



Conflict of Interest Policy

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Contact officer	Role	Ver No	Date	Review Date
Peter Miller	Chief Financial Officer	1	November 2011	November 2012
Tony Smith	Chief Financial Officer	2	August 2015	August 2016

1. Policy Statement

The St Vincent de Paul Society NSW (the Society) recognises that an open and transparent policy on the identification, notification and management of actual, perceived and potential conflicts of interest provides a clear, accountable and transparent system by which members, volunteers and employees as well as Directors and Trustees avoid placing the Society or themselves at risk of loss of reputation and/or penalties.

2. Scope

This policy applies to all Society members, volunteers and employees as well as the Trustees and Directors of the Trustees of the Society of St Vincent De Paul (NSW) and St Vincent de Paul Society NSW.

3. Purpose of Policy

The purpose of this Policy of the Society is to:

- maintain appropriate standards of conduct for all members, volunteers and employees;
- protect and enhance the integrity and reputation of the Society; and
- ensure the public interest is protected.

4. General

The Society acknowledges the importance of maintaining a policy which appropriately deals with any conflict of interest issues (both of a monetary and non-monetary nature) which may arise involving members, volunteers or employees.

A conflict of interest is considered to be “material” if a reasonable individual would take possible or actual conflicting interests into account when making a decision or exercising judgment.

5. Definitions

Directors: For the purposes of this policy a Director is a person appointed to the Board of St Vincent de Paul Society NSW - a public company limited by guarantee.

Employee: For the purposes of this policy an employee is a person employed by the Society on a full-time, part-time, fixed term or casual basis.

Executive Officer: The Society employee responsible for the management of a Central Council or special works area.

Manager: The Society member, volunteer or employee responsible for the supervision of a particular member, volunteer or employee.

Members: In this document the term Member includes Conference, Associate and Volunteer Members.

State Council members: State Council comprises the State President; each person admitted as a member as a President’s Vice President and the President’s Youth Representative; and President of the ten Central Councils.

Trustees: For the purposes of this policy a Trustee is a person appointed to the Trustees of the Society of St Vincent De Paul (NSW) - a body incorporated under the *Roman Catholic Church Communities' Lands Act 1942 (NSW)*.

Volunteers: Applies to students, interns, corporate volunteers, and others who perform unpaid work for the Society as well as through various schemes such as “work for the dole” and “community service order” schemes. In this document “Volunteer” does not include “Members”.

6. Legal entities

The Society comprises a number of separate but related legal entities. The Trustees of the Society of St Vincent de Paul (NSW) (“Trustees”) is a body incorporated under the *Roman Catholic Church Communities' Lands Act 1942 (NSW)*. In November 2012, the Trustees registered a public company limited by guarantee, named St Vincent de Paul Society NSW (“the Company”), and on 1 July 2013 all of the operations of the Trustees were transferred to the Company. A Transfer Deed governs the relationship between the Trustees and the Company and identifies the responsibilities and obligations of each entity. The ownership of all real property is retained by the Trustees. The members of the NSW State Council are the same individuals as the Directors of the Company. Both entities are registered as charities with the Australian Charities and Not-for-Profits Commission (ACNC).

The Board guides and supports the work of the Society in NSW. State Council decisions are binding upon the Regional and Central Councils and Conferences. Each Central Council President sits on the NSW State Council and on the Company Board. A number of advisory committees assist the State Council and Board in carrying out their responsibilities.

7. Definition of conflicts of interest

A conflict of interest can be defined as “a situation in which a person has a private or personal interest sufficient to appear to influence the objective exercise of his or her official duties...” (“Charitable Conflicts of Interest”, *Journal of Business Ethics* 39:1-2, 67-74, August 2002, p.68). It is important to note that conflicts of interest can exist when pursuing personal gain as well as avoiding personal losses. Interests can be pecuniary (financial) or non-pecuniary.

Pecuniary interests are defined as interests a person has in a matter because of the reasonable likelihood or expectation of financial gain or loss to the person or another person with whom the person is associated.

Non-pecuniary interests are defined as any private interest that does not relate to money arising out of kinship, friendship, membership or involvement or interest in an activity.

Conflicts of interest can be actual, perceived or potential.

- Actual conflicts of interest involve direct conflicts between current duties and responsibilities and existing personal interests.
- Perceived conflicts of interest are where a fair and reasonable person would objectively consider that personal interests could inappropriately influence the performance of duties, irrespective of whether or not this is the case.

- Potential conflicts of interest are where the opportunity exists for private interests to conflict with official duties.

