

OFFICIAL

SA Health

Policy

Declaration and Management of Interests

INFORMAL COPY WHEN PRINTED

Version 1.2

Approval date: 30 May 2023

PDS Reference No: D0431

OFFICIAL



Government
of South Australia

SA Health

1. Name of Policy

Declaration and Management of Interests.

2. Policy statement

This Policy sets out the mandatory requirements that apply across SA Health to ensure that employees and delegates are aware of their responsibilities and obligations in the appropriate management of personal or private interests which may conflict with the duties and responsibilities of public officers.

Section 27 of the *Public Sector (Honesty and Accountability) Act 1995* creates a legal onus on public sector employees to disclose pecuniary or personal interests if they conflict or may conflict with the employee's duties. Failure to disclose may constitute as grounds for termination of the employee's employment in the public sector or other disciplinary action.

The existence of a conflict of interest, if not identified, declared, assessed and managed, may create a risk to both the individual and SA Health.

Breaches of this policy may result in disciplinary action and breaches may require reporting pursuant to the *Independent Commission Against Corruption Act 2012*.

Declaring interests can involve the disclosure of information that may be private in nature, such as details about personal finances and relationships. The agency is required to safeguard the information provided and cannot disclose personal information to a third party for a purpose that is not the purpose of collection or where it is not legally required to do so.

3. Applicability

This policy applies to all employees and contracted staff of SA Health; that is all employees and contracted staff of the Department for Health and Wellbeing, Local Health Networks (including state-wide services aligned with those Networks) and SA Ambulance Service.

4. Policy principles

SA Health's approach to declaration and management of interests is underpinned by the following principles:

- > We identify, disclose, assess, and manage personal and private interests which may present an actual, potential or perceived conflict with the public interest and/or the employee's duties and responsibilities on an ongoing basis.
- > We adopt a risk-based approach to the declaration and management of interests.
- > We ensure personal information is appropriately safeguarded and only utilise such information where it is lawfully required to do so.
- > We support public officers to understand their obligation to declare their personal and private interests which may present an actual, potential or perceived conflict with their duties and responsibilities as a public sector employee.

5. Policy requirements

- > Each health agency must implement a process of identifying, assessing, managing and reporting on interests.
- > In designing the process, each agency must undertake a risk assessment to determine where the most significant areas of risk might exist, having regard to the potential systemic nature of the risk (e.g. extent of public officers affected) and its seriousness (e.g. seniority of public officers affected).
- > The following must be considered when undertaking the risk assessment:
 - Exercising financial delegations, including disposal of goods and maintenance of property and assets;
 - Exercising procurement delegations, including contract management responsibilities;
 - Exercising human resources delegations;
 - Exercising other delegations such as certain powers available under legislation, including fulfilling regulatory requirements and testing of compliance functions;
 - Acting as expert witnesses on behalf of a plaintiff where the State is the defendant;
 - Undertaking research and development activities as part of employment or public duties, including intellectual property;
 - Employees outside of their substantive role for 12 months or more. e.g. Secondment or Leave Without Pay;
 - Serving on boards or committees with decision making powers; and
 - Outside financial interests that may conflict with SA Health.
- > The conflict-of-interest management system must include:
 - A process of recording interests declared by those employees following the risk assessment as outlined above;
 - An assessment as to whether the declared interest constitutes an actual, potential or perceived conflict;
 - Where a conflict is identified, an appropriate management plan approved by an appropriate Delegate;
 - An escalation pathway to resolve disagreements regarding the appropriateness of the management plan; and
 - Monitoring of the implementation of the management plan.
- > Each agency must maintain a register of declared interests, which must also include “Nil declarations”. The register(s) must be subject to regular review by the Delegate.
- > Agencies must ensure effective records management by securely storing any information obtained through the process, with the appropriate information classification attached.
- > Each agency must ensure that all staff are aware of the need to identify and declare their interests as relevant to the context of this policy.
- > Each agency must ensure that Delegates are aware of their responsibilities in the development of an appropriate management plan for an employee with interests that have been identified as being in actual, perceived, or potential conflict with their duties as a public sector employee.

- > The Delegate must assess a declared interest and design and implement a management plan to reduce the associated risk, should a conflict be identified.
- > The Delegate must ensure that the Statement of Interest declaration is registered on the register of declared interests for their agency.
- > Employees who are employed across multiple SA Health agencies (DHW/LHN/SAAS) must declare their interests with each SA Health agency and disclose any existing management plans if one has been developed for the interests disclosed.
- > Each agency must, at least annually, report to an appropriate governance structure (such as an Audit and Risk Committee) their level of compliance with this policy.
- > Each public officer must, as soon as practicable, identify and declare their personal or financial interests and to ensure an appropriate management plan is put in place, if required.
- > Public officers must comply with any lawful and reasonable direction included within a management plan including restrictions on the employee's involvement in the matter, and/or that the employee does not participate in the matter.
- > Employees undertaking any outside employment must declare the arrangements to the appropriate delegate in writing using the prescribed declaration form. It must be noted that the exercise of Rights of Private Practice (ROPP) which is subject to an approved ROPP agreement, does not constitute a conflict as long as it does not interfere with the public duties of the employee.

