

Compliance: Conflict of Interest

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Related policies and documents	Probity Policy		

Scope

This policy applies to all directors, office holders' staff, volunteers, tenants, applicants, partner organisations and stakeholders involved with Amélie Housing.

Policy Statement

Amélie Housing is committed to managing conflicts of interest effectively. All directors are responsible for ensuring that their personal interests do not conflict with their role as directors. Conflicts of interest will always arise in organisations: they are an inevitable part of any business. Our aim is not to eliminate conflicts of interest but to develop a culture of recognition, disclosure, and effective management.

This policy is designed to assist directors in meeting their continuing responsibility to disclose potential conflicts of interest and to assist the board in managing conflicts of interest effectively. Conflict of interest has two dimensions - legal and ethical conflicts. Legal conflicts of interest are those concerned with financial or personal benefit to individuals due to lack of disclosure. Ethical conflicts arise when there is no direct benefit to the individual, but their involvement in a decision is not made with the organisation's interest being the primary consideration.

The policy has three parts:

- Instructions to a director about what to do if they believe there is potential for a conflict of interest that is not covered by a previous disclosure statement
- Instructions for the chair about how to manage potential conflicts of interest
- A Disclosure of Interests Statement for each director to complete.

Compliance

This policy assists Amélie Housing in complying with:

Compliance Document	Section/Number	Area
Evidence Guidelines National Regulatory Framework for Community Housing	5b	Probity
	4c	Governance
National Community Housing Standards	5.2	Good Governance
	5.3	Effective management

Conflict of Interest Policy

How to manage a potential conflict of interest

This section applies to directors and guides in responding to a potential conflict of interest that has not previously been declared.

If you have reason to believe that you, or a person affiliated with you, may have a conflict of interest relating to a proposed decision of the board, you should prepare a brief letter to the chair outlining:

- the issue or proposed decision
- the interest that you have that might bring you into conflict
- your views about why the proposed decision is, or is not, in the organisation's interests.

If a conflict of interest or the potential for a conflict of interest arises during a board meeting, you should immediately raise it with the chair, who will determine whether you should step aside from the decision or the discussion and the decision. Your disclosure and the chair's decision will be formally recorded in the minutes of the meeting

Any decision in which a director has an interest will be reviewed carefully to ensure that it is in the organisation's best interests. The chair will recommend to the board how the matter will be dealt with to avoid a conflict of interest and the appearance of a conflict of interest.

Management of potential conflicts of interest

The chair is responsible for managing potential conflicts of interest on the board. All directors are responsible for identifying and disclosing potential conflicts of interest.

Before the start of each board meeting, the chair will cross check the agenda against the Disclosure Statements to ensure that any potential conflicts of interest are identified. The chair will also invite directors to identify any other potential conflicts of interest that the Disclosure Statement does not cover based on the agenda.

The chair will determine how the conflict should be managed when a potential conflict of interest is identified.

This will depend on the nature of the conflict. For minor one-off conflicts of interest, the director may take part in the discussion of the relevant issue but cannot take part in any decision. For more serious one-off conflicts, the chair may decide that the director should not even participate in the discussion and should leave the meeting room while the discussion and decision-making occur.

When a director has an ongoing conflict of interest, the chair may ask them to stand down from the board for the period of the conflict, resign from the board, or take other action to manage the conflict.

As part of managing conflicts of interest, the chair may check board decisions by reference to external standards to ensure that the decision is in the organisation's best interests. External standards may include decisions of peer organisations and good practice standards.

To manage the perception of conflict of interest, the chair will ensure that the minutes of board meetings record any identified conflicts of interest and the action taken to manage them. The chair may also take other appropriate action to manage the perception of conflict of interest.

If a director believes another member has a potential conflict of interest that has not been disclosed, they should raise this matter with the chair.

If the chair identifies that s/he has a potential conflict of interest with a matter, s/he must stand aside from the chair so that another director can determine whether there is a conflict. If there is a conflict, the stand-in chair will manage the conflict according to the range of strategies outlined in this policy.

If a director believes the chair has a potential conflict of interest that has not been disclosed, they should raise this matter with the board. In case of a potential conflict of interest, the chair or the board can seek external advice about the best way to manage the situation.

If a director fails to identify a minor conflict of interest, the chair will seek to resolve the issue. This may include an internal investigation of the matter and a formal agreement from the director about how to avoid the conflict in future. If a director fails to identify a significant conflict of interest or is involved in corrupt behaviour, the chair will seek the member's resignation from the board. Where relevant, the chair will report the matter to the Police, ICAC or other appropriate bodies. If the member fails to resign from the board, the chair will convene an extraordinary general meeting of the organisation's members to expel the member from the board.

Disclosure of Interests Statement

The disclosure statement should be completed, signed, and returned to the board chair at the beginning of each Board Meeting. The disclosure statement is part of the organisation's Code of Ethical Conduct