



Conflict of Interest

Policies & Procedures

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CONFLICT OF INTEREST

Scope

The Policy applies to all members of staff and affiliates of 123 Support Services at all times while engaged in 123 Support Services business or otherwise representing 123 Support Services.

Definitions

Except as otherwise specified in this Policy or the Code of Conduct.

Actual conflict of interest	A real conflict between current duties and responsibilities and existing private interests.
Associate	<p>An associate may be:</p> <ul style="list-style-type: none">• a spouse, sibling, parent or child or other family member or a person ordinarily resident in a staff member's household• an entity of which a staff member or a staff member's nominee is a shareholder, member or officer• a business partner• an employer• any other person or entity who could be advantaged (directly or indirectly) by the improper use of a staff member's position at 123 Support Services or information acquired by the staff member because of that position.
Conflict of commitment (or dual interests)	<p>May arise where an individual has multiple and incompatible commercial and public duties. This may occur, for example, when a staff member has a public role with another organisation in addition to their 123 Support Services duties.</p> <p>123 Support Services staff may have involvements with external organisations such as: serving on a board or committee, holding an honorary appointment with another 123 Support Services, being involved in a Cooperative Research Centre (CRC) or other research project external to 123 Support Services, or serving as a director on a controlled entity of 123 Support Services, or be the founder of a start-up entity. This can often result in dualities of interest or obligation with respect to 123 Support Services and the other organisation. Also referred to as dual interests.</p>

Conflict of Interest	<p>A conflict of interest involves a conflict between the public duty and private interests of a public official, in which the public official has private interests which could improperly influence the performance of their official duties and responsibilities.</p> <p>Arises when a staff member's personal interests, or those of a person with whom they have a close personal relationship, conflict with their primary obligation to act in the interests of 123 Support Services. A conflict of interest may be actual, perceived or potential. It can be pecuniary (involving financial gain or loss), or non-pecuniary (based on enmity or amity) and can arise from avoiding personal losses as well as gaining personal advantage, financial or otherwise.</p> <p>Conflict of interest includes conflict of commitment.</p>
Financial (or pecuniary) interest	<p>Any right, claim, title or legal share in something having a monetary or equivalent value. Examples of financial interest include, but are not limited to, shares, share options, share of the profits of commercialisation as per 123 Support Services IP policy, and the right to receive remunerations such as salary, consulting fees, allowances, discounts, and the like.</p>
Foreign influence	<p>All governments, including Australia's, try to influence deliberations on issues of importance to them. These activities, when conducted in an open and transparent manner, are a normal aspect of international relations and diplomacy and can contribute positively to public debate.</p>
Foreign interference	<p>Occurs when activities are carried out by, or on behalf of a foreign actor, which are coercive, covert, deceptive or corrupting and are contrary to Australia's sovereignty, values and national interests.</p>
Perceived conflict of interest	<p>Where a reasonable person might perceive that such improper influence as described in the Conflict of Interest Policy could exist.</p>
Personal relationships	<p>Either family, friend, or other intimate relationship</p>
Potential conflict of interest	<p>Where a conflict may arise in the future between current or future duties and responsibilities and existing or future private interests.</p>
Private (or personal) interests	<p>Refers to any interests that involve potential gain or loss (financial or non- financial) for an individual or for any other person or organisation that individual may wish to benefit (e.g. family, friends, associates) or disadvantage (e.g. competitors, rivals).</p>

Public Official	A public official is anyone in a position of official authority that is conferred by a State, i.e. someone who holds a legislative, administrative, or judicial position of any kind, whether appointed or elected. This definition extends to include officials or agents of public bodies and its staff, such as universities or research institutes.
Responsible Officer	For the purposes of this procedure, a Responsible Officer includes the Chief of Staff, Chief Financial Officer, Director Research and Innovation Services, and Director Human Resources.

Principles

123 Support Services has a responsibility to ensure that its official activities and those of its staff conform to acceptable standards of integrity and good conduct. It recognises that a well-established system for identifying, declaring, and managing conflicts of interest increases its public accountability and reduces the risk of corruption, misconduct and bias in its operations and decision-making processes.

123 Support Services also recognises that conflicts of interest are not unusual in the exercise of public responsibility and cannot always be avoided.

123 Support Services expects:

- Staff will not allow their external, personal, or financial interests or their duties to any external entity to compromise their duties, obligations, and responsibilities to 123 Support Services.
- All conflicts of interest, regardless of their character or level, will be identified, declared, and managed.
- Any gifts/donations/benefits/sponsorship/hospitality or service will not be accepted by staff if it might be reasonably interpreted as intended to influence current or future behaviour of staff or an individual or Directorate/Office within 123 Support Services. The preservation of academic and professional independence is a paramount consideration and should be made clear to potential sponsors/donors.
- Where a conflict of interest occurs, the interests of 123 Support Services will be balanced against the interests of the staff member. Unless exceptional circumstances exist, the balance of interests will be resolved in 123 Support Services' favour.
- Managers/Supervisors, when notified of a conflict of interest, will deal promptly with the conflict as per the Procedure and put in place arrangements that protect the integrity of the staff member who has declared the interest and 123 Support Services' processes and decision-making.

Roles and Responsibilities

The Director is responsible for the procedures and framework for managing conflict of interests within 123 Support Services.

