

# Conflict of Interest Policy

## Section 1 - Purpose and Context

### Part A - Introduction

(1) The purpose of this policy is to set out a framework for the identification, declaration, and management of conflicts of interests for University employees and others engaged in University business.

(2) The University is committed to conducting its business and delivering higher education and research in a fair, transparent, accountable, and impartial manner that ensures public trust and confidence.

(3) Conflicts of interest commonly occur in all types of situations. If not properly managed, these can expose the University to risk that decisions or actions are based on personal or other external influences, rather than being made for proper purposes in the best interests of the University.

### Part B - Application

(4) This policy applies to all University representatives.

(5) This policy should be read in conjunction with the University's [Code of Conduct](#), and is supported by procedures and guidelines which are mandatory to demonstrate compliance with this policy.

(6) University controlled entities are expected to establish and implement their own conflict of interest policies, but may resolve to adopt this policy.

## Section 2 - Definitions

(7) For the purpose of this policy:

- a. University representative means any person employed by the University or who represents the University or its interests in an official capacity (whether paid or voluntary), including:
  - i. a member of the Board of Trustees or its committees;
  - ii. a person appointed by the University as a director of a University controlled entity or of a company or other organisation in which the University has an interest;
  - iii. a person who holds a clinical, adjunct, conjoint or honorary title or appointment; and
  - iv. a person engaged as an agent or contractor of the University (whether in Australia or overseas).
- b. Conflict of interest - means a conflict between performing an official duty and another interest that has the potential to interfere with the proper performance of that official duty. A conflict of interest can be actual, perceived, or potential. Examples of where conflicts of interest might occur include:
  - i. personal relationships (inside and outside the University);
  - ii. perceptions of bias in favour of, or against, another person or something, such as a political or religious conviction or belief; or
  - iii. acceptance of bribes or other financial incentives.

- c. Conflict of Interest Register – refers to a register that records all declared conflicts of interests in accordance with the Procedures.
- d. Material interest – is where a reasonable person would assume that a University employee or other person engaged in University business stands to gain an advantage, or suffer a disadvantage, if they do not properly manage a conflict of interest when making a decision.

## Section 3 - Policy Statement

### Part C - The Conflicts of Interest Rule

(8) All University representatives have obligations to act honestly and in good faith at all times, including observing obligations of confidentiality.

(9) The obligation to disclose, and to avoid or minimise, conflicts of interests applies where:

- a. there is a real or substantial possibility of the conflict of interest actually arising; and
- b. the interest is a material interest, that is to say:
  - i. it is real and substantial, not theoretical, remote, contingent or otherwise insubstantial; and
  - ii. it has, or appears to have, the capacity to influence the conduct of a person (whether or not it actually does so).

### Part D - University's Requirements

(10) The University requires all University representatives act ethically at all times, with openness and fairness, and to proactively safeguard the performance of their official duties and responsibilities as University representatives against conflicts of interest.

(11) This requirement recognises the University's legal obligations in dealing with the disclosure, management, and reporting of conflicts of interest that apply to University representatives. These include:

- a. [Western Sydney University Act 1997](#) – which applies to University Board of Trustees members and requires them to disclose all material interests in any matter before the Board, and to not be present or participate in any decision on that matter (refer Schedule 2A, clause 5 of the Act).
- b. [Corporations Act 2001](#) – which applies to companies and requires directors to notify material personal interests when a conflict arises (refer Section 191 of the Act).
- c. [Independent Commission Against Corruption Act 1988](#) – which applies to University representatives as “public officials” and includes conflicts of interests such as improperly using knowledge or resources of the person’s position for personal gain or the advantage of others. The Vice-Chancellor and President, as principal officer of the University, has a duty to notify the Commission of any matter where there is reasonable suspicion of corrupt conduct (refer Part 3 of the Act).

(12) The University will maintain a Conflict of Interest Register where the disclosure, management and reporting of conflicts of interests are recorded, monitored, and managed.

(13) The University will also require specified University representatives to complete annual declarations of interests in order to comply with relevant legislative or governance standards.

## Part E - The University's Expectations of Conduct

(14) The University requires all University representatives to actively and continuously:

- a. Restrict the acts and/or activities that could lead to an actual, perceived, or potential conflict of interest.
- b. Be aware of the situations that can give rise to conflicts of interests, especially in high risk areas, such as sitting on any of the University's Boards or Committees, or research areas;
- c. Declare all conflicts of interests to their supervisor, a senior manager, or the chair/convenor of a committee, panel, or other group;
- d. Assess the conflict of interest in consultation with their supervisor, a senior manager, or chair/convenor to assess whether the conflict can be avoided altogether or, if not, ensure it can be managed appropriately by implementing risk mitigation strategies, such as recusing themselves from decision-making, removing themselves from supervision or assessment, or arranging for another authorized Delegate under the University's [Delegations of Authority Policy](#).
- e. Record details of the conflict and associated risk mitigation strategies on the Conflict of Interest Register, and actively monitor the conflict on a continuing basis and, if necessary, put in place additional or different arrangements to manage the conflict when circumstances change.

(15) All staff are required to report any breaches of this policy to their supervisor, a senior manager of the University, the Office of Audit and Assurance, or a Public Interest Disclosures Officer under the University's [Whistleblowing \(Reporting Corruption and Other Serious Wrongdoing\) Policy](#).

(16) The University Executive, senior staff and all managers and supervisors play a leading role in ensuring a culture that exemplifies best practice and sets the benchmark for ethical behaviour. In particular, they are expected to:

- a. Raise awareness among their staff about this policy, and the obligations therein, and ensure that their staff undertake appropriate training where necessary;
- b. Be aware of the types of conflicts of interest that are likely to arise within their areas of responsibility, including identifying any significant or sensitive projects in their area that might warrant putting specific arrangements in place to manage any conflicts of interest;
- c. Ensure their staff document any conflicts of interests, and that these conflicts are monitored and managed in accordance with the University's procedures (including any specified in other University policies);
- d. Take appropriate action, including reporting any suspected corrupt conduct to the Office of Audit and Risk Assessment, if a staff member is unable or unwilling to disclose or satisfactorily address a conflict of interest.

## Part F - Raising Awareness and Training

(17) The University will ensure that University representatives have access to programs designed to raise awareness and to assist them in carrying out their responsibilities and duties, including through induction and other training initiatives.

## Part G - Consequences of Non-Compliance

(18) The University regards non-compliance with this policy as a serious matter and, depending on severity and impact, will take appropriate action, which may include disciplinary action or cancellation of a contract with an external supplier.

(19) The University may also refer any non-compliance with this policy for independent investigation or to an external reporting agency, such as [Independent Commission Against Corruption](#) or the [NSW Auditor-General](#).

## **Part H - Privacy**

(20) Information concerning disclosures of conflicts of interest will be managed in accordance with the University's [Privacy Policy](#) and [Privacy Management Plan](#).

## **Part I - Agents and Contractors**

(21) The University will implement appropriate systems and controls (including as part of any contractual arrangements) to ensure that conflicts of interest involving agents and contractors of the University are identified, declared and managed appropriately.

## **Section 4 - Procedures**

(22) See [Conflicts of Interest Procedures](#).

## **Section 5 - Guidelines**

(23) See [Conflicts of Interest Guidelines](#).

## Status and Details

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