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# **Quality Assurance Manual 2008**

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## **SECTION 4**

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### **Conflict of Interest**

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## SUMMARY

The intent of this section is to ensure actual and perceived fairness and impartiality in decision making and avoid the appearance of impropriety;

A person on a assessment panel, interview panel, appeal panel, expert group or any other group constituted for the purposes of this Manual shall disqualify themselves from proceedings in relation to applications, forms and requests filed if there is an actual or perceived conflict of interest;

The duty to disclose actual and potential conflicts of interest is a continued one;

### CI 1 INTENT OF SECTION

- 1.1 The intent of the following provisions is to ensure actual and perceived impartiality in decision making, and avoid the appearance of impropriety;

### CI 2 DISQUALIFICATION

- 2.1 A person on an assessment panel, interview panel, appeal panel, expert group or any other group constituted for the purposes of this Manual shall disqualify themselves from proceedings in relation to applications, forms and requests filed if that person has a conflict of interest.
- 2.2 A conflict of interest includes but is not limited to the following:
- 2.2.1 The person has been involved in the preparation of documents, the carrying out of work or the issue of certificates or approvals in relation to any work or matter the subject of the proceedings;
  - 2.2.2 The person is related to the person the subject of the proceedings. A person is related to another person if the person:
    - 2.2.2.1 Is an employer, partner or employee of the other person; or
    - 2.2.2.2 Is a spouse, de facto partner, sibling, parent or child of the other person; or

2.2.2.3 Has a contractual agreement with the other person that might reasonable been seen to give rise to a conflict between the person's duties in the proceedings and the person's interests under the arrangement.

2.2.3 The person has a pecuniary interest in the proceedings or any other aspect of the proceedings. A person has a pecuniary interest if there is a reasonable likelihood or expectation of appreciable financial gain or loss to the person, or to the other person, but does not have such an interest if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the proceedings.;

2.3 Whenever a person determines himself or herself to be disqualified, the person shall notify the Chair Person or Vice-Chair Person of a multi-person Panel, or for a one (1) person panel, notify the Board or its delegate(s), of his or her decision and shall not participate further in proceedings in relation to an application, form or request. The Chair Person or Vice-Chair Person shall inform the Board or its delegate(s);

2.4 The duty to disclose actual and potential conflicts of interest is a continued one and is the responsibility of the person nominated by the Board or its delegate(s) for the proceedings;

2.5 If the disqualification results in a panel, or group not being able to establish a quorum or results in an even number, the Board or its delegate(s) shall a nominate a delegate to substitute for the disqualified person;

### **CI 3 ADDITIONS AND AMENDMENTS**

3.1 The Board or its delegate(s) maintains a systematic program of review of its standards, policies and procedures in order to ensure that it contributes to:

3.2 Community safety, health, and amenity, and the preservation of community confidence in the Accredited Building Surveyors profession and professions specialising in a particular area of Accredited Building Surveyors (such as pre-purchase and pre sale inspections compliant to NZS4306:2005, management and maintenance inspections, disability access, etc.);

3.3 The development and enhancement of the Accredited Building Surveyors profession;

3.4 The achievement of the objectives of various regulations and good trade and management practices around New Zealand as determined by the Institute.

3.5 However, where Accredited Building Surveyors or interested parties believe that all or parts of this section require addition or amendment, they are encouraged to do so by filing a submission with the Board or its delegate(s).

### **CI 4 BOARD DELEGATION**

4.1 The Board may choose to delegate its authority wholly or partly under this section.