8. Failure to avoid conflicts of interest

The risk to the Society of not effectively avoiding conflicts of interest, or the failure to adequately disclose and manage unavoidable conflicts of interest may result in:

- damage to the reputation of and trust in the Society and the individual(s) concerned;
- tension amongst members, volunteers and employees as well as Directors and Trustees who see others gaining unfair advantage;
- the inability of the Society and/or individual to respond to unsubstantiated claims of conflicts of interests; and
- financial or other losses that may be incurred by the Society as a result of the acceptance of an inferior contract, either due to excessive cost or inferior quality of product.

The failure to disclose actual, perceived or potential conflicts of interest may lead to:

- misconduct or other disciplinary proceedings against those concerned; and
- legal action against the Society or the individuals concerned.

9. Test to determine whether a conflict of interest exists

The primary test to identify whether a conflict of interest may exist is whether an individual could, or appear to be, influenced by a personal interest in carrying out the duties and responsibilities of their role. The critical factor is whether a reasonable individual would consider these relationships and interests such that they could possibly conflict or appear to conflict with each other.

The following questions should be considered in each situation to assist members, volunteers and employees in deciding whether a conflict of interest exists or creates the perception that one does.

- Do I, a relative, friend or associate stand to gain or lose financially from a decision or action on this matter?
- Do I, a relative, friend or associate stand to gain or lose my / our reputation because of the decision or action?
- Am I a member of an association or professional organisation, or do I have strong ties and affiliations with the organisation or individuals, who stand to gain or lose from the matter?
- Have I received a gift or benefit from someone who stands to gain or lose from the decision or action?
- Could there be benefits for me in the future that could cast doubt on my objectivity?

- If I do participate in assessment or decision-making, would I be content if my colleagues and the public became aware of my association or connection?
- Would a fair and reasonable person objectively perceive that I was or may be influenced by personal interest?
- Am I confident that I am able to act impartially and in the Society's best interest?

The Society does not accept any such behaviour which compromises the Society's reputation, its ability to serve its mission, or its financial security.

10. Quotes and Tendering

The Society has a mandatory requirement to source three (3) quotes when making decisions regarding expenditure over a monetary limit of \$30,000. This requirement also applies when members, volunteers or employees (or their relatives of close friends or a business in which they or their relatives or close friends have an interest) offer to provide goods or services to the Society.

In circumstances where it is not practical to obtain three quotes, the reason for this must be documented, including evidence that the cost is reasonable.

The Society has in place and will maintain stringent policies and procedures to ensure appropriate tendering and decision-making practices are followed.

11. Interested parties must absent themselves from decision-making

In circumstances where decisions regarding the purchase or sale of goods or services could benefit the decision-maker themselves (or a relative or close friend or a business in which they or a relative or close friend have a financial interest), the member, volunteer, employee, Director or Trustee responsible for such a decision must remove themselves from the process, with their immediate superior assuming responsibility.

In the case of a State Council decision, the interested Council member must declare their interest and absent themselves from the decision-making process.

In similar manner, where a relative or close friend is applying for any position with the Society, the related member, volunteer or employee must absent themselves from the selection panel.

12. Improper use of information or position

Members, volunteers, employees, Directors and Trustees must not inappropriately use information attained through their position in the Society. Furthermore, they must not use their position to gain benefit for themselves or others or to cause disadvantage to the Society.

13. Managing conflicts of interest

The following procedures are to be followed when managing conflicts of interest.

- a) An actual, perceived, or potential conflict of interest must always be disclosed, following the disclosure procedure detailed in the Disclosure Procedure below.

- b) Management procedures to address the conflict will escalate equally with the risk associated with the conflict. These measures may include consultation with the Internal Audit and Risk Manager and / or the Audit, Risk and Finance Committee.

The above guidance is not all-inclusive and may require management discretion in particular circumstances.

There may be a situation where a person is both an employee and a member and those different roles cause a conflict of interest. If that occurs the State Council President may require an employee who is also a member of the Society and is identified as being in an actual conflict of interest situation to elect between their membership or employee status within fourteen (14) days of receiving a written request to do so, by the State Council President. Employees who fail to make an election as to their status or relationship with the Society may be deemed to be in breach of their employment obligations.

14. Disclosure Procedure

As detailed in the above (“Managing conflicts of interest”) section, Society members, volunteers, employees, Directors and Trustees must complete a “Disclosure of Interest Statement” (**Appendix A**) as soon as they become aware that they may have an actual, perceived or potential conflict of interest. The form, once completed, can be either emailed or hand delivered to the individual’s immediate Manager/Supervisor for evaluation. If it is deemed not appropriate to submit to the immediate Manager, it should be forwarded to the next level above.

