

Australian and New Zealand College of Anaesthetists CONFLICT OF INTEREST POLICY

1. PURPOSE

The purpose of the conflict of interest policy is to provide guidance in identifying and handling potential and actual conflicts of interest involving the College and its activities. This policy primarily relates to councillors and ANZCA managerial staff, but is intended to raise awareness of conflict of interest issues and provide guidance to all those who fulfil a representative role with ANZCA, for example committee members, examiners, community representatives or staff involved in College work.

2. INTRODUCTION

In the majority of cases, conflicts of interest can be avoided simply by being aware of the potential for conflict and the exercise of good judgment.

The College is committed to the highest levels of integrity. Councillors, committee members, staff members and other representatives of the College are expected to conduct their relationships with each other, the College, and outside organisations with objectivity and honesty.

The general rule is that College representatives and staff are obligated to avoid and disclose ethical, legal, financial, or other conflicts of interest involving the College, and remove themselves from a position of decision-making authority with respect to any conflict situation involving the College.

3. BODY OF POLICY

3.1 Basic definitions

Generally, a conflict of interest may occur if an interest or activity influences or appears to influence the ability of an individual to exercise objectivity or impairs the individual's ability to perform his or her council responsibilities, ANZCA employment or other responsibilities in the best interests of the College.

An individual is considered to have a potential conflict of interest when:

- He or she or any member of his or her family* may receive a financial or other significant benefit as a result of the individual's position at the College.
- The individual has the opportunity to influence the College's business, administrative, or other material decisions in a manner that leads to personal gain or advantage.
- The individual has an existing or potential financial or other significant interest that impairs or might appear to impair the individual's independence in the discharge of their responsibilities to the College.

* *The "family" of an individual includes his or her spouse, domestic partner, parents, siblings, children, and any other relative who resides in the same household.*

3.2 Specific relationships that may create conflicts of interest

A variety of situations, affiliations and relationships may create potential conflicts of interest. (Examples of potential conflicts of interest are given in appendix A.)

In addition, financial or other relationships (e.g., membership on a board or other management position) with a prospective or actual contractor, vendor or supplier to the College on the part of a councillor, managerial staff member or other representative, or their family could potentially create the appearance of impropriety or interfere with the discharge of responsibilities on behalf of, and in the best interests of, the College and should be disclosed on a conflict of interest questionnaire. (See appendix B.)

When deciding what kind of relationships should be disclosed, the individual 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 an apparent or actual conflict of interest, and then err on the side of transparency, as disclosure helps to alleviate or avoid future misunderstandings.

3.3 Disclosure and management of conflicts of interest

Should an appearance of impropriety or actual conflict of interest exist, appropriate actions must be taken, which will vary depending upon the particular facts. The councillor, manager or ANZCA representative involved in the conflict situation must work cooperatively with the council or Chief Executive Officer (CEO) to achieve a resolution of the conflict issues in the best interests of the College.

This resolution may include the councillor, manager or representative being removed from a position of decision-making authority with respect to the conflict situation or other more serious actions, depending upon the nature of the conflict.

3.4 Conflict of interest questionnaire

Upon starting their role as a councillor or employment with the College (for managerial-level staff), councillors and staff must complete a conflict of interest questionnaire. Individuals who have completed a conflict of interest questionnaire are also required to update the questionnaire whenever there has been a materially significant change in their affiliations.

3.5 Interpretation

This policy cannot describe all conflicts of interest situations that may arise involving the College. Therefore, councillors, managerial staff and other College representatives must use good judgment to avoid any appearance of impropriety. Appropriate circumstances may also justify exceptions to the application of the policy.

If you have any questions about this policy or its application, please err on the side of caution and transparency and seek advice from the College's CEO prior to entering into such transaction.

4. CONCERNS OR COMMENTS

If you have any concerns about the conflict of interest policy please contact the Policy Unit on +61 3 9510 6299 or via policy@anzca.edu.au. Requests must be in writing and resolution of concerns will be sought as promptly as possible.

5. CHANGES TO ANZCA CONFLICT OF INTEREST POLICY

The College may modify or amend this policy at any time. Formal notice of amendments will not ordinarily be given, but the current conflict of interest policy will be available via the College website, corporate policies. The latest version of the policy can be accessed via the College website www.anzca.edu.au or by contacting the College on +61 3 9510 6299.

