



LUTHERAN SCHOOL WAGGA WAGGA

POLICY AND PROCEDURES

CONFLICTS OF INTERESTS

1. Policy

- 1.1 Good governance practice requires the school to address and record any conflicts of interest that may arise between the school and 'responsible persons'. It is also a legal requirement. Directors are required to make known to the Chairperson any conflict of interest they may have whether real or perceived. The Chair will then have the option, based on the facts, to either rule there is no conflict, ask that the Director not participate in discussions or voting or leave the meeting for the duration of the discussion and voting. In serious cases, as determined by the School Board, a Director may be asked to rectify the circumstances leading to the conflict. This could include, within the constraints of the Constitution, resigning from the Board.
- 1.2 Each 'responsible person' for the school must avoid situations in which his or her personal interests, or the interests of a relative or close associate, may conflict directly or indirectly with decisions made by the School Board, whether the conflict is actual, perceived or potential. Such conflicts of interest include but are not limited to related party transactions.

2. Procedures

2.1 Disclosure Statement

All responsible persons are required to:

- 2.1.1 Complete a Conflict of Interest Disclosure Statement (sample documents are available below as well as a checklist to assist the person who may be affected) at the time they take up their role with the school whether or not they have material conflicts to disclose.
- 2.1.2 Update this Statement annually at the start of the school year.
- 2.1.3 Where their circumstances have changed since the existing disclosure was submitted, complete an updated statement.

3. Register of Interests

- 3.1 The Disclosure Statements will be used by the Company Secretary to update the Register of Interests.
- 3.2 This Register will formally be tabled at every Board meeting. The school will ensure that declarations of conflict of interest are retained for at least seven years.

4. Conflicts of Interest Disclosure Statement

This form is to be completed by any Responsible Person who has a real or perceived conflict of interest or a potential conflict of interest in undertaking their duties. A copy of the completed and signed form is to be retained by the Company Secretary.

I, *(Insert full name)* _____
of *(Insert address)* _____

hereby declare I have no conflicts of interest to declare or a conflict of interest considered to be:

Nil

Conflict real potential perceived

Please provide a brief outline of the nature of the conflict if applicable (details may be included privately in a separate confidential envelope if appropriate).

Please detail the arrangements proposed to resolve/manage the conflict if noted above (attach separately if appropriate).

I, *(insert full name)* _____ hereby agree to:

Update this disclosure throughout the period of my tenure as a Responsible Person on an annual basis or until such time as the conflict ceases to exist, or at such a time a conflict arises;

Comply with any conditions or restrictions imposed by the School to manage, mitigate or eliminate any actual, potential or perceived conflict of interest and/or commitment.

Signed: _____ Date: _____

5. Review by Chair of Board

I, *(insert full name)* _____ have reviewed the conflict of interest disclosure (and plan) and have taken the following action in relation to this matter:

Signature _____ Date _____

6. Checklist to help identify conflicts of interest

6.1 In assessing whether you have a conflict of interest it may be helpful to ask the following questions. The test when assessing the situation is to ask: "Could this conflict with my duties at the school?" If you answer YES to any of the questions below, you may have an **actual**, reasonably **perceived** or **potential** conflict of interest. (Source: ICAC¹)

- 6.1.1** Would I or anyone associated with me benefit from or be detrimentally affected by my proposed decision or action?
- 6.1.2** Could there be benefits for me that could cast doubt on my objectivity?
- 6.1.3** Do I have a current or previous personal, professional or financial relationship or association of any significance with an interested party?
- 6.1.4** Would my reputation or that of a relative, friend or associate stand to be enhanced or damaged because of the proposed decision or action?
- 6.1.5** Do I or a relative, friend or associate of theirs stand to gain or lose financially in some covert or unexpected way?

¹ ICAC Toolkit, *Managing Conflicts of Interest in the Public Sector*, 2004.

- 6.1.6** Do I hold any personal or professional views or biases that may lead others to reasonably conclude that I am not an appropriate person to deal with the matter?
 - 6.1.7** Have I contributed in a private capacity in any way to the matter my department/the school is dealing with?
 - 6.1.8** Have I made any promises or commitments in relation to the matter?
 - 6.1.9** Have I received a benefit or hospitality from someone who stands to gain or lose from my proposed decision or action?
 - 6.1.10** Am I a member of an association, club or professional organisation or do I have particular ties and affiliations with organisations or individuals who stand to gain or lose by my proposed decision or action?
 - 6.1.12** Could there be any other benefits or factors that could cast doubts on my objectivity?
- 6.2** If the answer to any of these questions is yes or if you still have any doubts about your proposed decision or action, you should seek direction from the school's Business Manager or Principal and in the case of Directors the School Board Chairperson or Company Secretary.