



GISERA
Gas Industry Social and
Environmental Research Alliance

Managing conflict of interest within GISERA

Policy for GISERA partners and participants
Updated 2017



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1 Background

GISERA's contributors and members represent a wide variety of interests and associations. GISERA's public sector research providers, in particular, may find themselves providing research to a range of CSG industry players and stakeholders, including government, and fulfilling multiple and sometimes competing roles, particularly at the nexus of public and private sector interest. As a consequence, many of GISERA's contributors and members may be exposed to circumstances under which potential or real conflicts of interest need to be identified and managed.

GISERA's non-exclusive membership allows partners freedom to undertake work of any description outside GISERA, hence there is virtually no intrinsic management of conflicts of interest in GISERA due to personal motivations. As a consequence, the focus of conflict of interest management in GISERA is on external management of potential conflicts.

Conflicts of interest fall into two basic categories: individual and institutional. This policy deals with both. Greater attention is given to institutional conflict of interest because policies concerning individual conflict of interest are expected to exist for contributing institutions. Where this is not the case, the CSIRO conflict of interest policy will be applied to the extent possible. Under CSIRO's [Code of Conduct policy](#), CSIRO personnel are governed by conflict of interest guidelines which are very specific regarding interests held by officers and their families.

2 Overview

Individuals and institutions engaged as members of GISERA or contributing to GISERA's projects may be exposed to a range of circumstances under which they will need to identify and manage potential and real conflicts of interest.

GISERA will work with individuals and institutions to actively identify, avoid and manage conflicts of interest as part of its normal operating procedures. Where conflicts of interest are ongoing, it may be necessary for individuals or institutions to relinquish conflicting roles or remove themselves from involvement with GISERA.

3 Purpose

To identify, avoid and manage situations in which the competing interests of GISERA participants or members may interfere or appear to interfere with GISERA's fundamental values – public good science that benefits the broader community and industry.

4 Policy statement

If individuals and institutions engaged as members of GISERA or contributing to GISERA's projects have interests that have, or may be seen to have, the potential to conflict with the individual's or institutions' work for GISERA, the individual or institution must disclose that interest to GISERA and take whatever action is required to avoid the conflict. Failure to do so may result in removal from the GISERA Agreement.

5 Details

5.1 Individual conflict of interest

Conflict of interest for an individual public official relates mainly to two areas:

- Confidentiality
- Conflict of interest

For individual contributors to GISERA, confidentiality and conflict of interest are expected to be covered by their employers' policies. Where this is not the case, CSIRO policy will apply to the extent possible. CSIRO's policies are designed to ensure that CSIRO officers are easily able to identify and manage matters relating to pecuniary interest, fair dealings and respect for ones colleagues and clients.

In the case of CSIRO, the [CSIRO Code of Conduct](#) explains the conduct and behaviours required by the organisation and everyone working in CSIRO and their direct families.

This provides CSIRO and other GISERA partners with a sound foundation from which to base its approach to managing institutional conflicts of interest.

5.2 Institutional conflict of interest

5.2.1 Why consider institutional conflict of interest?ⁱ

Understanding and managing institutional conflict of interest is critical to GISERA because its fundamental value proposition – public good science that benefits the broader community and industry – is eroded by perceived conflict of interest, particularly if it involves public sector research providers. Additional reasons to consider conflict of interest include:



1. Serving the public interest is the fundamental mission of governments and public institutions, and public officers have a responsibility to always serve the public interest in performing their duties.
2. Conflicts of interest in both the public and private sectors have become a major matter of public concern world-wide.
3. New forms of relationship have developed between the public sector and the business and non-profit sectors giving rise, for example, to increasingly close forms of collaboration such as public/private partnerships, self-regulation, interchanges of personnel, and sponsorships.
4. While a conflict of interest is not *ipso facto* corruption, there is increasing recognition that conflicts between the private interests and public duties of public officials, if inadequately managed, can potentially lead to corruption.

5.2.2 Procedures for identifying and managing institutional conflicts of interest in GISERA

The OECD provides six key policy recommendations on how to identify, prevent, manage and resolve conflict of interest situationsⁱⁱ. These have been adopted by GISERA as policy and are detailed below.

