



# **Conflict of Interest Policy**

**Little Athletics Association  
of Victoria Incorporated**

Version 1.2

Registration Number: A0003260D

RELEASED: 16 April 2019

# TABLE OF CONTENTS

<b>SECTION 1 – PURPOSE</b>	
1.1	INTRODUCTION.....3
1.2	DISTRIBUTION.....3
1.3	LEGISLATIVE FRAMEWORK .....3
1.4	DELEGATION .....3
<b>SECTION 2 – POLICY</b>	
2.1	APPLICATION .....4
2.2	DEFINITION.....4
2.3	INITIAL DECLARATION.....4
2.4	ONGOING DECLARATIONS.....4
2.5	OTHER OFFICE HOLDINGS .....5
2.6	ASSESSMENT AND EVALUATION.....5
2.7	VOTING AND DISCUSSION AT BOARD MEETINGS .....6
2.8	PROCEDURES .....6
2.9	MAINTENANCE OF COI REGISTER.....6
<b>SECTION 3 – CONFLICTS OF INTEREST REGISTER</b>	
3.1	COI REGISTER TEMPLATE .....7
<b>SECTION 4 – POLICY ADMINISTRATION</b>	
4.1	REVIEW AND APPROVAL .....8
<b>SECTION 5 - DOCUMENT HISTORY</b>	
5.1	VERSION CONTROL .....8

## CONFLICT OF INTEREST POLICY

### LITTLE ATHLETICS ASSOCIATION OF VICTORIA INC

Registration Number: A0003260D

#### SECTION 1 – PURPOSE

##### 1.1 INTRODUCTION

- (a) The Conflict of Interest Policy ("Policy") is to ensure that Little Athletics Association of Victoria Incorporated ("Association") has in place adequate arrangements, to manage actual, potential or perceived conflict of interest ("COI").
- (b) This Policy guides how COI are brought to the attention of the Association and how the conflict can be managed.

##### 1.2 DISTRIBUTION

- (a) This Policy is for unrestricted internal access and applies to all Directors, Employees, Committee Members and Contractors of the Association.

##### 1.3 LEGISLATIVE FRAMEWORK

- (a) The Policy is in accordance with the requirements of the *Associations Incorporation Reform Act 2012*.
- (b) The Board of Directors ("Board") endorse this policy and where necessary, the appropriate management of any conflict or potential COI.

##### 1.4 DELEGATION

- (a) The Board delegates oversight responsibility of the Conflict of Interest Policy and procedures to the Board's Governance Committee.
- (b) The Governance Committee must review any information and/or declaration received to determine whether a COI may arise, and whether to include the matter in the Conflict of Interest Register ("Register").
- (c) All amendments and/or additions to the Register are to be disclosed to the Board.
- (d) While the Governance Committee has overall responsibility for managing and monitoring conflicts of interest, all Directors, Employees, Committee Members and Contractors of the Association shall be responsible for compliance within their areas of responsibility.

## SECTION 2 – POLICY

### 2.1 APPLICATION

- (a) The following approach is to be adopted to ensure that conflicts of interest are adequately and appropriately managed:
  - (i) All COI (actual, potential or perceived) are to be identified and evaluated on an ongoing basis.
  - (ii) All COI must be managed by either controlling, avoiding or disclosing them.
- (b) The effectiveness of arrangements to control, avoid and disclose a COI must be evaluated on an ongoing basis. COI that cannot be managed by controlling or disclosing them must be avoided.
- (c) Documentation on the identification, evaluation, compliance monitoring and/or disclosure of a COI must be maintained and kept for at least seven (7) years.
- (d) Breaches of this Policy may result in the Association considering disciplinary or legal action.

### 2.2 DEFINITION

- (a) A COI refers to any situation in which financial, professional or personal obligations may compromise or present the appearance of compromising an individual's professional judgement.
- (b) The COI may be of benefit to an entity, an employee, the individual's spouse and/or their children or family members from a decision or access to information. The benefit may be financial or non-financial.

### 2.3 INITIAL DECLARATION

- (a) Upon appointment, all Directors, Employees, Committee Members and Contractors of the Association must declare any personal interests by completing a Conflict of Interest Disclosure form.
- (b) The declaration in the COI Disclosure form acknowledges that they:
  - (i) Are fully aware of their obligations under the COI Policy.
  - (ii) Will take reasonable steps to avoid any conflicts in carrying out their duties, and will disclose any potential conflicts that emerge in the course of these duties.
  - (iii) Agree to make regular disclosures throughout the period during which they serve the Association or until such time the conflict ceases to exist.
  - (iv) Agree to comply with any conditions or restriction reasonably imposed by the Governance Committee or Board to manage, mitigate or eliminate any actual, potential or perceived COI.
- (c) The COI Disclosure form will be assessed by the Governance Committee who will recommend an appropriate course of action.
- (d) If the conflict has an immediate impact on an individual's duties, the President or CEO will immediately bring this matter to the Board to recommend a course of action.

