



CONFLICT OF INTEREST POLICY

Policy Number	CO10
Version	3
Date	July 2022
Review Date	July 2024

1 Purpose

The purpose of this policy is to ensure that real, potential or perceived conflicts of interest are appropriately managed.

2 Scope

This policy and associated procedures apply to all Directors and employees of Access 2 Place.

3 Policy Detail

Access 2 Place (A2P) is a not-for-profit disability housing provider with an important position in the community that requires accountability, transparency, respect and fairness for all people we engage and support. Access 2 Place is committed to managing its services and assets effectively and with integrity.

As an NDIS Registered Provider, A2P must act in the best interests of participants, ensuring that participants are informed, empowered and able to maximise choice and control. A2P must not (by act or omission) constrain, influence or direct decision making by a person with a disability and/or their family so as to limit that person's access to information, opportunities and choice and control.

A conflict of interest, whether it be real, potential or perceived, occurs when there is a conflict between professional duties and private interests. Conflicts can occur in a variety of ways but fundamentally it is where an individual's private interests could improperly influence their decisions and the performance of their professional duties and responsibilities. To effectively manage the risk that conflicts of interest can generate, A2P requires all real, potential or perceived conflict to be disclosed, to ensure they can be appropriately managed.

Directors and employees must be aware of the potential for a conflict of interest to arise and should always act in the best interests and in good faith towards A2P. This is critical to maintaining community and stakeholder confidence; the integrity and reputation of the organisation; and ensures transparency through its procurement and other key business processes.

Directors and employees should aim to avoid being put in a situation where there may be a conflict between the interests of A2P and their own personal or professional interests, or those of relatives or friends. Where such a conflict occurs (or could be perceived to have occurred), full disclosure enables the risk to be objectively assessed and the interests of the business will be balanced against the interests of the individual and, unless exceptional circumstances exist, resolved in favour of A2P.

Directors and employees are not to allow personal relationships to influence work behaviours. It could be a conflict of interest if an employee acts on the basis of personal friendship or personal animosity to advantage or disadvantage a fellow employee, supplier, service provider, applicant or tenant.

A2P tenants or applicants have the right to make a complaint where they believe they have been disadvantaged by a decision or behaviour by A2P employees which is a result of a conflict of interest. Please refer to the A2P [Complaints, Appeals & Compliments Management and Resolution Policy](#).



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4 Procedures

Conflict of Interest – Governance

In line with the A2P Constitution:

The Board, its associated Directors and the Chief Executive Officer are responsible for:

- On commencement as a Director of A2P, notifying the A2P Chair and Board of Directors of any potential, actual or perceived conflicts of interest that exist.
- Updating the Conflict of Interest Register at a Board Meeting as soon as practicable after becoming aware of their interest in a matter
- Ensuring every declaration is to be recorded in the associated Board Minutes
- Reviewing and updating the Conflict of Interest Register on an annual scheduled basis
- Avoiding being placed in a situation where there is potential, actual or perceived conflict of interest if at all possible
- Not participating in the selection, awarding or administration of a contract if there is either an actual, apparent or potential conflict of interest (without appropriate controls or an independent risk assessment)
- Complying with all relevant fiduciary duties, including those governing conflict of interest
- Personally, or through a related entity whereby they have a personal interest, tender for any business of A2P.

If a Director is in doubt if a conflict exists, they should raise the matter with the Board Chair as soon as possible. At the commencement of each Board meeting, a formal request to declare any conflicts of interest will be undertaken.

Where a Director declares a potential, actual or perceived conflict of interest, the Director must provide details of the nature and extent of the Director's interest and the relation of the interest to the affairs of the Company. The Board Chair will facilitate a review and Board risk assessment that will generate practical arrangements to manage and control the associated risk.

Where a Director has an actual material personal interest in a matter that is being considered at a Board or Board sub-committee meeting, they must not be present while the matter is being considered, nor have voting rights in relation to the matter. The exception to this is only where the Directors, who do not have a material personal interest in the matter, have passed a resolution that states that those Directors are satisfied that the interest should not disqualify the Director from voting, or being present in organisational decision making relating to the matter where the conflict exists.

Failure to declare a potential, actual or perceived conflict of interest, or failure to take remedial action agreed with A2P in a timely manner, may result in disciplinary proceedings.

