



**RANZCO**

The Royal Australian  
and New Zealand  
College of Ophthalmologists

# Conflict of Interest Policy

---

**Approved by:** Board

**Approval date:** 13 August 2016

**Next Review:** August 2019

**Version:** Current

## 1. POLICY ADOPTION

- 1.1 The College Board have adopted this Policy in the interest of maintaining appropriate corporate governance and to ensure all College Business is conducted ethically.
- 1.2 This Policy binds the conduct of all Decision Makers on and from the date of adoption by the Board unless and until formally revoked, amended or repealed.

## 2. POLICY PURPOSE

- 2.1 Conflicts of interest may be illegal and undermine the credibility, reputation and efforts of the College and its Decision Makers.
- 2.2 The purpose of this Policy is to eliminate conflicts of interest within the College where possible and to provide mechanisms for the appropriate management of conflicts of interest where necessary.

## 3. APPLICATION AND IMPLEMENTATION OF THIS POLICY

- 3.1 This Policy is applicable to all Decision Makers.
- 3.2 All Decision Makers occupy a position of trust and are personally responsible for the implementation of this Policy.
- 3.3 All Decision Makers must have regard to and act in accordance with this Policy when conducting any and all College Business.
- 3.4 All Decision Makers have a duty to ensure that their College colleagues' decision making is subject to this Policy

## 4. KEY DEFINITIONS

- 4.1 In this Policy, the following words have the following meanings unless otherwise specified (see additional defined terms at **paragraph 15**):

**“College Business”** means the consideration of, the influencing of and the making of decisions concerning any and all College activities and/or the allocation of College resources. Without limiting the foregoing, College Business includes, but is not limited to, any all participation in the education and training activities of the College and any work conducted in the Board, Council, Branches and Committees of the College.

**“College Officials”** means all Directors, Councillors, Branch Executive, Special Interest Group Convenors, Committee Chairs and Committee members.

**“Decision Maker”** means any and all College Officials, Fellows, Associates and Staff who undertake or are involved directly or indirectly in College Business.

**“Interest”** means any advantage or benefit attaching to a Decision Maker including, but not limited to, any benefit attaching to a Related Party of a Decision Maker.

**“Primary Interest”** means the compliance with any and all relevant Law and policy governing the conduct of College Business and the following objects of the College as specified in **clause 2** of the Constitution as amended or replaced by from time-to-time:

- (a) to promote the study of the science and practice of ophthalmology and to promote investigation and research in ophthalmology and related sciences and branches of medicine and to bring together ophthalmologists and for scientific discussions and to disseminate knowledge of the principles and practice of ophthalmology by such means as may be thought fit;
- (b) to consider establish and conduct courses of study and training and to diffuse information calculated to promote and ensure the fitness of persons desirous of qualifying for membership of the College;
- (c) to grant diplomas certificates or similar forms of recognition of knowledge in the field of ophthalmology and related sciences and branches of medicine either alone or in conjunction with other bodies or institutions having similar objects;
- (d) to cultivate and maintain high principles and standards of practice and ethics in relation to ophthalmology and related sciences and branches of medicine and to promote fair honourable and proper practice and to discourage and suppress malpractice or misconduct and to settle questions of practice and of professional usage and etiquette;
- (e) to consider all questions affecting the interests of the College and to promote or oppose any legislative or other measures affecting such matters or concerned with ophthalmology or related sciences or branches of medicine or as are related to the interests of the College;
- (f) to promote and facilitate the development of ophthalmology and the improvement of eye health care internationally, particularly in developing countries, and in relation to indigenous populations;
- (g) to act as trustee and to perform and discharge the duties and functions incidental thereto where this is incidental or conducive to the attainment of these objects;
- (h) to invite donations from the public for the purposes of the college; and
- (i) to do such other things as are incidental or conducive to the attainment of these objects.

**“Related Party”** means any spouse, partner, child, dependent, relative, related body corporate (as defined under The Act), trust or other legal entity related to or under the effective control of a Decision Maker.

