



Conflict of Interest Policy

Purpose

The purpose of this policy is to help PBP Art (WA) Ltd. ("PBP") to effectively identify, disclose and manage any actual, potential and perceived Conflicts of Interest to protect the integrity of PBP and manage risk.

Scope

The policies and procedures in this document apply to Board members, employees, volunteers, contractors, partners and affiliates of PBP.

Policy Statement

PBP values honesty, transparency, fairness, accountability and integrity, and places importance on making clear any perceived, potential or actual Conflicts of Interest that may interfere with decision making.

PBP seeks to avoid any ethical, legal, financial or Conflicts of Interest, but Conflicts of Interest are common and do not need to present a problem to the organisation, so long as they are openly and effectively managed.

PBP is committed to ensuring that Conflicts of Interest are managed so that they do not affect the services, activities, decisions or reputation of PBP.

Definitions

Affiliate means an association, club or community organisation that is guided by the objects and policies of PBP but operates independently to serve their community.

Conflict of Interest occurs when a person's personal interests conflict with their responsibility to act in the best interests of the organisation they represent.

Personal interests include direct interests, as well as those of family, friends, or other organisations a person may be involved with or have an interest in (for example, as a shareholder).

It also includes a conflict between a person's duty to PBP and another duty that the person has (for example, to another charity).



A conflict of interest may be actual, potential or perceived and may be financial or non-financial.

These situations present the risk that a person will make a decision based on, or affected by, these influences and therefore be unable to exercise objectivity and act in the best interests of PBP.

Partner means a charity, association or other organisation, engaged in a joint activity, business or enterprise with PBP, in which the responsibilities, risks, benefits, profits and losses, as applicable, are shared.

Roles and Responsibilities

While the responsibility to manage conflicts of interest is shared by all who work at or with PBP, some individuals have specific obligations with which they must comply.

Board members

- Being aware of ACNC governance standards, particularly governance standard 5.
- Establishing a system for identifying, disclosing and managing Conflicts of Interest.
- Monitoring compliance with this policy.
- Reviewing this policy annually to ensure it is operating effectively and updating it when necessary.
- Identify and declare any Conflicts of Interest.

Board Chair

- Endeavours to manage Conflicts of Interest at a Board level and transfers that responsibility to the Treasurer if there are any Conflicts of Interest with the Chair.

Board Secretary

- Record Conflicts of Interest declared by Board members.
- Maintain the Board Register of Interests.

Chief Executive Officer (CEO)

- Record Conflicts of Interest declared by employees, volunteers, contractors, Partners and Affiliates.
- Maintain the Conflicts of Interest Register.



- Endeavours to manage conflicts of interest at an organisational level.

Employees, Volunteers, Contractors, Partners and Affiliates

- Following the requirements of this policy.
- Identify and declare any Conflicts of Interest.

PROCEDURES

Reporting Conflicts of Interest at Board Level

- Before a Board member begins their service with PBP, they must declare any perceived, potential or actual Conflict of Interest to the Board Secretary using the Conflict of Interest Declaration Form, including but not limited to conflicts related to:
 - their principal business activities
 - their involvement with other charitable organisations or associations
 - their involvement with business organisations, vendors or business interests
 - their involvement with any other associations that might produce a conflict of interest
 - their relationships with any employee, volunteer or contractor of PBP
- Board members must report any other perceived, potential or actual Conflict of Interest that may subsequently arise to the Board Secretary in writing as soon as possible after it has been identified using the Conflict of Interest Declaration Form.
- A Board member who believes another Board member has an undeclared Conflict of Interest should specify in writing to the Board Secretary the basis of this potential conflict.
- The Board Chair will determine the appropriate response to each conflict (in consultation with other Board members and the CEO if appropriate) and notify the Board member concerned of the process recommended to manage it.
- All Conflict of Interest affecting Board members will be recorded in a Board Register of Interests by the Board Secretary. The register must record information related to a conflict of interest (including the nature and extent of the conflict of interest and any steps taken to address it).
- Examples of conflicts of interest for Board members include:
 - Involvement in the selection of a relative or friend as a Board member.



- Involvement in the Board of a club, association or organisation which PBP partners or is affiliated with.
- Discussing a matter that affects your immediate family or business connections.
- Voting on a decision which directly affects your personal or family interests.

[Appendix A](#) includes a checklist to help decide if a conflict of interest exists.

Reporting Conflicts of Interest within the PBP Organisation

- Before an employee, volunteer or contractor begins their service with PBP, they must declare any perceived, potential or actual Conflict of Interest to the CEO using the Conflict of Interest Declaration Form.
- Employees, volunteers and contractors must report any perceived, potential or actual Conflict of Interest that may subsequently arise to the CEO in writing as soon as possible after it has been identified using the Conflict of Interest Declaration Form.
- The CEO will determine the appropriate response to each conflict (in consultation with relevant program coordinators, if appropriate) and notify the person concerned of the process recommended to manage it.
- A person who believes another employee, volunteer or contractor has an undeclared Conflict of Interest should specify in writing to the CEO the basis of this potential conflict.
- All Conflict of Interest will be recorded in Conflicts of Interest Register by the CEO.
- Examples of Conflict of Interest for employees, volunteers and contractors include:
 - Involvement in a club, association or organisation which PBP partners or is affiliated with, as a Board or Committee member, employee, volunteer or contractor.
 - Involvement in the selection of a relative or friend as an employee, volunteer or contractor.
 - Buying goods or services on behalf of PBP that are supplied by your family business, relative or close friend.
 - Directly negotiating on behalf of PBP with a relative or close friend to provide goods or services.
 - Participating in the process of selecting goods or services where a relative or close friend will be providing those goods or services.



