



CONFLICT OF INTEREST POLICY

1 POLICY STATEMENT

Minaret College (“**the College**”) discloses as necessary, and avoids where possible, situations in which their personal interests or the interests of a relative or close associate may conflict either directly or indirectly with decisions made by the governing body. **Integrity is one of the core values of an organisation and the College is committed to providing a fair and ethical environment for the conduct of its operations.**

2 AUSTRALIAN CHARITIES AND NOT-FOR-PROFITS COMMISSION (ACNC) GOVERNANCE STANDARDS

The ACNC Governance Standard 5: Duties of Responsible Persons, requires charities to take reasonable steps to ensure their Responsible Persons are ‘fit and proper’ and comply with several duties. These include:

- acting with reasonable care and diligence;
- acting honestly and fairly in the best interests of the charity, and for its charitable purposes;
- not misusing their position or information they gain as a Responsible Person;
- disclosing conflicts of interest;
- ensuring the financial affairs of the charity are managed responsibly; and
- not allowing the charity to operate while insolvent.

Generally, the duties mean that Responsible Persons should act with standards of integrity and common sense.

Further, Minaret, being a registered Charity and an association as defined, is required to comply with the *Associations Incorporation Reform Act 2012*. In terms of Section 85: Duty of good faith and proper purpose, an office holder of an incorporated association must exercise his or her powers and discharge his or her duties:

- a) in good faith in the best interests of the association; and
- b) for a proper purpose.

3 PURPOSE

The purpose of this policy is to:

- 1) Inform employees of the College's policy regarding conflicts of interest;
- 2) Assist employees of the College to identify situations in which a conflict of interest may arise;
- 3) Identify employee's responsibilities regarding the management of conflict of interest risks; and
- 4) Outline the consequences of a failure to avoid conflicts of interest.

4 SCOPE

This policy is applicable to all employees (inclusive of Contractors), Directors, Officers, Managers and any persons undertaking work on behalf of the College from time to time.

5 DEFINITIONS

Conflict of interest: A conflict of interest occurs when a person's personal interests conflict with their responsibility to act in the best interests of the College. 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 or a Director). A conflict of interest may be actual, potential or perceived and may be financial or non-financial. These situations present a risk that a person will make a decision based on, or affected by, these influences, rather than in the best interests of the College.

Actual: where a conflict between competing interests or a personal interest already exists.

Perceived: where a conflict between competing interests or a personal interest is, or might be, seen to exist.

Potential: where competing interests have, or a personal interest has, the capacity to develop into a conflict in the future.

Responsible Persons: Includes board members or committee members or trustees of the College. All Responsible Persons must be a 'fit and proper' person.

6 ROLES AND RESPONSIBILITIES

This Policy applies to the following roles and the respective responsibilities. If a person is considered to fall within more than one of the following categories, all responsibilities for the applicable categories apply to that person.

6.1 ALL EMPLOYEES

All employees, including Management and the Board of Directors, have a responsibility to avoid any conflict of interest that may affect their duty to the College. Where a conflict is identified, reasonable steps must be taken to address it in order to protect the public interest.

It is the responsibility of the employee to ensure:

- a) They are aware of their responsibilities regarding the management of conflicts of interest; and
- b) They are constantly self-assessing their interests and reporting any which are/have the potential to be in conflict of their duties.

6.2 MEMBERS OF THE FINANCE, ACCOUNTING, PAYROLL, PROCUREMENT AND EXECUTIVE TEAMS AND ANY TEAM MEMBER WHO IS RESPONSIBLE FOR FINANCIAL DECISIONS WITHIN THE COLLEGE

All members of the Finance, Accounting, Payroll, Procurement and Executive Teams, and any team member who is responsible for financial decisions within the College, must complete a Conflict of Interest Declaration (Appendix 1 within this policy – page 7) when they identify a perceived, potential or actual conflict of interest exists. Declarations must be made as and when conflicts arise.

