

# AER Gifts and Hospitality Policy

Version 1.0

01 July 2026

**Target audience:** All AER employees

## Governance

Date	Action	Responsible
N/A	Endorsement	TBA
N/A	Approval	Version adopted based on ACCC and AER Gifts and Hospitality Policy.
TBA	Review	TBA
TBA	Review due	TBA

## Amendment record

Version	Date	Pages
1.0	18 April 20026	Initial draft based on ACCC and AER Gifts and Hospitality Policy.

**Note:** Printed copies of this document are not controlled. Check the version number on iManage for currency.

## Control details

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## Purpose

1. This policy covers the acceptance of gifts, hospitality and other benefits by Australian Energy Regulator (AER) Officials.

## Objective

2. This policy assists AER Officials to discharge their responsibilities when they are offered gifts or hospitality by someone outside the Commonwealth, or by a current or potential supplier of the Agency from within the Commonwealth, e.g. the Australian Government Solicitor, in connection with their official duties or because of their position in the Agency.
3. This policy does not apply to interactions in an AER official's personal life. However, the optics of the particular circumstances must always be considered, given the roles that AER Officials hold. AER employees should also have regard to Agency's Conflicts of Interest Policy and statutory office holders should have regard AER Board Charter.
4. This policy:
  - outlines the principles and policy positions that AER Officials must comply with when considering whether gifts and hospitality should be accepted or declined (by them or by someone who requires their approval under this policy)
  - illustrates how those principles and policy positions can be applied
  - describes the necessary approval process before an offer can be accepted (in most cases), and
  - explains when disclosure of accepted gifts and hospitality must occur.
5. AER Officials work for a publicly funded regulator, so it is essential that they uphold, and are seen to uphold, high standards of integrity. By limiting the circumstances in which AER Officials can accept gifts and hospitality, and by being transparent with the public when gifts and hospitality are accepted, the Agency helps to maintain its good reputation and its ability to continue functioning as a trusted, independent regulator.
6. To provide transparency and public accountability, the Agency publishes this policy and periodic registers of gifts and hospitality accepted by AER Officials on its website.

## Policy context

7. AER Officials must apply the following principles and policy statements when considering whether to accept a gift or hospitality and when deciding whether to approve another Official accepting a gift or hospitality. AER Officials must also contribute to the Agency's high integrity culture.
8. AER Officials should avoid accepting gifts and hospitality in most circumstances
9. AER Officials must not accept gifts and hospitality in the following circumstances:
  - a) **Real conflict of interest:** An AER Official must never accept a gift or hospitality where it would give rise to a real (or actual) conflict of interest. This occurs where acceptance (either in a particular instance or cumulatively) would influence an AER Official's objectivity or actions (including decisions as to whether to take any action) in an AER Official's capacity as a public servant].

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- b) **Unrelated to Agency’s functions:** An AER Official must never accept (in their capacity as an AER Official) a gift or hospitality where the gift or hospitality is conferred in circumstances unrelated to the performance of the Agency’s functions.
10. There are circumstances in which it may be appropriate for a gift or hospitality to be accepted with approval and then the item must be disclosed, as outlined below. The following matters must be considered in deciding whether to accept or approve the acceptance of a gift or hospitality:
- a) **Perceived conflict of interest:** Even if a real conflict of interest would not arise, receiving a gift or hospitality, particularly from a current or potential supplier of the Agency, or a regulated entity or their representative, can give rise to a perceived conflict of interest, or create the impression that an AER Official is subject to inappropriate external influence. This can erode trust in the Agency’s independence, when performing its regulatory and enforcement roles and when conducting procurement and recruitment processes. As such, an offer of a gift or hospitality may only be accepted with pre-approval, unless it is impractical to obtain such approval, or some other harm would likely result (such as causing offence in the relevant cultural context).
  - b) **Possible benefit to Agency:** Accepting a gift or hospitality could assist an AER Official to perform their role or otherwise provide a benefit to the Agency in performing its functions. For example, acquiring knowledge that will help an AER Official perform their duties provides a benefit to the Agency that can enhance its effectiveness, but accepting consumables so they can be provided to the Agency’s social club or shared with other AER Officials does not provide the Agency with greater skills, expertise or other attributes relevant to its statutory roles (absent the existence of other benefits). In order to operate effectively, the Agency frequently engages with a wide range of domestic and overseas stakeholders, including private sector representatives, outside Agency offices and outside normal business hours. However, even where possible benefits to the Agency can be identified, it can remain appropriate to decline a gift or hospitality to avoid creating an impression that the Agency can be influenced by the provision of such items.