A perceived, potential, or actual conflict of interest affecting members of the State Council and senior executives (including the Chief Executive Officer) should be disclosed to the Chair of the Audit, Risk and Finance Committee. The Disclosure of Interest Statement must include a sufficient level of detail to assist the decision to be made about its management. Appropriate disclosure occurs when a completed statement is submitted. It is not sufficient for a matter to be simply acknowledged by others, or for it to be considered “public knowledge”. Should a management procedure beyond disclosure be required by the evaluating Manager, this must be reported to the member, volunteer or employee making the disclosure. The intention is to come to an agreement on an appropriate procedure to manage or eliminate the conflict of interest. Any unresolved situation or disagreement must be referred to the Audit, Risk and Finance Committee for a final decision.

Members of the State Council and senior executives will declare any conflicts of interest at each meeting of the Board and Trustees in accordance with the Society’s continuous disclosure process.

A register of all Conflicts of Interests is to be kept by the Society Company Secretary and to be made available to the Audit, Risk and Finance Committee as and when required.

15. Reporting Conflicts of Interest

Should a member, volunteer, employee, Director or Trustee become aware of an undisclosed conflict of interest, they should discuss this with their immediate Manager (or level above) who will direct the issue as appropriate.

16. Annual Conflict of Interest statement sign-off

All State Council members and key Society executives (including Directors, Trustees, Central Council Executive Officers, the Chief Executive Officer, the Deputy Chief Executive Officer and the Chief Financial Officer) must complete an Annual Disclosure of Interest Statement. (**Appendix B**)

This annual disclosure to the Company Secretary is to occur as at 30 June each year.

17. Confidentiality of Disclosure

The Society will ensure that confidential disclosures are protected from misuse and treated confidentially. The "Privacy and Confidentiality Policy" may be consulted for guidance. A Manager in receipt of a conflict of interest disclosure is required to exercise judgment about the level of disclosure necessary to manage the conflict. If uncertain, the individual should seek advice from their immediate superior. In circumstances where further disclosure is deemed necessary, the Manager must inform the individual who disclosed the conflict of their decision to make further disclosure. If this is not agreed between the parties, the matter will be referred to the Audit, Risk and Finance Committee.

The periodic reporting regarding the conflict of interest and its management must be presented in a manner that maintains the confidence of the individual who made the disclosure.

18. Responsibilities

Members, volunteers and employees will:

- familiarise themselves with this Policy;
- report any actual, perceived and potential conflicts of interest to their Manager; and
- respond to all reasonable requests from their Manager.

Managers will:

- monitor the implementation of this Policy;
- bring to the early attention of a member, volunteer or employee any conflicts of interest matter; and
- apply the Policy in a transparent and accountable manner.

Executive Officers will:

- monitor the implementation of this Policy;
- report annually on the implementation of the Policy; and
- ultimately be responsible for managing conflicts of interest in a fair, timely, expeditious and transparent manner.

State Council members, Directors, Trustees, Executive Officers, the Chief Executive Officer and the Chief Financial Officer will:

- disclose any conflicts of interest at each meeting of the Board or Trustees; and
- complete an Annual Disclosure of Interest Statement.

19. Related Policies

- Code of Conduct for Members, Volunteers and Employees
- Confidentiality & Privacy Policy
- Managing Fraud and Dishonest Behaviour Policy



Appendix A: Disclosure of Interest Statement

Section 1 PURPOSE

The purpose of this form is to provide an opportunity for members, volunteers, employees, Directors and Trustees to disclose an actual, perceived, or potential conflict of interest.

Section 2 MEMBER / VOLUNTEER / EMPLOYEE DETAILS

Name:		Email Address:	
Position Title:		Position Area/Region/Central Council	
Phone Number (W):		Phone Number (M):	

Section 3 NATURE OF THE ACTUAL, PERCEIVED OR POTENTIAL CONFLICT OF INTEREST

Describe the nature of the actual, perceived or potential material conflict of interest

Provide sufficient information to assist in forming a procedure for management of the conflict of interest. If third parties are relevant to the disclosure, the third parties should be informed.

Section 4 CLASSIFICATION OF CONFLICTS OF INTEREST

Please select whether the conflict of interest is Pecuniary (financial) or non-Pecuniary (non-financial):

<input type="checkbox"/>	Pecuniary (financial)
<input type="checkbox"/>	non-Pecuniary (non-financial)

Section 5 PROPOSED MANAGEMENT OF CONFLICTS OF INTEREST

If this is a pecuniary interest you must not be involved in consideration or discussion of the matter of interest. Please indicate how you intend to manage this conflict of interest.