**“Secondary Interest”** means any interest that is not a Primary Interest.

## 5. WHAT IS A CONFLICT OF INTEREST?

- 5.1 A conflict of interest arises under this Policy when a Decision Maker prefers a Secondary Interest over a Primary Interest or gives equal weight to both Primary and Secondary Interests when conducting College Business.
- 5.2 A conflict of interest may not be real and may be perceived or potential. A perceived conflict of interest arises where other people may reasonably conclude that a Decision Maker's decision making process has been relevantly compromised by a conflict of interest. A potential conflict of interest is a situation in which a conflict of interest may happen in the future.
- 5.3 In recognition of the damage caused by real, perceived and potential conflicts of interests, all such conflicts are subject to this Policy.

## 6. HOW AND WHERE CONFLICTS OF INTEREST ARISE

- 6.1 All Decision Makers are obliged to give primacy to all relevant Law and the objects of the College as specified in the Constitution when conducting all College Business in order to avoid real, potential or perceived conflicts of interest.
- 6.2 Conflicts of interest may arise in any setting including, but not limited to, the Board, the Council, in Committees, in Special Interest Groups, in Branches, in Staff settings, in training and education settings and in any other setting where College Business is conducted.
- 6.3 Given the potential for conflicts of interest across the College, this Policy recognises the role of all Fellows, Associates and Staff in ensuring that appropriate regard is had to this Policy when any and all College Business is conducted.

## 7. IDENTIFYING CONFLICTS OF INTEREST

- 7.1 There is no limit to how conflicts of interest can manifest and as such, all Decision Makers must ensure that all proposed College Business is tested against this Policy before proceeding.
- 7.2 All Decision Makers and persons engaged in College Business must have regard to the guiding role of the Primary Interests and must take all relevant steps to ensure that any and all real, potential and perceived conflicts of interest are identified in accordance with this Policy.
- 7.3 All College meetings must begin with the declaration of relevant interests and the management of any relevant conflict of interest in accordance with this Policy.
- 7.4 Identification of a conflict of interest is not always a simple matter. In recognition of this fact, this Policy requires that the *Concerns Notice* process specified in **paragraph 11** be strictly complied with in all cases where the existence of a real, potential or perceived conflict of interest cannot be conclusively ruled out.
- 7.5 Examples of conflicts of interest specified in this Policy (see **Schedule 1**) are not exhaustive. It is the responsibility of all Decision Makers to identify relevant conflicts of interest however and whenever they occur.

## 8. REGISTER OF CONFLICTS AND CONCERS

- 8.1 In recognition of the particular trust placed by the College in College Officials, all College Officials *other than Directors* are required to submit to the CEO a *No Conflict Declaration* in the form specified in **Schedule 1**, thirty (30) days from the date of adoption of this Policy or if the appointment of a College Official occurs after this time, thirty (30) days from the date of appointment of that College Official.
- 8.2 All College Officials submitting a *No Conflict Declaration* pursuant to **paragraph 8.1** must by written notice, notify the CEO if, due to a change of circumstances, their *No Conflict Declaration* is to be amended to note any real, potential or perceived conflict of interest. That notice must specify:
- 8.2.1 The relevant change in circumstances,
  - 8.2.2 The date that the relevant change in circumstances occurred; and
  - 8.2.3 The details of any and all real, potential or perceived conflict of interests including reference to present involvement in any College Business.
- 8.3 The CEO shall consider any notice given by a College Official pursuant to **paragraph 8.2** and shall within fourteen (14) days:
- 8.3.1 determine the nature and extent of the notified conflict of interest;
  - 8.3.2 determine whether a restriction on participation in College Business is required, given the nature and extent of the notified conflict of interest and the nature of the College Business undertaken by the relevant College Official; and
  - 8.3.3 by written notice to the relevant College Official, confirm any restrictions placed on the College Official concerning participation in College Business including the terms of any such restriction.
- 8.4 If a College Official receives notice of a restriction from the CEO pursuant to **paragraph 8.3.3**, that College Official must refrain from participating in the specified College Business until the College Official has by written notice to the CEO:
- 8.4.1 confirmed that circumstances giving rise to the conflict have ceased;
  - 8.4.2 specified the date that the relevant circumstances ceased; and
  - 8.4.3 declared no conflict of interest.
- 8.5 If the College Official does not receive a restriction from the CEO pursuant to **paragraph 8.3.3**, the College Official must declare the content of the notice given in accordance with **paragraph 8.2** when making declarations in accordance with **paragraph 9**.
- 8.6 The College shall maintain a *Register of Conflicts and Concerns*. The CEO shall ensure that all *No Conflict Declarations* and notices given pursuant to **paragraphs 8.2, 8.3.3, 8.4** are recorded on the *Register of Conflicts and Concerns*.

