



## Riverton Aquanauts Conflict of Interest Policy

### Policy Overview & Purpose

Riverton Aquanauts (RVA) representatives (including Members, non-members, coaches, swimmers and Committee Members) have an obligation to perform their official duties in the public interest and not to use their position or authority for personal gain or to cause detriment to others. This includes identifying, declaring and appropriately managing any conflicts of interest in the public interest and the interests of RVA. This policy is based on the following key principles:

**Obligations and good practice:** RVA acts in accordance with its legislative obligations and with this policy.

**Organisation's interest:** Conflicts of interest are avoided where possible. Where a conflict exists, it is declared and managed in the interests of the organisation.

**Real, potential or perceived:** A conflict of interest exists whether it is real, potential, or perceived.

**Transparent and accountable:** The process for declaring and managing conflicts of interest is transparent, accountable, and consistent with this policy.

**Culture of integrity:** RVA fosters a culture of integrity. Members and Committee Members are required to raise their own conflicts of interest and to speak up if they believe another RVA member or Committee Member may have an undeclared conflict.

### Scope

This policy applies to Members and Committee Members and supersedes all previous policies relating to conflicts of interest.

This policy should be read in conjunction with RVA's Constitution and the Club Handbook.

### Definitions

**Conflict of Interest:** A conflict of interest arises where there is conflict between the performance of a public duty and private or personal interests. It may involve personal, financial or political interests. A conflict of interest exists whether it is:

- Real – it currently exists;
- Potential – it may arise, given the circumstances; or
- Perceived – Members of the public could reasonably form the view that a conflict exists, or

could arise, that may improperly influence the RVA Member's performance of their duty to RVA, now or in the future.

**Conflict of duty:** A conflict of duty also known as a conflict of role, is a type of conflict of interest that can occur *even if a RVA Member does not have any private interest at stake*. It is a conflict between a RVA Member's public duty to act in the best interests of RVA and their duty to another organisation. It exists due to the RVA Member's role with the other organisation such as a Committee Member, owner, employee, volunteer, or organisation member.

**Direct or indirect:** A private interest can be direct or indirect. A direct interest is held by the RVA Member. An indirect interest is held by a relative or close associate of the RVA Member, for example:

- an immediate family Member such as spouse, partner, child, parent, sibling;
- a regular household Member i.e., someone who normally resides with the RVA Member; or
- another close associate such as a friend, relative or business associate, rival or enemy.

**Pecuniary or non-pecuniary:** A private interest can be pecuniary (financial) or non-pecuniary (non-financial), or a mixture of both. It can arise from a wide range of personal or professional/business-related sources.

**Pecuniary interests:** Include actual, potential, or perceived financial gain or loss. Money does not need to change hands. The interest exists if the RVA Member or a relative or close associate:

- is entitled to receive income from a position held for payment/reward or from a trade, vocation, or profession;
- has a position in a business that will benefit financially;
- receives benefits e.g., discounts, gifts or hospitality from a particular source;
- holds office in a company, incorporated association, or other entity;
- has any other relevant financial interest, for example: is entitled to receive income derived from a contract or is a beneficiary or trustee of a trust.

**Non-pecuniary interests:** May arise from personal or family relationships or from involvement in sporting, social, or cultural activities, etc. which can lead to a predisposition towards a certain outcome based on some emotional, both positive and negative, or other interest. They include a tendency towards favour or prejudice resulting from friendship, animosity, or other personal involvement with another person or group. If personal values are likely to impact on the proper performance of duty, this can also lead to a conflict of interest.

A RVA Member has a pecuniary interest when if a matter before RVA is decided in a particular way that he or she:

- will gain, lose or save money, gain a financial advantage or suffer a financial disadvantage;
- could be expected to gain, lose or save money, gain a financial advantage, or suffer a financial disadvantage; or
- are reasonably likely to gain or lose money, gain a financial advantage, or suffer a financial disadvantage.

A RVA Member may also have a pecuniary interest because a close associate has a pecuniary interest in the matter before RVA. A close associate could be:

- immediate family members, including spouse or partner and both your parents, children or siblings.
- an incorporated association or club of which you are an office bearer of the governing body;
- business partner, employer or your employees;
- a person from whom you have received, or might receive in the future, a fee, RVA, or other reward for providing professional or other services.

## Identifying Conflicts of Interest

Confidence in RVA's functions is dependent upon the accountable and ethical decision-making of RVA Committee and Committee Members in applying the best interests of the organisation before their own private interests. As such, all potential, perceived or actual conflicts of interest should be identified and appropriately managed.

It is not always possible for RVA Members to avoid a situation where a conflict of interest could be perceived to exist. In some specialist industries, a conflict of interest can be almost inevitable—**it is how you manage the conflict that is most important.**

The 'six Ps' can be used to assist RVA Members to identify a conflict of interest by asking themselves the following questions:

Definition	Description
Committee duty versus private interest	Do I have personal or private interests that may conflict or be perceived to conflict with my Committee duty?
Potential	Could there be benefits for me now or in the future that could cast doubt on my objectivity?
Perception	Remembering that perception is important, how will my involvement in the decision or action be viewed by others?  Are there risks associated for me or RVA?
Proportion	Does my involvement in the decision appear fair and reasonable in all the circumstances?
Presence of mind	What are the consequences if I ignore a conflict of interest?  What if my involvement was questioned publicly?
Promises	Have I made any promises or commitments in relation to the matter?  Do I stand to gain or lose from the proposed action or decision?

A good test to help a RVA Member decide whether he or she has a conflict of interest is to ask themselves the following questions:

- Would I be happy if our membership became aware of my involvement?
- Would I be happy if my involvement appeared in the media?

