



CONFLICT OF INTEREST- POLICY

CURRENTLY BEING REVIEWED AND EXPECTED April 2025

Document Number:	20140326
Topic:	Conflict of Interest
Approval Authority:	Board
Last Approval Date:	26 March 2014
Review date:	March 2015
Audience:	All staff All Board members All Branch members All Committee members All volunteers
Document Links:	Conflict of Interest Register

Purpose

The purpose of this policy is to protect the integrity of ACHSM (The College) by setting ethical standards for the actions, decisions and behaviours of college officials who may have a conflict of interest. The College is committed to the highest levels of integrity, and by involving many in its mission and objectives, wants to provide a sound professional operating environment based on honesty, objectivity, transparency and ethical behaviour.

Scope

All ACHSM Officials.

Definitions

Conflict of Interest

A conflict of interest is an actual, perceived or potential situation in which a college official has a private or personal interest sufficient to appear to influence their objective ability to carry out their duty to the College.

College Officials

Includes all ACHSM Board Directors, staff, branch council members, committee members, volunteers, and members working on college business.

Material Personal Interests

A material personal interest is a personal, professional or business interest of yours, or someone with whom you are closely associated, that:

- i. are real and substantial, not theoretical, remote, contingent or otherwise insubstantial; and
- ii. have, or appear to have, the capacity to influence the conduct of an ACHSM official.

A conflict of interest is considered to be *material* if a reasonable disinterested person would take it into account in exercising the same judgment or decision.

Material personal interests may include:

- Financial interests: those that involve an actual, perceived or potential financial loss or gain.
- Non-financial interests: those that could, or reasonably be perceived to, adversely affect the impartiality of the person having the interest, and includes:
 - i. interests arising from a personal or family relationship, or involvement in social, cultural or sporting activities; and
 - ii. other interests that may include a tendency toward favour, bias or prejudice resulting from personal involvement with any other person or group.

Perceived Conflict of Interest

Where material personal interests could reasonably be perceived to conflict with the duties or powers of a College official.

Potential Conflict of Interest

Where a third party could reasonably form the view that a material personal interest could conflict with the duties or powers of a College official, whether or not this is in fact the case.

Policy Statement

1. All ACHSM officials will strive to avoid any conflict of interest arising between their duty to the College on the one hand, and personal, professional, and business interests on the other. This includes avoiding actual conflicts of interest, perceived conflicts of interest, or potential conflicts of interest.
2. Upon appointment, all officials will make a full, written disclosure of interests, such as relationships, shareholdings and posts held that could potentially result in a conflict of interest. This written disclosure will be kept on file and will be updated annually or as appropriate.
3. In the course of meetings, activities, transactions or representations, it is expected that any conflicts of interest be disclosed at the soonest appropriate time. If in doubt, the potential conflict must be declared, and clarification sought.
4. It is incumbent on college officials to identify and disclose conflicts of interests, not on the organisation to detect them.

Objectives

That the College builds and maintains a culture of integrity by:

1. Taking steps to ensure that, as far as reasonably possible, conflicts of interest are avoided; and
2. Where potential conflicts do or may arise, these conflicts are managed effectively, fairly and transparently through disclosure.

Procedures and Guidelines

Identifying Conflicts of Interest

All College officials are responsible for carefully considering their material personal interests and determining whether or not any such interests create an actual, perceived or potential conflict.

Circumstances which could result in an actual, perceived or potential conflict of interest include, but are not limited to;

- Financial interests
- Personal and family relationships
- Outside employment
- Multiple roles
- Acceptance of gifts and benefits
- Use of official or confidential information
- Personal beliefs
- Political participation
- Shareholdings
- Enmity (feelings of ill will against another)

Examples of conflicts of interest

Examples of conflicts of interest include:

- An official is faced with a decision about funding a project which has been clearly deemed to be in the best interest of the college as a whole, but may disadvantage another interest group or organisation they are involved with.
- An official who is related to a member of staff, and are required to vote on a decision related to staff pay and/or conditions.
- An official holds a fiduciary or advisory position in the college and holds a position with another organisation that is competing for the same funding.
- An official who is involved in determining a standard or policy such as university accreditation, who also is employed within an entity that will directly benefit from, or be required to comply with, the same standard.

- An official who has shares in a business that is competing for a contract to provide services for the ACHSM, or is a director, partner or employee or relative to someone who is.

It is usually **not considered** a conflict if the matter under consideration involves:

- Matters which will need to be approved by the Members – for example Constitution changes;
- Membership of another professional organisation or institution where there is no actual, potential or perceived benefit which may impact on the person's professional obligations;
- Collaboration with another organisation or institution approved by the Board; or
- A situation described under section 191(2) of the Corporations Act 2001 (Cth), for example, a Director's benefit which is common to all members (eg. Fellowship/membership).

Disclosing conflicts of interest

Upon appointment, all officials will make a full, written disclosure of interests, such as relationships, shareholdings and posts held that could potentially result in a conflict of interest. This written disclosure will be kept on file and will be updated annually or as appropriate.

Where an ACHSM official, throughout the course of their duty, considers that they have a material personal interest that may represent a conflict of interest, they must immediately disclose the details of the conflict of interest to their manager, or in the case of a committee or board, to the other directors/ committee members and the chairperson.

