

Policy name	Conflict of Interest Policy
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1. Purpose

- 1.1.1 The objective of this Policy is to ensure the effective management of conflicts of interest at Mission Australia.
- 1.1.2 This Policy aims to promote Mission Australia's 'Speak Up' culture in which honesty, integrity, and business ethics are a part of everyday behaviour, and to prevent Conflicts of Interest from influencing actions or decision making.

2. Scope

- 2.1.1 This Policy applies to all Workers at Mission Australia (as defined in this Policy).
- 2.1.2 This Policy forms part of Mission Australia's Ethics Suite and should be read together with Mission Australia's [Speak Up and Speak Out Statement](#), [Code of Conduct](#) and [Fraud Control & Corruption Prevention Policy](#).

3. Definitions

3.1 Conflicts of Interest

- 3.1.1 Occur when a Worker's personal interests compete with their work at Mission Australia.

3.2 Actual Conflict of Interest

- 3.2.1 Occurs where there is in fact a conflicting interest.

3.3 Potential Conflict of Interest

- 3.3.1 Occurs where there is the possibility of a conflict of interest, or circumstances exist that could create a conflict of interest.

3.4 Perceived Conflict of Interest

- 3.4.1 Occurs where there could be an appearance to another person that a conflict of interests exists.

3.5 Non-Pecuniary Interest

- 3.5.1 Occurs where there is a non-financial private interest that may influence a transaction or decision. This includes any tendency towards favouritism, bias, or ill-will resulting from relationships, friendships or other personal involvements such as sporting, social, religious or other cultural groups or associations.

3.6 Pecuniary Interest

- 3.6.1 Occurs where there is a private interest involving actual or potential financial or other material gain or loss by a Worker, or a Worker's relative, or a Worker's close associate, in connection to their work.

3.7 Personal Interests

- 3.7.1 Occurs where there is a direct interest, including those of individuals, groups or organisations that a Worker associates with outside of the Mission Australia Group (for example, as a shareholder).

3.8 Worker

- 3.8.1 Any person performing work for Mission Australia, including Directors, Committee Members (including Board Committee Members), Executives, Employees, Volunteers, Students, Contractors and Consultants.

3.9 Mission Australia

- 3.9.1 Mission Australia and any entity within the Mission Australia Group.

4. Policy

4.1 Commitment to Managing Conflict of Interest

- 4.1.1 Mission Australia is committed to ensuring that any Conflicts of Interest are effectively identified, declared and managed so that they do not affect the services, activities, decisions, integrity or reputation of Mission Australia, or the duties and responsibilities of Workers.

4.2 Identifying (Declaring) a Conflict of Interest

- 4.2.1 A Conflict of Interest may arise in accordance with the definitions in section 3, above. Examples of Conflicts of Interest are provided in [Appendix A](#).
- 4.2.2 When a Worker (other than a director or Board Committee Members) becomes aware of a Conflict of Interest, it must be reported as soon as practicable to the People Leader. In circumstances where it is not appropriate to report it directly to the People Leader, it must be reported to the next 'one up' People Leader or the otherwise appropriate level of management.
- 4.2.3 When Directors or Board Committee Members identify a Conflict of Interest, they must report it to the meeting members. The Chair must ensure it is recorded in the meeting minutes.
- 4.2.4 Workers that suspect improper conduct in relation to a Conflict of Interest must speak up and report the matter to their People Leader or the next 'one up' People Leader as appropriate.

4.3 Managing a Conflict of Interest

- 4.3.1 People Leaders must consult with the Worker as soon as reasonably practicable to identify the appropriate risk management strategy to dealing with the Conflict of Interest. As guidance, a Conflict of Interest may be managed and resolved by one or a combination of the strategies set out in detail in [Appendix B](#).
- 4.3.2 People Leaders must ensure appropriate communications strategies are in place to manage the perceptions other Workers may have regarding the Conflict of Interest.

4.4 Registering a Conflict of Interest

- 4.4.1 Workers must document and report all Conflicts of Interest to [My Service Centre – Conflict of Interest](#) using the [Conflict of Interest Declaration and Management Plan](#).
- 4.4.2 The [Conflict of Interest Declaration and Management Plan](#) must detail the nature of the Conflict of Interest, explain the management and communication strategies, and note the required approvals.
- 4.4.3 The Executive – Corporate Services or their Delegate must ensure all Conflicts of Interest reported by Workers (other than Directors and Committee Members), are recorded and registered in the Conflict of Interest register.
- 4.4.4 Where the Conflict of Interest is reported by Directors and Committee Members, the Company Secretary must ensure that the report is recorded in both the minutes and the relevant register of interests for Directors and Committee Members.
- 4.4.5 The HR Team must ensure Conflicts of Interest are recorded in the employee Workday Personnel file.
- 4.4.6 Where a Conflict of Interest is ongoing, People Leaders must periodically review, at least annually or more frequently where appropriate, the implementation of the management and communications strategies of the Conflict of Interest. Where the strategies require updating, the Worker and People Leader must ensure the [Conflict of Interest Declaration and Management Plan](#) and the Conflicts of Interest Register is updated accordingly.

