

# Policy and Procedures

## Conflict of Interest Policy 2019

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The management of the business of the Branch and of the Victorian Branch Council is vested in the Branch Executive Committee (BEC)<sup>1</sup>. Members of the BEC and the State Leadership Team (SLT)<sup>2</sup> have a clear obligation to discharge their duties and responsibilities solely on the basis of the best interests of Scouts Victoria, as do all employees. The purpose of this policy is to ensure that conflicts of interest are avoided and ensure the highest level of integrity in the management and leadership of Scouts Victoria.

### SCOPE

This policy applies to all members of the BEC, BEC Sub-Committees, SLT, as well as all members of any Branch body with delegated decision-making powers ('members'), and all employees of Scouts Victoria.

### POLICY STATEMENT

It is Scouts Victoria policy that 'members' and employees shall undertake their duties as a 'member' or employee with honesty, integrity and a lack of bias. 'Members' and employees shall not use information or make decisions to achieve personal or business benefit and shall respect the confidentiality of information or documentation pertaining to the business of Scouts Victoria. Scouts Victoria, 'members' and employees shall take all reasonable steps to avoid conflicts of interest. Scouts Victoria discourages the acceptance of gifts by 'members' or employees in order to avoid a perception that Scouts Victoria decisions could be influenced by such gifts.

### RESPONSIBILITIES

#### ***Chairman of the BEC (and BEC Sub-committee or other Branch body with delegated decision-making powers) and Chief Commissioner***

- Ensure all meetings include an agenda item 'declaration of conflicts of interest'.
- Ensure any 'member' or employee who declares a conflict of interest with respect to agenda item does not participate in the deliberation of, or decision on, that item.

#### ***Executive Manager***

- Ensure that this policy is made available to all 'members' and employees.
- Ensure all meetings include an agenda item 'declaration of conflicts of interest'.
- Maintain a 'Register of Private Interests'.
- Maintain a 'Gifts Register'.

#### ***'Members' and Employees***

'Members' and employees shall:

- Act with honesty and integrity in the best interests of Scouts Victoria and not seek any undue advantage for themselves, family, associates or business and decline any gifts or favours that may cast doubt on their impartiality or judgment.
- Proactively identify and manage any real or potential conflicts of interest as well as any perceived conflicts of interest.
- Prepare a declaration of private interests on appointment and update their declaration of interests as their circumstances change and at least once a year.

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<sup>1</sup> Clause 23, Constitution of the Scout Association of Australia Victorian Branch

<sup>2</sup> The State Leadership Team comprises the Chief Commissioner, Deputy Chief Commissioner, Assistant Chief Commissioners, and Executive Manager.

- Declare any conflicts of interest that may arise from a meeting agenda and/or procurement process, tender or contract, and not participate in any deliberation or decision on that matter.
- Declare any gifts received (as per the following procedure).
- Respect the confidentiality of information or documentation pertaining to the business of Scouts Victoria.

## **PROCEDURES**

### ***Disclosure of Private Interests***

Each 'member' and employee shall complete a 'Declaration of Private Interests' form each year. All forms shall be stored in a secure Register of Private Interests held by the Executive Manager and made available, on request, to the chairman of the relevant Branch committee, sub-committee or body, and the Chief Commissioner. Should a change of circumstances arise subsequent to the annual completion of the form, a 'member' or employee must submit a new form to the Executive Manager for inclusion in the Register.

### ***Dealing with Conflicts of Interest***

The agenda for each meeting of the BEC, BEC Sub-Committees, and SLT shall include the item 'Declaration of Conflicts of Interest'.

A 'member' or employee who has a conflict of interest in a matter proposed to be considered or being considered must as soon as practicable after the relevant facts have come to his or her knowledge, declare the nature of the conflict to the meeting chairperson. Any 'member' or employee who declares a 'conflict of interest' with an agenda item must not participate in any deliberation or decision on that matter and shall leave the meeting for that item. The minutes of the meeting shall record disclosure of all declarations of conflict of interest and note that the 'member' or employee left the meeting for that item.

If a 'member' or employee has an interest in a matter but does not believe that it is a real or potential conflict of interest, but a perceived conflict of interest, he/she may none-the-less choose to inform the meeting of that interest and may ask that they be excused from being part of the deliberation on that matter and/or ask that their interest be recorded.

Where a 'member' or employee is unsure about a perceived or potential conflict of interest he/she may consult with the Chairman of the meeting. Notwithstanding any such consultation, it remains the responsibility of each 'member' or employee to take reasonable steps to avoid all conflicts of interest. Any such decision is to be resolved in favour of Scouts Victoria's interest rather than the individual's interest.

