



FIT CONFLICT OF INTEREST POLICY

Purpose of policy

The purpose of this policy is to ensure that actual, potential and perceived conflict of interest are identified and managed effectively. This policy is aimed at fostering public confidence in the integrity of the Federation of International Touch (FIT), to protect the integrity of FIT's decision-making process, to enable our stakeholders to have confidence in the Board's integrity, and to protect the integrity and reputation of volunteers and committee and sub-committee members.

Policy scope and application

This policy applies to all individuals at all times in the performance of their duties on behalf of FIT, including:

- Board Members, Board Sub-Committee Members, Commissions, and any other working committees or reference groups.
- Volunteers, contractors and consultants.

Definitions: Definitions identified below are specific to this policy and are critical to its effectiveness:

Actual conflict of interest: means it currently exists.

Board: means the body consisting of the Directors as described in the [FIT Constitution 2011](#), Rule 28.

Committee: means to include FIT Board Sub-Committees, Commissions, Working Parties, and any special reference groups or committees established by FIT from time to time.

Conflict of interest: means a conflict between an individual's:

- Public duty to act in the best interests of FIT; and
- Private interests and/or duty to another organisation.

Federation of International Touch: means the peak body for the administration of Touch throughout the world. The objects for which FIT is established and maintained are described in the [FIT Constitution 2011](#), Rule 3.

Interest: means any material financial interest, whether through commitment, investment, relationship, obligation, involvement or otherwise, direct or indirect, that may influence a person's judgment, including receipt of compensation from FIT, a sale, loan, or exchange transaction with FIT.

National Touch Association: means an entity recognised under the [FIT Constitution 2011](#), Rules 11 and 12 as the primary recognised peak governing body of Touch in each country with the object to promote, encourage foster, develop, extend, govern and control the sport of Touch in that Country.

Perceived conflict of interest: means members of the public could reasonably form the view that a conflict exists or could arise that may improperly influence the individual's performance of his/her duty to FIT, now or in the future.

Potential conflict of interest: means it may arise, given the circumstances.

Private interests: means personal, professional or business interests that can be direct or indirect, pecuniary (financial) or non-pecuniary (non-financial), or a mixture:

- Direct interest is held by the individual performing duties on behalf of FIT.
- Indirect interest is held by a relative or close associate, for example:
 - A member of the Board member's immediate family (e.g. spouse, partner, sibling, child).
 - A regular member of his/her household.
 - Another close associate (e.g. friend, relative, business associate).
- Pecuniary interests include actual, potential, or perceived financial gain or loss by an individual or relative or other close associate, if they for example:
 - Own property.
 - Hold shares, investments or other business interests.
 - Are associated with a company bidding for FIT work.
 - Receive benefits, such as concessions, discounts, gifts or hospitality from a particular source.
- Non-pecuniary interests are without a financial component where there may be a tendency for favouritism or prejudice to arise as a result of personal or family relationships and friendships, animosity or other personal involvement with another person or group.

Touch: means the sport or game played under the rules determined from time to time by FIT.

Regulatory background

As FIT is an incorporated organisation registered in New South Wales, Australia, its operations are governed by the legislative requirements of the Commonwealth of Australia and the State of New South Wales, Australia.

In particular, FIT must meet the legislative requirements of the *Corporations Act 2001* (Commonwealth of Australia) and the *Associations Incorporation Act 2009* (New South Wales, Australia).

Policy statement

FIT is committed to ensuring that conflicts of interest are identified and managed so that they do not affect the activities or decisions of FIT. On this basis, FIT will:

- Identify and declare all conflicts of interest.
- Develop, implement and monitor action to appropriately manage any conflict.
- Report all identified conflicts to:
 - The Board for recording in the Board minutes (for Board members conflicts only).
 - The Committee for recording in Committee minutes (for Committee member conflicts only).
 - The Secretary General for recording in the Conflicts of Interest Register.
- Ensure appropriate management and responses to breaches of this Policy.