The party to whom the conflict of interest has been raised are responsible for maintaining the confidentiality of the disclosed information. A manager or chairperson may disclose matters relating to a disclosed conflict of interest to others only:

- I. in order to assess whether a conflict of interest exists;
- II. where that disclosure is necessary or appropriate to properly manage the conflict of interest;
- III. to comply with a lawful obligation to disclose those matters; or.
- IV. to report the conflict of interest to the central register of disclosed conflicts of interest (administered by the company secretary)

Assessing disclosed conflicts of interest

Once disclosed, the party to whom the conflict of interest is disclosed, is responsible for conducting an assessment to determine whether it represents a conflict of interest, as defined by this Policy.

The party may seek to obtain reasonable additional information to inform their assessment, in consultation with the official.

Corporations Act requirements

The provisions of this policy recognises that Board members act as Directors of the College as a company and that the *Corporations Act* specifically provides for all decisions of the Board that:

- Directors must give notice of all “material personal interests” in matters relating to the affairs of the College (which may be narrower than a general conflict of interest);
- It is not a material personal interest if all Directors have the same interest (eg. Fellow of the College);
- Notice must be given of the nature and extent of the interest and its relation to the affairs of the College. Notice must be given as soon as the interest arises, or the Director becomes aware. A standing notice of all such interests may be given;
- In respect of a matter in which the Director has an interest, the Director cannot be present while the matter is being considered and cannot vote on the matter;
- A Director may be present and may vote if the other Directors permit, on the basis that the interest is fully disclosed, and the other Directors are satisfied that the interest should not disqualify him or her.

(SS. 191-195 *Corporations Act – Cth.*)

Managing a conflict of interest

Where the assessment confirms the existence of a conflict of interest, a strategy for managing the conflict of interest must be developed promptly. Details of the existence of the conflict of interest are to be formally advised and noted on the Conflict of Interest Register.

An official with an identified conflict of interest may still act only when they have the fully informed consent of the party to whom the duty is owed (eg. for a Director, it would be the board). Consent may also be provided through the constitution or by a vote at a General Meeting (however the related official cannot vote). The party may decide on an appropriate strategy to manage the conflict of interest.

Development of a management strategy should occur in consultation with the staff member and other relevant stakeholders.

There are five key strategies for managing a conflict of interest, these include:

1. *Restrict* - restrictions are placed on the official’s involvement in the matters associated with the conflict of interest (for example a director may not able to participate in a decision at a board meeting).
2. *Recruit* - a disinterested third party is appointed to oversee part or all of the process that deals with matters associated with the conflict of interest.
3. *Remove* - the official does not participate at all in matters associated with the conflict of interest (for example a director may be asked to leave the meeting during the discussion and decision of a matter, and/or they may also be restricted from receiving a specific section of the board papers)
4. *Relinquish* - the material personal interest concerned is relinquished.

5. *Resign* - the official steps down from the position they hold on a temporary or ongoing basis.

The chosen management strategy must take into account a number of factors, including:

- I. the nature of the conflict of interest;
- II. the operating environment;
- III. legal requirements; and
- IV. general practicality.

The management strategy must articulate:

- I. The nature of the staff member's material personal interest;
- II. The interest/s of the College with which the staff member's material personal interest conflict, could potentially conflict, or could reasonably be perceived to conflict;
- III. The actions the official agrees to take to manage the conflict of interest.

The existence and detail of the management strategy must be recorded on the Conflict of Interest Register and minuted at meetings.

The fact that an individual member of a College committee has failed to comply with this policy does not, of itself, invalidate the decisions of that committee.

Acceptance of Gifts or Benefits.

Gifts or benefits arising by way of an individual's involvement with the College which might in any way appear to compromise or influence them in their official capacity, must not be either solicited or accepted.

The offer of gifts or benefits arising as a result of an individual's involvement with the College must be reported immediately to the Company Secretary.

Gifts to the organization/work area of more than nominal value e.g. a painting, or a piece of equipment, are acceptable, but should be disclosed to the Company Secretary.

If the College is engaged in a tender process, no gift, no matter how small or insignificant, should be accepted from the tenderers.

Ethical and reputational considerations

Despite conflicts of interest being managed appropriately according to law, decisions that meet all legal obligations may still result in poor outcomes for the College and/or college official if the ethical or reputational implications are not also considered. It is incumbent on the parties involved to take into account not only legal obligations, but also the interests of stakeholders in determining the most appropriate management strategy.

Disciplinary Proceedings

In the event that a college official is found to be acting contrary to the conditions of this policy, the official may face disciplinary measures including removal from their position or having their membership status revoked.

Implementation of Policy

The Company Secretary is responsible for developing, implementing and reviewing this policy.

Monitoring

The Company Secretary is responsible for monitoring the implementation of this policy to ensure that the objectives of the strategy are being achieved.

Other Policies

This policy should be read in conjunction with other related policies and documents including the Code of Conduct, ACHSM constitution, employment contracts, director responsibilities, and APJHM journal submission guidelines.

Effective Date

26/3/2014

Review

This policy is to be reviewed on an annual basis.

Policy Modification History

Date:	Details:
15/12/2010	Policy implemented
26/3/2014	Policy reviewed
26/3/2014	Approved