



CONFLICT OF INTEREST

1. Purpose

To set out the College principles and approaches for ensuring that conflicts of interests associated with College operations are identified, disclosed, and managed in order to protect the integrity of the College, its employees and members, to provide transparency and to manage risk.

2. Application and Scope

The principles and approaches detailed in this policy apply to any activity conducted by or on behalf of the College, and to any participating individual acting in their capacity as a representative or staff member of the College. This includes College employees, contractors, volunteers, Board Directors, Council and Committee members, and representatives on external committees while engaged in College business or otherwise representing the College.

The Policy should be read as appropriate with other College and external documents which may provide more detailed information about the appropriate conduct in specified situations. These include:

- Code of Conduct (for College employees)
- Board Charter for Board Directors
- College Code of Conduct for office bearers on College Councils and Committees
- Related Standard Operating Procedures and process templates
- Corporations Act 2001 (Cth)
- Australian Charity and Not-for-Profit Commission (ACNC)
- Australian Medical Council (AMC) accreditation standards

3. Policy

All decisions and actions of individuals in their capacity as officers, staff members or representatives of the College should be made in the best interests of the College.

Conflicts of interest commonly occur and cannot always be avoided. They do not need to present a problem to the College, however they must, to the extent possible be identified and managed to ensure the highest standards of integrity are maintained and that the College's interests are paramount in decisions and actions.

3.1 Responsibilities of all participants in College activities

Any individual representing the College under this policy who stands to be advantaged or disadvantaged by a decision on a particular matter associated with a College activity of which they are a participant has a conflict of interest. The advantage or disadvantage may be direct or indirect, pecuniary, or non-pecuniary.

If the individual becomes aware that they have, or may have, a conflict of interest in a matter related to a determination or outcome of an activity in which they are involved, they are required, as soon as practicable, to disclose the nature of that interest to the person leading the activity and the individuals contributing to its outcomes or determinations.

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Where individuals apply for a College representative position in which they may have a conflict of interest, this should be disclosed as part of the application process.

The individual will comply with any determinations made regarding appropriate management of a declared conflict of interest.

3.2 Responsibilities of activity leaders

Additional to their individual responsibilities, officers responsible for leading delivery of College activities in their capacity either as a staff member or office bearer (for example the relevant program manager or committee chair):

- Will consider the potential for the activity to be influenced by conflicts of interest
- In activities where there is potential for such conflicts to occur, will provide appropriate opportunity for participants to disclose any conflicts
- Where conflicts are disclosed, will determine, and implement appropriate and reasonable actions including documenting disclosures and associated actions

4. Procedures

The principles and approaches of this Policy will be applied in all situations within its defined scope. There are a range of College activities that involve specified procedures to manage Conflicts of Interest. These may be defined by specified College Standard Operating Procedures.

4.1 Standard Procedure

In all College activities, the most senior College staff member and/or the most senior College representative leading the activity, are required to:

- Identify whether there are conflict of interest implications to the activity

In deciding what approach to take, the decision maker will consider:

- whether the conflict needs to be avoided or simply documented
- whether the conflict will realistically impair the disclosing person's capacity to impartially participate in decision-making
- alternative options to avoid the conflict
- the College's objects and resources, and
- the possibility of creating an appearance of improper conduct that might impair confidence in, or the reputation of, the College.

- Where there are implications,
 - Provide an opportunity at the outset of the activity for all relevant individuals to declare any interest they may have in the outcome of that activity
 - Consider whether there is a conflict and if so, determine the mechanisms by which the potential conflict can be adequately mitigated against, or avoided. For example, the individual with the potential conflict may be asked to not participate in the activity, or, they may be asked to absent themselves from the relevant discussions in the activity, and/or from the decision process, or it may be considered sufficient that the potential conflict is disclosed and decision making is made with awareness of it.
 - Proceed with the activity in accordance with these determinations.

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- Record the declared interest and its management in the formal minutes or proceedings of the meeting or any alternative reporting of the activity.

4.2 Formal Meeting Procedures

Meeting agendas will include a standing agenda item for all meeting participants to declare any interests. The agenda item will include the College “Declaration of Conflict of Interest” statement which defines Conflicts of Interest and describes appropriate related processes.

Members with a declared conflict of interest on a particular issue may not be entitled to vote on that issue.

All meeting minutes will document any declared interests and associated actions.

5. Related Documentation

- Board Charter
- Employee Code of Conduct
- College Code of Conduct
- Committees Terms of Reference
- Corporations Act 2001 (Cth)
- Australian Charity and Not-for-Profit Commission (ACNC)
- Australian Medical Council (AMC) accreditation standards

6. Definitions

Word/Term	Definition (with examples if required)
Conflict of Interest	<p>A conflict of interest occurs when an individual's personal interests conflict with their responsibility to act in the best interests of the College.</p> <p>Personal interests include direct interests, as well as those of family, friends, or other organisations a person may be involved with or have an interest in. It also includes a conflict between an individual's duty to the College and any other duty that that individual may have (for example, to another organisation).</p> <p>A conflict of interest may be actual, potential, or perceived and may be financial or non-financial.</p> <p>These situations present the risk that a person will make a decision based on, or affected by, these influences, rather than in the best interests of the College. Therefore, these situations must be managed accordingly.</p>

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7. Document Control Information

7.1 Policy Information

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7.2 Document History

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