

PCNSW CONFLICTS OF INTEREST POLICY

July 2024

1. Definitions

ACNC means the Australian Charities and Not-for-profits Commission.

Actual Conflict of Interest means there is a real and existing conflict between a PCNSW Person's duties or powers in the PCNSW role and their Personal Interests.

Conflict of Interest means any actual, perceived or potential situation in which a PCNSW Person has a private or personal interest sufficient to appear to influence the objective performance of his or her responsibilities or powers in their PCNSW role.

Conflicted Person means a PCNSW Person who has disclosed a Conflict of Interest.

Disclosure means to report a Conflict of Interest.

PCNSW means The Presbyterian Church of Australia in the State of New South Wales and including congregations and ministries in the Australian Capital Territory and Northern Territory.

PCNSW Entity means a congregation, institution or ministry of the Church, including a committee, school, college, pre-school, early childhood centre, aged and community care service, hospital or other social service.

PCNSW People/Person means any employee or other person working closely with any PCNSW Entity activity, including elders and members of congregational committees of management, as outlined in Section 4.

Perceived Conflict of Interest means a third party could reasonably view that a PCNSW Person's Personal Interests could conflict with their duties or powers in their PCNSW role.

Personal Interest means a PCNSW Person's personal, professional or business interests or those of an individual or group with whom they are closely associated. These interests are real and substantial, and have or appear to have the capacity to influence the conduct of a PCNSW Person. Personal interests may include:

- Financial Interests, which are those that involve an actual, perceived, or potential financial loss or gain; and
- Non-Financial Interests, which are those interests that arise from a personal or family relationship, or involvement in a social or other group activity.

Potential Conflict of Interest means the Personal Interests that could reasonably be predicted to conflict with a PCNSW Person's duties or powers in their PCNSW role in the future.

Policy means this Conflicts of Interest Policy.

Responsible Person/s means the person, Session, Presbytery, Committee of Management, Board, Council or PCNSW Assembly Committee to whom a PCNSW Person should make a Disclosure, as outlined in Section 6.

The Trustees means the Trustees of The Presbyterian Church (New South Wales) Property Trust.

2. Background and Purpose

PCNSW (the Church) through the General Assembly and the Trustees is committed to the highest standards of conduct and ethical behaviour in all PCNSW activities, and to promoting and supporting a culture of honest, transparent and ethical behaviour, and strong corporate governance.

Conflicts of interest are often inevitable, but it is how the Church responds to them that defines their effect on the ministries of the Church. PCNSW is committed to ensuring that where such conflicts do arise, that they are managed effectively, fairly and transparently.

There is potential for conflicts of interest in many ministries of the Church. These include recruitment and selection, financial administration and decisions, management of staff, commercial activity, political activity and the acceptance of gifts or benefits (including by ministers, elders and members of committees of management)

The purpose of this policy is to enable PCNSW to effectively manage any actual, potential or perceived conflicts of interest that may arise in any activity within any PCNSW Entity in order to ensure that decisions are made in the best interests of the Church, to protect the integrity of the Church, and maintain the trust of the Church and the community.

ACNC governance standard 5 requires a charity (i.e., the Church) to ensure that their board/committee members or other responsible persons properly disclose and record perceived or actual conflicts of interest. (Whilst the Governance Standards do not apply to ACNC charities recognised as Basic Religious Charities, it is best practice to have such a policy in place for all congregations in addition to the Church's various boards and committees.)

Regrettably, conflicts of interest may also arise in respect to allegations of child sexual abuse. The Royal Commission into Institutional Responses to Child Sexual Abuse recommends that "consistent with Child Safe Standard 1, each religious institution have a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse".

3. Scope

This Policy applies to all PCNSW Entities.

This Policy applies in addition to any other Conflicts of Interest Policy or processes adopted by the different institutions within PCNSW.

In the event of an inconsistency between this policy and any other Conflicts of Interest policy or process across PCNSW Entities, this Policy prevails.

4. Who should make a Disclosure

Anyone with information about a Conflict of Interest relating to their role within PCNSW is required to disclose this under this Policy.

This includes individuals who are in relation to a PCNSW Entity:

- (a) an employee, officer or contractor;
- (b) a Minister, Home Missionary, Pastoral Assistant, Youth Worker, Youth Leader or SRE Teacher or other role where a conflict of interest may arise (whether paid or unpaid);
- (c) an Elder, member of Committee of Management, or member of any PCNSW Assembly Committee, Board or Council; and
- (d) a supplier of services or goods to any institution, ministry or other activity undertaken by PCNSW (whether paid or unpaid).

