

## CONFLICT OF INTEREST POLICY

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Adopted or Amended	By Whom	Date
Adopted	Board of Directors	Monday 29th November 2010

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### STATEMENT OF PRINCIPLE

No person who has a conflict of interest with any activity or program of Swimming Northern Territory, whether personal, philosophical, or financial shall be accepted or serve as a volunteer with Swimming Northern Territory without having declared the potential conflict of interest. When a conflict of interest does arise, the person must provide Swimming Northern Territory with a completed Declaration of Private Interest Form.

This Policy has been prepared to ensure Swimming Northern Territory complies with the statutory requirements of the NORTHERN TERRITORY OF AUSTRALIA – ASSOCIATIONS ACT, if there is any inconsistency between this Policy and the NORTHERN TERRITORY OF AUSTRALIA – ASSOCIATIONS ACT, the NORTHERN TERRITORY OF AUSTRALIA – ASSOCIATIONS ACT prevails.

### SCOPE

This policy applies to all Swimming NT volunteers, staff and interns while they execute duties on behalf of Swimming Northern Territory.

### DIRECTOR'S CONSIDERATIONS

Generally, a conflict of interest situation arises when a Board member's duty to his/her organisation clashes with their duties, obligations or interests elsewhere - their business or workplace interests, for example, or even those of his/her family or friends.

Some examples of conflict of interest could be (but are not limited to):

- When a Board member or his/her immediate family or business interests stands to gain financially from any business dealings, programs or services of the organisation.
- When a Board member offers a professional service to the organisation themselves.
- When a Board member stands to gain personally or professionally from any insider knowledge if that knowledge is used to personal advantage.
- Where a Board member or the ex/officio member of the Board has a role on the governing body of another organisation, where the activities of that other body may be in direct conflict or competition with the activities of Swimming Northern Territory.

## **DIRECTOR'S RESPONSIBILITY**

Directors of Swimming Northern Territory must ensure that:

1. Eligibility for Board membership must at all times be in compliance with the Swimming Northern Territory constitution.
2. Any business or personal matter, which could lead to a conflict of interest of a material nature involving a Director and their role and relationship with Swimming Northern Territory must be declared and registered in a Register of Interests.
3. All such entries in the Register shall be presented to the Board and minuted at the first Board meeting following entry in the records.
4. All conflicts of interest must be declared by the Board Member concerned at the earliest time after the conflict is identified.
5. The Board shall determine whether or not the conflict is of a material nature and shall advise the individual accordingly.
6. Where a conflict of interest is identified and/or registered, and the Board has declared that it is of material benefit to the individual or material significance to the organisation, the Board Member concerned shall not vote on any resolution relating to that conflict or issue.
7. The Board Member shall only remain in the room during any related discussion with Board approval.
8. The Board will determine what records and other documentation relating to the matter will be available to the Board Member.
9. All such occurrences will be minuted.
10. Board Members, aware of a real or potential conflict of interest of another Board Member, have a responsibility to bring this to the notice of the Board.

## **NORTHERN TERRITORY OF AUSTRALIA – ASSOCIATIONS ACT**

### **31 Disclosure of interest**

- (1) A member of the committee of an incorporated association who has a direct or indirect pecuniary interest in a contract, or proposed contract, with the association –
  - (a) must, as soon as the member becomes aware of the interest, disclose the nature and extent of the interest to the committee;  
and
  - (b) must disclose the nature and extent of the interest at the next annual general meeting of the association required to be held by the association.
- (2) Subsection (1) does not apply in relation to a pecuniary interest that exists only because –
  - (a) the member of the committee is an employee of the association;
  - (b) the member of the committee is a member of a class of persons for whose benefit the association is established; or
  - (c) the member of the committee has the pecuniary interest in common with all or a substantial proportion of the members of the association.
- (3) If a member of the committee of an incorporated association discloses a pecuniary interest in a contract, or proposed contract, in accordance with this section, or his or her interest is not required under this section to be disclosed –
  - (a) the contract is not liable to be avoided by the association on a ground arising from the fiduciary relationship between the member and the association; and
  - (b) the member is not liable to account for profits derived from the contract.

### **32 Voting on contract in which committee member has interest**

- (1) A member of the committee of an incorporated association who has a direct or indirect pecuniary interest in a contract, or proposed contract, with the association must not take part in a decision of the committee with respect to that contract but may, subject to this Division, take part in deliberations with respect to the contract.
- (2) Subsection (1) does not apply in relation to a pecuniary interest –
  - (a) that exists only because the member of the committee is a member of a class of persons for whose benefit the association is established; or
  - (b) that the member of the committee has in common with all or a substantial proportion of the members of the association.

### **POLICY PROMOTION**

This policy will be made available to all members via the Swimming NT website at [www.nt.swimming.org.au](http://www.nt.swimming.org.au) and through the annual handbook, or its equivalent publication. This policy will be communicated to all staff members, board members, committee members and regional committees annually.

### **REVIEW**

This policy will be reviewed by the Board of Swimming Northern Territory in July every even year (i.e. 2012, 2014, 2016).

### **ADDITIONS OR AMENDMENTS**

In addition to the scheduled review of this policy recommended changes to the policy may be submitted to the Board of Swimming Northern Territory for consideration, at any time. In the event that the changes are accepted, the policy will be updated, dated and circulated to all relevant stakeholders.

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