<input type="checkbox"/>	Remove myself from all involvement in the matter
<input type="checkbox"/>	Other, please specify:

Section 6 DECLARATION

I have disclosed the above interest and acknowledge that I will take the action as approved.

..... / /
Signature: Date

I have noted the above declaration and agree/disagree* (delete as appropriate) with the action proposed:

..... / /
Manager's Name Signature: Date

Where agreement not reached above, the Internal Audit and Risk Manager must be consulted:

..... / /
Name of Internal Audit and Risk Manager Signature: Date

Disclosure of Interest Statement and Privacy

The information provided in this document is collected in accordance with the requirements of the Society "Conflict of Interest Policy". These procedures provide for the disclosure of all material conflicts of interest by a member, volunteer, employee, Director or Trustee. Failure to disclose may result in damage to reputation, misconduct / disciplinary proceedings or legal action.

Pecuniary Interests

These are defined as interests a person has in a matter because of the reasonable likelihood or expectation of financial gain or loss to the person or another person with whom the person is associated.

Non-Pecuniary Interests

These are defined as any private interest that does not relate to money arising out of kinship, friendship, membership or involvement or interest in an activity.

Sensitive and Confidential Information

The Society acknowledges that the information provided in confidence in this disclosure is personal and sensitive and therefore will treat it confidentially.

Disclosure within the Society

In addition to the Manager of the unit, the information you provide may also be disclosed, if the Manager deems it necessary, to other relevant officers of the Society, including the Chair of the Audit, Risk and Finance Committee, the Chief Executive Officer and the Internal Audit and Risk Manager.

The Manager will inform the person disclosing the conflict of interest of their decision to further disclose to such parties. All such disclosures will, as far as is practicable and reasonable, be in an anonymous form.

Retention of documents

This document and any copies will be held by the Company Secretary in accordance with the requirements of the Records Retention Policy (2010).

What happens next?

On receipt of the completed statement your Manager will evaluate and discuss it with you in a timely manner. Your manager will exercise judgement in assessing the appropriateness of the plan for managing the conflict of interest and may seek the advice of their immediate superior or other relevant officer. Before doing this, the manager will advise the individual of their intention.

Where a plan cannot be agreed upon, the matter should be referred to the Internal Audit and Risk Manager at first instance and if considered necessary to the Audit, Risk and Finance Committee.

Copies of all completed and signed Disclosure of Interest Statements must be forwarded as soon as possible to the Society Company Secretary who will keep a register of these interests. The address is:

Society Company Secretary
St Vincent de Paul Society NSW
PO Box 5
Petersham NSW 2049



Appendix B: Annual Disclosure Of Interest Statement

as at 30 June

Section 1 PURPOSE

The purpose of this form is to facilitate the annual reporting by all **State Council members, Directors, Trustees, Central Council and Executive Officers, and State Support Executive Officers, the Chief Financial Officer** of an actual, perceived or potential conflict of interest as at the 30 June each year or date of signature.

Section 2 MEMBER / VOLUNTEER / EMPLOYEE DETAILS

Name:		Email Address:	
Position Title:		Position Area/Region/Central Council	
Phone Number (W):		Phone Number (M):	

Section 3 CLASSIFICATION OF CONFLICTS OF INTEREST FOR THE NEXT FINANCIAL YEAR

Do you have any actual, perceived or potential conflicts of interest?

<input type="checkbox"/>	No
<input type="checkbox"/>	Yes: If "Yes" Please provide the number of conflicts of interest in the spaces below <input type="checkbox"/> Pecuniary (financial) <input type="checkbox"/> non-Pecuniary (non-financial)

Section 4 MANAGEMENT OF CONFLICTS OF INTEREST

Please provide the detail of the conflicts of interest for the numbers detailed in Section 3 above:

Name	Position/Location	Type		Description of COI	Management Plan
		Pec	Non-Pec		

Section 5 DECLARATION

I declare that:

- 1) the above information accurately reflects the actual, perceived or potential conflicts of interest as at 30 June or date of signature;
- 2) should an actual, perceived or potential conflict of interest arise in a meeting or otherwise I shall declare this to the Chairperson who will advise of an appropriate course of action to be followed; and
- 3) I will complete and submit a "Disclosure of Interest Statement" once an actual, perceived or potential conflict of interest is identified.

..... / /
Name Signature: Date