



Landcare NSW

Date of last amendment : 15/03/2019

Conflict of Interest policy

The Committee of Landcare NSW is committed to high standards of ethical conduct. Landcare NSW accordingly places great importance on making clear any existing or potential conflict of interest.

PURPOSE

This policy has been developed to provide a framework for:

- all employees, Committee and Council members in declaring conflicts of interest; and
- the Committee when determining how to resolve situations involving conflict of interest.

POLICY

A conflict of interest may occur if a financial interest or a relationship influences, or appears to influence, the ability of an employee, Committee or Council member to exercise objectivity.

Landcare NSW places great importance on making clear any existing or potential conflicts of interest. All such conflicts of interest shall be declared by the employee, Committee or Council member concerned. All conflicts of interest, as defined by statute, shall be documented in the Landcare NSW's Conflicts of Interest Register.

Where an employee, Committee or Council has an actual or perceived conflict of interest, as defined by statute, the employee, Committee or Council shall not initiate or take part in any discussion on that topic within a formal meeting, unless expressly invited to do so by majority agreement by all other members present in the meeting.

Where a Committee or Council member has an actual or perceived conflict of interest, as defined by statute, that Committee or Council member shall not vote on that matter.

The Committee may further supplement the definition of conflict of interest from time to time if it so wishes, and may specify the procedures to apply in such cases.

An employee, Committee or Council member who believes another employee, Committee or Council member has an undeclared conflict of interest should specify in writing to the Chair and the Public Officer regarding the basis of this potential conflict.

RESPONSIBILITIES

The Chair is responsible for bringing this policy to the attention of current and prospective Committee members.

The CEO is responsible for bringing this policy to the attention of current and prospective employees members.

All employee, Committee and Council members are responsible for respecting this policy.

PROCEDURES

Before an employee, Committee or Council member begins their service with Landcare NSW, they shall file with the Public Officer a list of their principal business activities, as well as involvement with other charitable and business organisations, vendors or business interests, or with any other associations that might produce a conflict of interest. This information should be documented in the Conflict of Interest Checklist.

Employee, Committee and Council members shall also file with the Public Officer notification of any relationships between themselves and any employee, volunteer or Committee member of Landcare NSW, or any other person having dealings with the organisation, that might reasonably give rise to the perception of a conflict of interest.

Employees, Committee and Council members shall furthermore declare any conflicts of interest of which they become aware either when a relevant issue arises or at the start of the Committee meeting concerned. The nature of this conflict of interest should be recorded in the minutes of either the current or next Committee meeting. The nature of the conflict of interest should also be documented in the Conflict of Interest Checklist.

Where a conflict of interest or potential conflict of interest, as defined below, is identified and/or registered, the employee, Committee or Council member concerned shall leave the room as soon as that item comes up for discussion. The concerned employee, Committee or Council member shall not vote on that issue, nor initiate or take part in any discussion on that topic (either in the meeting or with other employee, Committee or Council member before or after the meetings), unless expressly invited to do so by unanimous agreement by all other members present. The employees, Committee or Council members abstinence should be recorded in the meeting minutes.

If a person declares themselves to have an existing or potential conflict of interest, confidentiality will be respected. If a person alleges that another person has a conflict of interest, whether existing or potential, and that person does not agree, and if the Committee cannot resolve this allegation to the satisfaction of both parties, the matter shall be referred to Members Council. This Members Council will make a recommendation to the Committee as to what action shall be taken.

'Conflict of interest' is defined as applying in accordance with the statute, where a employee, Committee or Council member stands to gain financially from any business dealings, programs or services of the organisation, other than where:

- a Council or Committee member falls into the class of people benefited by the organisation and the financial gain is of a nature common to other beneficiaries, or
- the person is an employee of the organisation, and the financial gain is of a nature common to other employees.

'Conflict of interest' is further defined as follows:

- an immediate family or business connection of an employee, Committee or Council member, or any person with whom the employee, Committee or Council member is in a close relationship, stands to gain financially from any business dealings, programs or services of the organisation,
- an employee, Committee or Council member has a role on the governing body of another organisation, where the activities of that other body may be in direct conflict or competition, or perceived as such, with the activities of Landcare NSW.

'Close relationship' is defined as any relationship that might reasonably give rise to an apprehension that the employee, Committee or Council member might place the interests of the other party above the interests of the organisation.

Committee members are not barred from engaging in business dealings with the Landcare NSW, provided that these are negotiated at arm's length without the participation of the Committee member concerned.

DISCIPLINE UNDER THIS POLICY

The Committee and Management of Landcare NSW has the responsibility of overseeing this policy.

Supervisors and managers will ensure employees are compliant with all areas of this policy, including any disciplinary action resulting from non-compliance.

The Chair of Landcare NSW will ensure that Committee and State Council members are compliant with all areas of this policy, including any disciplinary action resulting from non-compliance.