

# Procedure

## Conflicts of Interest and Gifts and Benefits

NSWHP\_PCP\_001

### 1. Purpose

This procedure supports NSW Health Pathology staff to identify, avoid, declare, manage and document conflicts of interest and notify gifts and benefits.

### 2. Background

NSW Health Pathology is committed to a culture of ethical behaviour, accountability and transparency. The [NSW Health Conflicts of Interest and Gifts and Benefits Policy Directive PD2015\\_045](#) provides guidance for the identification, notification and management of conflicts of interest and gifts and benefits to protect the integrity of the public health system and its staff. It defines the position for NSW Health Pathology in relation to conflicts of interest and gifts and benefits.

### 3. Scope

This procedure is mandatory and applies to all NSW Health Pathology staff.

### 4. Definitions

The definitions in this document are consistent with the definitions in the [NSW Health Conflicts of Interest and Gifts and Benefits Policy Directive PD2015\\_045](#).

### 5. Procedure

#### 5.1 Conflicts of Interest

Staff must declare immediately all conflicts of interest to their manager, via the [NSW Health Pathology Conflict of Interest register](#) as outlined in the [NSW Health Conflicts of Interest and Gifts and Benefits Policy Directive PD2015\\_045 Clause 3 Identifying and Declaring a Conflict of Interest](#).

Where circumstance inhibits the immediate provision of a written declaration, staff must make a verbal declaration to their manager or relevant manager present, and must, as soon as possible, record their declaration via the [NSW Health Pathology Conflict of Interest Register](#).

##### 5.1.1 Secondary Employment

All NSW Health Pathology staff, including permanent, temporary, contract or casual staff, must seek approval for secondary employment including business interests or undertakings.

- a. Staff must complete the [Other Employment Form](#) and submit this to their manager
- b. Should a conflict of interest be identified staff must then make a declaration using the [NSW Health Pathology Conflicts of Interest Register](#).

#### 5.2 Gifts and Benefits

Staff should not seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably be perceived by an impartial observer as being intended or likely to influence, staff as outlined in [NSW Health Conflicts of Interest and Gifts and Benefits Policy Directive PD 2015\\_045 Clause 2 Gifts and Benefits](#). Gifts and benefits are not accepted from commercial organisations.

- a. Staff must seek advice from their manager prior to accepting a gift or benefit
- b. Staff must declare all offers/receipt of gifts or benefits to their manager via the on-line [NSW Health Pathology Gifts and Benefits Register](#) and
- c. Staff may in the first instance provide a verbal declaration to their manager, this must be followed by completing a declaration via the [NSW Health Pathology Gifts and Benefits Register](#).

This document is controlled only if the latest version is downloaded from the NSW Health Pathology Policy Library.  
<http://intranet.pathology.health.nsw.gov.au/tools---resources-/policies-and-procedures/policies>

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### 6. Roles and Responsibilities

Roles and responsibilities are detailed in the [NSW Health Conflicts of Interest and Gifts and Benefits Policy Directive PD2015\\_045](#) for the Principal Officer, Managers and Supervisors, Chief Audit Executive and Staff.

### 7. Legal and Policy Framework

#### Ministry Policy Documents

1. [NSW Health Conflicts of Interest and Gifts and Benefits Policy Directive PD2015\\_045](#)
2. [NSW Health Code of Conduct Policy Directive PD2015\\_049](#)
3. [NSW Health Sponsorships Policy Directive PD2005\\_415](#)

#### Ministry Fact Sheets

1. [http://internal.health.nsw.gov.au/cgrm/rmra/risk\\_management/conflicts\\_interest.html](http://internal.health.nsw.gov.au/cgrm/rmra/risk_management/conflicts_interest.html)
2. [http://internal.health.nsw.gov.au/cgrm/rmra/risk\\_management/managing\\_corruption\\_training\\_kit.html](http://internal.health.nsw.gov.au/cgrm/rmra/risk_management/managing_corruption_training_kit.html)

#### NSW Health Pathology Supporting Documents

1. [NSW Health Pathology Conflict of Interest Form](#)
2. [NSW Health Pathology Gifts and Benefits Form](#)

#### Other Guidelines and Fact Sheets

1. [NSW Public Service Commission \*Behaving Ethically: A guide for NSW government sector employees\*](#)
2. [NSW Audit Office 2.2.1 Potential Conflicts of Interest](#)
3. [NSW Ombudsman Fact Sheet - Recognition and Managing Conflict of Interests](#)
4. [NSW Ombudsman Public Sector Agencies Fact Sheet No. 3 – Conflict of Interests](#)
5. [NSW Ombudsman publication – Good Conduct and Administrative Practice \(2nd edition\) 2006](#)

### 8. Review

This procedure will be reviewed by 31 December 2018.

### 9. Risk

<b>Risk Statement</b>	There is a risk that if our staff fail to declare a conflict of interest or gift and benefit associated with their role as a public official NSW Health Pathology will experience a loss of public confidence.
<b>Risk Category</b>	Leadership and Management

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### 10. Further Information

For further information, please contact:

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### 11. Version History

The approval and amendment history for this document must be listed in the following table.

Version No	Effective Date	Approved By	Approval Date	Risk Rating	Sections Modified
1.0	22/12/16	Director Corporate Strategy Systems and Support	22/12/16	Medium	This procedure has been updated to enable declarations of conflicts of interest and gifts and benefits via the NSW Health Pathology electronic register.
2.0	02/02/17	Director Corporate Strategy Systems and Support	02/02/17	Medium	New Conflicts of Interest and Gifts and Benefits Forms have been approved.