FIT conflict of interest policy

1. Determining whether a conflict is material
 - a. If a conflict of interest is declared by a Board or Committee member, the Board or Committee will determine whether the conflict is material, taking into account a range of factors, including:
 - The issue that is to be discussed and determined by the Board or Committee.
 - The nature and severity of the conflict (e.g. whether it is real, potential or perceived; for pecuniary interests, the quantum, scope and likelihood of the expected benefit; and the degree to which the interest could compromise the Board or Committee member's ability to make an impartial decision in the public interest).
 - The likelihood that the public will perceive that a conflict of interest exists, and the extent to which this may affect public confidence in the integrity of the Board or Committee and its decisions.
2. Determining how to manage a conflict
 - a. There are three key components to management of a conflict of interest:
 - Report.
 - Resolve.
 - Register.
 - b. Reporting a conflict of interest is required when an individual becomes aware they may have a conflict. When Board or committee members have a conflict of interest, the conflict is reported to the meeting members who will assess and make a determination as to how to best manage the conflict. Examples of conflicts of interest include:
 - Purchasing goods or services supplied by the family business of a Board or committee member, relative or close friend.
 - Participating in a tender for goods or services where a relative or friend will be submitting a tender.
 - Directly negotiating for a friend or relative for them to provide goods or services to FIT for payment.
 - Involvement in selection of a relative or friend to a FIT volunteer appointment.
 - A volunteer voting on a decision which directly affects their private interests.
 - c. Resolving a conflict of interest can be achieved by the meeting members considering the following strategies and actions:
 - Restricting the person with the conflict in the participation of decision making is an appropriate method where the conflict is not likely to arise frequently. Restriction could include:
 - Withdrawing from discussion of the issue or proposal.
 - Not participating in any critical criteria setting or decision making role.

- Abstaining from voting on the issue or proposal.
 - Recruiting an independent person to oversee all or part of the process is an appropriate method where conflict is more significant and needs more proactive management, but the person with the conflict has specialist expertise and they cannot be easily replaced. Recruiting strategies include:
 - Arranging for an independent third party to make the decision.
 - Increasing the number of people sitting on the decision-making committee to balance any influence a single member may have.
 - Seeking the views of those likely to be concerned about the conflict of interest and whether they object to the person with the conflict having any, or any further involvement.
 - Removing the person with the conflict from the process is appropriate where there is ongoing serious conflict of interest and restriction or recruitment is not practical or feasible. Strategies include:
 - Removing the person with the conflict from any involvement.
 - Abstaining from any formal or informal discussion about the matter.
 - Separating the person with the conflict from the situation where there may be a perception of exerting a covert influence on decisions or actions.
 - Relinquishing the private interest that gives rise to the conflict. Strategies include:
 - Divesting or withdrawing support for the private interest.
 - Assigning the conflict of interest to another arrangement for at least the duration of the conflict.
- d. All conflicts of interest must be registered in the FIT Conflicts of Interest Register. This register provides transparency as to what conflicts have been declared and resolved.
- e. The Secretary General is responsible for ensuring all conflicts of interest reported by Board and Committee members that are recorded in the meeting minutes are registered in the Conflict of Interests Register
- f. As a minimum, the following information is to be recorded in the meeting minutes and Conflicts of Interests Register:
- Name of the person with the conflict of interest.
 - Name of the person the conflict was reported to.
 - A description of the interest and the conflict.
 - Details of when it occurred or may occur.
 - Details of whether the conflict is material and what the risk exposure is if not dealt with.
 - How the matter was resolved and what action the Board or Committee has determined will be taken to manage the conflict.
 - Where the Board or Committee member leaves the room during discussion and/or decision-making on the conflicted issue, the time that he/she leaves and returns, and the item (or part of the item) for which he/she was absent.

3. Declaration of Private Interests

- a. Prior to commencing as a Board or Committee member (or as soon as practicable thereafter) a Board or Committee member will lodge an up-to-date Declaration of Private Interests with the Board President or Committee Chair (Appendix 1).
 - b. All Board and Committee members will review their Declaration of Private Interests form annually.
 - c. In addition, a Board or Committee member will update his/her declaration if his/her circumstances change. Updated forms will be provided to the Board President or Committee Chair with records retained by the Secretary General.
 - d. The details of any interests identified in the Declaration of Private Interests are to be recorded in a Register of Private Interests maintained by the Secretary General. As a minimum, this register will detail:
 - Name of the Board Member.
 - Description of interest (e.g. sister-in-law co-owns a company which could potentially become a contractor to the organisation).
 - Interested parties (e.g. sister-in-law).
 - Is the interest current? (e.g. yes)
4. Breaches of the Conflict of Interest policy
- a. Failure to disclose a conflict of interest is a breach of the [FIT Code of Behaviour Policy](#). It may result in the initiation of disciplinary action that could involve ceasing the person's involvement with FIT if deemed to be an incident of misconduct, wrongdoing or an abuse of power or authority. Refer to the [FIT Code of Behaviour Policy](#) and [FIT Member Protection Policy](#) for details as to how breaches are managed and disciplinary measures that may be taken.

Appendices

- [Appendix 1: FIT Declaration of Private Interests](#)

Authorisation

This document has been authorised by:

Approval Authority: President

Responsible Officer: Secretary General

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