5. Breach of Policy

- 5.1.1 A Worker's failure to disclose a Conflict of Interest is a breach of their terms of employment and [Code of Conduct](#) and may result in disciplinary action up to and including termination of employment.
- 5.1.2 A Director and Committee member's failure to disclose a Conflict of Interest or otherwise comply with this Policy is a breach of the [Code of Conduct](#) and the relevant Board or Committee Charter, and may result in disciplinary action up to and including termination of employment or their appointment to the Committee, as appropriate.

6. Responsibilities

All Workers are responsible for managing Conflicts of Interest. Specific responsibilities are:

6.1 Directors and Committee Members

- 6.1.1 Identify and disclose Conflicts of Interest as soon as practicable to ensure they are managed appropriately.
- 6.1.2 Monitor compliance with this Policy.

6.2 Company Secretary

- 6.2.1 Receive declarations of Conflict of Interest from Directors and Committee Members, review the effectiveness of management and communication strategies, and register these in the relevant Director and Committee members Register of Interests.
- 6.2.2 Manage the Integrity Hotline and ensure that reported Conflicts of Interest are referred to GM Partnering & ER to be addressed appropriately.

6.3 Chief Executive Officer and Executive, Corporate Services

- 6.3.1 Provide leadership in implementing, communicating, reviewing, giving effect to, and facilitating compliance with this Policy.
- 6.3.2 Establish a system for identifying, disclosing, and managing Conflicts of Interest across Mission Australia.
- 6.3.3 Perform periodic reviews of the Conflict of Interest Register to identify patterns or trends which may require organisation wide action.

6.4 Executive Leaders and People Leaders

- 6.4.1 Formulate management and communications strategies to manage identified Conflicts of Interest.
- 6.4.2 Ensure the Worker with the Conflict of Interest has documented and registered the Conflict of Interest in the Conflict of Interest Register as soon as reasonably practicable).
- 6.4.3 Periodically review at least annually or more frequently where appropriate, ongoing Conflicts of Interest and the appropriateness of the management and communications strategies.
- 6.4.4 Take appropriate action for breaches of this Policy, in consultation with the HR Business Partner.

6.5 Corporate Services – Partnering & ER Team

- 6.5.1 Receive and register all Conflicts of Interest in the Mission Australia Conflict of Interest Register.
- 6.5.2 Attach the Conflicts of Interest in the relevant employee's Workday personnel file.
- 6.5.3 Periodically review the effectiveness of management and communication strategies.

6.6 Workers

- 6.6.1 Identify and/or declare Conflicts of Interest that might affect them as soon as reasonably practicable.
- 6.6.2 Workers other than Directors or Committee Members – Identify Conflicts of Interest to their People Leader, and Register Conflicts of Interest as soon as practicable.
- 6.6.3 Directors or Committee Members - Identify Conflicts of Interest to the relevant meeting.
- 6.6.4 Document and register the management and communication strategies for any Conflict of Interest following consultation with the relevant People Leader (Workers other than Directors and Committee Members) or the Company Secretary (Directors and Committee Members).
- 6.6.5 Speak up to advise the People Leader (Workers other than Directors and Committee Members) or Company Secretary (Directors and Committee Members) when a Conflict of Interest is identified that the Worker is concerned may not have been disclosed and/or is not being appropriately managed.
- 6.6.6 Manage Conflicts of Interests as required by management and communication strategies and notify the relevant People Leader (Workers other than Directors and Committee Members) or the Company Secretary (Directors and Committee Members) of any changes.

7. Contacts

- 7.1.1 For questions about this Policy, please contact [My Service Centre – HR Reporting](#) or 1300 136 248.

8. Relationships with other Policies

8.1 Other organisational policies and documents that should be read in conjunction with this Policy include:

- 8.1.1 [Mission Australia Values & Behavioural Statements](#)
- 8.1.2 [Statement of Enterprise Ethics](#)
- 8.1.3 [Code of Conduct](#)
- 8.1.4 [Speak Up and Speak Out Statement](#)
- 8.1.5 [Gift & Benefits Policy](#)
- 8.1.6 [Whistleblower Policy](#)
- 8.1.7 [Fraud Control & Corruption Prevention Policy](#)
- 8.1.8 [Managing Underperformance and Misconduct Policy](#)

9. Appendices

- 9.1.1 [Appendix A](#)
- 9.1.2 [Appendix B](#)

Appendix A

Examples

This list is not exhaustive.

