

CHS Conflict of Interest Policy and Procedures

Document ID	CHS Conflict of Interest Policy and Procedures
Category	Governance
Document Owner	CEO and Board of Directors Chair
Approved By	Board of Directors
Authorised By	Board of Directors

Version control

Version	Summary of changes	Approval date	Next review date
1.0	Document Established	Academic Board: 20 November 2018 Board of Directors: 27 November 2018	30 November 2020
1.1	Minor changes to the job title and extension of review date	CEO: 12 October 2023	12 October 2024

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1. Purpose

The purpose of this policy is to define the CHS's position on conflict of interest and the procedures for managing or resolving conflicts of interest.

2. Scope

This policy and procedures apply to all Board of Directors and Academic Board members, as well as all CHS staff, executives, associates and contractors.

3. Definitions

A Conflict of Interest occurs when there is a conflict between a director/staff member's private interests and their obligation to the ECA College of Health Sciences or associated entities "the College". A Conflict of Interest may arise if a reasonable, disinterested person would think that the behavior could be considered as a conflict. A Conflict of Interest can be financial or non-financial in nature or otherwise constitute a material benefit or advantage.

A Conflict of Interest includes not only a personal advantage to the director/staff member, but to the director/staff member's family, close relatives or business associates, or outside business interests or activities of these individuals.

4. Policy Statement

The CHS Staff Code of Conduct places an obligation on each director/staff to avoid conflicts between their private interests and the Company responsibilities and should avoid situations where there is a reasonable basis for the perception of such a conflict.

Conflicts of Interest can be actual, perceived, or potential:

- a) An **actual** conflict involves a direct conflict between a director/staff member's duties and responsibilities to the Company and a competing interest or obligation, whether personal or involving a third party.
- b) A **perceived** conflict exists where it could reasonably be perceived, or give the appearance, that a competing interest could improperly influence the performance of a director/staff member's duties and responsibilities to the Company.
- c) A **potential** conflict arises where a director/staff member has an interest or obligation, whether personal or involving a third party, that could conflict with the director/staff member's duties and responsibilities to the Company.

Merely declaring a Conflict of Interest does not mean that the director/staff member can then continue to lead, perform duties or carry out responsibilities in relation to or associated with, the matter in question without taking further action. Once declared, the Conflict needs to be managed in accordance with the defined policy of the College.

5. Staff Declaration of Conflict of Interest

All staff, contractors and associates are required to act in good faith towards CHS. Staff members need to be aware of the potential for a conflict of interest to arise and should always act in the best interests of CHS.

As individuals, staff may have private interests that from time to time conflict, or appear to conflict, with their employment with CHS. Staff should aim to avoid being put in a situation where there may be a conflict between the interests of CHS and their own personal or professional interests, or those of relatives or friends. Where such a conflict occurs (or is perceived to occur), the interests of CHS will be balanced against the interests of the staff member and, unless exceptional circumstances exist, resolved in favour of CHS. It is impossible to define all potential areas of conflict of interest. If a staff member is in doubt if a conflict exists, they should raise the matter with their manager.

Staff members must:

- declare any potential, actual or perceived conflicts of interest that exist on becoming employed by CHS to management
- declare any potential, actual or perceived conflicts of interest that arise or are likely to arise during employment by CHS to management
- avoid being placed in a situation where there is potential, actual or perceived conflict of interest if at all possible

If a staff member declares such an interest, CHS will review the potential areas of conflict with the staff and mutually agree on practical arrangements to resolve the situation. Staff must disclose any other employment that might cause a conflict of interest with CHS to their manager. Where there are external involvements that do not represent a conflict of interest, these must not affect performance or attendance whilst working at CHS. If such involvement does affect performance or attendance, it will be considered a conflict of interest.