5. What to Disclose under this Policy

A Conflict of Interest arises where an impartial, informed outsider might perceive conduct or decision-making carried out in the course of a PCNSW Person's duties as potentially influenced by a

personal interest. A personal interest may include a financial or a non-financial interest of a PCNSW Person, or family member, friend or associate of the PCNSW Person.

All PCNSW People are responsible for careful consideration of their personal interests and determining whether or not those interests conflict, could reasonably be perceived to conflict or have the potential to conflict in the future, with their duties and responsibilities in their PCNSW role.

Circumstances which could result in a Conflict of Interest include, but are not limited to:

- (a) Financial interests;
- (b) Personal and family relationships between PCNSW People;
- (c) Recruitment and selection;
- (d) Management of PCNSW People;
- (e) Commercial activity;
- (f) Outside employment;
- (g) Acceptance of gifts and benefits;
- (h) Personal and political beliefs;
- (i) Fractured relationships with another person or group.

6. Making a Disclosure

Where a PCNSW Person considers they have a Personal Interest that may represent an actual, perceived or potential Conflict of Interest, they are required to immediately disclose the details to the Responsible Person/s as outlined below:

- (a) in respect of a congregation, to their Minister or Session Clerk;
- (b) in respect of a Session, Committee of Management or Presbytery, to the Clerk or Moderator;
- (c) in respect of a PCNSW Assembly committee, board or council, to their Convener or Chair;
- (d) in respect of a school, college, pre-school or early childhood centre, aged care or community care service, hospital or other social services activity, and any other activity involving employees or others working closely with that activity including volunteers, to their immediate direct line manager, executive manager, School or College Principal, Chief Executive Officer or Committee/ Board/ Council Chair.

Disclosures may be made in person, or by phone, email, or post.

Where a PCNSW Person is uncertain whether a Conflict of Interest exists, they are required to discuss this with the relevant Responsible Person/s (as outlined above) and comply with any outcome of the discussion.

7. Assessing and Managing a Disclosure

(a) Assessing a Conflict of Interest

The Responsible Person/s to whom the Conflict of Interest was disclosed are responsible for determining whether a conflict does exist, as defined by this Policy. They may obtain reasonable additional information to inform their assessment, in consultation with the Conflicted Person.

Assistance from a third party (such as the PCNSW General Manager) for specialist advice

may be sought when necessary.

The Conflicted Person is to be informed of the determination in writing.

(b) Methods to Manage a Conflict of Interest

When a Conflict of Interest is determined to exist, the Responsible Person/s must promptly develop a strategy for managing the conflict. This should be done in consultation with the Conflicted Person and other relevant stakeholders.

The chosen management strategy needs to consider:

- i. The nature of the conflict of interest;
- ii. The operating environment;
- iii. Legal requirements; and
- iv. General practicality.

The Conflicted Person is to be given a copy of the management strategy.

(c) Key strategies for managing a Conflict of Interest include:

- i. Restrict – restrictions are placed on the Conflicted Person’s involvement in the matters associated with the Conflict of Interest.
- ii. Recruit – a disinterested third party is appointed to oversee part or all of the process that is related to the Conflict of Interest.
- iii. Remove – the Conflicted Person does not participate at all in matters associated with the Conflict of Interest.
- iv. Relinquish – the personal interest of the Conflicted Person is given up or surrendered.
- v. Resign – the Conflicted Person steps down from the position they hold on a temporary or ongoing basis.

If a Conflict of Interest in relation to an allegation of child sexual abuse is identified, the Conflicted Person must be excluded from all further participation in responding to the allegation.

(d) Reviewing and Monitoring

The Responsible Person/s are required to review and monitor the management strategy to ensure the objectives are being achieved.

The Conflicted Person is responsible to inform the Responsible Person/s of any changes to their personal interest that may impact upon the management strategy.

(e) The Disclosure, Conflict of Interest, and management strategy must be documented including:

- i. A detailed explanation and disclosure of the Conflicted Person’s Personal Interest.
- ii. The interests of the PCNSW Entity with which the Conflicted Person’s Personal Interest conflict, could potentially conflict and/or are perceived to conflict.
- iii. The action the Conflicted Person agrees to take to manage the Conflict of Interest.
- iv. The detailed conflict of interest management strategy.
- v. Review of the effectiveness of the management strategy.

