



Catholic
Education
Commission
Tasmania

CONFLICT OF INTEREST POLICY

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1 AUTHORITY AND APPLICATION

Date of approval	9 April 2019
Source of approval	Catholic Education Commission Tasmania
Start date	18 April 2019
Date of review	April 2022
Date of amendments	N/A
Previous policies replaced by this Policy	N/A

SIGNED:



Acting Chair of the CECT

DATE:

17.4.19

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2 RELATED DOCUMENTS

This Policy should be considered in conjunction with the following related documents:

Policies and Procedures	<ul style="list-style-type: none">• CECT Constitution• CECT Privacy Policy• CECT Standing Committee's Terms of Reference• CECT Standard Terms of Reference for Boards of Archdiocesan Schools
Applicable Laws	All laws in connection with the carrying out of work or the Workplace including: <ul style="list-style-type: none">• <i>Australian Charities and Not-for-profits Commission Act 2012 (Cth)</i>• <i>ACNC's Governance Standards</i>• <i>Corporations Act 2001 (Cth)</i>• <i>Privacy Act 1988 (Cth)</i>

3 PURPOSE

The aim of this policy is to ensure that all governance bodies within Catholic Education Tasmania are exercising their governance authority without being influenced by a conflict of interest of an individual or external agency. This policy will help members at the various governance levels within Catholic Education Tasmania to identify, disclose and manage any actual, potential or perceived conflicts of interest. In doing so, it will help protect the integrity of the decision making process of all the entities of Catholic Education Tasmania and manage any associated risk to the system.

Conflicts of interest commonly arise in any undertaking and if they are openly and effectively managed they do not need to present a problem. It is the responsibility of all governance levels within Catholic Education Tasmania to oversee matters in order to avoid a conflict of interest in ethical, legal, financial or other areas.

4 DEFINITIONS

For the purposes of this policy:

- Archdiocesan Schools – the 35 Catholic schools and colleges owned by the Roman Catholic Church Trust Corporation of the Archdiocese of Hobart.
- Catholic Education Tasmania – covers the Tasmanian Catholic Education Commission, Tasmanian Catholic Education Office, Archdiocesan Schools and Congregation Schools.
- Conflict of Interest – A conflict of interest occurs when a person's personal interests conflict with their responsibility to act in the best interests of Catholic Education Tasmania. A conflict of interest may be actual, potential or perceived and may be financial or non-financial in nature. These conflicts are defined as follows:

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- Actual means there is a direct conflict of interest for the member, such as being the Principal of a school.
 - Potential means there could be a conflict of interest, such as being member of a primary school board and a member of a secondary school board and both school boards are seeking to receive the same capital grant.
 - Perceived means there may appear to be a conflict of interest, such as a member of the school board is also a shareholder in a company that won the tender for a contract with the school.
- Congregation Schools – the 3 schools run by religious institutions in Tasmania (Dominic College, St Francis Flexible Learning Centre and St Virgil's College).
 - Personal Interests – 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 (e.g. shareholder). It also includes a conflict between a member's duty to Catholic Education Tasmania and their duty as a member of another charity/organisation/entity.
 - School – the individual Archdiocesan Schools in Tasmania, operated by the Archdiocese of Hobart.
 - CECT – Catholic Education Commission Tasmania.
 - TCEO – Tasmanian Catholic Education Office.

5 COVERAGE

This policy covers and applies to all members of the Catholic Education Commission Tasmania (CECT), the CECT's Catholic Identity and Evangelisation Standing Committee, Education Standing Committee, People and Culture Standing Committee and Resources and Sustainability Standing Committee and any subcommittee/working party of any of these groups. This policy also covers the School Boards of the thirty-five (35) Archdiocesan Schools owned by the Roman Catholic Church Trust Corporation of the Archdiocese of Hobart.

This policy covers any persons appointed to the CECT's four Standing Committees' and any subsequent subcommittees/working parties from the Congregation Schools. The three (3) Congregation Schools come under a different governance structure and as such their School Boards are expected to abide by the conflict of interest policy applicable under their governance structure.

