



# CONFLICT OF INTEREST POLICY & PROCEDURE

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## CONFLICT OF INTEREST

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PRIMARY ROLE : Staff & Stakeholders  
General Manager Apprentice Employment Services  
CEO

DOCUMENTS : Conflict of Interest Register or Board Minutes  
Conflict of Interest Disclosure Form (F008\_20\_V1.1)

REFERENCES : GTO Policy 024\_13, Apprentice Complaint Process  
GTO Policy 014\_13, Appeals Policy  
GTO Policy 018\_12, Fit and Proper Persons  
National Standards for Group Training Organisations  
GTS Privacy Policy  
The Motor Trade Association of SA Inc. Privacy Statement  
Commonwealth of Australia Privacy Act 1988 & all principles, regulations  
and updates as may occur from time to time

AUTHORISED :  \_\_\_\_\_ DATE : 12/06/2020  
CHIEF EXECUTIVE OFFICER

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## PURPOSE

Motor Trade Association Group Training Scheme Group Training Organisation (MTA) engages persons as employees who are solely employed by MTA or as contractors who may also conduct work for other persons and entities.

MTA engages consultants and some contractors who will be engaged by other RTOs and businesses.

The purpose of this document is to clearly identify MTA's requirement that all employees or contractors disclose in a timely manner any situation which is or may lead to a conflict of interest with MTA.

**Requirement** The GTO shall ensure that clients and stakeholders have access to a document on how the GTO manages conflict of interest within its group training function and across other functions within the organisation or in related organisations.

## POLICY

It is the policy of MTA to encourage our employees (full and part time)/contractors to avail themselves of all opportunities for professional development.

MTA requires its employees (full and part time)/contractors to advise the CEO of any situation which may or may not lead to a conflict of interest before the employee engages in that situation.

## SCOPE

This policy covers all individuals and entities:

- employed by MTA at any full-time equivalency status;
- contracted by MTA in a contractor capacity;
- consultants engaged by MTA;
- service providers engaged by MTA;

and in particular those persons who are:

- members of the Board of Management;
- in a position to influence the decision making process of MTA.

## DEFINITION

A conflict of interest is a situation where an individual's private or extra work/employment interests conflict or appear to conflict with the interests of MTA.

Conflicts of interest may arise in situations where employees/contractors are considering working concurrently with another organisation while in the employment/contract of MTA, or where employees/contractors are considering building a private practice, or joining management committees or directorships of other organisations, government advisory bodies and professional institutions.

Also;

Conflict of interest exists when it is likely that an employee or Director could be influenced, or could be perceived to be influenced, by a personal interest in carrying out their duties. Conflicts of interest that lead to biased decision-making may constitute corrupt conduct.

Some related interests that may give rise to a conflict of interest include:

- financial interest in a matter the Association deals with or having friends or relatives with such an interest;
- personal beliefs or attitudes that influence the impartiality of advice given;
- personal relationships with people that the Association is dealing with that go beyond the level of a professional working relationship; and
- secondary employment or business interests that compromise the employee/Director.

An individual employee/Director may be the only person aware of the potential for conflict. It is their responsibility to avoid any financial or other interest that could compromise the *impartial* performance of their duties, and to disclose any potential or actual conflicts of interest to their colleagues.

If employee/s or Directors are uncertain whether a conflict exists, they should raise the matter with senior management/the Board for consideration.

To resolve any conflicts of interest that occur, or could occur, a range of options are available, depending on the significance of the conflict. These options include:

- recording the details of the disclosure and taking no further action because the potential for conflict is minimal or can be eliminated by disclosure;
- the employee/Director relinquishing the personal interest; or

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- the Director not participating in any discussion relating to the area of conflict.

### **PROCEDURE**

All persons employed, contracted and/or engaged by MTA should consider their activities for potential conflict of interest.

If an employee/contractor identifies the potential for a conflict of interest they are to advise the General Manager Automotive Business in writing by completing the Conflict Of Interest - Disclosure Form (Attachment A) immediately and before taking up the offer.

The General Manager Automotive Business will within 24 hours of receiving such an advice discuss the situation with the CEO and give a decision as to MTA's position in this regard.

An employee found to be engaged in - and to have not declared an activity that they could reasonably have considered as - and/or that is determined by the CEO to be in conflict with the interests of MTA - may be subject to disciplinary action.

A contractor or consultant found to be engaged in - and to have not declared an activity that they could reasonably identify as - and that is determined by the CEO to be in conflict with the interests of MTA - may be subject to termination of contract.

If an individual is unsure if an activity is potentially in conflict with MTA's interests they should speak with the General Manager Apprenticeship Employment Services.

### **COMPLAINT & APPEAL**

If the employee is not satisfied with the CEO's decision they are entitled to appeal as follows:

- in the first instance to the CEO for reconsideration;
- or
- commence the appeal process as documented in Appeal Process Policy.



## RESPONSIBILITIES

### Staff & Stakeholders

It is the responsibility of all MTA employees/contractors to investigate extra curricula activities fully and to bring any potential conflict of interest situation to the attention of the General Manager Automotive Business.

If an employee/contractor is unsure they should speak with the General Manager Automotive Business.

Note a breach of this policy may result in disciplinary action to the extent of dismissal or termination of contract.

### General Manager Automotive Business

General Manager Automotive Business is to cooperate with the CEO in making a final decision.

Where the General Manager Automotive Business identifies a potential or real conflict of interest for themselves, they must report the matter to the CEO.

### CEO

It is the responsibility of the CEO to make fair and reasonable determinations in regards to potential conflicts of interests.

## ACCESS AND EQUITY

It is the policy of MTA GTS to ensure an environment that is, as a minimum, aligned with State and Federal legislation:

MTA GTS commits to providing a safe and equitable environment through zero tolerance of any form of harassment, bullying, discrimination and/or racial vilification.

For further information refer to MTA GTS Access, Equity & Fairness Policy POLO13\_13.



**ATTACHMENT A**

**Conflict of Interest – Disclosure Form (F008\_20\_V1.1)**

**CONFLICT OF INTEREST – DISCLOSURE FORM**

Employee's Surname: \_\_\_\_\_

Given name/s: \_\_\_\_\_

Job Title: \_\_\_\_\_

Manager's Name: \_\_\_\_\_

Describe the private interests 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 organisations interest. (Describe your private interests and/or associations)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe the expected roles/duties you are required to perform.

(Describe the duties you are required to perform)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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The conflict of interest has been identified as: (Please select one of the following)

Non-pecuniary interest

A real conflict of interest

An apparent conflict of interest

A potential conflict of interest

Pecuniary interest

Forward the completed form to the General Manager Automotive Business.

### **Employee Declaration**

I declare that the above details of my private interests are correct to the best of my knowledge and am aware of my responsibilities to take reasonable steps to avoid any real or apparent conflict of interest in connection with my employment and to advise the General Manager Automotive Business of any relevant changes in my personal circumstances.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### **Action by Manager**

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Describe the action proposed to mitigate the real or perceived conflict which has been disclosed and the reasons for the decisions:

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The above action has been discussed with the employee and is appropriate to resolve the real or apparent conflict of interest disclosed above.

Signature of Manager: \_\_\_\_\_

Date: \_\_\_\_\_

Employee Endorsement: \_\_\_\_\_

Date: \_\_\_\_\_

When this form is finalised, forward to the MTA HR Manager. A copy is provided to the employee.