

CONFLICT OF INTEREST POLICY

Responsible person	Executive Officer	Scheduled review date	June 2021
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VERSION CONTROL

Version No.	Date	Responsible person	Details
1	21 Jun 2017	K Holmes	Creation of new policy and process
1a	21 Jul 2017	K Holmes	Addition of COI questionnaire, reference to Funding Deed COI clause, additional process for collection, retention, security and use of Board declarations.
1.1	21 Sep 2018	K Holmes	Updated with police check requirements – as per board actions 15/6/18 Item 2
2	18 Sep 2020	K Holmes	Review conducted, amendments presented to Sept Board highlighted text
	13 Aug 2021	K Holmes	No changes proposed

REFERRED DOCUMENTS

Public Service Act 1999 (Commonwealth)

Public Governance, Performance and Accountability Act 2013 (Commonwealth)

Public Administration Act 2004 (Vic State)

RELATED DOCUMENTS

[Code of Conduct](#)

[Commonwealth Funding Deed 2016-2020](#) – section 20

[Gifts Register](#)

INTRODUCTION

The Board of Rural Financial Counselling Service (RFCS) - Gippsland is committed to high standards of ethical conduct and accordingly places great importance on making clear any existing or potential conflict of interest, whether it is a real or perceived.

In accordance with section 13(7) of the Code of Conduct contained in the Public Service Act 1999 (PS Act), all RFCS Gippsland Board members and staff must:

- take reasonable steps to avoid any conflict of interest (real or apparent) in connection with employment or board appointment; and
- disclose details of any material personal interest at time of employment or appointment, and annually, or at the time the material interest occurs (noted at meetings and updated in registers).

PURPOSE

This policy has been developed to provide a framework for:

- all Board Members and staff in declaring conflicts of interest;
- the Board, when determining how to deal with situations of conflict.

POLICY

RFCS Gippsland places great importance on making clear any existing or potential conflicts of interest, and requires all board and staff to take reasonable steps to avoid any conflicts of interest, real or perceived, in connection with their employment.

Conflicts of interest, real or perceived, cannot always be avoided. Where this is the case board members and employees must disclose details of any material personal interest in connection with their employment.

A conflict of interest may occur if an interest or activity influences or appears to influence the ability of an RFCS Gippsland member to exercise objectivity.

All such conflicts of interest shall be declared by board members at each board meeting, and for all staff and board members annually via the Conflict of Interest Questionnaire, which will be documented in the Register of Interests.

R&G Subcommittee will regularly review the Register of Interests to determine appropriate actions to address conflict (if required).

All board members are required to undertake a police check on induction and on renewal of term (every 3 years).

‘Conflict of interest’ is defined as

1. where a Board member or staff stands to gain financially from any business dealings, programs or services of the organisation, other than where:
 - a) financial gain is of a nature common to other beneficiaries;
 - b) the person is an employee of the organisation, and the financial gain is of a nature common to other employees.
2. where the immediate family or business connections of a Board member or employee stands to gain financially from any business dealings, programs or services of the organisation,
3. where a Board member or the ex-officio member of the Board, or a staff 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 with the activities of RFCS Gippsland.

Where a Board member has a conflict of interest, that Board member shall not initiate or take part in any Board discussion on that topic (either in the meeting or with other Board members before or after the Board meetings), unless expressly invited to do so by unanimous agreement by all other members present.

A Board or staff member who believes another member or staff has an undeclared conflict of interest should specify in writing the basis of this potential conflict.

Employees must not seek or accept a gift or a benefit arising from their involvement with the Services, whether from a Client or other parties.

RFCS Gippsland will maintain a Gifts Register to record all offers of gifts over the value of \$50 and whether the offer is accepted or declined, and whether the gift (if accepted) is to be kept by the recipient for personal use, used in the workplace or disposed of. The [Gift Register](#) is made accessible to the Board at all times.

