

1. Purpose

The purpose of this policy is to help Board members of FEBC (Australia) to effectively identify, disclose and manage any actual, potential or perceived conflicts of interests in order to protect the integrity of FEBC (Australia) and manage risk.

2. Objective

The FEBC (Australia) Board and staff aim to ensure that all parties are aware of their obligations to disclose any conflicts of interests that they may have, and to comply with this policy to ensure they effectively manage those conflicts of interests as representatives of FEBC (Australia).

3. Scope

This policy applies to Board members and staff of FEBC (Australia).

4. Definition of Conflict of Interest

A conflict of interests occurs when a person's personal interests conflict with their responsibility to act in the best interests of FEBC (Australia). 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. It also includes a conflict between a Board member's duty to FEBC (Australia) and another duty that the Board member has (for example, to another charity). A conflict of interests 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 FEBC (Australia) and must be managed accordingly.

5. Policy

This policy has been developed because conflicts of interests commonly arise and do not need to present a problem to FEBC (Australia) if they are openly and effectively managed. It is the policy of FEBC (Australia) as well as a responsibility of the Board and staff that ethical, legal, financial or other conflicts of interests be avoided and that any such conflicts (where they do arise) do not conflict with their obligations to FEBC (Australia).

5.1 FEBC (Australia) will manage conflicts of interests by requiring Board members and staff to:

- 5.1.1. identify and disclose any conflict of interests
- 5.1.2. carefully manage any conflict of interest; and
- 5.1.3. follow this policy and respond to any breaches.

5.2 Responsibilities of the Board

The Board is responsible for:

- 5.2.1. establishing a system for identifying, disclosing and managing conflicts of interests across FEBC (Australia);
- 5.2.2. monitoring compliance with this policy; and
- 5.2.3. reviewing this policy biannually to ensure that the policy is operating effectively.

FEBC (Australia) must ensure that its Board members are aware of the ACNC governance standards, particularly Governance Standard 5, and that they disclose any actual or perceived material conflicts of interests as required by Governance Standard 5. Click for the link below:

http://acnc.gov.au/ACNC/Manage/Governance/GovStds_5/ACNC/Edu/GovStandard_5.aspx

6. Identification and Disclosure of Conflicts of Interests

Once an actual, potential or perceived conflict of interests is identified, it must be entered into FEBC (Australia)'s register of interests, as well as being raised with the Board. Where all of the other Board members share a conflict, the Board should refer to ACNC Governance Standard 5 to ensure that proper disclosure occurs. The register of interests must be maintained by the Secretary to the Board, and record information related to a conflict of interests (including the nature and extent of the conflict of interests and any steps taken to address it).

7. Confidentiality of Disclosures

The confidentiality of the FEBC (Australia) register and its contents should be maintained at all times in a secure, fireproof location. Access to the register is restricted to Board members for regular reviews.

8. Action Required for Management of Conflicts of Interests

8.1 Conflicts of interests of Board members and staff

FEBC (Australia) Board members are required to disclose and record any conflicts of interests at each Board meeting. All conflicts of interests are recorded on FEBC (Australia)'s Declaration Form.

Once the conflict of interests has been appropriately disclosed, the Board or National Director (for staff), excluding the person disclosing and any other conflicted person, must decide whether or not those conflicted should:

- 8.1.1. vote on the matter (this is a minimum);
- 8.1.2. participate in any debate; or
- 8.1.3. be present in the room during the debate and the voting.

In exceptional circumstances, such as where a conflict is very significant or likely to prevent a person from regularly participating in discussions, it may be necessary for the Board or National Director to consider whether it is appropriate for that person conflicted to resign from his/her position.

- 8.2 In deciding on what approach or action to take, the Board or National Director shall consider:
- 8.2.1. whether the conflict needs to be avoided or simply documented;
 - 8.2.2. whether the conflict will realistically impair the disclosing person's capacity to impartially participate in decision-making;
 - 8.2.3. whether alternative options to avoid the conflict need to be developed;
 - 8.2.4. whether and how FEBC (Australia)'s objectives and resources will be affected; and
 - 8.2.5. the possibility of creating an appearance of improper conduct that may impair confidence in or the reputation of FEBC (Australia).

The approval of any action relating to Board members requires the agreement of at least a majority of the Board (excluding any conflicted Board member/s) who are present and voting at the meeting. The action and result of the voting will be recorded in the minutes of the meeting and in the Register of Interests for Board members.

Action relating to members of staff who are outside the leadership team will be formulated and actioned by the National Director with the Board briefed for information only. If the action relates to staff members holding positions on the leadership/management team, an action plan is to be formulated by the National Director and tabled for Board discussion and agreement prior to formal action being taken.

8.3 External Consultants/Contractors

Consultants making recommendations for the supply of goods and services shall be asked to declare any actual or potential conflicts of interests. These shall be captured with a full explanation in a separate section of the conflicts register.

9. Compliance with This Policy

If the Board or National Director has a reason to believe that a person subject to the policy has failed to comply with it, they will investigate the circumstances.

If it is found that this person has failed to disclose a conflict of interests, the Board or National Director may take action against him/her. This may include seeking to terminate his/her relationship with FEBC (Australia), including removal from the Board or ceasing of employment.

If a person suspects that a Board member has failed to disclose a conflict of interests, he/she must discuss with the Board member in question and notify the Board through the Chairman.

10. Contacts

For questions about this policy, contact the Chairman of the Board or the National Director of FEBC (Australia).

CONFLICT OF INTERESTS POLICY

This document, approved by the FEBC (Australia), is controlled by the Chairman & National Director. The electronic copy is accessible via the FEBC (Australia) Sharepoint Library and is a "read only" master controlled copy.

DOCUMENT HISTORY			
POLICY NUMBER		RESPONSIBLE PERSON / COMMITTEE / GROUP	
		BOARD CHAIR & NATIONAL DIRECTOR	
LEGISLATIVE OR OTHER POLICY REQUIREMENT [ACT/REFERENCE] ACNC ACT 2012, ACNC AMENDMENT 2018 (EXTERNAL CONDUCT STANDARDS)			
MANUAL / GROUP IDENTIFIER - GOVERNANCE			
VERSION	APPROVAL DATE	REVISION DATE	SUMMARY OF CHANGE
1.0			Original version
2.0	26/3/2020	2022	Added reference to ACNC Governance Standard 5