

Swimming WA Incorporated

Conflict of Interest Policy

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1. Policy Overview and Purpose

Swimming WA (SWA) representatives (including Members, non-members, Board Members 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 SWA. This policy is based on the following key principles:

Obligations and good practice: SWA 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: SWA fosters a culture of integrity. SWA Board and Committee Members are required to raise their own conflicts of interest and to speak up if they believe another SWA Board or Committee Member may have an undeclared conflict.

2. Scope

This policy applies to the SWA Board Directors, Board and Operational Committee Members and supersedes all previous policies relating to conflicts of interest.

This policy should be read in conjunction with SWA's Constitution and, where applicable to Board Directors, the Board Charter.

3. 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 SWA Member's performance of their duty to SWA, 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 SWA Member does not have any private interest at stake*. It is a conflict between a SWA Member's public duty to act in the best interests of SWA and their duty to another organisation. It exists due to the SWA 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 SWA Member. An indirect interest is held by a relative or close associate of the SWA 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 SWA 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 SWA 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 SWA Member has a pecuniary interest when if a matter before SWA 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 SWA Member may also have a pecuniary interest because a close associate has a pecuniary interest in the matter before SWA. 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, SWA, or other reward for providing professional or other services.

4. Identifying Conflicts of Interest

Confidence in SWA's functions is dependent upon the accountable and ethical decision-making of SWA Board 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 SWA 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 SWA Members to identify a conflict of interest by asking themselves the following questions:

Definition	Description
Board duty versus private interest	Do I have personal or private interests that may conflict or be perceived to conflict with my Board 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 SWA?
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 SWA 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 SWA Member suspects that he or she has a conflict of interest or is unsure, it should be discussed with the President or the Chief Executive Officer (CEO) as soon as possible.

5. Procedures for Declaring and Managing Conflicts of Interest

5.1 Declaring Conflicts of Interest

A Board Member who has a material personal interest in a matter being considered at a Board 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 Board;
- 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 Board Member:

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

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

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

5.2 Managing Conflicts of Interest

5.2.1 Procedure

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

- not attempt to influence another SWA 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 SWA 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 SWA;
- the matter that is to be discussed and determined by SWA;
- 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 SWA Member; and
- the potential effect of the conflict, including:
- the extent to which the SWA 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 SWA and its decisions.

5.2.2 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.

6. Conflict of Interest Register

A central Conflict of Interest register will be maintained by the CEO, which includes details of both the direct and indirect interests of each SWA Member that may give rise to a conflict of interest. All SWA Members are required to complete the Conflict of Interests disclosure form (Appendix 1) and email to the CEO when a real, potential or perceived conflict of interest arises.

7. Confirmation of Register at the start of SWA Meeting

The President will ensure that the Conflict of Interest register is present for reference at each SWA meeting. At the start of the meeting, the President will ask all SWA 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 SWA 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.

8. Declaring Conflicts of Interest at the Start of a Meeting

At the start of each SWA meeting, the Chair will ask if any SWA Member present has a conflict of interest in respect to any item on the agenda. If a SWA 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 SWA Member who becomes aware during the meeting that he or she has an undeclared interest will declare it immediately.

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

9. Recording of Minutes

If a SWA 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 SWA will take to manage the conflict; and
- if the SWA 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.

10. Updating in the Register

The CEO 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 SWA meeting.

11. Confidentiality and Reporting

Breaches of this policy must be reported to SWA Management within 14 days of any occurrence. Breaches

of this policy must be kept confidential, and disclosure to any third party beyond SWA Management is not permitted.

12. Related Documents

Related SWA documents include the following:

- SWA Constitution
- SWA Board Charter
- SWA Risk Management Framework

13. Version Control

Version	Issue Date	Approved By	Approval Date	Review Date
1.0	June 2024	Board	June 2024	April 2026

Appendix 1: Conflict of Interest Disclosure Form

Surname	
Given name/s:	
Position:	
<p>Describe the private interests and/or associations that have the potential to impact on your ability to carry out, or be seen to carry out, your official duties impartially and in the interest of Swimming WA:</p>	
<p>Describe the expected roles/duties you are required to perform:</p>	
<p>The Conflict of Interest has been identified as (please select one of the following):</p>	
<p>Actual <input type="checkbox"/> Potential <input type="checkbox"/> Perceived <input type="checkbox"/></p>	
<p>Declaration:</p> <p>I declare that the above details of my private interests are correct to the best of my knowledge, and I am aware of my responsibilities to take reasonable steps to avoid any real or apparent conflict of interests in connection with my employment or any other role and to advise the SWA CEO of any relevant changes in my personal circumstances.</p>	
Member Signature:	
Date:	
CEO Signature:	
Date:	