[Appendix A](#) includes a checklist to help decide if a conflict of interest exists.

Reporting Conflicts of Interest as a Partner or Affiliate

- Before engaging in any formal or informal collaboration with PBP, a Partner or Affiliate must declare any perceived, potential or actual Conflict of Interest to PBP's CEO using the Conflict of Interest Declaration Form.
- An official representative of the Partner or Affiliate must report any perceived, potential or actual Conflict of Interest that may subsequently arise to PBP's CEO in writing as soon as possible after it has been identified using the Conflict of Interest Declaration Form.
- PBP's CEO will discuss the appropriate response to each conflict (in consultation with the PBP's Board Chairperson if necessary and appropriate) and notify the official representative of the process recommended to manage it.
- A person who believes another Partner or Affiliate has an undeclared Conflict of Interest should specify in writing to PBP's CEO the basis of this potential conflict.
- All Conflict of Interest will be recorded in the Conflicts of Interest Register by the CEO.
- Examples of Conflict of Interest for Partner or Affiliate include:
 - Involvement in another club, association or organisation which PBP partners or is affiliated with, as a Board or Committee member.
 - Enticing or actively persuading an employee, volunteer or player of PBP to join a competitor organisation.
 - Promoting goods or services to PBP that are supplied by your family business, relative or close friend.
 - Directly negotiating on behalf of PBP with a relative or close friend to provide goods or services.

[Appendix A](#) includes a checklist to help decide if a conflict of interest exists.

Managing a Conflict of Interest

- Where a person has a perceived, potential or actual Conflict of Interest, they may be:
 - Limited from access to information and/or denied access to sensitive documents or confidential information.
 - Asked to withdraw from discussions related to that Conflict of Interest.
 - Asked to withdraw from selecting criteria or making any decisions related to that Conflict of Interest.



- Replaced by an independent person to oversee all or part of the information-gathering or decision-making.
- In deciding what approach to take, the responsible person (see Roles and Responsibilities) will consider:
 - Whether the conflict needs to be avoided or simply documented.
 - Whether the conflict will realistically impair the disclosing person's capacity to impartially participate in decision-making.
 - Alternative options to avoid the conflict.
 - PBP's objects and resources.
 - The possibility of creating an appearance of improper conduct that might impair confidence in PBP or its reputation.

Managing Compliance with this Policy

- If the Board or CEO has a reason to believe that a person subject to this policy has failed to comply with it, they will investigate the circumstances.
- If it is found that this person has failed to disclose a Conflict of Interest, the Board or CEO may take action against them. This may include seeking to terminate their relationship with PBP.



APPENDIX A: CONFLICT OF INTEREST CHECKLIST

Consider all the questions on the checklist below. Answering 'yes' to any of the questions indicates that a conflict exists and should be reported.

Private Interest

Do I have any ties, obligations, financial relationships or any links with organisations, clubs, associations, groups or individuals that may gain or lose from this matter?	Yes	No
Do I have family or other relationships with employees, volunteers, contractors or other people involved in this matter?	Yes	No
Does the matter relate to my financial interests?	Yes	No
Do I have doubts about my ability to act impartially and ensure that private considerations do not affect my decision or actions?	Yes	No

Potential Benefits

Could I, or anyone associated with me, benefit now or in the future from my actions or decisions in relation to the matter?	Yes	No
Could I, or anyone associated with me, be badly affected now or in the future by my actions or decisions in relation to this matter?	Yes	No
Have I received a benefit, gift, donation or hospitality (eg. meals, drinks, tickets) from someone who stands to gain or lose from a decision or action in relation to this matter?	Yes	No
Am I, or anyone associated with me (eg. a relative or close friend) likely to gain or lose financially if the matter is resolved in a certain way?	Yes	No
Could the matter have an influence on my future employment opportunities?	Yes	No

Perceptions

Would it appear to a neutral observer that my private interests were in conflict with my duty to PBP, its Partners or Affiliates?	Yes	No
Would a neutral observer believe my private interests had influenced me?	Yes	No



Do I hold any private or professional views that may lead others to conclude that I am not an appropriate person to deal with this?	Yes	No
Are there perception risks for the reputation of PBP, its Partners or Affiliates, or myself if I remain involved?	Yes	No
Would I think it was wrong or improper if I saw someone else doing this?	Yes	No

RELATED POLICIES

Board, Staff and Volunteer Induction Policies
Risk Management Policy

RELEVANT LEGISLATION

[ACNC Governance Standard 5: Duties of Responsible People \(online\)](#)
Section 191 of Corporations Act

Conflict of Interest Declaration Form

To be completed by PBP Board Members, Employees, Volunteers, Partners, Affiliates and Contractors

Contact admin@pbp.org.au to complete the Conflict of Interest Declaration Form either as part of the Board, Staff or Volunteer Induction Process, or through the Partner, Affiliate or Contractor application process, or as a conflict arises.