

## 1. Introduction

Motivation Australia (MA) is committed to high standards of ethical conduct and accordingly places great importance on making clear any existing or potential conflict of interest.

**For the purpose of this policy, the following terms are defined as follows:**

<b>Conflict of interest (COI)</b>	A situation in which a person such as a public official, board member, an employee or a professional has a private and/or personal interest sufficient to appear to influence the objective exercise of his or her official duties. A COI may be real or actual; apparent or perceived; potential or foreseen.
<b>MA personnel</b>	Personnel includes all employees, consultants, contractors, interns and volunteers. Volunteers include professional volunteers, students or any other person who has entered into a volunteer contract with MA.
<b>MA representatives</b>	Representatives includes all personnel, members of the MA Board of Governors and Ambassadors.

## 2. Purpose

This policy has been developed to provide a framework for all MA personnel and representatives in a) identifying, b) declaring, c) managing and d) documenting conflicts of interest. This policy also sets out the policy for receipt of gifts and/or hospitality by MA personnel and representatives. This policy intent is to assist MA in achieving fair, well informed decision-making that is not influenced by conflicts of interests.

## 3. Scope

This policy applies to all MA personnel and representatives; and addresses COI that may be real or actual; apparent or perceived; potential or foreseen.

## 4. Policy

### Identifying conflicts of interest

- 4.1. MA will ensure that all MA personnel and representatives have a clear understanding of what constitutes a COI through provision of information and training.
- 4.2. MA recognises and respects MA personnel's right to privacy in their personal affairs. However, personnel should be free of outside interests and activities which might impair the exercise of their independent judgment in carrying out their duties in the best interests of MA.
- 4.3. Board members are not barred from engaging in business dealings with MA, provided that these are negotiated at arm's length or where any financial or other benefit would be considered reasonable if the negotiations had been conducted at arm's length (or less favourable terms).

## Declaring conflicts of interest

4.4. MA will support effective and transparent declaration of COI.

### 4.4.1. Board Members, Ambassadors and other representatives

- On appointment and/or reappointment to MA's Board of Governors, Ambassadors and where relevant, other representatives will complete and sign a Declaration of Interests.
- During their term, Board Members and Ambassadors will declare COI to the Board as they arise. To facilitate this, the declaration of conflicts of interest will be a standing item on the agenda for all meetings of the Board of Governors.
- Board Members may at any time seek the advice of the Board Chair to clarify any responsibility to declare a COI. Where the Board Chair has a COI they may seek clarification with another Board Member.
- A Board Member who believes another Board Member has an undeclared conflict of interest should specify in writing the basis of this potential conflict to the Board Chair in the first instance. If the Board Chair is the subject of the undeclared COI, the matter should be notified to another member of the Board.

### 4.4.2. Personnel

- MA personnel are required to declare COI to MA's CEO as they arise. Where the CEO identifies that they have an existing or potential COI, the CEO will notify the Board.
- Personnel may at any time seek advice from their line manager or the CEO to clarify any responsibility to declare a COI.
- MA personnel who believe another MA personnel has an undeclared COI, they should notify the CEO. If the CEO is the subject of the undeclared COI, MA personnel will notify the MA Board Chair.

### 4.4.3. Declaration details

- All declared COI should include sufficient detail to enable appropriate decisions to be made in relation to the seriousness of the conflict and management approaches, including: the type of conflict, a description of all parties involved and their relationship, and the potential financial or non-financial interests or benefits, or other duties or obligations.

## Managing conflicts of interest

4.5. Once a conflict has been declared, it must be discussed and an appropriate management plan determined so that any effect on decision-making is eliminated. Until the COI has been resolved, the individual declaring the COI should take no part in the matter relating to that interest.

### 4.5.1. Board Members, Ambassadors and other representatives

- Management of COI that relates to Board Members, an Ambassador or the CEO is the responsibility of the MA Board of Governors led by the Board Chairperson.
- Board deliberations on COI must be undertaken in the best interests of MA and good governance principles in handling COI.
- Appropriate action may include mitigation or removal of the COI, depending on the seriousness of the COI.
- Management options open to the Board include:

Motivation Australia <i>Conflict of Interest – policy</i>			Page 2 of 3
Document no: POL-0009	Effective: 26/6/2014	Last review: 24/09/20	Next review date: Sep-22
Motivation Australia - Conflict of interest 2020 V4 POL.docx			Approval authority: Board of Governors

- Restrict the involvement of the individual on that topic, where the COI is not going to arise frequently, effective separation from the topic is feasible, and does not overly restrict the Board Member or CEO from carrying out required duties.
- Request the individual to relinquish the private interest, where this is possible and an option open and welcome to the individual.
- Require the individual to resign, where the COI is likely to be ongoing and cannot otherwise be managed.

#### 4.5.2. Personnel

- Management of COI declared by MA personnel (other than the CEO) is the CEO's responsibility.
- CEO deliberations on COI must be undertaken in the best interests of MA and good governance principles in handling COI.
- Appropriate action may include mitigation or removal of the COI, depending on the seriousness of the COI.

### Documenting conflicts of interest

- 4.6. All declared COIs will be documented in MA's COI Register; and noted in the Board of Governors minutes. Documentation should include details of the COI, discussion of the COI and decisions regarding specific actions to be taken to manage the COI.

### Gifts and hospitality

- 4.7. MA personnel and representatives are prohibited from offering or accepting gifts and/or hospitality in their role as personnel or representatives of MA which are anything more than minor in nature or could reasonably be regarded as creating a COI or improper inducement.
- 4.8. Minor gifts or hospitality refers to inexpensive and occasional gifts and/or invitations to coffee or simple meals by third parties. In determining what is minor, MA personnel and representatives should take a 'if in doubt, report' approach.
- 4.9. MA will maintain a Gifts and Hospitality register to record:
- Minor gifts or hospitality that have been accepted. These must be declared by the receiver as soon as practical after receipt.
  - Unaccepted offers of material gifts and/or hospitality. Such offers must be declared by the individual to whom the offer was made in order to avoid any appearance or concern that gifts or hospitality are being used for undue influence or decision making.

## 5. Related documents

Document no:	Title and location
POL-0013	Motivation Australia Board of Governors remuneration policy

Motivation Australia <i>Conflict of Interest – policy</i>			Page 3 of 3
Document no: POL-0009	Effective: 26/6/2014	Last review: 24/09/20	Next review date: Sep-22
Motivation Australia - Conflict of interest 2020 V4 POL.docx			Approval authority: Board of Governors