

## **CONFLICT OF INTEREST POLICY – WORKING DOCUMENT**

**Prepared by John Roache, - for discussion at the Executive Committee meeting 11<sup>th</sup> December 2018**

### Purpose

The NSWAPA (The Association) recognises that a wide variety of actual, perceived or potential conflicts of interest may arise during the course of governing, working or volunteering with NSWAPA. The purpose of this policy is to set down clearly The Association's expectations regarding disclosure of such conflicts and to establish suitable procedures. For good governance individual and organisational interests must be kept separate. This policy is also intended to facilitate and encourage open discussion and reporting of any conflicts of interest.

### Scope

This policy applies to everyone associated with The Association, especially those who have decision making influence or responsibility. It includes all employees, volunteers and contractors.

### Policy Statement

All employees, volunteers, Executive and Committee Members of The Association must strive to avoid any conflict of interest between the interests of The Association on the one hand, and personal, professional, and business interests on the other. This includes avoiding both perceived and actual conflicts or potential conflicts.

This policy protects the integrity of The Association's decision-making process and enables stakeholders to have confidence in the organisation's actions and decision making. It also protects the integrity and reputation of employees, volunteers, Executive and Committee Members.

Actions and decisions taken at all levels in The Association need to be informed, objective and fair. A conflict of interest may affect the way a person acts, decisions they make, or the way they vote. Any conflicts of interests must be identified and action taken to ensure that personal or individual interests do not affect The Association's services, activities or decisions.

Declaration and management of conflicts of interests are specifically required for all Staff, and for Executive and Committee Members as part of their legal responsibilities. All conflicts of interest must be recorded in the minutes of the Executive Committee meetings and in a 'Conflict of Interest' register.

Declarations will be reviewed as part of internal audit.

Any allegation of a breach of this policy must be reported to The Association Executive Committee. If after investigation the alleged breach is found to be proven, the Executive Committee may apply sanctions, include reversal of a decision, disciplinary action including termination of employment, suspension of membership or other action deemed appropriate and proportional to the breach by the Executive Committee.

**Practical tools to implement this policy:**

- 1. Instructions on how to respond when a conflict of interest is identified. A range of examples are covered.**
- 2. Conflict of interest declaration form – records the conflict and its resolution in detail.**
- 3. Annual declaration of actual, perceived and potential conflicts of interest.**
- 4. The Conflict of Interest Register will be accessible to all Executive Committee members makers. The register will be maintained in paper and electronic form by staff at The Association's office**
- 5. In summary, Report – Resolve – Register.**

- 1. Instructions on how to respond when a conflict of interest is identified. A range of examples are covered.**

**Examples of Conflicts of Interests and Instructions on how to respond:**

The first step in responding to any actual, perceived or potential conflict of interest is to report it verbally or in writing (including email) to the next most senior person or The Association's President.

The next step is to complete The Association's Declaration of an actual, perceived or potential conflict of interest form and submit it to The Associations President or Executive Committee member for tabling and review at the next available Executive Committee meeting. The Register of all declarations and actions taken to manage them will be kept at The Association's Office.

The examples below represent guidance on how to respond. Conflicts of interest inherently are complex. If the guidance below is not followed in similar situations then a full explanation must be recorded on the declaration form, noted in the Executive Committee minutes and in the Conflict of Interest Register.

### Definition of an “interest”:

An “interest” is any situation where the personal interests of an individual or group of individuals with a duty to The Association directly, potentially or could be perceived to conflict with the best interests of The Association, Affiliated Clubs or its members or where the decisions or actions of those individuals may be influenced by their personal interests rather than those of The Association.

This will include situations in which:

- Close personal friends or family members are involved, such as decisions about employment, discipline or dismissal, or awarding of loans, grants or contracts
- An individual or their close friends or family members may make a financial gain or gain some other form of advantage
- An individual is involved with another organisation that is in a competitive relationship with The Association or its Affiliated Clubs and therefore may have access to our plans or financial information.
- An individual is bound by prior agreements or allegiances to other individuals or organisations that require them to act in the interests of that person or organisation or to take a particular position on an issue.

**Example 1: An Executive Committee Member, employee/volunteer/contractor or Affiliated Club member has an interest in (or is in close relationship with someone who does) an organisation that is in a competitive relationship with The Association.**

**Action:** At the earliest opportunity the conflict is to be reported to The Association's President or an Executive Committee member. Complete the declaration form. Management of this conflict will depend upon the level of responsibility and influence that person has both in the competitor organisation and in The Association. At the very least, undertakings relating to confidentiality must be honoured. Other actions may include exclusion from access to information or other steps to protect all involved.

**Example 2: An Executive Committee Member or employee/volunteer with decision making responsibility has a personal or financial interest in a related party who seeks to enter into a supplier relationship or contract with The Association.**

**Action:** At the earliest opportunity the conflict is to be reported to the President of The Association or an Executive Committee Member. Complete the declaration form. Management of this conflict will depend upon the level of responsibility and influence that person has both in the competitor organisation and in The Association. Exclusion from the decision making process is the starting point. This will involve leaving the meeting(s) whilst the matter is discussed and the decision made. Other steps including ensuring confidentiality, making public the conflict and steps taken may also be appropriate. If the conflict is deemed serious it may mean the potential supplier/contractor is excluded from providing quotations or tendering.

**Example 3: An Executive Committee Member or employee/volunteer is suspected of receiving kickbacks from contractors.**

**Action:** This is a criminal offence and the matter must be referred to the Police. If proven it would represent gross misconduct and employment would be terminated. Any contract arrangements found to be involved would also be terminated.

## **2. Conflict of interest declaration form.**

See attached.

## **3. Annual declaration of actual, perceived or potential conflicts of interest.**

Previous conflicts of interest that have already been declared ongoing, recorded and managed may be confirmed and held on the register as active. These will be reviewed annually by the President and Executive Committee.

New conflicts of interest shall be declared using The Associations declaration form.

# The NSWAPA Conflict of Interest – Declaration Form

Confidential to the NSWAPA President and Executive Committee

**For use by Executive Committee Member, Employees and Volunteers. Please tick (✓):**  Short Term  Ongoing

Surname: \_\_\_\_\_ Given name/s: \_\_\_\_\_

Position: \_\_\_\_\_

Referred to President/Executive  
Committee Member \_\_\_\_\_

**Please describe the decision, expected roles/duties you are required to perform and/or decision that is to be made and how the actual perceived/potential conflict arises.**

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**The conflict of interest has been identified as:** (Please circle one or more Y/N)

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|---------------------------------|-----|-----------|-----|
| Pecuniary interest              | Y/N | Actual    | Y/N |
| Non-pecuniary interest          | Y/N | Perceived | Y/N |
| (Pecuniary – Monetary/Property) | Y/N | Potential | Y/N |

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Action by President/ Executive Committee:

Describe the action proposed to mitigate the actual or perceived or potential conflict which has been disclosed and the reasons for the decisions:

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The above action has been discussed with the Executive Committee member, employee/volunteer and is appropriate to resolve the actual or perceived or potential conflict of interest disclosed above.

Signature of Manager/President: \_\_\_\_\_ Date: \_\_\_\_\_

Employee/Volunteer  
Endorsement: \_\_\_\_\_ Date: \_\_\_\_\_

**This document must be kept in the Register (hard and softcopy)**