Promotional material of an inconsequential nature and other token gifts of small value incorporating a commercial logo are not considered as gifts, unless they are received on a repetitive basis (eg more than once).

RFCS Gippsland acknowledges that any improper conduct by RFCS Gippsland employees, board members or contractors that is perceived as corruption and not properly dealt with or ceased, may be reported to the Independent Broad-based Anti-Corruption Commission (IBAC) for investigation and protection of informant(s).

PROCEDURE

RFCS Gippsland employees and board members are required to declare in writing, at least annually by **30 June**, their own and their immediate family's financial and other interests that could cause a real or perceived conflict of interest.

All new Board members and staff will be required to complete the Conflict of Interest Questionnaire as part of the induction procedure.

Declaration of interest to be captured at each board and committee meeting(s).

Declarations need to be revised and resubmitted whenever there is a change in personal circumstances and/or a change in work responsibilities that could involve a new real or perceived conflict of interest.

Declaring a material conflict of interest is a requirement under the above legislation. Should board members or staff choose not to complete the Declaration of Interest Questionnaire in full, this may be regarded as a breach of the Australian Public Service Code of Conduct, and may lead to termination of employment.

Board or staff members who have an undeclared conflict of interest and acts knowingly, whether fraudulently or not, will be subject to investigation and possible disciplinary and / or legal action.

The purpose of collecting this personal information is to document any real or perceived conflicts of interest and to record acknowledgement of obligations under the applicable legislation. This will assist RFCS Gippsland to manage any conflicts of interest that may arise.

Conflict of Interest Questionnaire to be completed by all Board members and staff and submitted to the Executive Officer by **31 July each year**.

All questionnaires and personal information will be recorded in the Register of Interest and will be filed on the RFCS Gippsland secure Board SharePoint library. Access to the questionnaires and register will be restricted to the Executive Officer and Remuneration & Governance (R&G) Subcommittee.

The R&G Committee will review at least annually all declarations submitted by Board members and the Executive Officer, and will advise the Board of any potential conflicts of interest that need to be noted, and possible actions required to address.

The Executive Officer will review annual declarations submitted by staff advising the R&G Subcommittee of any potential conflicts of interest with staff members that need to be noted.



**Rural Financial
Counselling Service**
Victoria – Gippsland

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CONFLICT OF INTEREST QUESTIONNAIRE

The following questionnaire identifies any existing or potential conflict of interest, as defined in the Conflict of Interest Policy. All questions must be acknowledged with an answer. **If no conflict is reportable, please acknowledge the answer with 'Not Applicable' (N/A).**

1. Do you have **income from any sources** other than your main source of employment income relating to: contracts; offices held in return for payment or other reward; or a trade, vocation or profession engaged in by you?

Yes No (Please tick)

– Please list: _____

2. Are you **currently employed by Commonwealth or State Government agency, other than RFCSV-G?**

Yes No (Please tick)

If no, continue to question 3.

– If yes, please state your current employer: _____

Is your position considered an executive role? Yes No (Please tick)

– If yes, please state your current title: _____

Is your position part time or full time? FT PT Volunteer (Please tick)

If your RFCS-V appointment is to be undertaken outside of your [alterative] position, has your employer indicated acceptance of these arrangements and confirmed that there is no apparent conflict between the appointment and other duties? Yes No (Please tick)

3. Do you **hold office** in any public or private: company, trustee company, incorporated association, or any other entity? Yes No (Please tick)

Please provide the name of the organisation and title of the office you hold:

– If yes, please list: _____

4. Do you or does a member of your family have any **shareholdings, investments** or other business?

Yes No (Please tick)

Please provide **ONLY** details of the name, nature of operations and the nature of the interest of all such holdings of which you are aware, which could reasonably raise an expectation of conflict of interest, or a material interference with your public duties.