All Managers are responsible for:

- understanding and complying with this Policy and the Procedures;

- being aware of areas of conflict of interest within their area of responsibility, assessing risks;
- assisting staff who have queries about actual, perceived or potential conflicts of interest;
- seeking advice or support from the relevant Director, where necessary.
- Staff and affiliates are responsible for:
 - understanding and complying with this Policy and the Procedures;
 - assessing their own private and personal interests and whether they conflict or have the potential to conflict with 123 Support Services' interests, including their own duties as staff members;
 - disclosing and managing any actual, perceived or potential conflicts of interest in accordance with the Procedure;
 - where appropriate, being aware of additional, current requirements linked to research; and
 - not making decisions or seeking to influence the decisions of others in matters relating to the staff member's private interest.
- In addition, the Director is the designated Responsible Officers and have specific management responsibility for the functional areas of: Finance, Research and Human Resources respectively. This includes:
 - maintaining a central private and confidential register of disclosures (see section 5 below);
 - supporting the Manager to manage any potential or declared conflicts of interest in their respective functional areas;
 - reviewing and ensuring that management of conflicts of interest for their respective areas complies with this Policy and the Procedures;
 - seeking advice and support relating to the implementation of this Policy, where necessary from the Manager.

Types of Conflicts of Interest

The Identification, management and monitoring of conflicts of interest are as per the Conflict of Interest Procedure.

Areas of High Risk

There are a number of areas of 123 Support Services activity that are deemed high risk. These include, but are not limited to:

- procurement processes, tenders, and contracts
- gifts, hospitality, and other benefits

- staff recruitment, selection, appointment, re-classification, termination, tenure, promotion, performance management, staff development, conditions of service, recognition, and reward
- issuing, or reviewing the issue of, fines or other sanctions
- providing subsidies, financial assistance, concessions, or other relief to those in need
- making determinations or handing down judgement about individuals or disputes
- assessment or supervision of staff
- exercising financial and other delegations
- all commercialisation activities (including collaborative research, licensing, patents, material transfer) including start-ups and spinouts
- research activities, including disclosure to funding bodies and for individuals responsible for carrying out any part of an investigation of an allegation of research misconduct
- providing ethical or other approval to researchers for intended projects
- funding from commercial entities for educational activities, where the funder may exert undue influence on participants for current or future commercial gain.

Foreign Influence or Interference

Staff need to disclose any activity that may be registerable under the Foreign Influence Transparency Scheme Act as a perceived, potential, or actual conflict of interest. Certain types of international collaborations, research and sensitive or critical infrastructure may be subject to additional controls and obligations under export control laws and national security provisions (including sanction regimes) to protect against Foreign Interference.

This undue influence or interference may occur in subtle or covert ways, therefore effective due diligence and transparency are important mitigating strategies. Where a foreign affiliation, relationship, or financial commitment could be perceived as a conflict of interest, this is to be declared. Conflict of interest management is to be included in service agreements with international partners. Declarations will be important in recruitment processes particularly in sensitive research areas where foreign interference is higher risk.

Staff External Professional Activities and Secondary Employment

Staff are required to be familiar and comply with the Staff External Professional Activities and Secondary Employment Procedure. Staff undertaking these activities are required to register their conflicts particularly where the work undertaken is using a staff member's specialised skills but is otherwise not affiliated with 123 Support Services. Secondary employment which does not utilise the specialised skills that 123 Support Services has employed a staff member for and is not associated with 123 Support Services in any way falls outside the definition of secondary employment and is not required to be declared but may require declaration as part of an individual's employment contract.

Conflicts of Commitment

Conflicts of commitment often involve issues of time allocation and are situations where an individual engages in outside professional activities, either paid or unpaid, that may interfere with their primary obligation and commitments to 123 Support Services. Whenever an individual outside professional activities as defined in the Staff External Professional Activities and Secondary Employment Procedure might impinge on the effective discharge of their 123 Support Services duties (eg time commitment), or whenever a staff member's primary professional loyalty is not to 123 Support Services, a conflict of commitment exists. If a situation arises that raises questions about a possible conflict of commitment, staff must discuss this with their manager.

Registering Conflicts of Interest for Management

At 123 Support Services, the Director and Management Group and roles at higher risk of encountering conflicts (including procurement or HR) are required to register their pecuniary and non-pecuniary interests on commencement of employment, and this is reviewed annually.

The purpose of the declaration is to ensure that the Director is aware of any private interests or relationships of leadership or other sensitive positions which could or could be seen to influence the decisions the Director or Management Group are taking or the advice they are giving. These could include personal interests and relationships that could involve real or potential conflicts of interest in terms of the Manager's responsibilities.

The completion of a declaration of interests also provides the Director or specific staff with the opportunity to consider whether any of their financial or personal interests might give rise to a real or perceived conflict with their duties and take action to remove or minimise the potential for that to occur. The registration or declaration of conflicts of interest does not in itself necessarily resolve any conflict. Additional measures to positively resolve or manage conflicts of interest should also be considered.

Failure to Declare a Conflict of Interest

Staff have an obligation to declare and manage conflicts of interest. Failing to comply with the provision of this Policy and Procedures, including refusal to take any reasonable action as directed to resolve a conflict of interest may constitute misconduct or serious misconduct, which may result in disciplinary action or termination of employment.

Breaches of this Policy and Procedures may also result in referral to, and action being taken by, an external statutory authority and/or agency including the Crime and Corruption Commission.

Privacy and Confidentiality

Information arising from conflict of interest declarations will be managed in accordance with the Information Privacy Policy.

Information held may be used for 123 Support Services purposes including audit, reporting, compliance monitoring and other purposes required by government or legislation.

Further Advice or Assistance

Further advice and information can be obtained from the:

» 123 Support Services Director:

- by phoning: 07 4361 6848;
- by emailing: admin@123supports.com

Effectiveness and Review

The Director will review this Policy and Procedures document each 12 months on the anniversary of its approval.