

Australian Association of Bioethics and Health Law (AABHL)
Policy on Conflicts of Interest¹

1. Preamble

The primary concern of the AABHL members in relation to their participation in the AABHL is to support the mission of the Association, which is to promote the study of bioethics and health law; to provide a public forum for debate and discussion; and to promote awareness of bioethics, health law and bioethical and legal issues in the community among all those involved in health care and related disciplines. This commitment may, however, be compromised by financial and non-financial interests that lead to conflicts of interest.

Most people have multiple interests consistent with the social roles and relationships. While these interests often compete, this does not, however always lead to a conflict of interest. In situations where conflicts of interest arise, they do not always present a problem if they are openly and effectively managed. Inadequately managed conflicts of interest can, however, bias judgement, and adversely affect ethical deliberation, policy development, and the integrity and reputation of the AABHL and its members.

2. Purpose

The purpose of this policy is to help members of the AABHL to effectively identify, declare, avoid, and manage any actual, potential, or perceived conflicts of interest to protect the integrity of the AABHL and manage any risks that may arise.

This policy is consistent with Australian Charities and Not-for-Profits Commission (ACNC) policy and governance standards.

¹ Adapted with permission from the Clinical Ethics Society of Australia (CESA)

3. Objective

The AABHL Committee aims to ensure that Committee members and other AABHL members are aware of their obligation to avoid conflicts of interest where necessary, to identify and declare any relevant interests or conflicts of interest, and to comply with this policy to ensure they effectively manage conflicts of interest (where they arise) as representatives of the AABHL.

4. Scope

This policy applies to the AABHL Executive, the AABHL Committee and ordinary members of AABHL, including members holding an institutional and individual membership of the AABHL.

5. Definitions

- *Interest*: An interest is a preference, desire, concern or commitment associated with a social relationship or practice.
- Interests include
 - one's own (direct) interests, as well as those of one's family, friends, or other organisations a person may be involved with (for example, as a shareholder).
 - financial interests, where there is the possibility of financial or other material gain arising in connection with a particular decision or action and, non-financial interests, which are not directly linked with material gain.
- *Competing interest*: A competing interest exists where two or more distinct interests exist that could be opposing or contradictory.
- *Conflict of interest*: A conflict of interest exists when a competing interest interferes with one's willingness or capacity to fulfil one's role-related obligations. A conflict of interest

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may be actual, potential (not currently existing but may arise) or perceived (recognising that these perceptions may be accurate or inaccurate).

6. Identification and declaration of interests and conflicts of interest

All individuals associated with the AABHL have a duty to promptly declare any relevant interests and any actual, potential or perceived conflicts of interest to the AABHL Committee and, in the case of standing declarations of Committee members, to AABHL members. Such declarations should include:

- the nature of relevant interest(s)
- the nature of any actual, potential, or perceived conflicts of interest.
- the parties involved.

a) *Standing Declaration of Interests by AABHL Committee members.*

AABHL Committee members will be required to complete a Standing Declaration of Interests Statement on appointment to the AABHL Committee and will be required to update this statement every 2 years (at a minimum) to reflect changes in circumstances.

A register of the Standing Interests of all AABHL Committee members will be published on the AABHL website (aabhl.org) and is included in Appendix 1.

b) *Declaration of meeting-specific Interests by AABHL Committee Members*

At the beginning of each AABHL Committee meeting, members will be required to declare interests relevant to the business of the meeting. Following their declaration, the AABHL Committee will assess the significance of the interest and determine what action is necessary to manage the interest. Both the member's declaration of interest and the management of that interest will be documented in the minutes of the meeting.

c) *Declarations of Interests by AABHL members when publishing or presenting work*

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AABHL members might publish or present work arising from AABHL-related activities. They might also present work at AABHL events. When they do so, members should declare any relevant interests and conflicts of interest to their audiences. Interests and conflicts of interest should be presented on a slide at the commencement of an oral presentation or included in an ‘Interests Statement’ or ‘Conflict of Interest Statement’ on posters and in publications.

d) Declaration of Interests by AABHL members seeking support from AABHL for an activity

AABHL members seeking support from the AABHL for an activity will be required to declare both their own interests in relation to the activity for which support from the AABHL is being sought and details of other support or sponsorship that has been provided to their proposed activity. Following their declaration, the AABHL Committee will assess the significance of the interest, determine what action is necessary to manage the interest, and determine whether, considering the competing interests, AABHL is prepared to provide support for the activity.