- 8.7 The Register of *Conflicts and Concerns* shall remain the property of the College at all times and shall, unless otherwise compelled by law, only be used by the College in connection with the investigation of alleged conflicts of interest, the *Concerns Notice* process detailed in **paragraph 11** and the imposition of sanctions for breach of this and other College Policy.
- 8.8 Subject to **paragraph 8.7**, the *Register of Conflicts and Concerns* shall be kept confidential and subject to the Privacy Policy and all applicable Law, including but not limited to, the *Privacy Act 1988* (Cth) (Australia) and the *Privacy Act 1993* (New Zealand).
- 8.9 A failure to submit a *No Conflict Declaration* in accordance with **paragraph 8.1** and/or notice in accordance with **paragraph 8.2** shall constitute a breach of this Policy.
- 8.10 Knowingly submitting an incomplete, inaccurate or misleading *No Conflict Declaration* and/or notice in accordance with **paragraph 8.2** shall constitute a breach of this Policy.

## 9. DECLARING AN INTEREST

- 9.1 All Decision Makers must consider their Secondary Interests before engaging in any *College Business* with a view to identifying whether any Secondary Interest may in fact, in the future or be perceived by others to be in conflict with a Primary Interest.
- 9.2 If a Decision Maker, other than a Director, identifies a Secondary Interest, including, but not limited to, any interest previously declared in accordance with **paragraph 8**, which may in fact, in the future or be perceived by others to be in conflict with one or more of the College's Primary Interest, that Decision Maker must declare the details of that Secondary Interest immediately as follows:
- 9.2.1 If that person is a Councillor engaged in Council level College Business, the declaration must be made to the Council through the Council Chair.
- 9.2.2 If that person is a Committee member engaged in Committee level College Business, the declaration must be made to the Committee through the Committee Chair.
- 9.2.3 If that person is a Branch member engaged in Branch level College Business, the declaration must be made to the Branch through the Branch Chair.
- 9.2.4 If that person is a Special Interest Group member engaged in Special Interest Group level College Business, the declaration must be made to the Special Interest Group through the Special interest Group Convenor.
- 9.2.5 If that person is a Trainer engaged in College Business, the declaration must be made to the Head of Education.
- 9.2.6 If that person is the CEO engaged in College Business, the declaration must be made to the President.
- 9.2.7 In all other cases, where the person is engaged in College Business, the declaration must be made to the CEO.

- 9.3 Any Decision Maker declaring an interest in accordance with **paragraph 9.2** must confirm when making the relevant declaration if a real conflict of interest exists and, if so, must as and from the time of making the declaration, refrain from participation in any College Business which is the subject of the declared conflict of interest.
- 9.4 Any Decision Maker declaring an interest in accordance with **paragraph 9.2**, which has not been confirmed by them as a real conflict of interest in accordance with **paragraph 9.3**, must:
- 9.4.1 provide the person to whom the declaration was made with any and all documents, information and materials relevant to a reasonable assessment of the potential or perceived conflict of interest ensuring always that no relevant material is knowingly or wilfully withheld; and
- 9.4.2 as and from the time of the declaration, refrain from participation in any College Business which is the subject of the declared conflict until the potential or perceived conflict of interest has been determined in accordance with **paragraph 10**.
- 9.5 A failure to declare an interest in accordance with **paragraphs 9.2** or a failure to comply with paragraphs **9.3** or **9.4** is a breach of this Policy.

## 10. DETERMINING POTENTIAL AND PERCEIVED CONFLICTS OF INTEREST

- 10.1 A person to whom a declaration has been made in accordance with **paragraph 9.2** shall, upon provision of the information required pursuant to **paragraph 9.4**, consider the substance of the declaration in order to determine how to proceed. The determination may involve any of the following directions:
- 10.1.1 That there is a real, potential or perceived conflict of interest which requires that the declarant refrain from engaging in specified College Business.
- 10.1.2 That there is no real, potential or perceived conflict of interest.
- 10.1.3 Any other direction deemed appropriate in the circumstances.
- 10.2 Without limiting any direction that may be given pursuant to **paragraph 10.1.3**, a direction may include any appropriate process of management of any real, potential or perceived conflict of interest.
- 10.3 A person charged with the task of considering the substance of the declaration under **paragraph 10.1**, may engage the assistance of the Board, the CEO or Legal Counsel when determining the appropriate direction to be given to the declarant.
- 10.4 A direction given to the declarant under **paragraph 10.1** is final unless overturned or otherwise altered in accordance with the Appeals Policy.
- 10.5 A person to whom a declaration has been made in accordance with **paragraph 9.2** shall keep a record of any and all declarations received pursuant **paragraph 9.2**, all information received pursuant to **paragraph 9.4.1**, all directions given

pursuant to **paragraph 10.1** and must provide all such material to the CEO within seven (7) days of making the direction.

