

(2) For the purposes of subparagraph 8(a) of the ACC Code of Conduct, a senior officer of the Department who has authority to give a direction to an ACC employee is an officer who holds or performs the duties of:
   (a) an SES position, or an equivalent position, in the Department; or
   (b) an Executive Level 2 position, or an equivalent position, in the Department.

(3) For the purposes of subparagraph 8(b) of the ACC Code of Conduct, the senior representative of the Australian Government to the host country in respect of an ACC employee is the person identified by the Department as the senior representative of the Australian Government for the purposes of the deployment of the ACC employee to that country.

(4) In the event of disagreement over the lawfulness or reasonableness of a direction, the ACC employee who is subject to the direction may refer the matter to the relevant Department officer.

(5) For the purposes of subclause (4), the relevant Department officer means:
   (a) the Ethics Director; or
   (b) the HR AS.

(6) Pending resolution of the disagreement, the ACC employee must comply with the direction.

(7) Where compliance with a direction as required by paragraph 8 of the ACC Code of Conduct may result in breaches of another requirement that also applies to the ACC employee, the procedure set out in clause 1.4 of these Directions applies.

3.7 Sexual exploitation

(1) Without limiting the scope of paragraph 9 of the ACC Code of Conduct, compliance with that paragraph includes compliance with the provisions of this clause.

Note: Paragraph 9 of the ACC Code of Conduct provides that an Australian Civilian Corps employee must not engage in sexual exploitation or abuse of any person in the host country, whether that person is a child or adult.

(2) An ACC employee must not engage in sexual activity with any person who is under 16 years of age or the age of consent specified for sexual activity in the law of the host country (as it applies to the ACC employee), whichever is greater.

(3) An ACC employee’s personal conduct towards his or her fellow workers must not be exploitative or be such as to lead reasonably to a perception of exploitation. If a sexual relationship occurs that may lead reasonably to a perception of exploitation, the ACC employee must inform the senior representative of the Australian Government.
3.8 Safety, security and health

(1) This clause relates to paragraph 10 of the ACC Code of Conduct.

Note: Paragraph 10 of the ACC Code of Conduct provides that an Australian Civilian Corps employee must not engage in behaviour that compromises the safety, security or health of themselves or others.

(2) For the purposes of paragraph 10 of the ACC Code of Conduct, behaviour that compromises the safety, security or health of any person does not include any act or omission on the part of an ACC employee that poses risks that are reasonable in the circumstances, taking into account:

(a) the inherent requirements of the functions that the employee is deployed to perform; and

(b) the inherent risks in the environments in which the employee is to perform those functions.

3.9 Conflict of interest

(1) Without limiting the scope of paragraph 11 of the ACC Code of Conduct, compliance with that paragraph includes compliance with the provisions of this clause.

Note: Paragraph 11 of the ACC Code of Conduct provides that an Australian Civilian Corps employee must disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with Australian Civilian Corps employment.

(2) An ACC employee must take all reasonable steps to ensure that any activities by a member of his or her household who is carrying on a private gainful occupation in the host country do not give rise to a conflict or the perception of a conflict between the official duty of the employee and the private interest of either the employee or a member of his or her household.

Note: For example, the household member must not use the ACC employee’s office address as that of the household member’s place of business. In cases where the office address is the sole address, household members are expected to use a private PO Box for carrying on a private business.

3.10 Acceptance of gifts

(1) This clause relates to paragraph 13 of the ACC Code of Conduct.

Note: Paragraph 13 of the ACC Code of Conduct provides that an Australian Civilian Corps employee must not accept gifts, benefits, hospitality or advantages that are offered in connection with his or her duties, status, power or authority, except in accordance with directions issued by the Secretary under the Act from time to time.

(2) An ACC employee may accept gifts, benefits, hospitality or advantages in accordance with the guidelines set out in the Schedule.

Note: This clause, together with the guidelines, constitute the directions issued by the Secretary under the Act for the purposes of paragraph 13 of the ACC Code of Conduct. That means acceptance of gifts, benefits, hospitality or advantages in accordance with the guidelines would not be in breach of the ACC Code of Conduct.

