

CONFLICT OF INTEREST

Policy

A **conflict of interest** may occur when personal interests **are in conflict** with that of the organisation. A conflict of interest can arise from avoiding personal losses as well as gaining personal advantage, financial or otherwise.

When there is a conflict, it may influence the outcome of decisions that are required to be made therefore management committee members, volunteers, students and employees will declare any potential, perceived and/or actual conflicts of interests, which will be registered in the Conflict of Interest Register.

In addition, a conflict of interest can also occur at an organisational level. That is, activities the organisation is involved with or organisations AMPARO chooses to align or partner with, have the potential to create real or perceived conflicts of interest and to jeopardise AMPARO's ability to provide "independent" advocacy on behalf of people from CALD backgrounds with disability. Conflicts of interest, real or perceived, can damage the functioning and reputation of AMPARO Advocacy.

Therefore AMPARO Advocacy will:

- engage in open, transparent and ethical decision making processes
- create a culture of responsible disclosure of all potential conflicts and
- evaluate all new activities, alliances, partnerships against the Policy and Decision Making Tool and discuss any real or potential risks to the effectiveness of the advocacy efforts at an individual and systemic level.

Conflicts of interest can be actual, perceived, or potential:

- **Actual / Real:** involves a **direct conflict** between current duties and responsibilities and existing private interests
- **Perceived:** conflict exists where it could be **perceived**, or **appears**, that private interests could improperly influence the performance of duties, whether or not this is in fact the case
- **Potential:** arises where private interests **could** conflict with official duties

Objective test for Conflict of Interest

1. Whether an individual could be influenced, or appear to be influenced, by a private interest in carrying out their duties and responsibilities as a board member/ staff member. This test should focus on the official role and the private relationships and interests of the person concerned, and whether a reasonable disinterested person would think these relationships and interests could conceivably conflict or appear to conflict with the person's public role.
2. Whether activities/alliances/partnerships the organisation is participating in are consistent with the mission, values and beliefs of AMPARO Advocacy and whether a real, perceived or potential conflict of interest has been identified using the *Decision Making Tool: to guide decisions about proposed alliances, funding opportunities and the formation of partnership*.

Procedures

Disclosed conflict of interest - an open declaration of a conflict of interest by all management committee members, volunteers, students or employees.

What happens when a conflict of interest is disclosed by a management committee member, volunteer, student or employee?

- If a Management Committee member, volunteer, student or employee of the organisation believes they have a conflict of interest in a matter that requires a decision to be made, they should disclose the personal interest at a staff meeting or Management Committee meeting. For example, if the organisation is deciding whether or not to fund an all-expenses-paid trip for a young person to attend a conference and the person is a son or daughter of a Management Committee member or an employee, the employee or Management Committee member must declare the conflict of interest.
- When a Management Committee member, volunteer or employee declares a potential or real conflict of interest, the disclosure should be recorded in the Minutes and added to the *Conflict of Interest Register*.
 - If the management committee considers that a perceived or potential conflict of interest is a minor issue, the organisation may decide that disclosure and registering the conflict of interest *is a sufficient course of action*.
- If the management committee considers that a conflict of interest is significant, the person who has the conflict will be required to remove themselves from all discussions and decisions being made regarding the matter. The person will not be posted any internal papers or be involved in any discussion about the matter.
- If in doubt about how to handle a real or potential conflict of interest, the Management committee may seek legal advice.
- If it is impossible to manage the potential or real conflict of interest, that person may consider resigning from the Management Committee or the organisation.
- Depending on the seriousness of the conflict of interest, the management committee have the option to seek the resignation or removal from office of the management committee member at a General Meeting of the association. The member will be removed from office if the majority of the members present at the meeting vote in favour of this. (See Constitution Rule 15).

Accessing the Conflict of Interest Register

- All persons wishing to access the *Conflict of Interest Register* should complete the *Request to Access Public Documents*.
- The *Conflict of Interest Register* should be made available to the general public within 21 days of request, unless there are special circumstances that exist or the applicant has been denied.
- The *Conflict of Interest Register* should be stored in a safe and secure location.

Related documents

[Conflict of Interest Register](#)

[Request to Access Public Documents Policy](#)

[Decision Making Tool](#)