The Company cannot avoid a contract or arrangement entered into by or on behalf of the Company in which any Director has a material personal interest, because of the Director's material personal interest.

Nothing in this Policy affects the duty of a Director who holds any office or possesses any property whereby, directly or indirectly, duties or interests might be created in conflict with the Director's duties or interests as a Director, to declare at a meeting of Directors, the fact and the nature,



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character and extent of the conflict; or to comply with the [Australian Charities and Not-for-profits Commission \(ACNC\) Act 2012](#), the [ACNC Regulation 2013](#) and the [Corporations Act 2001](#).

Conflict of Interest - Operational

Employees are responsible for:

- On commencement of employment with A2P, notifying your manager or the CEO of any potential, actual or perceived conflicts of interest that exist
- As soon as is practicable, declaring any potential, actual or perceived conflicts of interest that arise, or are likely to arise during employment by A2P to the Chief Executive Officer who will update the operational conflict of interest register
- Avoiding being placed in a situation where there is potential, actual or perceived conflict of interest if at all possible
- Not participating in the selection, awarding or administration of a contract (including employment contract) if there is either an actual, apparent or potential conflict of interest (without appropriate controls or an independent risk assessment)
- Not having any undisclosed personal interest, or association with an entity that supplies a service and receives direct payment from A2P.

The **CEO** is responsible for:

- Reviewing and updating the Operational Conflict of Interest Register on an annual basis through systematically reminding all employees to review their current personal interests
- Disclosing any potential, actual or perceived conflict of interest in accordance with the Governance procedures.

If an employee is in doubt if a conflict exists, they should raise the matter with the CEO as soon as possible. Specifically, all employees are to disclose conflicts of interest to the CEO.

If an employee declares a conflict of interest, A2P through the CEO, will facilitate a review and operational risk assessment that will generate practical arrangements to manage and control the associated risk.

Where an employee has an actual material personal interest in a matter that is being operationally managed, they must not participate where possible in decision making relating to the matter being managed.

Failure to declare a potential, actual or perceived conflict of interest, or failure to take remedial action agreed with A2P in a timely manner, may result in performance improvement or disciplinary proceedings.

Outside Employment

Employees must disclose any other employment arrangements, separate from A2P, before commencing their employment, or before accepting any offer whilst already employed by A2P. Approval for outside employment can be received only after a meeting is held with the CEO to understand the nature of the work and to establish if there may be an actual, potential or perceived conflict of interest with A2P.

Where there are approved external work arrangements separate from A2P that do not represent a conflict of interest, these must not affect performance or attendance whilst working at A2P. If such



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involvement does affect performance or attendance it will be considered a conflict of interest. This includes undertaking work related to other business interests during A2P paid work hours.

Employees must not set up or engage in private business, or undertake other employment in direct or indirect competition with A2P using knowledge and/or materials gained during the course of employment with A2P.

Gifting

Access 2 Place expects its employees to be impartial and not to be improperly influenced in the performance of their duties. As a result, employees must not participate in any activity that is fraudulent or gives the perception of being fraudulent. Employees must not solicit gifts, bribes, hospitality, benefits, services or favours, as this may be considered corrupt conduct and certain types of corrupt conduct may amount to a breach of State or Federal law.

The acceptance or presentation of gifts and benefits has the potential to obtain influence or favour of an employee. Receiving gifts and/or benefits is a matter of judgement and the following should be considered:

- Total value of the gift or benefit (generally if over \$50).
- Reoccurrence of gift (for example, receipt of one coffee versus a weekly coffee).
- Would it pass a public scrutiny test?
 - Is there any possibility for the general public to perceive the gift or benefit as affecting the impartiality of A2P employees?
 - Would it reflect negatively on A2P if questions were raised in the media?

If an individual is unsure, they are encouraged to seek advice from the CEO. All gifts received must be listed on the A2P 'Gift Register' and the A2P CEO is to be informed.

Gifting Guidelines

When can a gift be accepted?

Access 2 Place employees may only accept a gift or benefit when:

- There is no possibility that the employee will, might be, or appear to be influenced or compromised
- It is not obtained by virtue of the employee's role/ position
- It will not benefit or reasonably be seen to improperly benefit the provider of the gift or benefit
- It is not involving money, or cannot be readily converted to money, free travel, accommodation
- It is not part of a current or reoccurring procurement process, nor is the provider subject to a decision where A2P is involved in the decision making.