If a RVA Member suspects that he or she has a conflict of interest or is unsure, it should be discussed with the President as soon as possible.

# Procedures for Declaring and Managing Conflicts of Interest

## Declaring Conflicts of Interest

A Club Member or Committee Member who has a material personal interest in a matter being considered at a Committee Meeting must:

- as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Committee;
- disclose the nature and extent of the interest at the next General Meeting of the Association.

This rule does not apply in respect of a material personal interest that exists only because the Committee Member:

- is a Member of a class of persons for whose benefit the Association is established;
- that the Committee Member has in common with all, or a substantial proportion of, the Members of the Association.

A Committee Member who has a material personal interest in a matter being considered at a Committee Meeting must not be present while the matter is being considered at the Committee Meeting or vote on the matter.

The Committee must ensure that every disclosure made by a Committee Member of a material personal interest is recorded in the minutes of the Committee Meeting at which the disclosure is made.

## Managing Conflicts of Interest

### Procedure

RVA has adopted a standard procedure for managing a material conflict of interest of removing the RVA Member from all participation in the matter. As such, the RVA Member will:

- not attempt to influence another RVA Member by communicating either verbally, written or electronically on the matter at any time;
- leave the room at the start of the relevant agenda item and not return until the start of the next agenda item; and
- not participate in any RVA decision on the matter.

This process will be followed unless the President or Vice President determines otherwise and records in the minutes clear reasons why it is not in the public interest for the Member to be excluded from the decision-making process.

When determining this, the President or Vice President will first determine whether the conflict is serious and will take into account all the relevant factors and circumstances, including:

- the objectives and functions of RVA;
- the matter that is to be discussed and determined by RVA;
- the nature of the conflict e.g., is it real, potential, or perceived?
- the severity of the conflict, including the amount, scope and likelihood of any expected benefit to the RVA Member; and
- the potential effect of the conflict, including:
- the extent to which the RVA Member's ability to make an impartial decision in the organisation's interest could be compromised or could reasonably be seen to be compromised; and
- the overall likelihood that the conflict of interest may affect public confidence in the integrity of

RVA and its decisions.

## Managing Strategies

There are many ways that a conflict of interest can be effectively managed. The choice of strategies will be dependent upon the operating environment, the Constitution and practical solutions. Often a combination of strategies will be required. The 'six Rs' can assist in managing a conflict of interest.

Definition	Description
Record or Register	Recording the disclosure of a conflict of interest in a register must occur, but it may be necessary to assess the situation and determine whether one or more of the following strategies are required.
Restrict	It may be appropriate to restrict involvement in the matter. For example, the Member should refrain from taking part in debate about a specific issue, abstain from voting on decisions and/or restrict access to information relating to the conflict of interest. If this situation occurs frequently and an ongoing conflict of interest is likely, further steps may be required.
Recruit	If it is not practical for the Member's involvement to be restricted, an independent third party may need to be engaged to participate in, oversee or review the integrity of the decision-making process.
Remove	The President or Vice President determines that removal from involvement in the matter altogether is the best option when 'ad hoc' or recruitment strategies are not feasible or appropriate.
Relinquish	An individual may wish to remove themselves from involvement in the matter altogether, deciding this is the best option when 'ad hoc' or recruitment strategies are not feasible or appropriate.
Resign	Resignation may be an option if the conflict of interest cannot be resolved in any other way, particularly where conflicting private interests cannot be relinquished.

## Conflict of Interest Register

A central Conflict of Interest register will be maintained by the President, which includes details of both the direct and indirect interests of each RVA Member that may give rise to a conflict of interest. All RVA Members are required to complete the [Conflict of Interests disclosure form](#) and email to the President when a real, potential or perceived conflict of interest arises.

## Confirmation of Register at the start of RVA Meeting

The President will ensure that the Conflict-of-Interest register is present for reference at each RVA meeting. At the start of the meeting, the President will ask all RVA Members to state whether their interests, as recorded in the register, are complete and correct.

If there are no changes, the minutes will note that *'all RVA Members present confirmed that their entries in the Conflict-of-Interest register are complete and correct'*. If any changes are declared, these will be recorded in the minutes for entry into the register.

## Declaring Conflicts of Interest at the Start of a Meeting

At the start of each RVA meeting, the Chair will ask if any RVA Member present has a conflict of interest in respect to any item on the agenda. If a RVA Member has an interest, he or she will declare it, including the nature of the interest and the conflict that results, or may result, from it. An interest must be declared even if it is already recorded in the Register.

A RVA Member who becomes aware during the meeting that he or she has an undeclared interest will declare it immediately.

A RVA Member who believes that another RVA Member may have an undeclared interest will raise this as a query so as to enable the other RVA Member to declare the interest if it exists.

## **Recording of Minutes**

If a RVA Member declares a conflict of interest, the following information will be recorded in the minutes:

- a description of the interest and the conflict;
- the action RVA will take to manage the conflict; and
- if the RVA Member leaves the room during discussion and/or decision-making on the 'conflicted' matter, the time that he/she leaves and returns and the item, or part of thereof, for which he/she was absent.

## **Updating in the Register**

The President will ensure that the Conflict-of-Interest register is current and includes any additional interests which have been declared and recorded in the minutes of a RVA meeting.

## **Confidentiality and Reporting**

Breaches of this policy must be reported to RVA Management within 14 days of any occurrence. Breaches of this policy must be kept confidential, and disclosure to any third party beyond RVA Management is not permitted.

## **Related Documents**

Related RVA documents include the following:

- RVA Constitution
- RVA Club Handbook

## Document Control

### Document Revision History

Version	Date	Author	Approver	Comments
1.0	November 2024	K Smith	Core Committee	