Any gift or hospitality offered to a partner or family member of an AER Official must be treated as being offered to the AER Official, if the gift or hospitality arises from the AER Official’s role as a public servant.

11. Table 1 contains examples of gifts or hospitality that should be declined because of the perceptions they could create and/or the absence of a sufficient benefit for, or relevance to, the Agency.

**Table 1: Gifts or hospitality that should be declined**

<b>Loyalty points</b> , e.g. Frequent flyer points, Velocity points – as opposed to status credits –should not be accrued on any Agency travel.
A <b>‘thank you’ or ‘relationship building’</b> gift from a current or potential supplier of the Agency, or an entity regulated by the Agency or their representative, where refusal would not be likely to cause offence in the relevant cultural context*. When agreeing to speak at events, AER Officials should send the organisers a note (template text is available on the gifts and hospitality intranet page) advising that the AER is unable to accept gifts. If an AER Official is still offered a gift, it can be difficult to refuse while on stage, but individuals should try to leave the gift at the organiser’s check-in desk or with one of their employees.
An <b>invitation</b> from a current or potential supplier of the Agency, or a regulated entity or their representative, <b>to sit at their table</b> at an event involving hospitality at no charge. (If it is important to attend, consideration should be given to the costs and benefits of the Agency purchasing a ticket.)
<b>Hospitality</b> offered by a current or potential supplier of the Agency or an entity regulated by the Agency or their representative, <b>on a regular basis</b> where there is no speaker or other formal educative element (e.g. annual drinks functions hosted by law firms or regular coffee catch-ups with regulated industry participants).

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<p><b>Free or discounted tickets</b> offered by a current or potential supplier of the Agency or an entity regulated by the Agency or their representative, to the following types of events in Australia where they are unrelated to the Agency's role or functions: movies, sporting events or arts/cultural events.</p>
<p><b>Cash, shares, vouchers or discounts</b> (except discounted tickets described elsewhere in this document).</p>
<p><b>Prizes or lottery wins</b></p>
<p><b>Nightclub, bar or casino attendance.</b> NB: This does not prevent bar attendance where the AER Official is paying for their own drinks – for instance, when liaising with an overseas regulator. However, the optics of particular circumstances must always be considered.</p>

\* Policy exception: Low value gifts or hospitality from a landlord or building manager of an AER tenancy may be accepted (and do not need to be approved or declared), provided those gifts or hospitality are available to all tenants within the tenancy and do not otherwise create a conflict of interest (that may arise for an employee involved in procuring or managing a contract with a building owner/manager). Examples include healthy lifestyle related activities such as yoga classes, coffees, ice creams, live music/performances, etc.

12. Table 2 below sets out types of gifts and hospitality that may be accepted with approval, in accordance with paragraphs 15 and 16, in appropriate circumstances.

**Table 2: Gifts or hospitality that should be declined**

<p>An <b>airline upgrade</b>, to a different class of travel, on any flight booked for official travel purposes.</p>
<p>An airline <b>lounge membership</b> provided in the course of official duties.</p>
<p><b>Reasonable travel and/or accommodation</b> that supports the performance of an individual's role as an AER Official or their official duties and has been approved in accordance with paragraphs 15 and 16 of this policy (e.g. travel to facilitate an interstate or overseas speaking engagement at the request of another regulator or the Law Council).</p>
<p>A <b>'thank you' or 'relationship building' gift</b> or hospitality from an overseas public body (e.g. a regulator) to thank the AER Official or the Agency for lawful services or participation, or to strengthen relations with the Agency.</p>
<p><b>Food and/or drink</b> at free events relevant to the Agency's functions, where acceptance would be likely to produce clear and identifiable benefits for the Agency, and the value of the consumables is not excessive.</p>
<p><b>Free or discounted ticket/s to events</b> (and included food and drink) relevant to the Agency's functions containing a formal educative element, including if hosted by a current or potential supplier of the Agency, an entity regulated by the Agency or their representative (including <b>professional associations</b>).</p> <p>NB: For free or discounted tickets that are widely available, e.g., tickets to free webinars hosted by law firms, discounts for early conference registration, or tickets offered to all members of a professional association, see Table 3 below.</p>
<p>Free or discounted ticket/s from <b>Commonwealth public sector entities</b> (except Agency suppliers) to events hosted predominantly by them.</p>
<p>Free or discounted ticket/s to events relevant to the Agency's functions being hosted predominantly by <b>state, territory and/or local government bodies</b>, or one or more entities they own or control, where attendance by an AER Official is appropriate. It may not be appropriate in certain circumstances, such as where the Agency is the regulator of the host or a related entity.</p>
<p>Free or discounted ticket/s to an event relevant to the Agency's functions because the AER Official has a <b>key role at the event</b> or are supporting another AER Official with such a role. (As a general guide, up to two AER Officials may attend to support or in recognition of an AER Official playing a key role.) Regard must still be had to the relative total value of the offer, compared with the speaker's time, and to the identity of the offeror. Such offers from regulated entities should generally be declined. If an AER Official does not receive a ticket to an event at which they are speaking, but they attend part or all of the event and they receive food and/or drink, that hospitality must be disclosed.</p>