Where conflicts of interest arise from the agenda of any Session, Committee of Management, Board, Council or Committee meeting, these are to be recorded in the Minutes of the relevant

Session, Committee of Management, Board, Council or Committee.

All Disclosures must be managed with consideration for the Conflicted Person's privacy. All information relating to the Disclosure and management must be kept confidential and disclosed only in accordance with this Policy, as outlined in the next section.

8. Maintaining Confidentiality related to a Disclosure

The Responsible Person/s are to maintain the confidentiality of a disclosed Conflict of Interest. Matters relating to a Disclosure may only be revealed to others in the following situations:

- (a) the Conflicted Person gives consent for the Responsible Person/s to disclose that information;
- (b) it is reasonably necessary to disclose the information in order to assess whether a Conflict of Interest exists, or in order to properly manage the Conflict of Interest; or
- (c) the relevant Responsible Person/s or PCNSW General Manager considers such disclosure should be made to:
 - i. Australian Securities & Investments Commission (ASIC), ACNC, NSW Police or Australian Federal Police or (for tax-related reports) the Commissioner of Taxation;
 - ii. a Commonwealth authority or a State or Territory authority for the purpose of assisting the authority perform its functions or duties; or
 - iii. a lawyer for legal advice or representation.

9. Responsibility for Policy compliance and review

On behalf of the Trustees, the PCNSW General Manager, through the General Office, is responsible for:

- (a) the overall administration of this Policy;
- (b) monitoring the implementation of this Policy and will review on an ongoing basis the Policy's suitability and effectiveness;
- (c) maintaining confidentiality, where possible;
- (d) providing information and support, including education to congregations, committees, institutions and activities on this Policy and its applications; and
- (e) reviewing and considering any complaints or any concern that a Conflict of Interest has not been disclosed or dealt with in accordance with this Policy.

10. Breaches of this Policy

All PCNSW People are required to comply with this Policy as well as with any relevant Conflict of Interest Laws (including ACNC Governance Standard 5, for entities that do not have basic religious charity status).

Non-compliance with this Policy or Conflict of Interest Laws, including failure to disclose a Conflict of Interest, may result in disciplinary action including termination of employment or termination of a contractor's services or, in respect of Ministers of the Church, referral under the Code of Discipline.

