

## Conflict of Interest Procedures

### 1. POLICY/LEGISLATION/ENTERPRISE AGREEMENT SUPPORTED

[Code of Conduct](#)

### 2. IMPLEMENTATION PRINCIPLES

- Potential for conflicts of interest exists in all aspects of University operations, including research, teaching, assessment, staffing, consultancy, administration and commercial activity.
- A well-established system for identifying, disclosing and managing conflicts of interest increases the University's public accountability and reduces the risk of corruption, misconduct and bias in its operations and decision-making processes.
- The best strategy for dealing with conflicts of interest is to avoid them in the first place. As such, individuals are expected to take all reasonable steps to ensure that they do not create an actual, perceived or potential conflict of interest by way of their direct or indirect participation in, or endorsement of, any decision or action which is not in the best interests of the University.
- Identifying a conflict of interest is an individual's responsibility. Where an individual becomes aware that, in the normal course of their duties, they have or could have an unavoidable actual, perceived, or potential conflict of interest, they are expected to immediately disclose it to a responsible officer and then act in accordance with the decision made and the direction given to them by that officer.
- Responsible officers, once in receipt of a conflict of interest disclosure, are obliged to promptly:
  - assess the disclosure to determine whether it represents a conflict of interest;
  - where there is a conflict of interest, develop a strategy for managing the conflict; and
  - where a management strategy is developed, review and monitor the strategy to ensure its objective is achieved.
- Provided there are no changes in the circumstances that resulted in a conflict of interest being disclosed and addressed, there is no requirement for the same matter to be disclosed again in the future by the same individual to the same responsible officer.
- Where a previously registered interest may impact on a process being run or decision being made by another University officer, the notifying individual may need to inform that officer of the matter.
- Where external legislation, regulations or codes are imposed upon the University in relation to how the University is to manage conflicts of interest, then the principles for managing conflicts of interest prescribed in that legislation, regulation or external code will be adhered to.
- Third parties who suspect that an individual has not taken reasonable steps to disclose a conflict of interest or that a disclosed conflict of interest is not being managed appropriately within the University should contact the ISU for advice.

### 3. PROCEDURAL DETAILS

#### 3.1 Disclosure

- 3.1.1 Where an individual identifies that they have a competing private interest that may represent a conflict of interest, they will disclose that interest via the online Conflict of Interest Register as soon as practicable.
- 3.1.2 In deciding whether to disclose a particular interest, the individual may refer to Appendix 1, which describes different types of conflicts of interest that may arise during the course of their employment or engagement with the University.
- 3.1.3 In disclosing a conflict of interest, the individual will provide sufficient detail so that the appropriate responsible officer may properly assess and make an informed

decision as to whether an actual, perceived or potential conflict exists and, if so, the most appropriate management strategy for dealing with it.

### **3.2 Assessment**

- 3.2.1 Upon receipt of a conflict of interest disclosure, the responsible officer will promptly assess it to determine whether it represents a conflict of interest, as defined in these Procedures.
- 3.2.2 To assist in the assessment process, the responsible officer may refer to the following:
- Types of conflicts of interest (refer to Appendix 1).
  - Important questions to be asked when considering whether there is or may be a conflict of interest (refer to Appendix 2).
  - Third parties who can provide specialist advice e.g. the ISU.
  - Any other reasonable additional information, in consultation with the disclosing individual.

### **3.3 Response**

- 3.3.1 Where a responsible officer's assessment is that there is no conflict of interest:
- 3.3.1.1 The responsible officer will respond in writing that there is no conflict of interest.
- 3.3.1.2 The response by the responsible officer will be recorded via the online Conflict of Interest Register.
- 3.3.1.3 The responsible officer will provide a copy of the response to the individual.
- 3.3.2 Where a responsible officer's assessment confirms a conflict of interest:
- 3.3.2.1 The responsible officer will promptly develop a strategy for managing the conflict, in accordance with the strategies outlined in Appendix 3.
- 3.3.2.2 The management strategy will fully articulate the actions that need to be taken to effectively manage the conflict of interest.
- 3.3.2.3 The management strategy will be recorded via the online Conflict of Interest Register.
- 3.3.2.4 The responsible officer will provide a copy of the management strategy to the individual.
- 3.3.3 Where a responsible officer is unable to make an assessment (e.g. due to lack of sufficient detail in the notification):
- 3.3.3.1 The responsible officer will immediately contact the individual and state that further detail or other information needs to be submitted before a determination can be made.

