

H40. CONFLICT OF INTEREST

Content:	Illawarra Aboriginal Corporation Policies and Procedures
Version:	2.0
Section:	Housing
Applies To:	Board, Management and Staff of all IAC Services
Date:	October 2015 (Review October 2018)

Background and Purpose

The IAC's Housing policies articulate our aims, goals and philosophies in providing housing services for Aboriginal tenants and their families. They explain how the Illawarra Aboriginal Corporation works with its staff and other agencies to ensure that our tenants are afforded the best and most appropriate services and that we meet all of the requirements of the Aboriginal Housing Office and the Office of Community Housing.

Principle

From time to time the IAC's Board members and management may encounter conflicts of interest when participating in IAC decision-making processes, as other professional or personal roles intersect. This policy details how IAC Board members and managers can recognise and deal with real or perceived conflicts of interest.

Definition

A conflict of interest can be said to arise if:

- It is likely that the performance of a person's duties as an IAC Board member or IAC manager could be prejudicially influenced by that person's other interests (private, personal or professional), or that a reasonable person would believe that the person could be so influenced.
- A person's participation in the IAC Board or as an IAC Manager could be prejudicially influenced by the interests of the organisation the person is representing, or that a reasonable person would believe that the person could be so influenced.

Areas to Consider

Potential areas for a conflict of interest include:

- recruitment of staff.
- recruitment of contractors.
- decisions to undertake projects.
- decisions to enter into partnerships.
- usage of IAC equipment or vehicles
- access, and priority of access, to IAC services
- representing the IAC in other forums.

Declaring Conflicts

The IAC expects that Board members and Managers will be mindful of potential conflicts of interest (or the likely perception of a conflict), and declare a conflict of interest before it arises. Appropriate action can then be taken in consultation with colleagues.

Examples of a Conflict of Interest

- *All examples refer to Board Members or Managers and their relatives and friends*
- Being put to the top of the housing waiting list.
- Receiving priority in IAC housing allocations.
- Receiving a contract with no other quotes.
- Successfully bidding for an IAC contract but not being the most competitive bid.
- Starting an unadvertised job with the IAC.

Examples of Potential Conflicts

- A program needs new premises and a Board member or Manager believes the vacant office building that they own would be perfect
- The Board plans to use a consultant and a Board member or Manager wants his/her company to bid
- A person serving simultaneously on two Boards or managing a similar organisation makes decisions impacting on the IAC.

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Real Conflicts of Interest

Where a Board member or Manager identifies a conflict of interest, they shall:

- notify the Chairperson and Executive of the Board as soon as practical after the incident has been identified
- diarise the conflict of interest raised and the notification to the Chairperson and Executive
- inform the other party that the Member or Manager is unable to discuss the matter causing the conflict of interest
- notify the Board at the following Board meeting and declare a conflict of interest prior to the discussion of the relevant agenda item or issue
- ask the Secretary to record the conflict of interest
- abstain from discussions of the relevant agenda item
- at the Chairperson's discretion remove themselves from the Board meeting until the matter has been discussed by other Board members

The Chairperson and Executive

If the Conflict of Interest relates to the Chairperson, the relevant procedures should be undertaken by a member of the Executive (ie Treasurer, Secretary or Contact Officer)

Potential Conflicts of Interest

Where a Board member or Manager identifies a potential conflict of interest, they shall:

- notify the Chairperson and Executive of the Board as soon as practical after the potential incident has been identified
- diarise the conflict of interest raised and the notification to the Chairperson and Executive
- ask the Chairperson to formally request any potential conflicts of interest from all Board members at the Board meeting and, where the potential conflict is not disclosed, the Board should discuss this matter and impose a declaration of conflict of interest where a majority of the Board agree that the item represents a conflict to the particular Board member.

Failure to Identify or Declare

Where a Board member fails to identify or declare a conflict of Interest, the Chairperson shall investigate the matter and minute the result of the investigation. Where appropriate and depending on the seriousness of the conflict of interest the Chairperson shall:

- discipline the Board Member by a warning; or
- seek their resignation; or
- request the full Board to vote on the Member's expulsion

COMPLIANCE

This policy complies with:

- NSW Housing Act 2001
- NSW Residential Tenancies Act 2010
- Corporations (Aboriginal & Torres Strait Islander) Act 2006 (CATSI)
- Fair Work Australia Awards (FWA).
- NSW Occupational Health and Safety Act 2000

REFERENCES

This policy should be read with:

- **Housing NSW** "Changing a Tenancy Policy"
- **National Regulatory Code** - 5. Probity