

Conflict of interest

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Introduction

This policy helps to identify, disclose and manage any actual, potential or perceived conflicts of interest. All representatives must be aware of their obligations to disclose any conflicts of interest that they may have. All representatives of the organisation must comply with this policy to ensure conflicts of interests are effectively managed.

Definitions

A *conflict of interest* occurs when a person's personal interests conflict with their responsibility to act in the best interests of the organisation and the people supported. 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, board member or business owner). 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, rather than in the best interests of the organisation and must be managed accordingly.

Applicability

When

- applies to any situation which could affect a person's impartiality
- applies to any situation which could affect a participant's choice and control.

Who

- applies to all representatives including key management personnel, directors, full time workers, part time workers, casual workers, contractors and volunteers.

Documents relevant to this policy

 [NDIS \(Code of Conduct\) Rules 2018 \(Cth\)](#) 

 [NDIS Terms of Business](#) 

 [Register of interests](#)

Organisation responsibilities

- ensure organisational or ethical values do not impede a participant's right to choice and control
- manage, document and report on individual conflicts of interest as they arise
- ensure that advice to a participant about support options (including those not delivered directly) is transparent and promotes choice and control.

Responsibilities of representatives

- avoid conflicts of interest where possible
- identify and disclose any conflicts of interest
- carefully manage any conflicts of interest
- adhere to the conflict of interest policy and respond to any breaches.

Key management personnel responsibilities

- work with all representatives to avoid or manage any conflict of interest
- record all reported conflicts of interest in a register of interests document.

Gifts and benefits

- representatives of the organisation must not accept any offer of money, gifts, services or benefits that could cause them to act in a manner contrary to the interests of a participant
- representatives must have no financial or other personal interest that could directly or indirectly influence or compromise the choice of provider or provision of supports to a participant—this includes the obtaining or offering of any form of commission.

Examples of conflicts of interest

- financial interests
- personal and family relationships between employees/volunteers
- decisions regarding appointments, promotions or other decisions relating to employees
- acceptance of gifts or benefits e.g. monies, jewellery, make up, clothing, flights or holidays
- use of confidential and official information
- reproduction or use of copyright information for organisation's purposes only
- membership of, or employment in, another organisation that comes into serious competition with another organisation
- use of the organisation's facilities and equipment for personal benefit or the benefit of a third party.

What is not conflict of interest

- membership or affiliation with other organisations where there is no possible benefit or perception of benefit
- union representation or membership
- approved collaboration with other organisations.

Breach of conflict of interest policy

- failure to disclose a potential, perceived or actual conflict of interest is a breach of this policy
- disciplinary action may follow if it is deemed to be an incident of misconduct, wrongdoing or an abuse of power.