

Procedure

Conflicts of Interest and Gifts and Benefits

NSWHP_PCP_001



Health
Pathology

1. Purpose

This procedure is designed to help NSW Health Pathology staff identify, avoid, declare, manage and document Conflicts of Interest and notify Gifts and Benefits, consistent with the requirements of the NSW Health Conflicts of Interest and Gifts and Benefits Policy Directive PD2015_045.

2. Background

NSW Health Pathology is committed to a culture that promotes ethical behaviour, accountability and transparency and protects the integrity of the public health system and its staff. The NSW Health Conflicts of Interest and Gifts and Benefits Policy Directive PD2015_045 specifies the procedures that apply to all staff working within NSW Health, including NSW Health Pathology, in relation to the identification, notification and management of Conflicts of Interest and Gifts and Benefits. It is therefore imperative that this Procedure is read in conjunction with the Policy Directive.

3. Definitions

The definitions for terms used within this document are set out in the Gifts and Benefits Procedures section (Definitions 1.2) of the NSW Health Conflicts of Interest and Gifts and Benefits Policy Directive PD2015_045.

4. Procedure

4.1. Conflicts of Interest

NSW Health Pathology staff members must declare all Conflicts of Interest (whether actual, potential, perceived, pecuniary or non-pecuniary) at the first available opportunity to their line manager/immediate supervisor. The initial declaration should be in writing wherever possible (an email will be sufficient), or where that is not possible, verbally, provided that the verbal declaration is recorded as soon as possible in writing.

As soon as possible after making the initial declaration, the staff member must also record the Conflict of Interest in the NSW Health Pathology Conflict of Interest Register.

(Note: Secondary employment where the second position could affect the performance of a staff member's duties in NSW Health Pathology and/or give the impression that favouritism was being given to the private employer create the potential for a Conflict of Interest. All NSW Health Pathology staff, including permanent, temporary, contract and casual employees, must seek approval for secondary employment using the Secondary Employment Application Form in addition to declaring any Conflict of Interest in accordance with this Procedure.)

4.2. Gifts and Benefits

Staff should not seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as being intended or likely to influence, the staff member as outlined at Section 2 Gifts and Benefits, NSW Health Conflicts of Interest and Gifts and Benefits Policy Directive PD2015_045. As a general rule gifts and benefits must not be accepted from commercial organisations (including vendors or potential vendors).

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Staff must seek advice from their line manager/immediate supervisor prior to accepting a gift or benefit, and must declare all offers (whether or not accepted) and receipt of gifts or benefits via the on-line [NSW Health Pathology Gifts and Benefits Register](#).

5. Roles and Responsibilities

As detailed in the [NSW Health Conflicts of Interest and Gifts and Benefits Policy Directive PD2015_045](#).

6. Legal and Procedure Framework

Legislation

- [Crimes Act 1900 \(NSW\)](#)
- [Independent Commission Against Corruption Act 1998 \(NSW\)](#)
- [Public Interest Disclosures Act 1994 \(NSW\)](#)

Policy Directives & Procedures

- [NSW Health Conflicts of Interest and Gifts and Benefits Policy Directive PD2015_045](#)
- [NSW Health Code of Conduct Policy Directive PD2015_049](#)
- [NSW Health Sponsorships Policy- Policy Directive PD2005_415](#)
- [NSW Health Corrupt Conduct – Reporting to the Independent Commission Against Corruption \(ICAC\) Policy Directive PD2016_029](#)
- [NSW Health Public Interest Disclosures Policy Directive PD2016_027](#)
- [NSW Health Pathology Public Interest Disclosures Procedure NSWHP_PR_039](#)
- [NSW Health Pathology Enterprise Risk Management Procedure NSWHP_PR_026](#)
- [NSW Health Pathology Statement of Business Ethics](#)

Other Guidance Material

- [Managing Conflicts of Interest in the Public Sector, Independent Commission Against Corruption, April 2019](#)
- [Recognising and managing conflict of interests, Ombudsman NSW, May 2017](#)
- [Ministry of Health Corporate Governance and Risk Management, Legal and Regulatory Services Branch Conflicts of Interest and Benefits intranet page](#)
- [NSW Public Service Commission Behaving Ethically: A guide for NSW government sector employees](#)

Forms

- [NSWHP Conflicts of Interest Form NSWHP_F_044](#)
- [NSWHP Gifts and Benefits Form NSWHP_F_043](#)

7. Review

This procedure will be reviewed by 31/12/2021.

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8. Risk

Risk Statement	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 NSWHP will experience a loss of public confidence.
Risk Category	Leadership and Management

9. Further Information

For further information, please contact:

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10. 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	Policy Author	Risk Rating	Sections Modified
1.0	22/12/2016	Director Corporate Strategy Systems and Support	22/12/2016	Director Corporate Strategy Systems and Support	Medium	New procedure
2.0	02/02/2017	Director Corporate Strategy Systems and Support	02/02/2017	Director Corporate Strategy Systems and Support	Medium	New Conflicts of Interest and Gifts and Benefits Forms have been approved
3.0	17/12/2019	Director, Corporate Governance	17/12/2019	Director, Corporate Governance	Medium	Minor amendments.