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## **ACTBGA Conflict of Interest Policy**

Key principles underlying this policy are set out in the Code of Conduct (the 'Code') that is included in the Board Charter. According to this Code, members, directors, committee members and staff, when acting for the ACTBGA, should:

- act in the best interests of the ACTBGA;
- recognise that while having regard for the interests of stakeholders (including their own), the primary responsibility is to the best interests of the ACTBGA; and
- properly manage any actual, potential or perceived conflict of interest.

Additionally, all committee members must:

- complete a Conflict of Interest Declaration Statement at the beginning of each assessment round and must update if, at any time, further actual or perceived conflicts arise; and
- ensure Conflict of Interest Declaration Statements are recorded in the ACTBGA Conflict of Interest Register, which will be noted at each meeting.

In the ACTBGA, two conflict of interest categories may be identified.

1. Type 1 are those that arise specifically because of a member's, director's or committee member's work for an entity, such as the AISACT, the CECG, or a school that is an actual or potential recipient of a grant through the ACTBGA, or that formally represents such recipients.
2. Type 2 are those that arise more generally because a member's, director's, committee or staff member's duty to the ACTBGA clashes with their personal or other business interests. These include any interests in a transaction or decision where a member, director, committee or staff member, including their business or other non-profit affiliations, family, significant other, employer, or close associates will receive a benefit or gain.

It is recognised that members, directors and committee members work for or represent actual or potential grant recipients. Such obvious conflicts of interest (Type 1) need to be declared and minuted at each meeting. Other actual, potential or perceived conflicts of interest (Type 2) must be formally declared by members, directors, committee members and staff as soon as the conflict of interest arises and, in any case, before or at the start of any meeting where an issue relevant to the conflict is due to be discussed. This is necessary to ensure that our constituencies may have full confidence in the impartiality and integrity of the ACTBGA and its processes and decisions.

In each case, the relevant body (e.g. Board or Assessment Committee) will resolve which of three possible approaches is to be taken:

- a) exclude the person(s) with the conflict(s) of interest from all discussions and decision-making on matters which lead to the conflict(s) of interest; or
- b) allow them to take part in discussions but not decision-making; or
- c) recognise the conflicts of interest and allow those involved to take a full part in the discussion and decision-making.

For Type 1 conflicts, approaches (b) and (c) will be the normal approaches adopted. However, this is feasible only when those with a conflict of interest manage the conflict by taking a fully dispassionate approach to participation in discussion and decision-making. At the discretion of the relevant body, any of the three approaches may be used.

To manage Type 1 conflicts that arise specifically in the Assessment Committees (the 'Committee'), the approach to be adopted is set out in the Board Charter:

"The small size of the ACT and the limited pool of potential Assessment Committee members provides a challenge for avoiding or minimising actual, potential or perceived conflicts of interest in the Assessment Committees' process. The following approach will be practiced:

- It is acknowledged that the term of appointment of Assessment Committee members and the cancellation of their appointment is determined by their Nominators (7.3 above)\*, the Nominators will be invited annually to review their nominations to minimise the perception of conflict of interest through a member's association with an application from an individual school or system, noting that options include confirmation, cancellation of appointments and temporary replacement of members on the Committee.
- The Nominators will, where possible, not include members who are directly associated with or responsible for a project that is the subject of an application for a capital grant.
- All Committee members will be made aware of, and inform themselves of, their individual responsibilities under the Code of Conduct, including the need to act in the best interests of the ACTBGA and to manage potential conflicts of interests.
- Committee members will be asked to declare actual, potential and perceived conflicts of interest and such conflicts will be recorded in the meeting records.
- The Committee will resolve whether or not a Committee member with an actual, potential or perceived conflict of interest should participate in the discussion and decision-making, with the normal position being that such a member should not participate in decision-making on a project with which they are associated, and should participate in discussion of such a project only when invited by the Chair for clarification, with equivalent clarification opportunities being provided to those associated with other projects who are not Committee members.
- The Committee may invite non-members directly associated with an application to attend one or more meetings for the specific purpose of making a presentation to the Committee about their proposal. In this event, similar opportunities should be given to all other applicants. The Committee may also invite non-members directly associated with an application to attend one or more meetings to answer the Committee's questions or clarification about their proposal. In this event, similar opportunities should be given to all other applicants should the need for clarification be similar.

The Chair, as part of his or her responsibility in managing the Committee process, should monitor any actual, potential or perceived conflicts of interests and individual Committee members' management of their actual, potential or perceived conflicts. Where the Committee or individual Committee members are not managing such conflicts of interest, the Chair should take appropriate action."

\* Section 7.3 of the Board Charter states that the term of appointment of Assessment Committee members, and the cancellation of their appointment, is determined by their Nominators.

For Type 2 conflicts, approach (a) will be the normal approach adopted. The relevant body may resolve that approach (b) will be used, but only where necessary and for clarification only.