6.3 ALL MEMBERS OF THE COLLEGE BOARD OF DIRECTORS

All Board Members must complete a Conflict of Interest Declaration (**Appendix 1 within this policy – page 7**) to be tabled at the first Board Meeting of each calendar year. If any conflicts arise after the first Board Meeting of the calendar year, the Board Member must complete another Conflict of Interest Declaration to be tabled at the next Board Meeting after the conflict is identified. The following procedure should apply:

Discussions regarding any Declarations of Interest is placed at the head of the agenda at each formal meeting of the Minaret College Board.

The declaration should be recorded in the minutes of the meeting.

The Board should assess the seriousness of the conflict of interest, which includes: the type and size of the member's interest; the nature and significance of the particular activity; the extent to which the member's interest could be effected; and the nature and extent of the member's involvement in the decision. Refer to additional information provided in Part 6 Determining a Conflict of Interest below.

Once the assessment has been determined, the member may be required to: leave the meeting where it is deemed to be a serious conflict of interest; or remain in the meeting and withdrawing from discussion and voting on the particular item; or remain in the meeting where it is deemed not to be a conflict of interest and the Board decides that no action will be taken.

Any decision taken by the Board, must be recorded in the minutes of the meeting.

6.4 MANAGEMENT AND EXECUTIVES

As well as assessing reporting on their own conflict of interests, Management and Executives have the responsibility to ensure the following:

- a) They are aware of the possible risks associated with the work they and their staff perform;
- b) Their staff are aware of their responsibilities relating to the assessment, identification and report of conflicts of interest;
- c) They identify the need for conflict of interest training for themselves and their staff;
- d) They report any disclosures of conflicts of interest reported by their staff to the Executive Principal;
- e) They assist staff with the implementation of appropriate management strategies; and
- f) They take appropriate disciplinary action when a staff member has failed to meet their obligations regarding conflicts of interest.

7 DETERMINING A CONFLICT OF INTEREST

To determine if a conflict of interest exists, the employee must be aware of all personal interests as well as the interest of other people connected to the employee. These interests may change with time so continual self-assessment is required. The following non-exhaustive list of questions should be considered in the context of determining if a conflict exists:

- a) Is the decision or conduct lawful?
- b) What would the outcomes be for staff, work colleagues or other individuals?
- c) Can the decision or conduct be justified in terms of public interest and would it withstand public scrutiny?
- d) Would a direct or indirect financial or non-financial personal benefit be experienced by the employee as a result of a decision which the employee is involved in making?
- e) Would the employee's duties to the College be compromised by the employee's personal duties?
- f) Will there be benefits to the employee or someone connected to the employee in the future which may affect or appear to affect the employee's independence?
- g) Does the employee have a close association with an external party whom the College has dealings with?
- h) Does the employee have a strong personal or social relationship with an external party whom the College has dealings with?
- i) Does the employee have a student attending the College?

Does the employee have a relative, or someone connected to the employee in any way, who works at the College?

8 CONFLICT OF INTEREST DECLARATION

An annual Conflict of Interest Declaration (**Appendix 1 within this policy – page 7**) is to be completed by all members of the College Board and tabled at the first meeting of the year by each Responsible Person or whenever a new person joins the Board. Subsequent declaration forms must be completed as and when a conflict arises.

Any member of the Finance, Accounting, Payroll, Procurement and Executive Teams, and any team member who is responsible for financial decisions within the College, are also required to declare any conflicts they have identified. These declarations shall be submitted to the Executive Principal for inclusion within the Conflict of Interest Register as and when conflicts arise.

All other employees and volunteers must regularly assess whether they have a conflict of interest and take reasonable steps to avoid situations where their private financial or other interests (or those of immediate family members, such as spouses/partners or dependants) could or could be perceived to conflict with their official duties. Where an employee believes on reasonable grounds that a conflict exists, they should immediately report this to their supervisor.

All Conflict of Interest Declarations are to be retained for 7 years before archiving.

All Conflict of Interest Declarations are to be collected and checked by the Executive Principal, and are to be stored in the lockable cabinet in the Executive Principal's office, accessible to the Board members and responsible persons. All hard copy Conflict of Interest Declarations are to be scanned and electronically stored in a secure restricted drive.