**10.6** The CEO shall upon receipt of information pursuant to **paragraph 10.5**, update the *Register of Conflicts and Concerns* to include reference to all directions given pursuant to **paragraph 10.1**.

10.7 A failure to make a direction in accordance with this **paragraph 10.1** and/or to provide materials in accordance with **paragraph 10.5** is a breach of this Policy.

## 11. CONCERNS NOTICE

11.1 This Policy recognises that a Fellow, Associate or Staff member may have legitimate concern about a Decision Maker's conduct and/or undeclared interest. In recognition of this fact, this Policy requires that any Fellow, Associate or Staff member who has a reasonable belief that a Decision Maker may be in breach of this Policy, must give a *Concerns Notice* to the College in accordance with this **paragraph 11**. For the purpose of this paragraph, "reasonable belief" means where there exists a reasonable basis to conclude that a Decision Maker may be in breach of this Policy.

11.2 If a Fellow, Associate or Staff member forms a reasonable belief that a Decision Maker may be in breach of this Policy, that person must immediately:

11.2.1 submit to the CEO a *Concerns Notice* in the form specified in **Schedule 2**; and

11.2.2 provide the CEO with any and all documents, information and materials in their possession relevant to a reasonable assessment of any alleged conflict of interest, ensuring always that no relevant material is knowingly or wilfully withheld; (**Concerns Information**).

11.3 A Fellow, Associate or Staff member who gives a *Concerns Notice* without the requisite reasonable belief or for any improper purpose shall be in breach of this Policy. For the purpose of this paragraph, "improper purpose" means in support of a Secondary Interest.

11.4 In recognition of the fact that the making of *Concerns Notice* is a serious step, the identity of the person making the *Concerns Notice* shall remain at all times confidential and shall only be disclosed in accordance with this and other College Policy unless otherwise compelled by Law.

11.5 The CEO shall acknowledge receipt of the *Concerns Notice* within seven (7) days of receipt but shall not otherwise be obliged to communicate with the person giving the *Concerns Notice*.

11.6 The CEO shall consider the *Concerns Notice* in order to determine how to proceed. The determination may involve any of the following directions by the CEO:

11.6.1 That the *Concerns Notice* is noted on the College record and no further action is required;

11.6.2 That the relevant Decision Maker is to be provided with a *Show Cause Notice*.

- 11.7** The CEO may engage the assistance of the Board and/or Legal Counsel when determining the appropriate direction to be given to the Decision Maker pursuant to **paragraph 11.6**.
- 11.8 A direction to be given under **paragraph 11.6** is final unless overturned or otherwise altered in accordance with the Appeals Policy.
- 11.9 If a Decision Maker is provided with a *Show Cause Notice* pursuant to **paragraph 11.6.2**, they must:
- 11.9.1** immediately, without admission and in the interest of properly disposing of any alleged conflict of interest, cease any involvement in the College Business specified on the *Show Cause Notice* until further notice is given to the Decision Maker pursuant to **paragraph 11.10**.
  - 11.9.2 within forty-eight (48) hours of receipt of the *Show Cause Notice*, provide any and all information requested in that notice to the CEO (for the purpose of this paragraph, “receipt” shall be deemed, three (3) days after the date of posting the notice or the same day, if the notice is sent by email or hand delivered); and
  - 11.9.3 from time-to-time, provide any and all additional information and assistance reasonably requested by the CEO.
- 11.10 Within twenty-one (21) days of receipt of any and all information provided pursuant to **paragraphs 11.9.2** and **11.9.3**, the CEO shall consider any and all relevant information in their possession in order to determine how to proceed. The determination may involve the giving of any of the following directions:
- 11.10.1 That there is a real, potential or perceived conflict of interest which requires that the relevant Decision Maker to refrain from engaging in specified College Business.
  - 11.10.2 That there is no real, potential or perceived conflict of interest.
  - 11.10.3 Any other direction deemed appropriate in the circumstances.
- 11.11 Without limiting any direction that may be given pursuant to **paragraph 11.10.3**, a direction may include any appropriate process of management of any real, potential or perceived conflict of interest.
- 11.12 A direction given to the declarant under **paragraph 11.10** is final unless overturned or otherwise altered in accordance with the Appeals Policy.
- 11.13 The CEO shall retain all *Concerns Notice* received pursuant to **paragraph 11.2**, all *Show Cause Notices* given pursuant to **paragraph 11.6.2**, all information provided pursuant to **paragraphs 11.9.2** and **11.9.3** and all directions given under **paragraph 11.10 (Concern’s Records)**.
- 11.14** The CEO shall update the *Register of Conflicts and Concerns* to include reference to all directions given pursuant to **paragraph 11.10**.
- 11.15 Where the Decision Maker subject to a *Concerns Notice* is the CEO, the:

- 11.15.1 Concerns Notice and Concerns Information required to be given pursuant to **paragraphs 11.2.1** and **11.2.2** respectively must be provided to the President;
- 11.15.2 President shall be responsible for the acknowledgment and determination pursuant to **paragraphs 11.5** and **11.6** respectively;
- 11.15.3** President may engage the assistance of the Board and/or Legal Counsel when determining the appropriate direction to be given to the declarant pursuant to **paragraph 11.6**.
- 11.15.4 Information, additional information and assistance to be provided by the Decision Maker pursuant to **paragraphs 11.9.2** and **11.9.3** is to provide to the President;
- 11.15.5 President shall be responsible for making determination pursuant to **paragraph 11.10**;
- 11.15.6 President shall provide the Secretary with all Concerns Records once a direction is given under **paragraph 11.10**.
- 11.15.7 Secretary shall retain all Concerns Records received pursuant to **paragraph 11.15.6**
- 11.15.8** Secretary shall update the *Register of Conflicts and Concerns* to include reference to all directions given by the President pursuant to **paragraph 11.10**.
- 11.16 If a Fellow, Associate or Staff member fails to comply with **paragraphs 11.1, 11.2, 11.10** or **11.15**, they shall be in Breach of this Policy.
- 11.17** If a Decision Maker is the subject of a direction pursuant to **paragraph 11.10.1**, that Decision Maker shall be in breach of this Policy.

## 12. CONFLICT AND DIRECTORS

- 12.1 This Policy recognises the special position of trust held by Directors and the specific duties and obligations placed on Directors by the Law.
- 12.2 Without limiting the application of all other relevant Law, all Directors are reminded of their obligation to comply with the disclosure of interest obligations arising under sections 191, 192, 193 of the Act.
- 12.3 Without limiting the application of all other relevant Law, all Directors are reminded of their obligation to comply with the restrictions on participation and voting arising pursuant to section 195 of the Act.
- 12.4 If sections 191, 192, 193 or 195 of the Act are amended or replaced, such amendments or replacements shall be immediately deemed to amend this Policy.
- 12.5 Any breach of the Law as it applies to Director disclosure of interest and participation and voting shall constitute a breach of this Policy.

### 13. BREACH OF THIS POLICY

- 13.1 In addition to any direction given to a Decision Maker pursuant to this Policy, any breach of this Policy may result in:
  - 13.1.1 counselling;
  - 13.1.2 censuring;
  - 13.1.3 reference to a Committee of the College or external agency for further action;
  - 13.1.4 suspension of College Fellowship or membership;
  - 13.1.5 termination of College Fellowship or membership;
  - 13.1.6 cost recovery proceedings on behalf of the College where any breach has resulted in unlawful gain by a Decision Maker at the expense of the College.
- 13.2 The CEO shall be responsible for determining any breach of this Policy by a Decision Maker, other than a Director, on the basis of the information in the CEO's possession.
- 13.3 The President shall be responsible for determining any breach of this Policy by the CEO on the basis of the information in the President's possession.
- 13.4 The Board shall be responsible for determining any breach of this Policy by a Director on the basis of the information in the Board's possession.
- 13.5 The Council shall be responsible for determining any sanction to be applied for any breach of this Policy. The Council may, at its discretion, consult with any College Committee, the Board or Legal Counsel when determining any relevant sanction.
- 13.6 The CEO shall notify any breach of this Policy to a relevant decision Maker in writing specifying the nature of the breach and any relevant College sanction.
- 13.7 Any CEO or Board determination of any breach of this Policy and any determination by Council of any relevant sanction to be applied by the College shall be final unless overturned or otherwise altered in accordance with the Appeals Policy.

