

 <p>St Martin's College</p> <p>Building hope and faith</p>	<p style="text-align: center;"><b>CONFLICT OF INTEREST</b></p> <p style="text-align: center;"><b>BOARD MEMBERS</b></p>
	<p style="text-align: center;"><b>Date Approved by Board: 13<sup>th</sup> June 2014</b></p>

### **Policy Statement**

The St Martin's College Board is committed to providing a fair, ethical, transparent and accountable environment for the conduct of their operations, and the management of St Martin's College.

Being aware of and managing conflict of interest is essential for good governance and the integrity of decision-making. It is essential that members understand that their role on the Board and its committees is to represent the interests of St Martin's College and the Anglican Church of Australia and to act in the public interest. The *Associations Incorporation Act 2009* requires that Board members declare any conflict of interest pertaining to matters being discussed at Board meetings and that this interest be recorded in a Register maintained by St Martin's College Inc.

A conflict of interest exists when it is likely that a person could be influenced or perceived to be influenced, by a personal interest when carrying out their public duty. Conflicts of interest that lead to partial decision-making may constitute corrupt conduct.

All members are expected to perform their duties in a fair and unbiased way and not make decisions which are affected by self-interest or personal gain.

### **What is a Conflict of Interest?**

The term **conflict of interest** refers to situations where a conflict arises between the public duty and private interests of a Board Member, which could improperly influence the performance of their duties and responsibilities. Conflicts of interest can be **actual**, **perceived** or **potential**.

An **actual conflict of interest** involves a direct conflict between a member's current duties and responsibilities and existing private interests. A **perceived** or **apparent conflict of interest** can exist where it could be perceived, or appears, that a member's private interests could improperly influence the performance of their duties – whether or not this is in fact the case. A **potential conflict of interest** arises where a member has private interests that could conflict with other official duties in the future.

A **private** or **personal interest** can be either **pecuniary** or **non-pecuniary**, and includes not only the personal, professional or business interests that a person has, but also the personal, professional or business interests of the individuals with whom one associates.

A **pecuniary interest** involves an actual or potential financial gain or loss. Money does not need to change hands for an interest to be pecuniary. People have a pecuniary interest if they (or a relative, partner, friend or other associate) own property, hold shares, have a position in a company bidding for work in the college, or receive benefits (such as concessions, discounts, gifts or hospitality) from a particular source.

A **non-pecuniary interest** is defined as any private interest, which does not have a financial component. It includes any tendency towards favour or prejudice resulting from friendship, animosity, or other personal involvement with another person or group. Examples of a non-pecuniary interest might include kinship, friendship, membership of an association, society or trade union or involvement (or interest) in an activity.

## **Declaring & Managing Conflict of Interest**

Conflicts of interest must be managed according to the requirements of the *Associations Incorporation Act 2009*.

### **Declaration of a pecuniary interest**

A pecuniary interest declaration form is provided to members at the time of their appointment. The form seeks information on member's income sources, memberships and affiliations. The Board President will request a review and any amendments to the declaration of pecuniary interest at the beginning of each financial year. However, members should update this information promptly in the case of any change to their declared circumstances.

### **Disclosure of conflict of interest at a meeting**

The *Associations Incorporation Act 2009* prescribes the disclosure of a pecuniary interest in an agenda item, either direct or indirect, by a member at a Board meeting and requires that this conflict of interest is recorded in a publicly available register.

Conflict of interest disclosures should be provided at the beginning of each meeting in the form of a standing agenda item. Disclosures should be recorded in the minutes, along with the action taken. This information should be recorded in the Board's Conflict of Interest Register.

If it is considered that there is a conflict, either real or perceived, then the member should absent him/herself from the meeting while debate occurs. If it is considered that the conflict is immaterial, then the member may participate fully in the debate. It is prudent to err on the side of caution, and it is imperative that the President/Chairperson ensure that conflicts are declared and ruled on.

If a member realises they have failed to make a disclosure, they should do so as soon as possible after the relevant meeting.



## BOARD MEMBER'S PECUNIARY INTEREST DECLARATION AND UNDERTAKING

Name: \_\_\_\_\_

I give the following undertaking:

1. There is no matter I am aware of concerning my interests\*, or any activity in which I am or have been engaged, that may call into question the probity of the St Martin's College Board or give rise to any conflict with my responsibilities as a member of that body;
2. I am aware that I must exercise my responsibilities as a member of the Board in accordance with the *Associations Incorporation Act 2009*.
3. I declare that I have the following interests\* in corporations, partnerships, businesses or other organisations that may be relevant to the activities of the St Martin's College Board:

Sources of income:

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Memberships of Boards and Committees:

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Interests and positions in corporations:

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Interests and positions in trade unions, professional or business associations:

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4. I will formally advise the Council/committee/regulatory body of any significant change in circumstances that affects the accuracy of this declaration and undertaking.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\*A member's interests include those of an associate or close relative.

