

# POLICY

## Conflict of Interest

POLICY No: 3002

EFFECTIVE: 22<sup>nd</sup> September 2014



The purpose of this document is to provide a frame work enabling efficient organisational governance through the management of conflicts of interest. Conflicts of interest are real, perceived or potential instances where a person, group or organisation could benefit from a decision or access to information. The benefit may be financial or non-financial.

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### *THE POLICY*

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This policy applies to all Employees, Board Directors, Committee members, Athletes, Coaches and Volunteers of SwimmingSA Inc. The aim of this policy is to protect both the organisation and the individuals involved from any appearance of impropriety.

Employees, Board Directors, Committee Members and Volunteers have an obligation to act in the best interests of SwimmingSA Inc. and in accordance with SwimmingSA's Constitution, policies, procedures and other relevant documents.

It is recognised that all members of the Board, Committees, Staff and Volunteers will have interests associated directly or indirectly with the functions of the organisation. Conflicts of interests may arise where an individual's personal or family interests and/or loyalties conflict with those of SwimmingSA

Such conflicts may create problems as they can:

- Inhibit free discussion;
- Result in decisions or actions that are not in the interests of SwimmingSA
- Risk the impression that SwimmingSA has acted improperly.

Everyone is to be informed about and agree on the importance of avoiding conflict of interest. Other related policies and procedures e.g. appointments, selection and contracting should be adhered to without exception.

If you have a conflict of interest, you must not be involved in managing or monitoring a contract in which you have an interest. Monitoring arrangements for such contracts will include provisions for an independent challenge of bills and invoices, and termination of the contract if the relationship is unsatisfactory.

Everyone is responsible for ensuring that any changes to existing conflicts of interest are noted on the Conflict of Interest Register. The Register will reflect:

- The nature and extent of the conflict;
- An outline of the discussion/situation;
- The actions taken to manage the conflict.

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Independent external moderation, through the State Sport Dispute Centre will be used where conflicts cannot be resolved through the usual procedures including Member and Child Welfare Procedures.

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### *THE PROCEDURE*

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#### Directors and Committee Members

Upon commencement of their position with SwimmingSA - Employees, Board Directors, Committee Members are required to sign the SwimmingSA Confidentiality Agreement and duly provide details of their conflict of interest.

All Directors and Committee Members must provide the signed Confidentiality Agreement and details of their conflict of interest to the SwimmingSA Public Officer within 14 working days of the commencement of their elected or appointed position to a SwimmingSA Committee or Board.

At each subsequent Board or Committee meeting conflict of interest is to be tabled as an agenda item. The chairperson will provide directors/committee members with the opportunity to table their updated/changed status or new conflict of interest in relation to an ongoing item or singular meeting agenda item.

It is essential that you declare your interest at the earliest opportunity and withdraw from any subsequent discussion. The same applies if you face a conflict for any other reason. You may, however, participate in discussions from which you may indirectly benefit, for example where the benefits are universal to all users, or where your benefit is minimal.

If you fail to declare an interest that is known to General Manager and/or the Chair of the Committee/Board. The Chair of the Committee/Board and/or General Manager will declare that interest. Subsequent to the declaration of conflict of interest by or on behalf of a board director/committee member the chairperson will decide upon the appropriate method of management for the particular conflict.

Decisions taken where a board/committee member or member of staff has an interest - In the event of the Board/Committee having to decide upon a question in which a Board Director/Committee Member or member of staff has an interest, all decisions will be made by vote, with a simple majority required. A quorum must be present for the discussion and decision; interested parties will not be counted when deciding whether the meeting is quorate.

Interested Board Directors/Committee Members may not vote on matters affecting their own interests. The Board/Committee shall determine if they must absent themselves from the discussion or may participate in the discussion but not the decision-making process.

#### Employees

All Employees must provide the details of their conflict of interest to the SwimmingSA General Manager upon commencement of the recruitment process for an available position for which they have applied. Upon commencement

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of their employment the incumbent is required to provide the General Manager with the signed Confidentiality Agreement and any subsequent details of current conflict of interests. This should be provided with 14 working days of the employee's commencement.

During their tenure of employment Employees must provide an updated conflict of interest email to the General Manager immediately upon recognition of a new or change to the status of the employee's conflict of interest.

As per the terms of employment with SwimmingSA updated or new conflicts of interest may require a change to the status of the employee or cessation of employment with SwimmingSA.

### Volunteers

All Volunteers must provide the written details of their conflict of interest within 14 working days of becoming aware of any perceived, real or potential conflict of interest as soon as it is recognised. The details of the conflict of interest are to be submitted to the SwimmingSA General Manager.

Should a Volunteer become aware of a conflict of interest during an event or other activity in which they are participating, they must report this to the coordinator of the event/activity should the General Manager not be available. The Volunteer must immediately remove their self from the situation of conflict, the event/activity coordinator may also remove the Volunteer to ensure an immediate solution to the conflict ensuring that all Member & Child Welfare and Work Health and Safety Policies and/or SwimmingSA By-Laws are adhered to where applicable.

### Team Members

All Athletes, Coaches, Team Staff and Volunteers appointed/selected to SwimmingSA representative teams/squads must abide by the Team Agreement. This includes providing the designated SwimmingSA representative with a signed copy of the Code of Conduct and a written description of any perceived, real or potential conflict of interest prior to attending any team or squad activities.

Selection to SwimmingSA teams/squads may be revoked by the SwimmingSA Selection Committee if the recognised Conflict of Interest is sufficient enough to be detrimental to the activity due to be undertaken by said member.

Should a conflict of interest occur during a team/squad activity it must be reported to the Team/Squad Leader immediately. The Team Leader will determine the action to be taken; any sufficient conflict of interest may result in the team member being required to depart the team/squad activity.

If you are not sure what to declare, or whether/when your declaration needs to be updated, please err on the side of caution. If you would like to discuss this issue, please discuss with the General Manager, Chairperson or Public Officer for confidential guidance. Interests will be recorded on SwimmingSA's register of interests, which will be maintained by the General Manager. The register will be accessible by the General Manager, Chairperson and Public Officer.

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### *DATA PROTECTION*

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The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 1998.

Data will be processed only to ensure that Employees, Volunteers, Team Members and Board/ Committee Members act in the best interests of SwimmingSA.

The information provided will not be used for any other purpose in line with the SwimmingSA Privacy Policy.