13. Table 3 contains examples of gifts and hospitality that could be accepted, without approval. Approval is not required because it would often be impractical to obtain approval in advance and/or the circumstances are unlikely to lead to any perceived conflict of interest. Disclosure of such items is not required.

**Table 3: Gifts or hospitality that could be accepted without approval.**

Airline <b>lounge access</b> provided due to airline membership status.
<b>Status credits</b> awarded by airlines for official travel purposes.
<b>Modest refreshments</b> (e.g. tea, coffee and snacks) at a work-related event with no entry charge (e.g. a meeting or site inspection) where the hospitality is incidental to AER Officials undertaking their duties. This does not include any event where alcohol is served.
<b>Free or discounted ticket/s</b> to events relevant to the Agency’s functions, where that price point is <b>widely available</b> , regardless of who is hosting or sponsoring the event. For example, early bird discounts offered to anyone who registers to attend an event at an early stage; law firm webinars and seminars that do not include any hospitality and where the same entry price (if any) is offered to everyone who subscribes to their marketing material; and educational events organised by professional associations that are offered to all members on particular terms).
Free admission into, and parking near, an <b>event partly organised by the Agency</b> (or of a similar nature), such as the Utility Regulators Forum, Annual Regulatory Conference, Bannerman Competition Lecture or the Ruby Hutchison Memorial Lecture.

## Procedure

14. All AER Officials must comply with the Gifts and Hospitality Procedure & Guidance, including in relation to:

- a) the steps they should proactively take to avoid being offered gifts and hospitality that could be difficult to decline in particular circumstances
- b) the process for obtaining and recording any necessary approvals before accepting a gift or hospitality, including recording consideration of any perceived conflict of interest
- c) the recording of decisions, about whether gifts and/or hospitality may be accepted.
- d) the handling of items that have been accepted, and
- e) the process for disclosing gifts and hospitality that have been accepted.

## Approval

15. AER Officials must obtain approval in accordance with this policy and the gifts and hospitality procedure before accepting any gift or hospitality, regardless of its value, unless refusal would be likely to cause offence or some other harm in the relevant cultural context, or it would be impractical to do so, such as the gifts or hospitality set out in Table 3.

16. The authorised approver for each type of AER Official is shown in Table 4 below.

**Table 4: Authorised approvers**

Type of AER Official	Authorised Approver
Employees and contractors	SES Manager
AER CEO	AER Chair
AER Board Members	AER Chair

AER Chair	AER Deputy Chair
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**Disclosure**

- 17. AER Officials must disclose any gift or hospitality that they have accepted (regardless of value), as soon as possible after acceptance, unless this policy states that disclosure is not required or disclosure has already effectively occurred when seeking approval to accept the offer.
- 18. It is not necessary to disclose any offer that has been declined.
- 19. The disclosure must record whether accepting the gift, benefit or hospitality represented a perceived conflict of interest and explain the basis for the decision.

**Handling of items received**

- 20. Any items that are received by an AER Official in accordance with this policy (excluding items provided for on-the-spot consumption) must be displayed in an Agency office or donated to the Agency’s social club in accordance with the Gifts and Hospitality Procedure.