Any risk of a real or potential conflict of interest related to the purchase and disposal of goods and services, including the preparation of specifications, tender management and granting of contracts, irrespective of the monetary value of the procurement, is to be identified and dealt with prior to the commencement of the procurement process. Any conflicted 'member' or employee shall be excluded from all discussion and decision-making associated with the procurement.

### ***Gifts***

All gifts, benefits or hospitality valued in excess of \$100 received from a particular external individual or agency, company or other body within a financial year to individual 'members' or employees resulting from their role as a 'member' or employee shall be reported to the Executive Manager using the 'Gift Disclosure' form for inclusion in the Gifts Register. All gift disclosures shall include the nature of the gift, the approximate value and the donor.

Gifts in the form of a memento of a value of more than \$100 shall be the property of Scouts Victoria and be transferred to the Executive Manager for safe keeping, unless the Executive Manager approves in writing that the 'member' or employee may retain the gift.

## **DEFINITIONS**

**Benefit:** Anything that can be reasonably considered as intended or likely to cause a person to discharge their responsibilities in a particular way or to deviate from a proper course of duty and which provides that person with a direct or indirect personal or business gain.

**Conflict of Interest:** A conflict of interest arises when there are competing interests for an individual that may impact on his/her decision-making role. A conflict of interest may be real or potential.

A 'real' conflict of interest involves a direct conflict between the matter being considered and attendant Scouts Victoria responsibilities and personal/private interests.

A 'potential' conflict of interest may arise where a person has private interests which are such that a conflict of interest would arise if he/she were to become involved in conflicting official responsibilities in the future.

Conflicts of interest are not limited to financial or pecuniary interests, but may involve otherwise legitimate private capacity or business activity, personal affiliations and associations and family interests, if these interests could reasonably be considered likely to improperly influence the performance of responsibilities and duties to Scouts Victoria.

Conflicts of interest include entering into a commercial contract with Scouts Victoria, the granting of contracts to an organization or individual associated with the 'member' or employee and misusing confidential information.

**Perceived Conflict of Interest:** These may be seen to exist when it appears that the private interests of an individual subject to this Policy could improperly influence the performance of his/her duties, but this is not in fact the case.

**Gifts:** Gifts include anything of value including mementos, meals, hospitality, tickets for events, or other entertainment, travel, special favours, gratuities, loans and payments to, or for the benefit of a 'member' or employee and/or their family or business.

## **RELATED DOCUMENTS, REFERENCES**

Note: This policy replaces the Conflicts of Interest Policy 2015.

## **ATTACHMENTS**

- Declaration of Private Interests Form
- Gift Disclosure Form

## **PROCEDURE OWNER**

The Executive Manager [exec.manager@scoutsvictoria.com.au](mailto:exec.manager@scoutsvictoria.com.au)

Date Approved: 22 October 2019

Effective Date: 29 October 2019

Review Date: October 2022

# Declaration of Private Interests Form

I, (insert full name) .....

declare my private interests as at (insert date) ..... and consent to Scouts Victoria collecting and using this information as described in the Conflict of Interest Policy.

## Office Holder

Please provide the name of any company, trustee company, or incorporated associations or other entity with which Scouts Victoria is likely to do business in which you hold office, whether it is a public or private body and the name of the office held by you.

## Agreements

Please provide details of any contract, agreement or understanding entered into by you or a family member, of which you are aware, which gives rise to a conflict of interest either real, apparent, or potential.

## Bankruptcy

Have you ever been the subject of an order under the Bankruptcy Act 1966 (Cth)? If so, provide details

## Director/Management duties

Have you ever been disqualified from acting as a Director or acting in the management of a company or incorporated association? If so, provide details.

## Litigation

Are you currently a party in any capacity to any litigation or any such threatened proceedings, either criminal or civil? If so, provide details.

## Indictable offences

Have you been found guilty or been charged with any indictable offence, including fraud, in the last 12 months? If so, provide details.

I declare that to the best of my knowledge, the information I have provided is true and correct. If there is any change to the interests set out in this document I undertake to advise the Executive Manager in writing of any alterations or additions to my declaration as soon as practicable.

Signature of Declarant: .....

Title/Position: .....

Signature of Witness: ..... Date: .....

# Gift Disclosure Form

I, [insert full name] ..... certify that the information provided below related to me and the gift/s received, is correct. and that the gift/s received will not lead to any conflict of interest in respect of my position with Scouts Victoria.

Nature of the gift/s received (including mementos, meals, hospitality, tickets for events, or other entertainment, travel, special favours, gratuities, loans and payments).	Donor and circumstances of the gift being provided.	Approximate value of the gift.	Date gift received.

Signature of declarant: .....

Title/position: ..... Date: .....

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 Gift transferred to Scouts Victoria [ie to the Executive Manager for safe keeping].

Date: .....

OR

Approval in writing given for the 'member' or employee to retain the gift.

Signature of the Executive Manager: .....

Date: .....