

CONFLICT OF INTEREST POLICY

INTRODUCTION

The Trustees of RSL DefenceCare are committed to high standards of ethical conduct and accordingly place great importance on making clear any existing or potential conflict of interest. RSL DefenceCare is committed to managing conflicts of interest effectively. All Trustees, staff and volunteers will disclose all potential, perceived or actual conflicts of interest and will work together to manage these effectively, justly and openly.



PURPOSE

This policy has been developed to provide a framework for all Trustees, staff and volunteers in declaring conflicts of interest to ensure that personal or individual interests do not affect the organisation's services, activities or decisions and that all requirements are met for Australian Charities and Not-for-profit Commission (ACNC) registration.

SCOPE




1. This policy applies to:
 - 1.1. Trustees and staff of RSL DefenceCare.
 - 1.2. The Trustees may from time to time extend this policy to other persons they consider should be subject to this policy.
 - 1.3. Situations where the personal interests of an individual, or group of individuals, conflict with the best interests of the organisation, its members or clients, or where the decisions or actions of individuals may be influenced by other interests rather than those of the organisation.
 - 1.4. This will include (but is not limited to) situations in which:
 - an individual or their close friends or family members may make a financial gain or gain some other form of advantage;
 - close personal friends or family members are involved, such as decisions about employment, discipline or dismissal, service allocation or awarding of contracts;
 - an individual is involved with another organisation that is in a competitive relationship with our organisation and therefore may have access to our plans or financial information;
 - an individual is bound by prior agreements or allegiances to other individuals or agencies that require them to act in the interests of that person or agency or to take a particular position on an issue.

POLICY


1. It is essential to ensure that personal or individual interests that conflict with the interests of the organisation are identified and managed so that they do not affect the services, activities or decisions of the organisation. See  [Conflict of Interest – Trustee Procedure](#) and  [Conflict of Interest – Staff Procedure](#).
2. RSL DefenceCare will manage conflicts of interest by:
 - 2.1. Avoiding conflicts of interest where possible;
 - 2.2. Identifying and disclosing any conflicts of interest;
 - 2.3. Carefully managing any conflicts of interest;
 - 2.4. Following this policy and responding to any breaches.
3. Any real/actual conflicts of interest, as well as potential conflicts and situations that may be perceived by others to be a conflict of interest, will be declared and managed.

4. Both legal and ethical conflicts are treated in the same way by this Policy. Ethical conflicts arise when there is no direct benefit to the individual but their involvement in a decision is not made with the interest of the organisation, and/or Objectives being the primary consideration

Trustees

1. The ACNC governance standards (standard 5) requires that RSL DefenceCare ensure that their Trustees are aware of and subject to a set of duties – one of which is to disclose perceived or actual conflicts of interest. The ACNC may take action if RSL DefenceCare does not meet their standards.
2. The ***RSL Welfare and Benevolent Institution Administrative Rules, Section 17.9*** states that a member of the Board (Trustee) will give the Board of Trustees notice in writing of any interest whether directly or indirectly in conflict with their interests as a Trustee for RSL DefenceCare as soon as they become aware of it.
3. RSL DefenceCare requires that all Trustees:
 - 3.1. declare all conflicts of interest and document them in the  **Register of Interests**;
 - 3.2. raise issues of perceived or potential conflict of other Trustees that are undeclared;
 - 3.3. when a conflict of interest arises, shall not initiate or take part in any discussion or vote on that topic (either in the meeting or with other Trustees before or after the Trustee meetings), unless it is voted on and resolved to by non-conflicted Trustees.
 - 3.4. follow the  **Conflict of Interest – Trustee Procedure**.
4. If a Trustee is aware of a fellow Trustee's real or potential conflict of interest that is not yet declared, it is their responsibility to raise this with the Trustee Secretary if the person with the conflict does not (or the President in the case where the Secretary is conflicted).
5. Trustees are not barred from holding office or engaging in business dealings with the organisation (except for the Auditing function), provided that these are dealt with in accordance with the  **Conflict of Interest – Trustee Procedure**. See ***RSL Welfare and Benevolent Institution Administrative Rules, Section 17.4 & 17.5***.

Staff and Volunteers

1. If a staff member or volunteer has a real or potential conflict of interest, they will declare it to the General Manager and follow the  **Conflict of Interest – Staff Procedure**.
2. If a staff member or volunteer is aware of a fellow staff or volunteer's real or potential conflict of interest that is not yet declared, they will raise this with the General Manager.

Breach of this Policy

1. If a person suspects that a Trustee has failed to disclose a conflict of interest, they will contact the Secretary.
2. The Trustees will investigate if there is reason to believe that a person subject to this policy has failed to comply with it.
3. Breaches of this policy are considered to be very serious, and disciplinary action, up to and including termination, for both Trustees and staff, and referral to relevant authorities for further action.

POLICY SIGNOFF

All Trustees, staff and volunteers are required to read and sign the following:

1. I have read and had explained to me, this Policy and associated procedures;
2. Breaches of this policy will not be tolerated, failure to comply with obligations under this policy may lead to disciplinary action. Serious breaches of this policy may result in termination of employment or my engagement with RSL DefenceCare;
3. I understand and agree to abide by this policy, procedure and the breach processes in place.

AGREEMENT	WITNESS
NAME:	NAME:
POSITION:	POSITION:
SIGNED:	SIGNED:
DATE:	DATE:

DEFINITIONS

Conflict of interest	<p>A conflict of interest is a risk that arises from a conflict between the performance of duty and a personal interest. A personal interest includes the private, professional or business interests of a person, or of the individuals or groups with whom they have a close association, such as relatives, or friends. Personal interests may be pecuniary or non-pecuniary.</p> <ul style="list-style-type: none"> • <i>Pecuniary</i>: an actual or potential financial gain or loss for the person, their family, friends or close associates. • <i>Non-pecuniary</i>: an interest that is not financial or monetary but arises from such things as personal relationships, beliefs or involvement in social, cultural, religious or sporting activities. <p>A conflict of interest may be actual, perceived or potential.</p> <ul style="list-style-type: none"> • <i>Actual</i>: occurs when there is a conflict between a person's official duties and responsibilities, and their personal interest. • <i>Perceived</i>: occurs when a reasonable person, knowing the facts, would consider that a conflict of interest may exist, whether or not this is the case. • <i>Potential</i>: occurs where a person has a personal interest that could conflict with their official duties in the future.
-----------------------------	--

CONTEXT

Internal Documents	<ul style="list-style-type: none"> • RSL Welfare & Benevolent Institution Administrative Rules • Conflict of Interest – Board Procedure • Conflict of Interest – Staff Procedure
---------------------------	---

Legislation, Standards, etc	<ul style="list-style-type: none"> ACNC Governance Standard 5: Duties of Responsible Persons https://acnc.gov.au/ACNC/Manage/Governance/GovStd5_5/ACNC/Edu/GovStandard_5.aspx?hkey=c39296b7-ca7d-4d16-94c4-42aea680462a
--	---

DOCUMENT CONTROL

Number	R000	Approved by Trustees on 8 Nov 2017	
Version	Version 1	Scheduled review	Nov 2019
Responsible	Trustees		