

## AUSTRALIAN DOCTORS FOR AFRICA

**Policy:** CONFLICT OF INTEREST

**Date approved:** 10/16

**Date of next review:** 10/19

**Approved by:** Board of Management

### 1 RATIONALE

A conflict of interest occurs when the private interests of an office bearer, staff, volunteer or representative interfere, or appear to interfere, with their association with ADFA. While the conflict itself does not amount to misconduct, the decision of a person to place their own interests before the interests of ADFA is inappropriate and may amount to misconduct. Where a conflict exists, actual, potential or perceived, it should be dealt with in a transparent and accountable way.

### 2 SCOPE

This policy applies to all office bearers, staff, volunteers and representatives of ADFA.

### 3 DEFINITIONS

**Conflict of Interest:** a situation in which a person has competing personal and professional interests. Conflicts of Interest may be:

- **Actual:** involves a direct conflict between current duties and responsibilities and existing private interests.
- **Perceived:** conflict exists where it could be perceived, or appears, that private interests could improperly influence the performance of duties, whether or not this is in fact the case.
- **Potential:** arises where private interests could conflict with official duties.

### 4 GUIDING PRINCIPLES

Office bearers, staff, volunteers and other representatives of ADFA are obliged to:

- avoid and disclose ethical, legal, financial or other conflicts of interest, whether actual, potential or perceived;
- remove themselves from decision-making with respect to any conflict of interest; and
- take action when a conflict of interest has arisen, or could perceivably arise, as soon as the conflict of interest is identified.

A Board of Management member who has an interest in a matter before ADFA must disclose the interest to the Board and the disclosure must be recorded in the Minutes. If there is doubt as to the materiality of the interest, the Chair will decide whether conflict does or does not exist. The Board member must not:

- take part in discussion relating to that matter;
- remain within hearing distance while that matter is being discussed; or
- vote in relation to that matter.

Board members have an interest in a matter before ADFA if they (or a person closely associated with them<sup>1</sup>) would, if the matter were decided in a particular manner receive or have a reasonable

<sup>1</sup> A person is deemed to be closely associated if he/she is a spouse, de facto partner or relative, has received or might reasonably be expected to receive a fee, commission or other reward for providing professional or other services, is a proprietary company in which the person is a shareholder, or is a body corporate of which the person is a director or a member of the governing body.

expectation of receiving a direct or indirect benefit or suffer or have a reasonable expectation of suffering a direct or indirect detriment.

## 5 INTERPRETATION

Where doubt exists as to nature of a perceived or potential conflict of interest office bearers, staff or volunteers who have an interest in a matter before ADFA should make judgments on the basis of the overall spirit and intent of this policy and may make confidential inquiries to the CEO or Chair of the Board of Management concerning the application of this policy without fear of disclosure or repercussion. If they feel they have been disadvantaged as a result of this policy or believe this policy is not being adhered to, they should contact the AFDA CEO or the Chair of the Board of Management.

## 6 MANAGING RISKS OF CONFLICT

Where staff, office bearers or volunteers have an interest in a matter before ADFA and become aware of such a conflict, they must ensure that steps are taken to protect ADFA's interests. Such steps might include:

- ensuring that they are not involved in decisions relating to employment, remuneration, disciplinary action, transfer, promotion or demotion;
- ensuring that an event does not give rise to conflicts of interest in the workplace through management / supervisory issues;
- ensuring that the conflict of interest does not create disturbances or lead to favouritism or disadvantage to others.

## 7 ACCEPTANCE OF GIFTS OR BENEFITS

- Office bearers, staff, volunteers and other representatives of ADFA may not solicit any gifts or benefits, or accept any gifts or benefits that might in any way appear to compromise or influence them in their official capacity. Where a gift or benefit has been offered (whether accepted or not) and the offer could constitute an attempt to induce favoured treatment, this should be reported. If in any doubt, guidance should be sought.
- If ADFA is engaged in a tender process, no gift, no matter how small or insignificant, should be accepted from the tenderers.
- Gifts to the organisation of more than nominal value (e.g. a painting or a piece of equipment) are acceptable but should be disclosed to the Board of Management.