3.11 Confidentiality

(1) This clause relates to paragraph 16 of the ACC Code of Conduct.
Part 3 Directions on ACC Code of Conduct

Clause 3.12

Note: Paragraph 16 of the ACC Code of Conduct provides that an Australian Civilian Corps employee must not disclose to any person, including but not limited to the media, confidential information which the employee obtains or generates in connection with Australian Civilian Corps employment unless:

(a) the disclosure is necessary to enable the employee to perform his or her duties; or
(b) the information is disclosed in accordance with an authorisation given by the Secretary or a relevant delegate; or
(c) the disclosure is otherwise required or authorised by law.

(2) For the purposes of paragraph 16 of the ACC Code of Conduct, confidential information does not include the timing or duration of a deployment or possible deployment.

(3) For the purposes of subparagraph 16(a) of the ACC Code of Conduct, disclosure of confidential information to the media or other members of the public, without authorisation given by the Secretary or a relevant delegate, cannot be regarded as necessary to enable an ACC employee to perform his or her duties.

3.12 Household members

(1) This clause relates to paragraph 17 of the ACC Code of Conduct.

Note: Paragraph 17 of the ACC Code of Conduct provides that an Australian Civilian Corps employee must take reasonable steps to ensure that members of his or her household:

(a) comply with applicable local laws; and
(b) are culturally sensitive, at all times, to people in the host country; and
(c) do not adversely affect the good reputation of Australia; and
(d) do not engage in behaviour that compromises the safety of themselves or others.

(2) In complying with subparagraph 17(a) of the ACC Code of Conduct, an ACC employee must, at the minimum, ensure his or her household members are aware of the requirement to comply with applicable local laws.

(3) In the event of an ACC’s employee’s household member failing to act consistently with subparagraph 17(a), (b), (c) or (d) of the ACC Code of Conduct, the ACC employee must take all reasonable steps to ensure the household member’s relevant conduct ceases.

(4) If the household member’s relevant conduct persists, the ACC employee must inform the senior representative of the Australian Government.

Note: Incidents of such behaviour of an ACC employee’s household member may, for operational reasons, require review, and possibly termination, of the employee’s ACC employment.

3.13 Notification where employee comes to the notice of local law enforcement authority

(1) This clause relates to paragraph 18 of the ACC Code of Conduct.

Note: Paragraph 18 of the ACC Code of Conduct provides that an Australian Civilian Corps employee overseas must inform the senior representative of the Australian Government to the host country as soon as practicable if:

(a) the employee, or a member of his or her household, comes to the notice of the local law enforcement authorities; or
Clause 3.13

(b) the employee becomes aware of serious criminal misconduct by an Australian citizen in the host country, unless it is reasonable for the employee to believe that it has already come to the attention of the senior representative.

(2) The notification requirement under subparagraph 18(a) of the ACC Code of Conduct applies to an ACC employee where he or she is aware that a law enforcement authority of the host country knows about a possible breach of a law of the host country committed by the ACC employee or his or her household member.

(3) The notification requirement under paragraph 18 of the ACC Code of Conduct does not apply in relation to minor traffic infringements, but applies in all other cases whether or not the person who appears to have infringed the relevant law may be charged with an offence.

(4) For the purposes of paragraph 18 of the ACC Code of Conduct, the senior representative of the Australian Government to the host country in respect of an ACC employee is:

(a) where there is an Australian Head of Mission in the host country—the Head of Mission;

(b) where there is no Australian Head of Mission in the host country—the person identified by the Department as the senior representative of the Australian Government for the purposes of the ACC employee’s deployment.
Schedule—Australian Civilian Corps Guidelines on acceptance of gifts, benefits, hospitality or advantages

(clause 3.10)

1 Purpose
These guidelines provide employees with details on the retention or disposal of gifts, benefit, hospitality and sponsored travel.

2 Application
These guidelines apply to all ACC employees.

3 Legal effect
These guidelines form part of the Directions issued by the Secretary under section 16 of the Act. Acceptance of gifts, benefits, hospitality or advantages in accordance with these guidelines would not be in breach of paragraph 13 of the ACC Code of Conduct.

4 Introduction
Employees will know that offers of gifts, benefits, hospitality and sponsored travel are very much a part of the work environment in which the ACC operates both in Australia and overseas. Public accountability and the good reputation of the ACC require that there are clear policy guidelines on this issue and they are observed.

