

CONFLICT OF INTEREST POLICY

INTRODUCTION

A conflict of interest occurs when the private interests of an office bearer, staff member, volunteer or representative interfere, or create the appearance of interfering, with their association with Hope for Children Organization Australia Ltd. (HFC). While the conflict itself does not amount to misconduct, the decision of a person to place their own interests before the interests of HFC is inappropriate and may amount to misconduct. Where a conflict exists, it should be dealt with in a transparent and accountable way.

PURPOSE AND SCOPE

Purpose

The development of this policy seeks to ensure that office bearers, staff members, volunteers and other representatives of HFC understand their obligation to avoid any actions that may constitute a conflict of interest and should they become aware of anything constituting a conflict of interest, to disclose this immediately.

Scope

This policy applies to all office bearers, staff members, volunteers and representatives of HFC.

Definitions

Actual: involves a direct conflict between current duties and responsibilities and existing private interests.

Conflict of Interest: a situation in which a person has competing personal and professional interests. Conflicts of Interest may be actual, perceived or potential.

Perceived: conflict exists where it could be perceived, or appears, that private interests could improperly influence the performance of duties, whether or not this is in fact the case.

Potential: arises where private interests could conflict with official duties.

POLICY STATEMENT

Principles

Office bearers, staff members, volunteers and other representatives of HFC are obliged to:

- avoid and disclose ethical, legal, financial or other conflicts of interest, whether actual, potential or perceived;
- remove themselves from any decision-making processes pertaining to conflicts of interest; and
- take action when a conflict of interest has arisen, or could conceivably arise, immediately after the conflict of interest is identified.

A Board member who has an interest in a matter before HFC must disclose the interest to the Board. This disclosure must be recorded in the minutes. If there is doubt as to the materiality of the interest, the Managing Director will decide whether conflict does or does not exist. The member must not:

- take part in discussion relating to that matter;
- remain within hearing distance while that matter is being discussed; or
- vote in relation to that matter.

Board members have an interest in a matter before HFC if they (or a person closely associated with them¹) would, if the matter were decided in a particular manner receive or have a reasonable expectation of receiving a direct or indirect benefit or suffer or have a reasonable expectation of suffering a direct or indirect detriment.

Interpretation

Where doubt exists as to nature of a perceived or potential conflict of interest office bearers, staff or volunteers who have an interest in a matter before HFC should make judgments on the basis of the overall spirit and intent of this policy and may make confidential enquiries to the Managing Director concerning the application of this policy without fear of disclosure or repercussion. If doubt exists as to whether this policy is being adhered to, or if office bearers, staff or volunteers feel that they have been disadvantaged as a result of this policy, they should contact the Managing Director.

Managing Risks of Conflicts

Where office bearers, staff or volunteers have an interest in a matter before HFC and become aware of such a conflict, they must ensure that steps are taken to protect HFC's interests. Such steps might include:

- ensuring that they are not involved in decisions relating to employment, remuneration, disciplinary action, transfer, promotion or demotion;
- ensuring that an event does not give rise to conflicts of interest in the workplace through management / supervisory issues;
- ensuring that the conflict of interest does not create disturbances or lead to favouritism or disadvantage to others.

Acceptance of Gifts or Benefits

- Office bearers, staff members, volunteers and other representatives of HFC may not solicit any gifts or benefits, or accept any gifts or benefits that might in any way appear to compromise or influence them in their official capacity. Where a gift or benefit has been offered (whether accepted or not) and the offer could constitute an attempt to induce favoured treatment, this should be reported. If in any doubt, guidance should be sought.
- If HFC is engaged in a tender process, no gift, no matter how small or insignificant, should be accepted from the tenderers.
- Gifts to the organisation of more than nominal value (e.g. a painting or a piece of equipment) are acceptable but should be disclosed to the Board.

Examples of Conflict of Interest Activities and Relationships

¹ A person is deemed to be closely associated if he/she is a spouse, de facto partner or relative, has received or might reasonably be expected to receive a fee, commission or other reward for providing professional or other services, is a proprietary company in which the person is a shareholder, or is a body corporate of which the person is a director or a member of the governing body.

The following activities illustrate types of potential or actual conflicts of interest that must be avoided and / or disclosed. The list is not exhaustive and is provided as guidance only.

- **Conflicting duties:** participating in duties that may conflict with HFC's interests;
- **Self-benefit:** using one's relationship with HFC to promote one's own interests or those of your family, including using confidential or privileged information gained in the course of that relationship, or employment at HFC for personal benefit or gain;
- **Influence peddling:** soliciting benefits for oneself or one's family from other organisations in exchange for using one's influence to advance their interests with HFC;
- **Business relationships:** approving grants or contracts with other organisations in which oneself or one's family have a significant financial or other interest, particularly if one is in a position to influence major decisions, is responsible for review, negotiation and approval of grants or contracts, or otherwise direct HFC's business dealings;
- **Intellectual property:** unauthorised use of materials developed under the aegis of HFC or potential conflicts relating to the development and use of such material.
- **Property transactions:** directly or indirectly leasing, renting, trading, or selling real estate or personal property to HFC.
- **Use of HFC property:** using or taking HFC resources, including facilities, equipment, personnel and supplies, for private use or other unauthorised activities.
- **Recording or reporting false information:** misrepresenting, withholding or falsifying relevant information required to be reported to external parties, or used internally for decision-making purposes, in order to derive personal benefits.

Participation in social or political activities does not constitute a conflict of interest unless an office bearer participates as a representative of HFC.

REFERENCES

Associated Documents

- Constitution of HFC Organization Australia Ltd
- Code of Conduct
- Conflict of Interest Disclosure form (refer Annexure 1 below)
- Intellectual Property Policy
- Bribery and Corruption Policy

Acknowledgements

This policy has been adapted from the Australian Doctors for Africa.

Policy Established: 2013

Policy Updated: 2019

