



# Policy Statement

## Neurosurgical Society of Australasia

ABN 50 283 605 657 Incorporated in New South Wales

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**Policy Name:** Conflict of Interest Policy

**Date Approved:** 15 November 2007

**Date Reviewed:** 15 November 2008

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### 1.0 PURPOSE

The purpose of this policy is to define the Society approach to conflicts of interest.

### 2.0 BACKGROUND

This policy aims to protect the Society's interest in impartial and objective decision making by maintaining ethical standards of good judgment, fairness and integrity in all matters and to ensure that any activity or interest where conflicts of interest exist, or might be perceived to exist are addressed accordingly. This policy is intended for the use of all members serving on Committees and Boards or employed by the Society. The Independent Commission Against Corruption (ICAC) and the New South Wales Department of Health guidelines on Conflict of Interest have been informed this policy.

### 3.0 POLICY

#### 3.1 Conflicts of Interest

- 3.1.1 It is essential to the objectivity and integrity of the Society that all decisions are made without bias, or the perception of bias, on proper grounds in the interests of the Society.
- 3.1.2 Conflicts of interest arise where individuals undertaking duties and responsibilities on behalf of the Society could influence, or be perceived to influence a decision of the Society, as a result of a private interest in the matter under consideration. .
- 3.1.3 There are three types of conflicts of interest identified by the ICAC which have been adopted by the Society:
  - (a) An actual conflict of interest where there is a direct conflict between an individuals official duties and responsibilities and his or her private interests.
  - (b) A perceived conflict of interest where it could be perceived by others that a individuals private interests could influence the performance of his or her duties and responsibilities, regardless of whether or not this is in fact the case.
  - (c) A potential conflict of interest where a person has private interests that could interfere with his or her official duties and responsibilities in the future.

#### 3.2 Definitions

- 3.2.1 For the purpose of this policy a conflict of interest may apply where an individual is a committee or board member or a staff member or other such appointed representative or advisor.
- 3.2.2 For the purpose of this policy a person is closely associated with an individual if:
  - (a) that person is a spouse or de facto partner, or a relative of the individual; or
  - (b) that person is the employer or an employee of the individual; or



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- (c) that person is a beneficiary under a trust or an object of a discretionary trust of which the individual in question is a trustee; or
- (d) that person is a person from whom the individual has received or might reasonably be expected to receive a fee, commission or other reward (financial or not) for providing professional or other services and advice; or
- (e) that person is a proprietary company in which the individual question is a shareholder; or
- (f) that person is a body corporate of which the individual is a director or a member of the governing body.

### 3.3 Identifying a Conflict of Interest

- 3.3.1 An objective test, developed by the ICAC, is applied to identifying a conflict of interest. The test takes an impartial examination of the official role and the private relationships and interests of the individual concerned to identify whether the individual could be influenced, or appear to be influenced, by a private interest.
- 3.3.2 Circumstances which could result in a conflict of interest occurring include, but are not limited to:
  - (a) Financial Interests
  - (b) Personal and Family Relationships
  - (c) Acceptance of Gifts or Benefits
  - (d) Use of Official Facilities and Equipment
  - (e) Use of Official Information
  - (f) Personal Beliefs
  - (g) Public Comment
  - (h) Multiple Roles including as an official advisor to a company or institution or employee in any capacity
  - (i) Political Participation
- 3.3.3 In some cases members of a board or committee owe their membership to a particular interest group. This is a valid means of appointment and ensures that the board or committee has access to a wide range of views. It is expected that within this wide range of views there will be differences in the opinions, approaches and philosophies of individuals. The overriding concern of a member of a board or committee is the interests for which the board or committee exists not the interests of the group which appointed the individual.

### 3.4 Duty of Disclosure

- 3.4.1 An individual must give notice to the Board of the NSA and the Chair of the meeting of the existence of a conflict of interest or the possibility of a perceived conflict of interest arising, as soon as the conflict of interest, or potential perceived conflict of interest, is identified.



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- 3.4.2 The notice must be formally recorded as soon as is practical on a Disclosure of a Conflict of Interest Form. The Form will be made available to all members of the meeting in question and the Board of the NSA. The information provided on the Form must include:
- (a) Detail on the nature and extent of the interest; and
  - (b) The relation of the interest to the discussions or affairs under consideration.
- 3.4.3 In respect of the matter under consideration, and taking into account any specific and objective against which the matter might be considered, the meeting shall determine by majority vote whether the affected individual shall:
- (a) remain a full participant in any discussion, including any vote; or
  - (b) remain a participant in any discussion but without voting rights; or
  - (c) remain present but with no right to participate; or
  - (d) be absent from the meeting for the duration of the matter under consideration; or
  - (e) stand down from the board or committee.
- 3.4.4 The decision must be recorded in the minutes of the meeting and any subsequent meeting where matters relevant to the conflict of interest are discussed.

### **3.5 Failure to Disclose**

- 3.5.1 If it is subsequently found that a member on a board or committee has not declared a conflict of interest on a specific matter, the Board of the NSA shall determine, in consultation with the board or committee the action, if any, required which may include permanent removal from the board or committee membership.

### **3.6 Acceptance of Gifts or Benefits**

- 3.6.1 Members should 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. If in doubt, guidance should be sought.
- 3.6.2 Where a gift or benefit has been offered (whether accepted or not), and the member feels that the offer constitutes an attempt to induce favoured treatment, this should be reported.
- 3.6.3 Gifts to the Society of more than nominal value (for example a painting or a piece of equipment) are acceptable, but should be disclosed to the President.
- 3.6.4 If the Society is engaged in a tender process, no gift, no matter how small or insignificant, should be accepted from the tenderers.