These guidelines are intended to be in line with guidelines applicable to employees of other overseas-operating agencies. The value limits for gifts are consistent with contemporary levels and the value of an item is to be assessed on the relevant overseas or Australian wholesale price.

All ACC employees are to ensure that they abide by these guidelines.

5 Procedures
The integrity of the ACC must not be undermined by a perception that an employee might be influenced by gifts or other benefits. The ACC Code of Conduct requires that an ACC employee should not accept gifts or other benefits or advantages that are offered in connection with the employee’s duties, status, power or authority. The Code also requires employees to disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with their employment.

These guidelines are designed to assist employees to uphold these principles and to maintain consistent standards within the ACC with respect to gifts, benefits, hospitality and sponsored travel.

Any gift received in connection with an employee’s duties remains the property of the Commonwealth until a determination is made by the designated approver, who may be the Secretary or an officer authorised by the Secretary for this purpose.
All substantial gifts received, and the designated approver’s decision with regard to them, should be recorded on the Declaration of Gifts, Benefits, Hospitality and Advantages Form set out in the Appendix (Gift Report Form). Gift Report Forms are auditable documents. Staff who are found to have breached the provisions of these guidelines are in breach of the ACC Code of Conduct and may be subject to the sanctions provided for under section 17 of the Act.

6 Gifts
‘Gifts’ refer to physical items, including cash or vouchers, offered in connection with the recipient’s position. The following general principles apply to gifts:

- Gifts offered in conjunction with the intended recipient’s official duties or position should, wherever possible, not be accepted.
- Because of the perception of a conflict of interest that it might entail, employees should not accept gifts from contractors engaged by the Department or the overseas mission or with whom the Department or the overseas mission may shortly enter into a commercial relationship, or from clients over whose interests the employee is in a position to exercise discretionary authority.
- It is recognised that circumstances arise, particularly overseas, where no conflict of interest could reasonably be inferred and refusal of a gift might cause offence to a degree that might place the ACC, the Department, the overseas mission or Australia in a poor light.
- Gifts that are accepted in these circumstances should be reported to the HR AS in accordance with procedures outlined below.
- Cash may be accepted as a gift only in extraordinary circumstances involving particular cultural sensitivity. Regardless of the amount involved, the recipient must not retain a cash gift.
- All gifts, apart from the exempted items discussed below, should be declared regardless of their perceived or actual value.

6.1 Exempted Gifts
The following items are not regarded as gifts for the purposes of these guidelines, and may be retained without reference to HR AS:

- A bona fide gift of appropriate value from a relative or personal friend, for example, to mark a birthday or celebratory event.
- An item of little or no commercial value, including perishable items such as flowers or chocolates; seasonal or promotional items such as calendars, pens, paperweights or items which, while they may have cultural significance, are of negligible commercial value in Australian terms (such as flax mats).

The senior representative of the Australian Government may issue additional guidance to employees, based on local custom and practice, elaborating on this list of exempted items.

6.2 Valuing a Gift
An informal estimate of value is appropriate where the designated approver is satisfied that the item is below the applicable value limit. In cases where a recipient wishes to retain an item that may be above the value limit, the recipient should obtain a formal valuation. To encourage compliance, the recipient will be reimbursed the cost of an independent local valuation obtained in these circumstances.
When valuing an official gift the following principles apply:

- Gifts received overseas are to be valued at the local wholesale rate (free of duty and tax) and converted to Australian dollars (AUD) at the budget exchange rate;
- Gifts received in Australia should be valued at the current GST inclusive wholesale price.

6.3 Retaining a Gift

In general, a designated approver may permit a recipient to retain a gift which does not exceed a wholesale value limit of **AUD$ 500** for gifts from government sources and **AUD$ 200** for gifts from private sources.

**Note:** these value limits are to assist a designated approver to determine whether the gift may be retained. They are not reporting limits. All gifts, except those exempted under paragraph 6.1 above, should be reported.