### 14. REPORTING AND REVIEW OF POLICY

- 14.1 The College is committed to ensuring transparency of implementation and ongoing improvement of this Policy.
- 14.2 The CEO shall provide an annual report to the Board, within one month of each successive anniversary of the adoption of this Policy, detailing:
  - 14.2.1 All Concerns *Notice* received during the previous twelve (12) month period;
  - 14.2.2 All No Conflict *Declarations* received during the previous twelve (12) month period;

- 14.2.3 All notices given pursuant to **paragraphs 8.2 and 8.4** received during the previous twelve (12) month period;
- 14.2.4 All *Show Cause Notices* issued during the previous twelve (12) month period;
- 14.2.5 All directions given to Decision Makers during the previous twelve (12) month period pursuant to **paragraph 11.10**.
- 14.3 The Board shall consider all information provided by the CEO pursuant to **paragraph 14.2** with a view to determining any necessary amendment to this Policy.

## 15. OTHER DEFINED TERMS

- 15.1 In this Policy the following words have the following meaning unless otherwise specified:

“**Appeals Policy**” means the appeals policy of the College as adopted and revised by the Board from time-to-time.

“**Associate**” means any Trainee, Practice Manager, Orthoptist, Ordinary and International Associate of the College.

“**Board**” means the Board of Directors of the College.

“**Board Chair**” means the chair of the Board as appointed from time-to-time.

“**Branch**” means a Branch of the College.

“**Branch Chair**” means chair of any Branch as appointed from time-to-time.

“**Branch Executive**” means the Branch Chair, Secretary and Treasurer as appointed from time-to-time.

“**CEO**” means the Chief Executive Officer of the College as appointed by the Board from time-to-time.

“**College**” means *The Royal Australian and New Zealand College of Ophthalmologists* being an Australian public company limited by guarantee established under the *Corporations Act* (ACN 000 644 404)

“**Committee**” means a Committee of the College.

“**Committee Chair**” means the chair of a Committee as appointed from time-to-time.

“**Concerns Notice**” means any notice required to be given pursuant to **paragraphs 11.1 and 11.2**.

“**Constitution**” means the Constitution of the College as amended from time-to-time.

“**Council**” means the Council of the College.

“**Councillor**” means a Councillor on the Council as appointed from time-to-time.

“**Council Chair**” means the chair of the Council as appointed from time-to-time.

“**No Conflict Declaration**” means a declaration required to be given by College Officials pursuant to **paragraph 8.1**.

“**Director**” means a director on the Board as appointed from time-to-time.

“**Fellow**” means any person admitted to membership of the College from time-to-time.

“**Fellowship**” means admitted to membership of the College.

“**Head of Education**” means the head of the College’s Education program as appointed from time-to-time.

“**Law**” means any and all statute, regulation and common law enacted and otherwise applicable within the jurisdiction of the Commonwealth of Australia, its states and territories and New Zealand including, but not limited to The Act.

“**Legal Counsel**” means the legal counsel of the College as retained by the College from time-to-time.

“**Policy**” means this *Conflict of Interest Policy* as amended by the Board from time-to-time.

“**President**” means the president of the College as appointed from time-to-time.

“**Privacy Policy**” means the privacy policy of the College as adopted and revised by the Board from time-to-time.

“**Register of Conflicts and Concerns**” means a register maintained by the College pursuant to **paragraphs 8.6, 10.6, 11.14 and 11.15.18**.

“**Secretary**” means the secretary of the College.

“**Show Cause Notice**” means any notice given by the CEO pursuant to **paragraph 11.6.2**.

“**Special Interest Group**” means a special Interest Group of the College.

“**Special Interest Group Convenors**” means the current Convenor of a Special Interest Group.

“**Staff**” means any and all staff employed by the College.

“**The Act**” means the *Corporations Act 2001* as amended or replaced from time-to-time.

“**Trainer**” means any person providing training and education to trainees on behalf of the College.

