

## Conflict of Interest Policy

<b>Approving authority</b>	Board of Management
<b>Approval date</b>	21 October 2021
<b>Next scheduled review</b>	2024
<b>Description</b>	This policy provides guidance for staff in the appropriate management of actual, potential and perceived conflicts of interest.

### Related documents

Recruitment and Selection Procedures  
Personal Relationships in the Workplace  
Conflict of Interest Disclosure Statement  
Gifts and Benefits Policy

## 1. PREAMBLE

While conflicts of interest are not wrong in themselves, and indeed cannot always be avoided, the potential for conflict of interest exists for all operational and strategic decisions made by Baseball Queensland. With links between Baseball Queensland and other organisations, companies and institutions, it is important that staff act and are seen to act with integrity and are not inappropriately benefited by improperly using their position in the organisation.

The most effective means to address conflicts of interest is to establish a system under which members of staff (broadly inclusive of the Board of Management, subcommittee members and any other volunteer within the organisation) are required to disclose and obtain evaluation of any conflict of interest.

The purpose of this policy is to outline such a system incorporating the principles and procedures for the identification and management of actual, potential or perceived conflicts of interest relative to work undertaken by Baseball Queensland and to assist staff in addressing conflict of interest issues.

## 2. GENERAL EXPECTATIONS

Baseball Queensland has a responsibility to ensure that its official activities and those of its staff conform to acceptable standards of integrity and good conduct. It recognises that a well-established system for identifying, disclosing and managing conflicts of interest increases its public accountability and reduces the risk of corruption, misconduct and bias in its operations and decision-making processes. Baseball Queensland also recognises that conflicts of interest are not unusual in the exercise of public responsibility, and cannot always be avoided.

Baseball Queensland expects:

- all staff members to comply with the policies and procedures established by Baseball Queensland and to act with honesty and integrity
- staff will not allow their external, personal or financial interests or their duties to any external entity to compromise their duties, obligations and responsibilities to Baseball Queensland
- all conflicts of interest, regardless of their character or level, will be identified, disclosed and managed
- that any gifts/benefits/sponsorship/hospitality or service will not be accepted by staff if the intention is to influence current or future behaviour of staff (see also Gifts and Benefits Policy).

The preservation of independence is a paramount consideration and should be made clear to potential sponsors

- where a conflict of interest occurs, the interests of Baseball Queensland will be balanced against the interests of the staff member. Unless exceptional circumstances exist, the balance of interests will be resolved in Baseball Queensland's favour; and
- when notified of a conflict of interest, will deal promptly with the conflict as per this policy and put in place arrangements that protect the integrity of Baseball Queensland's processes and decision-making.

### 3. SCOPE

This policy is based upon and gives effect to the values and principles in Baseball Queensland's Code of Conduct such as integrity, impartiality, accountability and transparency. The policy applies at all times to employees, Board and subcommittee members, and volunteers of Baseball Queensland while engaged in the organisation's business or otherwise representing the organisation.

### 4. DEFINITIONS

For the purposes of this policy:

Staff	full time, part time, contract, or casual staff employed by Baseball Queensland; any other person appointed or engaged by Baseball Queensland to perform duties or functions on its behalf, even if in a volunteer capacity.
Conflict of Interest	Arises when a staff member's personal interests, or those of a person with whom they have a close personal relationship, conflict with their primary obligation to act in the interests of Baseball Queensland. A conflict of interest may be actual, perceived or potential. It can be pecuniary (involving financial gain or loss), or non-pecuniary (based on enmity or amity) and can arise from avoiding personal losses as well as gaining personal advantage, financial or otherwise.  Conflict of interest includes conflict of commitment.
Financial interest	any right, claim, title or legal share in something having a monetary or equivalent value. Examples of financial interest include, but are not limited to, shares, share options, and the right to receive remunerations such as salary, consulting fees, allowances, discounts and the like.
Actual conflict of interest	involves a real conflict between current duties and responsibilities and existing private interests.
Perceived conflict of interest	where a reasonable person might perceive that such improper influence as described in Conflict of Interest could exist.
Potential conflict of interest	where a conflict may arise in the future between current or future duties and responsibilities and existing or future private interests.
Conflict of commitment (dual interests)	may arise where an individual has multiple and incompatible duties or responsibilities. This may occur, for example, when a staff member has a role with another organisation in addition to their position within Baseball Queensland.  Staff of Baseball Queensland may have involvements with external organisations such as: serving on a board or committee for another sporting organisation. This can often result in dualities of interest or obligation with respect to Baseball Queensland and the other organisation which should be disclosed and discussed with the CEO and/or Board of Management.
Personal relationships	as defined in the Personal Relationships in the Workplace Policy.