A gift in excess of these value limits may be retained where the employee pays to the Department, within 14 days of a decision by a designated approver, the difference between the allowable limit and the wholesale value of the gift, plus GST on the difference if the gift was received in Australia (see example below):

**Example:**

<table>
<thead>
<tr>
<th>Wholesale value</th>
<th>AUD$ 600</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowable limit</td>
<td>AUD$ 500 (government source)</td>
</tr>
<tr>
<td>+ GST on the difference</td>
<td>AUD$ 10</td>
</tr>
<tr>
<td><strong>Total cost to recipient</strong></td>
<td><strong>AUD$ 110</strong></td>
</tr>
</tbody>
</table>

Cheques for payment of the excess value of a gift received other than in Canberra should be presented to relevant overseas mission. Cheques for the excess value of gifts received in Australia should be given to an officer of the Department who has responsibility for the collection of public money.

6.4 Use, Storage and Disposal of Gifts

The HR AS shall decide appropriate official use, storage or disposal of gifts not retained by recipients. In doing so, the HR AS may choose from the following options:

- Official use or display by the Department, the ACC or overseas mission.
- Donation to an appropriate non-profit organisation or charity.
- Transfer title to other Commonwealth Departments, museum, gallery, library, archive, special interest collection, education or community institution, either in Australia or overseas.
- Give the item as a gift to an appropriate person or organisation (where discretion allows).
- Sale in accordance with guidelines for the disposal of obsolete Commonwealth property.
- Direct an officer in the Department to dispose of the gift as directed.
6.5 **Recording Gifts as Assets**

A Register will be maintained for all gifts received irrespective of their value or whether the gift is retained or not. The Register will include the information supplied by the recipient in the report, decisions relating to disposal of the gifts and any other relevant information and will be available for audit purposes.

7 **Benefits**

Benefits include special offers, customer-specific discounts and prizes. Benefits should not be accepted where it could reasonably be inferred that the benefit is offered on the basis of the employee’s ‘position, power, status or authority’ – ACC Code of Conduct.

The following general principles apply to benefits:

- Prizes offered at events attended in an official capacity are work-related benefits and should not be accepted. Where acceptance cannot be avoided, the prize should be recorded on a Gift Report Form and the matter referred to HR AS for decision (A convertible prize such as free airline ticket should be used, where possible, for the benefit of the Department, the ACC or overseas mission).
- Prizes won *in open competition* at work-related sporting events, may be retained, however, details of the prize should be recorded on a Gift Report Form and, in the case of high value items, should be referred to the HR AS for decision on a case-by-case basis.
- Prizes donated by private or commercial sources to charity events sponsored by the Department, the Department’s social club, the ACC or an overseas mission are acceptable where the opportunity to win the prize is also open to people who are not members of the sponsoring entity.
- All promotional offers, free travel or discounts offered in connection with officially funded travel remain the property of the Commonwealth.
- Honorary club memberships that have a demonstrated representational value may be accepted.
- At overseas missions, a reduction in the price of goods or services that is generally available to members of foreign missions is available.

8 **Hospitality**

The offer and return of hospitality is an integral part of conducting business overseas and in Australia. Recipients should nevertheless be cautious about offers of hospitality where there is an implication that a favour is expected in return or which falls outside the normal pattern of hospitality appropriate to an employee’s position and responsibilities. The guiding principle should be that ACC objectives would be furthered and there would be no real or perceived conflict of interest involved in acceptance of an offer. Examples of situations that might entail the perception of conflict of interest include: where the host person, company or body is tendering for a contract with the Commonwealth; or where there is a discretionary relationship between the employee and the person, company or body offering the hospitality.

In accordance with the above, the following general principles apply:

- ‘Hospitality’ refers to invitations to work-related social functions or sporting or cultural events where the costs are met wholly or substantially by the host. The term ‘work-related’ refers to events where an invitation is based on the recipient’s official position rather than on a personal relationship or connection.
As a rule, hospitality from official sources such as an international or other government agency, an educational institution, non-government organisation or industry group may be accepted without reference to HR AS.

Substantial hospitality from private or commercial sources that may entail the appearance of a conflict of interest should be reported, where possible in advance, for decision by HR AS.

- Because the value of hospitality often cannot be determined or the benefit retained or transferred by the recipient, the scope for the perception of conflict of interest, and not the value limit applicable to gifts should be the basis for determining whether an offer of hospitality is acceptable.

