Managing Conflict of Interest Policy

Scope

This policy applies to all persons employed in WA Health, which incorporates the following entities:

- Department of Health
- Metropolitan Health Services
- Peel Health Service
- WA Country Health Service.

This policy will also apply to any other entities that become part of WA Health while this policy is current.

This is a system wide policy and supersedes all previous policies and guidelines relating to the management of conflict of interest. It is supported by guidelines designed to assist with the policy’s implementation and the effective management of conflict of interest issues.

It is the responsibility of managers to ensure all staff within their area(s) of responsibility are aware of and have access to this policy.

Policy Statement

The principles and values expressed in the Western Australian Public Sector Code of Ethics and the WA Health Code of Conduct describe the standards of behaviour expected of people working in the public health sector. The Code of Conduct expressly states that employees of WA Health will:

“Disclose any personal or professional matters that may lead to actual or perceived conflicts of interest”.

It is important to note that it is not always possible to avoid a conflict of interest and equally, having a conflict itself is not necessarily wrong or unethical. What is most important is that conflicts of interest are identified, disclosed and managed.

A conflict of interest can be:

- actual – a conflict actually exists
- perceived – a conflict is only believed to exist
- potential – a conflict is a future possibility
All staff must disclose any actual, perceived or potential conflicts of interest. All identified conflicts of interest are to be recorded and managed. Information as to how this is to be done is contained in the accompanying Guidelines relating to Managing Conflicts of Interest.

Any staff member who breaches the provisions of this policy or the WA Health Code of Conduct, may be committing an act of misconduct and may be subject to the procedures outlined in the WA Health Misconduct and Discipline Policy, the Public Sector Management Act 1984, or to other action or provisions relevant to the management of conduct.

Definitions

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<th>Conflict of Interest</th>
<th>Involves a situation arising between the performance of a public duty and private or personal interests.</th>
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| Public Officer       | Defined by the Criminal Code and includes: (a) a person exercising authority under a written law (b) a public service officer or employee within the meaning of the Public Sector Management Act 1994 (PSM Act) (c) a member, officer or employee of any authority, board, corporation, commission, local government, council of a local government, council or committee or similar body established under a written law (d) any person holding office under, or employed by, the State of Western Australia, whether for remuneration or not  
For the purposes of this policy, every staff member of WA Health is a Public Officer. |
| Public Duty          | The obligations of a public officer to put the public interest first when carrying out their official duties. |

Types of Conflicts of Interest

Most conflicts of interest arise in situations where a public officer is placed in a position where their duty to act independently and/or exercise their professional judgement ethically and without prejudice may be, or appear to be, compromised by self-interest or a relationship with a third party.

Most conflicts of interest can be categorised as relating to:

a. Financial and Material Interests – where a public officer (or someone associated with them) could gain or lose financially because of the way the public officer fulfils their official duties.
Examples of situations where such interests could give rise to a conflict of interest include:

- property ownership
- business partnerships
- positions in companies
- gifts and material goods
- shares
- debts
- hospitality
- travel.

b. Non-Financial and Partiality Interests – where a public officer’s personal involvements, relationships, obligations, values or attitudes may influence the way they carry out their official duties.

Examples of situations where such interests could give rise to a conflict of interest include:

- family relationships
- friends (or adversaries)
- religious and cultural obligations
- membership of clubs, groups and associations
- beliefs, values and attitudes
- volunteer commitments

The accompanying guidelines relating to managing conflicts of interest provide more information about how to recognise and appropriately manage conflict of interest issues.

Relevant Legislation

- Financial Management Act 2006
- Public Sector Management Act 1994
- State Records Act 2000
- State Supply Commission Act 1991

Supporting Documentation

- WA Health Managing Conflict of Interest Guidelines
- WA Health Code of Conduct
- Western Australian Public Sector Code of Ethics
  www.opssc.wa.gov.au/publications/ethics.htm@ethics
- Managing Interest: A Checklist, Office of the Public Sector Standards
• Conflict of Interest Guidelines, the WA Integrity Coordinating Group

• Template Code of Conduct for Government Boards and Committees

Related Policies and Documents

• WA Health Misconduct and Discipline Policy and Guidelines

• WA Health Outside Employment Policy

• WA Health Volunteer Policy

• WA Health Attendance at Functions and the Acceptance of Gifts, Prizes or Inducements

• WA Health Recruitment, Selection and Appointment Policy:

• Information Technology Policies: Computer Software, Intellectual Property Rights, Copyright and Conflict of Interest Guidelines

• Health Corporate Network Conflict of Interest Policy

Endorsed by: Director General

Review Date: Insert Date 29 December 2009.

This document has been developed in accordance with the WA Health Workforce Policy Development Framework. This policy remains effective until a subsequent version is endorsed by the Director General.

Filepath: S:\WIRR\Policy, Planning & Reviews\Policies\Conflict of Interests\20091229 WAHMColPolicy v1.0

Accessing Policies
via the Whole of Health Holii Policies link at:

Primary Contact: Local Human Resources Branch
Please Note:

The links in this document are provided as a service. Links to documents can be volatile. If the link is broken you may need to search for the document.

This information is available in alternative formats upon a request.