

1.8	Governance	Conflict of Interest
Responsible Officer		Project Manager
Approved by		Director
Approved and commenced		September 2011, updated August 2015
Review by		June 2016

1. Objective

IMOS is a national collaborative project which is led by the University of Tasmania on behalf of the Australian marine and climate science community. People rely on the integrity of the data delivered from the IMOS infrastructure to use for many purposes including research education and training, research projects and programs, analyses and products, and modelling and forecasting systems. The purpose of this Policy is to ensure that IMOS is seen to conduct its activities ethically and with integrity.

2. Policy Statement

IMOS is committed to equal opportunity and requires that existing and potential conflicts must be declared, that action be taken where there is an actual conflict of interest, or when there may be a perception of conflict, and that these actions will be open, accountable and properly documented while respecting the confidentiality of the information disclosed.

3. Scope

IMOS personnel - this policy applies to IMOS Advisory Board, Director and staff of the IMOS Office, Operator representatives, those co-investing resources to IMOS, individuals working on the IMOS Project and other individuals who may have access to IMOS data ahead of its publication. Each of the organizations involved in IMOS will have their own organizational policy relating to conflict of interest. This Policy is not intended to replace such policies, but rather to provide guidance as to what to do when a potential conflict may impact on delivery of the IMOS Project fairly and independently. The formal process for this is clearly outlined in the Operator sub-contracts and the Head Agreements signed by UTAS. This Policy is thus provided to guide the wider IMOS community on dealing with conflict.

4. Definition

Conflict refers to a conflict of interest, or risk of a conflict of interest, or an apparent conflict of interest arising through your engaging in any activity or obtaining any interest that is likely to interfere with or restrict provision of the IMOS Project fairly and independently

A conflict of interest exists where there is a divergence between the individual interests of a person and their professional obligation to the IMOS such that an independent observer might reasonably question whether the professional actions or decisions of that person are influenced by their own interests.

5. Obligations of IMOS personnel

If during your engagement with IMOS a Conflict arises, or is likely to arise, you must:

- Immediately notify the IMOS Office in writing of that conflict and of the steps you propose to take to resolve or otherwise deal with the Conflict;
- Make full disclosure to the IMOS Office of all relevant information relating to the Conflict; and
- Take steps as the IMOS Office may, if it chooses to, reasonably require to resolve or otherwise deal with that Conflict.

The IMOS Office will treat all matters raised under this policy with the utmost confidentiality, however it may be bound to refer matters to either UTAS, Operators or your employer (as appropriate) in order to mitigate any impact the conflict may have.

At all times IMOS personnel should be sensitive to the potential for conflicts of interest. Every effort must be made to ensure that individual interests do not conflict, or appear to conflict, with the interests of IMOS.

Frequently the person who knows most about a potential conflict of interest is the individual concerned. Therefore that person has a responsibility to ensure, wherever possible, that no real or perceivable conflict arises in the performance of their IMOS duties. If an individual is aware of an interest that might reasonably be seen to conflict with their duties in IMOS, they have an obligation to disclose that conflict.

Situations may arise that are not clear cut and IMOS personnel may be in genuine doubt as to whether a conflict of interest should be declared. In such cases staff should err on the side of caution and discuss the situation with an appropriate person, such as a person with responsibility for the issue or area.

There may be situations where an individual is unwilling to disclose the details giving rise to the conflict of interest. In such cases it is sufficient to disclose the fact of the conflict, as long as they withdraw from the situation concerned.

6. Information from third parties

A third party may raise concern about a possible conflict of interest, if there are reasonable and substantial grounds that such a conflict exists. A third party in this context may be a person directly affected by the actual or potential conflict (eg a competing application), or a stakeholder of IMOS who genuinely believes that the interests of IMOS or affected parties have been, or will be, materially damaged by the conflict of interest. The serious nature of third party disclosures must be emphasised to avoid frivolous or mischievous allegations.

Notification by a third party should be made to a person with responsibility for the issue or area, as outlined above. The person notified has the option to dismiss the complaint if they consider it is mischievous or frivolous. If action is taken on the complaint, as outlined below, the individuals allegedly involved must be informed to allow them to rebut the complaint.

7. IMOS Groups (a term covering the Advisory Board, Committees, Reference Groups, Working Parties etc)

If a member of an IMOS Group has an interest such that a reasonable observer, knowing all the facts, could reasonably conclude that the interest could affect the decision or functioning of the Group, the member must disclose the interest.

The following procedures should be followed:

- Groups which deal with matters where conflicts of interest can arise must have a standing agenda item calling for declarations of potential conflicts of interest. This does not preclude the disclosure of an interest at any stage in proceedings.
- If a declaration is made the Group must consider the relevant circumstances including the seriousness of the conflict, the risk of a perception that a conflict exists, the likelihood that decisions may be influenced, and the ability to obtain alternative suitable representation on the Group.
- The response to a declaration may include to:
 - determine that the issue will not affect, or be perceived to affect, the functioning of the Group;
 - request the individual to take all reasonable steps to remove the conflict;
 - require the individual to withdraw from the meeting for those proceedings directly affected by the potential conflict; or
 - request that the individual resigns from the Group.
- A member may be unwilling to discuss the details giving rise to conflict, and this should be respected. In such a case the Group should be informed that a conflict may exist and the member must stand down from the Group for any item that is affected by the decision. Alternatively, the member may choose to resign.
- The minutes should record that a conflict of interest was disclosed and the name of the member making the disclosure. Normally there will be no requirement to record the details of the conflict. In all cases the response to a disclosure should be recorded, eg 'Dr Person left the meeting for this item'.

8. Supporting Documentation

IMOS Funding Agreements, and variations

IMOS Operator Subcontracts, and variations

Conflict of interest (or related) policies within your own organisation

9. Versioning

August 2011 – draft for review by IMOS Director

August 2015 – minor revisions to update this Policy