

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, members of committees, subcommittees and working groups (hereafter referred to as committees) and ANZCA managerial staff. However it is also intended to raise awareness of conflict of interest issues and provide guidance for the College and to all those who fulfil a representative role, for example committee members, examiners, community representatives or staff involved in College work.

This policy reflects the guidance found within the Australian Corporations Act 2001, the New Zealand Companies Act 1993 and the College Code of Professional Conduct.

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.

It is understood that the organisation as a whole may also need to manage conflicts of interest. Conflicts arising at an organisational level are managed by the ANZCA Council in accordance with the constitution.

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 or committee 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 immediate family (your spouse, domestic partner, parents, siblings, children, and any other relative who resides in the same

household) 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.

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 (for example, 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, committee member, 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 Gifts

Gifts received from suppliers to the College and its representatives 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.

3.4 Disclosure and management of conflicts of interest

Should an appearance of impropriety or actual conflict of interest exist, appropriate actions must be taken. This will vary depending upon the particular facts. The councillor, committee member, 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, committee member, 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.

3.5 ANZCA Council and Committees

The President/Chair, prior to the deliberations of that Council committees, will request disclosure of real or potential conflicts of interest to be declared by drawing attention to the following (which also serves to remind members that the proceedings are confidential):

The discussion and agenda documents of the committee/subcommittee/working group are confidential and must not be disclosed outside the committee/subcommittee/working group. I also remind the committee that the College has a Conflict of Interest Policy. To that end, members are required to declare conflicts of interest at the start of the meeting or as they arise, so that a decision can be made about whether the conflict is manageable or not. In the latter case, members should absent themselves from the meeting when an issue about which they have a conflict is discussed. Does anyone have a new conflict to declare or a previously declared conflict which is no longer active?

If an individual becomes aware that they have, or may have, a conflict of interest in a matter being considered, or about to be considered, they must disclose the nature of that interest as soon as practicable.

Any disclosures will be recorded in the minutes.

The President/Chair will decide on the materiality of the disclosure and whether or not a conflict of interest exists. If the Chair is uncertain, a conflict of interest will be deemed to exist. If the Chair makes a disclosure, the Deputy Chair will make the decision.

An individual with a conflict may be present and may vote if the other committee members permit, on the basis that the interest is fully disclosed, and the other committee members are satisfied that the interest should not disqualify him or her. If the committee members consider the conflict to be material the relevant individual may be asked to leave while the matter is discussed and voted upon.

3.6 Conflict of interest questionnaire

Upon starting their role as a councillor, committee chair 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.

3.7 Interpretation

This policy cannot describe all conflicts of interest situations that may arise involving the College. Therefore, councillors, committee members, 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
1.2	Policy Unit	CEO	March 11, 2014	Copyright statement added
1.3	Policy Unit	Executive	September 18, 2014	Inclusion of: relevant legislation; gifts; committee processes; organisation level process. Revision of Appendix B Questionnaire.

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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.

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APPENDIX B

CONFLICT OF INTEREST QUESTIONNAIRE

Background

The College requires each new councillor, committee chair 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) Employment and business interests

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 organisation that collaborates or competes with the College or 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.

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2) Personal financial interests

Have you or has any member of your immediate family had a direct or indirect financial interest in any organisation that collaborates or competes with the College or provides products or services to the College?

Yes___ No___

Have you or has any member of your immediate family been a party to or involved in contractual transactions with the College?

Yes___ No___

If yes, please describe here the business, the nature of the relationship to the College, the nature of your relationship to it and that of your immediate family and the impact of the interest on the College or other business.

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3) Gifts

[Section 3.3](#) of the ANZCA Conflict of Interest Policy provides advice on the subject of gifts.

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.

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4) Board Memberships

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

Do you currently serve on any board of directors, board of trustees or other governing bodies or advisory boards in addition to the College?

Yes___ No___

If yes, please list all corporations, organisations or institutions and include the nature of the organisations' business and if it is engaged in business with the College.

(Please add additional pages to this questionnaire if needed to ensure inclusion of all relevant bodies.)

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5) Employees or College office bearers serving with you

To your knowledge do other employees or College office bearers serve on the boards or governing bodies listed in question 4?

Yes___ No___

If yes, please identify the organisation, individual and in what capacity.

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6) Association with auditors

The College undertakes regular external audits in keeping with its Australian and New Zealand financial duties as well as other purposes deemed necessary by the CEO. Are you or any of your immediate family members employed by or a partner in a firm that provides audit services?

Yes___ No___

If yes, please identify the organisation, individual and in what capacity.

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7) Legal Proceedings

Are you or a member of your immediate family, or any entity listed by you in response to the questions above involved in any current or anticipated legal proceedings with the College?

Yes___ No___

If yes, please describe.

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