Private interests	refers to any interests that involve potential gain or loss (financial or non-financial) for an individual or for any other person or organisation that individual may wish to benefit (e.g. family, friends, associates) or disadvantage (e.g. competitors, rivals).
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## 5. ROLES AND RESPONSIBILITIES

The Chief Executive Officer, in collaboration with the Commissioner, is responsible for the overall management of conflicts of interest processes, including maintenance of a central register of disclosures.

Staff members are responsible for:

- understanding and complying with this policy;
- assessing their own private and personal interests and whether they conflict or have the potential to conflict with the interests of Baseball Queensland, including their own duties as staff members;
- disclosing and managing any actual, perceived or potential conflicts of interest in accordance with this policy;
- not making decisions or seeking to influence the decisions of others in matters relating to the staff member's private interest;
- understanding and complying with this policy and ensuring staff are aware of the policy;
- being aware of areas of conflict of interest within their area of responsibility, assessing risks and advising the relevant senior officer;
- disclosing and managing any actual, perceived or potential conflicts of interest in accordance with this policy, including reviewing disclosed conflicts on at least an annual basis to ensure that the information remains correct and that the management responses continue to be appropriate and effective;
- assisting staff who have queries about actual, perceived or potential conflicts of interest; and,
- seeking advice or support from the relevant senior officer, where necessary.

## 6. KEY TEST FOR IDENTIFYING CONFLICTS OF INTEREST

Staff must ensure that any conflicts between their personal or private interests and their duties are promptly identified and managed.

### 6.1 The Test

- 6.1.1 The test is: Whether an individual could be influenced, or appear to be influenced, by a private interest or conflict of commitment when carrying out their duties and responsibilities as a staff member of Baseball Queensland.

This test should focus on the official role and the private relationships or interests of the staff member concerned, and whether a reasonable, disinterested person would think these relationships or interests could conceivably conflict or appear to conflict with the staff member's role.

In the event that there is uncertainty about whether a conflict of interest exists, in accordance with the policy definitions, advice must be sought from the CEO and/or Commissioner.

### 6.2 Areas of High Risk

- 6.2.1 There are a number of areas that are deemed high risk. These include, but are not limited to:

- procurement processes, tenders and contracts
- gifts, hospitality and other benefits
- staff recruitment, selection, appointment, re-classification, termination, performance management, staff development, conditions of service, recognition, and reward
- athlete selection
- personal relationships
- exercising financial and other delegations
- sponsorships to or from Baseball Queensland
- private employment arrangements
- funding from commercial entities for activities, where the funder may exert undue influence for current or future commercial gain.

### **6.3 Conflicts of Interest arising from Personal Relationships in the Workplace**

6.3.1 It is undesirable that personal relationships should intrude or be perceived to intrude on or influence working practices and decisions. Staff must comply with the Personal Relationships in the Workplace Policy.

### **6.4 Conflicts of Commitment**

6.7.1 Conflicts of commitment often involve issues of time allocation and are situations where an individual engages in outside professional activities, both paid or unpaid, that may interfere with their primary obligation and commitments to Baseball Queensland. While it is understood that casual and part-time employees may likely be employed elsewhere, for full-time employees, engagement in outside professional activities should be discussed with the CEO and/or Commissioner prior to undertaking additional work to ensure a conflict of commitment does not exist.

## **7. DISCLOSING CONFLICTS OF INTEREST**

Disclosures about actual, perceived or potential conflicts of interest must be made as soon as reasonably practicable, with the primary obligation of the staff member being to disclose in advance, to the CEO in writing.

If a management procedure beyond disclosure is deemed to be required, this will be advised to the staff member and, if appropriate, to the Board of Management. An appropriate procedure to manage the conflict of interest will be agreed.

Completed Conflict of Interest Disclosure Statements will be forwarded to the CEO who will determine whether the procedure to manage the conflict of interest is adequate and will, if necessary, impose additional measures.

A conflict of interest affecting the CEO must be disclosed to the Board of Management. Conflicts of interest affecting the Board of Management are to be disclosed and recorded at each meeting or in writing prior to any relevant decision, if the decision is being made by circulation.

The Chief Executive Officer will maintain a central register of Disclosure Statements.

Disclosure only occurs when submitted on the Disclosure Statement. The fact that a matter may be known by others, or is considered public knowledge, is no substitute for disclosure on the required form. Where the CEO or Board of Management becomes aware of a conflict of interest, they are to remind staff of their obligation to submit a Disclosure Statement.

## **8. MANAGING CONFLICTS OF INTEREST**

The management of conflicts of interest will be determined by the CEO and/or Commissioner. The four recommended responses are:

### **8.1 Avoid the conflict of interest**

Avoiding a conflict of interest which poses an unacceptable risk to, or impact on, Baseball Queensland's interests is the preferred strategy. To avoid a conflict of interest, the staff member concerned may be removed from the decision-making process in relation to the matter concerned or requested to relinquish the private interest which is creating the conflict.

