Conflicts of interest policy

1. Purpose

The purpose of this Conflicts of Interest Policy (‘Policy’) is to help committee members and other officers of the club to effectively identify, disclose and manage any actual, potential or perceived conflicts of interest in order to protect the integrity of the club and manage risk.

1. objective

The management committee of the club aims to ensure that committee members and other officers aware of their obligations to disclose any conflicts of interest that may arise as representatives of the club, and to comply with this Policy to ensure that are effectively managed in the best interests of the club and in accordance with all laws.

1. scope

This Policy applies to all committee members and other officers of the club (as defined in the *Associations Incorporation Act 1981*) (hereinafter referred to as ‘club officers’).

1. meaning of conflicts of interest

A conflict of interest occurs when a person’s personal interests intersect with their obligations to act in the best interests of the club.

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 an owner, director or shareholder).

It also includes a conflict between a club officer’s duty to the club and another duty that the officer has (for example, to another club or local community organisation). 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 club. It is therefore important that these situations are managed accordingly.

1. policy statement

This Policy has been developed to address conflicts of interest affecting the club.

Conflict of interest are common, and do not necessarily present a problem to the club as long as they are openly and effectively managed.

It is the policy of the club, as well as a responsibility of the management 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 club.

The club will manage conflicts of interest by requiring committee members to:

1. avoid conflicts of interest where possible;
2. identify and disclose any conflicts of interest;
3. carefully manage any conflicts of interest; and
4. comply with this Policy and respond to any breaches appropriately.
5. committee responsibility

The management committee is responsible for:

1. establishing a system of identifying, disclosing and managing conflicts of interest across the club;
2. monitoring compliance with this Policy; and
3. reviewing this Policy on an annual basis to ensure that the Policy is operating effectively and complies with applicable legislation.
4. identification and Disclosure of conflicts of interest

Once an actual, potential or perceived conflict of interest is identified, it must be entered into the club’s register of interests, as well as being raised with the management committee.

The register of interests must be maintained by the secretary. The register must 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).

The secretary must make the register of interests available for inspection by a committee member upon request. No other person shall be entitled to inspect the register of interests except with the prior approval of the management committee which may be withheld for any reason (at the committee’s sole discretion).

1. action required to manage conflicts of interest

*Conflicts of interest of committee members*

Once the conflict of interest has been appropriately disclosed, the management committee (excluding the committee member who has made the disclosure, as well as any other conflicted committee member) must decide whether or not those conflicted committee members should:

1. vote on the matter,
2. participate in any debate, or
3. 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 management committee considering if it is appropriate for the person conflicted to resign from the committee.

*Relationship with Associations Incorporation Act 1981*

All committee members must ensure that they comply with their obligations under s70B of the *Associations Incorporation Act 1981*, and any other legal obligations that apply to them, in addition to the requirements of this Policy.

To this end, a committee member who has a material personal interest in a matter being considered at a committee meeting must ensure that:

1. the nature and extent of the interest, and how the interest is related to the activities of the club, is disclosed to the management committee as soon as they become aware of the interest, and
2. this disclosure is also made to the members at the club’s next general meeting.

*Key Considerations*

In deciding what approach to take, the management committee will consider:

1. whether the conflict needs to be avoided or simply documented;
2. whether the conflict will realistically impair the disclosing person’s capacity to impartially participate in decision-making;
3. alternative options to avoid the conflict;
4. the club’s objects and resources; and
5. the possibility of creating an appearance of improper conduct that might impair confidence in, or the reputation of, the club.

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 must be recorded in the minutes of the meeting and in the register of interests.

1. Compliance with this policy

If the management 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 management committee may take action against them as provided for in the club’s rules.

If a person suspects that a committee member has failed to disclose a conflict of interest, they may notify the club and the club will be required to investigate the allegation and take appropriate action.

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