Both the member’s declaration of interest and the management of that interest will be documented in the minutes of the AABHL Committee meeting at which the application for support from AABHL is considered.

e) Declaration of Interests by AABHL members in relation to proposals for external sponsorship of AABHL events/activities.

Where sponsorship/support is being offered by or sought from an external party for an AABHL event/activity, the AABHL member(s) seeking or receiving this support will be required to declare their interests in relation to the sponsor and event or activity. Following their declaration, the AABHL Committee will assess the significance of the interest and determine what action is necessary to manage the interest. Details of the AABHL member’s declaration of interest, the management of that interest by the member, and the final decision regarding sponsorship of the associated AABHL activity/event will be

documented in the minutes of the AABHL Committee meeting at which the sponsorship proposal is considered.

7. Confidentiality of disclosures made to the AABHL Committee

As a rule, the declared interests of AABHL members will be explicitly documented in the minutes of relevant meetings and will be open for public scrutiny.

In situations where an AABHL member believes that an interest is relevant to a particular role, obligation or decision but should remain confidential, for example because it concerns a personal matter (such as an illness) or the private interests of another individual, the AABHL Committee may decide that such interests should be declared to and assessed by the AABHL Committee (or a subgroup thereof) but need not be made publicly accessible.

8. Evaluation and management of interests and conflicts of interest disclosed to the AABHL Committee

Upon receiving a declaration of an interest or conflict of interest, the AABHL Committee shall evaluate the situation to determine the appropriate course of action. This may include:

- determining whether the conflict of interest needs to be avoided, managed, or simply documented;
- implementing measures to address the conflict, such as recusal of the conflicted person from decision-making processes or divestment of conflicting interests; and
- monitoring and reviewing the situation on an ongoing basis.

In deciding what approach to take, the AABHL Committee will consider:

- whether the conflict will realistically impair the conflicted person's capacity to impartially participate in decision-making;
- alternative options to avoid the conflict;

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- AABHL’s mission, goals, and resources; and
- the possibility of creating an appearance of improper conduct that might impair confidence in, or the reputation of, the AABHL.

In exceptional circumstances, where a member of the AABHL Committee has a conflict that is very significant or likely to prevent a committee member from regularly participating in discussions, it may be necessary for the Committee to consider if it is appropriate for the conflicted person to resign from the Committee.

The approval of any action requires the agreement of at least a majority of the Committee (excluding any conflicted Committee member/s) who are present and voting at the meeting. The action and result of the voting will be recorded in the minutes of the meeting and in relation to Standing Declarations of Interests, in the register of interests.

9. Compliance and enforcement

Failure to comply with AABHL’s Conflict of Interest Policy, including failure to declare a relevant interest or failure to comply with an agreement plan for managing a declared interest, may result in disciplinary action, including, but not limited to, termination of membership of the AABHL or removal from the AABHL Committee.

10. Policy review

This Policy shall be reviewed every three years by the AABHL Committee to ensure its effectiveness and relevance. Amendments may be made as necessary to reflect changes in AABHL’s operations or regulatory requirements.

11. Contacts

For questions about this policy, contact secretary@aabhl.org

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Appendix 1: Declaration of Interests

Name:

Relationship with the AABHL:

(Director/Office holder, Committee Member, individual/institutional member of AABHL)

EMPLOYMENT CONTRACTS		
Employer	Position Held	Description of Employment

OTHER POSITIONS	
Name of Body	Office Held

DIRECTORSHIPS	
Name of Company	Office Held

COMMITTEE POSITIONS	
Name of Committee	Office Held

SHAREHOLDINGS, PATENTS OR COMMERCIAL INTERESTS	
Name of Company	Nature and Extent of Interest

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OTHER INTERESTS e.g. personal relationships; membership of advocacy groups; expert advisory roles	
Description	Nature and extent of interest

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