



Conflict of Interest – Managerial Policy

1. PURPOSE OF POLICY

The purpose of this policy is to provide guidance for identifying, declaring and managing actual, perceived or potential conflicts of interest involving College and its activities.

2. POLICY SCOPE

This policy applies to (collectively referred to as “College participants”):

- All members of College as defined in the Constitution
- All Trainees including International Medical Graduates on the pathway to Fellowship
- College employees and contractors
- Members of College committees, sub-committees, taskforces and other bodies, including external members or organisation representatives, authorised to carry out activities or functions of College.

This policy does not apply to the Board of Directors, who must act in accordance with ACD’s Board of Directors Conflict of Interest Policy.

3. DEFINITIONS / KEY WORDS / ABBREVIATIONS

Conflict of Interest

A conflict of interest is a set of circumstances that creates a risk or perception that professional judgement or actions regarding a primary interest will be unduly influenced by a secondary interest. These are often, but not exclusively, interests of college duty versus private interests. Conflicts of interest can involve financial or non-financial interests of the College participant, or a business partner or associate, family member, friend or person in a close personal relationship with the College participant.

A conflict of interest can occur if an interest or activity may:

- influence or appear to influence the ability of a College participant to exercise objectivity; or
- impair the College participant’s ability to perform their responsibilities in the best interest of College.

4. POLICY STATEMENT

All College participants must comply with the Professional Code of Ethics and conduct themselves in a manner that reflects the standard of professional and ethical behaviour expected by College. All College participants are expected to conduct their relationships with each other, College and outside organisations with objectivity, integrity and transparency.

A College participant is considered to have a potential conflict of interest when they:

- have the opportunity to influence College’s business, administrative or other material decisions in a manner that leads to personal gain or advantage; or

- have an existing or potential financial or other significant interest that impairs or might appear to impair their independence in the discharge of their responsibilities to College.

Avoiding all conflicts of interest (actual, perceived or potential) is not always feasible. However, in all cases where a conflict of interest arises, the conflict should be openly and transparently declared to ensure organisational integrity. College participants are obligated to disclose and avoid ethical, legal, financial or other real, perceived or potential conflicts of interest.

It is expected that College participants will remove themselves from a position of decision-making authority with respect to any situation where there is a real or perceived conflict situation involving College. Alternatively, the College participant may choose to divest their interest where a conflict exists whilst they are involved with College.

Identifying conflicts of interest

A variety of situations, affiliations and relationships can create real or perceived conflicts of interest. When deciding what kind of relationships should be disclosed, the College participant should consider the situation from the perspective of an outsider and whether the relationship is of such a nature that it could raise an allegation of a perceived or actual conflict of interest. If the College participant is ever under any doubt regarding whether an actual, perceived or potential conflict of interest has or may arise, the appropriate course of action is for the College participant to declare the interest. This serves to protect both the College participant and College from any adverse consequences if an actual conflict arises.

Table 1: Questions to ask when assessing actual, perceived or potential conflicts of interest

1. What assessment would a fair-minded person make of the circumstances?
2. Could my involvement in this matter cast doubt on my integrity or that of College?
3. If I saw someone else doing this, would I suspect they might have a conflict of interest?
4. If I did participate in this action or decision, would I be happy if my colleagues, College or the public became aware of my involvement and any association or connection?
5. How would I feel if my actions were covered by the media? Would they cause any embarrassment or detriment to myself or College?
6. Is the matter or issue one of great public interest or controversy where my proposed decision or action could attract greater scrutiny by others?

Guidance on types and circumstances whereby conflicts of interest may arise

Generally, conflicts of interest may arise in the following circumstances:

- a) **Financial interests:** where there are relationships which provide benefits or losses either in money or in-kind benefits. These benefits may be perceived to affect a person's judgement in relation to fair decisions. This may involve relationships with pharmaceutical companies or other corporations

whose products or services are related to the topic under consideration. Financial interests or relationships requiring disclosure include but are not limited to honoraria, consultancies, employment, stock ownership, or participation in the development or endorsement of guidance or other material.

- b) **Other relationships:** where there is a strong position, or prejudice, familial connection or other relationship held by a College participant that could affect the person's judgement in relation to fair decisions about evidence, their participation in group decision-making and contribution to developing consensus recommendations or decisions.

The following list illustrates types/circumstances by which a conflict of interest could arise. It is not exhaustive and is intended to provide guidance only.