6. Mandatory related documents

The following documents must be complied with under this Policy, to the extent that they are relevant:

- > [Public Sector \(Honesty and Accountability\) Act 1995](#)
- > [Health Care Act 2008](#)
- > [Public Sector Act 2009](#)
- > [Code of Ethics for Public Sector Employees](#)
- > [Probity in SA Health Procurement Policy Directive](#)
- > [PC 012 – Information Privacy Principles \(IPP\) Instruction](#)
- > [SA Health Gifts and Benefits Policy Directive](#)

7. Supporting information

- > [Procurement Related Conflict of Interest](#)
- > [Identify, Disclose and Manage: Conflicts of Interest in Public Administration \(ICAC\)](#)
- > Local instructions or protocols (agency level implemented procedures)

8. Definitions

- > **Agency:** means an employing authority or any other agency of instrumentality of the Crown.
- > **Conflict of interest:** means when the personal or financial interests of a public officer, or their family, friends, or associates come into conflict, or could be perceived as coming into conflict, with

their duties and responsibilities as a public officer. A conflict of interest may be an actual conflict, a potential conflict or a perceived conflict:

- Actual conflict means: where a direct conflict exists between current official duties and existing private interests.
 - Potential conflict means: where private interests are not, but could in time, come into direct conflict with official duties.
 - Perceived conflict means: where it appears, or could be perceived, by a reasonable person that private interests could improperly influence the performance of official duties.
- > **Delegate:** means an executive employee or other senior employee nominated by the Chief Executive Officer of each agency responsible for managing any identified conflict of interest.
- > **Management plan:** means a plan that contains the strategy developed and approved by a delegate to manage the actual, potential or perceived conflict of interest. This could include but is not limited to:
- Registering the interest so that others are aware that a matter involves a public officer's personal interests;
 - Recruiting an independent party to oversee all or part of the matter involving the conflict of interest;
 - Restricting the public officer's involvement in the matter;
 - Removing the public officer entirely from the matter;
 - The public officer relinquishing the personal interest that gave rise to the conflict; or
 - The public officer resigning from the public position.
- > **'Nil' declaration:** means a declaration made by an employee advising that they hold no interests that they have identified as actual, potential or perceived conflicts of interest as a result of a risk assessment.
- > **Personal or private interest:** means interests that can bring financial or other benefit or advantage to a public officer as an individual, or to others whom the public officer may wish to benefit. This includes the personal interests of a close associate such as a business partner or family member or friend.
- > **Public officer:** for the purposes of this policy includes but is not limited to:
- the Chief Executive of an administrative unit of the Public Service;
 - a Public Service employee; or
 - a person engaged to perform contract work for a public authority or the Crown as defined by the *Public Sector (Honesty and Accountability) Act 1995*.
- > **Statement of interest:** means a declaration form completed by a public officer showing their financial and personal interests including nil interests.
- > **Statewide services:** includes Statewide Clinical Support Services, Prison Health, SA Dental Service, BreastScreen SA and any other state-wide services that fall under the governance of the Local Health Networks.

9. Compliance

This policy is binding on those to whom it applies or relates. Implementation at a local level may be subject to audit/assessment. The Domain Custodian must work towards the establishment of systems which demonstrate compliance with this policy, in accordance with the requirements of the [Integrated Compliance Policy](#).

Any instance of non-compliance with this policy must be reported to the Domain Custodian for the Integrity Policy Domain and the Domain Custodian for the Risk, Compliance and Audit Policy Domain.

10. Document ownership

Policy owner: Director, Risk & Assurance Services as Domain Custodian for the Integrity Policy Domain

Title: Declaration and Management of Interests

ISBN: 978-1-76083-556-9

Objective reference number: A4918531

Review date: 30 June 2026

Contact for enquiries: Health.RiskAssuranceandIntegrityServicesEnquiries@sa.gov.au

11. Document history

Version	Date approved	Approved by	Amendment notes
V1.2	30/05/2023	Director, Risk & Assurance Services	Review and minor update.
V1.1	11/08/2022	Deputy Chief Executive, Corporate Systems and Support Services	Policy revised and transferred to new template. Consultation held with key stakeholders
V1.0	01/07/2016	Chief Executive, DHW	New policy

12. Appendices

Nil.