Free tickets to sporting or cultural events which might entail the perception of a conflict of interest (such as those from private or commercial sources) should be reported in advance to HR AS.

Offers of tickets on an inaugural airline flight between the overseas mission and Australia should be referred to the HR AS for a decision on a case-by-case basis.

If in doubt about the above exceptions, seek advice from the relevant section in the Department.

9 Sponsored Travel

Sponsored travel includes cases where transport, accommodation or living expenses are paid for or provided other than from official funds or an employee’s own resources.

The Guidelines on Official Conduct of Commonwealth Public Servants allows the acceptance of sponsored travel when offered by:

- an inter-governmental or international agency;
- another Government;
- an educational institution; or
- a non-profit organisation or broad-based industry group.

In all cases where travel is accepted, the organisation, institution or agency must be “reputable” and no conflict of interest is created by acceptance of the offer.

Acceptance of travel offered by private companies or commercial organisations is unlikely to be acceptable in all but exceptional circumstances (e.g. if no other feasible travel or accommodation options exist in a remote overseas community).

In the case of core business travel to a remote locality where no commercial air link exists, offers of sponsored travel on company aircraft may be acceptable, preferably on a reimbursable basis. However it is acknowledged that it may not be easy to identify specific costs of an “airfare” on a company aircraft.

Requests for approval to accept sponsored travel must be referred to the officer in the Department who has responsibility for approving the request.

10 Reporting Procedures

Circumstances will arise, particularly overseas, when a gift or hospitality cannot be refused without causing offence in a way that could reflect adversely on the overseas mission or possibly place Australia in a poor light. In such circumstances the following procedures apply:
Any gift that has been accepted must be reported by the recipient to the HR AS as soon as possible and in any case within 14 days of receipt of the gift.

The recipient should complete a Gift Report Form giving details of the item, the donor, and why it was not refused and the value of the item. All ACC employees are required to report gifts they have received in accordance with these procedures.

The designated approver for all gifts received by ACC employees at overseas missions is the senior representative of the Australian Government (usually the Head of Mission/Head of Post). The designated approver for all gifts received by ACC employees in Canberra is HR AS.

Once a decision has been taken, the Gift Report Form should be stored on a central gift file and gift recipient advised. Gift Report Forms are auditable documents and the gift file(s) on which they are stored must be kept up-to-date and available for inspection. All Gift Report Forms should be forwarded to the HR AS in Canberra for approval.

11 Further Guidance

The Department recognises that situations may arise that fall outside these guidelines. Local standards should aim to reinforce the intent of these guidelines, which is to ensure that there is no actual or perceived conflict of interest or use of position to obtain benefit. Further assistance or advice may be sought from the relevant section in the Department.
### Appendix—Declaration of Gifts, Benefits, Hospitality and Advantages Form

<table>
<thead>
<tr>
<th>Recipient’s Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
</tr>
<tr>
<td>Date:</td>
</tr>
<tr>
<td>Signature:</td>
</tr>
<tr>
<td>Deployment location:</td>
</tr>
<tr>
<td>Position:</td>
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</table>

<table>
<thead>
<tr>
<th>Description of the Gift:</th>
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</table>

<table>
<thead>
<tr>
<th>Received from:</th>
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</thead>
</table>

<table>
<thead>
<tr>
<th>Circumstances under which gift was received:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Why gift was not/could not be refused:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Estimated value of gift: (Attach independent valuation where recipient wishes to retain a gift which is above the applicable value limit, and file official receipt with this form when excess value is paid)</th>
<th>Local currency</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Local currency □ or AUD $ (GST incl.)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proposed action (retention, use, sale, disposal):</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Approval of Gift, Benefits, Hospitality or Advantages by Designated Approver:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comments/Recommendations:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>□ Approved</th>
<th>□ Not Approved</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Signature</th>
<th>Printed Name</th>
<th>Date</th>
</tr>
</thead>
</table>

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Endnotes

Endnote 1—About the endnotes
The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history
Endnote 5—Uncommenced amendments
Endnote 6—Modifications
Endnote 7—Misdescribed amendments
Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

Abbreviation key—Endnote 2
The abbreviation key in this endnote sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended the compiled law. The information includes commencement information for amending laws and details of application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

Uncommenced amendments—Endnote 5
The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