1.1 Examples of Conflicts of Interest

- 1.1.1 Purchasing goods or services supplied by a family business, relative, friend or associate of a Worker.
- 1.1.2 Managing the ongoing supply of goods or services provided by a family business, relative, friend or associate of a Worker.
- 1.1.3 Participating in a tender for goods or services where a family business, relative, friend or associate will be submitting a bid.
- 1.1.4 Directly negotiating for a family business, relative, friend or associate for them to provide goods or services to Mission Australia for payment or other material gain.
- 1.1.5 Making decisions in relation to whether a family business, relative, friend or associate of a family member is a recipient of any services provided by Mission Australia.
- 1.1.6 An exchange of gifts and or benefits with a worker supplied by customer, client, employment candidate, supplier or potential supplier and contractors or external organization, as a consequence of their relationship with Mission Australia.
- 1.1.7 Involvement in the recruitment selection of a relative, friend or associate as an employee of Mission Australia.
- 1.1.8 Being the People Leader of a relative, friend, or associate also employed by Mission Australia.
- 1.1.9 Sale of an entity asset to a Worker without an equitable process.
- 1.1.10 Worker voting on a decision which conflicts with their personal interests.
- 1.1.11 Worker becoming aware of confidential or other information in the course of their work about Mission Australia that may result in a material gain for the Worker or otherwise impact personal interests.

1.2 Example of a Potential or Perceived Conflict of Interest

- 1.2.1 Potential - A Worker has taken up employment with another charity and that Worker may, at some point, apply for a grant as an employee of that charity and a Worker for Mission Australia.
- 1.2.2 Perceived - A Worker might review quotes for a service and one of the potential providers is the employer of that Worker's sibling – while the Worker believes they can make an impartial decision in the best interests of Mission Australia, it could be perceived as being made in their own interest.
- 1.2.3 Perceived – A client on a Worker's caseload or of the service the Worker is employed in is a personal friend or known to them - while the Worker believes they can make an impartial decision in the best interests of Mission Australia or the client, it could be perceived as being made in their own interest. The relationship should be declared to the People Leader.

Appendix B

Strategies

A conflict may be managed and resolved by one of the following strategies.

1.1 Restricting

Restricting the Worker with the Conflict of Interest in a decision-making process is an appropriate method where the conflict is not likely to arise frequently. Restriction could include one or more of the following:

- 1.1.1 The Worker not participating in any critical criteria-setting or decision-making role in the process.
- 1.1.2 The Worker refraining from debate about any plan or proposal.
- 1.1.3 Limiting the Worker's access to information and/ or denying the Worker access to sensitive documents or confidential information in the process.
- 1.1.4 Withdrawing the Worker from discussion of the plan or proposal.
- 1.1.5 Abstaining the Worker from voting on any decision.
- 1.1.6 Allocating another Worker or People Leader as the point of contact for the management of any activity that may give rise to the Conflict of Interest.

1.2 Recruiting

Recruiting an independent person to oversee all or part of the process is an appropriate method where the Conflict of Interest is more significant and needs more proactive management, but where the Worker with the Conflict of Interest has particular expertise and cannot be easily replaced.

Recruiting strategies include:

- 1.2.1 Arranging for an independent third party to make the decision.
- 1.2.2 Requiring another Worker to obtain three written quotes to compare against any bid by a Worker's family member or other party with whom there is a Conflict of Interest.
- 1.2.3 Engaging an independent third party or probity auditor to oversee or review the integrity of the decision-making process. This strategy may be particularly appropriate where there is a reasonably Perceived, but not Actual, Conflict of Interest, or where the Conflict of Interest is only identified at or near the conclusion of the process or after the making of the decision.

- 1.2.4 Increasing the number of people sitting on decision-making committees to balance the influence of a single committee member who may have a Conflict of Interest, but who has some special reason to remain on the committee.
- 1.2.5 Seeking the views of those likely to be concerned about a Conflict of Interest about whether they object to the Worker with the Conflict of Interest having any, or any further, involvement.

1.3 Removing

Removing the Worker with the Conflict of Interest from the process is appropriate where there is an ongoing Actual Conflict of Interest and restriction, or recruitment is not practical or feasible.

Removal strategies include:

- 1.3.1 Removing the Worker with the Conflict of Interest from any involvement.
- 1.3.2 Abstaining the Worker from any formal or informal discussion about the matter.
- 1.3.3 Separating the Worker with the Conflict of Interest from the situation where there may be a perception of exerting any influence on decisions or actions.
- 1.3.4 Re-arranging duties and responsibilities to a non-conflicting function, but not to a person who is supervised by the person with the Conflict of Interest
- 1.3.5 Transferring the Worker with the Conflict of Interest to another project or another area of Mission Australia within the scope of their terms of engagement.

1.4 Relinquishing

Relinquishing the personal interest that gives rise to the Conflict of Interest by the Worker:

- 1.4.1 Liquidating the personal interest in an 'arm's-length' transaction.
- 1.4.2 Divesting or withdrawing support for the personal interest.
- 1.4.3 Assigning the conflicting interest to a genuinely 'blind trust' or 'blind management' arrangement for at least the duration of the conflict.