



MARIST MISSION CENTRE (MMC)

CONFLICT OF INTEREST POLICY

1. Purpose

The purpose of this policy is to help the MMC Advisory Committee (called the advisory committee in this policy), trustees, employees and volunteers of MMC to effectively identify, disclose and manage any actual, potential or perceived conflicts of interest in order to protect the integrity of MMC and manage risk.

2. Objective

The objective of this policy aims to ensure that Advisory Committee members, trustees, employees and volunteers are aware of their obligations to disclose any conflicts of interest – real; perceived or potential, that they may have, and to comply with this policy to ensure they effectively manage those conflicts of interest as representatives of MMC.

3. Scope

This policy applies to the advisory committee members, trustees, employees and volunteers of MMC.

4. Definition of conflicts of interests

A conflict of interest occurs when a person's personal interests conflict with their responsibility to act in the best interests of the charity. 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 member's duty to MMC and another duty that the member has (for example, to another charity). 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 charity and must be managed accordingly.

5. Policy

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

MMC will manage conflicts of interest by requiring advisory committee members, trustees, employees and volunteers to:

- avoid conflicts of interest if possible
- identify and disclose any conflicts of interest
- carefully manage any conflicts of interest, and
- follow this policy and respond to any breaches.

5.1 Responsibility of the Advisory Committee

The advisory committee is responsible for:

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

The charity must ensure that its advisory committee members, trustees, employees and volunteers are aware of the ACNC governance standards and ACFID Quality Principle 7, and that they disclose any actual or perceived material conflicts of interests as required by governance standards.

5.2 Identification and disclosure of conflicts of interest

Once an actual, potential or perceived conflict of interest is identified, it must be entered into MMC's register of interests, as well as being raised with the Advisory Committee and Executive Officer. Where all of the other Advisory Committee members share a conflict, the committee should refer to ACNC governance standard 5 to ensure that proper disclosure occurs. The register of interests will be maintained by MMC Finance and Project Manager. The MMC Finance and Project Manager will 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).

Confidentiality of disclosures

6. Action required for management of conflicts of interest

6.1 Conflicts of interest of advisory committee members

Once the conflict of interest has been appropriately disclosed, the advisory committee (excluding the advisory committee member disclosing and any other conflicted advisory committee member) must decide whether or not those conflicted advisory 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 an advisory committee member from regularly participating in discussions, it may be worth the board considering whether it is appropriate for the person conflicted to resign from the board.

6.2 What should be considered when deciding what action to take

- In deciding what approach to take, the advisory 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 charity's objects and resources, and
- the possibility of creating an appearance of improper conduct that might impair confidence in, or the reputation of, the charity.

The approval of any action requires the agreement of at least a majority of the advisory committee (excluding any conflicted advisory 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.

7. Compliance with this policy

If there is reason to believe that a person subject to the policy has failed to comply with it, this should be reported to the Executive Officer who will investigate the circumstances.

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

If a person suspects that an advisory committee member, trustee, employee or volunteer has failed to disclose a conflict of interest, they must discuss with the person in question.

Contacts

For questions about this policy, contact the MMC Executive Officer on 02 9844 2275.