

PROCEDURE

Conflicts of Interest



Issued with the authority of the Chief Commissioner and Chief Executive Officer of Scouts NSW

Chief Commissioner signature		CEO signature	
Sponsor	Chief Executive Office		
Document type	Procedure	Date of issue	14 September 2021
Document code & no.	PRO37	Version number	2.0
Document title	Conflicts of Interest	Due for review	14 September 2024

Conflicts of Interest

1 Purpose and scope

- 1.1 This Procedure document has been developed in order to provide information and guidance to members of the Branch Council, Board of Directors (Board), Board Committee's, Chief Commissioner, Chief Commissioners Council, any member of Scouts NSW with delegated decision-making powers ('member'), Chief Executive Officer and all employees of Scouts NSW in the identification, disclosure and management of actual, perceived or potential conflicts of interests.
- 1.2 Procedures include:
- Identifying a conflict of interest.
 - Disclosing a conflict of interest.
 - Managing a conflict of interest.

2 Identification of a conflict of interest

- 2.1 The Independent Commission Against Corruption has identified the following factors that may put 'members' at risk of a conflict of interest and should be taken into account by 'members' when considering whether their private interests may conflict with their Scout role:
- Financial and economic interests such as debts or assets;
 - A family or private business;
 - A primary or secondary employment commitment;
 - Affiliation with for-profit and non-profit organisations, sporting bodies, clubs and associations;
 - Affiliations with professional organisations and other personal interests;
 - Obligations to professional, community, ethnic, family or religious groups in a personal or professional capacity;
 - Obligations because of relationships to people living in the same household;
 - Enmity towards, or competition with, another individual or group;
 - Significant family or other relationships with clients, contractors or other staff working in the same (or related) organisation;
 - Future employment prospects or plans (ie. Post separation).

- 2.2 Conflicts of interest can involve complex and sensitive matters. Scouts NSW supports a culture of open and transparent communication in order to properly manage such conflicts as they arise.

A guiding principle is that, in the case of doubt as to whether a conflict of interest arises, it is better to disclose and manage the conflict.

- 2.3 A self-assessment checklist is set out in **Attachment A** to assist in the identification of a conflict of interest.

3 Disclosure of a conflict of interest

- 3.1 'Members' and employees are to complete a 'Declaration of Conflict of Interest' on a six monthly basis, and as conflicts arise. Information received will be stored in the 'Conflict of Interest Register' held by the Executive Assistant to the Chief Executive Officer and made available, on request, to Board directors, chairs of Board committees, Chief Commissioner and Chief Executive Officer.
- 3.2 Should a change of circumstances arise subsequent to the six monthly completion of 'Declaration of Conflict of Interest', a 'member' or employee must submit a new form for inclusion in the register.
- 3.3 The 'Conflict of Interest' register will be reviewed by the Chief Executive Officer at least six monthly and at other times as deemed necessary and will be made available to the Audit and Risk Committee for review with all outcomes to be reported to the Board.
- 3.4 The agenda for any Board/ Board Committee/ Region Executive meeting should include an agenda item 'Declaration of Conflicts of Interest'. Any conflicts disclosed at the meeting are to be recorded in the minutes of the meeting.
- 3.5 A 'member' who discloses a conflict of interest in a matter which is being discussed within a meeting must disclose the nature of that interest and, at the discretion of the chair and nature of the conflict, not participate in discussion or voting on the matter and may be asked to leave the meeting.
- 3.6 Where a 'member' has declared a pecuniary interest in a matter that is later the subject of a rescission motion, and the circumstances for declaring the pecuniary interest have not changed, then the 'member' would also have a pecuniary interest in the rescission motion and the relevant pecuniary interest disclosure provisions would apply.
- 3.7 A 'member' who discloses a non-significant, non-pecuniary conflict of interest in a matter being discussed must provide an explanation as to why the conflict does not require any further action in the circumstances.

