

CONFLICT OF INTEREST POLICY

INTRODUCTION The committee of Coffs Harbour Regional Landcare is committed to high standards of ethical conduct and accordingly places great importance on making clear any existing or potential conflict of interest.

- Please note that “committee” refers to the Board, Management Committee or Executive of the organisation however they are named in the organisation’s constitution.

DEFINITION ‘Conflict of interest’ is defined as applying

1. in accordance with the statute, where a committee / staff / sub-committee member stands to gain financially from any business dealings, programs or services of the organisation, other than where
 - a. the committee member falls into the class of people benefited by the organisation and the financial gain is of a nature common to other beneficiaries, or
 - b. the person is an employee of the organisation, and the financial gain is of a nature common to other employees.
2. under the constitution of the organisation,
 - a. where the immediate family or business connections of a committee member stands to gain financially from any business dealings, programs or services of the organisation,
 - b. where the person is an employee of the organisation,
 - c. where a committee member or the ex-officio member of the committee has a role on the governing body of another organisation, where the activities of that other body may be in direct conflict or competition with the activities of Coffs Harbour Regional Landcare.

PURPOSE The purpose of this policy is to help committee members of Coffs Harbour Regional Landcare to effectively identify, disclose and manage any actual, potential or perceived conflicts of interest in order to protect the integrity of Coffs Harbour Regional Landcare and manage risk.

This policy has been developed to provide a framework for:

- all committee members in declaring conflicts of interest; and
- the committee, when determining how to deal with situations of conflict.

SCOPE OF POLICY This policy applies to the committee members / staff / sub committees of Coffs Harbour Regional Landcare.

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POLICY This policy has been developed because conflicts of interest commonly arise, and do not need to present a problem to Coffs Harbour Regional Landcare if they are openly and effectively managed. It is the policy of the Coffs Harbour Regional Landcare 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 Coffs Harbour Regional Landcare.

Coffs Harbour Regional Landcare 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.

RESPONSIBILITY OF THE COMMITTEE The committee is responsible for:

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

The organisation must ensure that its committee members are aware of the ACNC governance standards (which can be found on the [ACNC website](#)), particularly governance standard 5, and that they disclose any actual or perceived material conflicts of interests as required by governance standard 5.

PROCEDURES Before a committee member begins his or her service with the organisation, he or she shall file with Coffs Harbour Regional Landcare a statement pertaining to his or her principal business activities, as well as involvement with other charitable and business organisations, vendors or business interests, or with any other associations that might produce a conflict of interest (see Policy Template 6 Conflict of Interest Statement). This information should be documented in the Conflict of Interest register.

Further, conflicts of interest shall be a regular agenda item at committee meetings and committee members shall declare any conflicts of interest of which they become aware either at the start of the committee meeting concerned or when a relevant issue arises. The nature of this conflict of interest should be entered into the meeting minutes. The interest should also be documented in the Conflict of Interest register.

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),

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- 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.

In deciding what action to take the committee will consider the following:

- 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 organisation's objects and resources, and
- the possibility of creating an appearance of improper conduct that might impair confidence in, or the reputation of, the organisation.

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.

BREACH OF 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 organisation.

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

RESPONSIBILITIES

It shall be the responsibility of the Executive Committee to ensure that the requirements of this policy are complied with.

This policy and procedures shall be reviewed every 2 years by the committee.

*CHRL Privacy Policy
Adopted by CHRL Executive
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