

# Conflict of Interest Policy

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## MOUNT ROLAND RIVERCARE CATCHMENT INC.

### CONFLICT OF INTEREST POLICY

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| <b>Related Procedure</b>      | Conflict of Interest Procedure                  |
| <b>Responsible Officer</b>    | Public Officer                                  |
| <b>Approved By</b>            | President                                       |
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| <b>Author/s</b>               | Robert Van Der Weide<br>Don Thwaites            |
| <b>Relevant Legislation</b>   | Public Interests Disclosure Act 2002 (Tasmania) |

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## 1 Preamble.

The objective of this Policy is to ensure that actual, potential and perceived Conflicts of Interest are identified and managed effectively.

Mount Roland Rivercare Catchment Inc. is committed to identifying, declaring and managing Conflicts of Interest.

Mount Roland Rivercare Catchment Inc. may amend this Policy from time to time without notice in its absolute discretion.

Any person to whom this Policy applies and breaches this Policy or who coerces, encourages or assists another person to breach this Policy, may be subject to disciplinary action and/or Civil/Criminal proceedings.

## 2 Scope.

The policy applies to you if you are a member of the Mount Roland Rivercare Catchment Inc. or if you are a contractor to Mount Roland Rivercare Catchment Inc.

It applies, no matter what level of seniority (member, committee member or executive committee member) and no matter what length of membership you have.

MRRCI has by its nature received grant funding for on-ground projects such as erosion control and weed mapping, monitoring and control. Other funding comes by preparing plans for other parties for various control measure such as the Bio-security plan for the Wild Mersey Mountain Bike tracks.

This funding has only been possible because of the knowledge, skills and capabilities acquired over some years by members who have volunteered their time and resources to similar projects.

Some of the questions that sometimes arise among the group's members who largely volunteer their time –

- When funding is available to do work I have previously done voluntarily, should I apply to be paid?
- Or should I only ever pay someone else who is not in the group?
- Who would do the work better or more cost-effectively?
- Who will monitor and report on any paid work? Should that person be paid?
- Should any/all paid work be advertised internally and externally?

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From a long term viewpoint, keeping work within membership can increase capability and scope for additional projects with improved environmental and social outcomes. In contrast to this is the possibility that MRRCI could become, or be perceived as, a group that only seeks work for the financial benefit of its members.

MRRCI has struggled with these decisions even though in reality, when payments are available they are mostly very small, eg \$100 for two days work which includes use of personal tools, PPE and travel.

However it is still a Conflict of Interest if the committee member awarded that \$100 has been part of the decision-making process.

This policy seeks to set guidelines to control the issue of Conflict of Interest by separating any reward or benefits that may be received by members from the decision to award the benefit, including monitoring and maintaining records of declaration of interest.

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## 3.1 What is a Conflict of Interest

A Conflict of Interest is where a member has private interests<sup>①</sup> that could improperly influence, or be seen to influence, proposed decisions or actions of the Mount Roland Rivercare Catchment Inc.

## 3.2 Types of Conflicts of Interest

A Conflict of Interest may be actual, potential or perceived:

**ACTUAL Conflict** – an activity that causes a Conflict

**POTENTIAL Conflict** – an activity that could give rise to an actual or perceived Conflict, either at the time of the activity or at some time in the future

**PERCEIVED Conflict** – An activity or transaction of which a third party could reasonably form a view that a Conflict currently exists or may exist at some time in the future.

① Private interests mean anything that can influence a member. Private interests include **DIRECT INTERESTS** such as a member's own personal, family, professional or business interests. They also include **INDIRECT INTERESTS** such as the personal, family, professional or business interests of individuals or groups with whom the member is, or was recently, closely associated.

Private interests may be **PECUNIARY** (eg financial), which includes actual, potential or perceived financial gain or loss. They may also be **NON-PECUNIARY** which includes the tendency toward favour or prejudice resulting from personal or family relationships.

Examples of when Conflicts arise:

- Applying for contract positions
- Making hiring decisions
- Procuring goods or services

*These are examples only and accordingly they are not intended to limit the range of circumstances in which a Conflict arises.*

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## 4 Procedure for identifying, declaring and reporting Conflicts.

### Identify Conflicts

You are required to actively consider whether any actual, potential or perceived Conflict of Interest exists or arises.

If you are unsure about whether there could be a Conflict, you should speak to the Public Officer or President.

### Declaring and reporting Conflicts

You are required to report or declare all Conflicts of Interest that has the potential, or does affect you, to the Public Officer or President.

You must notify the Public Officer or President as soon as practicable if relevant circumstances relating your declared Conflict changes.

***All disclosures, whether made as an oral inquiry or a written disclosure, will be treated with the utmost respect and strict confidentiality.***

## 5 Managing Conflicts

The Public Officer or President is responsible for managing Conflicts of Interest. The appropriate action to be taken in effectively managing Conflicts of Interest will depend on the particular circumstances of each case. The focus should be on resolving Conflicts of Interest, where possible.

The Public Officer or President is required to exercise their discretion to determine and implement the most appropriate action for effectively managing the Conflict of Interest in each case. The action plan is to be created in consultation with the conflicted member.

The Public Officer or President must state the reasons for the management action taken and include any subsequent changes to action taken.

The following non-exhaustive factors should be taken into consideration in determining the appropriate management action to be taken.

- Options to resolve the Conflict of Interest
- The significance and consequence of the Conflict of Interest including the likely impact on the reputation of Mount Roland Rivercare Catchment Inc.
- The impact of the proposed management action plan on the conflicted member

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As a guide, actions that may be taken to effectively manage the Conflict of Interest include, but are not limited to, the following.

**In all instances** the conflicted member is to leave the room while discussions take place, and not participate in key or critical decision making.

- **No Action required** – This may be appropriate where, for instance, it has been assessed that there is no actual Conflict of Interest, nor a reasonable likelihood of a Conflict of Interest eventuating, or the Conflict relates to a very insignificant matter.
- **Implementation of a management Action plan** - The action plan is to be created, in consultation with the conflicted member, to manage the Conflict of Interest so as to minimise the potential impact it may have on Mount Roland Rivercare Catchment Inc.
- **Other Action** – There are a number of other specific measures that may be taken to effectively manage the Conflict of Interest without necessarily resolving the Conflict of Interest, including but not limited to;
  - Appointing an independent person to supervise the decision making process
  - Requiring you, as the conflicted member, to leave the room while discussions take place
  - Withdrawing you from participating in key or critical decision making

The Public Officer or President will continue to monitor and review the Conflict of Interest and action plan whilst the Conflict of Interest exists. If appropriate (because, for example, circumstances change) the Public Officer or President will change the management action plan accordingly.

The Conflict of Interest Procedure document is to be used to report all Conflicts of Interest. The document contains relevant information and forms required to lodge a Conflict of Interest and for the conflict to be managed effectively by the Public Officer or President of the Mount Roland Rivercare Catchment Inc.

Any inquiries you may have regarding a Conflict of Interest issue, The Conflict of Interest Policy or Conflict of Interest Procedure documents can be made to the Public Officer or President.