### **3.4 Reviewing and Monitoring**

- 3.4.1 The responsible officer will review and monitor the conflict of interest management strategy on at least a yearly basis to ensure that the objectives of the strategy are being achieved.
- 3.4.2 The individual will inform the responsible officer of any changes that may:
- alter the responsible officer's original decision that there was no conflict of interest to be addressed; or
  - impact on the need for or effectiveness of the management strategy originally specified by the responsible officer at the time it was determined that there was a conflict of interest that needed to be addressed.
- 3.4.3 Where the responsible officer determines or is made aware that the management strategy does not sufficiently address the conflict of interest, the responsible officer will develop a new strategy for managing the conflict, in accordance with this Procedure.

- 3.4.4 The responsible officer will notify the ISU should they determine at any time that a previously disclosed conflict of interest no longer exists.

### **3.5 Confidentiality and Recordkeeping**

- 3.5.1 The ISU will maintain a central, secured online database of disclosed conflicts of interest, responsible officers' responses to these disclosures, and associated management strategies (where relevant).
- 3.5.2 All information relating to conflict of interest disclosures and the management of conflicts of interest will be managed by the ISU with consideration of the notifying individual's privacy, and will only be disclosed on a need-to-know basis i.e. where access to the information is necessary for the conduct of a University officer's official duties.
- 3.5.3 Any documentation relating to conflict of interest disclosure and management is subject to legislative or regulatory requirements, which includes the Freedom of Information Act 1992 (WA).

## **4. RESPONSIBILITIES**

- 4.1 The individual is responsible for:
- a) Considering their interests and determining whether or not any such interests conflict, could reasonably be perceived to conflict, or have the potential to conflict with the duties or responsibilities associated with their employment or engagement with the University.
  - b) Disclosing conflicts of interest via the online Conflict of Interest Register.
  - c) Adhering to the management strategy devised in consultation with the responsible officer.
  - d) Informing the responsible officer of any changes that may either alter the responsible officer's original decision that there was no conflict of interest to be addressed or may impact on the need for or effectiveness of the management strategy originally specified by the responsible officer at the time it was determined that there was a conflict of interest that needed to be addressed.
  - e) Informing other University officers of their previously registered interests, where this may impact on a process being run or decision being made by these officers.
  - f) Disclosing the receipt of gifts, benefits or hospitality valued above \$150 via the Conflict of Interest Register.
- 4.2 The responsible officer is responsible for:
- a) Assessing the disclosed conflict of interest.
  - b) Determining whether the disclosure represents a conflict of interest.
  - c) Developing a strategy for managing the conflict of interest (where required).
  - d) Recording their response to the notification and (where required) the appropriate management strategy, via the online Conflict of Interest Register.
  - e) Reviewing and monitoring the management strategy to ensure that the objectives of the strategy are being achieved.
  - f) Maintaining the confidentiality of a disclosed interest that has been brought to their attention.
  - g) Developing a new management strategy where they determine or are made aware that the existing management strategy does not sufficiently address the conflict of interest.
  - h) Notifying the ISU where they determine at any time that a previously disclosed conflict of interest no longer exists.
  - i) Determining whether a gift, benefit or hospitality with a commercial value between \$150 and \$300 may be accepted by an individual. Appendix 1 provides guidelines for receiving gifts, benefits or hospitality.

- 4.3 The Executive Manager is responsible for:
- a) Determining whether a gift, benefit or hospitality with a commercial value of over \$300 may be accepted by an individual.
- 4.4 The ISU is responsible for:
- a) Maintaining the online Conflict of Interest Register.
  - b) Reviewing disclosures made in the Conflict of Interest Register on a regular basis to ensure they are adequately described and that management strategies to address these disclosures are entered promptly and are appropriate for the type of conflict recorded.
  - c) Following up with individuals where registered disclosures are not sufficiently described in order for a responsible officer to make a determination on the most appropriate management strategy.
  - d) Following up with responsible officers where it is determined that management strategies require re-assessment and re-input, or where they have not been entered in a reasonable time.

## 5. SCOPE OF PROCEDURES

All parties to the Curtin Code of Conduct, as set out in the Curtin Code of Conduct.

## 6. DEFINITIONS

(Note: Commonly defined terms are located in the [Curtin Common Definitions](#). Any defined terms below are specific to this document)

### **Benefit**

Means an item of value, including non-tangible items, that one person or organisation confers on an individual. Benefit includes hospitality received.