**Non-Compliance**

- 21. Improperly accepting a gift or hospitality can damage public confidence in the Agency and the APS more broadly.
- 22. The consequences of improperly accepting a gift or hospitality and/or not disclosing it can be serious. They include, but are not limited to:
  - a) Sanction/s imposed on APS employees who have been found to have breached the APS Code of Conduct, such as reduction in classification, termination of employment, reassignment of duties, reduction in salary, reductions from salary (by way of fine), or a reprimand.
  - b) Action taken against statutory office holders as set out in the terms of engagement.
  - c) The Agency ending, or taking other action under, a contract that results in an individual ceasing to work in the Agency (e.g. a contract between the Agency and a recruitment agency who supplied the Agency with an individual who improperly accepted a gift or hospitality).
  - d) Damage to the Agency’s reputation and public confidence in the integrity of the Agency and the APS more broadly.

**Accountabilities and responsibilities**

- 23. The Integrity Team in the AER Legal and Assurance Branch is responsible for the implementation, monitoring, processes for recording the receipt of gifts and hospitality the review of this policy and providing advice on its interpretation.

**Table 5: Accountabilities and responsibilities under this policy**

Who	Responsibility / accountability
<b>All Employees</b>	Responsible for: <ul style="list-style-type: none"> <li>• Complying with this policy</li> <li>• Following the associated procedures</li> <li>• Contacting their EL2 and/or SES manager if they are unsure of how to respond to an offer of a gift or hospitality or they have another question relating to the acceptance, approval or disclosure of a gift or hospitality (while noting that approval to accept a gift or hospitality can only be provided by an employee’s</li> </ul>

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Who	Responsibility / accountability
	SES manager, and by the AER Chair or AER CEO respectively). Legal advice may then be sought from the Integrity Team in the AER Legal and Assurance Branch if it is considered necessary or appropriate.
<b>Managers and Supervisors</b>	Responsible for: <ul style="list-style-type: none"> <li>• Ensuring they have discussions with employees they manage about this policy.</li> <li>• Ensuring they can assist employees they manage to apply and follow this policy and to seek legal advice and assistance from the Integrity Team in the AER Legal and Assurance Branch when required.</li> </ul>
<b>SES officers</b>	Responsible for: <ul style="list-style-type: none"> <li>• Deciding whether to approve requests for approval from their employees.</li> </ul>
<b>Integrity Team in the AER Legal and Assurance Branch</b>	Responsible for: <ul style="list-style-type: none"> <li>• Updating and advising on this policy, maintaining and updating employee guidance, the Gifts and Hospitality intranet page and relevant training materials.</li> <li>• Reminding employees to complete their declarations as per the documented procedure quarterly.</li> <li>• Reviewing the employee and statutory office holder registers.</li> <li>• Analysing and reporting on acceptance, approvals and disclosures.</li> <li>• Preparing the statutory office holder register quarterly and meeting the deadline for publication by the Strategic Communications Branch.</li> </ul>
<b>Chief Integrity Officer</b>	Responsible for: <ul style="list-style-type: none"> <li>• Consulting on developing, implementing and maintaining this policy and associated documents.</li> </ul> Accountable for: <ul style="list-style-type: none"> <li>• Maintaining and updating policy, guidance, intranet page and training materials.</li> <li>• Providing advice on application and interpretation of this policy.</li> <li>• Reminding employees to complete their declarations as per the documented procedure quarterly.</li> </ul>
<b>Human Resources Branch</b>	Responsible for: <ul style="list-style-type: none"> <li>• Supporting employees to submit their declarations.</li> <li>• Reminding employees to complete their declarations on a quarterly basis.</li> <li>• Reminding employees to complete relevant training.</li> <li>• Monitoring employee completion of relevant training.</li> <li>• Publishing relevant training materials.</li> <li>• Consulting on developing, implementing and maintaining this policy and associated documents and programs.</li> </ul>
<b>Strategic Communications and Engagement Branch</b>	Accountable for: <ul style="list-style-type: none"> <li>• Publishing the employee and contractor register by the Australian Public Service Commission identified deadlines.</li> </ul>