– If yes, please list: _____

5. Are you a **beneficiary** of any trust, the trustee of any trust; or the director of a trustee company in which a member of your family is a beneficiary? Yes No (Please tick)

Please provide **ONLY** the name and nature of the operations of the trust(s) of which you are aware, which could reasonably raise an expectation of conflict of interest, or a material interference with your public duties:

– If yes, please list: _____

6. Do you or does a member of your family have any **real estate**? Yes No (Please tick)

Please provide ONLY the details of the location and purpose of any real estate owned (eg, principal place of residence, investment property etc.), which could reasonably raise an expectation of conflict of interest, or a material interference with your public duties.

- If yes, please list: _____

7. Have you or a family member entered any **contract, agreement or understanding** that gives rise to: an obligation; or an expectation of reward, eg an agreement about future employment once your appointment term is completed? Yes No (Please tick)

Please provide ONLY the details, which could reasonably raise an expectation of conflict of interest or a material interference with your public duties.

- If yes, please list: _____

8. Do you or a member of your family have any other **significant financial or other interests** that: have been held; are currently held; or will accrue of which you are aware, which could reasonably raise an expectation of a conflict of interest or material interference with your RFCSV-G duties?
 Yes No (Please tick)

Examples of a significant financial or other interest include: being a principal or key employee of a material professional adviser supplying services; and/or interests in contracts, trusts or other business arrangements not already covered in this declaration

- If yes, please list: _____

9. Are there any **other** arrangements or circumstances not already covered to declare which could constitute a conflict of interest? Yes No (Please tick)

- If yes, please list: _____

10. Have you been declared **bankrupt** or been the subject of any order under the Bankruptcy Act 1966 (Cth)?
 Yes No (Please tick)

- If yes, please list: _____

11. Have you been a director or executive officer of a corporation which became **insolvent** whilst you were a director or executive officer? Yes No (Please tick)

If no, continue to question 13.

- If yes, please provide details: _____

12. Have you ever been **disqualified from acting as a director** or acting in the management of an incorporated association? Yes No (Please tick)

- If yes, please provide details: _____

13. Have you ever: **contravened any civil penalty provision** under the Corporations Act 2001 (Cth) or any of its predecessors; contravened the Associations Incorporation Act 1981 (Vic) or any equivalent in another jurisdictions; or been found **guilty of any offence** in relation to corporate or regulatory matters?

Yes No (Please tick)

- If yes, please provide details: _____

14. Are you currently a party in any capacity in either **criminal or civil proceedings** before a court; tribunal; or other adjudication body, including a professional / registration / licensing body which could reasonably raise an expectation of a material interference with your public duties? Yes No (Please tick)

- If yes, please provide details: _____

15. Do you expect to become a party to any such proceedings in the next year? Yes No (Please tick)

- If yes, please provide details: _____

16. Has there ever been a **finding of guilt** against you for a criminal offence (except a conviction that is spent under any prescribed spent convictions scheme)? Yes No (Please tick)

- If yes, please provide details: _____

17. To the best of your knowledge and belief, have you been, or are you currently, the subject of any **inquiry or investigation**, including those by: a department or agency of the Commonwealth or State, a professional body, or a regulatory agency, current or previous employer, or a consumer protection organisation? Yes No (Please tick)

- If yes, please provide details: _____

Declaration and Consent

I declare that to the best of my knowledge, the information provided in this form is true and correct.

I declare that where I have indicated I have alternative employment: my duties do not reasonably raise the prospect of a conflict of interest with my RFCS Gippsland duties and; my manager is aware and supportive of my application/ongoing appointment.

I undertake to advise the Chair of the Board, Executive Officer or their nominee in writing if an actual, potential or perceived conflict arises in the future and to stand down in any decision-making process in which I may be compromised.

If there is any change to the information provided in this form I undertake to advise the Board Chairperson, Executive Officer or their nominee of any alterations or additions to my declaration as soon as practicable, and as part of the annual declaration process.

Full Name: _____

Signature: _____ Date: _____