## 8 Examples of Conflict of Interest Activities and Relationships

The following activities illustrate types of potential or actual conflicts of interest that must be avoided and / or disclosed. The list is not exhaustive and is provided as guidance only.

- **Conflicting duties:** participating in duties that may conflict with ADFA's interests;
- **Self-benefit:** using one's relationship with ADFA to promote one's own interests or those of your family, including using confidential or privileged information gained in the course of that relationship, or employment at ADFA for personal benefit or gain;
- **Conflicting relationships:** a situation in which the relationship between a member of ADFA, assessor [or examiner] and a trainee may compromise an unbiased assessment;
- **Influence peddling:** soliciting benefits for yourself or your family from other organisations in exchange for using your influence to advance their interests with ADFA;
- **Business relationships:** approving grants or contracts with other organisations in which you or your family have a significant financial or other interest, 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 ADFA's business dealings;

- **Intellectual property:** unauthorised use of materials developed under the aegis of ADFA or potential conflicts relating to the development and use of such material.
- **Property transactions:** directly or indirectly leasing, renting, trading, or selling real estate or personal property to ADFA.
- **Use of ADFA property:** using or taking ADFA resources, including facilities, equipment, personnel and supplies, for private use or other unauthorised 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.

Participation in social or political activities does not constitute a conflict of interest unless an office bearer participates as a representative of ADFA.

## 4.0 REFERENCES

### 4.1 Associated Documents

- Constitution of ADFA Pty Ltd
- Code of Conduct
- Conflict of Interest Disclosure form (refer Annexure 1 below)

### 4.2 Acknowledgements

ACFID Conflict of Interest – policy and templates

Parts of this policy have been adapted from the Royal Australasian College of Surgeons.

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| HISTORY |
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| AUGUST 2011  | Policy compiled and approved by Management Committee |
| JUNE 2012    | Policy reviewed by Board of Management               |
| OCTOBER 2016 | Policy reviewed by Board of Management               |
| OCTOBER 2019 | Policy to be reviewed                                |

**ANNEXURE 1**

**DISCLOSURE OF CONFLICT OF INTEREST FORM**

**This form is to be completed by** a Director, relative, staff, volunteer or member of the Board of Management who has a real or perceived conflict of interest or a potential conflict of interest in undertaking ADFA obligations.

I, *(insert full name)* \_\_\_\_\_, **hereby declare a:**

- REAL                                       POTENTIAL                                       PERCEIVED  
 CONFLICT OF INTEREST                       CONFLICT OF COMMITMENT      (*Tick all relevant boxes*)

Please provide a brief outline of the nature of the conflict (details may be included privately in a separate confidential envelope if appropriate).

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Please provide the arrangements proposed to resolve/manage the conflict.

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I, *(insert full name)* \_\_\_\_\_ **hereby agree to:**

- update this disclosure throughout the period of my association with ADFA until such time as the conflict ceases to exist;
- comply with any conditions or restrictions imposed by ADFA to manage, mitigate or eliminate any actual, potential or perceived conflict of interest and/or commitment.

Signed \_\_\_\_\_

Date: \_\_\_\_\_

**ENDORSEMENT BY CHAIR OF THE BOARD OF MANAGEMENT:**

I, *(insert full name)* \_\_\_\_\_ have reviewed the disclosure and:  
*(\*tick relevant box)*

- believe that a plan to manage the conflict of interest is not required and that no further action is necessary in relation to this matter.
- believe that the development of a conflict of interest plan will mitigate or remove the conflict of interest but will continue to monitor the situation.
- cannot adequately resolve the conflict of interest with the person concerned and have referred the matter to an alternative agency for resolution.

Chair of Board of Management's Signature \_\_\_\_\_ Date: \_\_\_\_\_