

Conflict of Interest Policy

1. INTRODUCTION

Portway Housing (PH) recognises that it is normal for people to hold different interests in their lives. This applies to members of the Board, staff, tenants, applicants, contractors and others who may interact with PH. At times a person's different interests may conflict. This policy provides a means by which the risks arising from conflicts of interest can be managed successfully and to the benefit of all concerned.

By successfully acknowledging and handling conflicts of interest, PH will enhance its public reputation as an impartial, transparent, accountable and a fair-dealing organisation.

2. PRINCIPLES

In managing conflicts of interest, PH will abide by the following principles:

- PH will conform to legal requirements in respect of conflicts of interest, as identified below
- An applicant for PH is not necessarily disbarred from being housed by virtue of being an associate of a Board member, tenant or staff member of PH
- Interests can be pecuniary or non-pecuniary or both
- Impartiality, transparency, fairness and protection of the public interest are primary objectives in handling conflicts of interest
- Staff will be offered training in the use of this Policy.

3. PROCEDURES

The following procedures should be followed in relation to conflicts of interest:

- A known or likely conflict of interest must be declared by the person to the relevant authority as soon as the person becomes aware that the conflict exists or may exist
- Application forms for tenancy or membership with the Association, notices of vacancy and tender documents will be phrased in such a way that conflicts or potential conflicts of interest will be made apparent to Portway Board and Management
- A member of the Board of PH who has any direct or indirect pecuniary interest in a contract, or proposed contract, with the association:
 - (a) must as soon as he or she becomes aware of his or her interest, disclose the nature and extent of his or her interest to the Board; and
 - (b) must disclose the nature and extent of his or her interest in the contract at the next annual general meeting of the association. This is a legal requirement.
- The person with the conflict should state all the relevant facts. The statement may initially be verbal but the person should ensure the facts are documented e.g. in a letter, tender or application form, as appropriate
- A declaration of a conflict of interest will be recorded in minutes of proceedings of the Board, sub-committees, staff meetings or other contexts as appropriate
- In meetings of the PH Board or sub-committees, the person may participate in discussions concerning the affected interest but may not vote on such matters and will if required absent themselves from a decision or vote

- In proceedings (including staff meetings) outside of Board meetings which relate to employment, tenancy, maintenance, development or letting of a contract, a Board member, employee or other person who becomes aware of a conflict or potential conflict of interest will declare the conflict. The person may participate in discussions concerning the affected interest but may not vote on such matters and will if required absent themselves from a decision or vote

4. REGISTER OF INTERESTS

The Board may, at its discretion, establish a Register of Interests of Board Members and Employees. The Register will:

- Be updated annually
- Be confidential to the Board
- Require each board member and employee to reveal in writing all the businesses, groups and other Boards they and their family members are affiliated with that may present a potential conflict of interest.

5. LEGISLATIVE AUTHORITY

As a registered housing association, PH is covered by the following legislation in regard to conflicts of interest:

- Associations Incorporation Act 1985 – especially Sections 31, 32, 39A and 55.

6. REFERENCES

In addition to the above legislation, the following key documents cover conflicts of interest:

- Constitution of Portway Housing, especially Section C Clauses 3(b) and 3(c), and Section D Clause 2(h)
- Ourcommunity.com.au – “Handling Conflicts of Interest.”

7. DEFINITIONS

‘Associate’ has the meaning given in the Associations Incorporation Act 1985, as follows:

For the purposes of this Act, a person is an associate of another person if—

- (a) they are partners; or
- (b) one is a spouse, domestic partner, parent or child of the other; or
- (c) they are both trustees or beneficiaries of the same trust, or one is a trustee and the other is a beneficiary of the same trust; or
- (d) one is a corporation and the other is a director of the corporation; or
- (e) one is a corporation and the other is a person who has a legal or equitable interest in five per cent or more of the share capital of the corporation; or
- (f) they are related bodies corporate within the meaning of the *Corporations Act 2001* of the Commonwealth; or
- (g) a chain of relationships can be traced between them under any one or more of the above paragraphs.

'Relevant authority' means an employee of PH, the Annual General Meeting or the Board of the Association, as appropriate.

A pecuniary interest does not exist only by virtue of the fact:

- (a) that the member of the Board is an employee of the association; or
- (b) that the member of the Board is a member of a class of persons for whose benefit Portway is established; or
- (c) that the member of the Board has the pecuniary interest in common with all or a substantial proportion of the members of the association.