

# Care and Serve Incorporated

## Conflict of Interest Policy

### 1. Purpose

The purpose of this policy is to help committee members of Care and Serve Incorporated to effectively identify, disclose and manage any actual, potential or perceived conflicts of interest in order to protect the integrity of Care and Serve Incorporated and manage risk.

### 2. Objective

The Care and Serve Incorporated committee aim to ensure that committee members are aware of their obligations to disclose any conflicts of interest that they may have, and to comply with this policy to ensure they effectively manage those conflicts of interest as representatives of Care and Serve Incorporated.

### 3. Scope

This policy applies to all office bearers and the committee members of Care and Serve Incorporated. [It may be appropriate for your policy to apply to other people who work within the charity or for the charity, for example, managers. If you include people other than committee members, you will need to change the policy to take this into account.]

### 4. Definition of conflicts of interests

A conflict of interest occurs when a person's personal interests conflict with their responsibility to act in the best interests of the charity. Personal interests include direct interests as well as those of family, friends, or other organisations a person may be involved with or have an interest in (for example, as a shareholder). It also includes a conflict between a committee member's duty to Care and Serve Incorporated and another duty that the committee member has (for example, to another charity). A conflict of interest may be actual, potential or perceived and may be financial or non-financial.

These situations present the risk that a person will make a decision based on, or affected by, these influences, rather than in the best interests of the charity and must be managed accordingly.

### 5. Policy

This policy has been developed because conflicts of interest commonly arise, and do not need to present a problem to the charity if they are openly and effectively managed. It is the policy of the Care and Serve Incorporated as well as a responsibility of the committee, that ethical, legal, financial or other conflicts of interest be avoided and that any such conflicts (where they do arise) do not conflict with the obligations to Care and Serve Incorporated.

Care and Serve Incorporated will manage conflicts of interest by requiring committee members to:

- avoid conflicts of interest where possible
- identify and disclose any conflicts of interest
- carefully manage any conflicts of interest, and
- follow this policy and respond to any breaches.

## **5.1 Responsibility of the committee**

The committee is responsible for:

- establishing a system for identifying, disclosing and managing conflicts of interest across the charity
- monitoring compliance with this policy, and
- reviewing this policy on an annual basis, [following the annual general meeting], to ensure that the policy is operating effectively.

This policy requires that its committee members are aware of the ACNC governance standards, particularly governance standard 5, and that they disclose any actual or perceived material conflicts of interests as required by governance standard 5.

## **5.2 Identification and disclosure of conflicts of interest**

Once an actual, potential or perceived conflict of interest is identified, it must be entered into Care and Serve Incorporated's register of interests, as well as being raised with the committee. Where all of the other committee members share a conflict, the committee should refer to governance standard 5 to ensure that proper disclosure occurs. The register of interests must be maintained by the Secretary, and record information related to a conflict of interest (including the nature and extent of the conflict of interest and any steps taken to address it).

Confidentiality of disclosures

All committee members will have access to the information disclosed and this access will be restricted to committee members.

## **6. Action required for management of conflicts of interest**

### **6.1 Conflicts of interest of committee members**

Once the conflict of interest has been appropriately disclosed, the committee (excluding the committee member disclosing and any other conflicted committee member) must decide whether or not those conflicted committee members should:

- vote on the matter (this is a minimum),
- participate in any debate, or
- be present in the room during the debate and the voting.

In exceptional circumstances, such as where a conflict is very significant or likely to prevent a committee member from regularly participating in discussions, it may be worth the committee considering whether it is appropriate for the person conflicted to resign from the committee.

### **6.2 What should be considered when deciding what action to take**

- In deciding what approach to take, the committee will consider whether the conflict needs to be avoided or simply documented
- whether the conflict will realistically impair the disclosing person's capacity to impartially participate in decision-making
- alternative options to avoid the conflict
- the charity's objects and resources, and
- the possibility of creating an appearance of improper conduct that might impair confidence in, or the reputation of, the charity.

The approval of any action requires the agreement of at least a majority of the committee (excluding any conflicted committee member/s) who are present and voting at the meeting. The action and result of the voting will be recorded in the minutes of the meeting and in the register of interests.

#### **7. Compliance with this policy**

If the committee has a reason to believe that a person subject to the policy has failed to comply with it, it will investigate the circumstances.

If it is found that this person has failed to disclose a conflict of interest, the committee may take action against them. This may include seeking to terminate their relationship with the charity.

If a person suspects that a committee member has failed to disclose a conflict of interest, they must discuss with the person in question, notify the committee, and the person responsible for maintaining the register of interests.

#### **8. Contacts**

For questions about this policy, contact the committee or the Secretary. The current Secretary is Jayendra Shah, phone 0438621590, email – [jayevf@gmail.com](mailto:jayevf@gmail.com)

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