



Tharawal Housing Aboriginal Corporation Conflict of Interest Policy Board Members and Staff

Version Number:	2
Applies to:	Tharawal Housing Aboriginal Corporation Board and Staff
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Endorsed by board Date:	11 December 2020
Date Last Reviewed:	November 2020
Next Review Date:	November 2021

Introduction

Tharawal Housing Aboriginal Corporation (THAC) is committed to managing conflicts of interest effectively. All board members and staff are responsible for ensuring that their personal interests do not come into conflict with their role. Conflicts of interest will always arise in organisation: they are an inevitable part of any business. Our aim is not to eliminate conflicts of interest but to develop a culture of recognition, disclosure and effective management.

Purpose

This policy is designed to assist board members and staff to meet their continuing responsibility to disclose potential conflicts of interest, and to assist in the management and integrity of THAC.

Policy

Conflict of interest has two dimensions - legal and ethical conflicts.

Legal conflicts of interest are those concerned with financial or personal benefit to individuals due to lack of disclosure.

Ethical conflicts arise when there is no direct benefit to the individual but their involvement in a decision is not made with the interest of the organisation being the primary consideration.

The policy has three parts:

- Instructions to a board member about what to do if they believe there is potential for a conflict of interest that is not covered by a previous disclosure statement
- Instructions for the chair about how to manage potential conflicts of interest
- A Disclosure of Interests Statement for each board member to complete.

PART 1: Instructions for disclosure of potential conflicts of interest

Board members and staff must familiarise themselves with this section to assist them in responding to a potential conflict of interest that has not been previously been declared.

If you have reason to believe that you, or an affiliated person to you, may have a conflict of interest relating to a proposed decision of the board or a decision relating to an applicant or tenant you should:

Prepare a brief letter to the chair (if board member) or the CEO (if a staff member) outlining:

- the issue or proposed decision
- the interest that you have that might bring you into conflict
- your views about why the proposed decision is, or is not, in the interests of the organisation.



If a conflict of interest or the potential for a conflict of interest arises during the course of a board meeting you should immediately raise it with the chair who will determine whether you should step aside from the decision, or from the discussion and the decision. Your disclosure and the chair's decision will be formally minuted.

Any decision in which a board member has an interest will be reviewed carefully to ensure that it is in the best interests of the organisation. The chair will recommend to the board how the matter will be dealt with to avoid the conflict of interest and the appearance of a conflict of interest.

PART 2: Management of potential conflicts of interest

The chair is responsible for the process of managing potential conflicts of interest on the board. All board members are responsible for identifying and disclosing potential conflicts of interest.

Before the start of each board meeting the chair will ask all Board members to disclose any conflicts of interest and complete a Conflict of Interest Checklist and include as part of the minutes, to ensure that any potential conflicts of interest are identified. The chair will also invite board members to identify any other potential conflicts of interest which are not covered by the Disclosure Statement, based on the agenda.

Where a potential conflict of interest is identified, the chair will determine how the conflict should be managed. This will depend on the nature of the conflict. For minor one-off conflicts of interest the board member may take part in discussion of the relevant issue, but cannot take part in any decision. For more serious one-off conflicts, the chair may decide that the board member should not even take part in discussion, and should leave the meeting room while the discussion and decision making takes place.

Where a board member has an ongoing conflict of interest, the chair may ask them to stand down from the board for the period of the conflict, or to resign from the board, or to take other action to manage the conflict.

As part of managing conflicts of interest, the chair may check board decisions by reference to external standards, to ensure that the decision is in the best interests of the organisation. External standards may include decisions of peer organisation's, good practice standards, etc.

In order to manage a perception of conflict of interest, the chair will ensure that the minutes of board meetings record any conflicts of interest identified, and the action taken to manage them. The chair may also take other appropriate action to manage a perception of conflict of interest.

If a board member believes that another member has a potential conflict of interest which has not been disclosed, they should raise this matter with the chair.

If the chair identifies that s/he has a potential conflict of interest with a matter, s/he must stand aside from the chair so that another board member can determine whether or not there is a conflict. If there is a conflict, the stand-in chair will manage the conflict according to the range of strategies outlined in this policy.

If a board member believes that the chair has a potential conflict of interest which has not been disclosed, they should raise this matter with the board as a whole.

In any case of potential conflict of interest, the chair and/or the board as a whole can seek external advice about the best way to manage the situation.

If a board member fails to identify a minor conflict of interest, the chair will seek to resolve the issue. This may include an internal investigation of the matter and formal agreement from the board member about how to avoid the conflict in future.



If a board member fails to identify a major conflict of interest, or is involved in corrupt behaviour, the chair will seek the member's resignation from the board. Where relevant, the chair will report the matter to the Police, ICAC or other appropriate bodies. If the member fails to resign from the board, the chair will convene a special general meeting of the organisation's members to expel the member from the board.

PART 3: Disclosure of Interests Statement

The disclosure statement should be completed, signed and returned to the chair of the board at the beginning of each year that the board member holds office. The disclosure statement is part of the organisation's Code of Ethical Conduct.

This statement requires you to provide information about your own activities but also those of 'affiliated persons' related to you. Affiliated person's means:

- any immediate family member
- any corporation or organisation in which you have membership, ownership, employment or interest in
- any trust or other estate in which you have substantial beneficial interest

Staff Conflict of Interest:

It is the responsibility of the Housing Manager and the CEO to manage any staff conflict of interest to ensure the best outcome for the organisation. Staff who have a conflict of interest must remove themselves from any decisions relating to the tenant or the applicant. It is the responsibility of the Housing Manager to manage the staff conflict of interest register and to monitor it. If a staff member fails to declare a conflict of interest the matter will be dealt with in line with THAC Code of Conduct and Employment Handbook.

Tharawal Housing Aboriginal Corporation staff and board members must always adhere to the Confidentially Policy and Privacy Policy.



Conflict of Interest Register

Name	Conflict	Date Declared	Impact of Conflict	Conflict Ceased