

CONFLICT OF INTEREST POLICY

<u>Policy number</u>	1050	<u>Version 1</u>	
<u>Drafted by</u>	Secretary	<u>Approved by Branch Executive on</u>	21 June 2019
<u>Responsible person</u>	Secretary	<u>Scheduled review date</u>	June 2021
<u>Affects</u>	Employees, EOs & Elected Reps	<u>Subject Area/Chapter</u>	Values

INTRODUCTION

The Union is committed to high standards of ethical conduct and accordingly places great importance on dealing in a transparent and ethical way any actual or potential conflict of interest.

PURPOSE

This policy, while recognising that conflicts of interest are common, has been developed to provide a framework whereby all AEU NT Branch employees who have decision-making roles and responsibilities and Branch Executive Members must declare any actual or potential conflicts of interest that they may have.

This purpose of the policy is to develop practices around conflicts of interest that ensure:

- The fees of members are protected from misuse;
- The reputation of the Union is protected and enhanced by internal practices;
- That the most appropriate goods and services are obtained, and the best people are employed for the Union to be able to further the interests of our members;
- The Union continues to meet its legal obligations.

POLICY

This policy applies to all AEU NT Branch employees who have decision-making roles and responsibilities and Branch Executive Committee members.

‘Material Personal Interest’ relates to an interest or ‘stake’ in the outcome of any decision or transaction, where the individual stands to gain a substantial benefit, or suffer a substantial loss, either directly or indirectly. An interest need not be financial in order to be considered material. Any interest that has the capacity to influence an individuals’ decision-making process would be considered material, provided that the interest is of some substance or value. To be considered ‘personal’, an interest must relate to that individual, either directly or indirectly through a relative.

A ‘conflict of interest’ may arise in instances where a person to whom this policy applies is, could be, or is perceived by a reasonable person to be, influenced by a private interest when carrying out their union-related duties.

A conflict of interest particularly applies:

1. where a person to whom this policy applies stands to gain financially from or has some other personal interest in any business dealings, programs or services of the Union, other than where:
 - a. the person falls into the class of people benefited by the Union and the financial gain is of a nature common to other beneficiaries, or
 - b. the person is an employee of the Union, and the financial gain is of a nature common to other employees.
2. where a relative or business connections of a person to whom this policy applies stands to gain financially from or has some other material personal interest in any business dealings, programs or services of the Union.
3. where a person to whom this policy applies 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 the Union.
4. where a person to whom this policy applies seeks to participate in any decisions concerning the employment or engagement of a related party [as defined below].

A conflict of interest may be actual, perceived or potential.

An 'actual' conflict of interest arises when a person to whom this policy applies can be influenced by their private interests when performing their union role. A 'Material Personal Interest' is an actual conflict of interest.

A 'perceived' conflict of interest arises when a person to whom this policy applies can appear to be influenced by their private interests when performing their union role.

A 'potential' conflict of interest arises when a person to whom this policy applies is in a position may be influenced in the future by their private interests when performing their union role

A 'relative' is defined as a spouse, parent, stepparent, child, stepchild, grandparent, grandchild, brother or sister.

A 'related party' is defined, in accordance with section 9B of the *Fair Work (Registered Organisations) Act 2009* as:

- any entity (such as a business or organisation) controlled by the Union;
- any person to whom this policy applies or their spouse or relatives;
- any entity acting in concert with a related party on the understanding that parties will share or exchange financial benefits;
- any entity controlled by a person to whom this policy applies or their spouse or relatives;
- all entities that were previously considered 'related parties' in the preceding six months, or that are likely to become related parties in the near future.

All conflicts of interest, including material personal interests, shall be declared by the person concerned and documented in the Union's Conflicts of Interest Declaration (see Appendix A). Once this declaration is determined by Branch Executive to be a conflict of interest it will be placed on the Conflict of Interest Register by the Secretary.

Where a person to whom this policy applies has a conflict of interest on a matter that person:

- shall not initiate or take part in any Executive discussion on that topic (either in the meeting or with other Executive members before or after the meetings);
- shall not vote on that matter

A person to whom this policy applies is not barred from engaging in business dealings with the Union, if these are fully disclosed, negotiated at arm's length without the participation of the person concerned and Executive has unanimously agreed to the proposed business dealing.

Any service providers engaged by the Union shall be required to declare, during the tender process, at the beginning of the service relationship and throughout the contracted period, any conflicts of interest that exist or arise.

AUTHORISATION

Secretary
AEU NT Branch

APPENDIX A

CONFLICT OF INTEREST DECLARATION

Name	Position	Date	Nature of interest	Nature of conflict and estimated value (if known,)	Action taken / recommendations	Further comments

Declaration

I confirm that I have disclosed all my financial and non-financial interests, and those of all my immediate relatives. I understand that it is my responsibility to disclose any additional interests as they arise as soon as practicable.

Signed: _____

Secretary signature: _____

Date: _____