

MANUAL:	Governance
POLICY AREA:	General Governance & Board Policies
POLICY NAME:	Trustee and Staff Conflict of Interest
AUDIENCE:	Board, Chief Executive and Staff
EFFECTIVE DATE:	September 2020
REVIEW PERIOD:	Three yearly
NEXT REVIEW DATE:	September 2022



TRUSTEE AND STAFF CONFLICT OF INTEREST

PURPOSE

To set the framework within which the Board, Chief Executive and Staff must disclose conflicts of interest.

POLICY

1. The Trustee Code of Conduct requires that the Trustees shall disclose to the Board any actual, potential or perceived conflicts of interest which may exist or might reasonably be thought to exist between the interests of the Trust and the interests of the Trustee and persons associated with the Trustee. This also applies to staff.
2. There are two types of disclosure: standing disclosure on a Register of Interests, and a disclosure of an actual conflict arising in a particular matter, which is recorded in a separate Conflicts of Interest Register.
3. A Trustee or staff member with an interest in a matter does not always need to be excluded from the consideration of the matter. The focus should be on managing interests rather than preventing an interested Trustee/staff member from participating in decisions in every case. The Trustee/staff member who has an interest in any matter must not vote on that matter.
4. **Trustees and Staff Register of Interests**
 - a. At the commencement of their appointment, Trustees and staff shall submit their interests into a Register of Interests (which is stored on Board Pro). Placing interests on record is consistent with the principle of transparency. The interests required to be declared are those which have potential to lead to a conflict of interest.
 - b. As other interests arise the affected Trustee/staff shall cause the register to be updated. Trustees and staff can do this themselves via Board Pro. The Chief Executive shall offer Trustees and staff the opportunity to review and update the register annually.
 - c. The Register of Interests is available for public inspection. Trustees and staff waive their rights under the Privacy Act in respect of information disclosed in the Register of Interests.
5. **Trustees and Staff Conflicts of Interest**
 - a. Trustees' conflicts shall be managed pursuant to the Trust Deed and the following policy.
 - b. Any perceived or actual conflicts arising during a Trustee's term of appointment or a staff member's employment will be declared to the Chairperson and noted in the

minutes of the meeting. Such notifications will then be transferred into the Conflicts of Interest Register ..\..\TRUSTEES\Register of Conflicts of Interest.doc.

- c. Conflicts of interest should be viewed within the context of good faith, honesty and impartiality and might arise from:
- directorships or other employment;
 - interests in business enterprise or professional practices;
 - share or property ownership;
 - beneficial interest in trusts;
 - existing professional or personal associations with the other community trusts;
 - professional associations with other groups or organisations;
 - personal associations with other groups or organisations;
 - family relationships which includes a spouse, de facto partner, dependent children or relatives, but could also, in particular circumstances, include other family members.
- d. If there is doubt about whether a conflict exists, notice should be disclosed nevertheless and the Board can discuss the matter. Responsibility for disclosing conflicts always remains with the Trustee or staff member affected.
- e. Depending on the circumstances and nature of the conflict and at the discretion of the Chairperson, a Trustee/staff member having declared an interest may remain in the meeting and participate in the discussions, but the Trustee may not vote. However, a Trustee or staff member having notified a conflict may decide to leave the meeting or may be requested to leave for the duration of the discussions.
- f. If the notice of conflict or perceived conflict is declared by the Chairperson, either the Deputy Chairperson or those Trustees present at the meeting may determine the matter and the procedure to be followed in terms of the procedure above.
- g. In disclosing any conflicts, Trustees/staff acknowledge and agree that the conflict will be entered into the Conflict of Interests Register and be available for public inspection. They waive any rights under the Privacy Act for the purpose of this public disclosure.
- h. Members of the public seeking to inspect the register must provide in writing their name, address and contact phone number. There shall be no obligation to allow inspection if this information is not provided.
- i. Subject to the information in paragraph 5.h. being provided, the appropriate extract(s) of the Register may be supplied by photocopying, if requested.
- j. The Conflicts of Interest Register shall be in a form as approved by Trustees from time to time.

RELATED DOCUMENTS

- Trusts Act 2019
- Trustee Code of Conduct
- Conflict of Interests Register