

CONFLICT OF INTEREST POLICY

STATEMENT

Masters Swimming WA Inc. aims to use best practice in managing conflicts of interest within our board. We will ensure conflicts of interest are managed appropriately in informing our decision-making processes.

We will create a Conflict of Interest Register to manage any conflicts of interest of the board and to assist in good governance and transparency to our members.

We will continually improve our board practices through review and monitoring.

RESPONSIBILITIES

The board is responsible for the Conflict of Interest Register and its continued development through review and monitoring.

All board members and staff are responsible for reporting on and managing conflicts of interest in their areas as identified through this policy.

MONITORING AND REVIEW

Conflict of interests will be declared at each Board meeting and Council of Clubs Meeting.

The policy will be reviewed by the Board annually.

REVIEW

Version	Approved	Date	Distribution	Next Review
V1.0	Revisions	2/5/18	Board	
V1.1	FINAL	2/5/18	Board	May 2019

Masters Swimming Western Australia Inc.

1. Purpose

The purpose of this policy is to help board members of Masters Swimming Western Australia Inc. (herein known as MSWA) to effectively identify, disclose and manage any actual, potential or perceived conflicts of interest in order to protect the integrity of MSWA and manage risk.

2. Objective

The MSWA Board (called the 'board' in this policy) aims to ensure that board members are aware of their obligations to disclose any conflicts of interest that they may have, and to comply with this policy to ensure they effectively manage those conflicts of interest as representatives of MSWA.

3. Scope

This policy applies to the board members of MSWA and to the Executive Officer as an employee representing the board of MSWA.

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 organisation. 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 (for example, as a shareholder). It also includes a conflict between a board member's duty to MSWA and another duty that the board member has (for example, to another organisation). 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 organisation and must be managed accordingly.

Some examples of conflict of interest could be but are not limited to:

- When a board member or his/her immediate family or business interests stands to gain financially from any business dealings, programmes or services of the organisation
- When a board member offers a professional service to the organisation themselves
- When a board member stands to gain personally or professionally from any insider knowledge if that knowledge is used to personal advantage
- Where a board member or the ex/officio member of the board 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 MSWA

5. Policy

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This policy has been developed because conflicts of interest commonly arise, and do not need to present a problem to the organisation if they are openly and effectively managed. It is the policy of MSWA as well as a responsibility of the board, 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 MSWA.

MSWA will manage conflicts of interest by requiring board members to comply with the following:

- Any business or personal matter, which could lead to a conflict of interest of a material nature involving a board member and their role and relationship with the organisation must be declared through completing the Conflict of Interest Declaration and registered in a register of interests
- All such entries in the register shall be presented to the board and minuted at the first board meeting following entry in the records
- All conflicts of interest must be declared by the board member concerned at the earliest time after the conflict is identified.
- carefully manage any conflicts of interest, and
- follow this policy and respond to any breaches.

5.1 Responsibility of the board

The board 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

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 the MSWA register of interests, as well as being raised with the board. The register of interests must be maintained by the Executive Officer and 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).

6. Action required for management of conflicts of interest

6.1 Conflicts of interest of board members

Once the conflict of interest has been appropriately disclosed, the board (excluding the board member disclosing and any other conflicted board member) must decide the following:

- The board shall determine whether or not the conflict is of a material nature and shall advise the individual accordingly
- Where a conflict of interest is identified and/or registered, and the board has declared that it is of material benefit to the individual or material significance to the organisation,

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the board member concerned shall not vote on any resolution relating to that conflict or issue

- The board member shall only remain in the room during any related discussion with board approval
- The board will determine what records and other documentation relating to the matter will be available to the board member
- All such occurrences will be minuted
- In exceptional circumstances, such as where a conflict is very significant or likely to prevent a board 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 board 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 board (excluding any conflicted board 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 the board 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 board may take action against them. This may include seeking to terminate their relationship with the organisation.

Board members, aware of a real or potential conflict of interest of another board member, have a responsibility to bring this to the notice of the board.

Contacts

For questions about this policy, contact the board or the Executive Officer by email to masters.admin@mswa.asn.au