5.2.2.1 Identify relevant conflict of interest situations

OECD guidelines recommend provision of clear and realistic descriptions of what circumstances and relationships can lead to a conflict of interest situation, and that conflict of interest policy is supported by organisational strategies and practices to help identify concrete conflict of interest situations at the workplace.

The following are situations in which staff members could find themselves with a potential conflict of interest:

1. A staff member has multiple roles and could be said to wear 'two hats'. In addition to their principal job as a scientist working on projects, an individual may find that part of that job involves providing advice in their field of expertise to regulators.

These two roles come into potential conflict because project work may be undertaken with industry partners affected by regulation.

It is also possible that information derived from confidential industry projects could be used to inform discussion of regulation.

In addition, confidential information derived from regulators could be provided (deliberately, inadvertently or obliquely) to private sector partners.



2. A staff member may undertake similar research for multiple partners, each of which requires confidentiality.

This potentially involves a conflict of interest because it is not possible for the same person to be mutually unaware of this confidential work.

3. A staff member may hold science investment or advisory roles within and outside GISERA.

This creates a potential conflict of interest in that the information provided to one party may be designed to improve the outcomes for the other; for example, where a Science Leader provides advice to a funding body about science direction such that it more closely matches their Science Team's interests.

4. A staff member may be asked to become involved in projects or with partners or Intellectual Property (IP) that prevents them from working with others in the future.

This creates a potential conflict of interest because it privileges some research users over others, in ways that may not be consistent with the role of a transparent public sector institution.

5. A staff member of a public institution may be engaged in activity that identifies a risk to public health or safety.

This creates a potential conflict of interest if staff may feel that their reporting allegiance lies with project proponents at the expense of the public at large.

The above examples are illustrative rather than definitive and, as such, identification of concrete conflict of interest situations will be supported by the use of the framework developed by the Integrity Coordinating Group of Western Australia, which recommends use of the 6 Psⁱⁱⁱ.

- **Public duty versus private interests:** is the public sector organisation or its staff engaged in activity or interests that may conflict, or be perceived to conflict with its public duty?
- **Potentialities:** Could there be benefits for the public sector institution or its staff now, or in the future, that could cast doubt on its objectivity?
- **Perception:** Perception is important. How will the public sector institution's involvement in the decision/action be viewed by others? Are there risks associated for me/my organisation?
- **Proportionality:** Does my involvement in the decision appear fair and reasonable in all the circumstances?
- **Presence of mind:** What are the consequences if the conflict of interest is ignored? What if the public sector institution's involvement was questioned publicly?
- **Promises:** Has the public sector institution made any undertakings or commitments in relation to the matter? Does it stand to gain or lose from the proposed action/decision?

Project proponents are required to identify known conflicts of interest in completing their Project Orders, based on the criteria above, and to discuss any emerging potential conflicts of interest, or their likelihood, with the GISERA Director, who will advise as to the most appropriate responses, in accordance with the policy details outlined below.

5.2.2.2 Establish procedures to manage and resolve conflict of interest situations

OECD guidelines recommend that steps are taken to ensure that public officials know what is required of them in identifying and declaring conflict of interest situations. They also recommend that clear rules are set on what is expected of public officials in dealing with conflict of interest situations, so that both managers and employees can achieve appropriate resolution and management.

In support of the above, the GISERA Director will apply the framework developed by the Integrity Coordinating Group of Western Australia, which recommends use of the 6 Rs^{iv}.

- **Record/Register:** Recording the disclosure of a conflict of interest in a register is an important first step, however this does not necessarily resolve the conflict. It may be necessary to assess the situation and determine whether one or more of the following strategies is also required.
- **Restrict:** It may be appropriate to restrict an officer's involvement in the matter, for example, refrain from taking part in debate about a specific issue, abstain from voting on decisions, and/or restrict access to information relating to the conflict of interest. If this situation occurs frequently, and an ongoing conflict of interest is likely, other options may need to be considered.
- **Recruit:** If it is not practicable to restrict an officer's involvement, an independent third party may need to be engaged to participate in, oversee, or review the integrity of the decision-making process.
- **Remove:** Removal from involvement in the matter altogether is the best option when ad hoc or recruitment strategies are not feasible, or appropriate.
- **Relinquish:** Relinquishing the personal or private interests may be a valid strategy for ensuring there is no conflict with an officer's public duty. This may be the relinquishment of shares, or membership of a club or association. CSIRO policy requires relinquishing of shares by officers who work on research projects funded by companies.
- **Resign:** Resignation may be an option if the conflict of interest cannot be resolved in any other way, particularly where conflicting private interests cannot be relinquished. In CSIRO, redundancy is the ultimate option.