Modifications—Endnote 6
If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

Misdescribed amendments—Endnote 7
An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

Miscellaneous—Endnote 8
Endnote 8 includes any additional information that may be helpful for a reader of the compilation.
Endnotes

Endnote 2—Abbreviation key

ad = added or inserted
am = amended
c = clause(s)
Ch = Chapter(s)
def = definition(s)
Dict = Dictionary
disallowed = disallowed by Parliament
Div = Division(s)
exp = expired or ceased to have effect
hdg = heading(s)
LI = Legislative Instrument
LIA = Legislative Instruments Act 2003
mod = modified/modification
No = Number(s)
o = order(s)
Ord = Ordinance
orig = original
par = paragraph(s)/subparagraph(s)
/pre-subparagraph(s)

pres = present
prev = previous
(prev) = previously
Pt = Part(s)
r = regulation(s)/rule(s)
reloc = relocated
renum = renumbered
rep = repealed
rs = repealed and substituted
s = section(s)
Sch = Schedule(s)
Sdiv = Subdivision(s)
SLI = Select Legislative Instrument
SR = Statutory Rules
Sub-Ch = Sub-Chapter(s)
SubPt = Subpart(s)
## Endnote 3—Legislation history

<table>
<thead>
<tr>
<th>Name</th>
<th>FRLI registration</th>
<th>Commencement</th>
<th>Application, saving and transitional provisions</th>
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<tr>
<td>Director-General’s Australian Civilian Corps Directions 2011</td>
<td>22 Dec 2011 (see F2011L02796)</td>
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<table>
<thead>
<tr>
<th>Act</th>
<th>Number and year</th>
<th>Assent</th>
<th>Commencement</th>
<th>Application, saving and transitional provisions</th>
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</thead>
</table>
### Endnote 4—Amendment history

<table>
<thead>
<tr>
<th>Provision affected</th>
<th>How affected</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Pt 1</strong></td>
<td></td>
</tr>
<tr>
<td>c 1.1A</td>
<td>ad Act No 140, 2013</td>
</tr>
<tr>
<td>c 1.3</td>
<td>am Act No 140, 2013</td>
</tr>
<tr>
<td><strong>Pt 2</strong></td>
<td></td>
</tr>
<tr>
<td>c 2.1</td>
<td>am Act No 140, 2013</td>
</tr>
<tr>
<td>c 2.2</td>
<td>am Act No 140, 2013</td>
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<tr>
<td>c 2.3</td>
<td>am Act No 140, 2013</td>
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<tr>
<td>hdg to c 2.4</td>
<td>rs Act No 140, 2013</td>
</tr>
<tr>
<td>c 2.4</td>
<td>am Act No 140, 2013</td>
</tr>
<tr>
<td>hdg to c 2.5</td>
<td>rs Act No 140, 2013</td>
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<tr>
<td>c 2.5</td>
<td>am Act No 140, 2013</td>
</tr>
<tr>
<td>c 2.7</td>
<td>am Act No 140, 2013</td>
</tr>
<tr>
<td>c 2.8</td>
<td>am Act No 140, 2013</td>
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<tr>
<td><strong>Pt 3</strong></td>
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<tr>
<td>c 3.1</td>
<td>am Act No 140, 2013</td>
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<tr>
<td>c 3.2</td>
<td>am Act No 140, 2013</td>
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<tr>
<td>c 3.5</td>
<td>am Act No 140, 2013</td>
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<tr>
<td>c 3.6</td>
<td>am Act No 140, 2013</td>
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<tr>
<td>Note to c 3.6(1)</td>
<td>am Act No 140, 2013</td>
</tr>
<tr>
<td>Note to c 3.10(1)</td>
<td>am Act No 140, 2013</td>
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<tr>
<td>Note to c 3.10(2)</td>
<td>am Act No 140, 2013</td>
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<td>c 3.11</td>
<td>am Act No 140, 2013</td>
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<tr>
<td>c 3.13</td>
<td>am Act No 140, 2013</td>
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<td>Sch</td>
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Endnotes

Endnote 5—Uncommenced amendments [none]

Endnote 6—Modifications [none]

Endnote 7—Misdescribed amendments [none]

Endnote 8—Miscellaneous [none]