### 2.4 ONGOING DECLARATIONS

- (a) Directors and Board Committee members must immediately disclose in writing to the President the existence of any actual, potential or perceived COI that arises and:
  - (i) At each Board or Board Committee meeting, the President and Committee Chair will ask Board and Board Committee members to declare any actual, potential or perceived COI arising out of the issues on the meeting agenda.

- (ii) The Secretary of the meeting will record the declarations in the minutes and actions taken including details of when the Board or Board Committee member left the room and returned after discussion of the item, if applicable.
  - (iii) If Board or Board Committee members are unsure of whether a personal interest or association is a COI, the nature and extent of the interest should be declared for consideration and advice from the Board or Board Committee.
  - (iv) The CEO (or delegate) will update the Conflict of Interest Register following each meeting and as required between meetings.
- (b) When an Employee or Management Committee member becomes aware of, or is notified of a COI or potential COI, they must advise the CEO who will recommend an appropriate course of action.
- (c) If the conflict has an immediate impact on an individual's duties, the CEO will immediately bring this matter to the Board to recommend a course of action.

## 2.5 OTHER OFFICE HOLDINGS

- (a) Where an Employee or Management Committee member expresses an interest in holding office or holds office with another entity, and duties or interests might be created that could conflict with their duties or interests to the Association, they must disclose this as a possible COI. A written declaration must be provided to the CEO, who will recommend an appropriate course of action.
- (b) Where a member is a Director or Board Committee member, the declaration must be made at the next meeting of the Board held after:
  - (i) the individual becomes an officer or Director; or
  - (ii) the relevant facts as to holding the office or having the interest come to the individual's knowledge.

## 2.6 ASSESSMENT AND EVALUATION

- (a) The Governance Committee will assess all information and/or declaration received and evaluate each real, potential or perceived COI for:
  - (i) Seriousness.
  - (ii) Its impact on the quality of services provided.
  - (iii) Its impact on the individual's fit and proper status.
  - (iv) Whether the conflict can be avoided.
  - (v) Whether the conflict affects remuneration practice(s).
  - (vi) Whether the conflict is of a confidential nature.
- (b) Actions resulting from the information and/or declaration of a COI may include but not be limited to one or a combination of the following:
  - (i) Recording the nature of the conflict including any actions or decisions in the Register.
  - (ii) The individual who has declared the conflict not to participate in particular decisions.
  - (iii) The individual who has declared the conflict not to be present for particular discussions.
  - (iv) The individual who has declared the conflict not to participate in a series of meetings.
  - (v) Where the COI has a significant impact on the reputation of the Association or the capability of the individual to function in their role, they may be asked to stand down from a particular committee, sub-committee or role or suspend their role until such time as the COI is no longer an issue.
  - (vi) Where an individual fails to declare a COI they may be subject to disciplinary or legal action.

## 2.7 PROCEDURES

- (b)** Where the CEO considers that a COI exists, Board papers relating to that matter may be withheld from the relevant Board member.
- (c)** Where a COI has been disclosed the relevant Board member:
  - (i)** Is required to abstain from voting on matters concerning the topic of conflict.
  - (ii)** Is to abstain from entering into or influencing the discussion on matters pertaining to the topic in conflict (either at the meeting or with other Board members before or after the Board meeting).
  - (iii)** May be asked to leave the room while discussion or voting takes place.
- (d)** A Board member who has disclosed a COI may be present and vote on the relevant item if Board members who do not have a personal interest in the matter have passed a resolution that:
  - (i)** Identifies the Board member, the nature and extent of his/her interest in the matter and its relation to the affairs of the Association.
  - (ii)** States that those Board members are satisfied that the interest should not disqualify the Board member from voting or being present.

## 2.8 PROCEDURES

- (a)** The Association must have procedures in place to ensure all Directors, Employees, Committee Members and Contractors are fully aware of, and comply with this Policy.

## 2.9 MAINTENANCE OF COI REGISTER

- (a)** The CEO (or delegate) shall maintain a record in the form of a Register of standing interests and disclosures, which will include the following:
  - (i)** All COI (whether actual, potential or perceived) identified and described.
  - (ii)** Classification of the conflict into controlled or unable to be controlled categories.
  - (iii)** The controls or actions in place or disclosure made to manage the conflict.
  - (iv)** The method in which disclosures are made.
- (b)** A sample Register template is provided within Section 3.



## SECTION 4 – POLICY ADMINISTRATION

### 4.1 REVIEW AND APPROVAL

Owner	CEO
Effective Date	16 April 2019
Board Approval	21 May 2019
Date of Last Review	16 April 2019
Frequency of Review	Annually
Next Scheduled Review	March 2020
Regulator (if applicable)	N/A
Compliance Mechanism	N/A
Board Committee Review	Governance Committee
Approval Body	Board
Related Policies/Charters	Board Charter, Governance Committee Charter
Supporting Procedures/ Guidelines	Nil

## SECTION 5 - DOCUMENT HISTORY

### 5.1 VERSION CONTROL

Date	Version #	Action Taken / Updates
19 February 2019	1.0	Initial draft for discussion to Governance Committee
11 April 2019	1.1	Incorporate feedback from Governance Committee, Board, CEO and staff/employees
16 April 2019	1.2	Finalised and approved