NZOA Policies and Procedures - NZOA CONFLICTS OF INTEREST	
Document Title – G - 115	**NZOA Conflicts of Interest Policy for Council Committee Members and Trustees**
Department	**Governance**
Prepared by	**NZOA CEO**
Approved by	**NZOA Council**
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Introduction
The NZOA Group of Entities (NZOA Inc, NZOA Trust, Wishbone Orthopaedic Research Trust, NZOA Joint Registry) have a legal obligation to act in the best interests of NZOA, and in accordance with the NZOA Constitution or their Trust Deeds. It is intended that this Policy will facilitate good governance and ensure effective decision-making by the NZOA Group of Entities. This policy applies to NZOA Council and Committee Members, NZOA Trustees, NZOA Joint Registry Trustees, NZOA Joint Management Committee Members, the Wishbone Orthopaedic Research Foundation Trustees, and the Wishbone Orthopaedic Research Foundation Committee Members.

What is a conflict of interest?
NZOA Members are experienced surgeons who, over their working lifetime, may have developed multiple work, personal, financial, business and other public interests. A conflict of interest is not always easy to identify, but it is important that the issue is managed in a transparent manner.

Conflicts of interests arise when the interest of NZOA Members (or those of their families, friends or other organisations with which they are involved), are incompatible or in competition with the interests of the NZOA Group. Such situations present a risk that Council Members will make decisions based on these external influences, rather than the best interests of NZOA.

Direct financial interest*:*
The most easily recognisable form of a conflict arises when an NZOA Member obtains a direct financial benefit. For example:

- the payment of a salary or professional fees to an NZOA Member by NZOA
- the award of a contract to a company with which the NZOA Member is involved

Indirect financial interest*:*
This arises where a close relative of a NZOA Member receives a financial benefit from NZOA. For example:

- the awarding of an employment contract by NZOA to a NZOA Member's spouse, sibling or other family member

Non-financial or personal conflicts*:*
These occur where Council or Committee Members receive no financial benefit, but continue to be influenced by external factors. For example:

- awarding a contract by NZOA to a friend

Conflict of loyalties*:*
Council, Committee or Trust Members may have competing loyalties between NZOA to which they owe a primary duty and some other person or entity.

Conflicts of interest specifically in relation to industry*:*
NZOA's Position Statement on Interaction with the Medical Industry defines a conflict of interest as occurring when an orthopaedic surgeon or a family member has, directly or indirectly:

- a financial interest
- or positional interest or other relationship with industry that could be perceived as influencing the orthopaedic surgeon's obligation to act in the best interest of the patient

A "financial interest," "financial arrangement," "financial inducement" or "financial support" includes, but is not limited to:

- Compensation from employment
- Paid consultancy, advisory board service, etc
- Share ownership or options
- Intellectual property rights (patents, copyrights, trademarks, licensing agreements, and royalty arrangements)
- Paid expert testimony
- Honoraria, speakers' fees
- Gifts
- Travel; and
- Meals and hospitality

A "positional interest" occurs when an orthopaedic surgeon or family member is an officer, director, trustee, editorial board member, consultant, or employee of a company with which the orthopaedic surgeon has or is considering a transaction or arrangement.

The Declarations of Interests:
A key means of preventing conflicts of interest from affecting decision-making is to identify potential conflicts in advance. This gives NZOA Members time to consider the implications and to respond appropriately.

NZOA Members are asked to declare their interests, and any gifts or hospitability received from the medical industry.

To be effective, declarations of interest need to be updated annually and also when any changes occur. The Declaration of Interest will be sought from all NZOA Members at the first Meeting of the new NZOA year.

In addition, new NZOA Members are expected to declare their interests on appointment. If you are not sure about what to declare or whether/when your declaration needs to be updated, please err on the side of caution. "If in doubt, declare."

Interests will be recorded on the NZOA Meeting Minutes.

It is not intended that the information recorded be publically available.

What to do if you face a conflict of interest:
NZOA Members may need to declare interests in relation to specific agenda items for Meetings. The opportunity to do so will be provided at the start of all NZOA Meetings.

If you have a conflict of interest you should withdraw from the discussion. You may, however, participate in discussions from which you may indirectly benefit, for example where the benefits are universal to all Members or where your benefit is minimal.

If you fail to declare an interest that is known to either the President or Chief Executive, the Chairman or CEO will declare that interest.

Decisions taken where a NZOA Member has an interest:
In the event of the NZOA having to reach a decision on a question in which a NZOA Member has an interest, all decisions will be made by vote, with a simple majority required.

All decisions under a conflict of interest will be recorded and reported in the Minutes of the Meeting. The Minutes will include:

- the nature and extent of the conflict
- an outline of the discussion
- the actions taken to manage the conflict

Policy Revision History

Date of original review: 04 September 2009
Date of original approval:
Next review: May 2024