

28 April 2021

N Vaughan

By email: [fyi-request-15149-76e60bb5@requests.fyi.org.nz](mailto:fyi-request-15149-76e60bb5@requests.fyi.org.nz)

Dear N Vaughan

**Re: Official Information Act request – Gifts given by pharmaceutical companies to staff**

I refer to your Official Information Act request dated 13 April 2021, requesting the following information. You note that You are “a law student and am writing a research paper on gifts given by pharmaceutical companies to medical staff.”

Auckland DHB’s General Counsel has noted that all pharmaceutical companies are global entities and that for more than a decade all have been ensuring internal awareness and compliance with all applicable laws countering bribery and corruption in all the jurisdictions in which they operate, and that they will obey and uphold those laws. The laws that apply to particular international business activities include those of the countries in which the activities occur as well as others that - like the US Foreign Corrupt Practices Act (FCPA) and the UK Bribery Act 2010 - govern the international operations of national companies and citizens in respect of their conduct both at home and abroad. In New Zealand comparable Anti-corruption legislation was enacted in 2015.

All pharmaceutical companies have extended their compliance to gifts given by pharmaceutical companies to medical staff

- 1. Do you keep a central gift register, which records details about what gifts medical staff receive, who they are from, and the gift's value? If not, why not?**

Yes

- 2. How many staff in your DHB have accepted gifts (of any form) from pharmaceutical companies? Information from the past 2-year period is preferred, including what these gifts were, and their monetary value.**

No gifts were received personally. This is the list of sponsorship received by Auckland DHB

AbbVie Ltd	Support catering for annual one day uveitis training event for the national ophthalmology registrars, clinical nurse specialist and nurse	28/02/2019	\$450.00
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	prescribers in ophthalmology		
Boehringer Ingilheim	Speaker at Airways Conference in Melbourne 14-16 June 2019	14/06/2019	\$1,500.00
Leo Pharma	Cash donation (50%) to cover venue hire etc at education/planning day 25/10/19	19/06/2019	\$1,200.00
Pfizer	Sponsorship to attend American College of Rheumatology annual conference in Atlanta	09/06/2019	\$15,000.00
Pfizer	Cash donation (50%) to cover venue and room etc for sponsorship of service planning day/education event	19/06/2019	\$1,100.00

3. Is there any policy in place that prevents medical staff from accepting some gifts from pharmaceutical companies? If so, please send a copy of this policy.

See attached.

In relation to disclosure of these gifts (from pharmaceutical companies):

4. When must medical staff disclose these gifts to the hospital or DHB? If there is a related policy, please send a copy.

See attached policy.

5. Are medical staff required to disclose these gifts to their patients? If there is a related policy, please send a copy.

Not applicable

You are entitled to seek a review of the response by the Ombudsman under section 28(3) of the Official Information Act. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Please note that this response, or an edited version of this response, may be published on the Auckland DHB website.

Yours faithfully



Ailsa Claire, OBE  
Chief Executive of Te Toka Tumai (Auckland District Health Board)

# Sponsorship, Donations, Gifts and Corporate Hospitality Declaration Form



This form must be completed by any representative of Auckland District Health Board in receipt of an offer above the nominal threshold of \$50. Submit the completed form to Corporate Business Services. For further information or guidance see the Sponsorship, Donations, Gifts and Corporate Hospitality Policy and the Sponsor and Donor Interaction with Auckland DHB Policy.

## Recipient to complete:

### Your details

Name:	Employee number:
Service:	One-up manager:

### Details of offer:

Offered by:	Company: (if applicable)
Description of offer:	
Reason for offer:	Estimated value:
Date offered:	Offer accepted: <input type="checkbox"/> Yes <input type="checkbox"/> No

## Recipient's Level "D" manager to complete (please see Delegated Authority Policy):

Recommended action:	
<input type="checkbox"/> To be retained by the recipient	<input type="checkbox"/> To be donated to the following charity:
<input type="checkbox"/> To be retained by the team/service	<input type="checkbox"/> Other:
<input type="checkbox"/> To become property of ADHB	
<input type="checkbox"/> To be declined/returned	
I confirm the recommended action is compliant with Auckland DHB Policy:	
Signed:	Date:

## Recipient's Level "D" manager to complete (offers greater than \$1000) (please see Delegated Authority Policy):

Name:	Approved: <input type="checkbox"/> Yes* <input type="checkbox"/> No
Signed:	Date:

\*Procurement must confirm there is no conflict before offers of this value can be approved.