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Who	Responsibility / accountability
	<ul style="list-style-type: none"> <li>• Publishing the statutory office holder register quarterly.</li> <li>• Publishing this policy and related materials to help AER Officials understand their obligations under this policy.</li> </ul>
<b>Senior Leadership Team</b>	Accountable for: <ul style="list-style-type: none"> <li>• Endorsing this policy</li> </ul>
<b>Corporate Governance Board</b>	Accountable for: <ul style="list-style-type: none"> <li>• Approving this policy</li> </ul>
<b>Chief Executive Officer</b>	Responsible for: <ul style="list-style-type: none"> <li>• Consulting on developing, implementing and maintaining this policy and associated documents and programs.</li> <li>• Consulting on the provision of advice on the application and interpretation of this policy</li> </ul> Accountable for: <ul style="list-style-type: none"> <li>• Approving the employee and contractor register for publication.</li> <li>• Approving the statutory office holder register for publication.</li> <li>• Approving the associated Procedure document and any subsequent changes to it.</li> </ul>
<b>AER Deputy Chair</b>	Responsible for: <ul style="list-style-type: none"> <li>• Deciding whether to approve requests for approval from the AER Chair.</li> </ul>
<b>AER Chair</b>	Responsible for: <ul style="list-style-type: none"> <li>• Deciding whether to approve requests for approval from the AER CEO and AER Board.</li> </ul>

## Definitions

**Table 6: The terms and its definitions used in this policy.**

Who	Responsibility / accountability
<b>AER Official</b>	A person who is in, or forms part of, the Agency (including statutory office holders, employees and contractors).  For AER Board Members, the AER Board Charter provides that benefits in the form of gifts, sponsored or hospitality should only be accepted in accordance with the principles of that Charter and this Policy.
<b>Agency</b>	The AER.
<b>Benefits</b>	Benefits include preferential treatment, privileged access, favours or other advantage offered to an individual. This includes discounts that are not widely available or are not offered to most speakers at an event. For the purpose of this policy, an offer of a benefit must be made, or funded, by a person outside the

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Who	Responsibility / accountability
	Commonwealth, unless they are a Commonwealth supplier of the Agency. Such a benefit has not been paid for by the Agency.
<b>Ceremonial or Cultural Gifts</b>	Ceremonial gifts are official gifts provided as part of the culture and practices of communities and government, within Australia or internationally. Ceremonial gifts are usually provided when conducting business with official delegates or representatives from another organisation, community or foreign government.
<b>Conflict/s of Interest</b>	<p>Conflicts may be:</p> <p>Real (or actual): When an AER Official's interest, which could include acceptance of a gift/s and/or hospitality (either in a particular instance or cumulatively) would influence an AER Official's objectivity or actions (including decisions as to whether to take any action) in an AER Official's capacity as a public servant.</p> <p>Perceived: When it could be perceived, or appears, that an AER Official's personal interests could improperly influence the performance of their duties or employment/appointment with the Agency — whether or not this is in fact the case.</p> <p>Potential: Where there is a possibility of a conflict of interest occurring.</p>
<b>Gifts</b>	Gifts are free or discounted goods or services and any item or service that would be seen by the public as a gift. These include items of high value (e.g. artwork, jewellery or expensive pens), low value (e.g. a small bunch of flowers), consumables (e.g. chocolates) and services (e.g. painting and repairs). For the purpose of this policy, an offer of a gift must be made, or funded, by a person outside the Commonwealth, unless they are a Commonwealth supplier of the Agency.
<b>Hospitality</b>	Hospitality is the friendly reception and entertainment of guests. Hospitality may range from light refreshments at a business meeting to expensive restaurant meals and sponsored travel and accommodation. For the purpose of this policy, an offer of hospitality must be made, or funded, by a person outside the Commonwealth, unless they are a Commonwealth supplier of the Agency. Such hospitality has not been paid for by the Agency.

## Compliance obligations

- *Public Service Act 1999*
- *Public Governance, Performance and Accountability Act 2013*
- *Criminal Code Act 1995*

## Questions

24. Employees and contractors who have questions about this policy, should speak with their SES manager in the first instance.
25. AER Officials may seek advice and assistance from the Integrity Team in the AER Legal and Assurance Branch or the Chief Integrity Officer as necessary.
26. The Integrity Team may produce additional guidance for AER Officials from time to time, with the approval of the AER CEO. Such guidance will be appended to the Gifts and Hospitality Procedure.

## **Associated documents**

- Conflict of Interest policy
- APS Code of Conduct
- AER Board Charter