- Having a financial/personal interest in an enterprise with which College does business which could be perceived to be in a position to influence relevant business decisions.
- **Self-benefit:** Using a position or relationship within College to promote self- or family interests, including using confidential or privileged information gained in the course of participation on College business, for personal benefit or gain
- **Financial benefit:** Receipt by College participant or their immediate family members (partners and dependent children) of payments, gratuities, consultancies, honoraria, employment, grants, payment of travel/ accommodation, meals/beverages, entertainment or educational event registration
- **Conflicting duties:** Participating in decision making relating to an employer that may conflict with the interests of College. For example, consideration of a hospital accreditation report including the outcomes by the National Accreditation Committee of a Committee member's hospital.
- **Chairing or membership of a College body responsible for allocating College contracts or grants** for research or other activities to an organisation where funding is granted to the chair's/member's organisation/hospital/department, or entities/businesses where there is a significant financial or other interest or relationship
- **Conflicting relationships:** Being in a situation where the relationship between a supervisor, an assessor or examiner and a trainee may compromise an unbiased assessment. Other conflicting relationships might include board membership, stock ownership or consultancies between the individual or immediate family members and corporations whose products or services are related to the topics under consideration or that have a commercial or other interest
- **Expert testimony:** Direct or pecuniary interests considered relevant (for instance, having provided expert testimony on behalf of the entity with a commercial interest or other interest in the topic under consideration)
- **Influencing:** Soliciting benefits for College participants or their family members from outside organisations in exchange for exerting influence to advance the interests of that organisation within College.
- **Intellectual property:** Inappropriate or unauthorised use of materials developed under the auspices of College or potential conflicts relating to the development and use of educational materials
- **Property transactions:** Directly or indirectly leasing, renting, trading or selling real estate or personal property to College
- **Use of College property for personal advantage:** Using or taking College resources, including facilities, equipment, personnel and supplies, for private use or unauthorised non-College activities

- **Confidential information:** Asking College staff for embargoed or confidential information relating to trainees with whom the College participant has a close personal relationship
- **Recording or reporting false information:** Misrepresenting, withholding or falsifying relevant information required to be reported to external parties or used internally for decision-making purposes, in order to derive personal benefit
- **Gifts:** Soliciting or accepting anything of value including without limitation payments, gifts or loans from organisations or individuals that have dealings with College or have applied for or have received grants from College previously. If College is involved in a tender process, no gift, no matter how small or insignificant, should be accepted from the tenderers. If in doubt, guidance should be sought from the relevant party to whom they report.
- **Outside commitments:** Participating in social or political activities is not restricted. However, College participants must ensure they participate as individuals and not as a representative of College.

Management of Declaration of interests

Any College participant, who has an actual, perceived or potential conflict of interest in an activity or function relating to a College matter, should declare the interest to, as applicable:

- the Chair of the relevant committee
- The Board of Directors
- The Chief Executive Officer or relevant Executive Manager

Declarations are to be made at the commencement of the term of committee appointment, employment or activity, as relevant. The individual(s) receiving the declaration will decide on the materiality and whether or not a conflict of interest exists. If uncertain, a conflict of interest will be deemed to exist. The individual(s) is responsible for establishing an escalation process to assess whether a conflict does or does not exist and if it does, its significance and any action or response that needs to be taken. This may involve recruiting third parties who do not have an interest (such as the senior member of College staff with a governance background, or legal advisors) to advise on or participate in the matter. Should an appearance of impropriety or actual conflict exist, appropriate actions must be taken dependent upon the particular facts.

If a member(s) believes a College participant may have an undeclared interest which should be disclosed and has not been, they are entitled to raise the matter with the relevant Chair/CEO/Director as applicable, who will then establish the process to assess whether a potential conflict does or does not exist, its significance and any further action that is required.

Declarations in relation to committee meetings

Each meeting has a standing agenda item where declaration of interest is called for at the commencement of the meeting to allow the opportunity for members to update any interest which may have arisen since their time of appointment. If a declaration is made, the College participant should leave the meeting and the declaration should be discussed by the remaining members, who should decide whether a conflict exists and, if so, its significance and likely impact on the item(s) of business to which it applies and what action, if any, needs to be taken. Declarations, processes adopted, the resolution and any action taken should be recorded in the meeting minutes.

If a Chair makes a declaration of interest, they should vacate the Chair for discussion by remaining members of the relevant group and this declaration should be notified to Board and CEO.

Register of interests and public declarations

A Register of Interests is maintained to record all declared interests made by College participants. Participants must complete a Declaration of Interest form at the commencement of their involvement in a college activity/committee. The Register of Interests will be updated as required i.e. after each committee meeting with any verbal declarations of interest and will be tabled at the next committee meeting.

For College employees, declarations of interest are retained in the employee's personal file. Any change of circumstance that might lead to a real or perceived conflict of interest in an activity or function relating to a College matter must be disclosed through the CEO.

Declaration of interests made by College participants involved in the development of College presentations/webinars, guidelines, statements or public consultations may be published in the relevant document in the interest of transparency and upon expressed consent of the individual.

CONTROL REQUIREMENTS

Policy Number	MAN05
Approval Authority	CEO
Responsible Officer	CEO
Designated Officer	EA CEO
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HISTORY

Version	Date	Summary of changes
1	28 July 2023	Policy approved

RELATED DOCUMENTS

[ACD Constitution](#)

[ACD Professional Code of Ethics](#)

[ACD Endorsement Policy](#)

[ACD Sponsorship Policy](#)

[ACD Conflict of Interest Fellows and Relatives, Committees](#)

ACD Director Conflicts of Interest Policy

ACD Conflict of Interest Declaration Form

ACD Register of Interests

[Medicines Australia Code of Conduct](#)

[Medical Technology Association of Australia Code of Practice](#)