



## Gifts and Benefits Policy

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<b>Version:</b>	Final				
<b>Summary:</b>	This Policy provides guidance for Council members on how to manage the offer of gifts, benefits and bribes. It is based on the NSW Health Policy Directive <i>Conflicts of Interest and Gifts and Benefits</i> (PD2010_010).				
<b>Applies to:</b>	All Council members Members of Council committees and associated regulatory bodies				
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<b>Related legislation, Awards, Policy and Agreements:</b>	<ul style="list-style-type: none"><li>• <i>Independent Commission Against Corruption Act 1988</i></li><li>• NSW Health, <i>Conflicts of Interest and Gifts and Benefits Policy Directive (PD2010_010)</i></li><li>• Medical Council of NSW Code of Conduct for Members</li></ul>				
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## INTRODUCTION

A member of the Medical Council of NSW (the Council) may be offered gifts or benefits for a variety of reasons and in many different circumstances. How these situations are handled is crucial to avoiding unprofessional and unethical conduct or the perception that such conduct has occurred.

Members must not accept gifts from people seeking to influence their decisions.

They must exercise sound judgment to avoid the perception of a conflict of interest when accepting gifts or benefits.

## KEY DEFINITIONS

**Nominal value** is the monetary limit of acceptable token gifts. The nominal value for the Council is \$75.

**Member** includes any member of the Council, a Council committee or an associated regulatory body such as Professional Standards Committee, Impaired Registrants Panel, Performance Review Panel members or non-judicial members of a Tribunal, section 150 Inquiry delegates, interviewers, panellists, assessors, experts and other ad hoc participants in Council activities.

## GIFTS AND BENEFITS

A **gift** or **benefit** is anything of value that is offered to you that is over and above your normal remuneration or entitlements. It can include free (or less than market value) accommodation, entertainment, hospitality, or travel.

Gifts categorised as **token gifts** are inexpensive gifts of gratitude of nominal value, such as a bunch of flowers or a bottle of wine. **Non-token gifts** have a greater value or are gifts that can be seen to be given as an inducement.

A **benefit** is a service or non-tangible item that is of value to the receiver, such as:

- access to a private box at sporting events
- a new job or promotion
- preferential treatment – e.g. queue jumping
- access to confidential information.

Members should not seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence you to:

- act in a particular way (including making a particular decision)
- fail to act in a particular circumstance; or
- otherwise deviate from the proper exercise of your official duties.

Members should avoid all situations in which the appearance may be created that any person or body (such as companies, industry or professional associations), through the provision of hospitality or benefits of any kind, is securing or attempting to secure the influence or favour of the member, the Council, committee or regulatory body or the HPCA.

Things that could influence the perception of a gift or benefit would include:

- the scale, lavishness or expense/cost/value
- the frequency of occurrence
- the degree of openness surrounding the occasion or gift.

As a general rule gifts and benefits are not to be accepted from commercial organisations. It should be recognised that gifts or benefits are rarely offered by commercial organisations where the giver would not expect to receive or to have received some advantage or reward. Members should be wary of accepting any such offers and the inherent debt that can result.

### ACCEPTING TOKEN GIFTS

A member may receive token gifts of appreciation. Token gifts of up to nominal value do not need to be recorded in the Gift Register. However members should inform the Executive Officer or relevant Chairperson of receipt of the gift.

### DECLARING GIFTS AND BENEFITS

In all other instances, members must complete the Gifts and Benefits Disclosure Form to declare the receipt or offer of a gift or benefit and seek the approval of the President, relevant Chairperson or Executive Officer of acceptance in accordance with this Policy. The form is accessible on the Council website and from the Council's Executive Officer.

### BRIBES

A gift or benefit is considered a **bribe** if it is offered or sought in order to influence the behaviour of a member in a particular way. Bribery is a crime, therefore if an offer or suggestion of a bribe is made to you directly or indirectly, you are required to take the following action:

- reject the offer and stop interacting with the person
- immediately inform the Council President, Executive Officer or relevant Chairperson
- keep a record of events
- consider reporting the matter directly to the Independent Commission Against Corruption (ICAC). The Council President has an obligation to notify the ICAC, however individuals can contact the ICAC directly
- prepare a formal report for the Council
- discuss with the President, Executive Officer or relevant Chairperson any future relations with the person who offered the bribe and what action is taken.

### TRAINING AND EDUCATION

Council induction includes a session on ethical decision-making and corruption prevention. This Policy is available on the Council website or from the Council Executive Officer. Information from the NSW Ombudsman and the ICAC is also readily available.

All members sign the Medical Council of NSW *Code of Conduct for Members*, which includes undertakings regarding gifts, benefits and bribes.

## RECORD KEEPING

### Gifts and Benefits Disclosure Form (Attachment 1)

The Disclosure Form is available from the Executive Officer or the Council website.

### Gift Register

The Health Professional Councils Authority (HPCA) Gift Register is used to record decisions about gifts offered to Council members and HPCA staff. It is maintained by the HPCA Manager, Corporate Governance. The Register will be referred to the Audit and Risk Committee for review every three years.

## REFERENCES AND RESOURCES

1. Medical Council of NSW Code of Conduct for Members
2. NSW Health, *Conflicts of Interest and Gifts and Benefits Policy Directive (PD2010 010)*
3. ICAC website ([www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)):
  - Managing gifts and benefits in the public sector - toolkit
  - Bribery, corrupt commissions and rewards tip sheet
4. NSW Ombudsman website ([www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)):
  - Public Sector Agencies fact sheet no.7: Gifts and benefits



## GIFTS AND BENEFITS DISCLOSURE FORM

This form is to be completed by any member who has been offered or received a gift (other than a token gift of nominal value) or benefit in compliance with Council and NSW Government policy requirements. A copy of the completed and signed form is stored on the HPCA gifts and benefits file.

Completed Gifts and Benefits disclosure forms must be forwarded to the Council Executive Officer. For further information refer to the Council's Gifts and Benefits Policy and NSW Health Policy Directive PD2010\_010.

### Offered to:

Name:

Council:

Position:

Date of offer:

### Offered by:

Name:

Position:

Organisation:

Contact details:

### Reason for offer:

### Description of gift/benefit:

### Estimated value (\$):

\_\_\_\_\_ Date:

Recipient's signature

**Decision regarding gift/benefit** (to be made by Council President, Executive Officer or relevant Chairperson):

\_\_\_\_\_ Name:

\_\_\_\_\_ Position:

Signature Date:

### Received and included in the Gift Register:

\_\_\_\_\_ Name:

Signature (Manager, Corporate Governance) Date: