



Australian Government

Department of Finance

EXECUTIVE MINUTE

on

JOINT COMMITTEE OF PUBLIC ACCOUNTS AND AUDIT

REPORT [No. 504]

Inquiry into procurement at Services Australia and the National Disability Insurance Agency

Recommendation 4

General comments

Acceptance of a gift or benefit that is connected with a Commonwealth official's role or duties can create a real or apparent conflict of interest that should be avoided. Australian Public Service (APS) employees are required under the APS Code of Conduct to take reasonable steps to avoid any conflict of interest (real or apparent) in connection with their APS employment and must disclose details of any material personal interest they have which may conflict with their APS employment. They are also required to not improperly use inside information or their duties, status, power or authority to gain or seek to gain a benefit or an advantage to themselves or another person. The APS Values—in particular the Ethical and Accountable Values—underpin these elements of the Code.

The Department of Finance, with the Digital Transformation Agency's (DTA) agreement, is responding on behalf of the DTA. The Australian Public Service Commission (APSC) has also agreed to the response to this recommendation.

Response to each specific recommendation

Recommendation 4

The Committee recommends that the Department of Finance and the DTA take appropriate action to understand the extent to which inappropriate cultivation of Commonwealth officials may be occurring as a result of hospitality and gifts by major ICT vendors.

Response: *Agreed in principle.*

APS employees are required, under the APS Code of Conduct, to take reasonable steps to avoid any conflict of interest (real or apparent) in connection with their APS employment. This includes acceptance of a gift or benefit that is connected with a Commonwealth official's role or duties.

The APSC provides guidance to APS employees and agencies about the management and declaration of conflicts of interest—including gifts and benefits—in its guidance on the [APS Values and Code of Conduct in Practice](#) (see Chapter 5) and has issued specific guidance to all Commonwealth agency heads about their own declaration and management of gifts and benefits - [Guidance for Agency Heads - Gifts and Benefits](#). Agencies are strongly encouraged to develop their own gifts and benefits policies in line with this guidance, particularly in relation to higher-risk activities such as procurement, grants, recruitment, regulation and making binding decisions. In 2025 the APSC will review the *Guidance for Agency Heads - Gifts and Benefits* with a view to expanding the mandatory declaration requirements and strengthening the public reporting obligations beyond Agency Heads. APS and other agencies will be consulted on the proposed policy and a reasonable implementation period for administration and compliance. Publication of the revised policy will occur in the context of the broader APS Conflict of Interest Management Framework which is due for completion in mid-2025.

From 1 April 2025, the DTA will analyse each agencies' public gifts and benefits disclosures to identify gifts and benefits made from ICT suppliers that either have a whole-of-government arrangement with the Commonwealth or a model contract under a DTA panel arrangement. In addition, the DTA will write to those suppliers requesting they provide to the DTA, on a quarterly basis, a record of all gifts offered, and gifts accepted, by APS officers over the 12 month period to 31 March 2026. The DTA will provide a summary on its website. In mid-2026, the DTA will write back to the JCPAA to update the committee on any findings and/or proposed further steps to address this recommendation.

Further, the Commonwealth expects its suppliers to consistently act with integrity and accountability. The Government introduced the Commonwealth Supplier Code of Conduct (Code), effective from 1 July 2024. The Code outlines the Commonwealth's minimum expectations of suppliers and their subcontractors while under contract with the Commonwealth. The expectations cover ethical behaviour; corporate governance; business practices; and health, safety, and employee welfare. The DTA is working with all digital suppliers on BuyICT panels in relation to their panel agreement obligations and the requirements to incorporate the Code in all contracts from 1 July 2024. The DTA will also remind suppliers of digital products and services on DTA-operated panels about their obligations under the Supplier Code of Conduct.



Signed by

Jenny Wilkinson
Secretary