4 Managing conflicts of interests

- 4.1 Effective management of conflicts of interests can be achieved in a number of ways depending upon the nature, complexity and importance of the matter.
- 4.2 Ranging from the simplest to complex, the following strategies, may be implemented:

- **Register Only** - for low risk conflicts requiring disclosure only;
- **Restrict** - restrictions are placed upon the 'member's' involvement in all or parts of the matter;
- **Recruit** - recruitment of a disinterested third party to oversee all or part of the matter while allowing continuation of involvement of the 'member' in the matter;
- **Remove** - the 'member' is removed from all involvement in the matter due to serious unresolved conflicts of interests;
- **Relinquish** - the 'member' relinquishes their private interest that is creating the conflict;
- **Resign** - the 'member' resigns as no other options are workable.

4.3 The monitoring of the conflict of interest must be on-going and strategies adjusted to take into account any changing circumstances.

4.4 The attached flowchart (**Attachment B**) can be used for the identification, disclosure, management and monitoring of conflicts of interests.

5 Breaches of this Policy

5.1 All 'members' have an obligation to comply with Scouts NSW Policies, Codes of Conduct and this Conflict of Interest Policy.

5.2 Failure to comply with this Policy will constitute a breach of the Policy.

5.3 Any person may make a complaint in relation to a pecuniary interest.

Such complaints must:

- a) Be in writing,
- b) Identify the complainant,
- c) Identify the person against whom the complaint is made,
- d) Give particulars of the grounds of the complaint,
- e) Be verified by a statutory declaration and
- f) Be lodged with the Chief Executive Officer, Scouts NSW at ceo@nsw.scouts.com.au

5.4 In some circumstances the failure to disclose a conflict of interest may constitute corrupt conduct as defined in the Independent Commission Against Corruption Act 1988.

6 Other related Policies, Procedures and Practices

This Policy needs to be read in conjunction with the following policies, procedures and practices that provide a Compliance framework for Scouts NSW:

[POL04: Personal Interest Statement](#)

[POL05: Sustainable Procurement](#)

[POL31: Conflicts of Interest](#)

[PRTL05: Code of Business Ethics](#)

Self-Assessment Checklist to Identify a Conflict of Interest

If you answer “yes” to any of the following questions in relation to a matter you are dealing with you may have a conflict of interest that should be declared and managed in favour of your Scouting duty.

- Would I, or anyone associated with me, benefit from, or be detrimentally affected by, my proposed decision or action?
- Could there be benefits for me in the future that could cast doubt on my objectivity in exercising my discretion in the matter?
- Do I have a current or previous personal, professional or financial relationship or association of any significance with any party involved in the matter?
- Would my reputation, or that of a relative, friend or associate stand to be enhanced or damaged because of my proposed decision or action?
- Do I, or a relative, friend or associate, stand to gain or lose financially from my personal decision or action in some covert or unexpected way?
- Do I hold any personal or professional views or biases that may lead others to reasonably conclude that I am not an appropriate person to deal with the matter?
- Have I contributed in a private capacity in any way to the matter?
- Have I made any promises or commitments in relation to the matter?
- Have I received a personal gift, benefit or hospitality from someone who stands to gain or lose financially from my proposed decision or action?
- Am I a member of an association, club or professional organisation, or do I have particular ties and affiliations with organisations or individuals, who stand to gain or lose financially by my proposed decision or action?
- Could my proposed decision or action have an influence on any future employment opportunities?
- Could there be any other benefits or factors that could cast doubts on my objectivity in dealing with this matter?
- Do I have any doubts about my integrity of my personal decision or action?
- Could my involvement in the matter cast any doubt on my integrity or Scouts NSW’s integrity?
- If I did participate in this matter by any decision or action, would I be happy if my colleagues and the community became aware of my involvement and any of my associations or connections to the matter?

Flowchart for Managing a Conflict of Interest

