



Policy Name	Conflict of Interest
Consultation and Date Approved	PMCV Board: 12 June 2008
Responsible Officer	Executive Officer / Chairs of Committees

Introduction

Conflicts of interest can be financial or personal and involve the interests of the member, employee, surveyor or any other person discharging a function of the Postgraduate Medical Council of Victoria (“**PMCV**”) or that person’s family member or friend.

A lack of impartiality may arise as a result of a personal or financial interest, a family relationship, a close friendship or employment, whether or not financial loss or gain is involved.

Anyone who discharges official functions or performs official duties on behalf of the PMCV must not take into account personal interests or any other irrelevant considerations. Situations in which private interests impact upon or may impact upon the discharge of duties as a representative or officer of PMCV must be avoided.

Purpose & Scope

The purpose of this policy is to establish guidelines to enable the disclosure of a conflict of interest, and provide for a method to deal with apparent or actual conflicts.

Context

Note that Rules 6 and 46 of the Statement of Purposes and Rules of the PMCV provide in respect of Board and Committee members as follows:

“Any member of the Board [or Committee] having a direct or indirect material financial interest in any matter before the Board [or Committee] must immediately disclose that interest to the other Board [or Committee] members and must not be present during discussion on the matter.”

Examples of potential conflicts of interest include:

- Membership or affiliation with an outside entity that conducts business in an area closely related to the research conducted by PMCV.
- Serving as a director, officer, partner, trustee, manager or employee in another entity which may have the same interest as PMCV.
- Directing potential research opportunities away from PMCV and toward an entity in which the employee or member or other person has a financial or personal interest.
- Using privileged information acquired in connection with their association with PMCV for personal gain or for unauthorized purposes, or to benefit the person’s employer.
- Negotiating or influencing the negotiation of contracts related to the persons’ outside consulting, equity or fiduciary relationships.
- Accepting gratuities or special favours from entities with which PMCV does or may conduct business.



Definitions

Board: means the PMCV Board.

Committee: means any Committee or subcommittee of PMCV established in accordance with Rule 49 or the Board.

Conflict of interest: includes any situation where a Representative or his or her partner, family member or close personal friend, has a direct or indirect financial or other interest which influences or may appear to influence proper consideration or decisions-making of a PMCV matter or a proposed matter.

PMCV: means the Postgraduate Medical Council of Victoria Inc.

Representative: includes:

- a member of the Board;
- a person appointed to be a member of a Committee;
- a person employed by the PMCV (whether full-time, part-time or casually or as a contractor or project officer);
- a surveyor or person performing an accreditation assessment;
- any other person carrying out a formal function of the PMCV, or on behalf of the PMCV.

Policy Details

Avoiding and Disclosing Conflicts of Interest

A Representative must, in the course of his or her duties for PMCV:

- perform his or her duties for PMCV impartially;
- avoid a conflict of interest in the performance of his or her duties for PMCV;
- disclose any conflict of interest or potential conflict of interest to the PMCV as soon as he or she becomes aware of it;
- not solicit or accept from any person any remuneration or benefit for the discharge of duties, to gain directly or indirectly a financial advantage for himself or herself or any other person; nor accept any gift, hospitality or concessional travel other than as permitted by the PMCV.

Undertaking

A Committee member or an employee who has entered into an Employment Agreement with the PMCV undertakes to enter into a Deed to protect the confidential information of the PMCV.

- Appendix 1 - Deed in Relation to Confidential Information and Conflict of Interest- Committee Member
- Appendix 2 – Deed in Relation to Confidential Information - Employee

Disclosure

- In any matter where an actual or potential conflict of interest arises, the Representative must immediately report such conflict to the Committee or the Board and seek direction as to what, if any, future involvement there should be in the matter.
- The Committee or the Board may determine what, if any, action should be taken as a consequence, including whether the Representative should cease to act or not take part in any particular activity.

Consequences of Breach

- In the event that the Committee or the Board has reasonable cause to believe that a Representative has failed to disclose a conflict of interest, the Board shall inform the Representative of the basis for such belief and give the Representative an opportunity to explain the potential failure to disclose.
- If, after hearing the Representative's response and after making further investigation as warranted by the circumstances, the Board determines that the Representative has failed to disclose an actual or possible conflict of interest, it shall take such appropriate action as it thinks appropriate, including suspending or removing the person from office.
- The Board may require Representatives to sign a declaration or enter into an agreement with PMCV in relation to this policy and matters pertaining to conflicts of interest, in such form as the Board approves from time to time.