## Chief Financial Officer to complete (offers greater than \$7000):

Name:	Approved: <input type="checkbox"/> Yes <input type="checkbox"/> No
Signed:	Date:

To be completed by Corporate Business Services

Date received:	Entered in Register: <input type="checkbox"/>	Entered by:
Follow up action required:		



## SPONSORSHIP, DONATIONS, GIFTS AND CORPORATE HOSPITALITY

### Overview

Document Type	Policy
Function	Corporate Business
Directorates	Auckland DHB Generic
Department(s) affected	All Auckland DHB services
Applicable for which Patients, Clients or Residents?	n/a
Applicable for which Staff?	All Auckland DHB employees
Keywords (not part of title)	
Author – role only	Chief Financial Officer
Owner (see ownership structure)	Chief Executive
Edited by	Corporate Business Manager
Date first published	November 2015
Date last published	April 2021
Review frequency	3 years
Unique Identifier	PP01/STF/098

### Introduction

As an agent of the Crown, it is imperative that Auckland District Health Board (Auckland DHB) conducts its business in a way that builds public trust and provides assurance and confidence that public resources are managed lawfully, competently and with integrity.

From time to time Auckland DHB and its representatives receive and accept offers of sponsorship, donations, gifts and corporate hospitality from many sources, including current or potential suppliers, service clubs, trusts, patients and estates. Generally, Auckland DHB and its representatives will not accept offers of sponsorship, donations, gifts and/or corporate hospitality unless there is a clear and justifiable reason to do so and does not compromise Auckland DHB in any way.

Auckland DHB recognises that interactions between its representatives and healthcare related industries (potential sponsors/suppliers) are inevitable. This policy and the '*Sponsor and Donor Interaction with ADHB*' policy define what interactions are appropriate, and provide guidance on how to manage those interactions in a proper and transparent way.

- This policy provides the framework for managing offers of sponsorship, donations, gifts, and corporate hospitality.
- The *Sponsor and Donor Interaction with ADHB* policy provides detailed guidance on the appropriateness of specific interactions with sponsors.

Section:	Staff	Issued by:	Chief Financial Officer
File:	Sponsorship-Donations-Gifts-and-Hospitality_2021-04-30	Authorised by:	Chief Executive
Classification:	PP01/STF/098	Date Issued:	April 2021

## SPONSORSHIP, DONATIONS, GIFTS AND CORPORATE HOSPITALITY

### Overview, Continued

**Purpose** This policy defines Auckland DHB requirements when considering and approving (or declining) offers of sponsorship, donations, gifts and corporate hospitality from external parties.

**Scope** This policy applies to all representatives (see Definitions) of Auckland DHB. This policy also applies to immediate family of an Auckland DHB representative where the offer (or provision) of sponsorship, donations, gifts and/or corporate hospitality has a clear link with the duties of the representative.

### Definitions

Term	Definition
Corporate Hospitality	Provision of any of the following by a third party: food, beverages, accommodation and entertainment. As a general rule, if the provider is present then it is considered hospitality, if the provider is not present then it should be treated as a gift.
Donor	A person who gives or contributes money, gifts, hospitality etc to a fund or organisation.
Donation	The act or an instance of donating something, especially an amount of money.
ELT	Executive Leadership Team
Gift	An item offered to a representative in association with their work. A gift may be enduring (e.g. artwork) or consumable (e.g. chocolates) and can range from nominal to significant in value.
Grant	A sum of money given for a specific purpose e.g. to finance education.
Inducement	An act of persuasion or influence that is intended to lead someone to do something.
Koha	An example of the reciprocity which is a common feature of Māori tradition, and often involves the giving of gifts by visitors to a host marae.
One-up Manager	A representative's direct line manager.
Probity Register	Otherwise known as a Gift Register.
Representative	Members of the Auckland DHB Board and the Board's respective Committees, Employees (permanent and fixed-term), Contractors and consultants engaged by Auckland DHB, Seconded personnel, Honorary staff and Volunteers.

*'Definitions' continued on next page*

## SPONSORSHIP, DONATIONS, GIFTS AND CORPORATE HOSPITALITY

### Overview, Continued

#### Definitions, continued

Term	Definition
SLT	Senior Leadership Team
Sponsor	Any organisation or individual who offers corporate hospitality a donation, a grant or to pay for, offset or otherwise subsidise events, goods or services (including training, education or research) for Auckland DHB. Includes Donors and Suppliers. <i>Note: The Starship Foundation and the A+ Charitable Trust are not Sponsors in this context.</i>
Sponsorship	Any offer to provide, or fund; travel, accommodation, conference attendance, grants, gifts, donation or corporate hospitality.
Supplier	Any organisation or individual who provides or wishes to provide, goods or services to Auckland DHB.

#### Associated documents

Type	Document Titles
Board Policy	<ul style="list-style-type: none"> <li>• <a href="#">Clinical Research - Approval</a></li> <li>• <a href="#">Conduct Standards</a></li> <li>• <a href="#">Conflict of Interest</a></li> <li>• <a href="#">Continuing Professional Education (CPE) Leave &amp; Expenses</a></li> <li>• <a href="#">Delegated Authority</a></li> <li>• <a href="#">Delegated Authority Register – Funding Initiatives</a></li> <li>• <a href="#">Delegated Authority Register – A+ Charitable Trust</a></li> <li>• <a href="#">Research - Principles</a></li> <li>• <a href="#">Research – Risk Management</a></li> <li>• <a href="#">Research – Travel (under development)</a></li> <li>• <a href="#">Sponsor and Donor Interaction with ADHB</a></li> </ul>
Internal guidelines	<ul style="list-style-type: none"> <li>• <a href="#">Art Committee Guidelines</a></li> </ul>
Starship Children's Health Policy	<ul style="list-style-type: none"> <li>• <a href="#">Trust &amp; Donation Income</a></li> </ul>
External	<ul style="list-style-type: none"> <li>• Office of the Auditor General – <a href="#">Controlling Sensitive Expenditure: Guidelines for public entities</a></li> <li>• MIAA and MIANZ Code of Practice</li> <li>• State Services Commission – <a href="#">Standards of Integrity and Conduct</a></li> <li>• US Code of Federal Regulations – <a href="#">US 21 CFR 54, Financial Disclosure by Clinical Investigators</a></li> </ul>

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## SPONSORSHIP, DONATIONS, GIFTS AND CORPORATE HOSPITALITY

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### Principles

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#### Principles

Auckland DHB and its representatives are responsible for their actions and will at all times control expenditure and the use of funds, seeking to ensure that any benefits are in accordance with and do not compromise, Auckland DHB's vision and values and the State Services Standards of Integrity and Conduct.

Representatives must not solicit favours for themselves, family members or others. No one related to the organisation should receive private benefit from any sponsorship.

Auckland DHB must ensure that processes for the acceptance or solicitation of sponsorship, donations, gifts and corporate hospitality are transparent, proper and conducted in a manner that will meet the expectations of stakeholders and the public sector.

Auckland DHB and its representatives will at all times consider:

- The public perception that can result from acceptance (or provision) of sponsorship, donations, gifts and corporate hospitality. Representatives must not accept any offers that would or might reasonably be seen to compromise their integrity.
  - Timing and frequency in relationship to receipt of sponsorship, donations, gifts and corporate hospitality. Although offers may be of a limited value, concern could arise should they be offered cumulatively or at a time when it could be seen to influence or reinforce a particular decision. Generally, something offered more than two times per annum would be considered excessive and should be declined.
  - The special relationship Auckland DHB has with both the Starship Foundation and the A+ Charitable Trust in the fundraising area. Both organisations have considerable expertise in negotiating sponsorship arrangements.
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## SPONSORSHIP, DONATIONS, GIFTS AND CORPORATE HOSPITALITY

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### Policy Statements

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#### General

This policy ensures that any offer made by a third party to Auckland DHB is carefully reviewed and that any legal, financial or probity risk to Auckland DHB or its representatives in accepting an offer is minimised.

In the event a representative is offered an inducement they must report this to their one-up manager and respective Executive Leadership Team (ELT) member immediately. The one-up manager and/or ELT member may also deem it necessary to inform the Chief Executive.

Representatives must not accept any payments of cash (including cheques) under any circumstances. The only exception to this clause is koha in which case the General Manager Maori Health should be consulted.

Any offers involving the gift, commission or loan of artwork must be referred to the Art Committee for management.

Auckland DHB may desire to solicit sponsorship for the purposes of supporting service needs beyond those funded by normal income streams or contracts. The Sponsor and donor interaction with Auckland DHB policy outlines the parameters for Auckland DHB interaction with sponsors and donors and should be read in conjunction with this policy.

Breaches of this policy will, for individuals, be handled via relevant Human Resources policies.

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#### Circumstances in which offers may be accepted

Auckland DHB's nominal value threshold for the receipt of sponsorship, donations, gifts and/or corporate hospitality is \$50. Any offers below the nominal threshold are not required to be recorded in the Probity Register, however should be approved in advance by the one-up manager.

Gifts and other in kind offers above the nominal threshold of \$50 should generally be declined unless it is impractical to do so (e.g. non-acceptance would offend the giver, anonymous giver). In such circumstances the offer should be recorded in the Probity Register and disposed of using the criteria laid out in this policy.

Offers of sponsorship and donations above the nominal threshold of \$50 may be accepted provided that:

- The offer does not contravene any aspects of this or other organisational policy
  - The reason, value, frequency and impact of the offer are all considered prior to acceptance
  - The appropriate approvals have been sought prior to acceptance (see Authorisation)
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*'Circumstances in which offers may be accepted' continued on next page*

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## SPONSORSHIP, DONATIONS, GIFTS AND CORPORATE HOSPITALITY

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### Policy Statements, Continued

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**Circumstances  
in which offers  
may be  
accepted,  
continued**

- The Sponsor and donor interaction with Auckland DHB policy has been referred to
- The offer is recorded in the Probity Register

Offers of sponsorship and donations above the nominal threshold of \$50 may be accepted provided that:

- The offer does not contravene any aspects of this or other organisational policy
  - The reason, value, frequency and impact of the offer are all considered prior to acceptance
  - The appropriate approvals have been sought prior to acceptance (see Authorisation)
  - The Sponsor and donor interaction with Auckland DHB policy has been referred to
  - The offer is recorded in the Probity Register
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**Disposal of  
accepted  
sponsorship,  
donations, gifts,  
and corporate  
hospitality**

The disposal of accepted sponsorship, donations, gifts and corporate hospitality must be transparent. Auckland DHB may elect to:

- Share the item or value amongst staff or in some instances, allow the recipient to retain for their own personal benefit
- Donate the item or value or auction the item and donate the proceeds to a registered charity
- Approve retention of the item or value if it provides assistance to Auckland DHB in delivering its purpose

Sponsorship, donations, gifts and corporate hospitality received in recognition of services by an individual or group of individuals must be used for the benefit of Auckland DHB as a whole or a group of representatives wherever possible.

Any funding received through sponsorship or donations must be channeled through the A+ Charitable Trust.

Offers received from suppliers should be offset against the price of supplies and services secured for the benefit of the organisation as a whole. Suppliers must provide a declaration stating that acceptance of the offer does not in any way place any obligation on a representative or Auckland DHB. Any funding offered by a supplier must be subject to Procurement approval and be managed through the A+ Charitable Trust.

Acceptance of prizes may also be seen to compromise the integrity of the recipient and Auckland DHB. Prizes awarded to a representative whilst attending an event on the organisation's behalf are to be vetted against this policy and follow the same declaration process. The same applies to free products given as part of purchase incentive schemes.

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## SPONSORSHIP, DONATIONS, GIFTS AND CORPORATE HOSPITALITY

### Policy Statements, Continued

**Circumstances in which offers must be declined**

- The following list provides examples of when offers must be declined:
- Offers of cash, cheque, gift vouchers, shares or any other item which may readily be converted to money, irrespective of value
  - The giver, or their organisation, is involved in a procurement process with Auckland DHB or is likely to be affected by a decision relating to a procurement process. Where a representative is involved in a procurement process the Auckland DHB Procurement Policy applies and overrides anything that may be stated to the contrary in this policy
  - Offers that are contrary to any of the principles laid out in this policy
  - The offer is, or could be perceived to be, an inducement

**Provision of sponsorship, donations, gifts, and corporate hospitality**

As a general rule, Auckland DHB will not fund sponsorship, donations, gifts and/or corporate hospitality for people inside or outside of the organisation. Exceptions to this rule require prior approval of a Level 3 manager or where the value is greater than \$1000, an ELT member.