## 16. PRIORITY & ENFORCEABILITY

- 16.1 To the extent of any inconsistency, between this Policy and the Constitution, the Constitution shall have priority.
- 16.2 If any part of this Policy is found to be unenforceable by a Court of competent jurisdiction, then that part of this policy is severed and the balance of this Policy shall be read with full force and effect.

### Version Control

Version:	Current
Date of Adoption by the Board:	13 August 2016
Review:	Annual

## SCHEDULE 1

### NO CONFLICT DECLARATION

(TO BE COMPLETED BY ALL COUNCILLORS, BRANCH CHAIRS, BRANCH SECRETARIES, BRANCH TRESURERS, SPECIAL INTEREST GROUP CONVENORS, COMMITTEE CHAIRS AND COMMITTEE MEMBERS)

#### PERSONAL DETAILS

Surname:	Given Name:
----------	-------------

#### COLLEGE POSITION

Title:	Date of Appointment:
--------	----------------------

#### CONTEXT OF DECLARATION

1. The College Board have adopted the *Conflict of Interest Policy* in the interest of maintaining appropriate corporate governance and to ensure all College Business is conducted ethically.
2. Conflicts of interest may be illegal and undermine the credibility, reputation and efforts of the College and its Decision Makers.
3. The College seeks to eliminate conflicts of interest within the College where possible and to provide mechanisms for the appropriate management of conflicts of interest where necessary.

#### YOUR OBLIGATIONS

4. This Declaration must be completed by all Councillors, Branch Chairs, Branch Secretaries, Branch Treasurers, Special Interest Group Convenors, Committee Chairs and Members in accordance with **paragraph 8.1** of the Colleges Conflict of Interest Policy.
5. You must, in accordance with **paragraph 8.2** of the *Conflict of Interest Policy*, notify the CEO if, due to a change of circumstances, this *No Conflict Declaration* is to be amended to note any real, potential or perceived conflict of interest.
6. A failure to submit a *No Conflict Declaration* in accordance with **paragraph 8.1** and/or notice in accordance with **paragraph 8.2** shall constitute a breach of the *Conflict of Interest Policy*.

#### CONFLICTS OF INTEREST

7. An interest means any advantage or benefit attaching to you including, but not limited to, any benefit attaching to a Related Party. "Related Party" means any spouse, partner, child, dependent, relative, related body corporate (as defined under the Corporations Act 2001 as amended or replaced), trust or other legal entity related to you or under your effective control.

8. A conflict of interest arises under the *Conflict of Interest Policy* when you prefer a Secondary Interest over a Primary Interest or give equal weight to both Primary and Secondary Interests when conducting College Business (See the Colleges Conflict of Interest Policy at **paragraph 4.1** for relevant definitions).
9. A conflict of interest may not be real and may be perceived or potential. A perceived conflict of interest arises where other people may reasonably conclude that your decision making process has been relevantly compromised by a conflict of interest. A potential conflict of interest is a situation in which there is a reasonable belief that a conflict of interest may happen in the future.
10. There is no limit to how conflicts of interest can manifest. Examples of conflicts of interest specified in this Declaration are not exhaustive. **It is your responsibility to identify and notify relevant conflicts of interest however and whenever they occur.**

### COMPLETING THIS DECLARATION

11. You must complete this Declaration by ticking the box adjacent to any relevant conflict of interest in **Section A**. If you do not tick the box, you are declaring that you are not relevantly conflicted. If you have a conflict of interest which is not caught by one of the specified categories, please provide the details of the conflict of interest in the section marked “Other” in **section A**.
12. If you tick any conflict of interest or identify any conflict of interest in the section marked “Other”, you must complete **Section B**.
13. If you do not tick any conflict of interest or identify any conflict of interest in the section marked “Other”, you must complete Declaration in **Section C**.