9 CONFLICT OF INTEREST REGISTER

A Conflict of Interest Register (**Appendix 2 within this policy – page 8**) is to be maintained by the Executive Principal. All conflicts declared via the Conflict of Interest Declaration forms must be recorded in the Conflict of Interest Register within 14 days of the declaration being made, or at the next Board meeting, whichever is sooner.

Minaret College Board will determine and minute the process for managing any declared conflict of interest, actual, perceived or potential. The Conflict of Interest Register shall form part of the Board meeting discussions regarding any conflicts of interest.

The Conflict of Interest Register is stored in the lockable cabinet in the Executive Principal's office and accessible to the Board members and responsible persons. The hard copy Conflict of Interest Register shall be stored with all Conflict of Interested Declarations made. An electronic version of the Conflict of Interest Register is to be stored in a secure restricted drive.

10 RELATED PARTY TRANSACTIONS AND RELATED PARTY TRANSACTION REGISTER

A related party transaction occurs when a Responsible Person is associated in any way with an entity which transacts with the College. All related party transactions must be at arm's length, whereby all entities within the transaction act independently and any amounts paid/received could be obtained in an open market.

All related party transactions shall be recorded within the Related Party Transaction Register (**Appendix 3 within this policy – page 9**). Details of the transaction are to be recorded within the register once approval is obtained. Approval is to be sought from the School Board prior to entering into the transaction.

The Related Party Transaction Register is to be maintained by the Executive Principal and stored on a shared restricted folder.

11 CONSEQUENCES OF BREACHING THIS POLICY

Compliance with this Policy is mandatory and applies to all Employees (inclusive of Contractors), Directors, Officers, Managers and any persons undertaking work on behalf of the College from time to time.

In the event of a breach of this Policy, an investigation into the breach will be performed by Management and Management will determine the appropriate disciplinary action, including and up to termination of engagement and/or dismissal on the most serious circumstances.

12 RELATED DOCUMENTS

Documents related to this Policy include the following:

- Minaret College Constitution.
- Minaret Conflict of Interest Register.
- Minaret College Related Party Transaction Register.
- Minaret College Procurement Policy.
- Minaret College Governance Charter.

DOCUMENT CONTROL

Doc ID: POL-HR-06

Version 1.1

Reviewed: March 2022

Approved: March 2022



**APPENDIX 1
CONFLICT OF INTEREST DECLARATION**

This form is to be completed by any Responsible Person who has a real or perceived conflict of interest or a potential conflict of interest in undertaking their duties
I, of

.....
(address)

Hereby declare I have no conflicts of interest to declare or a conflict of interest considered to be:

Nil Conflict Real Potential Perceived

Please provide a brief outline of the nature of the conflict if applicable (details may be included privately in a separate confidential envelope if appropriate).

.....
.....
.....

Please detail the arrangements proposed to resolve/manage the conflict if noted above (attach separately if appropriate).

.....
.....
.....

I, hereby agree to:

- update this disclosure throughout the period of my tenure as a Responsible Person on an annual basis or until such time as the conflict ceases to exist, or at such a time a conflict arises;
- comply with any conditions or restrictions imposed by the College to manage, mitigate or eliminate any actual, potential or perceived conflict of interest and/or commitment.

Signature Date.....

REVIEW BY CHAIR OF BOARD FOR BOARD MEMBERS & EXECUTIVE PRINCIPAL FOR ALL STAFF

I, (insert full name) have reviewed the conflict of interest disclosure (and plan) and have taken the following action in relation to this matter:

.....
.....

Signature Date.....



**APPENDIX 2
CONFLICT OF INTEREST REGISTER**

**NAME OF RESPONSIBLE PERSON: CHAIRMAN OF SCHOOL BOARD
FOR BOARD MEMBERS & EXECUTIVE PRINCIPAL FOR ALL STAFF**

Date of Declaration	Name	Position	Conflict Declared?	Details of Conflict	Action Taken to Reduce Conflict



APPENDIX 3
RELATED PARTY TRANSACTION REGISTER

NAME OF RESPONSIBLE PERSON: CHAIRMAN OF SCHOOL BOARD

Item	Name of transacting party (if different from above)	Relationship between Responsible Person and transacting party	Description of transaction	Amount of transaction and of any outstanding balances	Date transaction approved by School Board and basis for approval