



## Policy: Conflict of Interest

### 1. RATIONALE AND PURPOSE

1.1 The purpose of this policy is to help committee members of Torrens Rowing Club (TRC) to effectively identify, disclose and manage any actual, potential or perceived conflicts of interest in order to protect the integrity of TRC and manage risk.

1.2 The TRC Committee aims to ensure that committee members are aware of their obligations to disclose any conflicts of interest that they may have, and to comply with this policy to ensure they effectively manage those conflicts of interest as representatives of TRC.

1.3 This policy applies to committee members of TRC

### 2. DEFINITION OF CONFLICT OF INTEREST

A conflict of interest occurs when a person's personal interests conflict with their responsibility to act in the best interests of the club. Personal interests include direct interests as well as those of family, friends, or other organisations a person may be involved with or have an interest in. It also includes a conflict between a committee member's duty to TRC and another duty that the committee member has (for example, to another committee or club). A conflict of interest may be actual, potential or perceived and may be financial or non-financial.

These situations present the risk that a person will make a decision based on, or affected by, these influences, rather than in the best interests of the club and must be managed accordingly.

### 3. POLICY GUIDELINES

3.1 This policy has been developed because conflicts of interest commonly arise, and do not need to present a problem to the club if they are openly and effectively managed. It is the policy of TRC as well as a responsibility of the committee, that ethical, legal, financial or other conflicts of interest be avoided and that any such conflicts (where they do arise) do not conflict with the obligations to TRC.

TRC will manage conflicts of interest by requiring committee members to:

- avoid conflicts of interest where possible
- identify and disclose any conflicts of interest

- carefully manage any conflicts of interest, and
- follow this policy and respond to any breaches.

### 3.2 The Committee is responsible for:

- establishing a system for identifying, disclosing and managing conflicts of interest across the club
- monitoring compliance with this policy, and
- reviewing this policy on an annual basis to ensure that the policy is operating effectively.

The club must ensure that its committee members are aware of the Australian Charities and Not-for-profits Commission (ACNC) governance standards, particularly governance standard 5, and that they disclose any actual or perceived material conflicts of interests as required by governance standard 5.

### 3.3 Identification and disclosure of conflicts of interest

Once an actual, potential or perceived conflict of interest is identified, it must be entered into club's register of interests, as well as being raised with the committee (minuted). Where all of the other committee members share a conflict, the committee should refer to governance standard 5 to ensure that proper disclosure occurs. The TRC Secretary will maintain the Conflict of Interest register, and record information related to a conflict of interest (including the nature and extent of the conflict of interest and any steps taken to address it).

### 3.4 Confidentiality of disclosures

TRC will make the Conflict of Interest Register and Conflict of Interest Policy available to all TRC members

### 3.5 Managing a Conflict of Interest

3.5a Once the conflict of interest has been appropriately disclosed, the committee (excluding the committee member disclosing and any other conflicted committee member) must decide whether or not those conflicted committee members should:

- vote on the matter (this is a minimum),
- participate in any debate, or
- be present in the room during the debate and the voting.

In exceptional circumstances, such as where a conflict is very significant or likely to prevent a committee member from regularly participating in discussions, it may be worth the committee considering whether it is appropriate for the person conflicted to resign from the committee.

#### 3.5b What should be considered when deciding what action to take

- In deciding what approach to take, the committee will consider whether the conflict needs to be avoided or simply documented

- whether the conflict will realistically impair the disclosing person's capacity to impartially participate in decision-making
- alternative options to avoid the conflict
- the club's objects and resources, and
- the possibility of creating an appearance of improper conduct that might impair confidence in, or the reputation of, the club.

The approval of any action requires the agreement of at least a majority of the committee (excluding any conflicted committee member/s) who are present and voting at the meeting. The action and result of the voting will be recorded in the minutes of the meeting and in the register of interests.

### 3.6 Compliance with this policy

If the committee has a reason to believe that a person subject to the policy has failed to comply with it, it will investigate the circumstances.

If it is found that this person has failed to disclose a conflict of interest, the committee may take action against them. This may include seeking to terminate their relationship with the club.

If a person suspects that a committee member has failed to disclose a conflict of interest, they must discuss with the person in question, notify the committee, or the person responsible for maintaining the register of interests.

### Contacts

For questions about this policy, contact the committee or the club Secretary via email: [secretary@torrensrowingclub.com](mailto:secretary@torrensrowingclub.com) .

Version 1

Ratified by TRC Committee 5<sup>th</sup> December 2016