Project proponents will work with the GISERA Director to address potential or real conflicts of interest using the above framework. In the event that conflicts of interest cannot be resolved by

the Director, the matter will be referred to the GISERA National Research Management Committee.

In addition, it is important to note that that the Alliance Agreement under which GISERA was formed has been developed to proactively manage a range of potential sources of conflict of interest, including:

- Project Results may be disclosed to a responsible authority if disclosure of the information is necessary to prevent or minimise a potential risk to public health or safety or environmental harm or damage. (Clause 16.5); thereby removing tension between the reporting roles of public and private sector research providers.
- Projects developing commercially valuable IP will be identified and removed from GISERA's research portfolio in accordance with GISERA's commercialisation guidelines (Clause 12); thereby removing conflicts associated with the simultaneous pursuit of public and private benefit.
- Protection of confidentiality is dealt with explicitly under Clause 15.

5.2.2.3 Demonstrate leadership commitment

OECD guidelines recommend that managers and leaders should take responsibility for the effective application of conflict of interest policy, by establishing a consistent decision-making process, taking decisions based on this model in individual cases, monitoring and evaluating the effectiveness of the policy and, where necessary, enhancing or modifying the policy to make it more effective.

As outlined above, identifying and managing conflict of interest is fundamental to maintaining and growing the value proposition associated with GISERA. As such, conspicuous attention and leadership commitment to the topic is guaranteed, and will proceed supported by application of the policy details above.

Placement of these guidelines on the GISERA website, and the reporting requirement in Project Orders underscores the commitment being made by GISERA's leadership.

5.2.2.4 Create a partnership with employees

OECD guidelines recommend that managers: ensure wide publication, awareness and understanding of the conflict of interest policy through training and counselling; review "at-risk" areas for potential conflict of interest situations; identify preventive measures that deal with emergent conflict of interest situations; develop and sustain an open organisational culture where measures dealing with conflict of interest matters can be freely raised and discussed.

As outlined above, GISERA's adoption of OECD recommendations as the basis for its conflict of interest policy provides the common foundation upon which GISERA's organisational culture is built.

Identification of “at-risk” situations at the project contracting stage, revisited regularly via the project reporting cycle, provide material and cultural support for these endeavours.

5.2.2.5 Enforce the conflict of interest policy

OECD guidelines recommend that managers: provide procedures for establishing a conflict of interest offence, and consequences for non-compliance, including disciplinary sanctions; develop monitoring mechanisms to detect breaches of policy and take into account any gain or benefit that resulted; co-ordinate prevention and enforcement measures and integrate them into a coherent institutional framework; provide a mechanism for recognising and rewarding exemplary behaviour related to consistent demonstrated compliance with the conflict of interest policy.

As outlined previously, GISERA has jurisdiction over the identification and management of institutional risk; that for individuals rests primarily with their employers. Where employer policies do not exist, GISERA will apply CSIRO policies to the extent possible.

5.2.2.6 Initiate a new partnership with the business and non-profit sectors

OECD guidelines recommend that managers: involve the business and non-profit sectors in elaborating and implementing the conflict of interest policy for public officials; anticipate potential conflict of interest situations when public organisations involve persons representing businesses and the non-profit sector through boards or advisory bodies; include safeguards against potential conflict of interest situations by making other organisations aware of the potential consequences of non-compliance and reviewing together high-risk areas.

The approval, adoption and application of this policy by the GISERA National Research Management Committee and GISERA Director gives effect to this recommendation.

6 Contact us

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ⁱ Adapted from OECD Guidelines for Managing Conflict of Interest in the Public Service



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