Staff must not set up or engage in College business or undertake other employment in direct or indirect competition with CHS using knowledge and/or materials gained during the course of employment with CHS. Engaging in other business interests during work hours will result in strong performance improvement action. Failure to declare a potential, actual or perceived conflict of interest or to take remedial action agreed with CHS, in a timely manner, may result in performance improvement proceedings, including dismissal.

6. Board of Directors Members Declaration of Conflict of Interest

The CHS Board of Directors Code of Conduct applies to all Board of Directors and Academic Board members as well as all Committees constituted under their authority. The Code of Conduct obligates all Directors and Committee members not to place themselves in situations that may risk a conflict of interest. All Directors and Committee members are required to declare any conflict of interest in compliance with this policy.

7. Procedures

The form attached to this policy is to be completed by any director/staff member who has an actual, potential or perceived conflict of interest in undertaking their College duties, responsibility and leadership role. A copy of the completed and signed form is to be stored on the director/staff member's file and on the conflicts of

interest register. The director/staff members' Conflict of Interest management plan shall be reviewed annually.

8. Records

Records associated with this policy will be maintained according to the **CHS Records Management Policy** and Record Retention and Disposal Schedule.

9. Related Documents

- CHS Board of Directors Code of Conduct
- CHS HR Manual
- CHS Board of Directors Charter
- CHS Academic Board Charter
- CHS Privacy Policy

10. Related legislation

- Higher Education Support Act 2003
- Tertiary Education Quality and Standards Agency (TEQSA) Act 2011
- TEQSA Higher Education Standards Framework (Threshold Standards) 2015
- Education Services for Overseas Students (ESOS) Act 2000 and National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)
- Migration Act 1958 (Cth)
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007
- Higher Education Support Act 2003 (Cth)
- Privacy Act 1988 (Cth)

Director/Staff Member Conflict of Interest Declaration and Management Form

DIRECTOR/STAFF MEMBERS DISCLOSURE:	
Name:	
Phone:	Email:
Organisational Unit:	
I am declaring: (Tick all boxes that apply)	
<input type="checkbox"/> That I have read and understand the Conflict of Interest Policy	

Based on the Conflict of Interest Policy, I declare that I have:
An Actual Conflict: <input type="checkbox"/>
A Perceived Conflict: <input type="checkbox"/>
A Potential Conflict: <input type="checkbox"/>

SITUATION OR CONFLICT OF INTEREST
Please provide a brief outline of the nature of the conflict (details may be included in a separate confidential envelope if appropriate):

BACKGROUND INFORMATION
Please attach copies of all relevant background material and provide further information:

CONFLICT OF INTEREST MANAGEMENT
Please detail the arrangements proposed to resolve/manage/the conflict (attach details separately if appropriate):

CONFIRMATION
In declaring a Conflict of Interest, I agree to: <ul style="list-style-type: none"> • Update this disclosure during the entire period of my engagement/employment with the Company or until such times as the conflict ceases to exist; and • Cooperate in the development of Conflict of Interest management plans as required; and

<ul style="list-style-type: none"> Comply with any conditions or restrictions imposed by the Company to manage, reduce, or eliminate an actual, potential or perceived Conflict of Interest
Signed:
Date:

ENDORSEMENT BY HEAD OF FUNCTIONAL UNIT
I have reviewed this disclosure and:
<input type="checkbox"/> 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; or
<input type="checkbox"/> believe that the plan outlined in the disclosure will mitigate or remove the Conflict of Interest but the Business Unit will continue to monitor the situation; or
<input type="checkbox"/> cannot adequately resolve the Conflict of Interest with the director/staff member concerned and have referred the matter to the Group Managing Director/Group CEO for resolution
Signed:
Name:
Position:
Date:

REVIEW BY CHS
I have reviewed this disclosure and:
<input type="checkbox"/> no further action is necessary in relation to this matter; or
<input type="checkbox"/> recommend action as follows:
have referred the matter to the:
<input type="checkbox"/> CEO
<input type="checkbox"/> Finance Director and Company Secretary
Signed:
Name:
Position:
Date: