

COMMENTARY

Practising dispute resolvers are aware, or should be aware, of the importance of conflict of interest and the requirement that such conflicts and associations both past and current be conveyed to the parties as soon as such matters become known. Natural Justice requires that this be done.

Company directors and those involved in the management of companies are required to do likewise not only to fellow directors but in some instances to the members of the company also.

So it is with those involved in the administration and management of professional organisations such as our Institute. The minutes of Institute's Council meetings and of its committees record instances where Councillors have made disclosures and abstained from taking part in discussions and voting.

The duty to disclose also applies to members of Chapter Committees who are charged with the responsibility of managing the affairs of their Chapter within authority delegated by Council and in the Institute's best interests.

In some instances the person with the conflict may find it appropriate to resign his/her appointment where he/she finds that they cannot continue to fully support the organisation's work or objectives.

Not to disclose a conflict or potential conflict of interest or association can have far reaching consequences such as, in the case of an arbitrator or mediator removal from office and the loss of faith on the part of those involved in the integrity of the dispute resolution process. Company directors and those involved in the management of companies and professional organisations run the real risk of having their own integrity and personal and commercial reputations destroyed at considerable personal financial loss to themselves should non disclosure be subsequently discovered.

When in doubt it is always wise to disclose. To do so may also enhance ones own personal reputation and standing.