**8.2 Accept and reduce the conflict of interest**

A conflict of interest may be reduced by ensuring that the staff member concerned has restrictions placed on their involvement in the relevant matter, or that another staff member or organisational area takes responsibility for the matter.

**8.3 Share the conflict of interest**

A conflict of interest may be shared by involving a third party to oversee part or all of the decision-making process that deals with the relevant matter.

**8.4 Retain the conflict of interest**

A conflict of interest may be retained, and the staff member continues to be involved in the matter concerned, subject to a regular review of the situation. This response is only suitable for low-risk conflicts of interest.

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## **9. MONITORING CONFLICTS OF INTEREST**

All disclosed interests must be reviewed by the staff member and the CEO and/or Commissioner on at least an annual basis to ensure that the information remains correct, and that the management responses continue to be appropriate and effective.

Any change in the arrangements must be notified immediately to the CEO and/or Commissioner.

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## **10. FAILURE TO DISCLOSE A CONFLICT OF INTEREST**

Staff have an obligation to disclose and manage conflicts of interest. Failing to comply with the provision of this policy, including refusal to take any reasonable action as directed, to resolve a conflict of interest may constitute misconduct or serious misconduct, which may result in disciplinary action or termination of employment.

Breaches of this policy may also result in referral to, and action being taken by, an external statutory authority and/or agency.

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## **11. PRIVACY AND CONFIDENTIALITY**

Information arising from conflict-of-interest disclosures will be managed in a way which supports privacy of the individual(s) concerned.

Information held may be used by Baseball Queensland for purposes including audit, reporting, compliance monitoring and other purposes required by government or legislation.

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## **12. PUBLIC INTEREST DISCLOSURES (WHISTLEBLOWING)**

If a member of staff has knowledge that a conflict of interest may exist that may not have been disclosed, they should discuss the situation with the CEO and/or Commissioner.

## **13. EXAMPLES OF CONFLICT OF INTEREST SITUATIONS**

### **13.1 Professional**

- A staff member involved in assessing or selecting an athlete for regional or state or national representation who is a relative, family or personal friend needs to disclose the relationship.
- A staff member has a private interest in an organisation providing funding support to a program or to Baseball Queensland, such as through a grant or scholarship.
- A staff member purchases equipment or services from a company in which the staff member (or an associate) has a financial interest or holds an executive position.
- A staff member receives gifts, gratuities, loans or special favours athletes, their families, clubs, or regions.

### **13.2 Outside Work/Commercial Activity**

- A conflict may arise in relation to the allocation of time, intellectual energy and primary professional commitment between Baseball Queensland responsibilities and external activities.
- Conflict of interest can arise where a member of staff is employed by more than one organisation. In these situations, a person may use information obtained in exercising one role to the advantage or disadvantage of another organisation in an improper way.
- A staff member tenders for and engages in consultancy work as an individual rather than as a staff member of Baseball Queensland: the work is the same as the work they are employed to perform and could have engaged in this work as a staff member, but they did not obtain approval to undertake the work.

### **13.3 Procurement**

- A staff member with decision making powers in relation to a tender offered by Baseball Queensland accepts a gift or hospitality from a person associated with a company which is tendering the work from Baseball Queensland.
- A staff member or a member of their immediate family has a direct or indirect financial interest, or hold a directorship, in a company or other entity which supplies, or is likely to supply, goods and/or services to Baseball Queensland, or which operates in competition with Baseball Queensland.
- A staff member takes part in assessing a tender application where he/she has, or has had, a personal relationship with a person or organisation that has submitted a tender application.
- Selection as a Baseball Queensland supplier by a staff member who has a personal or economic interest in that entity, this includes engaging a family member as an independent contractor, subcontractor, or consultant.

### **13.4 Recruitment and Selection**

- A staff member with decision making powers over the employment of staff is involved in the selection process in which a relative is an applicant.
- A staff member employs a family member or close associate to undertake work without undertaking any merit-based selection process or disclosing the relationship.
- A staff member with decision making powers over the selection of athletes to a representative team with whom they have a close personal relationship.

### **13.5 Other**

- A staff member uses information received as an employee of Baseball Queensland for personal purposes.
- A staff member receives gifts, gratuities, loans or special favours from athletes, parents, clubs, regions or vendors.
- A staff member directly receives cash, services or equipment in support of their Baseball Queensland activities from sources external to Baseball Queensland.
- A staff member holds equity, royalty or debt instrument interest, or their close associates, in an entity that provides financial support to Baseball Queensland, when such support will benefit staff or persons supervised, directly or indirectly, by them.
- A staff member or close associate holds an interest, including ownership, in any real or personal property leased or purchased by Baseball Queensland.