In instances where Auckland DHB funds the provision of sponsorship, donations, gifts or corporate hospitality in excess of \$50, Corporate Business Services must be notified.

**Authorisation**

Acceptance of any offer of sponsorship, donations, gifts and corporate hospitality requires management approval, however the level of approval required varies depending on the value of the offer. The following table defines the authorisation thresholds.

Value	Authorised by	Reported to	Recorded
<\$50	In advance by one-up manager	N/A	N/A
<b>&gt;\$50 and:</b>			
<\$1000	Level 3 manager (or above if the Level 3 manager benefits)	Corporate Business Services	Probity Register
<\$7000	Level 2 manager (or above if the Level 2 manager benefits)	Corporate Business Services In advance - Procurement to ensure no conflict	Probity Register
>\$7000	Chief Financial Officer (or above)	Corporate Business Services In advance – Procurement CFO to report to Audit and Finance Committee	Probity Register

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## SPONSORSHIP, DONATIONS, GIFTS AND CORPORATE HOSPITALITY

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### Policy Statements, Continued

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#### Declaration

All offers of sponsorship, donations, gifts and/or corporate hospitality above the nominal threshold of \$50 must be recorded in the Probity Register by Corporate Business Services. Corporate Business Services will vet all declarations to ensure any additional action required is undertaken.

Any sponsorship involving overseas travel irrespective of value must be reported to the Internal Audit Manager with an estimate of the value of the sponsorship.

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#### Monitoring

Corporate Business Services is responsible for on-going maintenance and review of the Probity Register and will submit a report to the Chief Financial Officer bi-annually. From time to time the Chief Financial Officer may deem it appropriate to include the Register in their report to the Audit and Finance Committee.

Regional Internal Audit will have independent oversight of the Probity Register and may at any time report directly to the Audit and Finance Committee and ELT on compliance with this policy.

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## SPONSORSHIP, DONATIONS, GIFTS AND CORPORATE HOSPITALITY

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### Procedure

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<b>Representative Obligations</b>	<p>A representative must advise their one-up manager of any offer of sponsorship, donations, gifts or corporate hospitality.</p> <p>Representatives must ensure that the acceptance of any offer is without any obligation to the providing party.</p> <p>Representatives should decline an offer unless there is a sound and justifiable business reason for accepting the offer or if declining an offer is impractical (e.g. the giver is anonymous, the giver would be offended).</p>
<b>Representative Disclosure</b>	<p>Representatives in receipt of an offer greater than \$50 must disclose to Corporate Business Services for inclusion on the Probity Register.</p> <p>Representatives involved in the process of purchasing goods or services from an external supplier must disclose details of any offer made by the supplier. This must be disclosed to the representative's Level 3 Manager and relevant Purchasing Officer.</p>
<b>Authorisation criteria</b>	<p>Acceptance of any offer above the nominal threshold must be approved by the relevant authority level as defined in the Authorisation section of this policy.</p> <p>The decision to authorise acceptance of any offer is to be based on:</p> <ul style="list-style-type: none"> <li>• Relevance and benefit to the representative, service and/or organisation</li> <li>• Alignment with the District Strategic Plan and District Annual Plans, Auckland DHB's vision and values, the criteria set out in this policy and if relevant a representatives Performance Plan</li> <li>• Any additional support (financial or otherwise) that will be incurred by Auckland DHB in accepting the offer</li> <li>• If relevant, the provision of a Sponsor Declaration</li> </ul>
<b>Sponsor Declaration</b>	<p>In providing or offering sponsorship, the concerned sponsor must provide a declaration to the authorising manager stating that acceptance of the sponsorship offered does not in any way place an obligation on the representative or Auckland DHB. An exception is to present a conference paper that does not endorse any product or service.</p>
<b>Representative requested sponsorship</b>	<p>Representatives intending to approach an external party for sponsorship must obtain prior approval from the relevant authority level as defined in the Authorisation section of this policy. Procurement should also be consulted, irrespective of value, to ensure there is no current or immediate tender process likely.</p>

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## SPONSORSHIP, DONATIONS, GIFTS AND CORPORATE HOSPITALITY

### Procedure, Continued

**Decision-making flow diagram**