6 OBLIGATIONS AND ACCOUNTABILITIES

- a) The CECT is responsible for:
 - establishing a system for identifying, disclosing and managing conflicts of interest across Catholic Education Tasmania;
 - monitoring the systems compliance with this policy; and
 - reviewing this policy regularly to ensure that the policy is operating effectively.
- b) The Executive Director of Catholic Education Tasmania, as the Executive Officer of the CECT, is responsible for ensuring that CECT members are aware of their obligations

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under the CECT Conflict of Interest Policy.

- c) The Executive Officer of each of the four CECT Standing Committees is responsible for ensuring the members are aware of their obligations under the CECT Conflicts of Interest Policy. The Executive Officer is also responsible for ensuring any members of any subcommittee/working party of a Standing Committee are aware of their obligations under the CECT Conflicts of Interest Policy.
- d) The Executive Secretary of the CECT will maintain a Register of Interests for the CECT and the Executive Secretaries of the CECT's four Standing Committees and any subcommittees/working parties will maintain a Register of Interests for their groups.
- e) The Principal of an Archdiocesan School is responsible for ensuring the members of the School Board and any Board subcommittees/working parties are aware of their obligations under the CECT Conflicts of Interest Policy.
- f) An Archdiocesan School will maintain a Register of Interest tracking declared interests, including conflicts, by School Board members and members of any School Board subcommittees/working parties.

7 GENERAL PRINCIPLES

- a) The CECT requires that all members of the CECT, CECT Standing Committees, Archdiocesan School Boards and any subcommittee/working parties will:
 - avoid conflicts of interest where possible;
 - identify and disclose any conflicts of interest;
 - carefully manage any conflicts of interests; and
 - follow this policy and respond to any breaches.
- b) Once a conflict of interest has been identified, it must be entered into a Register of Interests, as well as being raised with the CECT, CECT Standing Committee or Archdiocesan School Board.
- c) At the CECT level, the Register of Interests will be maintained by the CECT's Executive Secretary, and will record the information related to the conflict of interest, including the nature, extent of the conflict of interest and any steps taken to address it.
- d) At the school level, the Register of Interests will be maintained by the Board's Secretary and held at the school, and will record the information related to the conflict of interest, including the nature, extent of the conflict of interest and any steps taken to address it.
- e) Once a conflict of interest has been disclosed members, excluding the member disclosing and any other conflicted member, must decide whether or not the conflicted members should:
 - vote on the matter;
 - participate in any debate;
 - be present in the room during the debate and voting;
 - be excluded from receiving documents concerning the conflict of interest.
- f) Where a disclosed conflict of interest is significant or likely to prevent the member from regularly participating in discussion, consideration is to be given as to whether it is appropriate for the person conflicted to resign from the CECT/CECT Standing

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Committee/School Board.

- g) In considering what action should be taken about a disclosed conflict of interest, the following should be considered:
- whether the conflict needs to be avoided or simply documented;
 - whether the conflict will realistically impair the disclosing person's capacity to impartially participate in decision-making;
 - alternative options to avoid the conflict;
 - the mission, objectives and resources of Catholic Education Tasmania; and
 - the possibility of creating an appearance of improper conduct that might impair confidence in, or the reputation of, Catholic Education Tasmania or individual parts of Catholic Education Tasmania (e.g. an individual Catholic school's reputation).
- h) The approval of any action requires the agreement of a majority of members, excluding any conflicted members, 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.
- i) If there is a reason to believe that a person subject to this policy has failed to comply with it at the CECT and CECT Standing Committee level, the Executive Director of Catholic Education Tasmania will investigate the circumstances.
- j) If there is reason to believe that a person subject to this policy has failed to comply with it at the School Board level, the Principal of the school can refer this matter to the Executive Director of Catholic Education Tasmania to investigate the circumstances.
- k) If the investigation reveals that the person failed to disclose a conflict of interest, action may be taken against them. This may include the termination of their relationship with Catholic Education Tasmania.

8 REFERENCES

Template conflict of interest policy, Australian Charities and Not-for-profit Commission, 18 November 2015,

<http://www.acnc.gov.au/ACNC/Pblctns/Templates/ACNC/Publications/Templates/Templates.aspx?hkey=7913aba4-745f-4ade-ab3a-d00a3a24f038>

9 APPENDICES

Appendix 1 - CECT Register of Interests Template

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