

 TEAR AUSTRALIA <small>TRANSFORMATION • EMPOWERMENT • ADVOCACY • RELIEF</small>	Policy Name Conflict of Interest Policy
	Issuing Department People at TEAR
Effective Date November 2014	Approved Date November 2014
Scope This policy applies to all TEAR staff, TEAR volunteers who make funding decisions (such as IPAC, Board, Dhumba Committee members), and consultants.	

1. Purpose

To provide clear guidelines for what could be a conflict of interest for staff, volunteers, and consultants and how they should be handled. Proper management of conflicts of interest is required to maintain our charitable fundraising licences and to comply with Corporations law and funding body requirements. More importantly TEAR is committed to living out the values of accountability and justice in all that we do.

2. Policy

All TEAR people are required to act in good faith towards the organisation (ie act in the best interests of TEAR). The principle of acting in good faith guides the way conflicts of interest are managed.

TEAR people must ensure there is appropriately managed conflict of interest between their personal interests and their duties, obligations and responsibilities to TEAR. Where such a conflict occurs, the interests of TEAR will be balanced against the interests of the individual. Unless exceptional circumstances exist the balance of interests will be resolved in favour of the organisation.

2.1 Disclosure of Information

Any TEAR person who has a material personal interest in a matter that relates to the operations of TEAR Australia must disclose that interest to a member of the Leadership Team (LT). An LT member who perceives a conflict of interest must disclose that interest to the National Director.

2.2 Gifts/Gratuities

When interacting with TEAR's partner organisations TEAR people should be mindful of courtesy especially around hospitality and gifts. TEAR staff may accept gifts and gratuities to honour a hosting partner. Gifts over the value of AU\$50 must be declared. Gifts intended to reward, bring about future action or influence decision making should be politely declined.

2.3 Examples of Conflicts of Interest

Examples of situations where a TEAR person (staff and volunteers who make funding decisions) may have an actual or perceived conflict of interest include:

- a) where a TEAR person is asked to participate on the interview panel for employment of a person whom they are closely connected with;
- b) where a person proposes to source goods or services for TEAR Australia from a company that they have a financial interest in (either directly or indirectly);
- c) where a TEAR person or their spouse or immediate family member have connections with one or more organisations like TEAR Australia and:

- may be called upon to promote directly or indirectly, the interests of another organisation;
 - receive financial/personal benefits because of this relationship/affiliation;
 - and/or the relationship/affiliation may prevent the staff member from acting fairly and objectively when he/she performs his/her duties at TEAR;
- d) where a TEAR person or their spouse or immediate family member has a close connection with a partner organisation receiving, or a prospective partner seeking funds from TEAR Australia;
- e) where a staff member directly supervises their spouse or other immediate family member.

It is impossible to define all the potential areas where a conflict of interest may arise and therefore if a staff member is in any doubt as to whether a conflict may exist, they should seek advice from their Department Coordinator.

2.4 Handling Perceived or Actual Conflicts of Interest

A TEAR staff member with an actual or perceived conflict of interest may not participate in decision-making on that matter without the consent of their Department Coordinator. An LT member with an actual or perceived conflict of interest may not participate in decision-making on that matter.

Conflicts of interest will be considered on a case by case basis by the relevant Department Coordinator and National Director and in some cases it may be necessary for the LT to develop and implement procedures to manage conflicts of interest (by type or to address particular cases).

If a person has concerns about another person's perceived conflict of interest, they are encouraged to speak with that person directly to ascertain how it is being handled.

2.4.1 Handling volunteer conflicts of interest

TEAR involves volunteers in a range of groups that make decisions or formal recommendations on the work of TEAR. These include the Board and its Committees, the Dhumba Committee, IPAC Hubs and from time to time staff/volunteer working groups. These groups will document in an appropriate place (eg terms of reference, code of conduct, position description) the nature of conflict of interest within their context, consistent with this policy, as well as the process for handling conflicts of interest. As a minimum standard, each meeting agenda will have a standing item for disclosure of any conflicts of interest specifically related to items being discussed at that meeting. Where there is an orientation program for group members and/or chair, it will include training on conflict of interest and the responsibility of group members to proactively disclose and manage conflict of interest. The reflection and review rhythms of each group will incorporate reflection on the effectiveness of its conflict of interest processes.

3. Related References

Code of Responsible Conduct
Discipline Policy
Fraud Policy

4. Definitions/Terminology Clarification

Chair - used in a general sense to mean convenor or facilitator of the group.

Conflict of interest - A conflict of interest refers to a situation where a conflict arises for an individual between two competing interests. This refers to a reasonably perceived, potential

or actual conflict of interest. Conflicts of interest can involve financial or non-financial interests of the staff member and the interests of a business partner or associate, family member, friend or person in a close personal relationship with the staff member.

Material personal interest - Without limitation, a member of staff will have a “material personal interest” in a matter where the matter involves any of the following persons or entities receiving remuneration for the supply of goods or services, their appointment to supply goods or services for remuneration, or their terms and conditions of service for remuneration:

- a) the staff member;
- b) a person in the staff member’s immediate family;
- c) a person or entity closely connected with the staff member; or
- d) volunteers and consultants

TEAR people: For the purpose of this policy, “TEAR people” refers to all TEAR staff, volunteers as described in the scope of the policy and consultants.

5. Change History

Date	Modification
Oct 2014	Broadened scope. Defined Conflict of interest. Improved clarity around handling of conflicts. Expanded references. Simplified title.