6. CHANGE CONTROL REGISTER

Version	Author	Approved by	Approval Date	Sections Modified
1	Office of the CEO	Council	October, 2008	Created
1.1	Policy Unit		Nov 19, 2011	Formatted

APPENDIX A

EXAMPLES OF CONFLICT OF INTEREST ACTIVITIES AND RELATIONSHIPS

The following activities illustrate types of potential or actual conflicts of interest that should be avoided and disclosed, as applicable, in accordance with this policy. **The list is not all inclusive and is intended to provide guidance only.**

- *Conflicting duties:* Participating in decisions relating to an employer that may conflict with the interests of the College, for example, consideration of a hospital inspection report by the Training Accreditation Committee of a councillor's hospital.
- *Self-benefit:* Using your position or relationship within the College to promote your own interests or those of your family, including using confidential or privileged information gained in the course of your participation on the council, another committee or employment at the College for personal benefit or gain or for the personal gain or benefit of family members.
- *Conflicting relationships:* In a situation where the relationship between an assessor (or examiner) and a trainee may compromise an unbiased assessment.
- *Influence peddling:* Soliciting benefits for yourself or your family from outside organisations in exchange for using your influence to advance the interests of that organisation within the College.
- *Other business relationships and dealings:* Approving grants or contracts with organisations in which you or your family have a significant financial or other interest or relationship, particularly if you are in a position to influence major decisions, are responsible for review, negotiation and approval of grants or contracts, or otherwise direct the College's business dealings with that entity or business.
- *Intellectual Property:* Inappropriate or unauthorised use of materials developed under the aegis of the College or potential conflicts relating to the development and use of educational material (for those councillors and Fellows employed by universities).
- *Outside commitments:* Participating in social or political activities is not restricted as long as you participate as an individual and not as a representative of the College.
- *Property transactions:* Directly or indirectly leasing, renting, trading, or selling real or personal property to the College.
- *Use of the College property for personal advantage:* Using or taking College resources, including facilities, equipment, personnel, and supplies, for private use or other unauthorised non-College activities.
- *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 benefits.
- *Gifts:* Personally accepting anything of value (unless nominal - generally \$A100 or less), including without limitation, payments, gifts, or loans from organisations or individuals that have dealings with the College or that have applied for or have received grants from the College during the preceding three years.

APPENDIX B

CONFLICT OF INTEREST QUESTIONNAIRE

Background

The College requires each new councillor and all managerial-level staff to:

- 1) review the College's conflict of interest policy (the "policy");
- 2) disclose any possible personal, familial, or business relationship that reasonably could give rise to a conflict of interest or the appearance of a conflict of interest in the conflict of interest questionnaire; and
- 3) acknowledge by his or her signature that he or she is acting in accordance with the letter and spirit of such policy.

The information provided on this form will be kept by the office of the CEO and shall be available for inspection by the CEO, and members of the council and the College's legal adviser, but shall otherwise be held in confidence except when, after consultation with the applicable council member, the council (or the CEO in the case of a managerial-level staff member) determines that the College's best interest would be served by disclosure.

Questionnaire

- 1) Are you or is any member of your immediate family (your spouse, domestic partner, parents, siblings, children, and any other relative who resides in the same household) a director, officer, owner, partner, employee, an agent of, or a consultant to any firm that provides products or services to the College?

Yes___ No___

If yes, please describe here the business and the nature of your relationship to it and that of your immediate family.

- 2) In the past twelve months, have you or has any member of your immediate family had a direct or indirect financial interest in any business that provides products or services to the College?

Yes___ No___

If yes, please describe here the business and the nature of your relationship to it and that of your immediate family.

Gifts received from suppliers to the College or gifts given to suppliers can affect or appear to affect the objectivity of judgment regarding that supplier. Gifts can bring with them an expectation to return a favour. If you have a doubt about an item received or given, a discussion with the CEO can help resolve a potential conflict of interest that a gift might represent.

- 3) At any time in the past twelve months, have you or has anyone from your immediate family received any gift (other than promotional items or an occasional meal) or unusual hospitality from a supplier to the College?

Yes___ No___

If yes, please describe here the nature of any gifts and the parties giving them.

Providing other employers with the same services you provide to the College could be in conflict with College interests if the work competes with College interests.

- 4) Does your current employment or any other personal activities of yours provide a potential conflict of interest with respect to your role and work at the College?

Yes___ No___

If yes, describe here the nature of the activity.

Using College time or equipment or supplies for professional or civic activities related to your role as a councillor or College employment or other representation is not a conflict insofar as these activities contribute to the College's interests.

- 5) Do you have occasion to use College resources (for example, equipment, space, supplies) in performing paid or volunteer activity for entities other than the College or its faculties?

Yes___ No___

If yes, describe here the activity and the resources used.

6) Are you aware of any other relationships, arrangements, transactions, or matters which could create a conflict of interest or the appearance of conflict?

Yes___ No___

If Yes, please describe.

I have read the College's conflict of interest policy. I am currently, and agree to remain, in compliance with the policy.

Entered into on this the _____ day of _____, 20__.

Signature: _____

Date: _____

Signature of Witness _____

Date: _____