### **Close Personal Relationship**

Means a relationship between an individual and a relative, a financially dependent person, a close friend, a de facto partner or any person with whom there is currently, or has been, an intimate relationship. This does not include a working relationship which exists due to ordinary academic or professional collaboration, where colleagues are not relatives, financially dependent, close friends, de facto or intimate partners.

### **Competing Private Interest**

Means anything that can have an impact on an individual's primary duty to act in the best interests of the University. The term 'competing private interest' includes not only an individual's personal, professional or business interests, but also the personal, professional or business interests of others with whom the individual associates. This might include relatives, friends or even rivals and competitors. As such, competing private interests are those interests that can bring benefit or disadvantage to individuals, or to others whom the individual may wish to benefit or disadvantage.

### **Conflict of Interest**

Means where there is a conflict between an individual's official duties and responsibilities to the University and a competing private interest, which in turn may improperly influence the objective exercise of the individual's official duties and responsibilities to the University. A conflict of interest may be:

- **actual**, where a conflict actually exists;
- **perceived or apparent**, where a conflict is believed (appears) to exist; or
- **potential**, where a conflict is a future possibility.

A conflict of interest can be:

- **pecuniary** (which involves an actual or potential financial gain or loss). Money does not need to change hands for an interest to be pecuniary. People have a pecuniary interest if they (or a relative or other close associate) own property, hold shares, have a position in an entity that is bidding for University work, or receive benefits (such as concessions, discounts, gifts or hospitality) from a particular source.
- **non-pecuniary** (which does not have a financial component). May arise from personal or family relationships, or involvement in sporting, social, cultural or other activities. This includes any tendency toward favour or prejudice resulting from friendship, animosity, or other personal involvement with another person or group.

Conflict of interest includes conflict of duty.

**Conflict of Duty**

Means where a conflict arises from an individual having multiple, incompatible or competing duties as an officer of the University. This may occur, for example, when a staff member has a public role with another organisation in addition to their University duties.

**Conflict of Interest Register**

Means the official University record that details the interest disclosed by the individual and, where necessary, how that interest is to be managed.

**Gift**

Means any item of value which a person or organisation presents to an individual as a consequence of their employment or engagement with the University. This includes cash but does not include gifts forming part of employment terms.

**Hospitality**

Means meals, refreshments, entertainment or accommodation.

**Responsible Officer**

Means a staff member who is best placed to make an independent decision as to whether a conflict of interest exists in relation to the matter disclosed, and if so, how that conflict should be addressed. In most cases, this will be the notifying individual's line manager but it may be another officer depending on the context in which the conflict arises or could arise e.g. the Chair of a Selection Panel.

**Secondary Employment**

Means any employment with an organisation other than the University and includes self-employment, independent contracting or consulting or employment by a family company. It covers casual, part-time and full-time work, as well as shift work. All such cases constitute secondary employment regardless of the duration of the employment. Secondary employment also includes employment already held by a person at the time of their initial employment by the University.

**7. SCHEDULES**

*Nil*

**8. RELATED DOCUMENTS/LINKS/FORMS**

[Conflict of Interest Register](#)

[Appendix 1 - Types of Conflicts of Interest](#)

[Appendix 2 - Guidelines for determining if a conflict of interest exists](#)

[Appendix 3 - Strategies for managing conflicts of interest](#)

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<b>Policy Manager</b>	Chief Operating Officer
<b>Approval Authority</b>	Chief Operating Officer
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## REVISION HISTORY

Version	Approved/ Amended/ Rescinded	Date	Committee / Board / Executive Manager	Approval / Resolution Number	Key Changes and Notes
New	Approved	13/02/2012	Vice President, Corporate Relations	EM1216	Conditional upon PM rescinding the current policy and procedures at its 31 July 2012 meeting effective 14 August 2012
	Administratively Updated	02/06/2014	A/Director, Legal and Compliance Services		Department name change, Professional Standards and Conduct Unit changed to Integrity and Standards Unit
	Amended	24/08/2015	Vice President, Corporate Relations	EM1510	Unconditional
	Administratively Updated	06/10/2015	Director, Legal and Compliance Services	EC 76/15	Executive Manager Title Changes
	Amended	29/06/2016	Vice President, Corporate Relations	EM1622	Unconditional
	Administratively Updated	25/01/2017	Director, Legal and Compliance Services		Approval Authority Updated, links amended