Conflict of Interest - Declaration and Management for Work and Development Permit Scheme Sponsors

# What is a conflict of interest in the context of administering Work and Development Permits (WDP)?

A conflict of interest arises where the personal interests of someone involved in sponsoring a potential WDP client, or supervising a client, has influenced, may influence, or may be perceived as influencing, their professional decision-making regarding a client’s eligibility for, and fulfilment of, a WDP.

# What types of conflict of interest are there?

Conflicts of interest may be actual, or be perceived to exist, or potentially exist at some time in the future. Perception of a conflict of interest is important to consider because public confidence in the integrity of your Organisation, the Department of Justice and the WDP Scheme is vital.

# Examples of conflicts of interest (this is not a complete list):

* A person seeking sponsorship from an organisation is related to somebody working at that organisation. Possible management - a supervisor who is not a relative is appointed to oversee the WDP.
* A person seeking sponsorship from an organisation is an employee of that organisation. Possible management - A third party is used to oversee the WDP.
* A person referred to a third party in a WDP is related to somebody within the third party organisation. Possible management - the sponsor stipulates that a non-relative will oversee the activities to be undertaken with the third party.

# What must an approved sponsor do if they identify a conflict of interest?

Approved sponsors should seek to avoid conflicts of interest wherever possible. However if an actual, potential or perceived conflict arises, the approved sponsor must notify the Fines Enforcement Registry (FER) at the time of making an application for a WDP or by sending an email to ferwdp@justice.wa.gov.au explaining how they propose to manage the conflict going forward.

It isn’t wrong or unethical to have a conflict of interest, what is important is that it is identified and appropriately managed.

# What should an approved sponsor do if they are unsure if a conflict of interest exists?

If in doubt as to whether a conflict of interest may exist, it is best to contact FER. If in doubt always declare.

# What happens once a sponsor declares a conflict of interest?

The FER Registrar may determine that:

* the WDP may be approved or continued;
* the WDP may be approved or continued, subject to conditions; or
* the WDP may be refused or cancelled.