



THE AUSTRALASIAN
COLLEGE OF
PHLEBOLOGY

Board Conflict of Interest Policy

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Policy Author:	ACP
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Related Policies/Regulations	

The Board is committed to high standards of ethical conduct. Great importance is placed on making clear any existing or potential conflict of interest. This policy has been developed to provide a framework for all Board Members in declaring conflicts of interest.

Conflict of Interest Declaration Form

All Board members will be required to complete a Conflict of Interest Declaration form which lists the Board member's employer, membership of other Boards or organisations, and interests or affiliations with private companies. This form must be updated annually after every AGM.

Conflict of Interest Register

The Board will maintain a register disclosing a direct or indirect interest of any member that could stop a member from performing their duties. This register will consist of:

- » Conflicts of Interest Declaration forms by each Board member
- » Excerpts from Board minutes in which Board members declare a Conflict of Interest.

Disclosing a Conflict of Interest

Board members have a public duty to declare any private interest that may impinge upon a Board discussion. Members of the Board who have an interest in a matter under consideration by the Board must:

- » As soon as reasonably practicable, prior to and/or at commencement of the Board meeting, disclose to the Board full and accurate details of the interest
- » Not take part in any discussion by the Board relating to the matters and
- » Be absent from the room when any such discussion or voting is taking place.

Disclosure of this information should be recorded in the minutes of the Board.

If there is any doubt as to whether a conflict of interest exists, the relevant member should err on the side of caution and declare the interest.

If a conflict of interest has been identified, the Board can decide - by unanimous agreement by other members present – that the Board member does not need to absent themselves from the room during the discussion. The Board might however express an undertaking from the relevant Board member to respect confidentiality in relation to the matter (for example, not pass on the information to the Board of a competing organisation).

If a person alleges that another person has a conflict of interest, whether existing or potential, and if the Board cannot resolve this allegation to the satisfaction of both parties, the matter shall be referred to a delegated [Ethics Subcommittee or similar Board committee]. This Subcommittee will make a recommendation to the Board as to what action shall be taken. The Board may also seek legal advice.

Examples of conflict of interest

Examples of conflict of interest include, but are not limited to:

- » A Board member is on a job selection panel and one of the candidates is a personal friend
- » A Board member works for a government agency that also provides funding to the organisation
- » An organisation gives a drug treatment place to the daughter of a Board member ahead of other people who had been waiting longer
- » A Board member receives a gift from a firm that provides office equipment to the organisation
- » A Board Member sits on the Board of another organisation and the two organisations are competing for the same funds.

Disclosing gifts

Where a Board member is offered a gift made to them by a third party (unrelated to the organisation) in the course of their Board role, and that gift is worth less than \$20 (e.g. flowers, cards, chocolates), they can choose to accept that gift. However, they should record details of the gift in the Conflict of Interest Register (in a separate section marked 'Gifts').

If the gift is worth more than \$20, the Board member should refuse the gift but inform the giver that they will notify the Board of the offer. The Board member should then raise the matter at the next Board meeting.

In general, the Board should refuse large gifts where they could be clearly perceived to pose a conflict of interest. However, there may be situations where the Board decides that accepting the gift for use of the entire organisation does not create a perception of conflict of interest. It should then record the details of the gift (who offered it, why, and its approximate value) in the Board minutes, and in the Conflict of Interest Register, with the conflict to be recorded against the whole organisation.

The Board should ensure the gift is then made available to the organisation's staff and that they, and the giver, are aware that a conflict of interest has been noted in the Conflict of Interest Register.

Accountability / Responsibility

The Chairperson is responsible for maintaining the conflict of interest register and ensuring Board members comply with this policy.

Relevant legislation

- » *Corporations Act 2001* (Cth)
- » *Associations Incorporation Act 2009* (NSW)

Related Documents

- » Constitution
- » Governance Charter