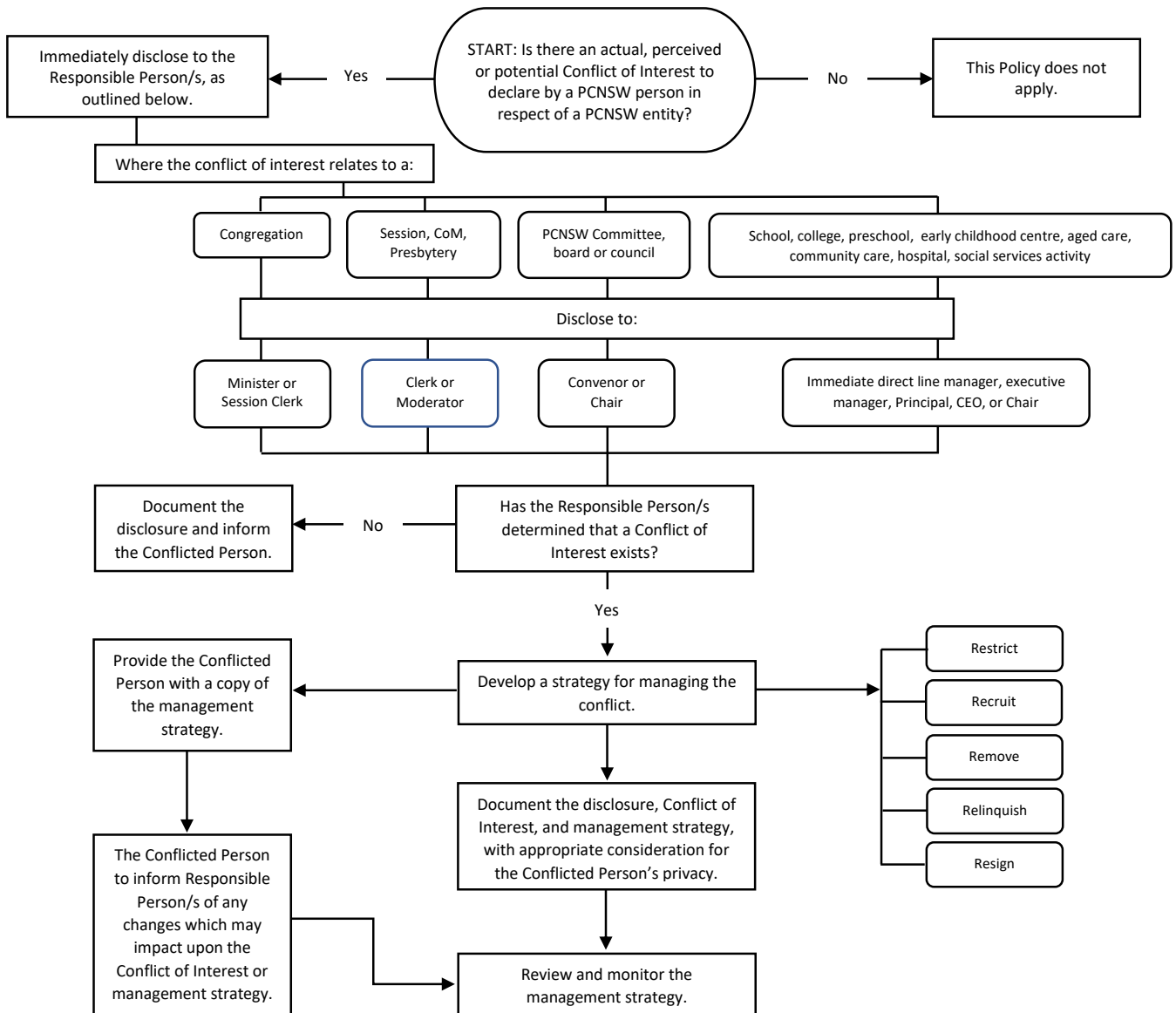
If a person suspects that a PCNSW Person has failed to disclose a Conflict of Interest, they must notify the PCNSW General Manager.

11. Variations

This Policy may be varied, amended, replaced or terminated from time to time and at any time at the absolute discretion of the Trustees, with the Trustees reporting any variations to the next NSW General Assembly.

APPENDIX A: PCNSW Flow Chart for Managing a Conflict of Interest

Refer to the PCNSW Conflict of Interest Policy ("the Policy") for further information



APPENDIX B: PCNSW Example Conflict of Interest Situations

PCNSW Entity means a congregation, institution or ministry of the Church, including a committee, school, college, pre-school, early childhood centre, aged and community care service, hospital or other social service.

A conflict of interest may exist in the following examples whereby you are a member of the Session, Committee of Management, Board, Council or Committee, or in a position to make decisions for any of the abovementioned PCNSW Entities.

- The PCNSW Entity is in the process of hiring a new staff member, and one of the applicants is a relative of yours.
- The PCNSW Entity needs to undertake some building repairs and your relative, who is a builder, has asked if they can do the work.
- The PCNSW Entity needs to undertake some building repairs, and you are employed as a senior manager of the building company that the church is considering to undertake the work.
- The PCNSW Entity has gone to tender to offer a contract to a cleaning company for its services. One of the applying companies is managed by a relative of yours.
- The PCNSW Entity is considering having a preferred local supplier for its stationary needs. Your spouse owns the town's only newsagent and stationery business.
- The PCNSW Entity needs to purchase some music equipment, and the company it is considering purchasing from is owned by a relative of yours.
- The PCNSW Entity offers scholarships to some students. Your child is one of the candidates for the scholarship.
- The PCNSW Entity needs to lease a property to undertake its work, and the property in question is owned by a relative of yours.
- The PCNSW Entity's Session, Committee of Management, Board, Council or Committee is considering voting in a new member, and that member is a relative of yours.
- The PCNSW Entity has just promoted a relative of yours, and you are now their direct line manager.
- The PCNSW Entity is considering cancelling a contract, and the organisation in question sends you a gift to thank you for the PCNSW Entity's business.
- A person sits on the committee or board of two different PCNSW Entities, and one entity is doing business with or financially supporting the other entity (e.g. a congregation is financially supporting a PCNSW Assembly committee on which the Minister sits as a committee member or chairman).