### SECTION A

I have the following interests which conflict with the College’s Primary Interest as specified in College’s Constitution:

	<b>Examples (These examples are not exhaustive. See paragraph 10 above)</b>	<b>Tick the box below if you are relevantly conflicted</b>
Commercial Interest	<ul style="list-style-type: none"> <li>• I will/may gain a commercial contract</li> <li>• I will/may obtain a company directorship</li> <li>• I will/may receive an interest in a company</li> </ul>	<input type="checkbox"/>
Personal Interest	<ul style="list-style-type: none"> <li>• I will/may improve my reputation</li> <li>• I will/may have more time to...</li> <li>• I will/may get access to...</li> <li>• I will/may be able to spend time with...</li> <li>• I will/may favour a particular candidate for personal reasons e.g. historical associations or the intention to receive future benefits</li> </ul>	<input type="checkbox"/>

Financial Interest	<ul style="list-style-type: none"> <li>• I will/may obtain a bigger dividend.</li> <li>• I will/may be able to demand a higher salary</li> <li>• I will/may be entitled to increase royalties</li> <li>• I will/may decrease my overheads</li> <li>• I will/may receive payment</li> </ul>	<input type="checkbox"/>
Research Interest	<ul style="list-style-type: none"> <li>• I will/may gain access to specific research</li> <li>• I will/may be able to secure research funding</li> <li>• I will/may be able to direct specific research</li> <li>• I will/may be able to veto specific research</li> </ul>	<input type="checkbox"/>

Other (please specify below):

.....

.....

.....

.....

.....

**Please Note:** Knowingly submitting an incomplete, inaccurate or misleading *No Conflict Declaration* and/or notice in accordance with **paragraph 8.1** shall constitute a breach of the College’s Conflict of Interest Policy.

**SECTION B**

This section must be completed if a conflict of interest was notified in **Section A** (above)

I, the undersigned, acknowledge and agree that I have notified the College of a conflict of interest in **Section A** (above) and that such conflict of interest shall be dealt with by the College in accordance the *Conflict of Interest Policy*.

Signature	Date:
-----------	-------

**SECTION C**

This Declaration must be completed if no conflict of interest was notified in **Section A** (above)

I, the undersigned, **declare** that:

- a) I have no conflict of interest.
- b) All information specified in this declaration has been provided to enable the College to make a proper and complete assessment of my ongoing compliance with the College's *Conflict of Interests Policy*.
- c) All information provided in this declaration is complete and correct to the best of my knowledge and belief.
- d) I have not knowingly withheld any relevant information.
- e) I must update this information as required by **paragraph 8.2** of the *Conflict of Interest Policy*.

Signature of Declarant:	Date Declared:
Date Received: [College Use Only]	

**Please forward this *No Conflict Declaration* to the CEO of the College.**

**SCHEDULE 2**  
**CONCERNS NOTICE**

**YOUR DETAILS**

Surname:	Given Name:
----------	-------------

**NOTICE CONTEXT**

As a Fellow, Associate or Staff member of the College you are bound by the College's *Conflict of Interest Policy*.

Under the policy, any Fellow, Associate or Staff member of the College who has a Reasonable Belief that a Decision Maker may be in breach of the *Conflict of Interest Policy*, must give a *Concerns Notice* to the College.

Your details are obtained for College purposes only and shall not be disclosed to the Decision Maker subject to this Concerns Notice unless compelled by law.

If there is insufficient space on this form, attach a further signed notice.

**DECISION MAKER DETAILS**

Surname:	Given Name:
Title:	Date of Appointment:

**YOUR RELATIONSHIP TO DECISION MAKER**


**SUMMARY OF YOUR CONCERNS**


**RELEVANT ATTACHED INFORMATION**


**HOW YOU PERSONALLY BECAME AWARE OF THE CIRCUMSTANCES WHICH GIVE RISE TO THIS CONCERNS NOTICE**


I, the undersigned, certify that:

- a) All information specified in this *Concerns Notice* has been provided to enable the College to make a proper and complete assessment of the Decision Maker’s compliance with the College’s *Conflict of Interests Policy*.
- b) All information provided in this *Concerns Notice* is complete and correct to the best of my knowledge and belief.
- c) I have not knowingly withheld any relevant information.
- d) I have not completed this Concerns Notice with malice or for any improper purpose.

Signature:	Date:
------------	-------

**DEFINITIONS**

“**Reasonable Belief**” means where there exists a reasonable basis to for you to conclude that a Decision Maker may be in breach of this Policy.

“**Decision Maker**” means all College Fellows, Associates and Staff who are involved in College Business.

“**College Business**” means the consideration of, the influencing of and the making of decisions concerning College activities and/or the allocation of College resources.

Date Received: [College Use Only]
-----------------------------------

**Please forward this *Concerns Notice* to the CEO of the College.**