Can I keep a gift?

Where possible the retained gift or benefit should be shared with the employee's immediate colleagues rather than retained/used for the employees' sole benefit. Where it is not appropriate for



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an employee to retain a gift or benefit it should be declined. If the gift or benefit has already been received, it is to be tactfully returned to the provider.

It is important not to assume that gifts and benefits below \$50 are acceptable as many minor gifts and benefits often have the ability to influence, or pose a conflict of interest. Employees may only accept a gift or benefit of under \$50 if they have notified and gained permission from the Chief Executive Officer, recorded the gift in the A2P 'Gift Register' and ensured that the gift or benefit is deemed acceptable in accordance with the policy and requirements outlined above.

What about appreciation gifts?

If a token gift is given in an open and formal way, is a once-off occasion and is not foreseen to be repeated, and is not considered to be 'significant' it may be accepted. An example of this may be a box of chocolates or bottle of wine for giving a speech or for attending an event.

When to record a gift in the 'Gift Register'?

Each employee is required to record any gift received regardless of its value in the Access 2 Place Gift Register. This includes appreciation gifts. As part of this process the CEO is also to be notified of any gift received.

What if it would be offensive for me to return the gift or benefit?

If the gift or benefit is a memento (eg. a souvenir) or symbolic in nature and is in line with policy requirements, the gift or benefit may be accepted. Generally, mementos or symbolic items are gifts and are provided in an open and formal setting, and are offered to the organisation rather than an individual employee (e.g., an indigenous painting or symbolic statue). A2P employees must inform the Chief Executive Officer. Appropriate mementos or symbolic gifts and benefits should, where possible, be shared with the organisation (e.g., be displayed in a common office space).

What about the receiving and giving of gifts or benefits during procurement processes?

It is good practice for all A2P employees to not accept any gifts or benefits involved in any procurement processes and to inform suppliers and contractors that gifts and benefits of any kind are registered and reported during, or pending, procurement processes.

5 Definitions

An Actual conflict of interest occurs when there is direct conflict between an employee's or director's current duties and responsibilities and an existing private interest.

A Perceived or Apparent conflict of interest occurs when it appears or could be perceived that an employee's or directors' private interest could improperly influence the performance of their duties, whether or not this is the case.

A Personal Interest does not need to be the Director's own interest, but may also arise from the interests of the Director's family, friends, or other organisations the Director is involved with. It also includes a conflict between the Director's duty to the charity and another duty that the Director has (for example, to another charity).



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A Potential conflict of interest occurs when an employee or director has a private interest that could conflict with their duties in the future.

A Gift includes 'free' items or hospitality exceeding common courtesy offered to an employee in association with their work. Gifts may include, but are not limited to: offers of cash or shares, entertainment, travel and accommodation, acceptance of fees, bottles of wine, prizes, personal items, manufacturer's samples, clothing, books, CDs & DVDs.

Benefits include the giving of preferential treatment, privileged access, discounts, favours or any other advantage offered to an employee. While the value of benefits may be difficult to quantify in dollars, they may be highly valued by the intended recipient and therefore used to influence future behaviour. Benefits may include, but are not limited to: accruing value or points for loyalty schemes such as frequent flyer schemes or other discounts, car hire, meals, hospitality, functions, events and travel upgrades.

6 Reference Documents and Resources

- [Australian Charities and Not for Profits Commission Act 2012](#)
- [ACNC Regulation 2013](#)
- [Corporations Act 2001](#)
- [A2P Gift Register](#)
- A2P Governance Conflict of Interest Register
- [A2P Operational Conflict of Interest Register](#)
- [A2P Complaints, Appeals & Compliments Management and Resolution Policy](#)

7 Policy Approval

Content Author:	Delegated Authority: Board
Date: June 2020	Date approval given in minutes: 24 th June 2020
Name: Jos Hutchinson Position: HR Consultant	

8 Revision History

Date	Version	Author / Amended By	Comments / Review History
2016	1	Lyndi Gepp	Original Draft of G301 Conflict of Interest
Mar-June 2020	2	Jos Hutchinson	Review of G301, significant changes made. Transfer to new template.
June 2022	3	Stephanie Singleton	Minor changes; updated references to internal documents, including removal as necessary.